

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

May 12, 2017

9:00 a.m.

300 Don Gaspar

Jerry Apodaca Education Building, Mabry Hall

Santa Fe, New Mexico

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JOB NO.: 7832L (CC)

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Page 5	<p>1 THE CHAIR: I am calling into session --</p> <p>2 I'm calling into session this meeting of the Public</p> <p>3 Education Commission. It is Friday, May 12th, and</p> <p>4 it is 9:02 a.m. And I will ask Commissioner</p> <p>5 Armbruster to do a roll-call vote.</p> <p>6 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>7 Pogna is not here.</p> <p>8 Commissioner Toulouse?</p> <p>9 COMMISSIONER TOULOUSE: Present.</p> <p>10 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>11 Armbruster is here.</p> <p>12 Commissioner Conyers?</p> <p>13 COMMISSIONER CONYERS: Present.</p> <p>14 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>15 Peralta is not present.</p> <p>16 Commissioner Gipson?</p> <p>17 THE CHAIR: Here.</p> <p>18 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>19 Johnston?</p> <p>20 COMMISSIONER JOHNSTON: Present.</p> <p>21 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>22 Crone is not here.</p> <p>23 Commissioner Ruiz?</p> <p>24 COMMISSIONER RUIZ: Present.</p> <p>25 COMMISSIONER ARMBRUSTER: Commissioner</p>

<p style="text-align: right;">Page 6</p> <p>1 Caballero is not here yet. 2 So we have six Commissioners, which is a 3 quorum. 4 THE CHAIR: Thank you. And before we 5 begin, I just want to send the Commissioners' 6 thoughts and prayers to Commissioner Pogna. Her 7 husband is very ill. So we're hoping that all goes 8 well and that he does recover, and we will see her 9 back shortly. So we just want to extend our 10 thoughts and prayers to her. 11 So in light of that, we will start with 12 the Pledge of Allegiance from Commissioner Conyers, 13 followed by the Salute to the New Mexico Flag with 14 Commissioner Toulouse. 15 (Pledge of Allegiance and Salute to the 16 New Mexico Flag.) 17 COMMISSIONER TOULOUSE: Madam Chair, may I 18 explain to the group? 19 My asthma is bad. I'm going to be 20 coughing. But I am not -- I don't have anything 21 that's contagious. So I will just hack my way 22 through this. So please excuse me. And I will try 23 to keep it down. Thank you. 24 THE CHAIR: Thank you. We've all had an 25 opportunity to take a look at the agenda. So if --</p>	<p style="text-align: right;">Page 8</p> <p>1 you. 2 FROM THE FLOOR: Thank you, Madam Chair. 3 My name is James Valerio. I am the most recent 4 president of HOSA Future Health Professionals. And 5 I am here today to speak to you on behalf of 6 career-technical education and why it should be a 7 priority for our State Education Department. 8 Career-technical education is an 9 innovative approach to educating our students. When 10 most people think of career-technical education, 11 they think of vocational school; they think of, you 12 know, not so much the academic side of learning. 13 But I'm here today to tell you that that 14 is just not the case with today's career-technical 15 education. 16 It involves a combination of both academic 17 and vocational learning to fill the needs, really, 18 of our job market and build a solid foundation for 19 our young people early on to give them the skill set 20 of both hard and soft skills to prepare them for 21 their future careers. 22 There's always this one success story that 23 I always go back to. A girl from my school a few 24 years ago, who was involved in my organization, 25 HOSA -- and she started learning at forensic --</p>
<p style="text-align: right;">Page 7</p> <p>1 do we have any -- we have a motion to approve? 2 COMMISSIONER RUIZ: Yes, motion to 3 approve. 4 COMMISSIONER CONYERS: (Indicates.) 5 THE CHAIR: There's a motion to approve by 6 Commissioner Ruiz, second by Commissioner Conyers. 7 All in favor? 8 (Commissioners so indicate.) 9 THE CHAIR: Any opposed? 10 (No response.) 11 THE CHAIR: Hearing no opposition, the 12 motion carries. 13 We are next on to the Public Comment 14 portion of the meeting, which is allotted 15 10 minutes. There are four people who have signed 16 up for Public Comment; so we will divide that time 17 as evenly as we can. 18 So I will ask those individuals to be 19 thoughtful with the time, and I'll try to keep track 20 of the approximately two minutes that we have. 21 And the first on the list is James 22 Valerio. 23 Good morning. And if you could just 24 introduce yourself for the record. And you need to 25 keep the button held down for the microphone. Thank</p>	<p style="text-align: right;">Page 9</p> <p>1 studying forensics as part of HOSA. And today, 2 she's actually attending Harvard University to 3 become a forensic specialist. 4 So that's always the go-to story I have, 5 just because it shows, you know, the level of 6 academia that's involved in these career-technical 7 education programs. 8 We have the benefits on paper, also, 9 associated with this sort of education. CTE 10 students consistently show higher test scores and 11 have higher education rates than regular education 12 students. And on top of that, CTEs help -- like I 13 said earlier, help fill the needs of our job market. 14 New Mexico is in dire need of health 15 professionals. And with organizations such as my 16 own, HOSA, we really try to prepare students early 17 on to get them motivated and interested in pursuing 18 a career within their communities for a health 19 profession. 20 So I just wanted to stress today the 21 importance of career-technical education and just 22 really appeal to the Commission to really, you know, 23 understand the importance of this. 24 Thank you. 25 THE CHAIR: Thank you so much.</p>

1 The next on the list is Marjorie
2 Gillespie.
3 FROM THE FLOOR: Madam Chairperson and PEC
4 members, I am Marjorie Gillespie. I'm the Board
5 chairperson of the Career and Technical Education
6 Leadership Project, commonly known as CTLP. I
7 believe in kids. I want to help parents. I trust
8 teachers.
9 I know that CTE and CTSOs help students
10 succeed in life in their careers. And I know that
11 the ENMU-CTLP helps facilitate the students'
12 success.
13 I want to thank the PEC for your statutory
14 oversight, support of CTE in New Mexico. And I
15 actually came to this meeting today with three
16 reasons.
17 I thought the PEC would be reviewing and
18 approving the revised Perkins State plan that was
19 due April 26th. I learned at our board meeting
20 Saturday that that approval is no longer required,
21 and the plan has already been submitted.
22 It's my opportunity to meet PEC members.
23 I've enjoyed doing that this morning and to
24 reiterate the CTLP Advisory Board's concerns for
25 support and adequate funding for the CTLP, based on

1 the meeting we just had.
2 After that meeting, major concerns and
3 questions did still exist. So this caused me to
4 send an e-mail to Dr. Perea. I forwarded that
5 e-mail to you for information purposes.
6 When Dr. Perea told our board that CTE is
7 not, and has not, been a priority for PED some
8 time -- that's a quote -- she certainly had our
9 attention.
10 When she told our board that she's
11 reluctant to continue funding the third full-time
12 coordinator/adviser position that's currently funded
13 out of the State dollars, the CTLP's ability and
14 effectiveness to complete its program of work is
15 being critically compromised and presents a problem,
16 one that was actually resolved three years ago and
17 has since been approved for funding annually by
18 NMPED.
19 Every advisory board member at that
20 meeting fully understood the PED has no control over
21 the final State budget. We also firmly agree that
22 all agencies and organizations, ours included,
23 funded with State dollars, must tighten their belts,
24 think about ways to do more with less, and must be
25 innovative and prudent in our efforts.

1 MS. FRIEDMAN: Your time is up.
2 FROM THE FLOOR: But we don't understand
3 the potential of the complete elimination of PED
4 State funding from the Department.
5 MS. FRIEDMAN: Your time is up. I'm
6 sorry.
7 FROM THE FLOOR: May I end with just one
8 full request for the PEC? First, your full support
9 of CTE and CTSOs; to ask you -- suggest -- that you
10 invite the six CTSOs to present at one of your
11 meetings, not all at once, but perhaps six different
12 meetings over the year; and also, to invite you to
13 attend one of our State conferences for any -- all
14 six of the CTSOs next spring.
15 Thank you, and I appreciate all that you
16 do to support quality education in our state and for
17 our students.
18 THE CHAIR: Thank you. Next on the list
19 is Ray Henderson.
20 FROM THE FLOOR: Can you guys hear me
21 okay?
22 Good morning, Madam Chair and PEC Members.
23 Thank you for giving me the time to be here today.
24 I just want to be here to advocate --
25 THE CHAIR: I'm sorry. Could you please

1 just introduce yourself for the record?
2 FROM THE FLOOR: I'm sorry. Ray Henderson
3 with Rio Rancho High School, also a member of our
4 CTLP board, and also a member of our DECA board, as
5 well.
6 And I'm here just to advocate for all the
7 kids and let you guys know that the CTSOs are a
8 tremendous asset to our state. And they bring --
9 they bring credence to what the kids can do in the
10 classroom with their CTSO.
11 I happen to be a member -- or the adviser
12 at Rio Rancho High School, 330 members strong. A
13 couple of weeks ago, we just came back from Anaheim
14 for our national competition. I took 41 students
15 over there. And it was a life-changing experience
16 for them.
17 One of the students wrote, "I had a trip
18 that changed my life. ICDC 2017 was a life-changing
19 experience that I will never forget. ICDC, or DECA,
20 not only opens up so many doors for me, but also
21 opened my mind to a whole other world, the world of
22 DECA."
23 And so I can go on. I have multiple
24 letters for that. But what I do want to just say is
25 the career-tech state organizations, they're just

<p style="text-align: right;">Page 14</p> <p>1 invaluable to the schools; big schools, small 2 schools.</p> <p>3 One of the things that is challenging to 4 increase membership in those schools is there's so 5 many electives. Small schools don't have that 6 luxury. Big schools have that -- don't have the 7 luxury to go out and access -- or try to get the 8 kids into the classes. And so given that, an 9 adviser like me has to really push, put in those 10 extra hours and so forth.</p> <p>11 And it's an experience that changes you, 12 not only as an adviser, but the students' lives, as 13 well.</p> <p>14 About three years ago, I met 15 Secretary Skandera at a Hispanic Chamber of Commerce 16 event. I took a picture then with 37 students that 17 I had that went to national competition. She 18 came --</p> <p>19 MS. FRIEDMAN: Sorry. Your time is up. 20 FROM THE FLOOR: She came into my 21 classroom as a once-in-a-lifetime experience that I 22 will cherish.</p> <p>23 I want to say thank you again for your 24 time.</p> <p>25 THE CHAIR: Thank you so much.</p>	<p style="text-align: right;">Page 16</p> <p>1 school, people who have been struggling to do 2 something or find a career pathway, take them and 3 mold them to do something that they feel 4 purposeful -- that is purposeful with their lives.</p> <p>5 I'm one of those examples. My freshman 6 year in high school, I was a quiet person, very 7 timid. I never had a voice; I don't speak in front 8 of people.</p> <p>9 Going through four years in the 10 organization, I've done so many things because of 11 it. I've been to Washington, D.C., three times, 12 spoken with Senator Martin Heinrich and multiple 13 aides and staff of Steve Pierce, been to the 14 national skills conference and been a national 15 officer for the organization, and I've spoken in 16 front of 16,000 people leading a conference.</p> <p>17 Doing these things has led -- just, it's 18 incredible the impact it makes. And one of the 19 worst things is that -- and even my growth from 20 dirty jobs can testify to this -- is that 21 organizations, you know, from CTLP, like SkillsUSA, 22 HOSA, and DECA were called "America's best-kept 23 secret."</p> <p>24 The thing that bothers me is we're a 25 secret. The things we do shouldn't be a secret,</p>
<p style="text-align: right;">Page 15</p> <p>1 FROM THE FLOOR: Appreciate that. 2 THE CHAIR: And, finally, it's Jonathan -- 3 I'm sorry; I can't read the last name -- "Armiento"? 4 FROM THE FLOOR: Please excuse me. Bad 5 handwriting, by the way.</p> <p>6 My name is Jonathan Sarmiento. I'm 18 7 years of age, and I'm here on behalf of the CTLB; 8 but I will be speaking on behalf of my organization, 9 as well, SkillsUSA.</p> <p>10 Now, I've been in this organization for 11 four years. My four years in this organization has 12 taught me many things. One of those things is about 13 taking integrity [verbatim]. The organization has 14 done a lot that I -- the impact is something that -- 15 it's one of those things, when you talk about it, 16 you get so passionate about it, it's hard to 17 explain.</p> <p>18 In my four years, I've seen so many 19 students go through the organization. And by 20 definition, "the organization" is: SkillsUSA is a 21 student-led organization that helps students develop 22 personal, technical and workplace skills. That's by 23 definition.</p> <p>24 By example, I've seen this organization 25 take young people who would have been struggling in</p>	<p style="text-align: right;">Page 17</p> <p>1 because we've been making an impact. 2 One of the things I can take note of is 3 not only in the State of New Mexico, but in the 4 United States, is we have a deficit. Not a 5 financial deficit; a deficit of workers, a deficit 6 of jobs. And the crazy thing is, though, is that 7 SkillsUSA and other CTLP organizations have been 8 taking students, giving them industry standards and 9 competition and working with professionals, and 10 getting directly into those jobs that we're facing 11 deficits in.</p> <p>12 SkillsUSA helps high school as a 13 partnership with Drexel Energy. Every two years, we 14 provide two students that participate in the 15 linesman program --</p> <p>16 MS. FRIEDMAN: I'm sorry, your time is up. 17 FROM THE FLOOR: Thank you. 18 THE CHAIR: Thank you so much. And we 19 appreciate everyone who came in. And we certainly 20 applaud the passion that you have for your programs.</p> <p>21 I can speak for myself. I taught in a 22 school that had a vibrant DECA program, and 23 certainly understand the impact that that program 24 did have.</p> <p>25 I think there's been questions that have</p>

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1 been raised, especially from some of the newer
2 Commissioners, about how the Perkins grant
3 functions, how things are funded; so that I have
4 asked, for next month's agenda, that Dr. Perea, who
5 is in the audience today -- and I want to also
6 recognize the Director for College and Career
7 Readiness, Ashley Eden, who's also here.

8 But Dr. Perea, I did ask for the June
9 meeting, so that we can have some time to ask
10 questions and go through it a little bit more
11 in-depth; because it's not on the agenda for today,
12 so that it's really not an item that we can delve
13 into deeply today.

14 So I appreciate you coming back in June to
15 help us out through that.

16 MS. POULOS: Madam Chairwoman,
17 Commissioners, PED also thanks the individuals who
18 spoke today for their comments and appreciate that.
19 And I think Dr. Perea looks forward to the
20 opportunity to talk with you, certainly, and be able
21 to explain, you know, any decisions that have been
22 made. And, certainly, you know, the Legislature cut
23 the PED's budget by \$20 million this year.

24 THE CHAIR: We wish it was \$20,000.

25 MS. POULOS: We're all having to figure

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1 And I was going to bring my pin -- my DECA pin that
2 has a little gavel, and "65" -- not 1865; 1965 --
3 that, and FTA -- I was a member of Future Teachers
4 of America.

5 My DECA job was hauling around those giant
6 televisions of the 1960s with a guy that was shorter
7 than I am. I don't know how we moved those things;
8 but we did.

9 At any rate, it was a great program. I
10 got a lot of organizational skills from that. I
11 organized the banquet, made all the provisions; and
12 so it was a great experience, and I support DECA
13 strongly. Thank you.

14 THE CHAIR: I just want to add to
15 Commissioner Crone, the individual in my school that
16 hauled around those big TVs looked for
17 height-challenged people, because they could move
18 the cart better, because they could see through
19 the --

20 COMMISSIONER CRONE: My employer couldn't
21 afford a cart.

22 THE CHAIR: Commissioner Ruiz?

23 COMMISSIONER RUIZ: I just want to thank
24 and commend all the students that came and spoke,
25 and, of course, all of you. I also want to give a

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1 out how to tighten our belts and absorb those costs.
2 She'll be able to make a great presentation for you
3 next month so that you can understand the Bureau,
4 what they do and how they make decisions.

5 THE CHAIR: Right. Thank you.

6 Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair, I
8 just want to state my support for DECA, which kept
9 my daughter going to high school; and also
10 SkillsUSA, which I was very involved with when I was
11 on the CNM Governing Board. And I think that those
12 programs are especially important to states like
13 New Mexico, where we have more and more young people
14 not getting the skills they need to get jobs in the
15 first place.

16 I just wanted to go on record with my
17 support for both of those. Thank you.

18 THE CHAIR: Thank you. And once again,
19 thank you all for coming, your time -- Commissioner
20 Crone -- sorry. Oh.

21 And could the record please indicate that
22 Commissioner Crone is here?

23 COMMISSIONER CRONE: I'm glad I'm here. I
24 want to express my support of DECA, also. I was
25 president of the DECA chapter at my high school.

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1 shout-out to my hometown, Mr. Armiento -- Sarmiento.

2 And also, I wanted to just commend our
3 SkillsUSA teacher; he's in the audience. And you
4 won a national award; is that right?

5 FROM THE FLOOR: That's correct.

6 COMMISSIONER RUIZ: Can you tell me what
7 that is, please?

8 FROM THE FLOOR: I was elected Region 5
9 adviser of the year. And I'm going to be running
10 for the National Adviser of the Year next month.

11 COMMISSIONER RUIZ: And I know in Hobbs
12 and statewide, nationwide, the career-technical
13 programs provide such a tremendous service for our
14 students. And I want you to know that I highly
15 support you.

16 FROM THE FLOOR: Thank you very much.

17 THE CHAIR: Thank you. And thank you for
18 traveling all this way to come this morning.

19 We are on to Item No. 4 now, which is
20 Approval of the Minutes and Transcripts.

21 And we have 4A, approval of the April 6,
22 2017, Work Session minutes.

23 Do we have any corrections?

24 Seeing none, I'll entertain a motion.

25 COMMISSIONER JOHNSTON: (Indicates.)

<p style="text-align: right;">Page 22</p> <p>1 THE CHAIR: And I think I've got a motion 2 by Commissioner Johnston. 3 COMMISSIONER CRONE: (Indicates.) 4 THE CHAIR: And a second by Commissioner 5 Crone. 6 All in favor? 7 (Commissioners so indicate.) 8 THE CHAIR: Any opposition? 9 (No response.) 10 THE CHAIR: Hearing none, the motion 11 passes. 12 We are on to Item 4B, which is approval of 13 the PEC Meeting Transcripts, Transcript and Minutes 14 for April 7th, 2017. 15 Do I have any additions? Corrections? 16 If none, I will entertain a motion. 17 COMMISSIONER RUIZ: (Indicates.) 18 THE CHAIR: And there is a motion by 19 Commissioner Ruiz. 20 COMMISSIONER CRONE: (Indicates.) 21 THE CHAIR: And a second by Commissioner 22 Crone. 23 All in favor? 24 (Commissioners so indicate.) 25 THE CHAIR: Opposed?</p>	<p style="text-align: right;">Page 24</p> <p>1 We want to welcome you -- 2 MR. STEVENS: Thank you. 3 THE CHAIR: -- and say -- hope we are -- 4 we look forward to working with you. 5 And we are on to Item No. 5, Discussion of 6 Possible Action on Charter School Amendments. 7 MS. POULOS: Can we have the school come 8 up? 9 THE CHAIR: Sure. And the first school on 10 the agenda is La Tierra Montessori. 11 MS. POULOS: Madam Chairwoman, 12 Commissioners, La Tierra Montessori has before 13 you -- I believe it is five amendment requests. As 14 you'll recall, this school was renewed in December 15 for a period of five years, and, at the time, did 16 not submit these amendment requests. And I think 17 this may be because they haven't yet gone into the 18 renegotiation process, or the negotiation process 19 for the new term, and so are trying to clean some 20 things up, I think, that they maybe would have done 21 through that process. 22 And so it may be that the Commission might 23 want to have a conversation about whether this is 24 the time to handle these, or if you're going to plan 25 to do that during the process; but just to go</p>
<p style="text-align: right;">Page 23</p> <p>1 (No response.) 2 THE CHAIR: Hearing no opposition, the 3 motion carries. 4 And we are on to Item 4C, which is 5 approval of the PEC Summary Minutes for April 7th, 6 2017. 7 If there are no corrections, I will 8 entertain a motion. 9 COMMISSIONER CONYERS: (Indicates.) 10 THE CHAIR: A motion by Commissioner 11 Conyers. 12 COMMISSIONER ARMBRUSTER: (Indicates.) 13 THE CHAIR: A second by Commissioner 14 Armbruster. 15 All in favor? 16 (Commissioners so indicate.) 17 THE CHAIR: Opposed? 18 (No response.) 19 THE CHAIR: Hearing no opposition, the 20 motion passes. 21 And before we have go any further, I would 22 like to recognize and welcome Mr. Stevens, who is 23 here from the Attorney General's Office. He is 24 replacing Audrey McKee that was here for a number of 25 months.</p>	<p style="text-align: right;">Page 25</p> <p>1 through those five amendments with you. 2 The first is they're currently authorized 3 to serve grades K through 8. And the school is 4 actually requesting, over the next two years, to go 5 from serving grades K through 8 to serving grades K 6 through 6. And so I think they would phase out 7 grades, phasing out eighth grade in the '17-'18 8 school year and phasing out seventh grade in the 9 '18-'19 school year. 10 So that's the first request. And you'll 11 see that that's accompanied by the minutes, where 12 the Board approved that request. 13 And it also asked to add a statement that 14 incorporates their pre-K into the school's charter. 15 And I know this is a conversation we've had many 16 times about whether this Commission will include 17 pre-K programs in the charters or not. We have had 18 the conversation about when it is a public school 19 program, and that's when it serves specifically 20 3Y-4Y students under the Developmentally Disabled 21 program. 22 But the other pre-K programs can either be 23 funded by -- I believe it's CYFD, or by PED. And 24 I -- even though it's funded by PED, it's still not 25 necessarily, by definition, a public school program</p>

1 under the statute.

2 And I think the -- the couple of issues
3 that come in that really haven't been clarified by
4 the Legislature -- and I think there was a bill this
5 year in front of the Legislature -- is to clarify if
6 a charter school has students that are enrolled in a
7 pre-K program that's at that school, does that
8 student then get preferential enrollment into the K
9 program when they start to enter into the public
10 school program.

11 So it's a little unclear and, I think, a
12 little challenging for this amendment request right
13 now. And I think that's something you've, in the
14 past, not incorporated those pre-K programs unless
15 it was specifically to serve 3Y-4Y.

16 The next amendment request is there's a
17 statement in their charter in their material
18 terms -- we've discussed this a little bit -- that's
19 very specific about the agricultural curriculum
20 components of their curriculum, where students --
21 the charter previously identified that students
22 would learn on a specific ranch and on specific
23 gardening plots.

24 And I believe that the school wants to
25 remove that language identifying the specific plots

1 instruction. And the school is seeking to really
2 remove that statement, "principle approach," and
3 state instead that Montessori methods and materials
4 will be used as an approach to instruction.

5 And so I think it's decreasing the focus
6 on maybe the Montessori methods. And I think that's
7 based off of some feedback we've given. But -- no?

8 Okay. We'll let the school explain that
9 one a little bit more.

10 THE CHAIR: Okay. Good morning.

11 FROM THE FLOOR: Good morning.
12 Good morning.

13 MS. CHRISTIE BERG: Good morning,
14 everyone. Nice to see you. Hope you're enjoying
15 the weather outside. We are. No March hail or
16 snow.

17 I'm Christie Berg. I'm the Head Learner
18 of La Tierra Montessori School for the Arts and
19 Sciences.

20 MS. JULIE ANN HILL-CLAPP: Hi. Good
21 morning, Commissioners. I'm Julie Ann Hill-Clapp.
22 I'm the Governing Council President for La Tierra
23 Montessori School for the Arts and Sciences.

24 MS. CHRISTIE BERG: Thank you for giving
25 us time this morning.

1 or locations. And potentially, that's because
2 they're not in a partnership with those entities
3 anymore.

4 And I would just encourage the Commission,
5 as I noted during our work session yesterday, that
6 we may want to be more thoughtful about the language
7 that is in the contracts to make sure it truly is
8 the material terms.

9 The school has also requested to amend the
10 current mission statement. And that's because the
11 mission statement specifically identifies the grade
12 levels served.

13 And again, we discussed that yesterday;
14 but moving forward in the future, would encourage
15 the Commission to work with schools to make sure
16 that's not language that's included, because you
17 need to come back and change anytime you change
18 grade levels.

19 And then I believe we're on the fifth one.

20 THE CHAIR: Right.

21 MS. POULOS: And that mission -- or sorry.
22 That is to, again, change some language in the
23 contract about the use of Montessori.

24 In the previous statement, it would be --
25 it was identified as the principal approach to

1 THE CHAIR: I'm sorry. If you want, take
2 that clip. You can put that clip on that button,
3 and that way, it might be a little bit easier for
4 you. Maybe.

5 MS. CHRISTIE BERG: Thank you. Is that
6 better? Thank you.

7 So thank you, Director Poulos, for
8 introducing us. A lot of it was correct what you
9 said. And so I just want to clarify a few things.
10 We are a Montessori school, and that is our main
11 approach to education. We also have to incorporate
12 the Common Core State standards. And I very much
13 apprec- -- and the assessments that the State
14 mandates for us.

15 I very much appreciate Charter Schools
16 Division and the PEC and PED to ensure that we are
17 following our contract. So in order to do that,
18 there were some semantics that needed to change.
19 We're not changing our approach or anything else
20 like that; it's a semantics of what the actual
21 contract says, because some of it was open to
22 inter- -- interpretation. And rather than having it
23 open to interpretation and being confined to
24 particular locations and such, we are requesting
25 that it's more general, so that we have the option

1 for it.

2 So I'll start with the first one, talking
3 about changing our grades. So we are an elementary
4 school, K-through-8 right now. So in order to hire
5 teachers for Grade 7 and Grade 8, they have to have
6 an elementary license, which is very difficult to
7 find people who are interested in teaching middle
8 school, but with an elementary license, and has been
9 the history of the school, as well.

10 I've been here since August, been at that
11 school since August. And since then, for eighth
12 grade, I have hired three different people. They
13 did not have correct licensure. One did have
14 correct licensure -- well, let me just go back.

15 The first one that I hired, she did -- she
16 had her middle school license, which means there was
17 an emphasis on science. Fantastic. But she -- I
18 couldn't pay her our regular scale, because she was
19 not qualified to teach at our elementary school.

20 I can't get the secondary license. I
21 can't hire those people, because we don't have the
22 changing-around classrooms. We have our
23 self-contained classroom.

24 So she, after a month or so, took a job in
25 Santa Fe at a traditional middle school, which is

1 appreciation of classroom culture, from pre-K, and
2 then moving on up.

3 So I would love to see that happen at our
4 school, so that we can continue Montessori in a much
5 stronger way than what we have now.

6 So that's the rationale for the grades.

7 COMMISSIONER JOHNSTON: Madam Chair, may I
8 ask a question? Is it permissible for me to ask a
9 question? I don't mean to interrupt you.

10 I really appreciate it. And you've worked
11 so hard. And it's my understanding that you just
12 went through the arduous renewal process.

13 MS. CHRISTIE BERG: Yes, in November.

14 COMMISSIONER JOHNSTON: And everything is
15 in place.

16 MS. CHRISTIE BERG: Yeah, right.

17 COMMISSIONER JOHNSTON: And you're asking
18 for amendments at this point, which I appreciate.
19 But since that renewal has not been negotiated,
20 Madam Chair, would it be permissible, rather than
21 having these folks have to go through that twice,
22 that -- these changes, from what I've read and
23 reviewed, don't appear to me to be material changes
24 that are what negotiations are about.

25 And I just see the work you've done. And

1 where her license was accepted.

2 The next person I hired was fantastic,
3 good teacher, et cetera. She had the correct
4 licensure. But she decided it just wasn't the right
5 fit for her because she wanted middle school.

6 The third person I hired has been our
7 long-term substitute for eighth grade. I requested
8 the waiver and was granted that. So I went through
9 all the paperwork so that we could maintain her.
10 But she is not trained to be a teacher. She's done
11 fantastic; but that is not what I want for our
12 school to go forward with our academic program.

13 So this is just one example of the
14 difficulty of hiring. Part of it is our location,
15 and part of it is we are elementary, but housing the
16 seventh and eighth grade.

17 So I am requesting that eighth grade be
18 phased out for next year; so we wouldn't have eighth
19 grade next year; and, parents knowing all that,
20 seventh grade phased out for the next year, so they
21 could begin looking at other places in that area.

22 And, then, in the big picture, for
23 Montessori, specifically, bringing in pre-K, which
24 we're very excited about, because that's really how
25 Montessori starts the foundation of the students'

1 I don't want to sit here and see you present to us
2 and, at the end, say, "We'll work this through
3 negotiations."

4 I'm just asking a question.

5 THE CHAIR: No. The changes that occur
6 through their mission statement would have to come
7 through an amendment process. We can't negotiate a
8 change to their mission statement.

9 COMMISSIONER JOHNSTON: And you think
10 these --

11 THE CHAIR: Correct. These would all have
12 to be done through an amendment; except --

13 COMMISSIONER JOHNSTON: Is that correct,
14 Ms. Poulos?

15 THE CHAIR: Because we have -- well, the
16 negotiations is with the PEC. So we have never
17 negotiated out anything from a mission statement.
18 We've always required that it come through a --
19 through an amendment.

20 COMMISSIONER JOHNSTON: But is it
21 possible? I just hate to see them go through it
22 twice.

23 THE CHAIR: They're not going to go
24 through it twice. If we grant this amendment
25 request, it's done. They won't have to go through

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1 it twice.

2 COMMISSIONER JOHNSTON: Okay.

3 THE CHAIR: This will be done. And it

4 wouldn't be -- it wouldn't enter into -- and what

5 has always happened through the negotiations is a

6 school will often show the amendment request that

7 they may be putting forward; but the subcommittee

8 does not have the ability to grant that amendment.

9 Only the full complement of the Commission would

10 have the ability.

11 COMMISSIONER JOHNSTON: And these raise to

12 the level of amendment.

13 THE CHAIR: Yes, because they're a change

14 in their mission statement.

15 COMMISSIONER JOHNSTON: Okay. Thank you.

16 Sorry. I just didn't want you to work twice is what

17 I was concerned about.

18 MS. CHRISTIE BERG: I appreciate that.

19 Thank you.

20 Shall I go on, then?

21 THE CHAIR: Yeah. Thanks. Sorry.

22 MS. CHRISTIE BERG: So, thank you, no,

23 that's okay. So that was about our grade change,

24 specifically, and the big picture of bringing in the

25 pre-K. That's why I'm requesting that we can bring

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1 in a pre-K, as well, however it place out. That's

2 what we eventually want to do.

3 And the other two amendments are just kind

4 of a semantics thing. The Los Luceros, as

5 Ms. Poulos was saying, is no longer available to us.

6 It was a verbal contract. And we can go there; but

7 when it's in our contract, it says we must go there

8 and use their plots.

9 So we -- in fact, we're planning to go

10 there next week as part of our end of the year Field

11 Day, and it'll be great, and everybody is excited

12 about it. But, once again, for it to say in the

13 contract we must go there, that's very limiting to

14 me. There are many other things we could be doing,

15 as well. So I'd like to have that opened up to us.

16 That's how I'm seeing that.

17 And -- excuse me. The other one -- oh,

18 okay. Right. It's, again, semantics. Changing

19 from "multi-age classrooms" is what it says right

20 now in our contract, to "multi-age groupings."

21 We're really not changing anything at school. It's

22 just, if it says "multi-age classrooms," and we

23 aren't doing that, we are in violation of our

24 contract.

25 So even this year, we have mostly

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1 combination multi-age classrooms; but there are some

2 where we couldn't do that because of numbers and

3 because of staffing.

4 So we're in violation of our contract.

5 I would like to have that as an option for

6 us and opened up, that, yes, we will have

7 multi-age -- we will have combination classes, but

8 also single-grade classes. But yet, because of the

9 Montessori philosophy that we all know and love at

10 our school, we have many opportunities to have the

11 multi-age/cross-age teachers we have and activities.

12 We have science. We have social science.

13 We have the math that comes through. Literature is

14 easy to do it. And I've requested from my teachers

15 to provide those instances, and, if interested, I

16 can let you know what they have said.

17 But that's definitely in our plans. It's

18 not to stop any kind of multi-age or cross-age

19 tutoring, mentoring help in any way. It's just so

20 that we're not restricted by the contract that it

21 must be a certain way.

22 Okay.

23 THE CHAIR: Thank you.

24 MS. CHRISTIE BERG: Thank you.

25 And I guess my biggest question is the

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1 pre-K amendment; because we've had discussions

2 about -- you know, concerning the lottery and the

3 opportunity for those that are in a pre-K program.

4 And because my understanding is there are not --

5 unless they're the 3Y-4Y, they're not defined as

6 public school students; correct?

7 MS. POULOS: Yes, Madam Chair,

8 Commissioners. It's the issue of how a public

9 school student is defined in the statute. And,

10 again, while PED does provide program funding for

11 pre-K programs, those students aren't considered,

12 under the definition of the statute, to be public

13 school students.

14 THE CHAIR: So that they -- the pre-K

15 program would not fall in any way under the

16 monitoring through CSD.

17 MS. POULOS: That's the challenge; right?

18 THE CHAIR: Right.

19 MS. POULOS: Because, certainly, when we

20 go into a school, if we see something that's

21 concerning --

22 THE CHAIR: Right.

23 MS. POULOS: -- we can't -- I mean,

24 morally, ethically, we can't walk away and not say

25 something about that; right?

1 THE CHAIR: Right.
2 MS. POULOS: And so -- and there are
3 licensure requirements, even, for the -- the
4 PED-funded programs, which is actually why some of
5 our schools don't do the PED-funded programs; they
6 do the other programs to get out of that licensure
7 requirement.

8 So it's a difficult question. It's one
9 that I think we need to explore. It's one that we
10 don't have an answer to right now.

11 THE CHAIR: So I guess that really doesn't
12 answer my question of whether we deal -- whether we
13 deal with the pre-K amendment at this point in time;
14 because --

15 MS. POULOS: Madam Chair, what I would say
16 is you haven't in the past; and so you're going to
17 continue with what you've done in the past until you
18 get a clearer answer. That may be the most
19 appropriate thing to do.

20 MS. CHRISTIE BERG: May I suggest
21 something? So our pre-K, we aren't planning to
22 bring in for a couple of years. I just put it on
23 here, because that's our big picture, and I want all
24 of us to understand what it is. Because of the
25 Montessori, we're excited about it. But if for some

1 already part. And right now --

2 MS. CHRISTIE BERG: As a feeder program
3 for the kindergarten.

4 THE CHAIR: It is. Right. And,
5 unfortunately, the answer is "no" to that right now.
6 And I think there's a -- there's a hope that that's
7 going to be -- and I don't know if it's a
8 statutory -- that has to be fixed, in order to --
9 you know, to really solve that problem. So that I
10 think, at this point in time, the pre-K amendment,
11 we'd appreciate off the table.

12 MS. CHRISTIE BERG: All right. So I will
13 wait for -- in the future, if you could keep us --
14 and I know that Director Poulos is really good about
15 communicating with us. But, you know, if something
16 should come up, "This is how you have to do it,"
17 because you know that's in our plan.

18 Okay. Thank you.

19 THE CHAIR: And I'm thinking it's not
20 going to be soon; because that if it's a statutory
21 item, it could be two years down the road for the
22 next 60-day session.

23 MS. CHRISTIE BERG: Right. Uh-huh. We're
24 patient.

25 THE CHAIR: We appreciate that.

1 reason, you can't decide, or you want further, you
2 know, information or something like that, as far as
3 our school program, it won't affect our school
4 program for this next year. And that's what I'm
5 really looking toward.

6 THE CHAIR: Right. And, honestly, I don't
7 think whether we dealt with the amendment or not,
8 you could probably start that pre-K program, and
9 there's nothing we could do about it.

10 MS. CHRISTIE BERG: Are you whispering
11 that?

12 THE CHAIR: I am.

13 MS. CHRISTIE BERG: Cool. Thank you.

14 MS. POULOS: And I think it's important to
15 note, Madam Chair and Commissioners, that many of
16 our charter schools do have funded pre-K programs
17 that are funded under the PED system.

18 It's not that we have concerns about it.
19 It's how we handle it in the contract. And it's
20 always how the enrollment, then, into the K program
21 is handled. There are challenges.

22 THE CHAIR: Correct. And that's really
23 the challenge that we have is as more and more
24 schools are establishing these pre-K programs, their
25 desire is to be able to consider those students

1 Sometimes, we're not.

2 Commissioners, any other questions?

3 If not, we can -- we're taking off No. 2,
4 the grade change as pre-K. That amendment request
5 is being removed.

6 MS. POULOS: Madam Chairwoman and
7 Commissioners, you'll see, on Pages 7 and 8 -- 9,
8 actually -- we've provided proposed motion language
9 for each of the separate amendment requests.

10 THE CHAIR: Thanks. So if there are no
11 other questions or comments, I will entertain
12 motions for 1, 2, 3, 4 of the amendment requests,
13 the first one being the grade change -- oh, let me
14 ask you, before we move on.

15 How many eighth-graders do you currently
16 have?

17 MS. CHRISTIE BERG: Eighth-graders that we
18 currently have are nine. Seventh graders that will
19 be moving into eighth grade are three. So to us,
20 that was a concern, as well.

22 THE CHAIR: Right. Yeah, absolutely.

23 Okay, thanks.

24 MS. CHRISTIE BERG: Uh-huh.

25 THE CHAIR: Commissioners?

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1 All right. I will move to approve the
 2 amendment request presented by La Tierra Charter
 3 School to amend the authorized school grades they
 4 serve, allowing the school to serve Grades K-7 for
 5 the school year 2017-2018, and to serve Grades K-6,
 6 beginning in school year -- beginning 2018-2019,
 7 because the school faces challenges in staffing, and
 8 there isn't a strong need for those grade levels
 9 based on the current enrollment.
 10 Do I have a second?
 11 COMMISSIONER CONYERS: (Indicates.)
 12 THE CHAIR: Second by Commissioner
 13 Conyers.
 14 Commissioner Armbruster, roll-call vote,
 15 please?
 16 COMMISSIONER ARMBRUSTER: Yes. Are there
 17 any abstentions before we begin our voting?
 18 Okay. I'm remembering.
 19 Okay. Commissioner Conyers?
 20 COMMISSIONER CONYERS: Yes.
 21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Toulouse?
 23 COMMISSIONER TOULOUSE: Yes.
 24 COMMISSIONER ARMBRUSTER: Commissioner
 25 Gipson?

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1 THE CHAIR: Yes.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Ruiz?
 4 COMMISSIONER RUIZ: Yes.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Crone?
 7 COMMISSIONER CRONE: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Johnston?
 10 COMMISSIONER JOHNSTON: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Armbruster votes "yes."
 13 That is a seven -- no, seven? Eight of
 14 us?
 15 THE CHAIR: The motion passes seven-zero.
 16 COMMISSIONER ARMBRUSTER: Yes.
 17 THE CHAIR: Seven-zero. Thank you very
 18 much.
 19 We are now on to the amendment request for
 20 the alteration of the agricultural location, which I
 21 believe is on Page 8.
 22 MS. POULOS: Madam Chairwoman, it's at the
 23 bottom of Page 7 and the top of Page 8. I
 24 apologize.
 25 THE CHAIR: Oh, got you. Yeah. It starts

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1 right at the very bottom of Page 1. I was --
 2 COMMISSIONER ARMBRUSTER: I can do it.
 3 THE CHAIR: Commissioner Armbruster?
 4 COMMISSIONER ARMBRUSTER: I move to
 5 approve the amendment request by La Tierra
 6 Montessori Charter School to change Article 8,
 7 Section 8.01A, triple "i," to read, "An agricultural
 8 curriculum complements classroom instruction and
 9 offers opportunities for hands-on learning in the
 10 school's greenhouse and gardening plots"; because it
 11 was unnecessary to add locations -- specific
 12 locations.
 13 COMMISSIONER RUIZ: Second.
 14 COMMISSIONER ARMBRUSTER: Or ad-lib them.
 15 THE CHAIR: There's a second by
 16 Commissioner Ruiz.
 17 COMMISSIONER ARMBRUSTER: And I will ask
 18 again about abstentions. But can I just ask the
 19 Commission right now, on these other amendment
 20 proposals, do you -- is anyone not going to vote and
 21 wants to abstain, so I don't have to ask it each
 22 time?
 23 Thank you.
 24 COMMISSIONER TOULOUSE: Madam Chair, do
 25 you mean on this school, or the following? I just

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1 wanted to clarify, because I have to abstain on the
 2 next one.
 3 COMMISSIONER ARMBRUSTER: Right. This is
 4 just on this particular one.
 5 Okay. Here we go.
 6 Commissioner Conyers?
 7 COMMISSIONER CONYERS: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Gipson?
 10 THE CHAIR: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Ruiz?
 13 COMMISSIONER RUIZ: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Johnston?
 16 COMMISSIONER JOHNSTON: Yes.
 17 COMMISSIONER ARMBRUSTER: Commissioner
 18 Crone?
 19 COMMISSIONER CRONE: Yes.
 20 COMMISSIONER ARMBRUSTER: Commissioner
 21 Toulouse?
 22 COMMISSIONER TOULOUSE: Yes.
 23 COMMISSIONER ARMBRUSTER: Commissioner
 24 Armbruster votes "yes." That is --
 25 THE CHAIR: That is a seven-zero vote.

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1 Motion passes.
 2 We are now on to Amendment numbered 4,
 3 verbiage change if Amendment 1 passes, which is on
 4 Page 8.
 5 MS. POULOS: Madam Chairwoman,
 6 Commissioners, one of the things we did discuss
 7 yesterday is the potential that you might recommend
 8 to this school that they, in fact, remove
 9 grade-level references in their entirety from the
 10 mission and come back with a different mission
 11 statement, so that they don't have to, if anything
 12 were to change in the future, come back again to
 13 change grade levels in the mission again.
 14 THE CHAIR: Yeah. And thank you for
 15 making that point. We did have a fairly lengthy
 16 discussion about that yesterday, that in those
 17 mission statements, schools are tying themselves,
 18 and it really is just more appropriate in the
 19 contract itself, as opposed to the mission
 20 statement.
 21 MS. CHRISTIE BERG: So would we come back
 22 another time to get that approved? The mission
 23 statement?
 24 THE CHAIR: I would say at this point in
 25 time, my recommendation would be if you end up

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1 educational outcomes utilizing an integrated
 2 approach that includes the Montessori, the arts and
 3 sciences, because the school faces challenges and
 4 insufficient need for the previous grades."
 5 THE CHAIR: Thank you. And I will second
 6 that motion.
 7 Commissioner Armbruster?
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Ruiz?
 10 COMMISSIONER RUIZ: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Johnston?
 13 COMMISSIONER JOHNSTON: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Armbruster votes "yes."
 16 Commissioner Toulouse?
 17 COMMISSIONER TOULOUSE: Yes.
 18 COMMISSIONER ARMBRUSTER: Commissioner
 19 Conyers?
 20 COMMISSIONER CONYERS: Yes.
 21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Gipson?
 23 THE CHAIR: Yes.
 24 COMMISSIONER ARMBRUSTER: Commissioner
 25 Crone?

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1 coming back for the pre-K program, you can do that
 2 as a cleanup measure. It's not something that you
 3 have to put as a priority, 'cause I don't think it's
 4 going to affect you in the fact that you're not
 5 going to be changing that K-6 programming.
 6 MS. CHRISTIE BERG: Right. Okay. Thank
 7 you.
 8 COMMISSIONER ARMBRUSTER: So do we need to
 9 vote on it?
 10 THE CHAIR: Yes, we need to vote on the
 11 amendment, Item 4, verbiage change, because we did
 12 vote on the first one.
 13 Commissioner Ruiz?
 14 COMMISSIONER RUIZ: Madam Chairwoman, I
 15 move to approve the amendment request by La Tierra
 16 to change their mission for the 2017-'18 school year
 17 to, "La Tierra Montessori School of the Arts and
 18 Sciences will provide K-7 students and their
 19 families in the Española region the opportunity to
 20 improve educational outcomes utilizing an integrated
 21 approach that includes Montessori, the arts and
 22 sciences; and for the 2018-'19 school year,
 23 La Tierra Montessori School of the Arts and Sciences
 24 will provide K-through-6 students and their families
 25 in the Española region the opportunity to improve

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1 COMMISSIONER CRONE: Yes.
 2 COMMISSIONER ARMBRUSTER: Seven to zero,
 3 the motion passes.
 4 THE CHAIR: Thank you very much. The
 5 motion passed seven-zero.
 6 And we are on to the final amendment
 7 request, No. 5, the verbiage change.
 8 Commissioner Armbruster?
 9 COMMISSIONER ARMBRUSTER: I move to
 10 approve the amendment request presented by La Tierra
 11 Montessori Charter School to Change article 8,
 12 Section 8.01A, three little "i's," to read,
 13 "Montessori methods and materials will be utilized
 14 as an approach to instruction. The school will use
 15 Montessori instruction in multi-age groupings with
 16 teachers who are trained in Montessori curriculum
 17 and practices, because the school..." -- okay "...--
 18 the school has been utilizing that approach as the
 19 best approach for their mission."
 20 COMMISSIONER RUIZ: Second.
 21 THE CHAIR: There's a second by
 22 Commissioner Ruiz.
 23 Commissioner Armbruster?
 24 COMMISSIONER ARMBRUSTER: Okay.
 25 Commissioner Toulouse?

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1 COMMISSIONER TOULOUSE: Yes.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Johnston?
 4 COMMISSIONER JOHNSTON: Yes.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Conyers?
 7 COMMISSIONER CONYERS: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Crone?
 10 COMMISSIONER CRONE: Yes.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Ruiz?
 13 COMMISSIONER RUIZ: Yes.
 14 COMMISSIONER ARMBRUSTER: Commissioner
 15 Gipson?
 16 THE CHAIR: Yes.
 17 COMMISSIONER ARMBRUSTER: Which
 18 Commissioner Armbruster votes "yes." Seven to zero.
 19 Passes.
 20 THE CHAIR: Thank you very much. The
 21 motion passes seven-zero, and thank you for coming.
 22 MS. CHRISTIE BERG: Thank you so much for
 23 taking the time to work on this. I know it was a
 24 lot of work for all of you; but I really do
 25 appreciate that a lot of thought has gone into this

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1 by my staff, the Governing Council, and myself; so
 2 we really appreciate it.
 3 THE CHAIR: Thank you. And good luck with
 4 the end of your school year.
 5 COMMISSIONER TOULOUSE: Madam Chair, may I
 6 point out that it really isn't as important to put
 7 in reasons on the ones we're approving as the
 8 reasons we're denying. So I think simply, we can
 9 end most of those without having to have a reason,
 10 or simply say, "Because the school asked for it."
 11 Because that's -- once we've approved it, it doesn't
 12 matter our reasons. The reasons come before denying
 13 it.
 14 Thank you.
 15 THE CHAIR: We are now only to B, Mission
 16 Achievement and Success.
 17 COMMISSIONER TOULOUSE: And, Madam Chair,
 18 I am recusing myself from voting on this school,
 19 unfortunately, because I think they're a fantastic
 20 school. But my relative there is doing wonderfully;
 21 so --
 22 MS. POULOS: Madam Chairwoman,
 23 Commissioners, Mission Achievement and Success
 24 Charter School is coming before you today with an
 25 amendment request requesting to amend the projected

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1 enrollment, which is currently, I believe, at
 2 912 students, to 1,140 students.
 3 This school did also receive a renewal --
 4 a five-year renewal term in December. And as you
 5 may recall from the renewal consideration, this
 6 school has really demonstrated excellent academic
 7 achievement for their students and serves a what
 8 might be called "high needs" population.
 9 And so, you know, the PED is very
 10 supportive of the work this school does and very
 11 happy to have them as one of our charter schools
 12 that we get to work with.
 13 And so we absolutely recommend the
 14 approval of this enrollment cap increase.
 15 THE CHAIR: Thank you.
 16 Good morning.
 17 MS. JOANN MYERS: Good morning. Do you
 18 want us to start?
 19 Okay. Good morning. Thank you for seeing
 20 us this morning and thanks for your kind words,
 21 Katie.
 22 So we didn't put this in our charter
 23 renewal application, originally, because what we
 24 have found for a trend is that our eighth-graders
 25 tend to go to -- a lot of them will leave in eighth

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1 grade and go to traditional high schools.
 2 But when we got our letters of intent this
 3 year from our eighth-graders, the trend has shifted,
 4 and they're all coming back. So -- and then with
 5 additional applications at high school, it's really
 6 kind of pushing our numbers right at that cap.
 7 So what we did is we calculated what would
 8 the maximum number of students look like if kids
 9 never left, like, all the way through; so they went
 10 through eighth grade, and that trend continued
 11 straight through high school.
 12 And so that brings us to the 1,140 that we
 13 asked for. I think we'll still have some kids; but
 14 we're finding each year, it's less and less that are
 15 leaving. And this year, there were literally about
 16 10 kids out of 120 that weren't coming back. Well,
 17 we didn't anticipate. That's not the way that it's
 18 looked in the past, which is a good problem to have.
 19 So -- but that's why we didn't originally
 20 request it, is we didn't think we would need it. We
 21 thought maybe we would need it in the future. We
 22 absolutely didn't anticipate that it would happen so
 23 quickly.
 24 So that's why we're coming before you for
 25 the request. And you should have received -- we've

<p style="text-align: right;">Page 54</p> <p>1 got the letter from PSFA that shows that our 2 building is capable of holding the increase. 3 THE CHAIR: Right. Thank you. 4 Commissioners, any questions? Comments? 5 COMMISSIONER ARMBRUSTER: I think -- 6 THE CHAIR: I'm sorry. 7 COMMISSIONER ARMBRUSTER: I think it's 8 wonderful that the school is doing really well, 9 particularly since they have a population that's not 10 in the upper tier, shall we say. I think that what 11 they've done is remarkable with their group. And 12 they have a diverse group of children from ELL to 13 special ed to regular ed kids. And they've grown 14 each year. I think that's the kind of charter 15 schools we want. 16 THE CHAIR: Right. Right. 17 COMMISSIONER TOULOUSE: Madam Chair, I 18 also understand they have quite a few students out 19 for spring football practice; correct? Which may be 20 one of the reasons that they are keeping their kids 21 into high school. 22 MS. JOANN MYERS: That has been. People 23 ask us, "Why do they leave for traditional high 24 school experiences?" 25 One of the number one reasons we hear is</p>	<p style="text-align: right;">Page 56</p> <p>1 students want to come back. 2 And it's -- it's, I guess, a happy 3 challenge to have, to have to now address this -- 4 this issue. 5 And I want to thank you also for being 6 part of the public input -- 7 MS. JOANN MYERS: Thank you. 8 THE CHAIR: -- when we were -- had the 9 opportunity to come down to Albuquerque. 10 So seeing no other questions or comments, 11 I'll entertain a motion for this -- Commissioner 12 Ruiz? 13 COMMISSIONER RUIZ: Madam Chair, I move to 14 approve the amendment request presented by Mission 15 Achievement and Success Charter School to amend the 16 school's charter contract, Section 2, Page 71, 17 "Grade Levels, Class Sizes and Projected 18 Enrollment," to 1,140, because the school has 19 demonstrated an acceptable level of academic 20 performance through letter-grade performance, with 21 no grade lower than a "C" in the last three years. 22 THE CHAIR: Do I have a second? 23 COMMISSIONER CRONE: Second. 24 THE CHAIR: Second by Commissioner Crone. 25 Commissioner Armbruster?</p>
<p style="text-align: right;">Page 55</p> <p>1 sports programs. And the second reason is a lot of 2 the kids will say that they don't -- they want less 3 structure. They don't want the structured movement 4 in the halls, and they want free passing. For as 5 many kids that say that, they come back. And then 6 the problem is is that sometimes we don't have the 7 space for them. And they try to come back and 8 say -- some of them, not all. 9 Some of them succeed, and they do really 10 well. Some of them need that structure, even though 11 they resist it. 12 But the sports have been a huge thing. 13 Practice -- what do we have out there right now? 14 MR. BRUCE LANGSTON: About 50 kids. 15 MS. JOANN MYERS: About 50 kids right now 16 for football. 17 THE CHAIR: I do know, through many of our 18 schools, that is the challenge, that there is often 19 flight, when we get to that middle-school/ 20 high-school time, because there's programming that a 21 larger traditional school can often offer. 22 And I applaud you for expanding so that 23 you do have sports programs. And we certainly 24 recognize the work that you are doing. And it is a 25 testament to the work that you're doing that those</p>	<p style="text-align: right;">Page 57</p> <p>1 COMMISSIONER ARMBRUSTER: We have one 2 abstention. We still have a quorum of six on 3 voting. 4 Okay. 5 Commissioner Conyers? 6 COMMISSIONER CONYERS: Yes. 7 COMMISSIONER ARMBRUSTER: Commissioner 8 Crone? 9 COMMISSIONER CRONE: Yes. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Gipson? 12 THE CHAIR: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Ruiz? 15 COMMISSIONER RUIZ: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Johnston? 18 COMMISSIONER JOHNSTON: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Armbruster. 21 Six-to-zero vote. The motion passes with 22 one abstention; right? 23 THE CHAIR: Yes. I'm just now, after the 24 fact, making sure that these minutes from the 25 governance council have been approved. Sorry. That</p>

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1 was my error that I didn't look before we voted.
 2 COMMISSIONER ARMBRUSTER: I want to say
 3 just one thing. I think that neither of you gave
 4 your names to Cindy Chapman.
 5 MS. JOANN MYERS: JoAnn Myers, principal
 6 and founder of MAS.
 7 FROM THE FLOOR: Bruce Langston, Governing
 8 Board President.
 9 MS. POULOS: Madam Chairwoman?
 10 THE CHAIR: Yes. I think it does
 11 indicate, on Page 11, that there was a vote.
 12 MS. POULOS: And I believe these -- these
 13 minutes were from April 20th.
 14 THE CHAIR: Correct.
 15 MS. POULOS: And I don't believe they've
 16 had the opportunity to approve them.
 17 THE CHAIR: They've not approved the
 18 minutes. So I will request that you simply forward
 19 to CSD the approved minutes when you have your next
 20 meeting.
 21 MS. JOANN MYERS: Sounds great. And I
 22 think that's next Thursday; right? Yes. Thank you.
 23 THE CHAIR: And that's my error that I
 24 didn't take a look before we went off and voted.
 25 Sorry.

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1 Thank you so much for coming.
 2 MS. JOANN MYERS: Thank you.
 3 THE CHAIR: And, Commissioners, can we
 4 take a five-minute break?
 5 (Recess taken, 10:00 a.m. to 10:13 a.m.)
 6 THE CHAIR: We are on to Item No. 6 which
 7 is Report from Options for Parents and the Charter
 8 School Division.
 9 And we have Charter School Update.
 10 MS. POULOS: Madam Chairwoman,
 11 Commissioners, not a lot to report on with the
 12 Charter Schools Division. They're working very
 13 hard, finalizing reports for site visits, getting
 14 all of that information into Web EPSS and out to the
 15 schools, so the schools can respond and take action
 16 on the areas that were concerns.
 17 They're doing just a great job on that,
 18 continuing to train our governing bodies and support
 19 our new applicants.
 20 We're also gearing up for the new
 21 application review process. And I reported to many
 22 of you yesterday, but also wanted to share with the
 23 whole committee, that in addition to what we have
 24 typically done, which is have a licensed business
 25 manager, as well as a licensed administrator, part

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1 of our review team, this year, we'll also have a
 2 licensed teacher as part of our review teams, which
 3 I think brings some very important perspective to
 4 the process. So we're very excited about that.
 5 In addition, we did just get permission,
 6 and we're working on posting our last vacancy, which
 7 was created when we promoted one of our team members
 8 internally up to a higher level position.
 9 So continuing to build a really strong
 10 team that's doing great work, and we're very proud
 11 and happy to have them.
 12 And then if you want, I'll just move on to
 13 the next item.
 14 THE CHAIR: Okay. I would just like to
 15 say thank you at this point in time for everyone
 16 coming to the -- the listening tour. So we
 17 appreciate the input that the team offered and the
 18 questions that they had the opportunity to answer
 19 for us. So we do appreciate that time and effort
 20 that was put in by CSD and the individual team
 21 members that did come out.
 22 And those of you that made the journey to
 23 Las Cruces, we appreciate it. I, particularly,
 24 appreciate it. So, thank you.
 25 COMMISSIONER JOHNSTON: And, Madam Chair,

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1 may I make a comment also?
 2 THE CHAIR: Yes.
 3 COMMISSIONER JOHNSTON: I attended two,
 4 Director Poulos, of the Charter School Division
 5 trainings. I attended the one on -- I have to look
 6 and see to make sure I've got the correct dates
 7 here -- on Friday, the -- was it -- the 17th. And
 8 it was new applicant training. It was a -- a
 9 requested session.
 10 And -- but I learned a great deal from
 11 being there and listening to the applicants as they
 12 are working through this process with you and with
 13 the Division and the information that you were able
 14 to share. I was very, very -- I learned a great
 15 deal. I'm trying to be specific.
 16 The second one that I have specific
 17 information on is that I attended the governing body
 18 member training, "Understanding the Organizational
 19 Performance Framework." We've been dealing with
 20 performance frameworks here as a Commission. And as
 21 a newer Commission member, Mr. Gloudemans'
 22 presentation really deepened my knowledge of the
 23 requirements of the framework. And I really
 24 appreciate that.
 25 It's made me be better prepared. In fact,

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1 yesterday I was talking with Commission members
 2 about the training schedule, because it was -- I
 3 will continue to attend, because it helps me.
 4 And I have a question, based on our work
 5 yesterday, and then on what I learned.
 6 Do you provide training for new applicants
 7 on writing mission statements?
 8 MS. POULOS: That is incorporated into our
 9 first training with new applicants. And so that
 10 was -- gosh -- back in January or February when we
 11 provided that training; so quite a long time ago.
 12 But, yeah, it's absolutely part of the process.
 13 COMMISSIONER JOHNSTON: Okay. Thank you;
 14 because I just think it's vital, after today's --
 15 the recent renewal folks coming in for questions on
 16 their mission statement.
 17 Thank you very much. Thank you.
 18 THE CHAIR: Thanks. Okay.
 19 MS. POULOS: So in addition, the
 20 Commission does have in front of them the ongoing
 21 tracker that we have. And the areas that have been
 22 updated -- there are some updates to the status of
 23 governing body resignations.
 24 You'll see we do still have quite a few
 25 outstanding resignations that haven't been filled.

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1 We don't have a huge concern, because those schools
 2 are meeting the minimum numbers.
 3 We do still know of resignations that we
 4 have not received the notifications for. And so it
 5 is pretty concerning that that language is in the
 6 contract; it's been part of the contract. And we
 7 have not received notification from schools where
 8 their governing body members have resigned, or there
 9 have been removals; and we still have not received
 10 notice for those schools, and we'll continue to try
 11 and work to get that information.
 12 The other thing that is an update here is
 13 Estancia Valley Classical Academy. They have moved
 14 forward with an appeal of the three-year renewal.
 15 And the appeal is appealing the decision not to
 16 grant a five-year unconditional renewal.
 17 The most recent action in that was, I
 18 believe, a week ago Friday, we received the brief
 19 that the PEC filed. And CSD, on Monday, provided
 20 CSD's brief to the Hearing Officer. And I believe a
 21 hearing is now scheduled for June 9th.
 22 THE CHAIR: June 9th? It will be June 9th
 23 in the a.m. I don't have the exact time. But I'm
 24 assuming it will probably be 9:00.
 25 It's -- they generally set aside somewhere

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1 between four and four-and-a-half hours for that
 2 hearing. As far as I know, it's Mabry Hall. I have
 3 not received the official notification from the
 4 Hearing Officer of the change in the date and time.
 5 I've only received the anecdotal information from
 6 our lawyer that is handling the appeal.
 7 So when I get the official notice, I will
 8 forward it out. But right now, it's kind of hearsay
 9 that it's -- that the date has been changed.
 10 MS. POULOS: And so, then, the next part
 11 of our report is the report on governing body
 12 changes. And we are catching up on some paperwork;
 13 so some of these are a little bit old.
 14 But, again, I just have to compliment the
 15 work of the team. Laurel on our team is the one who
 16 received the internal promotion, and she's just done
 17 a fabulous job handling these, really working with
 18 the schools to get all the information that's
 19 necessary and make sure we have what we need as far
 20 as the notice goes.
 21 I'm not going to go through any of these,
 22 in particular; but I do encourage the Commission to
 23 read through these, because as you have noted in the
 24 past, sometimes some of these letters of resignation
 25 raise concerns for the Commission. And that is part

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1 of why we do have this notice provision is so that
 2 the Commission does have the opportunity to identify
 3 those concerns when they come through. Again, I
 4 encourage you to spend the time looking through
 5 that.
 6 Also in our report is the report on school
 7 closures. And I believe if, you look at your page
 8 numbers, that starts pretty late in this section;
 9 but it is in the -- Page 220. And that's where
 10 you'll see the update from our closure specialist on
 11 both of the closure processes. As you'll recall in
 12 December, there was a vote not to renew Uplift
 13 Community School, and also a vote not to renew Sage
 14 Montessori Charter School.
 15 So we are going through the closure
 16 process for both of those, ensuring that student and
 17 staff files are being retained in the appropriate
 18 way, that property is being disposed of
 19 appropriately. And so you can have the list there
 20 of all the actions that are being taken.
 21 And that is our update.
 22 THE CHAIR: Thank you.
 23 We are now on to Item No. 7, which is
 24 Discussion and Possible Action to Consider Future
 25 Charter Revocation Hearing Regarding Dzit Ditol --

<p style="text-align: right;">Page 66</p> <p>1 DEAP School of Empowerment, Action, and Perseverance 2 Based on Reported Problems with Organizational 3 Structure, Financial Administration and Financial 4 Reporting and Lack of an Education Leader. 5 So good morning, everyone. I'll give you 6 some time to settle in. 7 Director? 8 MS. POULOS: Madam Chairwoman, 9 Commissioners, as you can see in our report, this 10 item was brought forward by a report from the 11 school's former business manager, who did approach 12 one of the Commission members during the Spring 13 Budget Workshop. And based on that report, 14 communication began out of the PED School Budget and 15 Financial Analysis Bureau with that individual. 16 There are affidavits from both the 17 licensed business manager that was working directly 18 with the school, as well as another business manager 19 that is associated, I believe, with the NACA 20 Inspired Schools Network. 21 And in addition, the PED's Audit Bureau, 22 as well as the School Budget and Financial Analysis 23 Bureau did go out and do a snap visit on one Monday 24 morning and took financial documents and observed 25 what was going on with regards to the financial</p>	<p style="text-align: right;">Page 68</p> <p>1 believe. 2 It was reported that when the unlicensed 3 employee who is doing administrating was told that 4 federal grant proceeds could not be used for 5 personnel, that she directed the business manager to 6 violate the terms of the grant and ask for 7 forgiveness later, and that the unlicensed employee 8 has ignored the directions of the business manager 9 in relation to proper procurement processes; and, as 10 a result, purchases have been made by the school in 11 violation of the State's Procurement Code. 12 And, lastly, that the school's business 13 manager resigned after three months due to concerns 14 about the school's failure to follow her directive 15 to ensure compliance. 16 In addition, we did provide you the 17 findings of the Fiscal Year '16 audit. On that 18 audit, there was a significant deficiency identified 19 with regards to internal controls and accounts 20 payable, noting that the school is not in compliance 21 with internal policies and procedures and that those 22 controls are not being followed. 23 In addition, there are concerns about 24 procurement. That's a compliance concern, because 25 the school did not have a Chief Procurement Officer.</p>
<p style="text-align: right;">Page 67</p> <p>1 management at that school, and had some 2 conversations, I think, both with the business 3 manager, as well as the licensed school leader. 4 And the concerns that the affidavits 5 raise, you can see, beginning on the bottom of 6 Page 1 and continuing on to Page 2, the licensed 7 head administrator that is on staff at the school 8 has indicated that she's principal in name only, 9 sort of as a figurehead, and that she does not make 10 decisions; instead, the decision-making is done by 11 an unlicensed individual on staff at the school, 12 that -- that that licensed head administrator is 13 supervised by and given directives by that 14 unlicensed individual, that all budget decisions, 15 staffing decisions and operational decisions are, 16 again, made by that individual rather than a 17 licensed administrator. 18 There were reports that there was a change 19 in paperwork for federal time and labor reporting on 20 a federal grant after the original report was 21 rejected by the licensed business manager, because 22 it did not comply with the terms of the grant. 23 It was reported from the licensed head 24 administrator that the school has implemented a 25 policy of shredding all receipts for travel, I</p>	<p style="text-align: right;">Page 69</p> <p>1 There was also a compliance concern related to the 2 audit committee structure, noting that the audit 3 committee did not include a parent volunteer, as 4 required under the statute; and then also a 5 compliance concern with regards to excess of 6 expenditures over budget. 7 And the Commission will note that in 8 December and in January, the school was included on 9 the PEC's agenda at the request of the School Budget 10 and Financial Analysis Bureau, because the school 11 failed to timely submit financial data and 12 reporting, as required. And at that time, no action 13 was taken. 14 THE CHAIR: Thank you. Good morning and 15 thank you for coming. 16 FROM THE FLOOR: Good morning, 17 Madam Chair, Commissioners. 18 THE CHAIR: If you want to use that clip, 19 that might be easier for you. 20 FROM THE FLOOR: (Speaker complies.) 21 Good morning, Madam Chair, Commissioners. 22 My name is Natasha Cuylear. I'm an attorney with 23 the firm of Johnson, Barnhouse & Keegan. I'm here 24 on behalf of DEAP Charter School. I will let the 25 representatives from DEAP introduce themselves.</p>

<p>Page 70</p> <p>1 DR. JENNIE JIMENEZ: Good morning. I'm 2 Dr. Jennie Jimenez, Head Administrator for DEAP 3 School. 4 MS. SHAYLA YELLOWHAIR: Good morning. My 5 name is Shayla Yellowhair. I am the Governing 6 Council Chair. 7 MS. NATASHA CUYLEAR: First, I'd like to 8 thank the Commission for the opportunity to speak 9 today. 10 For my portion in addressing the 11 Commission, I would like to state my concerns with 12 the evidence presented by CSD today that they 13 presented in support of their recommendation. And 14 then I will turn it over to DEAP's representatives. 15 They would like to provide more background 16 information about DEAP, including DEAP's 17 organizational structure and their current 18 leadership, and how DEAP has been responsive to the 19 concerns expressed by CSD and PED. 20 You know, I think the timing of this 21 matter is important. As of April 24th, 2017, DEAP 22 knew that it was undergoing an audit conducted by 23 the Public Education Department, and DEAP was, and 24 is, fully committed to working with the Department 25 with regards to that audit.</p>	<p>Page 72</p> <p>1 Commission today that CSD has based its entire 2 recommendation today on two affidavits, and only 3 those affidavits. I find that problematic for a 4 number of different reasons; but namely, because 5 from a legal standpoint, it seems improper for CSD 6 to base its recommendation on the words of people 7 who are formerly affiliated with DEAP without CSD 8 also conducting its own investigation to 9 substantiate the claims raised in those affidavits. 10 Now, I realize that the concerns raised in 11 the affidavits, if proven and true, are serious. 12 But I find it highly problematic that CSD is 13 choosing to rely on those affidavits and not, 14 instead, on its own independent and actual findings 15 from a site visit or from an audit. 16 There was a site visit conducted at DEAP 17 on March 15th, and no report has been issued from 18 that site visit. 19 So CSD has noted that the affidavits raise 20 concerns; but it is not clear to me, or to DEAP, 21 what CSD is specifically concerned with. And that 22 is because, in my opinion, they have overly relied 23 on those affidavits without going further to 24 substantiate the claims raised in those affidavits 25 or raise concerns of their own.</p>
<p>Page 71</p> <p>1 Then on May 4th, DEAP receives an e-mail 2 from CSD, which was just last week, last Thursday -- 3 notifying DEAP representatives that they were on the 4 agenda for today's PEC meeting, and that CSD has 5 made a recommendation to the Commission to consider 6 revoking DEAP's charter at a future hearing. 7 You know, this really came as quite a 8 shock to DEAP, especially since they are right in 9 the middle of an audit. And no information from 10 that audit has been provided. 11 I think to complicate matters even 12 further, for the first time last Thursday, CSD 13 presents to DEAP these two affidavits from DEAP's 14 former business managers. And that was the first 15 time DEAP learned of the existence of the affidavits 16 and the information contained in those affidavits. 17 To date, the Charter School Division has 18 not presented DEAP with an opportunity to respond to 19 the issues in those affidavits. 20 The Commission has heard CSD's report. 21 And attached to that report are those two 22 affidavits, one from Kay Gardner, and the other from 23 Donna Overson. And then there's additional 24 information attached to those affidavits. 25 I would really like to point out to the</p>	<p>Page 73</p> <p>1 With regards to the audit, as you know 2 from CSD's report to the Public Education Department 3 Audit Bureau, they are currently conducting an audit 4 of DEAP, and to date, no information has been 5 provided. And since no information from the audit 6 has been provided, it is really difficult to say 7 what DEAP is being asked to respond to today. 8 Is DEAP being asked to respond to the 9 allegations in two affidavits? I mean, I think if 10 that is the case, we would get into a battle of "he 11 said/she said," which I don't think the Commission 12 is interested in entertaining. 13 While DEAP is prepared to respond to those 14 affidavits, I think a response would be both 15 premature and inappropriate, since this matter is 16 already under investigation by the Department. 17 From the school's perspective, it is 18 really difficult to respond to anything in the 19 affidavits without also getting into the audit 20 investigation. And I see those statements as being 21 too closely related to the audit. And that being 22 the case, I would recommend to the Commission today 23 that they table this discussion until the school has 24 been presented with actual findings with which to 25 respond.</p>

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1 The Commission faced this very issue at
 2 its January 15th meeting earlier this year with
 3 La Promesa Early Learning Center. And at that time,
 4 the Commission voted to table PED's request until
 5 independent information from Charter School Division
 6 had been provided.

7 I believe there is no information
 8 independent of the audit that support's CSD's
 9 recommendation. The financial reporting issues
 10 claimed in the affidavits are too closely related to
 11 the audit itself. In fact, the statements from
 12 DEAP's former business managers prompted the
 13 Department to conduct the audit. And as I've stated
 14 before, the audit has not been released.

15 This is the last point I would like to
 16 make. And that is in regards to CSD's contention
 17 that DEAP has problems with organizational structure
 18 and lack of an education leader. Again, CSD has
 19 raised these concerns based on the affidavits, not
 20 its own stated concerns. And, furthermore, DEAP has
 21 not been allowed to go through a Corrective Action
 22 process, while other charter schools, even charter
 23 schools that have had their Board of Finances
 24 removed, which DEAP has not, were given a Corrective
 25 Action Plan and allowed to complete it.

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1 You know, even without a Corrective Action
 2 Plan, DEAP is prepared to address today its
 3 organizational structure, and DEAP's head
 4 administrator is present today to speak, and so
 5 clearly evidencing that DEAP has a -- DEAP does not
 6 lack an education leader.

7 CSD's recommendation does not articulate a
 8 situation where it is appropriate to revoke. The
 9 school has hired a new business manager who is
 10 present today. The school has a licensed head
 11 administrator, whom you will hear from today. And
 12 DEAP has taken all of these steps on its own
 13 initiative.

14 And as you will hear from DEAP's
 15 leadership, ever since the audit was initiated on
 16 April 24th, which is still relatively recent, the
 17 school has complied with every directive from the
 18 Charter School Division and the Department.

19 So these proceedings, they come as quite a
 20 surprise to DEAP, and we would ask that the PEC not
 21 take any action until the audit is complete, and the
 22 school has had sufficient time to respond.

23 I'll now turn it over to DEAP's
 24 representatives. Thank you, Commissioners.
 25 THE CHAIR: Director?

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1 MS. POULOS: Madam Chairwoman and
 2 Commissioners, I just want to be clear, PED -- CSD
 3 has made no recommendation. This item was brought
 4 on a consensus from the Executive Committee. And as
 5 the Commission will note, and the school will note,
 6 there is not a recommendation from CSD in these
 7 materials, because this was not brought on CSD's own
 8 initiative.

9 MS. SHAYLA YELLOWHAIR: Hello. Good
 10 morning. My name is Shayla Yellowhair. I am to
 11 [Navajo spoken] born for [Navajo spoken]. I am from
 12 Fort Defiance, Arizona. I am a former Level I
 13 special education teacher here in New Mexico. And I
 14 am also a mother of three.

15 So I am here today to speak a little bit
 16 of my experience and the story of DEAP.

17 As the Governing Council Chair, Dzit
 18 Ditl'ooi School of Empowerment, Action and
 19 Perseverance is in its second year -- is a
 20 second-year PEC-authorized charter school. And we
 21 provide services to the Navajo Red Lake area. This
 22 is a community on the Navajo Nation, sort of north
 23 of Fort Defiance, Arizona, on the border.

24 We currently serve students in Grades 6
 25 through eighth by providing hands-on, meaningful,

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1 relevant education for the context of our community.

2 Like many reservation communities, we do
 3 struggle with issues, such as the lack of economic
 4 development and opportunity within our community,
 5 poverty, low education attainment, and health
 6 issues.

7 Although our community has many struggles,
 8 that in itself does not stop us from continuing to
 9 work on behalf and with our community to take action
 10 to improve these conditions.

11 DEAP is one facet of those efforts. So we
 12 are one of many efforts within the community, and
 13 it's important to state that, because this is a
 14 community-led effort.

15 Through DEAP, we seek to create empowered
 16 leaders that are able to address community issues
 17 with innovative and meaningful solutions that are
 18 ground [verbatim] in culture, wellness, action, and
 19 service, and agriculture.

20 DEAP was founded in partnership with the
 21 NACA Inspired Schools Networks, NISN, who have
 22 provided DEAP with support and technical assistance.

23 We are making every effort to provide
 24 meaningful, empowering education to our students.
 25 And while DEAP has strived for excellence, we have

<p style="text-align: right;">Page 78</p> <p>1 struggled, as new charter schools have. To start a 2 charter school on the reservation is extremely 3 difficult. Our options for facilities and staff is 4 limited by what our community can provide. Yet this 5 is exactly why DEAP is needed. 6 DEAP is an option for students and 7 families that was not there before. For example, 8 DEAP has created an opportunity for college and 9 career access. DEAP students have visited IAIA, 10 UNM, and will be visiting NAU this month, the 11 Northern Arizona University in Flagstaff. Exposure 12 to college provides our students and families with 13 opportunities that may have not existed without 14 DEAP. 15 Additionally, DEAP is transforming our 16 local community by creating jobs that would not have 17 been there or would not have existed without our 18 existence. 19 We are very proud to be an Americorps site 20 and as well as a community-invested organization. 21 And it's important for the Commission to know that 22 even though -- or even in DEAP's two short years, we 23 have really made a meaningful impact on the 24 community. 25 It's unfortunate that we are here in the</p>	<p style="text-align: right;">Page 80</p> <p>1 people. 2 I have been at Dzit Dit'ooi School of 3 Empowerment, Action and Perseverance, DEAP, as a 4 head administrator for four-and-one-half months. I 5 believe in the mission of DEAP to empower our 6 students to respond to the needs of their community. 7 It is from this base that, as head administrator, I 8 want to encourage the young people, the parents, and 9 the elders of our community. 10 While we have copies of the affidavits, I 11 will not respond directly to them, as we are 12 awaiting the audit findings. However, I would like 13 to take this opportunity to highlight DEAP's 14 innovative approach and impact on the community. 15 As a head administrator at a new charter 16 school on the reservation, it requires many 17 different hats and deep reflections. 18 However, DEAP has created an opportunity 19 to redefine what education for indigenous people 20 should be. It is no easy feat. And each day, we 21 are having to do whatever it takes to provide a 22 balanced education that incorporates Western 23 concepts and indigenous ways of knowing and 24 understanding. We strive to empower our students 25 and community members with knowledge and support to</p>
<p style="text-align: right;">Page 79</p> <p>1 agenda today, as we are just getting started in 2 fulfilling our mission with our community and 3 students. 4 That mission, again, is empowered -- or is 5 based in empowering students in our community and 6 focusing those efforts of our students to change 7 their narrative. 8 I also want to assure the PEC that as long 9 as the community needs us, DEAP will continue to 10 persevere and support students in succeeding. And I 11 am also -- want to say hello to those Commissioners 12 who have visited our community, and I would welcome 13 any other visitors to our community and to our 14 school. 15 DR. JENNIE JIMENEZ: [Navajo spoken.] 16 As I said, I'm -- Chairperson Gipson, 17 members of the Commission, and Director Poulos, I 18 introduced myself previously. I am Dr. Jennie 19 Jimenez. And I'm of the [Navajo spoken] clan and 20 born for [Navajo spoken]. 21 I am a licensed administrator with 22 30 years' -- with over 30 years' experience in 23 education. Most of those services have been in the 24 Bureau of Indian Education. After all these years, 25 it is a blessing for me to come home and serve my</p>	<p style="text-align: right;">Page 81</p> <p>1 transform the world around them. 2 To do this requires a strong leadership 3 team. Based on the team's vision of empowerment, 4 all important matters pertaining to personnel, 5 finance, and operations, are placed on an informal 6 agenda for the weekly leadership team members. The 7 members include the director of the operation, the 8 director of curriculum, and myself, the head 9 administrator, using a shared leadership model. 10 Discussions that lead to resolutions may not only 11 include us, the leadership team, but also others, 12 dependent upon their expertise. 13 As DEAP's head administrator, I take 14 responsibility for those functions outlined by PED 15 and grantors. 16 Being new to DEAP and the charter school 17 world, I acknowledged early on that the other two 18 members of the leadership team, who are also the 19 founders of the school, were highly vested in DEAP's 20 mission and had proven to be capable. Therefore, it 21 was important for me to rely on their experience and 22 their commitment to the community. 23 I have been learning the various processes 24 used in financial matters in collaboration with 25 Director of Operation, Prestene Garnenez. Through</p>

<p style="text-align: right;">Page 82</p> <p>1 her and the third-party business managers from NACA 2 Inspired School Networks, I have gained an 3 understanding in New Mexico State budget, finance 4 and administration practices, grant funding, and 5 DEAP spending. 6 In addition to the financial and personnel 7 matters, I have received training in New Mexico 8 TEACH in order to complete teacher evaluations. I 9 spent time analyzing student data, attendance 10 trends, and history of DEAP to fully understand my 11 role and the potential of DEAP. 12 From my findings, I prepared a midyear 13 report for CSD that improving student truancy, 14 building family relationships, and ensuring the 15 intent of the law pertaining to special education 16 and student rights have been met. 17 In addition, I have met my obligation to 18 inform the governing council about the health of the 19 school. DEAP's governing council holds the ultimate 20 power to approve or disapprove the budget, as well 21 as the hiring and evaluation of me, the head 22 administrator. 23 While they are not directly responsible 24 for the day-to-day operation of the school, they 25 receive reports from the Director of Operation, the</p>	<p style="text-align: right;">Page 84</p> <p>1 MS. SHAYLA YELLOWHAIR: All right. I 2 think, in my opinion, this is like the meat of what 3 we do; right? Like, when you talk about, and you 4 want to hear about successful schools, that is the 5 reason why we need to continue to be in our 6 community and continue to operate. 7 So, highlights of our first and second 8 year: The first thing, this past year, our school 9 letter grade was a C. It was -- of the NWEA scores, 10 89 percent of DEAP students made growth in the 11 winter language NWEA test. 72 percent of students 12 made growth in their winter math NWEA test. 67 13 [verbatim] of the DEAP students made growth in the 14 winter reading NWEA testing. 15 Those percentages are expected to increase 16 in the spring, as our students have really, really 17 been working diligently. 18 The second piece: Community garden and 19 food sovereignty. DEAP students have transformed a 20 former community dump site into a thriving garden. 21 The garden produced foods that DEAP students cooked 22 and shared amongst themselves and with the 23 community. 24 DEAP students placed first in the Navajo 25 Nation horticulture exhibits during the Navajo</p>
<p style="text-align: right;">Page 83</p> <p>1 Director of Curriculum, the Business Manager and 2 myself. While we understand that CSD, PED Finance, 3 and the PEC may have concerns about DEAP, I want to 4 assure you that we are making the necessary steps to 5 continuously improve our practices. 6 We have already hired a new Business 7 Manager, Charlotte Archuleta, who is external from 8 NISN. Ms. Archuleta is highly qualified and is 9 working diligently to ensure DEAP's compliance with 10 PED Finance. Additionally, DEAP has cooperated with 11 all requests from the PED Finance Director, 12 including transferring signatories. 13 The DEAP Governing Council has committed 14 to redefine and strengthen our relationship with 15 NISN. DEAP is committed to providing quality 16 education to the local community. We have made many 17 efforts in recruiting students to increase 18 enrollment for the 2017-2018 school year. For 19 example, we have initiated many wellness, 20 agricultural, cultural programs and events that our 21 students to benefit -- to benefit the local 22 community. 23 At this time, I would like to give the 24 floor back to the Governing Council, Shayla, to 25 highlight some of our successes.</p>	<p style="text-align: right;">Page 85</p> <p>1 Nation Fair this past year. 2 DEAP students led community members in 3 culinary demonstrations, including traditional 4 Navajo steamed corn. 5 DEAP led an agricultural fair for local 6 community that included various presenters, 7 including students themselves. Among these 8 activities were going out and forging in the 9 mountains and collecting indigenous plants, 10 indigenous herbs and then using those same things to 11 cook and present food for the community that was 12 present. 13 Wellness: All the DEAP students have 14 increased their activity levels through their daily 15 walks, runs, hikes, and exercise. DEAP students 16 complete biweekly reflections on their wellness and 17 present their reflections during their student-led 18 conferences. We don't have parent-teacher 19 conferences; we have student-led conferences. 20 Service: DEAP students have helped 21 organize and lead the local community to clean up 22 where there was over 200 tires. And four 23 industrial-sized trash bins were gathered. 24 Finally, DEAP students had designed and 25 created moccasins for local Head Start students.</p>

<p style="text-align: right;">Page 86</p> <p>1 That includes two of my children who attend a 2 day-care center about 100 yards from DEAP. And so 3 that was really great for me, as a parent, to see 4 students learn the process of creating moccasins and 5 then seeing that full circle of my children being on 6 the receiving end. That speaks to me, again, as a 7 parent, on multiple levels, being invested in the 8 cultural piece of the school; right? 9 Finally, partnerships, where we have 10 partnered within a college for STEAM and math 11 circles. And the National Indian Youth Leadership 12 program, and the Tsehootsooi Medical Center, which 13 is the hospital in Fort Defiance, have partnered 14 with DEAP for Project Venture, which is an outdoor 15 education program that promotes wellness and 16 empowerment. 17 And as Dr. Jimenez had mentioned, the 18 attendance and tardies have greatly decreased over 19 the past couple of months, which is something that 20 we, as a council, have really wanted to see in terms 21 of the types of activities that were being 22 presented. 23 Attendance increased. I'm sorry. And 24 tardies decreased. Thank you. 25 MS. NATASHA CUYLEAR: Commissioners, I</p>	<p style="text-align: right;">Page 88</p> <p>1 What's your current student enrollment? 2 DR. JENNIE JIMENEZ: We have a total of 3 24 students. We have five fifth-graders -- I mean 4 sixth-graders; excuse me -- and 12 seventh-graders 5 and eight eighth-graders, I believe. I hope that 6 adds up to 24. And being that we -- 7 THE CHAIR: I'll trust you. 8 DR. JENNIE JIMENEZ: -- being that we 9 intend to add ninth grade next year, our 10 eighth-graders will move on with us. And I have 11 talked with the eighth-grade students, and there's 12 only one who is not real sure; but the rest will be 13 returning. 14 And we have been increasing our efforts to 15 increase the enrollments through going to our 16 chapter meetings. And our chapter meetings have 17 been -- they've been presented by our students; 18 because we feel that they are the best advocates for 19 our school. And I was very, very pleased, in that I 20 would say that if I were to go to another school and 21 just select two students to present to a chapter of 22 adults who are parents and elders of the community 23 and just tell them that this -- what you are -- you 24 need to present about your school, that they would 25 be successful in doing that.</p>
<p style="text-align: right;">Page 87</p> <p>1 think that concludes the statement that DEAP wanted 2 to make today. And if Commissioners have any 3 questions, we stand for those. 4 THE CHAIR: Commissioners, any questions? 5 COMMISSIONER TOULOUSE: Madam Chair? 6 I have a question of Ms. Poulos. 7 If their site visit was March 14th, where 8 is their report on the site visit? 9 MS. POULOS: Madam Chairwoman, 10 Commissioners, as we've noted before, there have 11 been some technical difficulties. I was informed by 12 my staff it has been completed. There is one item 13 left, which is the calculation of instructional 14 hours, to determine whether they meet instructional 15 hours. They're trying to finalize that today and 16 release that report. 17 COMMISSIONER TOULOUSE: Thank you; because 18 I think that's something that the school and we 19 needed, too, before we dealt with that. So I think 20 we ought to let this sit until we have that and 21 their audit. 22 THE CHAIR: Right. And it is unfortunate. 23 We weren't sure if we were -- we were hoping we 24 would have the audit information at this moment in 25 time.</p>	<p style="text-align: right;">Page 89</p> <p>1 And our students, I gave them no cards. 2 They wrote their notes, and they presented and did 3 an absolutely wonderful job. And I think -- and I 4 think that's a testament to our success in -- in 5 empowering them. 6 THE CHAIR: And I know, from earlier 7 discussions, there was a challenge in terms of 8 numbers with just opening; so that the "24" number 9 is, I think, a better number than I thought you were 10 going to have at this moment in time from the 11 challenges when you first opened. 12 So what's your -- do you have a projected 13 estimate for next year's enrollment? 14 DR. JENNIE JIMENEZ: We're looking at -- 15 our ceiling would probably be 44 -- 16 THE CHAIR: Okay. 17 DR. JENNIE JIMENEZ: -- in the current 18 facilities. 19 COMMISSIONER JOHNSTON: Madam Chair, I 20 have some questions. 21 THE CHAIR: Certainly, Commissioner 22 Johnston. 23 COMMISSIONER JOHNSTON: Thank you. 24 I've been writing furiously while you all 25 have been talking.</p>

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1 And my questions come from a sense of
 2 urgency, just about the findings that were already
 3 in our paperwork, and the confusion for you; because
 4 within the minutes -- and I'm certain that that's
 5 what you were notified -- was that we were looking
 6 at revocation. And CSD had not recommended, in any
 7 way, that. But that's a pretty strong word. So
 8 that would be concerning.
 9 Is Ms. Archuleta here?
 10 MS. CHARLOTTE ARCHULETA: I'm right here.
 11 COMMISSIONER JOHNSTON: Ms. Archuleta, are
 12 you a licensed school business official?
 13 MS. CHARLOTTE ARCHULETA: Yes. I should
 14 be a Level II on July 1st. I've already received my
 15 license, and I'm also a Chief Procurement Officer.
 16 COMMISSIONER JOHNSTON: You are. That was
 17 my next question.
 18 Have you been -- do you work full-time
 19 with this school, or a part of your --
 20 MS. CHARLOTTE ARCHULETA: This is one of
 21 my schools. I have three schools.
 22 COMMISSIONER JOHNSTON: What are your
 23 other charter schools?
 24 MS. CHARLOTTE ARCHULETA: Roots and Wings
 25 Charter School and Dream Dine' Charter School.

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1 COMMISSIONER JOHNSTON: Do you live close
 2 by this school?
 3 MS. CHARLOTTE ARCHULETA: No, I live in
 4 Albuquerque.
 5 COMMISSIONER JOHNSTON: You live in
 6 Albuquerque.
 7 MS. CHARLOTTE ARCHULETA: Yes.
 8 COMMISSIONER JOHNSTON: How much time are
 9 you able to devote on-site to the school?
 10 MS. CHARLOTTE ARCHULETA: I probably would
 11 only go quarterly; but I'm available all the time by
 12 phone.
 13 COMMISSIONER JOHNSTON: Okay. And you
 14 have access -- what financial information software
 15 do you use?
 16 MS. CHARLOTTE ARCHULETA: AptaFund right
 17 now.
 18 COMMISSIONER JOHNSTON: Okay. All right.
 19 So you have access to that.
 20 MS. CHARLOTTE ARCHULETA: Yes.
 21 THE CHAIR: Dr. Jimenez, you are the Head
 22 Administrator?
 23 DR. JENNIE JIMENEZ: Yes.
 24 COMMISSIONER JOHNSTON: Who is the
 25 Executive Director?

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1 DR. JENNIE JIMENEZ: We do not have one.
 2 I guess you could give me that title, also.
 3 COMMISSIONER JOHNSTON: I read it. That's
 4 why I'm asking. I read it somewhere.
 5 DR. JENNIE JIMENEZ: I have been called
 6 "Superintendent," also, and probably other names.
 7 COMMISSIONER JOHNSTON: In charter
 8 schools -- here -- yeah. There's a note in your
 9 audit, and it says, "Management's Response."
 10 "The Executive Director is responsible to
 11 assure a trained Chief Procurement Officer."
 12 So you are the Executive Director, also.
 13 DR. JENNIE JIMENEZ: Yes.
 14 COMMISSIONER JOHNSTON: That answered that
 15 question.
 16 Let me -- is the Director of Operations
 17 here?
 18 MS. PRESTENE GARNENEZ: I'm here.
 19 COMMISSIONER JOHNSTON: And you are.
 20 MS. PRESTENE GARNENEZ: I'm Prestene
 21 Garnanez.
 22 COMMISSIONER JOHNSTON: Oh, Ms. Garnanez.
 23 And you are a -- how long have you been on the
 24 school staff?
 25 MS. PRESTENE GARNENEZ: Since we started

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1 the school staff. I'm a school founder.
 2 COMMISSIONER JOHNSTON: You are. So you
 3 fill both of those. So you're a hired staff member.
 4 That's that collaborative leadership team that you
 5 were talking about?
 6 DR. JENNIE JIMENEZ: Yes, ma'am.
 7 COMMISSIONER JOHNSTON: And Director of
 8 Curriculum.
 9 MS. KAYLA BEGAY: I am right here. My
 10 name is Kayla Begay. I'm also a founder.
 11 COMMISSIONER JOHNSTON: So I thought you
 12 were all here. So I've accounted for everybody who
 13 is down here on the team.
 14 So Dr. Jimenez, your team, as the leader,
 15 would you just identify who that collaborative team
 16 is who's here today for me and tell me if there are
 17 any others who are on that team?
 18 DR. JENNIE JIMENEZ: As they've -- you've
 19 already met Prestene Garnanez and Kayla Begay and
 20 myself.
 21 COMMISSIONER JOHNSTON: Okay. So you all
 22 are the leadership team.
 23 DR. JENNIE JIMENEZ: Yes.
 24 COMMISSIONER JOHNSTON: Who has the most
 25 interaction with the school business official?

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1 MS. PRESTENE GARNENEZ: I do.
 2 COMMISSIONER JOHNSTON: You do,
 3 Ms. Garnanez?
 4 Dr. Jimenez, you said you came home. So
 5 you've been in another state working?
 6 DR. JENNIE JIMENEZ: Well, not
 7 necessarily. I -- my last position was a line
 8 officer under the Bureau of Indian Education for the
 9 Northern Pueblos, who's stationed in Española.
 10 COMMISSIONER JOHNSTON: Okay. I --
 11 DR. JENNIE JIMENEZ: But I grew up -- or I
 12 was born -- in Crystal, which is part of the
 13 community that we serve.
 14 COMMISSIONER JOHNSTON: Okay. And so --
 15 DR. JENNIE JIMENEZ: So I retired back to
 16 my home.
 17 COMMISSIONER JOHNSTON: Which is
 18 wonderful. Congratulations.
 19 DR. JENNIE JIMENEZ: Thank you.
 20 COMMISSIONER JOHNSTON: My question came
 21 from the fact that you had made a statement -- or I
 22 understood -- that you were learning a lot about
 23 public school administration, that you had come back
 24 into it, and you were learning about finance and
 25 those -- the operations.

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1 DR. JENNIE JIMENEZ: That's correct.
 2 COMMISSIONER JOHNSTON: Okay. Are
 3 members -- are the curriculum director -- operations
 4 director, are you licensed? Do you hold New Mexico
 5 education licenses?
 6 MS. KAYLA BEGAY: I hold an education
 7 Level I teaching license.
 8 COMMISSIONER JOHNSTON: Okay. And how
 9 long have you been a teacher?
 10 MS. KAYLA BEGAY: I have been a teacher
 11 for about five years now.
 12 COMMISSIONER JOHNSTON: Okay. Do all of
 13 you -- and I'm asking because the nations can be so
 14 vast. Do all of you live -- are you present at the
 15 school site each day, other than the school business
 16 official?
 17 ALL REPRESENTATIVES: Yes.
 18 MS. KAYLA BEGAY: I also teach.
 19 COMMISSIONER JOHNSTON: So you have a
 20 classroom responsibility, also.
 21 MS. KAYLA BEGAY: Yes.
 22 COMMISSIONER JOHNSTON: I think -- really
 23 and truly, our goal is for the school to continue
 24 operation. However, when there are financial
 25 questions that are raised, we need to talk with the

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1 people who are involved so that we can get some
 2 answers. And if there needs to be a Corrective
 3 Action Plan or an Improvement Plan, that's the place
 4 we go. I'm asking these questions because I take
 5 this very seriously.
 6 I would, Dr. Jimenez -- and this is
 7 personal, and absolutely no offense, and I say this
 8 to the entire room. But I would much rather hear
 9 first from the leaders of the school and second from
 10 the attorney. And I don't mean to denigrate in any
 11 way.
 12 Are you affiliated with the school?
 13 MS. NATASHA CUYLEAR: I represent them;
 14 so...
 15 COMMISSIONER JOHNSTON: You represent them
 16 as an attorney. But really and truly, the people I
 17 look to are this collaborative leadership team, the
 18 founders, the business official, because I'm -- I'm
 19 entrusted with seeing that money that comes from the
 20 residents of the State of New Mexico -- and I have
 21 such respect for our state and its vast diversity --
 22 but I'm responsible here, I'm tasked here, I feel,
 23 with ensuring that to the best of my ability, I
 24 understand where things might have happened and
 25 where we are truly on the road to correction.

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1 It sounds to me like programmatically,
 2 you're working diligently, if you've increased your
 3 numbers. I know budgetarily, you're also working
 4 diligently. But I also understand that that's the
 5 foundation of the school is that finance. And so
 6 who interacts?
 7 Ms. Archuleta, with whom do you interact
 8 most often on the phone?
 9 MS. CHARLOTTE ARCHULETA: With Prestene.
 10 It's usually like that. I usually work with the
 11 office manager more than with the principal. I only
 12 usually speak with the principal on real important
 13 matters. I just call them directly or e-mail them.
 14 Okay.
 15 COMMISSIONER JOHNSTON: Now, do you
 16 understand, Dr. Jimenez, when the business official
 17 says, "I only interact with the principal on real
 18 important matters," every matter with finance is
 19 important, because that's every dollar that goes to
 20 the students who are served so diligently by this
 21 school. I would encourage you to immediately take a
 22 more direct role.
 23 We get caught up in instruction as
 24 principals. We got that instruction. But that
 25 finance part of it allows us to provide instruction.

<p style="text-align: right;">Page 98</p> <p>1 So, Ms. Archuleta, I would encourage -- if 2 you all can be on voice, voice calls, and you can be 3 present in the room to ask those questions; because 4 you must be absolutely informed, and you need to 5 learn as much as you can about budget. 6 DR. JENNIE JIMENEZ: Okay. I'd like to 7 clarify. A lot of the correspondence is done by 8 e-mail. And I receive copies of all that. And 9 Prestene's desk is right next to mine. And she 10 informs me completely about the conversations 11 that -- or the background on the conversations. 12 And I think I'm moving rather fast, after 13 four months, that I'm beginning to understand. And 14 on Monday, we are going to have a meeting, Prestene 15 and I, and make another determination as to what I 16 am now ready to take on. 17 COMMISSIONER JOHNSTON: Okay. 18 DR. JENNIE JIMENEZ: So that eventually, I 19 will have the total control of the budget -- not 20 control -- but the workings of the budget and all as 21 I gain the knowledge. And Prestene will move to 22 other areas of management that the school has been 23 planning. 24 COMMISSIONER JOHNSTON: There -- it's -- 25 operations is a -- it's a huge spectrum. Did you</p>	<p style="text-align: right;">Page 100</p> <p>1 presentation, because I recommended that because of 2 the seriousness. 3 But, Commissioner Johnston, I would 4 recommend you go out and visit the school. And I'd 5 be glad to go with you. I've visited the school, 6 and I would be very glad to go with you. Maybe 7 Mr. Conyers would like to meet us there and see the 8 school; because it's a very different deal out where 9 they are on the reservation. And it's an absolutely 10 beautiful place to go to. 11 COMMISSIONER JOHNSTON: And I really -- I 12 appreciate your invitation, and I fully respect the 13 difference. That's why all I was talking about was 14 the handling of the money; because the handling of 15 those dollars enable you to provide this difference 16 that's required. I have great respect for that. 17 And -- but the handling of that money is -- is 18 paramount to providing it. So thank you. 19 DR. JENNIE JIMENEZ: I'd like to just 20 respond and say I agree with you; because I 21 understand that the funds are really -- they 22 represent the people of the State who are paying 23 their taxes. 24 And in the federal government, from which 25 I came, that was -- that was something that was</p>
<p style="text-align: right;">Page 99</p> <p>1 attend the Spring Budget Workshop? 2 DR. JENNIE JIMENEZ: No, I did not. 3 COMMISSIONER JOHNSTON: Okay. Lots of 4 questions. But I just take it very seriously. So 5 I'm asking very direct questions. 6 DR. JENNIE JIMENEZ: No, I appreciate it. 7 COMMISSIONER JOHNSTON: Thank you very 8 much. 9 THE CHAIR: Commissioner Toulouse? 10 COMMISSIONER TOULOUSE: Madam Chair, I 11 want to point out that I did meet with the NACA 12 folks last Friday, and I recommended that because of 13 the seriousness of this agenda item, that they bring 14 their attorney and use the attorney to present, 15 because this was a serious deal that they had not 16 had any advance notice. 17 I'm concerned that this is the second time 18 now this calendar year we've gone directly to an 19 agenda item that says, "Proposed hearing to discuss 20 to propose a hearing." 21 And I think that -- I think this 22 discussion was necessary. But that's what this item 23 should have been, a discussion item for the school 24 to have time to see these documents and to present 25 it. But that's why the attorney, I'm sure, did the</p>	<p style="text-align: right;">Page 101</p> <p>1 constantly repeated is that we must protect our 2 public monies. And I understand that very much. 3 And I am -- and I am committed to that, also. 4 COMMISSIONER JOHNSTON: Thank you. 5 COMMISSIONER CONYERS: Chairman? 6 THE CHAIR: Commissioner Conyers? 7 COMMISSIONER CONYERS: I'd just like to 8 say that I agree with the discussion that this is, 9 you know, some serious issues but would be 10 premature, I think, to take any action. 11 And I was impressed by the accomplishment 12 of your students, especially a small school and all 13 the things you've done. 14 And I appreciate the invitation. I would 15 like to come visit. I haven't been traveling as 16 much recently; but now I have a new "chitty," so I 17 think I can get around a little better. Thank you. 18 THE CHAIR: Commissioner Armbruster? 19 COMMISSIONER ARMBRUSTER: I think I can do 20 this without this microphone. 21 Yes. I just had a couple of questions. 22 And I'm sorry I'm not listening fast enough and 23 getting all your names. So I apologize. But is 24 it -- are you Kayla? 25 MS. KAYLA BEGAY: I am Kayla.</p>

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1 COMMISSIONER ARMBRUSTER: So this is your
 2 fifth year as a Tier I; so you are applying --
 3 MS. KAYLA BEGAY: I was a pre-level
 4 teacher for two years. And then this is my second
 5 year as a Level I. So I am working toward Level II,
 6 yeah.
 7 COMMISSIONER ARMBRUSTER: Yeah. You would
 8 definitely want to do that. The money.
 9 Well, that's -- it is. And, Prestene,
 10 your job is?
 11 MS. PRESTENE GARNENEZ: I'm the Director
 12 of Operations.
 13 COMMISSIONER ARMBRUSTER: What does that
 14 exactly mean, in people who don't -- I have a huge
 15 learning curve, too. I understand, Dr. Jimenez,
 16 yours.
 17 MS. PRESTENE GARNENEZ: I think
 18 definitely, initially, when we started out the idea
 19 for the Director of Operations was to help to
 20 continue to build out the infrastructure of the
 21 school.
 22 If you come out to where our community is,
 23 it's the reservation; so we don't have a lot of
 24 resources. And just to start our school required a
 25 lot of planning and coordination with a number of

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1 different entities just to bring those two buildings
 2 that we operate out of.
 3 As we grow, we're going to need more
 4 facilities to put our students in. And so that was
 5 one of the major and first tasks that I initially
 6 started to work on.
 7 I also am in charge of the food services
 8 that we have for our school. So we provide
 9 breakfast and lunch to all of our students. So I
 10 oversee that program, as well.
 11 And initially, we were looking at having
 12 transportation. But since then, we've been sort of
 13 blocked out of transportation monies for our school;
 14 so we're looking at what sort of different
 15 alternatives there might be out there for our
 16 students.
 17 But over time, because we've had some
 18 struggles with bringing on a head administrator,
 19 some of the tasks, like the finances, sort of fell
 20 to working with me while we were waiting for a head
 21 administrator to start at the school. And so -- but
 22 I have to admit that I really did rely on the
 23 business managers that we had to help guide all of
 24 that.
 25 We also had some struggles with business

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1 managers through the network. In the two years that
 2 we've been here, we've had -- Charlotte is our fifth
 3 business manager.
 4 So, you know, I recognize that the process
 5 for it may not have been perfect; but, you know,
 6 I -- I felt like I filled a void that needed to be
 7 filled while we were waiting for a head
 8 administrator.
 9 So Jennie has started four months ago.
 10 And we're really glad that she's there. I had been
 11 asking her, also, you know, like, in terms of
 12 long-term planning, what her plans were for the next
 13 school year. And so that was open for a while. But
 14 she has since committed to that. And so that takes
 15 on a different stance when we want to think about
 16 the future.
 17 And I'd really like to move back into the
 18 space of the Director of Operations, and really
 19 looking at building out the school, because that
 20 needs some serious attention.
 21 We want to basically double in size for
 22 our students. And right now, we're only limited
 23 because of the number of rooms that we can provide
 24 as classroom space for our students. We want to
 25 grow much larger than that. And so that requires

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1 that attention to build that out.
 2 So I spend a lot of time looking at grant
 3 funding and how we can raise capital, how can we
 4 collaborate with not only the county and different
 5 governmental entities, like the Navajo Nation and
 6 the county, or private entities that might be
 7 willing to donate. That's some of the stuff that
 8 I've also been trying to move forward, as well.
 9 COMMISSIONER ARMBRUSTER: So would it be
 10 accurate for me to say you're kind of running the
 11 school in a lot of ways, because you began it, and
 12 you've had to help with the finance and help her --
 13 your learning curve and what you're doing? So
 14 you've kind of had to oversee everything?
 15 MS. PRESTENE GARNENEZ: But I felt like
 16 I've made a real commitment to continue to, if we've
 17 had head administrators; and also to Kayla, I've
 18 made a real commitment to keeping everybody informed
 19 and getting that collaborative input.
 20 While it seems like that, that's not the
 21 case. There's been many times we meet on a weekly
 22 basis. We talk with the head administrators. I
 23 brief Jennie throughout the day to what's happening
 24 as a way to get her familiar with some of the issues
 25 that we're facing, not just with financial matters,

1 but with everything.

2 So if we're planning out what's happening
3 with the garden, you know, we let her know. If we
4 are going to be doing a similar program, we let her
5 know.

6 So I don't think I've been running the
7 school. But it's come -- it's always come from this
8 place of a collaborative effort. And I think if you
9 look at -- I think it's in your packets, one of the
10 e-mails that Kay Gardner sent, stating she wasn't
11 our business manager. The very first e-mail in
12 there is from me to Kay, in which I clearly state,
13 "This is the budget as a result of meeting with the
14 budget committee, with the overall governing
15 council, and with the leadership team."

16 I do my very best to keep everybody
17 involved. I keep them informed. I talk to Shayla.
18 You know, I talk to the Governing Council members.
19 I give the reports at the meeting. So I don't feel
20 like I'm the one single leader. I've been doing
21 what I feel like is best for the school is to work
22 collaboratively with people.

23 COMMISSIONER ARMBRUSTER: And another
24 question I have is it's a little concerning to me --
25 doesn't mean I'm doing anything, just expressing

1 that it's of concern -- that you've had four or five
2 different business managers. And I'm kind of
3 wondering -- someone, take your pick, could kind of
4 explain why that seems to be occurring.

5 I see you all raising your hands at the
6 same time. Everyone's looking down. I got it.

7 MS. PRESTENE GARNENEZ: I guess I can
8 speak to that. Up until roughly a month -- three
9 weeks ago, when we -- when we hired Charlotte, we
10 were using the business management services through
11 the NACA Inspired Schools Network. So we had a
12 business manager who -- who helped us with the
13 school when we were going through the application
14 process. She was our business manager all the way
15 up through June of last year.

16 And then she left rather abruptly. And I
17 can't speak to why she had left. But she had also,
18 I guess, been responsible for bringing on another
19 business manager, who was supposed to be learning
20 from her.

21 He started, I believe, in March of 3/16.
22 [Verbatim.] And we were working with him throughout
23 most of the summer. And it's my understanding that
24 Kay Gardner was then hired in July or August of
25 2016, and that she would provide oversight to the

1 business manager that was specifically working with
2 us.

3 But, again --

4 COMMISSIONER ARMBRUSTER: But he had a
5 license, the one who was being mentored by the
6 person who left?

7 MS. PRESTENE GARNENEZ: Yes.

8 COMMISSIONER ARMBRUSTER: And then they
9 hired Kay, because?

10 MS. PRESTENE GARNENEZ: You'll have to ask
11 the -- the leaders of the NACA Inspired Schools
12 Network.

13 COMMISSIONER ARMBRUSTER: Okay.

14 MS. KAYLA BEGAY: But ultimately, the
15 arrangement we had from the Business Manager meant
16 services coming from NISN did not work. So we have
17 made the efforts to separate ourselves from that and
18 bring on our own Business Manager; because that's
19 what we know we need to do.

20 COMMISSIONER ARMBRUSTER: Okay. Yield for
21 a minute. I may be back.

22 COMMISSIONER JOHNSTON: I -- that --

23 THE CHAIR: I want to just say that I also
24 had an opportunity with the folks from NACA. And I
25 know there's challenges with what technical support,

1 and I think there's work that needs to be done. And
2 I -- and my concern has -- beyond the financial,
3 because we really can't address a lot of that right
4 now, because we don't have that -- unfortunately,
5 the audit report.

6 And I'll just let the Commissioners know
7 that the wording came through our AG's attorney; so
8 that's why the wording is what it is. But I do have
9 a concern about what has been expressed about the
10 head administrator not being fully involved in the
11 day-to-day running of the school.

12 And I appreciate the feet on the ground
13 and the full immersion that has to take place, and
14 I -- that there is a -- maybe there was just poor
15 communication in terms of what the role and
16 responsibility of a head administrator is; because
17 it does differ, in a charter, than many traditional
18 schools. Because it does encompass that role of
19 Superintendent, as you've sometimes been referred
20 to, and Executive Director, that it's -- it is far
21 more hands-on, especially in the finances, than it
22 is in many traditional schools, because there is
23 many other individuals that often are hired through
24 traditional schools that handle many of those.

25 So that it is concerning, when a school

<p style="text-align: right;">Page 110</p> <p>1 has made the absolute effort to increase the 2 enrollment and survive, which, when you first 3 opened, I think we all held our breath, because 4 there was a concern because of -- it appeared 5 challenges with facilities were certainly there, and 6 challenges with enrollments; so that there was a 7 concern. 8 And you've -- you've done a great job in 9 reaching out to that community and showing that you 10 are committed to the community, and you are 11 servicing your community well, and you're reaching 12 those goals. 13 But there's that leadership. And through 14 that leadership gap, I think the finances are 15 falling through the cracks. And it's not 16 intentional. But I think that there is some serious 17 training and conversation that has to go on in terms 18 of who's responsible for what, and that those lines 19 are clearly defined, and that you have 20 heart-to-hearts about, "This is -- this is -- this 21 is what needs to be done, and this is what I do, and 22 this is what you need to do." 23 And, unfortunately, the learning curve 24 needs to be over. That's the bottom line, you know, 25 that when you take on the role of the head</p>	<p style="text-align: right;">Page 112</p> <p>1 DR. JENNIE JIMENEZ: I -- let's see how I 2 can get my mouth to work with my brain. I 3 intentionally addressed how I do the job at the 4 school to give you a picture of what is actually 5 happening at the school. 6 I cannot be responsible for someone else's 7 words; because I would have some contentions about 8 that. I cannot attest to their veracity, and I 9 don't wish to. I can only be responsible for 10 myself. 11 And I am being the administrator of the 12 school. And my name goes on the document that says 13 that I am responsible. And I do accept that 14 responsibility. 15 And -- is it Monday? We're at a point now 16 where Monday, we can sit down and really start 17 redefining, again, who's going to be responsible for 18 what task. And that will -- and I think at a later 19 point, we can make that sort of information 20 available. 21 COMMISSIONER JOHNSTON: I have a question. 22 THE CHAIR: The head of the Governance 23 Council wants to speak. 24 MS. SHAYLA YELLOWHAIR: I am -- I'm 25 sitting here. And I'm -- you know -- with my</p>
<p style="text-align: right;">Page 111</p> <p>1 administrator, it can't be, "I'm still on the job 2 learning." 3 There has to be a clear -- "This is what 4 you are responsible for." There is technical 5 support that's going to come; but the bottom line is 6 the buck stops with you, with this. And it's 7 worrisome when the Director indicates that as far as 8 her conversations are concerned, it's administrators 9 in name only, and that the day-to-day running is 10 being handled by others in the school. 11 And I appreciate the geographic issues 12 with not having a business administrator who can be 13 there on a regular basis. And with the 21st 14 century, we certainly can communicate 15 electronically; so that's -- you know, it would be 16 nice in the best of all worlds. But when we get 17 outside of this area, it becomes more and more of a 18 challenge for those financial people to be able to 19 be physically hands-on as much as we would really 20 like. 21 But we certainly hope that those 22 electronic lines of communications are there. 23 DR. JENNIE JIMENEZ: May I make a short 24 response? 25 THE CHAIR: Certainly.</p>	<p style="text-align: right;">Page 113</p> <p>1 experience as a -- as a special education teacher 2 and also working for an organization that is very 3 much based on a lot of Western-dominant ideals and 4 values, as a Diné woman, as a mother who values my 5 cultures and my tradition and my language, I also 6 must face the task to exist and survive in this 7 world that, for so long, has, you know, pushed the 8 erasure of -- have made me invisible; right? 9 And so I think it's also important to also 10 state that, like, DEAP was created with the idea 11 that we push boundaries of what education can look 12 like for our children, because they must also be 13 able to be strong, indigenous people, whether they 14 are Diné, whether they are from a pueblo, whether 15 they are from Apache, wherever they are from, that 16 they must learn and they figure out for themselves 17 what it is to value that, but also be able to 18 survive in this world. 19 And so with that mindset of, like, you 20 know, we're here to push boundaries and to really 21 figure out how this can work for us and how we can 22 survive in a system that was based on us not being 23 at the table to begin with; right? 24 And I think that it's important to also 25 say, like, we're -- we're trying to figure out what</p>

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1 that means; right? So when we say, "shared
2 leadership," it's -- it's in the spirit of figuring
3 out what our personal strengths are and how can we
4 all add to the running of whatever it is --
5 right? -- whatever decision it is.

6 We're also bringing in students. We're
7 also bringing in families. And I think that's
8 different. And I'm not saying that we're the only
9 ones that do that. That's not what I'm saying. But
10 I'm saying, like, in the values that we bring as
11 indigenous people and as indigenous women, that it
12 is our task to ensure that we are all taking part in
13 the collective strength of what the school can mean
14 for students and families.

15 That said, I also recognize the importance
16 a head administrator, with the title that, like, has
17 weight in the system that we are currently existing.
18 And so, you know, I think there definitely are areas
19 of growth. And I just wanted to make that point
20 that, like, these are the things that we think about
21 on a daily basis. And these are the things that
22 we're pushing our students to think about. And
23 these are the things that we want, ideally, the
24 community of Navajo, Red Lake, Fort Defiance,
25 Crystal, you know, the surrounding areas, indigenous

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1 teasing. And I shouldn't do this; because this is
2 very serious. But you're -- that's the way it was
3 in the audit findings. But I encourage you, as a
4 group of indigenous females, to get that paperwork
5 out and look at that together and make sure that the
6 responses that you need to make to the Public
7 Education Department, to Budget and Finance, and to
8 Charter School Division, that you do that in a
9 timely manner, and you make that your priority.

10 And Dr. Jimenez, you assign that to one
11 person or another. Is everyone who was a founder of
12 school here to see? So everyone who was the entire
13 founding council is here with us today. So
14 tremendous job.

15 And Dr. Jimenez said it. I'm not going to
16 restate it about budgets; because you're providing
17 opportunities to the young people. And that's why
18 the budget is so sacred to us. I think that -- I
19 wanted to find out who your analyst was.

20 Ms. Archuleta, you're not affiliated with
21 NACA. You told me, and I lost that in my memory.

22 Do you work independently? Or are you with a --

23 MS. CHARLOTTE ARCHULETA: Yes.

24 COMMISSIONER JOHNSTON: How did they find
25 you?

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1 education can look different.

2 And so -- and I think that's also a part
3 of what NACA and NISN also bring for the team. So I
4 want to just recognize that.

5 COMMISSIONER JOHNSTON: And if I may ask
6 my question? Who is your school business -- your
7 finance analyst, your budget analyst who's here at
8 Public Education Department?

9 MS. CHARLOTTE ARCHULETA: Veronica Chavez.

10 COMMISSIONER JOHNSTON: I'm sorry?

11 MS. CHARLOTTE ARCHULETA: Veronica Chavez.

12 COMMISSIONER JOHNSTON: Veronica? You
13 work with Veronica on this?

14 MS. CHARLOTTE ARCHULETA: Yes.

15 COMMISSIONER JOHNSTON: Last year's audit
16 findings, if I'm reading this paperwork, there's
17 still -- submit financial data again. And last
18 year's audit findings have they all been addressed.
19 You have a procurement officer; you told me that.

20 MS. CHARLOTTE ARCHULETA: Yes.

21 COMMISSIONER JOHNSTON: Let's see. The
22 Executive Director was responsible for -- did you
23 hire the procurement officer, Dr. Jimenez?

24 DR. JENNIE JIMENEZ: Yes.

25 COMMISSIONER JOHNSTON: Okay. So -- I was

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1 MS. CHARLOTTE ARCHULETA: I think I was
2 recommended by Deana Gomez.

3 COMMISSIONER JOHNSTON: All right. You
4 were very correct when you said you had to find your
5 own school business official. Oftentimes, we don't
6 come to that quickly enough. So, thank you.

7 THE CHAIR: Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Madam Chair, I
9 want to say, in the middle of this, I don't want
10 these two people here to get lost. And Kayla and
11 Prestene, they have done a yeoman's job and had to
12 learn a lot on the run, too, as well as Shayla. But
13 these two, I worked with during their start-up year,
14 their application, their start-up year, their
15 contract, all of that. And I think very highly of
16 their -- of them, the abilities they've shown to
17 learn stuff they didn't know to begin with.

18 And just having to get through the tribal
19 part of this before you even get to the State of New
20 Mexico part of this, and understand that you have
21 those two entities that are often fighting with each
22 other, I think is amazing.

23 I don't know if this means anything. But
24 on TV last night, I saw that APS is trying to get
25 rid of a whole bunch of their buildings, the

1 portables. So whether that means anything or not, I
2 thought I'd throw that in for you; because I do
3 know -- I have seen tremendous growth in these two
4 women over these several years.

5 So, thank you.

6 THE CHAIR: They are auctioning off their
7 portables. Unfortunately, what ends up happening,
8 we're finding, is the cost of transporting them and
9 so on is so extraordinary. It doesn't pay -- you
10 know, you think you're getting a good deal, and
11 they're -- I saw pictures of them. So they're not
12 in the greatest shape, either.

13 COMMISSIONER TOULOUSE: Maybe they can get
14 a tribal council person to come up with the money
15 for that.

16 THE CHAIR: It is challenging; because the
17 pads are very expensive to also pour for them. So
18 that you think it's a good option; and oftentimes,
19 it's really -- it's not a financially good option
20 for the schools. And that's -- that's the shame.

21 And I'm facing that with a new applicant,
22 even in Cruces, in finding a facility. So that's --
23 it does present a lot of challenges.

24 Commissioner Armbruster, did you want
25 to --

1 The other thing I wanted to check on is
2 have you addressed the audit findings from last
3 year, Charlotte?

4 MS. CHARLOTTE ARCHULETA: No.

5 COMMISSIONER ARMBRUSTER: I guess it's
6 dumped in your lap.

7 MS. CHARLOTTE ARCHULETA: When I came in,
8 the budget was due. Everything was due right away.
9 So I've been working on that, and paying, like,
10 liabilities and making sure the payrolls run, like
11 the day-to-day.

12 So my goal is to visit the school in June
13 and implement processes and procedures to make sure
14 that -- to ensure the finances are being --
15 everything is being done correctly and that they're
16 in compliance.

17 COMMISSIONER ARMBRUSTER: So there were
18 some findings, I guess, last year that you will have
19 to address? And that's what you're planning to do
20 in June.

21 MS. CHARLOTTE ARCHULETA: Yes. I'm going
22 to go through that. And I'm working with Jennie and
23 Prestene on our visit, what needs to be done and the
24 processes that need to take place and for the
25 future.

1 COMMISSIONER ARMBRUSTER: Yeah. I do want
2 to commend you on all that you've done. And I know
3 that if I were sitting where you are, I'd think,
4 "What are they? They're just picking on me.
5 They're picking on me."

6 I think that's not true. I admire every
7 one of you. I particularly admire that you're all
8 females -- I can say that -- because that's where
9 the strength lies. That's why women make a
10 difference in this world.

11 And I can understand the difference
12 between the indigenous cultures and having to deal
13 with Western education and the things. And I know
14 that you've obviously been educated; so you know
15 that divide, and you've been able to go over it.

16 And I think it's really important that
17 because it's a public school, you have to play the
18 game, so to speak. And in terms of having an
19 administrator, and in terms of the finances. I
20 mean, you're, of course, open for doing a private
21 school, which I'm sure that you can't fund, because
22 it's hard enough just working with public funds.

23 But I did want to acknowledge that. But
24 you have to. You know, it's one of those
25 "yeah-buts."

1 And I actually -- they've hired me for the
2 next two months. And if everything goes okay, I
3 might continue on in July.

4 COMMISSIONER JOHNSTON: And they're --
5 just to piggyback on that, you're aware that what
6 this means, this delay, is that you're looking at
7 repeat findings. And that's not -- so just -- I
8 won't overlay that, because it hadn't been
9 addressed.

10 COMMISSIONER ARMBRUSTER: And that was one
11 of my concerns that I would never open a charter
12 school. There is just so much to do, and it's
13 never-ending. It's a 24/7 job.

14 I wanted to see -- I know you all have
15 been here a few times, and I know that the issue has
16 been how to hire an administrator who would stay and
17 be there and do all that.

18 And I'm not sure what the trouble is. Why
19 do you think -- you want an indigenous person or
20 not, as the case may be -- because they would share
21 your values and culture. But it seems like we've
22 changed a lot. Hope you're here for a while. But
23 can you address that?

24 MS. SHAYLA YELLOWHAIR: Yeah. So as the
25 Governing Council President, I've also -- I sit on

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1 the hiring committee. And we have, one, the pool of
2 people who are willing to come to Navajo and
3 understand that, like, right now, we don't have
4 housing for you; but we are going to work with the
5 community entity to get that. Big thing.

6 Number two, if you have a family, we do
7 have schools in the area; but, again, we can't
8 guarantee housing at this time. If you want to --
9 so a part of that conversation, people have often
10 asked, "Okay. So what's the nearest place that we
11 could live?"

12 And that's in Gallup, New Mexico, which is
13 50 minutes away. And oftentimes, during the winter
14 months, from November to -- even it snowed two days
15 ago; right? The road that gets from Navajo to
16 Gallup is often -- one, it's not well-maintained
17 when heavy snow and ice and whatnot. So that's a
18 common concern for people who are coming from Gallup
19 into Navajo.

20 All that said, the candidates that we
21 have -- so in our -- in our -- in our process to
22 open the pool, but also to evaluate whether somebody
23 would be a good fit -- because I think that is the
24 most important, to get to longevity, meaning
25 somebody who is willing, one, to learn alongside us,

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1 Gallup-McKinley County Schools. She had a grandson
2 that's a part of the school. And so we were looking
3 for individuals who have a vested interest and who
4 know about us.

5 And also, Dr. Jimenez was retired; so it's
6 a conversation we really -- we want somebody who is
7 a good fit and is willing to take the risk of not
8 always having all the answers right then and there.
9 And that's, again, coming to -- we have a -- one gas
10 station. We have three schools. We have a market.
11 And that's what we have.

12 And so, you know, there's a -- there's
13 a -- something to do with the ruralness and
14 something to do with the amount of opportunities for
15 spouses, as well. And I think this is also an issue
16 that teachers who are coming into the field of
17 education also face. So we want to come into a
18 community and work and live.

19 I would also say, just broadly, as a Diné
20 woman, I couldn't actually go home and find my own
21 place or house to live. I had to go back to my
22 parents, because there's no housing available.

23 So there is multiple structural challenges
24 and systematic challenges that I would say at
25 present.

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1 and, two, is a good fit for our community and our
2 kids and, ultimately, the school, we have, based on
3 the values of our school, based on the mission and
4 the vision of our school, compared -- we have a
5 rubric, basically, that we screen candidates
6 through.

7 And so a majority of our candidates that
8 have -- and we've had maybe four. So it's, like --
9 and that's from the beginning of the school. First,
10 it was extremely hard to get somebody just through
11 the application process. When we finally did find
12 somebody who was the former head administrator or --
13 I don't know what they call them -- at Uplift --
14 right? -- he was coming in from Gallup. There was
15 the same problems. No housing. His ability to be
16 there full-time was a big issue; and, also, because
17 he was living in Gallup and had family issues.
18 There were personal things that pulled him away from
19 the job, not necessarily any of the other things
20 that I had mentioned; but those were also part of
21 the conversation.

22 So with Dr. Jimenez, as -- when I was
23 working in the -- in Navajo Middle School -- it's a
24 school, like, a half-a-mile away, across the
25 street -- I also worked with her as a -- within

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1 COMMISSIONER ARMBRUSTER: And prior, for
2 these other findings that you had last year, was
3 anybody addressing those for the audit findings.

4 MS. SHAYLA YELLOWHAIR: So at the GC
5 Council, we also received reports on this. And it
6 is my -- I can't speak to the specific -- because I
7 don't have the report in front of me, or, like, the
8 audit findings that you're specifically talking
9 about, so I don't want to be -- I don't want to
10 misspeak. But I do know that we have made efforts
11 to -- what is it? -- to correct those audit
12 findings.

13 MS. KAYLA BEGAY: One of the findings
14 included that we didn't have a parent member on the
15 audit committee. And we have since found one. So
16 that has been corrected. We'll make every effort we
17 need to correct those.

18 THE CHAIR: So does your finance committee
19 meet regularly?

20 MS. KAYLA BEGAY: Uh-huh.

21 And it does report to the GC.

22 MS. SHAYLA YELLOWHAIR: Yes. Yes. So --
23 yes.

24 THE CHAIR: Director?

25 MS. POULOS: Madam Chairwoman,

1 Commissioners, I just wanted to correct a statement
2 that was made about the last time that this school
3 was on the agenda. It sounded like the statement
4 was made that they were brought on as a potential
5 revocation.

6 And this was part of the Charter School
7 Division's report. And simply, the item was "Budget
8 reporting concerns." So I just wanted to make sure
9 that was clear on the record.

10 THE CHAIR: Right. That didn't enter into
11 the discussion.

12 Commissioner Crone?

13 COMMISSIONER CRONE: Excuse me. This is
14 not directly related. I'm a new Commissioner. And
15 my Diné is a little bit rusty, as in nonexistent,
16 except the greeting that you give.

17 So what is the pronunciation and means of
18 your Diné name.

19 MS. KAYLA BEGAY: So is it Dzit Ditl'-ooi.
20 Dzit Ditl'-ooi. "Dzit" is the Navajo name for
21 "mountain." "Ditl'ooi" roughly translates to
22 "fuzzy" or "hairy." Because if you go to our
23 community, we have a beautiful mountain which we
24 call "Fuzzy Mountain." So Dzit Ditl'-ooi.

25 COMMISSIONER ARMBRUSTER: And that's why

1 board are very deeply involved in the correction of
2 last year's audit findings; because that could
3 result in audit findings this year.

4 And you certainly want to get out of
5 that -- and get -- it seems like you have a good
6 business official; but effort, urgency, in this
7 budget.

8 Thank you.

9 THE CHAIR: Any other discussion? I'll
10 just say hopefully, as a result of the audit
11 finding, we won't see you here. Not that we don't
12 appreciate your attendance; but I'm hoping that
13 those audits findings will come out in a positive
14 manner.

15 COMMISSIONER TOULOUSE: Madam Chair, if we
16 do end up having hearings in Gallup this summer on
17 any schools, I would suggest that we take half-a-day
18 during our time and go visit this school.

19 THE CHAIR: Right.

20 COMMISSIONER TOULOUSE: That's not a
21 motion. That's just a suggestion, that I think it
22 would be very helpful for the people -- some of us
23 here, like I know Tim and Jim and I have a better
24 picture of the reservation, I think, than a lot of
25 people. It's not Los Alamos; it's not Albuquerque;

1 we call it "DEAP."

2 COMMISSIONER CRONE: Yeah. I'm just as
3 rusty as ever.

4 THE CHAIR: Commissioner Toulouse, is your
5 finger on the speaker for a reason?

6 COMMISSIONER TOULOUSE: Madam Chair, if
7 we're ready, I would like to move that we table this
8 Item 7 for discussion in the future when we have all
9 the reports.

10 THE CHAIR: All the audit -- yes.

11 COMMISSIONER TOULOUSE: Audit findings and
12 any of the other reports we need from the school.
13 And I also would like the site visit report.

14 COMMISSIONER RUIZ: (Indicates.)

15 THE CHAIR: Correct.

16 COMMISSIONER TOULOUSE: Thank you.

17 THE CHAIR: And there was a second by
18 Commissioner Ruiz.

19 COMMISSIONER JOHNSTON: And discussion.

20 THE CHAIR: Discussion.

21 COMMISSIONER JOHNSTON: And I agree with
22 the motion. My -- there's a sense of urgency. And
23 the word "effort," we're making an effort. And it's
24 a must. And I hope that the head school
25 administrator and the chair or the president of the

1 it's not -- and I think that would be a perfect
2 time, if we do have any hearings there, even though
3 it would be in the summer, I'm sure they wouldn't
4 mind showing us what they have.

5 Thank you.

6 THE CHAIR: And I appreciate that thought.
7 And there's a possibility we'll be in Gallup. It
8 hasn't been firmed up yet. So we'll -- that's to be
9 determined at a later date.

10 COMMISSIONER TOULOUSE: I was just putting
11 that in as a comment on the --

12 THE CHAIR: I appreciate your suggestion.

13 If there is no other comment, we'll take a
14 roll-call vote on the motion.

15 COMMISSIONER ARMBRUSTER: Commissioner
16 Gipson?

17 THE CHAIR: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Crone?

20 COMMISSIONER CRONE: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Armbuster votes "yes."

<p style="text-align: right;">Page 130</p> <p>1 Commissioner Conyers? 2 COMMISSIONER CONYERS: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Ruiz? 5 COMMISSIONER RUIZ: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Johnston? 8 COMMISSIONER JOHNSTON: Yes. 9 COMMISSIONER ARMBRUSTER: That is a 10 seven-to-zero vote. The motion passes. 11 THE CHAIR: The motion passes, seven-zero. 12 DR. JENNIE JIMENEZ: May I make a closing 13 statement? This is going to be a personal statement 14 from me. 15 I really appreciate the fact that 16 education has evolved to include us to make our own 17 school. And I think that's really a step forward; 18 because I remember when I had to go into school for 19 the first time. And at least I knew English when I 20 started school. My brothers and sisters did not. 21 And I remember one of my sisters came -- 22 came home -- she stayed in the dorm. And she came 23 home at Christmas time. And this -- she was in, I 24 believe, like, our equivalent to kindergarten. And 25 she spoke English with this really heavy Southern</p>	<p style="text-align: right;">Page 132</p> <p>1 was sent electronically. But it was sent. 2 THE CHAIR: After the fact. 3 MS. FRIEDMAN: On Tuesday, I believe, or 4 on Wednesday. And it was printed in your books. 5 And the only way I could get it printed was to make 6 it very small. And so -- 7 THE CHAIR: She's calling us old. We 8 can't read small print. 9 MS. FRIEDMAN: Our CSD staff graciously 10 printed it larger for us, today. 11 THE CHAIR: I appreciate this; because 12 this is in the, at extra cost, large-print version. 13 Okay. Thank you. 14 COMMISSIONER TOULOUSE: Yeah, I got it, in 15 the small-print version. 16 THE CHAIR: On the phone, it is very 17 difficult. So that for those Commissioners that 18 were not involved, this was worked on by a 19 subcommittee of the Commission. And we met -- when 20 did we meet? 21 MS. PATTY MATTHEWS: April 25th. 22 THE CHAIR: The Tuesday of our -- 23 COMMISSIONER ARMBRUSTER: April 25th. 24 THE CHAIR: We met the Tuesday morning 25 before we went to Española that afternoon for the</p>
<p style="text-align: right;">Page 131</p> <p>1 draw. 2 So -- so I -- I just -- I commend you for 3 having the foresight and the charter system to help 4 us to develop a school that will be a right fit for 5 our people. And thank you. 6 THE CHAIR: I appreciate that. I live not 7 too far from Jim Thorpe, Pennsylvania; so more than 8 unfortunately familiar. 9 And I'm going to ask for a five-minute 10 break before we move on to the next item. 11 (Recess taken, 11:41 a.m. to 11:55 p.m.) 12 THE CHAIR: We are now back and on to 13 Item No. 8, Discussion of Possible Action on the 14 Proposed La Promesa Corrective Action Plan. 15 And that's what we have -- yes. And so 16 that -- for the Commissioners, that is this that was 17 (indicates) left today. Unfortunately, it is just 18 now that some have been able to look at this. It 19 wasn't electronically submitted with the agenda 20 items, because it was not yet finalized when our 21 agenda items came out. 22 Correct? 23 COMMISSIONER JOHNSTON: I think I received 24 it. You didn't get it with the agenda items? 25 MS. FRIEDMAN: It was -- Madam Chair, it</p>	<p style="text-align: right;">Page 133</p> <p>1 listening tour. And I want to thank those 2 Commissioners -- Commissioner Ruiz was there; 3 Commissioner Armbruster was there; 4 Commissioner Caballero was there. And I was there, 5 as well. 6 And this was -- I also want to thank CSD 7 for their input on this and the initial help in the 8 population of this Corrective Action Plan, because 9 this is something that had not been done before. So 10 this was new territory in term -- we didn't have a 11 template to use for a Corrective Action Plan. 12 But there is no doubt that this, I 13 believe, addresses the majority of those areas where 14 concerns have been raised. 15 So at this point in time, I would like to 16 ask the Commissioners if they have any questions or 17 comments about this, or concerns. 18 Commissioner Johnston? 19 COMMISSIONER JOHNSTON: Thank you, 20 Madam Chair. So PEC was represented by Commissioner 21 Ruiz, Commissioner Armbruster, and 22 Commissioner Caballero and you. 23 COMMISSIONER ARMBRUSTER: Actually, not 24 quite. Because Commissioner Ruiz's car wasn't 25 working; so it was just --</p>

1 THE CHAIR: You're right. You're right.
 2 COMMISSIONER JOHNSTON: She wasn't there.
 3 THE CHAIR: You're absolutely right. Holy
 4 cow. Thank you for remember- -- I knew she was
 5 supposed to be there; so I counted her as there,
 6 yes.
 7 COMMISSIONER JOHNSTON: And then, of
 8 course, La Promesa -- Mr. Jones was there.
 9 THE CHAIR: Mr. Jones was there.
 10 Ms. Matthews was there. And the PEC attorney, Julia
 11 Barnes, was there.
 12 COMMISSIONER JOHNSTON: I have some
 13 questions. And because of our conversation
 14 yesterday on amendments and notifications and
 15 specificity of language and all of this, I was
 16 thinking about this. I had been thinking about
 17 Corrective Action Plans. And so I looked at the
 18 draft.
 19 And I must apologize. But -- no, I'm not
 20 going to apologize. I spent my career as a language
 21 arts teacher, as an English teacher. And I have
 22 some questions about where things appear more than
 23 once, where I don't understand what's -- what's in
 24 it.
 25 I -- I'll start -- the one -- reporting on

1 B, C, and D, the CAP for academics will have been
 2 met."
 3 And then if I go down to the next box,
 4 it's, "The school will obtain a C or a three-year
 5 average C on the score card published in summer 2017
 6 after being allowed to appeal any grade to PED
 7 through their appeal process."
 8 So there's a little bit of difference,
 9 then.
 10 THE CHAIR: Well, the first statement
 11 speaks to the -- the issue of the revocation.
 12 COMMISSIONER JOHNSTON: Okay. And then --
 13 the academic framework will be modified to redefine
 14 the student cohort. I understood that part of it.
 15 Then the definition of growth will be
 16 defined as 1.5 year growth. Do we need to say how
 17 that 1.5 year growth will be defined? Where is
 18 that -- is that coming from? Where is that -- who's
 19 going to determine the year and a half?
 20 THE CHAIR: It's from their short-cycle
 21 assessments.
 22 COMMISSIONER JOHNSTON: And in the
 23 Correction Action Plan, we don't have to define what
 24 they will use?
 25 THE CHAIR: It's in their performance

1 the Corrective Action Plan, the first report would
 2 be due in October. I figured that's six months. Is
 3 that how that decision was made? Six months from
 4 now? Since we're looking at the plan now, it's at
 5 the very first box.
 6 THE CHAIR: I don't think there was a time
 7 frame in terms of the six months, per se. But I
 8 think we were also looking at the PEC calendar. And
 9 renewals will be done at the August, slash,
 10 September meeting; so that October is the agenda --
 11 and it also is a reasonable amount of time, sort of.
 12 MS. POULOS: Madam Chairwoman, you said
 13 renewals. I believe you meant new applications.
 14 THE CHAIR: I'm sorry. New applications.
 15 COMMISSIONER JOHNSTON: Okay.
 16 THE CHAIR: New applications, our focus in
 17 that September meeting.
 18 COMMISSIONER JOHNSTON: Okay. And I don't
 19 know whether you want -- I just -- what is the
 20 reasoning for repetition of statements?
 21 In the first box, "In June 2018, if the
 22 school shows that it has met the school grade of C
 23 or a three-year average C, as in "a" below..."? Is
 24 that what that is referencing where it says "'a'
 25 below"? "Or met all the other academic indicators,

1 framework what they're using.
 2 COMMISSIONER JOHNSTON: Okay.
 3 THE CHAIR: We're redefining the year and
 4 a half. And there has been an agreement, because my
 5 understanding is -- is it NWEA?
 6 NWEA is changing its formulas, the
 7 reporting information. So there has been an
 8 agreement that that -- we couldn't specify what
 9 those precise reports were going to be, because
 10 they're in the process of changing it; but the
 11 growth rate doesn't change.
 12 COMMISSIONER JOHNSTON: Is that what the
 13 sentence, "A new Performance Indicator is being
 14 drafted" means?
 15 THE CHAIR: Correct.
 16 COMMISSIONER JOHNSTON: All right. A
 17 corrective action plan, to me, needs to be quite
 18 clear. And I was having difficulty reading it, not
 19 being a part of helping creating it.
 20 Again, "The Academic Framework will be
 21 modified to redefine as those students without an
 22 IEP."
 23 There's that definition of "growth" again.
 24 "The school will meet or exceed its math
 25 targets with these changes." The targets in --

1 THE CHAIR: In the Performance Framework.
 2 COMMISSIONER JOHNSTON: And, "A new
 3 Performance Indicator," because those are based on
 4 the interim assessments.
 5 THE CHAIR: Correct.
 6 COMMISSIONER JOHNSTON: Okay. And so
 7 Discovery is being defined. "The school will meet
 8 or exceed its WIDA goal."
 9 We don't need to put that information --
 10 and I'm asking because I've never been a part of
 11 one -- my thought would be --
 12 THE CHAIR: It's in their Performance
 13 Framework.
 14 COMMISSIONER JOHNSTON: Then we at least
 15 need to see a reference to Performance Framework and
 16 attach it.
 17 THE CHAIR: I think there's a general
 18 understanding. They've had a negotiated Performance
 19 Framework; so that I think we have a working
 20 understanding of that.
 21 COMMISSIONER JOHNSTON: And I just come
 22 back with that, that we have a working understanding
 23 of it; so oftentimes, if it's not stated
 24 specifically, that understanding is fuzzy to the
 25 people who are trying to meet the Corrective Action

1 Plan.
 2 THE CHAIR: No. It's specifically stated
 3 in the Performance Framework.
 4 COMMISSIONER JOHNSTON: Okay. "The school
 5 will provide the raw data to CSD..." -- oh, here's a
 6 question. There was not a CSD representative at the
 7 meeting; is that correct?
 8 THE CHAIR: There was not. CSD popped
 9 through meetings with Julia Barnes and myself. CSD
 10 made the recommended Corrective Action Plan.
 11 COMMISSIONER JOHNSTON: Okay. But the --
 12 let's see. "The CSD must provide the data
 13 interpretation by no later..." --
 14 THE CHAIR: No.
 15 COMMISSIONER JOHNSTON: "...than 10
 16 working days from the date the School provides the
 17 data."
 18 Is CSD able to do that?
 19 MS. POULOS: Madam Chairwoman and
 20 Commissioners, there are some concerns I would like
 21 to address. And I don't need to do that now. I'll
 22 wait for my turn. That was certainly one of the
 23 concerns, because that was not something we had
 24 discussed. And I'm not sure, based on timing, that
 25 is something we can fulfill.

1 THE CHAIR: Okay.
 2 COMMISSIONER JOHNSTON: And, "If there is
 3 a discrepancy between the results of CSD and the
 4 results identified by the school, a third party will
 5 be hired."
 6 Do we have to pay money to review the
 7 results?
 8 THE CHAIR: Not us.
 9 COMMISSIONER JOHNSTON: The school would
 10 have to? Seems to me with all of the experts in
 11 PED, that we would be able -- but that's an aside.
 12 "Raw, student-level short-cycle assessment
 13 data..." -- if you're using NWEA, Madam Chair, would
 14 you not say that, "for the current school year"?
 15 And this isn't even a complete sentence. And
 16 2015-16, the first year of the school was under
 17 contract.
 18 I went, okay.
 19 "Raw student-level short-cycle assessment
 20 data for the current school year in 2015-'16, the
 21 first year the school was under contract."
 22 "Raw student-level WIDA data for the
 23 current year... ."
 24 And that means they will provide the first
 25 year of the contract?

1 THE CHAIR: Right.
 2 COMMISSIONER JOHNSTON: When you use the
 3 words, "strongly recommend," all of the conversation
 4 we had yesterday about "sufficient" and "strongly
 5 recommend" is kind of soft wording to me.
 6 THE CHAIR: We cannot -- because these are
 7 programs that the individual has to apply for, we
 8 cannot say you must, because we can't guarantee
 9 enrollment into the programs.
 10 COMMISSIONER JOHNSTON: But in addition,
 11 the principal -- apply for Principals Pursuing
 12 Excellence, apply at the next available opportunity.
 13 THE CHAIR: Correct. But the
 14 recommendation is that he be in it. So we cannot --
 15 we could not say that he has to be in it, because he
 16 has to apply for it.
 17 COMMISSIONER JOHNSTON: Is there a
 18 specific date? I mean, is it an available date,
 19 according to the principals' calendar, which I
 20 respect? But he may say, "I'm really busy for a
 21 year."
 22 THE CHAIR: No, that's not an option. But
 23 the option is not open for next year; because that
 24 window has already closed.
 25 COMMISSIONER JOHNSTON: Okay. But -- I

<p style="text-align: right;">Page 142</p> <p>1 don't know. These are just questions I had, because 2 we had spent -- and I have more; but I won't belabor 3 it. 4 I just had many questions because of the 5 work that we've been doing about specificity of 6 wording and -- and clarity for schools and letting 7 them know what exactly the goals are. And I was 8 concerned about that when I was reading it. 9 THE CHAIR: We spent a significant amount 10 of time talking about that with Mr. Jones. 11 Unfortunately, there is not a populated list of 12 professional development opportunities, because we 13 did check here for that. So that is not -- that was 14 not something that we could create a menu of. So 15 this was the best that we could do in terms of 16 making recommendations. 17 COMMISSIONER JOHNSTON: I'm just talking 18 about the entire document and the specificity. I 19 was not talking about anything in particular. I was 20 just concerned. 21 THE CHAIR: I thought you were addressing 22 the issue of "strongly recommend." 23 COMMISSIONER JOHNSTON: I was. But then I 24 moved on in my head. That's where I was; because I 25 have concerns about --</p>	<p style="text-align: right;">Page 144</p> <p>1 Framework." I will say that I have talked with 2 Icela, the Director of Bilingual Education, and she 3 felt that that was not a very rigorous goal. So I 4 just want to be on record with that identification. 5 As regards to the 10 working days, I -- 6 just with the load of work that CSD does have to do, 7 and not knowing when that data would come in, that 8 presents a concern for me. I would be more 9 comfortable if it was 15 working days, maybe even 10 20, certainly, because if it comes in on June 1st, 11 new applications come in on June 1st, and we have, 12 you know, all of our attention focused on that. 13 The other thing that does present a 14 concern for me is if there is a disagreement, it's 15 unclear when you state the parties will identify who 16 that third party will be. Does that include CSD's 17 input? 18 And then I will just be completely honest. 19 If the school is paying, there is a concern that 20 that entity would be biased toward whoever's paying 21 them. And so that does present concerns about the 22 rigor of that evaluation for CSD. 23 Additionally, on the next page, if you're 24 looking two boxes down, it references NMDASH as 25 being an acceptance. It is not. NMDASH is</p>
<p style="text-align: right;">Page 143</p> <p>1 THE CHAIR: Okay. There is already a 2 signed contract with the school; so that that 3 performance framework, they are well aware of, in 4 terms of the goals and the short cycle assessments 5 that they are using. So that's already clearly 6 stated. 7 Commissioners, any other questions? 8 Concerns? Director? 9 MS. POULOS: Madam Chairwoman, 10 Commissioners. So there were just a few items that 11 CSD had some concerns about and wanted to raise, the 12 first being that just the inclusion of saying a "C" 13 or a three-year average of "C," somewhat redundant, 14 because right now, if the school does not receive at 15 least a "C," there's no way they would have a 16 three-year average of a "C". 17 So I think -- I think, obviously, on our 18 end, we would recommend the higher, more rigorous 19 standard of a three-year average of a "C." But 20 ultimately, I think, you know, this -- the 21 Commission may just want to identify that if it 22 truly is just the one year, then it's just the one 23 year. 24 With regards to the WIDA goal, it may be 25 that you want to say, "Identified in the Performance</p>	<p style="text-align: right;">Page 145</p> <p>1 available to any and all schools. 2 So I think it reads, "The school must work 3 with the Student Achievement and School Turnaround 4 Division to implement the NMDASH improvement 5 planning process, and after completing the planning, 6 must continue to implement the 90-day planning 7 implementation and monitoring process for the term 8 of the contract, or an alternative continuous 9 improvement program if the school is not accepted 10 into NMDASH." 11 Again, this is not an acceptance. So I 12 would recommend the removal of everything after 13 "or" -- or after "contract." So starting with "or," 14 I would remove -- I would recommend the removal of 15 all of that language including the next sentence. 16 And then on Item "e" under No. 2, it 17 indicates, "Annual site visits from the Turnaround 18 Bureau and CSD will be coordinated to take place at 19 the same time." 20 While that would be ideal, I don't believe 21 that's something we can necessarily commit to, 22 because they are two different bureaus having to 23 facilitate their own working schedules. And it 24 simply may not be possible that those bureaus would 25 be able to coordinate. We would hope to.</p>

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1 And then --

2 THE CHAIR: So let me ask. Could we --
3 could we change that to, "All..." -- "lllllll"
4 attempts will be made to coordinate the site visits
5 at the same time"?

6 MS. POULOS: Part of my concern is I
7 haven't had an opportunity to talk with the School
8 Turnaround Bureau, and they were not at the table
9 for this discussion. So it's hard to commit them to
10 that. I think, you know, "CSD will attempt to
11 coordinate with..." --

12 THE CHAIR: Right.

13 MS. POULOS: -- "... the Bureau," is fine.
14 But I just am concerned about --

15 THE CHAIR: And that's -- I think that's
16 reasonable, that -- because we can't get an
17 agreement, that they'll be there at the same time.
18 So that, "Attempts will be made to coordinate the
19 site visits." Are we fine with that?

20 COMMISSIONER JOHNSTON: I have a question.

21 COMMISSIONER ARMBRUSTER: CSD is going to
22 have to do it; so they need to --

23 COMMISSIONER JOHNSTON: About site visits
24 that's kind of historical. This is -- there was one
25 site visit this year? Or were there two site

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1 date.

2 And so that was why that second date was
3 going to be so close to the first date. But, again,
4 ultimately, a second visit was not conducted.

5 COMMISSIONER JOHNSTON: And I was just
6 asking a procedural question. And so there's
7 normally one site visit.

8 THE CHAIR: Correct.

9 MS. POULOS: Under the statute, one site
10 visit is required by law. There can be any other
11 number of site visits, as appropriate or necessary.
12 There are also charter schools that have language
13 either at renewal or written into their contract.
14 And that was the issue here.

15 At renewal, it was in the motion language.
16 In the contract, it was vague and ambiguous as to
17 whether that second visit was required or not. And
18 you'll recall from the brief provided by the
19 school's counsel initially in the request for
20 reconsideration, they themselves indicated that a
21 second visit was required.

22 COMMISSIONER JOHNSTON: But you haven't
23 made that visit yet.

24 MS. POULOS: That's correct. We're
25 waiting for directive of the entire Commission if we

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1 visits?

2 MS. POULOS: Only one site visit was
3 conducted. There have been various positions on
4 whether two site visits are required under the
5 contract.

6 We did attempt to schedule that. There
7 was some disagreement with the school and what I
8 would classify as lack of cooperation. And, under
9 the circumstances, based on a variety of
10 communications from the school and the attorney, CSD
11 said we would not conduct that visit until directed
12 by the entire Commission.

13 There were some contentions about the
14 concern being that they were closely scheduled in
15 time. And I have communicated our position on that,
16 which is the school was given an opportunity to
17 select their date of their site visit. They
18 selected the latest possible date of those provided
19 to them, then rescheduled that in January, after
20 being scheduled.

21 They were given four dates and, again,
22 selected the absolute latest date.

23 We verified that date in, really, April.
24 And the school had selected Good Friday; and so at
25 that point, again, rescheduled for another later

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1 are going to make that visit.

2 COMMISSIONER JOHNSTON: Okay. Thank you.

3 MS. POULOS: Madam Chair, can I finish the
4 remaining concerns?

5 THE CHAIR: Sure.

6 MS. POULOS: Okay. So one of the
7 things -- and I'm on the third page -- that was Item
8 No. 6, initially, in our recommendation.

9 THE CHAIR: I don't think it's our third.

10 MS. POULOS: Oh, I'm sorry. My third.
11 It's Item --

12 THE CHAIR: Revise the school bylaws?

13 MS. POULOS: That's correct.

14 THE CHAIR: Okay.

15 MS. POULOS: One of the things I believe
16 that had been in my recommended that I just wanted
17 to point out I think is important is that the PEC
18 have some say in the approval of accepting those
19 changes, as appropriate. But that was not included
20 there; so I just wanted to point that out.

21 And then lastly, under "Financials,"
22 again, the PED recommended that there be not just
23 the regular audit, but also a financial site visit
24 from the PED that would look specifically at
25 improvements in and implementation of the required

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1 corrections that were based off of audits and other
2 issues that had been identified.

3 And I did note that was removed. And I'm
4 not sure if that was intentional, or if it was an
5 unclear recommendation on our part. But I do think
6 that would be important, that the PED financial
7 group and audit group have that opportunity and that
8 be part of this, to go in and do a site visit.

9 THE CHAIR: Commissioners, any other
10 questions? Comments?

11 COMMISSIONER ARMBRUSTER: So do we talk
12 about this second visit?

13 THE CHAIR: In relationship to the
14 Corrective Action Plan; because it's not in the
15 Corrective Action Plan. But that would be separate

16 COMMISSIONER ARMBRUSTER: We would have to
17 change it.

18 THE CHAIR: That would be a separate
19 entity.

20 COMMISSIONER JOHNSTON: I have a
21 rhetorical question.

22 THE CHAIR: Sure.

23 COMMISSIONER JOHNSTON: Mr. Jones? I
24 can't speak to Mr. Jones?

25 THE CHAIR: You can. But if he wants to

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1 not we wanted to add some of those pieces to the
2 Corrective Action Plan. I'm well aware of the
3 goals, as developed with the committee.

4 So as far as being comfortable and
5 understanding the plan, I am certainly as
6 comfortable as I can be, and do appreciate the
7 ability to commence operations under a Corrective
8 Action Plan.

9 COMMISSIONER JOHNSTON: Thank you. I
10 guess the correct question would be, are you
11 comfortable with the document? Does the document
12 meet the specificity needs to protect you?

13 MR. CHRIS JONES: Commissioner Johnston,
14 the document was, to me, at the very beginning, a
15 little confusing, partly because there is not a
16 document for corrective action plans. This was the
17 same document used for school improvement plans.
18 And so for me, it was a bit confusing.

19 However, through the process of working
20 with the subcommittee, I am very familiar with the
21 plan. And it was a collaborative effort. We did go
22 through each of the recommendations from the Charter
23 Schools Division.

24 And so what we have in front of us, I do
25 believe that I'm about as comfortable as I can be

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1 speak, you should come up to the -- so everyone can
2 hear.

3 MR. CHRIS JONES: Good morning,
4 Commissioner Johnston.

5 COMMISSIONER JOHNSTON: Good morning. And
6 they're going to remind you that you have to hold on
7 to that microphone.

8 I respect you, Mr. Jones. You're the head
9 of this school. You've worked diligently to move
10 this forward.

11 MR. CHRIS JONES: Thank you.

12 COMMISSIONER JOHNSTON: In reading this
13 Corrective Action Plan, my concern for you was the
14 lack of specificity in the plan.

15 My rhetorical question to you, because I
16 think you wouldn't be sitting here, at least -- are
17 you comfortable with this plan?

18 MR. CHRIS JONES: Commissioner Johnston,
19 members of the Commission, I am, in fact,
20 comfortable with the plan. I did work with the --
21 with the committee in preparing the plan. We do
22 have a performance framework that indicates our
23 goals on an annual basis.

24 As far as the language is concerned, it
25 would be entirely up to the Commission whether or

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1 with it. So I appreciate that, Commissioner
2 Johnston.

3 COMMISSIONER JOHNSTON: Because much of
4 your compliance will be monitored by the Charter
5 School Division, were you comfortable with
6 developing that plan without anyone from that
7 department at the table?

8 MR. CHRIS JONES: Commissioner Johnston,
9 to be honest, I was uncomfortable with their
10 pre-population of the document. Through
11 negotiations in the Corrective Action Plan, we did
12 discuss some of the areas of concern for our school,
13 along with Ms. Matthews. I do believe that we
14 refined some of the recommendations to be more
15 equitable for the school, as well.

16 But what we have in front of us, I am
17 comfortable with.

18 COMMISSIONER JOHNSTON: Have you discussed
19 your discomfort? Did you attempt to discuss that
20 discomfort with anyone from the Charter Schools
21 Division?

22 MR. CHRIS JONES: I did not, to answer
23 your question. I did not. We worked with the
24 subcommittee. And the extent of communication has
25 been somewhat limited with the Charter School

<p style="text-align: right;">Page 154</p> <p>1 Division. I will commend the group who came out to 2 conduct our site visit. Very professional. It was 3 a great visit. Lots of feedback.</p> <p>4 COMMISSIONER JOHNSTON: Mr. Jones, I would 5 encourage you, because when the budget matters came 6 up, also, there had been a minimal conversation with 7 Finance, with PED. I would encourage you to use the 8 Public Education Department in all areas as a 9 support, because the regulations that we have for 10 which we are responsible in all areas are there.</p> <p>11 And I know that there is willingness to 12 work with you. And I know my concern for 13 La Promesa, and with you as the leader, is that you 14 have the most specific outlined documents to guide 15 you as you work through this Corrective Action Plan.</p> <p>16 That was my question about today. So I 17 thank you.</p> <p>18 MR. CHRIS JONES: Thank you, Commissioner 19 Johnston.</p> <p>20 Absolutely. Members of the Commission, 21 may I also add that within the financial section of 22 this document, the Corrective Action Plan, it is 23 associated with two separate corrective action plans 24 that have to do with finance. So we have a 25 condensed version of a really lengthy corrective</p>	<p style="text-align: right;">Page 156</p> <p>1 I will certainly take your advice and 2 continue to work as closely as I can with the 3 various departments and bureaus within the PED.</p> <p>4 COMMISSIONER JOHNSTON: Thank you. And I 5 understood that about the budget specs. I am glad 6 you can give that detailed information.</p> <p>7 Who is your analyst at PED? 8 MR. CHRIS JONES: Pamela Bowker.</p> <p>9 COMMISSIONER JOHNSTON: She's been around 10 as long as I have. That's good, because she knows 11 it, so you're working with both last year's audit 12 and with all of the other.</p> <p>13 Thank you.</p> <p>14 MR. CHRIS JONES: Thank you. That's 15 correct.</p> <p>16 THE CHAIR: And I think the issue about 17 the site visit for the Financial Bureau -- correct 18 me if I'm wrong -- was due to the fact that because 19 you're not in control of your finances, we didn't 20 know if a site visit would be appropriate; because 21 they're still not in control of their finances.</p> <p>22 MS. POULOS: Madam Chairwoman, 23 Commissioners, while they do not have authority as a 24 Board of Finance, they still do have to take 25 responsibility for certain actions and, I think,</p>
<p style="text-align: right;">Page 155</p> <p>1 action plan.</p> <p>2 We have two separate documents, as I 3 mentioned. One is the FY '16 audit, and the other 4 is the Board of Suspension audit; so the August 12th 5 audit. What we did with the committee is we really 6 were very concise in making sure that we fit all of 7 that into the financial section of this corrective 8 action plan.</p> <p>9 So with respect to the finances, which 10 caused this at the very beginning, we're really 11 comfortable with that section, as well. And it's 12 going to be based on reporting from School Budget 13 and the Audit Bureau.</p> <p>14 And also to answer your question, 15 Commissioner Johnston, you know, the PED, in 16 general, many of the departments have been extremely 17 helpful. We did get a visit this year from the 18 Bilingual Bureau. They came out, created great 19 technical support, assistance.</p> <p>20 I've worked with Licensure very closely. 21 I've worked with many departments who have 22 been very helpful, as well as David Craig, School 23 Budget and Finance. He has been a great help 24 throughout this entire process; he really has. And 25 I've turned to him on many instances.</p>	<p style="text-align: right;">Page 157</p> <p>1 record-keeping and documents. That's important. 2 THE CHAIR: Okay.</p> <p>3 MS. POULOS: Do you mind if I have one 4 more thing that my people just pointed out to me? 5 The phrasing on the second one, for financial goals, 6 is a little -- we believe rather than saying, "No 7 identical findings," it should say, "No repeat 8 findings."</p> <p>9 THE CHAIR: "Repeat." That's what it 10 should be, yes. It should be "repeat findings." 11 MS. MATTHEWS: No problem.</p> <p>12 THE CHAIR: And I don't know how that 13 "identical" got in there. Thank you.</p> <p>14 MS. MATTHEWS: Again, I don't want to 15 speak out of turn, and I know you don't want to 16 speak to the attorneys. I want to make sure 17 everyone is comfortable. I want to, if I could, 18 address Ms. Poulos' question, and the question about 19 the financial aspect of a site visit.</p> <p>20 No problem with that being part of the 21 site visit. I always had anticipated that was 22 contemplated by the law. So to the extent they want 23 to come up, come on down. That's not a problem.</p> <p>24 THE CHAIR: Okay. 25 MS. MATTHEWS: And did you want to talk</p>

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1 about the recommendation from the Charter Schools
2 Division and if we want to change any of that
3 language?

4 No?

5 THE CHAIR: Well, we can briefly -- I
6 have -- I have no issue with changing the range for
7 the raw data to be a 15-to-20-day, if that's -- I
8 don't think there's an issue with that. I think
9 that's fair and reasonable. So I think that's fine.
10 So that's an easy fix.

11 And the other changes that I noted,
12 simply, we have to change the wording in "e" of .2
13 to state that the site visits -- there -- CSD will
14 attempt to coordinate the site visits to take place
15 at the same time.

16 And then we're adding to -- on the
17 Financial Goals, we're adding, "and a site visit by
18 the Financial Bureau."

19 Is that the correct wording? "Bureau"?

20 And we have to change from "identical" to
21 "repeat."

22 MS. MATTHEWS: Madam Chair, members of the
23 Commission, would it -- and I'll ask Ms. Poulos this
24 question, as well. Is it reasonable -- and it seems
25 reasonable to me -- that that financial site visit

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1 again, I can't -- I'm not -- I can't commit to a
2 guarantee that is a false guarantee.

3 COMMISSIONER ARMBRUSTER: And this one's a
4 big one; if they've had issues. There's a
5 difference if you just go, then.

6 COMMISSIONER RUIZ: Madam Chair, what
7 about the recommendation or the comments by
8 Ms. Poulos that just meeting or exceeding the WIDA
9 goal is not --

10 THE CHAIR: Oh, I got you. And this was a
11 question that I had. And my understanding was the
12 State had a WIDA.

13 MS. POULOS: That's correct. It was put
14 on hold because of certain things.

15 THE CHAIR: Okay. Right.

16 MS. POULOS: Unfortunately, Icela is at a
17 leadership program this week so she can't be with
18 us, and she's much more informed about that. Her
19 concern was -- and I think this goes to a bigger
20 picture -- that, again, some of these goals in the
21 past were negotiated without the expertise of the
22 appropriate bureaus in PED. And it did -- it didn't
23 align.

24 THE CHAIR: And the contract does indicate
25 that if there is a State goal -- a State-designated

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1 occur at the same time as the regular site visit?

2 THE CHAIR: I guess, once again, we're --
3 we can't -- and I don't think CSD can commit for the
4 Financial Bureau. I think we can -- we can use the
5 same terms, that there will be an attempt for the
6 site visit to take place at the same time. But I
7 don't think we have the ability at this moment in
8 time to -- to guarantee you that it's going to
9 happen at the same time, because we can't speak for
10 the Financial Bureau.

11 You know -- and I understand the issue of,
12 you know, site visits, and the disruption that it
13 potentially has to a school day. I appreciate that.
14 But I don't want to say it's going to happen that
15 way when I can't guarantee you it's going to happen
16 that way.

17 MS. MATTHEWS: I would just say that I
18 think the statute contemplates one site visit a year
19 to look at operational, academic, and financial; so
20 I'm not -- here to argue.

21 THE CHAIR: Well -- and I think at that
22 site visit, they do look at the financial at the
23 site -- no, they don't. I'm sorry. I'm sorry.
24 That's -- yeah, right.

25 But I think at this point in time, once

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1 goal -- I'm losing the term -- that that's what -- I
2 think the contract does say that -- we will -- and
3 when the negotiations took place, our information
4 was there was a State standard that was created for
5 WIDA. Unfortunately, since that time, it has gone
6 away.

7 MS. POULOS: It's on hold.

8 THE CHAIR: So for all intents and
9 purposes, it's gone away for this purpose. So
10 that's what ended up happening. There was a State
11 standard. We were taking that State standard. It's
12 now on hold. So for all intents and purposes, it's
13 gone away. So the lack of specificity that is there
14 is because the State standard isn't there.

15 So...

16 MS. POULOS: Madam Chair, can I make two
17 corrections? One of them was the financial site
18 visit would be by the School Budget and Financial
19 Analysis and Audit Bureaus of the PED.

20 THE CHAIR: Okay. Hold on.

21 MS. MATTHEWS: Is that one, Ms. Poulos?
22 Or are you recommending two?

23 MS. POULOS: I believe my recommendation
24 was actually that it would be one visit early in
25 this school year. And I can't -- I don't have my

<p style="text-align: right;">Page 162</p> <p>1 recommendation in front of me; but I believe I 2 recommended that.</p> <p>3 THE CHAIR: Do that again, please.</p> <p>4 MS. POULOS: School Budget and Financial 5 Analysis and the Audit Bureaus. So those are two 6 different bureaus of the PED. And they typically 7 work together on any sort of a visit that they do 8 with regards to finances.</p> <p>9 And then the other one that I just wanted 10 to make sure was still on the table to discuss is 11 the recommendation with regards to Item No. 2, under 12 "Organizational," where it appeared that the -- 13 there was a misunderstanding about NMDASH, which is 14 not an acceptance program. It is the school --</p> <p>15 THE CHAIR: Actually, we had checked on 16 that when we were doing the negotiations. And our 17 understanding came that it was a -- so that has 18 that -- so that's why that went in there; because 19 that's the word -- that's the information that came 20 to us while we were doing the negotiations. Because 21 we did check on that.</p> <p>22 So -- hold on. I'm trying to find where 23 that is. Okay.</p> <p>24 So under "Organizational," with No. 2, we 25 will end at the word "contract" and eliminate</p>	<p style="text-align: right;">Page 164</p> <p>1 And we certainly would need and appreciate that 2 guidance.</p> <p>3 And I had -- I've had conversations 4 with -- and I don't think there will be any 5 difficulty with getting whatever technical support 6 that you -- that you need.</p> <p>7 MS. MATTHEWS: Madam Chair, as a point of 8 clarification on that same paragraph, I think it 9 makes a lot of sense, and I think that we add, at 10 the beginning of that sentence, "Beginning 11 FY 2017-'18. I mean, I don't -- as written, if it 12 was approved today, the content would be --</p> <p>13 THE CHAIR: I got you.</p> <p>14 MS. MATTHEWS: -- that we're looking at 15 just May and June.</p> <p>16 THE CHAIR: I believe I'm putting it on 17 the wrong one. Hold on.</p> <p>18 MS. POULOS: That clarification, 19 Madam Chairwoman, raised a clarification to me that 20 I think the Commission may want to answer.</p> <p>21 There will be two letter grade reports 22 that come out between now and I believe June of 23 2018. It is unclear that one "C" -- let's say this 24 year's was a "C" and next year's was a "D" -- if 25 that would meet. Or if this year was a "D" and next</p>
<p style="text-align: right;">Page 163</p> <p>1 everything from, "or an alternate...," because there 2 is no need for that.</p> <p>3 Is there anything else?</p> <p>4 MS. MATTHEWS: I'm trying to take notes, 5 Madam Chair, to make sure we have a final document. 6 And I want to make sure --</p> <p>7 THE CHAIR: So under "Organizational," 8 we've just eliminated everything from "or" down.</p> <p>9 MR. CHRIS JONES: Madam Chair, members of 10 the Commission, you know, it isn't that I haven't 11 researched New Mexico DASH. I certainly have. I'm 12 pretty familiar with the planning process and the 13 team that you have to assemble.</p> <p>14 I think, for me, it's going to take a 15 little bit more research on my end to ensure that 16 the support goes with New Mexico DASH.</p> <p>17 I did attend the session during the Spring 18 Budget Workshop. And there's a whole training 19 component that's involved with New Mexico DASH, as 20 far as I understand.</p> <p>21 So I don't have a problem with this. I 22 just wanted to let you know that I'm not sure if 23 there's an acceptance process or not. And Director 24 Poulos has indicated that there is not. But I do 25 know that there's training and guidance associated.</p>	<p style="text-align: right;">Page 165</p> <p>1 year was a "C," if that would meet. And I think 2 that you may want to be clear on record.</p> <p>3 On the very beginning, the Academic Goals.</p> <p>4 THE CHAIR: "In June of 2018, if the 5 school shows it has met the school grade of C or a 6 three-year C average."</p> <p>7 There will be two school grades that will 8 come out, one this summer and one the following 9 summer. So the question is, is it a "C" average at 10 the end of 2018, or is it a "C" at the end of 2018? 11 And my understanding was it was a "C" at the end of 12 2018.</p> <p>13 COMMISSIONER ARMBRUSTER: So they could 14 get an "F" and get a "C" next year.</p> <p>15 THE CHAIR: It was a "C" grade for the end 16 of 2018.</p> <p>17 COMMISSIONER TOULOUSE: Madam Chair, that 18 was my understanding of our discussion; because it 19 was too late this year to do much to affect this 20 year's grade. So it was the whole burden had to be 21 on next year's.</p> <p>22 And it's a big burden to place on it. But 23 I remember it's what we said in the discussion.</p> <p>24 COMMISSIONER ARMBRUSTER: So then we're 25 taking out "or."</p>

1 THE CHAIR: The average.
 2 COMMISSIONER ARMBRUSTER: Removing that.
 3 MS. POULOS: Madam Chairwoman, I would
 4 just recommend that the wording say, "The school
 5 will obtain a..." -- well -- so this is challenging,
 6 because the very next box says, "Obtain a C or
 7 three-year average C on the score card published in
 8 summer 2017." That's going to be the one this year.
 9 THE CHAIR: Wait a minute. I don't
 10 have -- oh, I got you.
 11 MS. POULOS: So those two boxes can
 12 conflict.
 13 MS. MATTHEWS: The intent of the first box
 14 was this, that they were looking at 2018 coming down
 15 the pike. And in June of 2018, it's very possible
 16 that the school won't have a school grade yet;
 17 right?
 18 So we're trying to have the ability for
 19 the school to demonstrate, by its alternative
 20 indicators, its ability to show that it met those
 21 indicators in 2018, so that we're avoiding sort of a
 22 premature shutdown by default. Because folks are
 23 not coming back; the teachers aren't being rehired
 24 because we don't know until -- because the way this
 25 was worded, and the way our discussion was during

1 recently available letter grade is a 'C'; or they
 2 meet their -- and that way would it clarify that
 3 they couldn't say, "Oh, we got a 'C' last year; so
 4 then we've met it," even though this year might be a
 5 "D."
 6 Do you understand what I'm saying? And I
 7 don't know that a letter grade report would be out
 8 at that point.
 9 THE CHAIR: In June of 2018.
 10 MS. POULOS: But it might be. In that
 11 case, you'd find yourself in a situation where
 12 you're open to even more argument, because there's
 13 no --
 14 THE CHAIR: In June of 2018, there won't
 15 be a report card grade out.
 16 MS. MATTHEWS: But we put that in there as
 17 some miracle, hypothetical. So I think the idea --
 18 it makes sense to me to say -- because I think
 19 Ms. Poulos' point is that are we talking about an
 20 existing letter grade that actually applies to
 21 FY '17? The answer is, "No."
 22 So why not add, after the words "C average
 23 for 2017-'18," so there's no dispute about what
 24 letter grade you're talking about?
 25 COMMISSIONER JOHNSTON: Mr. Jones, are you

1 the committee meeting -- and I think that's what the
 2 Board -- or the Commission -- voted on -- was we had
 3 the discussion about immediate revocation.
 4 And so this came up in that context, to
 5 avoid -- to have an answer so that we're not closing
 6 a school in the middle of a school year. And so
 7 that's where the first indicator came from.
 8 I apologize. My brain just snapped back
 9 on.
 10 THE CHAIR: And the second one deals
 11 solely with 2017; whereas, the first one is dealing
 12 with 2018.
 13 MS. MATTHEWS: That's right.
 14 MS. POULOS: So I guess I would still be
 15 unclear. So let's say that they do get a letter
 16 grade report by June in 2018; and in '17, they got a
 17 "C," but in '18, they dropped down, and they got a
 18 "D" or an "F."
 19 THE CHAIR: That's why I'm saying we
 20 eliminate the average part in the 2018, and it's
 21 still the "C." That was my --
 22 MS. POULOS: But would the "C" from 2017
 23 be sufficient, even though the 2018 was a "D"? Or
 24 do you want to say something like, "the latest
 25 available letter grade, as of June 2018, the most

1 following this?
 2 MR. CHRIS JONES: I sure am.
 3 COMMISSIONER JOHNSTON: Because you're the
 4 student. And these adults are making decisions
 5 about your lives.
 6 MR. CHRIS JONES: We went through this
 7 entire discussion.
 8 COMMISSIONER JOHNSTON: Want to make sure,
 9 because you are the Head of School.
 10 MR. CHRIS JONES: Yes.
 11 THE CHAIR: Why don't we change it that if
 12 the school shows a 2017-2018 -- no. Yes. I'm
 13 sorry. I'm losing my years.
 14 In 2017-2018, if the school shows in
 15 twenty seven -- I think what we're running into the
 16 difficulties with is that issue of if you're going
 17 to be able to retain people for --
 18 MS. MATTHEWS: '18-'19.
 19 THE CHAIR: '18-'19. The problem is if we
 20 change this to 2017-2018, the school shows it that a
 21 "C" grade, they're not going to be able to show that
 22 until July, at the absolute best.
 23 MS. MATTHEWS: That's why we talked so
 24 long about the alternative academic indicators from
 25 the framework being the choice versus the "C."

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1 THE CHAIR: Right. It's an and/or.

2 MS. MATTHEWS: So I think we just put the
3 letter grade in there, because that was the
4 agreement the Commission reached, or that was the
5 discussion point. So we were saying -- we were, I
6 guess, honoring that particular aspect of the
7 resolution and then adding to it.

8 THE CHAIR: So if we change it to, "If the
9 school shows, at the end of FY 2017-2018, it has met
10 a school grade of C or met all the other academic
11 indicators, B, C, and D, CAP for academic..." --
12 this doesn't work. Oh, okay. The CAP for academics
13 will have been met.

14 "If the school, in..." -- "...at the end
15 of 2017..." -- "...FY 2017-'18, the school shows it
16 has met a school grade of C or met all other
17 academic indicators, B, C, and D, the CAP for
18 academics will have been met."

19 MS. MATTHEWS: I guess I'm extremely
20 nervous about taking out the alternative of the
21 average; because here --

22 THE CHAIR: I ended that sentence. I'm
23 not eliminating the rest; but that's -- that's how
24 I'm fixing that sentence.

25 MS. MATTHEWS: But you're not taking out

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1 question. So let's say this year you get an "A,"
2 and then next year, you get an "F." There's the
3 potential -- and I'm not calculating it
4 mathematically -- that you have a three-year average
5 of a "C."

6 And I guess the question for this
7 Commission is, is that what you intended when you
8 initially voted? Or did you intend that, as
9 Commissioner Toulouse indicated, this year, we can't
10 really expect anything from the letter grade; so all
11 we're actually talking about is the letter grade for
12 next year?

13 THE CHAIR: For 2017-2018. That's where I
14 think you have the greater opportunity for
15 improvement. So my concern, truthfully, is I'd be
16 very concerned if you had a "D" at the end of
17 2017-2018. I really would, in terms of going
18 forward. I would.

19 MS. MATTHEWS: I'm sorry. Can you say
20 that again? I'm on two different --

21 THE CHAIR: I'd be very concerned if, at
22 the end of 2017-2018, the school had a letter grade
23 of "D." I'd be concerned with going forward if the
24 school had a "D."

25 MS. MATTHEWS: I don't think they could

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1 "or average"; correct?

2 THE CHAIR: I am taking out "or average,"
3 because my understanding from the discussion of the
4 Commission was that it was a C grade.

5 MS. MATTHEWS: It was a C or average, or C
6 average. And so if you have a C average, you could
7 miss it by a few points, and you -- I mean, with
8 this school's grade, as it is now, it's going to
9 have to have a high C, and/or if it misses it by a
10 few points and has a very high D, I guess what
11 you're saying is, "That's not enough. We're going
12 to close you." I --

13 MR. CHRIS JONES: Yeah, because of the
14 current values.

15 THE CHAIR: Your current grade is an "F";
16 right?

17 MS. MATTHEWS: That's the --

18 THE CHAIR: I'm looking at what's
19 populating the three-year average. So the current
20 year -- this past grade was an "F."

21 MR. CHRIS JONES: Correct.

22 So that this year, they would have to
23 have -- this year, they have to have a "C," because
24 that's in there, 2017.

25 MS. POULOS: And I think that's the

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1 pull it out.

2 THE CHAIR: 2017-2018, they can't get a
3 school letter grade of a "D."

4 MS. MATTHEWS: I mean, they can't -- if
5 you leave the "C or average" in there, they're not
6 even going to pull a "C" average if they got a "D"
7 is what I'm saying. It would be mathematically, I
8 think, impossible; but --

9 THE CHAIR: I don't know. I've seen some
10 hinky stuff happen with the school grade.

11 MS. MATTHEWS: The next question is why
12 are we even using it as a target for -- that's that.
13 Okay. So you're wanting to take it now out of the
14 2017?

15 THE CHAIR: No, no, no. I'm saying the
16 2017-2018 school year, I would be very concerned,
17 going forward with if they had a "D." And my
18 understanding from the conversation that the full
19 Commission had, not just the subcommittee, was that
20 it was a "C."

21 COMMISSIONER ARMBRUSTER: I think my
22 concern has been, and continues to be, that this is
23 a school that's not like DEAP, a second-year school,
24 struggling and having to work out all of these
25 things. This school has been in existence for ten

1 years or something.

2 And what I wasn't thinking about -- my
3 fault -- was that you were there last year, Chris;
4 not just October. You were at the school.

5 MR. CHRIS JONES: I was not.

6 COMMISSIONER ARMBRUSTER: Not at all last
7 year.

8 MS. MATTHEWS: In '15-'16.

9 MR. CHRIS JONES: I was not. I was hired
10 back at the beginning of May. So I was not there
11 for the full academic --

12 COMMISSIONER ARMBRUSTER: Oh. Just May of
13 '16.

14 MS. MATTHEWS: Ms. Gipson, we're fine with
15 taking out "or average." It's effectively moot;
16 because we're probably only going to be looking at
17 their short-cycle assessment goals to meet this
18 indicator for the next school year, as it's worded.

19 THE CHAIR: Okay. So we are at, "The
20 school will show in FY '17-'8 that it has a school
21 grade of C or met all other academic indicators, b,
22 c, and d, the CAP for academics will have been met.
23 If the school does not meet the CAP for academics,
24 then the PEC will hold a revocation hearing in June
25 of 2018."

1 these goals. We have to dump all of the data from
2 what's given through NWEA, since we're
3 transitioning, and put it into a spreadsheet to
4 manually calculate. And then we would give it to
5 Ms. Poulos. That would be late May.

6 MS. POULOS: Madam Chairwoman, I'll just
7 express that's PED's concern, and CSD's concern, is
8 that we are not getting raw data. When I hear
9 they're going to have to do something, and then we
10 get something they did something to the data, that's
11 not the data we want. That's number one concern.

12 And so, again, we will need time to work
13 with the data. If it's not coming until late May,
14 having it ready for the June meeting is simply not
15 possible.

16 THE CHAIR: Well, if it's raw data, that
17 could come quicker; correct?

18 MR. CHRIS JONES: It certainly could. I
19 mean, I -- I -- as long as the makeup testing --

20 THE CHAIR: If it's raw data, it can come
21 to CSD sooner than later. So would that be
22 sufficient time?

23 MS. POULOS: I would still need to know
24 what that "sooner rather than later" is. Again,
25 we've got to get clear on when they expect it. If

1 MS. MATTHEWS: May -- shall we -- okay. I
2 think we might want to put a date, because you're
3 bumping up -- you're overlapping. Do we want to put
4 June 15? June 30?

5 Chris, when will this short-cycle data be
6 out?

7 THE CHAIR: I think that would be best by
8 the Director in terms of population of the short
9 cycle assessment. When would be a reasonable date
10 in June? Can that be done by the June -- our June
11 meeting? I would not like to make it the end of
12 June, because then we wouldn't be meeting until
13 July, and we don't always meet in July.

14 So I would -- is it fair and reasonable to
15 say that that information --

16 MS. POULOS: I don't know when the data
17 would come to us. Did you indicate when that data
18 would come to us?

19 THE CHAIR: Well, you would have -- when
20 would -- when do you finish --

21 MR. CHRIS JONES: In May.

22 THE CHAIR: Because you finish the school
23 year. By Memorial Day?

24 MR. CHRIS JONES: It would be about
25 mid-May. But we also have to mine the data from

1 we're saying May 5th, and we know that the PEC's
2 meeting is on June 6th -- right? -- that gives us a
3 month.

4 Okay. Yes, that -- because it gives us
5 less than a month, because we need to get it to you
6 a week in advance, at least; right? But if it's
7 coming May 25th, and the meeting is June 6th, then
8 we simply cannot commit to getting that done,
9 because there's a lot that's going on at that time.

10 MS. MATTHEWS: And I will also say that if
11 there is -- you know, here we are. We have the
12 Division reviewing the data to review whether or not
13 the goals are met.

14 But we also have the school's
15 interpretation, which then kicks in this dispute
16 resolution process. And so maybe we just go -- here
17 we are back even actually rehashing the "C" grade
18 whenever it comes out. And are we going to close --
19 and if -- I mean, it doesn't even sound practical
20 for us to be using the short-cycle data goals if the
21 Division is going to be involved in assessing
22 whether or not we've mined our data correctly.

23 THE CHAIR: Well, you have a dispute
24 option.

25 MS. MATTHEWS: According to what

1 Ms. Poulos says, that sounds like we're probably
2 into the July-August time frame. So I'm trying to
3 work with these time frames.

4 THE CHAIR: Well, I guess my only response
5 to that would be that the -- the short-cycle
6 assessment would have to be done earlier. And I
7 know that becomes problematic. But I mean, there's
8 only so many hours in a day.

9 And we meet in June. And I'm trying to
10 make sure that you've got your answer in June and
11 not in July. But this is the only way that we could
12 do it.

13 So I -- you know, I don't know what the
14 alternat- -- you know, if you want to take out the
15 whole issue of the short-cycle assessment and leave
16 it to the letter grade, and we leave it till July,
17 then it's left till July, which is the best that the
18 short -- that the letter grade's going to come out.

19 There won't be a guarantee for you by June
20 that you can tell your staff that they'll go
21 forward, which we don't give a guarantee to any
22 other school; but we were trying to do that for you.
23 So I thought that was reasonable on our part, so
24 that you could do that fairly for your staff and
25 keep them.

1 teachers and administrators make. They -- you know,
2 how are you going to get these kids to do well?
3 Other schools with your population do well. Some
4 don't do so well. I mean, that's the way it is.

5 But that's how they would know; so they
6 wouldn't come to school. I mean, I guess, in and --
7 you are between a rock and a hard place. But if
8 your short-cycle interim type of data doesn't show
9 that those kids are really making a big
10 difference -- because they would have to make a
11 really big difference in order to get that -- then
12 they probably would know. And you would know,
13 regardless of what that grade was.

14 I don't think there's a cut-and-dry answer
15 here, and I think that's why we were struggling.

16 THE CHAIR: I think the bottom line is you
17 know and -- whether they -- after they've taken the
18 tests, you know fairly soon whether they did or did
19 not make that year-and-a-half growth, mining it, you
20 know. So I think you can make a fair and reasonable
21 judgment to the staff at that point in time.

22 MR. CHRIS JONES: Madam Chair, I just
23 wanted to mention -- and first of all, I understand
24 where you're coming from. You're right. We're
25 between a rock and a hard place.

1 But this is the time frame that, you know,
2 we're dealing with.

3 COMMISSIONER ARMBRUSTER: Madam Chair?

4 THE CHAIR: Commissioner Armbruster?

5 COMMISSIONER ARMBRUSTER: A number of
6 things kind of going through my head. This is not
7 easy, regardless of what the determination is. But
8 I think that when we said it would be -- "Your
9 charter would be revoked immediately," I think I
10 said that, "You mean, like, they're going to come to
11 school and say, I'm sorry, there's no school
12 tomorrow and you're going to have to find another
13 school," not exactly those words, but that was the
14 intent?

15 And what I believe we came up with is --
16 well, when you looked at the end of the year, which
17 is next year -- actually, next -- next May, how the
18 school was doing, if it was -- you saw that they
19 weren't making great progress -- and that was part
20 of the MAPs deal -- then kids kind of knew, and
21 teachers would kind of know, you know, "These kids
22 are just not -- whatever it is that we're doing,
23 it's not enough to help these -- we're not helping
24 them enough."

25 And that's an educational decision that

1 I have a couple of concerns myself, one
2 with the CSD's involvement in looking -- in really
3 helping us to calculate the data. So that's one
4 issue, and we can readjust that, and I'd like to
5 circle back.

6 But April is the month in which the PARCC
7 assessment is taken. For our students, we have the
8 ACCESS test in February, which is part of our
9 charter. That's a goal associated with our charter
10 in our performance framework.

11 We also have -- we have the PARCC. And
12 the PARCC is a really stringent, tedious test for
13 our students.

14 Then what we're asking is we crunch the
15 last short-cycle assessment and the PARCC together,
16 so we can make an assessment as to where we'll end
17 up, and we can communicate with our staff and
18 students regarding whether or not we will have a
19 school for the following year. I think that time
20 line becomes a bit problematic --

21 THE CHAIR: I think we've backed off of
22 that and said, "You do it in May when you feel it's
23 appropriate; but you'll know, based on what you see
24 from those test results."

25 And you can communicate informally to your

1 staff, based on what you've seen. And you provide
2 the raw data to CSD. And if you get the raw data to
3 us past the --

4 MS. MATTHEWS: With all due respect,
5 Madam Chair, why is it not sufficient for you to
6 rely on what the school has done with assessment of
7 their data?

8 THE CHAIR: Because, in all honesty, we
9 have seen too many reports that have come back from
10 schools that have had, "Yes, we did," and there has
11 been no reliable information to support that.

12 MS. POULOS: And, Madam Chair, I'll just
13 say, in fact --

14 THE CHAIR: That's what has happened, that
15 it's, "Yes, we met." And we get these -- we get
16 these graphs that are meaningless to us, that don't
17 really say much of anything and don't support
18 what -- what the school -- is that's the difficulty
19 we're having.

20 And when we had the conversation about the
21 reports that would be provided to us, "We don't have
22 that information for us at this meeting, because we
23 were told we couldn't have them now."

24 So we're -- we're left in the lurch,
25 because we don't -- we can't make that determination

1 machine, that student answers questions, and that
2 machine takes that first misanswered question,
3 incorrect answer, and starts calculating.

4 You have to have 90 days in between; so
5 you can only do it one semester. They govern it.
6 But the minute that child finishes taking that exam
7 at that machine, that information is logged, and you
8 start collecting that raw data.

9 MAPs then gives you these reports. Why --
10 I do not understand -- or I do, and I just hate what
11 I'm sensing to be a lack of trust -- because with
12 that data, you sit with a member of the Charter
13 Schools Division, and you review it together to see
14 if what is happening is really happening; not that
15 you do an answer, and then they do an answer.

16 THE CHAIR: I'm sorry. They don't sit
17 with the Charter School Division.

18 COMMISSIONER JOHNSTON: Why could you not?

19 THE CHAIR: Because they don't have the
20 staff to do that with each school.

21 COMMISSIONER JOHNSTON: Well, I can also
22 tell you --

23 THE CHAIR: I'm going to speak for you.

24 COMMISSIONER JOHNSTON: Then I also have
25 the confidence in Assessment -- in the Assessment

1 if that report is going to be what is necessary. We
2 thought we were going to have it in hand; we don't
3 have it in hand to look at. So now you're asking me
4 to make an agreement that some report that we don't
5 know what it is, is going to be sufficient?

6 MS. MATTHEWS: I'm just concerned that
7 they're making an internal decision based on their
8 own assessment, and they're saying, "Okay, I'm going
9 to enter into contracts. Kiddos come back. We're
10 looking great."

11 And then we send it over to the charter
12 school. And we're into June. Then we send --
13 according to Ms. Poulos, if I understand
14 correctly -- and I'm sure she'll correct me -- is
15 whether or not they can have the data available,
16 mined, and their assessment of it, even before July.

17 So, see, that's where I'm --

18 THE CHAIR: I understand.

19 COMMISSIONER JOHNSTON: May I make an
20 observation?

21 Mr. Jones, I am very familiar with NWEA
22 MAPs in its first iteration, in the one -- if
23 there's a transition now, I don't know the new
24 information.

25 When that -- when a student sits down at a

1 Department in knowledge of MAPs, that it's almost --
2 that second review would be a cursory review;
3 because you will know whether -- you've seen it.
4 You've done MAPs before; right?

5 MR. CHRIS JONES: I have.

6 COMMISSIONER JOHNSTON: So you know how
7 quickly you get that data.

8 MR. CHRIS JONES: So, Commissioner
9 Johnston, to answer your question, now we have
10 1.5 years of growth. So we have two different
11 pieces to look at.

12 We have the growth goal. And then we have
13 a growth index. And so both of those will be
14 counted toward what we're calculating. So in
15 looking at that, if a student's goals --

16 THE CHAIR: We're counting 1.5 growth.

17 COMMISSIONER JOHNSTON: He's saying that.

18 THE CHAIR: He says we're doing two
19 things. We're not. We're doing one.

20 MS. MATTHEWS: Proficiency or 1.5.

21 MR. CHRIS JONES: We have a growth goal of
22 8. So in order for the kids to meet the goal --
23 right? -- they're going to have to be a 12. So
24 that's the -- those are the points that the students
25 have to make. So that isn't a direct report that's

1 printed for us, and that's where the calculation
2 comes in.

3 So what we've asked NWEA to do is
4 customize a report for us. So we're still working
5 with them to see if they can customize their report
6 that captures. If they're supposed to earn an 8, or
7 8-point increase to get to the 12, we check them off
8 and bank them, along with the proficiency levels.

9 So the part of having the data, that's the
10 first part. And we will have the data very quickly,
11 as soon as retakes are taken, and we're finished.

12 But the part of, "Let's try to capture 1.5
13 years of growth," the reports don't manually capture
14 that information. However, it's doable. It's just
15 going to take some time, and then we're going to
16 have our interpretation and --

17 THE CHAIR: That's where you lose me.
18 When you finish with, "...and we'll have our
19 interpretation" -- so that's where you lose me. But
20 that's why I'm saying, provide the raw data to them.
21 If, in the meantime, NWEA can assure us that they
22 can customize that report, which was what we were
23 supposed to have now, that assurance, so we could
24 see it, so we could know that that report would, in
25 fact, from them, show that.

1 So absent that, it's the raw data going
2 to. If -- I'm comfortable with saying if you can
3 come before -- if you can show us that you can get
4 that report, I don't have a problem changing this to
5 say, "and we will accept that report." We can
6 modify this at a later date, once we are assured
7 that that report does show us exactly what we want
8 it to.

9 COMMISSIONER JOHNSTON: And, Mr. Jones,
10 how long ago did you request that?

11 MR. CHRIS JONES: It's been about two
12 weeks now.

13 COMMISSIONER JOHNSTON: Have you been in
14 touch with them? You've been dogging them for this?

15 MR. CHRIS JONES: Yes. And at the time of
16 the negotiation, we had not discussed the CSD's
17 involvement with looking and doing their final
18 computation. So "interpretation" is not the word
19 that I meant to use.

20 I have no problem, and we don't dispute
21 handing over raw data to the CSD. The problem then
22 lies with how do we plan for the upcoming school
23 year? So that's the only piece. And, you know, we
24 can --

25 THE CHAIR: Because the discussion was he

1 But we don't have it. So I'm reluctant to
2 say we're going to rely solely on that report
3 because we don't -- we can't see it at this moment
4 in time.

5 COMMISSIONER JOHNSTON: Have you requested
6 it?

7 MR. CHRIS JONES: Yes.

8 THE CHAIR: But I think we would be
9 comfortable if NWEA could assure us that that report
10 comes from NWEA and not an interpretation, that that
11 would be acceptable.

12 MS. POULOS: Madam Chair, it's about
13 getting the report from NWEA. It's important to
14 know we've had schools say, "We exceed our goal."
15 And then the data, if you look at it, is the data
16 that would support a school falling far below its
17 goal. So we need the report.

18 THE CHAIR: Right. Right. So that's --
19 you know, and that's where we're sitting here with.
20 We don't know if we're going to have the report. I
21 can't say unequivocally that I'm going to rely on
22 that report; because I don't know that report is
23 actually going to come. That -- my understanding
24 was we were going to have that assurance today, and
25 we don't have it.

1 would have that report. We don't have the
2 information about that report for the assurances of
3 what that report is going to look like. So you're
4 asking us to agree to something that we have not
5 seen.

6 When we had the discussion at the
7 negotiations, we were going to have that report. We
8 haven't seen that report; so we do not know that
9 that report can actually come. So I can't agree to
10 something that I don't have assurances of at this
11 point in time.

12 MR. CHRIS JONES: Madam Chair, at the time
13 of the negotiation, we didn't mention a custom
14 report. We didn't have that conversation.

15 The conversation with Ms. Barnes was, the
16 school was to get the data from NWEA. We were to
17 determine that growth level and how that would look
18 with 1.5 years and put it in our own spreadsheet to
19 do the manual calculation. After that, we would
20 provide the raw data to the CSD.

21 THE CHAIR: But the subsequent discussions
22 have been that customized report.

23 MS. MATTHEWS: Through e-mail, if that's
24 what you're --

25 THE CHAIR: Okay. So --

<p style="text-align: right;">Page 190</p> <p>1 COMMISSIONER JOHNSTON: Mr. Jones, do you 2 think it will take NWEA four weeks, six weeks, eight 3 weeks to get back with you about that report? 4 MR. CHRIS JONES: Certainly not. 5 COMMISSIONER JOHNSTON: That's my 6 experience. That's why I'm asking you that. 7 MR. CHRIS JONES: I hope not; but I 8 can't -- 9 THE CHAIR: It's the end of the school 10 year, so there's a lot of demand. 11 MR. CHRIS JONES: We have an appointment 12 to meet with them May 26th. They're going to be in 13 town for a conference. So I couldn't answer that 14 question. I hope we get it sooner rather than 15 later. 16 COMMISSIONER JOHNSTON: And I understand 17 your concern is the students, and following that, 18 the staff, and timing of their information. 19 THE CHAIR: I think the best we can do 20 with at this moment in time is to require the raw 21 data to be sent in. And if that -- if a customized 22 report can be provided, and we have an ability to 23 look at that customized report, and it is 24 acceptable, then the raw data does not have to be 25 sent. The customized report can be accepted.</p>	<p style="text-align: right;">Page 192</p> <p>1 come through somebody else, that comes directly from 2 the assessment program. That's why we have not been 3 able to evaluate these performance frameworks. 4 MR. CHRIS JONES: And in all fairness, 5 Director Poulos, we don't have an issue providing 6 the raw data. What we're trying to do is trying to 7 identify a report that's going to be a little 8 quicker in figuring out if we made our indicators or 9 not. That's the conversation. That's all. 10 THE CHAIR: That's fine. That's what I 11 said. If you can provide that to us, we're fine 12 with that. But we can't vote on something that we 13 don't know is actually going to be available. 14 MR. CHRIS JONES: Sure. And that's fine. 15 THE CHAIR: That's why I'm saying the raw 16 data is provided. If you are able to get that 17 personalized or customized report, and we have an 18 opportunity to see that, yes, you have the ability 19 to obtain that report, then that's fine. That will 20 be acceptable. 21 COMMISSIONER JOHNSTON: Question about the 22 plan. So if we get that -- if we voted today on the 23 raw data, if it's in there, we get that report, this 24 can be modified. 25 THE CHAIR: Correct.</p>
<p style="text-align: right;">Page 191</p> <p>1 MS. POULOS: Right. I think no matter 2 what, it's the report and data. And I think we've 3 been clear with that on the schools. What we're 4 requesting is the schools provide us the report that 5 they get from their assessment program, rather than 6 a spreadsheet they have created. 7 That's what we ultimately want, and that's 8 what we ultimately need to look at is the reporting 9 that comes from the assessment program. 10 THE CHAIR: Right. Right. 11 MR. CHRIS JONES: And we could have very 12 easily done that with the one year. And I'm not 13 debating. This isn't a debate. I'm not 14 oppositional to the 1.5 years. 15 But there isn't a specific report to 16 capture that. Because I'd like to hand that over to 17 Director Poulos, as well. Instead of us doing the 18 computations, I could give her the report that 19 indicates growth and proficiency. 20 MS. POULOS: Madam Chair, there is a 21 report from NWEA. We can do the same calculations 22 and verify them. And that's what the need is, if 23 CSD is going to say and put a check mark on this box 24 that says, "This school meets this goal," I cannot 25 ask my staff to do that without support that has not</p>	<p style="text-align: right;">Page 193</p> <p>1 COMMISSIONER JOHNSTON: Okay. 2 THE CHAIR: Yes. Yeah. 3 MS. MATTHEWS: So leave it as it's worded, 4 and then modify it. 5 THE CHAIR: Well, we still need to put a 6 date for when the raw data needs to be -- raw data 7 and/or customized report will be provided by May. 8 MS. MATTHEWS: May 20th? Is that fair? 9 THE CHAIR: I'll tell you, if it's 10 May 20th, and we have to rely on the raw data -- so 11 this is -- this is on you. Because if it's 12 May 20th, and all we're relying on is the raw data, 13 we will not have an answer in June for you. So just 14 understand that. That will -- it won't happen, 15 because that is not enough time for CSD to look at 16 that raw data. 17 COMMISSIONER JOHNSTON: When do you have 18 your interim assessments scheduled in the spring 19 after all the others? At the end, when is the 20 earliest date you can do that? 21 MR. CHRIS JONES: Well, the issue lies 22 with the other assessments; right? And we also have 23 LAS Links, which is a Spanish assessment. We have 24 many assessments throughout the entire spring. 25 So for us, this interim assessment is</p>

1 always scheduled for early May. You know how it is
2 with makeup tests, for all of you who have -- yeah.

3 THE CHAIR: In my perfect world, there
4 will be few students that you're needing to rely on
5 at that final assessment.

6 MR. CHRIS JONES: My perfect world, as
7 well, yeah, definitely. Sure.

8 THE CHAIR: That's always the goal, you
9 know. So that let's hope that that's the -- what
10 happens.

11 But like I said, short of you not being
12 able to provide that customized report, if it is
13 just purely the raw data you're relying on, we
14 cannot make an assurance that it's going to be the
15 June meeting that you're done with.

16 MR. CHRIS JONES: Madam Chair, may we ask
17 the Charter Schools Division for a cut date, so that
18 can give us a recommendation? That way, I can plan
19 accordingly.

20 If it is the 15th, then I'll just have to,
21 immediately after PARCC, begin the next
22 administration.

23 THE CHAIR: Let's look at -- go back and
24 look at '18 now. I'm trying to look at when we
25 would most likely be meeting in June of 2018.

1 "Academic Goals," first box.

2 COMMISSIONER ARMBRUSTER: Read the first
3 sentence. That would be easier for us.

4 MS. MATTHEWS: I think Ms. Gipson has
5 that.

6 THE CHAIR: The first sentence now reads,
7 "The school will show, in FY '17-'18, that it has a
8 school grade of C or met all the other academic
9 indicators, b, c, and d, the CAP for academics will
10 have been met."

11 MS. MATTHEWS: "Met," period. "The NWEA
12 report or school raw data will be sent to CSD by
13 May 20, 2017." "NWEA," I guess, "generated report"
14 would be more specific?

15 MS. POULOS: I think the idea of raw data
16 needs to be the "NWEA reports available"; because
17 whatever it is -- it might be the custom report
18 that's available, or it might be the student reports
19 that are available with the one year. Whatever it
20 is, it's the NWEA reports available to the school
21 must be provided to the CSD.

22 MS. MATTHEWS: I'm trying to make the
23 distinction between you having to do the work, or
24 you getting the report that has been made customized
25 for the school that reflects their goals.

1 COMMISSIONER ARMBRUSTER: Yeah.

2 THE CHAIR: Yeah. So we're probably
3 meeting somewhere around the 14th of June. That
4 seems about -- because that's the second week in
5 June. So if you provided that --

6 COMMISSIONER ARMBRUSTER: Could we
7 accommodate by moving our meeting a week later?

8 MS. MATTHEWS: Ms. -- I might have some
9 suggested language that might get us a little closer
10 to what we're trying to accomplish.

11 THE CHAIR: That's tough. We're at the
12 end of the fiscal year. Then we push into July.

13 COMMISSIONER JOHNSTON: We're just like
14 the school is.

15 THE CHAIR: So that's hard.

16 MS. MATTHEWS: What about this? After the
17 first complete sentence, "...will have met," period,
18 "NWEA report or school raw data will be sent to CSD
19 by May 20, 2017"?

20 THE CHAIR: You know what? I've lost my
21 place.

22 MS. MATTHEWS: I'm inserting a sentence
23 after the first sentence.

24 THE CHAIR: Under the "General Agreement"?

25 MS. MATTHEWS: Yes, ma'am. Under the

1 MS. POULOS: But no matter what, it should
2 be an NWEA report.

3 MS. MATTHEWS: Right. That's what I'm
4 trying to say.

5 THE CHAIR: I don't think it matters. I
6 think the understanding is that CSD gets an NWEA
7 report, be it the customized report or the testing
8 results, in -- by May 20th, are we saying? By
9 May 20th. If it happens to be the customized
10 report --

11 MS. MATTHEWS: That's what I was trying --

12 THE CHAIR: We're good. If it's the
13 report solely from the testing results, then we run
14 into a problem with --

15 MS. MATTHEWS: That's what I'm trying to
16 accommodate and get on here.

17 So if it was the NWEA-generated report or
18 the NWEA student data, testing data, I guess is what
19 we're saying, will be sent to CSD by May 20, 2017.
20 So it's either the customized report showing they
21 met their goals, or it's whatever we want to call
22 the raw data -- I'm calling it the "NWEA student
23 testing data" -- will be sent to CSD.

24 If the NWEA-generated report shows the
25 school did not meet its goals, the revocation

<p style="text-align: right;">Page 198</p> <p>1 meeting will be held at your June meeting. If the 2 CSD must analyze, and the school -- must analyze the 3 data, and the school does not -- and then determines 4 the school does not meet its goals, that the PEC 5 will hold the revocation within 15 days of the CSD's 6 report on the goals. 7 So then you have deadlines in there for 8 each of these things to happen. 9 Or we can modify that; but that's the 10 idea. 11 THE CHAIR: Okay. Go back. 15 days from 12 when? 13 MS. MATTHEWS: They've made their 14 assessment. 15 MS. POULOS: Madam Chairwoman, if we're 16 still presuming a dispute process, where parties, 17 who -- again, I'm not clear who those are -- meet 18 and select a third-party evaluator -- that is, as I 19 expressed my concerns about a third-party evaluator 20 that's paid by the school -- then that 15 days can't 21 happen. 22 THE CHAIR: Right. You're taking out your 23 opportunity to appeal that assessment if you put 24 that 15 days in. 25 MS. MATTHEWS: That's why I'm changing it.</p>	<p style="text-align: right;">Page 200</p> <p>1 discussions with staff about June; because we're 2 into July by that point in time. We are. 3 But there's not much -- you know. It 4 was -- to some extent, it was a "pie in the sky" to 5 try to accommodate that. We're going to have 6 everything done by June, when you're not finishing 7 assessments until the end of May. There really 8 was -- and we're meeting less than a month after 9 you're finishing your assessments. So that is a 10 crunch time anyway; so that it was -- 11 MS. MATTHEWS: What if we proposed 12 something else that would simplify everything, but 13 it would bring up an issue that I'm not sure you 14 want to talk about? 15 But to go back to the question of the "C." 16 But that immediate revocation means that they're 17 immediately revoked, but they would close at a date 18 subsequent, like at the end of a semester, 19 preferably at the end of the school year. 20 But I know your opinion about that. But 21 that is, to me, the alternative solution. And that 22 was -- we were looking at the report card grade in 23 the first instance. But the question of -- 24 THE CHAIR: You know, I'm not comfortable 25 with the potential of the school continuing for a</p>
<p style="text-align: right;">Page 199</p> <p>1 COMMISSIONER ARMBRUSTER: So what would 2 you be disputing? The NWEA raw data? 3 THE CHAIR: The assessment by Charter 4 School Division. If they disagree, and Charter 5 School Division says they didn't meet, but according 6 to the way they've populated it out, they feel they 7 did, then there has to be -- there's another set of 8 eyes -- an independent set of eyes that gets on it. 9 So we can't do the 15 days. 10 MS. MATTHEWS: I would say 15 days after 11 any dispute resolution process has been completed. 12 THE CHAIR: And I've got no issue with 13 that, except that there is -- then, you need to note 14 that. 15 MS. MATTHEWS: We're going to be there 16 anyway; it won't matter. Because the CSD has opined 17 that they cannot do the assessment of the data in 18 time to give the school advance notice before the 19 end of the fiscal year. 20 THE CHAIR: Well, it may not be -- if he 21 gets a customized report, there won't be an issue. 22 MS. MATTHEWS: I understand that. But 23 there's two alternatives going on. 24 THE CHAIR: But I'm just saying, then, 25 there's no opportunity there for, you know,</p>	<p style="text-align: right;">Page 201</p> <p>1 whole other school year. That's -- and that -- you 2 know, we're -- we were clear on that. It hasn't 3 been often that we've closed a school in the middle 4 of the school year. 5 MS. POULOS: Madam Chair, I don't believe 6 we have. 7 THE CHAIR: Those are challenges that are 8 really -- 9 COMMISSIONER JOHNSTON: That's difficult 10 on families, the very people we're talking about. 11 THE CHAIR: Because I think, in all 12 honesty, if that was dangling out there, you'd have 13 flight from the school, because they're not going to 14 hang around for a semester. They're going to make 15 arrangements for their child at the beginning of the 16 school year. 17 And so if I was on staff there, and there 18 was another opportunity, I'd be gone, as well. 19 MR. CHRIS JONES: It would be a revocation 20 of the current year. 21 THE CHAIR: So I don't think that's an 22 alternative, to close at the end of the semester. 23 MS. MATTHEWS: We'll take the end of the 24 school year. 25 THE CHAIR: No. That wasn't even on the</p>

<p style="text-align: right;">Page 202</p> <p>1 menu.</p> <p>2 MS. MATTHEWS: Oh, come on, Ms. Gipson.</p> <p>3 THE CHAIR: I think this is it. I think</p> <p>4 this is it.</p> <p>5 COMMISSIONER JOHNSTON: Yeah.</p> <p>6 MS. MATTHEWS: So what is it?</p> <p>7 THE CHAIR: We stick with this language,</p> <p>8 that the school -- I've written so many -- "The</p> <p>9 school provide NWEA testing data to CSD by</p> <p>10 May 20th."</p> <p>11 MS. MATTHEWS: I'm sorry, Ms. Gipson. Can</p> <p>12 you start over?</p> <p>13 Oh, you have it.</p> <p>14 THE CHAIR: 5/20, the school provide --</p> <p>15 COMMISSIONER CRONE: 2018.</p> <p>16 THE CHAIR: I'm losing my school year.</p> <p>17 2018. "by 5/20/18, the school provide NWEA testing</p> <p>18 data to CSD. If the NWEA report shows the school</p> <p>19 met its goal, the school has -- the school satisfied</p> <p>20 the CAP. If CSD determines, through their</p> <p>21 assessment of..." -- I can't even write anymore --</p> <p>22 "...NWEA test results..." -- so I've made a</p> <p>23 distinction between report and test results -- "If</p> <p>24 CSD determines through their assessment of NWEA test</p> <p>25 results that the school did not meet its goal, a</p>	<p style="text-align: right;">Page 204</p> <p>1 customized. It's "test results" if --</p> <p>2 COMMISSIONER ARMBRUSTER: That's clear.</p> <p>3 Just wanted to make sure it was clear language.</p> <p>4 THE CHAIR: We've eliminated that, because</p> <p>5 there seems to be confusion with the term, "raw</p> <p>6 data."</p> <p>7 COMMISSIONER JOHNSTON: I have one last</p> <p>8 question.</p> <p>9 THE CHAIR: No.</p> <p>10 COMMISSIONER JOHNSTON: Because we have</p> <p>11 to, because this -- this customized report is</p> <p>12 expensive. Are you funding it out of this year's</p> <p>13 budget? Next year's budget? Have you looked at the</p> <p>14 cost of it?</p> <p>15 MR. CHRIS JONES: We haven't been quoted a</p> <p>16 price; so it would have to be out of next year's</p> <p>17 budget.</p> <p>18 COMMISSIONER JOHNSTON: That's a given,</p> <p>19 that you're adding as you go through this. I knew</p> <p>20 you were; but I wanted to check.</p> <p>21 Thank you.</p> <p>22 COMMISSIONER TOULOUSE: Madam Chair?</p> <p>23 THE CHAIR: Yes.</p> <p>24 COMMISSIONER TOULOUSE: I should have been</p> <p>25 part of the negotiation. I thought I was skipping</p>
<p style="text-align: right;">Page 203</p> <p>1 revocation hearing will take place within 15 days</p> <p>2 after any appeal."</p> <p>3 Because we've opened -- well --</p> <p>4 COMMISSIONER ARMBRUSTER: Didn't we say</p> <p>5 that in the original thing?</p> <p>6 THE CHAIR: No, no, no. The appeal is the</p> <p>7 test results, not an appeal --</p> <p>8 COMMISSIONER ARMBRUSTER: Of that, okay.</p> <p>9 THE CHAIR: Not an appeal of the -- but</p> <p>10 the -- if we want to -- or "review" by third party</p> <p>11 instead of "appeal"? Take the word "appeal" out?</p> <p>12 MS. MATTHEWS: It's consistent with the</p> <p>13 language that we use later on. So if you say,</p> <p>14 "third-party review," it's consistent with the</p> <p>15 language that we use later on. So if you say --</p> <p>16 THE CHAIR: Okay. So, "...after any</p> <p>17 third-party review." Okay?</p> <p>18 And there's -- so we have an understanding</p> <p>19 that this is probably July that this -- that this</p> <p>20 is -- you know.</p> <p>21 COMMISSIONER ARMBRUSTER: Madam Chair? On</p> <p>22 that first sentence, I think -- you look, because I</p> <p>23 can't remember all you said -- it's the NWEA raw --</p> <p>24 THE CHAIR: No, we're not using the term,</p> <p>25 "raw data." We're using "report" if it's the</p>	<p style="text-align: right;">Page 205</p> <p>1 something by not doing that; but we're renegotiating</p> <p>2 that.</p> <p>3 THE CHAIR: You missed four-and-a-half</p> <p>4 hours of fun time.</p> <p>5 COMMISSIONER TOULOUSE: But I have some</p> <p>6 concerns, if we were ready to go forward with this,</p> <p>7 if we keep doing all this back-and-forth. But I am</p> <p>8 concerned already about your students. Are you</p> <p>9 already losing some?</p> <p>10 MR. CHRIS JONES: You know, it's been the</p> <p>11 biggest roller-coaster year. And we've lost some.</p> <p>12 Our enrollment looks okay for next school year.</p> <p>13 I really don't know how to answer that.</p> <p>14 It's -- you know, it's just been one of those years.</p> <p>15 COMMISSIONER TOULOUSE: I'm concerned</p> <p>16 because my grandson is at Cien Aguas. And they were</p> <p>17 preparing for you to close and to take most of your</p> <p>18 students.</p> <p>19 It's not my problem now, because they're</p> <p>20 with APS; so I don't have to worry about their cap</p> <p>21 or their building.</p> <p>22 Because we're putting everybody in limbo,</p> <p>23 even with doing this. And I'm concerned that even</p> <p>24 doing this one year, you may not be hanging onto</p> <p>25 your kids and your students. And there needs to be</p>

<p style="text-align: right;">Page 206</p> <p>1 a way, I think, to make sure that those students and 2 their families are totally bought-in to they've got 3 to do it, that the kids have got to do it, the 4 parents have got -- I mean, no fussing about it, no 5 not showing up, not doing your homework, if they 6 want to do that. 7 MR. CHRIS JONES: Sure. Yeah. 8 COMMISSIONER TOULOUSE: And I don't know 9 how you do that. But I think it isn't going to be 10 you folks; it's going to be those students. 11 THE CHAIR: And, you know, this is -- 12 short of revoking them, this was -- so this -- you 13 know, if we don't want to hang them out for a year, 14 then it was revocation. 15 So I think this was fair and reasonable. 16 And I understand what you're saying in terms of -- 17 but that's a decision that families need to make. 18 And you're right. Families need to understand what 19 this will all mean. And there has to -- that effort 20 has to -- it's a community-wide effort to move the 21 school along at this point in time. It can't be 22 done by any one person or any small group of people. 23 It is a commitment by the entire school community 24 there. 25 COMMISSIONER TOULOUSE: If you can get the</p>	<p style="text-align: right;">Page 208</p> <p>1 And I hopefully captured all of the changes. 2 All right. I make a motion that the 3 Public Education Commission adopt the Corrective 4 Action Plan for La Promesa with the following 5 corrections: 6 The school will -- under "General 7 Agreement, Academic Goals," "The school will show, 8 in fiscal year '17-'18, that it has a school grade 9 of C. By May 20th, 2018, the school will provide 10 raw data..." -- "...will provide NWEA testing data 11 to CSD. If the NWEA report shows the school met 12 their goal, the school has satisfied the Corrective 13 Action Plan. If CSD determines, through their 14 assessment of NWEA testing results, that the school 15 did not meet its goal, a revocation hearing will 16 take place within 15 days after any third-party 17 review." 18 Under "Academic Performance Framework," 19 the correction is, "The CSD must provide data 20 interpretation no later than 15 to 20 days from the 21 date the school provides the data." 22 Under "Organizational Goals," No. 2, it 23 is, "Beginning fiscal year..." -- or "School" -- 24 "SY," really -- "...'17-'18, the school must work 25 with student achievement."</p>
<p style="text-align: right;">Page 207</p> <p>1 commitment of the people who showed up here with us 2 and showed up in front of the school and all of 3 those places, then you're fine. But you've got to 4 make them understand that their commitment is not 5 just to come here to us; their commitment is to you 6 folks. 7 MR. CHRIS JONES: Right. And, 8 Commissioner Toulouse, to answer your question, I'm 9 hopeful still that we'll get that level of 10 commitment. I was truly banking on the "C." I 11 really was. There's a lot of research around NWEA 12 with that growth goal. So the "C" and making sure 13 we moved our Q1 kids and close those gaps. But it 14 took us so far out into the next school year that it 15 became problematic in itself. 16 We're going to have to do the best we can, 17 with the help of our parents and our community. 18 COMMISSIONER JOHNSTON: And, Mr. Jones, 19 that's under your leadership. 20 MR. CHRIS JONES: Sure. Absolutely. 21 THE CHAIR: Okay. 22 COMMISSIONER ARMBRUSTER: I'm not reading 23 that. I'm taking notes. I'll second; but I'm not 24 going to read it. 25 THE CHAIR: So I will make the motion.</p>	<p style="text-align: right;">Page 209</p> <p>1 And the elimination of all the wording 2 starting with, "...or an alternate continuous 3 improvement." Okay? 4 So the remainder of that paragraph goes -- 5 Under "General Agreement," letter "e," "CSD will 6 attempt to coordinate the site visits to take place 7 at the same time." 8 Finally, under "Financial Goals," No. 1, 9 there is an addition of, "...and a site visit by 10 School Budget and Financial Bureaus" -- I'm sorry -- 11 "...Financial Analysis" -- thank you -- "...and the 12 Financial Bureau"? 13 MS. POULOS: "Audit." 14 THE CHAIR: "...and the "Audit Bureau." 15 All right. 16 And in No. 2, the word "identical" is 17 being replaced by "repeat." 18 Do I have a second? 19 COMMISSIONER ARMBRUSTER: (Indicates.) 20 THE CHAIR: Second by Commissioner 21 Armbruster. 22 Roll-call vote, please. 23 COMMISSIONER ARMBRUSTER: Are there any 24 abstentions? 25 Seeing none, Commissioner Gipson?</p>

<p style="text-align: right;">Page 210</p> <p>1 THE CHAIR: Yes.</p> <p>2 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>3 Toulouse?</p> <p>4 COMMISSIONER TOULOUSE: Yes.</p> <p>5 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>6 Ruiz?</p> <p>7 COMMISSIONER RUIZ: Yes.</p> <p>8 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>9 Johnston?</p> <p>10 COMMISSIONER JOHNSTON: Yes.</p> <p>11 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>12 Armbruster votes "yes."</p> <p>13 Commissioner Conyers?</p> <p>14 COMMISSIONER CONYERS: Yes.</p> <p>15 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>16 Crone?</p> <p>17 COMMISSIONER CRONE: Yes.</p> <p>18 COMMISSIONER ARMBRUSTER: That is a seven</p> <p>19 to zero.</p> <p>20 THE CHAIR: Motion passes seven-zero.</p> <p>21 Thank you.</p> <p>22 COMMISSIONER JOHNSTON: And, Mr. Jones, I</p> <p>23 appreciate your active participation in this.</p> <p>24 MR. CHRIS JONES: Of course. Thank you.</p> <p>25 Thank you all very much.</p>	<p style="text-align: right;">Page 212</p> <p>1 indicated that it could be anywhere from two to five</p> <p>2 hours, their presentation. So that we wanted to be</p> <p>3 able to have enough time to have some input with it,</p> <p>4 so that we didn't want to leave everything and try</p> <p>5 to squeeze the Public Impact presentation in all on</p> <p>6 Friday. So that we should be able to get rid of our</p> <p>7 regular business Thursday afternoon.</p> <p>8 And I'm guessing, because it's the time of</p> <p>9 the year, there probably won't be that many</p> <p>10 amendment requests coming in.</p> <p>11 Maybe not. But if there is, we can get</p> <p>12 through that on Thursday afternoon, and that will</p> <p>13 leave us the Public Impact presentation for Friday.</p> <p>14 Is there anything else you want to add to</p> <p>15 that?</p> <p>16 MS. POULOS: (Indicates.)</p> <p>17 MS. FRIEDMAN: Madam Chair, I'd like to</p> <p>18 also mention that we had been scheduled to meet in</p> <p>19 the Roundhouse; but we're going to be meeting here</p> <p>20 in Mabry Hall on the 15th and the 16th. And I'll</p> <p>21 change the calendar.</p> <p>22 THE CHAIR: Okay. Thank you. Okay. That</p> <p>23 was -- wow, that was quick.</p> <p>24 We're on to No. 10, which is Discussion</p> <p>25 and Possible Action on Contract Negotiations with</p>
<p style="text-align: right;">Page 211</p> <p>1 THE CHAIR: Commissioners, I think we need</p> <p>2 to take a lunch break.</p> <p>3 (A discussion was held off the record.)</p> <p>4 THE CHAIR: So it is 20 to 2:00. I'm</p> <p>5 going to say we're going to try to be back by 2:30.</p> <p>6 But we're going to do our best to be back by 2:30.</p> <p>7 (Recess taken, 1:35 p.m. to 2:44 p.m.)</p> <p>8 THE CHAIR: We have ourselves a quorum</p> <p>9 now. So we are now on to No. 9, Discussion and</p> <p>10 Possible Action on Public Impact Contract Regarding</p> <p>11 the Performance Framework.</p> <p>12 And I think this is going to be fairly</p> <p>13 quick today.</p> <p>14 But the recommendation -- Public Impact</p> <p>15 has offered to come in and do a presentation for the</p> <p>16 PEC. And we have said that we talked about it</p> <p>17 yesterday at the Work Session and worked out a</p> <p>18 schedule so that, hopefully, this presentation can</p> <p>19 be accommodated by our starting, actually, the</p> <p>20 regular portion -- a piece of the regular portion of</p> <p>21 our meeting the Thursday afternoon --</p> <p>22 MS. FRIEDMAN: 15th.</p> <p>23 THE CHAIR: -- of the 15th, and we would</p> <p>24 be able to get through a lot of the routine stuff on</p> <p>25 Thursday afternoon. Because Public Impact has</p>	<p style="text-align: right;">Page 213</p> <p>1 Renewal Schools Currently Not Under Contract.</p> <p>2 So, we are in preliminary discussions.</p> <p>3 And our -- my schedule was a little in flux, because</p> <p>4 we had the appeal with Estancia Valley that kept</p> <p>5 moving. But right now, what I'm hoping that we're</p> <p>6 going to be able to do is to -- and I know one</p> <p>7 school already told us that June isn't a good time</p> <p>8 for them, because they're --</p> <p>9 COMMISSIONER ARMBRUSTER: Gone.</p> <p>10 THE CHAIR: -- gone, traveling. So the</p> <p>11 Director -- you weren't there when we were</p> <p>12 discussing with them, weren't you?</p> <p>13 MS. POULOS: Yes, I was.</p> <p>14 THE CHAIR: Because it seems like a long</p> <p>15 time ago now.</p> <p>16 So that we'll work out some kind of</p> <p>17 Memorandum of Understanding with that school so that</p> <p>18 there's no concern that a contract is there for</p> <p>19 them.</p> <p>20 And the other schools that will -- I'm</p> <p>21 hoping to be able to schedule dates around the</p> <p>22 June 14th meeting time with those schools.</p> <p>23 MS. FOX: Can I come down?</p> <p>24 THE CHAIR: Sure.</p> <p>25 MS. FOX: Madam Chair, Susan Fox with the</p>

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1 Matthews Fox firm. And we represent five schools
2 who were renewed last fall. Don't know if any of
3 the others are here. And I think there are a couple
4 of school representatives who are actually here.

5 Appreciate all that. I understand the
6 situation that the PEC is in. The difficulty with
7 an MOU, though, is that as we read the statute, the
8 charters are going to expire by their own terms as
9 of July 1. And so I would request that the PEC put
10 a vote on the -- either now or in June, sometime
11 before June 30th, on the record to extend these
12 charter contracts until we can get a new framework
13 and contract in place.

14 THE CHAIR: Yes. Yeah.

15 MS. FOX: Okay.

16 THE CHAIR: We're working on that, so that
17 that'll be solidified -- we will either be meeting
18 with them, or there will be a vote so that it will
19 go forward, that everyone will be safe and
20 comfortable July 1st.

21 MS. FOX: Safe and comfortable is a good
22 place for a charter school. I'm not sure that's
23 ever something we've experienced; but we'd be happy
24 to try for it.

25 Thank you.

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1 MS. FOX: And, Madam Chair, our governing
2 councils will need to meet to also sign off on
3 whatever that ends up being, as well; so --

4 THE CHAIR: Right. And I get -- that is a
5 concern, 'cause I don't know if some of them take a
6 break, because it's June. But I think that could be
7 worked out with the governing councils. If they had
8 to do a quick special, they could.

9 MS. FOX: Okay.

10 THE CHAIR: Okay.

11 MS. FOX: We'll be in touch in the future,
12 then. Great. Thank you.

13 THE CHAIR: Great. Thanks.

14 We're moving along.

15 Item No. 11, Discussion and Possible
16 Action on Contract for PEC Legal Services.

17 So let me just tell you a little bit of
18 what I did.

19 The one document that you have is titled,
20 "PEC Proposal to PED's Office to Hire a Contract
21 Counsel." And it's not -- it was put in separately
22 yesterday. I think it was just laid on the -- so
23 it's not in your binder.

24 So that -- let me -- I just want to let
25 people know that I didn't make this up myself. All

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1 THE CHAIR: Right. Okay? If there -- if
2 you have any other questions, we'll be in touch.
3 That's the best I can do right now.

4 MS. FOX: Okay. And we'll be -- the other
5 point I would like to make is we would also need to
6 have an extension of the time to appeal in case
7 there was a problem.

8 THE CHAIR: Yeah. Yeah.

9 MS. FOX: And so you said, like, we're on
10 the same page.

11 THE CHAIR: Yeah. That won't be an issue.

12 MS. FOX: Okay. I don't know if anyone
13 else here wants to say something; but I'm finished.

14 MS. BENNETT ANDERSON: When might you have
15 this extension? When?

16 THE CHAIR: The extension of time?

17 MS. BENNETT ANDERSON: No. When will you
18 have something written that -- the MOU?

19 THE CHAIR: I'm going to say within two
20 weeks. Within two weeks. It's in the works. It's
21 in the mail.

22 COMMISSIONER ARMBRUSTER: It isn't. It
23 isn't.

24 MS. FOX: So the next PEC meeting.

25 THE CHAIR: Absolutely, yes. Yes. Yeah.

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1 right? This was populated before my time, that this
2 was the work product Of A Work session when Deputy
3 Secretary Aguilar made an initial proposal, I'm
4 going to say.

5 And Commissioner Toulouse can better frame
6 this. I'm going to say probably three years ago or
7 so. So it was before -- right. Commissioner
8 Toulouse and Conyers were, right now, the only two
9 present that were on the Commission at the time.

10 But there was a work session that was
11 held. And this was the work product of that. There
12 had been a request about two years ago -- a year and
13 a half, two years ago -- for a similar proposal.
14 And someone said that they had a copy of this.

15 So I was forwarded a copy of this, and
16 that's what I forwarded to the Deputy Secretary at
17 that time.

18 So that when the -- when the offer for
19 legal counsel -- legal services came forward again,
20 I said, "Well, I've got a scope of work that had
21 been worked on"; so that I did not add anything to
22 this document. I took two things out of it that was
23 in there. And that was, one of the requests was for
24 a four-year contract; and I just thought that could
25 become problematic. So I removed that request.

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1 I just thought, "Well, I don't know
2 whether -- four years?" You know, I didn't know.
3 So I took that out.

4 And there was an item on contract
5 negotiations in there, and I took that out.

6 Other than that, I didn't alter this
7 document because the item about contract
8 negotiations really didn't affect the legal counsel
9 itself; so I took that out.

10 Otherwise, this document stands as had
11 been presented by the PEC three years ago, okay?

12 What the Director provided for us
13 yesterday was two separate copies, one with the
14 redlined, which was what was added in, and, in some
15 cases, taken out, because there's underlines and
16 there's cross-outs. But then there's a finalized,
17 clean copy, so that you can navigate what had been
18 taken out through the red. And then you've got the
19 final, clean copy.

20 And I'm getting myself lost in my copies.

21 COMMISSIONER JOHNSTON: And may I ask an
22 historical question -- hysterical or historical?

23 THE CHAIR: Sure.

24 COMMISSIONER JOHNSTON: When --

25 THE CHAIR: As long as it's not

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1 worked and just hadn't gotten the right information
2 from the right folks at the time -- and I put four
3 members of the PEC would be on RFP review committee,
4 if that's a process that goes forward. And I hadn't
5 gotten the recommended number, and then I got myself
6 confused.

7 So the recommended number for an RFP
8 committee is five.

9 THE CHAIR: Okay.

10 MS. POULOS: And then I got myself
11 confused, thinking that would be a quorum, which
12 it's not. So that would be a point where you may
13 want to have that conversation to meet that
14 recommended number.

15 THE CHAIR: Okay.

16 COMMISSIONER JOHNSTON: And that's in --
17 the four is the number that's in what you gave us?

18 THE CHAIR: Right.

19 MS. POULOS: Yes, I believe that's on the
20 first page.

21 COMMISSIONER JOHNSTON: Oh, okay.

22 MS. POULOS: Where we talk about an RFP
23 review committee.

24 COMMISSIONER JOHNSTON: Yes, okay. Thank
25 you.

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1 hysterical.

2 COMMISSIONER JOHNSTON: When the first
3 document was created, did it just -- you never -- it
4 was never --

5 THE CHAIR: They've never been acted on.

6 COMMISSIONER JOHNSTON: It was never acted
7 on. All right. Thank you.

8 THE CHAIR: The request for the proposal
9 was made; but then it was not --

10 COMMISSIONER TOULOUSE: The reason it
11 wasn't acted upon was at that point, PED was going
12 to choose the attorney for us, and it would have
13 been presented to us. And we felt we needed to
14 choose our own representative. And it just kind of
15 died away.

16 THE CHAIR: And then when the second
17 request came, the request came; but then the
18 conversation died.

19 COMMISSIONER JOHNSTON: Okay.

20 THE CHAIR: An inglorious death. So now,
21 there has been this offer again for legal services.
22 So we're back at this conversation again.

23 COMMISSIONER JOHNSTON: Thank you.

24 MS. POULOS: Madam Chairwoman, in regards
25 to the redlined copy, one of the things that I had

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1 THE CHAIR: And I do want to double-check
2 and thank you, that in the letter "C," that was a
3 typo error; correct? That it should be, "the
4 majority vote of the PEC," not the "PED."

5 MS. POULOS: That is correct. Letters.

6 THE CHAIR: I know. I know. So I'll open
7 it up for questions, comments, concerns, from anyone
8 at this point in time.

9 I have a couple; so -- but I'll open it up
10 first.

11 COMMISSIONER ARMBRUSTER: So this person
12 would -- when they're saying, "contracted with one
13 or more attorneys to provide limited legal
14 representation," they have a budget of \$85,000, and
15 that's because they would do it on an as-needed
16 basis?

17 THE CHAIR: Yes. Through a discussion
18 with the two Deputy Secretaries yesterday, when I
19 saw this, my -- my thought was -- it's not, "Ooh,
20 wow, we have \$85,000; we're going to spend \$85,000";
21 but there's an allotment there, and that the person
22 will bill out the hours; all right? That will
23 happen.

24 But I would hope there -- it all wouldn't
25 be used, but not anti- -- we can't anticipate how

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1 many potential appeals that we -- that we could
2 have; so that that -- you know, there's a -- there's
3 a question mark that is there.

4 So that as we had a short discussion
5 yesterday, it's like, well, there could be a year
6 where you'd use it all, and then there could be
7 another year where you would only use half of it.

8 COMMISSIONER ARMBRUSTER: Or not at all.

9 THE CHAIR: We'll always use some of it;
10 because there will be legal services that will be
11 required. So it'll never be a zero.

12 But there -- if we have a year where there
13 are no appeals, then it would be way less than a
14 year that we've had a lot. So that's -- you know,
15 it's not a, "Here's the money, go use it."

16 We're trying to be thoughtful with the use
17 of that money; so that that's -- you know, it's not
18 a -- we're not -- we're not giving this individual a
19 salary.

20 COMMISSIONER ARMBRUSTER: Right. Because
21 this person is going to do other jobs to earn his or
22 her living, and this will be --

23 THE CHAIR: Correct. And from my
24 perspective and my desire, my preference is for it
25 to be a person, not multiple people, that have the

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1 able to have legal access and say, "This is a fair
2 and reasonable reason why," and that they should
3 have the opportunity to evaluate and access data
4 that is public record.

5 So I have a concern when, as an example --
6 I think it was letter "J" -- gets taken out, and
7 letter "L" -- the PEC is obligated by statute to
8 provide a report. And what the PE- -- all
9 authorizers are provided -- are statutorily
10 obligated to provide a report. That report is then
11 supposed to go to the Cabinet Secretary, and PED
12 makes an overall report.

13 So I wouldn't want to do that without
14 legal review.

15 COMMISSIONER JOHNSTON: And that's "L"?

16 THE CHAIR: That's "L."

17 COMMISSIONER JOHNSTON: Okay. So that was
18 taken out.

19 Is there anywhere -- all right. I'm
20 looking at the red. Where does it talk about -- you
21 said -- "provide legal representation, if requested,
22 with negotiation worksheets requested from the
23 Chair."

24 So statutorily, we are required, as a
25 Commission, to make an annual report; is that

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1 opportunity to get -- to do contract work; because I
2 think it's beneficial to have whoever it is, that it
3 be a consistent voice, so that that would -- you
4 know, that would be my -- my preference.

5 I think we need to -- there's a -- there's
6 a couple of other things that -- that do concern me,
7 in particular, about what was taken out that the PEC
8 had asked for. And I -- you know, I'll reiterate
9 concerns that I've expressed before, that if the PEC
10 is asking for this, I think they're valid and
11 reasonable requests, and I don't know why they're
12 being denied.

13 So I will -- and I'll speak to part of it.

14 At this point in time, I have no issue
15 with letters being generated out from the PEC. And
16 if our role is going to increase in, as an example,
17 we're going to send out the letters in regards to
18 amendment requests, and it's going to be our
19 determination that we're not going to hear an
20 amendment request, and this is the reason why, I
21 have no issue with that letter coming from the PEC.

22 However, I'm not going to execute that
23 letter without some kind of review of that letter
24 going out. And I think that any legal counsel that
25 we had would have an expectation that we would be

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1 correct?

2 THE CHAIR: Correct.

3 COMMISSIONER JOHNSTON: So with that taken
4 out, is there anything in this -- because that's
5 not -- oh. Because -- and you're saying that you
6 would like the attorney to assist in drafting an
7 annual report?

8 THE CHAIR: I think anything that comes
9 from us needs eyes on.

10 COMMISSIONER JOHNSTON: So it needs
11 review. And, I'm sorry. I'm --

12 COMMISSIONER RUIZ: Review or assistance
13 in drafting, or drafting it altogether.

14 THE CHAIR: Right. Yeah.

15 COMMISSIONER JOHNSTON: We wouldn't want
16 an attorney to draft it.

17 THE CHAIR: I think they can aid in the
18 drafting of.

19 COMMISSIONER JOHNSTON: Do we do that
20 every year? And I ask that --

21 THE CHAIR: We have not.

22 COMMISSIONER JOHNSTON: We have not.

23 THE CHAIR: We have not.

24 COMMISSIONER JOHNSTON: Why? "Why" makes
25 no difference. We have not done it. Does Charter

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1 School Division do an annual report?
 2 MS. POULOS: Madam Chairwoman,
 3 Commissioners, no charter school authorizer has
 4 provided an annual report to the PED at this time.
 5 One of the things that we are going to
 6 work on is identify what the template for that
 7 report is, to make sure we have the information we
 8 need to provide the report. And as far as our --
 9 our annual report that comes out of CSD, there are
 10 some; but there is not an up-to-date report.
 11 THE CHAIR: We've had no staff to do it.
 12 COMMISSIONER JOHNSTON: No. I understand.
 13 I'm just trying to get my head wrapped around it.
 14 So Charter School Division, if -- to
 15 assist us in drafting such a report, if not a
 16 contracted attorney, we're expected to generate this
 17 report on our own?
 18 MS. POULOS: Madam Chairwoman,
 19 Commissioner Johnston, the position of the PED in
 20 making changes to this is that this is a contract
 21 for legal services. And you'll note in the memo
 22 that it was indicated that the \$85,000 is being set
 23 aside for legal services.
 24 And, really, the -- the PED Charter
 25 Schools Division provides the staff support. And in

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1 an instance where we are unable to, where the
 2 Division is unable to provide support, then we would
 3 need to go out and provide additional support.
 4 And certainly, in the context of legal
 5 services, there are very real, practical reasons
 6 that the PED cannot provide that -- that staff
 7 support, because of conflicts of interest, which is
 8 the intent of this is to address that.
 9 But with regards to actually drafting a
 10 report and collecting the data needed for that
 11 annual report, that is something that would be under
 12 the -- the provisions of the statute that indicate
 13 that the CSD provides staff support to the
 14 Commission.
 15 COMMISSIONER JOHNSTON: So we would have
 16 support from the -- from the Charter School Division
 17 staff for doing that.
 18 MS. POULOS: That's correct.
 19 THE CHAIR: Well, so far, we have not. So
 20 a report has not been populated.
 21 COMMISSIONER JOHNSTON: Okay.
 22 THE CHAIR: So --
 23 COMMISSIONER ARMBRUSTER: Ever, is what
 24 you're saying?
 25 THE CHAIR: That's what I'm saying, is

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1 that we need to do this on our own.
 2 COMMISSIONER JOHNSTON: Do what? I'm
 3 sorry -- "on our own."
 4 THE CHAIR: Get the report. We need to do
 5 this report. We have a statutory obligation to do
 6 this report.
 7 COMMISSIONER JOHNSTON: But our attorney
 8 should not be the person who -- our attorney --
 9 THE CHAIR: I don't necessari- -- I don't
 10 necessarily agree with that; because I think the
 11 attorney can help us in --
 12 COMMISSIONER JOHNSTON: It's like an
 13 annual report. Everywhere I've ever worked, the
 14 attorneys have not done those annual reports.
 15 THE CHAIR: I'm not saying they're going
 16 to do it.
 17 COMMISSIONER RUIZ: She's saying assist,
 18 you know, assist in the drafting of that report.
 19 COMMISSIONER JOHNSTON: But this memo is
 20 for legal services, not to assist us in drafting a
 21 report.
 22 THE CHAIR: Well, this was the scope of
 23 work that was developed by the PEC for the legal
 24 services, and this is what they said. And I do
 25 believe Josh was at that meeting. So this was also

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1 with the Attorney General's counsel that was here at
 2 that work session for that scope of work.
 3 COMMISSIONER JOHNSTON: All right.
 4 COMMISSIONER TOULOUSE: Madam Chair, I
 5 think the idea was, especially as we just begin to
 6 do a report, to make sure that we have everything
 7 that legally should be in a report, not to have it
 8 drafted, but to be reviewed and make sure that we
 9 are making -- doing what we are legally obligated to
 10 do. And I think that is something a lawyer would
 11 do.
 12 COMMISSIONER JOHNSTON: I disagree.
 13 COMMISSIONER TOULOUSE: Well, you do
 14 frequently.
 15 COMMISSIONER JOHNSTON: Excuse me?
 16 COMMISSIONER TOULOUSE: You disagree
 17 frequently.
 18 COMMISSIONER JOHNSTON: Well...
 19 COMMISSIONER CONYERS: Madam Chair,
 20 what -- I know there's a reference to a template for
 21 the report. Is that something we need before doing
 22 that? Or is that -- that's something that's in
 23 development? Or where is that?
 24 MS. POULOS: Madam Chairwoman,
 25 Commissioner Conyers, I think it's important that no

<p style="text-align: right;">Page 230</p> <p>1 authorizer has done any reporting. And there has 2 been no direction from the CSD on what that report 3 is supposed to contain. And I think that's really 4 important to acknowledge. 5 And certainly, no authorizer is being held 6 accountable for not reporting for that reason. And 7 that is something that, for the next fiscal year, we 8 absolutely intend on having in place to identify 9 what is the expected reporting. 10 And, again, because CSD provides the staff 11 support on the authorizing practices, we would have 12 all the information necessary to populate that 13 report and that template that we set out as the 14 expectations. 15 THE CHAIR: So I guess there's also the 16 question of -- I have to make sure I'm looking at 17 the correct one. Correct me if I'm wrong. 18 On your clean version, does D -- is -- are 19 we looking at the ten meetings, when requested by 20 the Chair? Is that part of this? Or -- 'cause I 21 know there was another discussion. 22 MS. POULOS: Madam Chairwoman, I believe 23 we had discussions about whether that would be "when 24 requested by the Chair," or that that language would 25 be eliminated after these were printed. And so,</p>	<p style="text-align: right;">Page 232</p> <p>1 earlier about being prudent in spending the money 2 and everything -- is that having the PEC attorney 3 here all the time would -- you know, they -- they 4 make good money. And so I think that might not be 5 the best use of the funds, I would say, on an 6 as-needed basis. 7 THE CHAIR: Okay. 8 COMMISSIONER JOHNSTON: I agree with that. 9 COMMISSIONER ARMBRUSTER: I guess if we 10 were having that person here, we would arrange the 11 agenda so that what we would want that person here 12 for were all together, you know, not like -- 13 THE CHAIR: I don't think we can guarantee 14 that. 15 COMMISSIONER ARMBRUSTER: No. But we can 16 usually tell -- no, we can't always do it; but we 17 can certainly tell, perhaps, those -- 18 THE CHAIR: Well -- and it is somewhat of 19 a long shot, because you don't know when something's 20 going to arise. 21 COMMISSIONER ARMBRUSTER: Right. 22 THE CHAIR: So that that's alway- -- you 23 know, something comes up that's unanticipated; so 24 that that, you know, could become problematic. It 25 could.</p>
<p style="text-align: right;">Page 231</p> <p>1 certainly, yeah. 2 THE CHAIR: Okay. So there -- there was 3 also a question of whether we want the PEC attorney 4 here on a -- on a regular basis at the meetings. I 5 had some concern about if we're eating up money for 6 that, you know, to be here. 7 So then the question arose, "And we would 8 have two attorneys here?" 9 So it could become convoluted as to who do 10 you look to for answers. 11 So then it opens up a greater question. 12 Do we want the PEC attorney here, a PEC attorney 13 here, on a regular basis with the Attorney General's 14 Office, available for consult for Open Meetings 15 concerns? 16 COMMISSIONER JOHNSTON: And my question, 17 is that statement about -- is that in this draft? 18 THE CHAIR: It is not. 19 COMMISSIONER JOHNSTON: Okay. 20 THE CHAIR: That -- this proposal is 21 ultimately up for review and possible changes; all 22 right? So that's the -- that is a question that I'm 23 posing at this point in time. 24 COMMISSIONER CONYERS: Madam Chair, my 25 comment on that is -- and especially, you talked</p>	<p style="text-align: right;">Page 233</p> <p>1 COMMISSIONER JOHNSTON: Well, now, what -- 2 what Commissioner Conyers said is being prudent 3 budgetarily. 4 THE CHAIR: Correct. 5 COMMISSIONER JOHNSTON: We would not want 6 them at every meeting; is that correct? Because 7 that was -- I agree with you. 8 THE CHAIR: That was the initial -- that 9 was the initial thought with why it would be there 10 on an as-needs basis. 11 COMMISSIONER JOHNSTON: Yes. 12 THE CHAIR: The concern becomes being able 13 to adequately figure out that the need is going to 14 be there. So it is a little bit of a -- you know, a 15 gamble. When you're looking at an agenda, you 16 sometimes anticipate that things are -- this is 17 going to go okay, and then it doesn't. So that now 18 what do you do? 19 COMMISSIONER JOHNSTON: And -- Mr. 20 Stevens -- for clarification, Mr. Stevens is here to 21 advise us on Open Meetings Act and procedural. 22 So to have another attorney here would 23 be -- I don't -- 24 THE CHAIR: That's why I said it would be 25 confusing. So then the question would be if the</p>

1 PEC -- if we wanted the PEC attorney here on a
2 regular basis, then the Attorney General's Office
3 would only be there on an on-call availability.

4 COMMISSIONER JOHNSTON: All right.

5 THE CHAIR: Because I think it would
6 become too confusing --

7 COMMISSIONER JOHNSTON: I agree.

8 THE CHAIR: -- to say, "Well, who do we
9 look to for this, and who do we look to for that?"

10 It gets -- you know, it gets tough to
11 navigate those waters.

12 So I think if there was a concern about
13 Open Meetings, the Attorney General's Office could
14 be available for advice. That's -- Director?

15 MS. POULOS: Madam Chairwoman and
16 Commissioners -- and certainly, part of the
17 discussion that we had is, as the Commission is
18 moving forward, making changes to policies, creating
19 new policies, you've already seen -- and making hard
20 decisions, which you're doing every day, and I think
21 more so than was done in the past, you see that --
22 that these are becoming legal issues, and that your
23 charter schools almost always have legal
24 representation.

25 And so certainly, part of the thought is

1 stuff and less of the, you know, busy-work stuff, it
2 would seem to me that we could work that out once it
3 was done.

4 Personally, I will be surprised if this
5 money comes through; but it would be nice if it
6 does. I'm waiting for any kind of final budget out
7 of the state. So -- and I don't have --

8 THE CHAIR: PED's budget has been
9 approved.

10 COMMISSIONER TOULOUSE: Well, you don't
11 know until they finish all of the budget stuff what
12 other adjustments are going to end up getting made,
13 having been here before.

14 So I don't think, at this point in time --
15 I think it's something to plan for; but I'm not
16 going to get real excited about it until I see what
17 comes out of the Special Session, if anything comes
18 out of it.

19 THE CHAIR: I'm going to be, "The glass is
20 half-full at this moment in time," because I'm
21 fairly confident that this is going to move forward.
22 I mean, I've had exhaustive conversations. And I
23 feel confident that they've been genuine
24 conversations; so I'm going to say that this is
25 going to go forward.

1 that you may also want to, at all times, have that
2 legal representation, that, you know, can be there
3 to help navigate those issues and the conversations
4 where the schools have attorneys at the table.

5 THE CHAIR: I think -- I think at this
6 point in time, there is a reasonable dollar there
7 that we wouldn't, right now, be concerned that it's
8 going to be April, and we're out of money. I
9 understand the concern. But we are making
10 significant policy changes, inroads.

11 And it's -- oftentimes, we're thinking,
12 you know, "We have to check on this," when if we had
13 our legal counsel here, we wouldn't have to be
14 perhaps holding something off to the next month and
15 check. That's a thought that's out there.

16 COMMISSIONER TOULOUSE: Madam Chair, if we
17 ended up with a legal counsel, I think the best
18 thing we would do is sit down with them when he or
19 she is hired and discuss with them the things we do
20 and the order we usually do them in during the year
21 and figure out a schedule of what we do, when, that
22 would figure out to a certain extent, and then we'd
23 have some emergency stuff to fill in.

24 But to me, that would be the way to go,
25 that -- the months that we do more of the business

1 The question is what is the scope of work?

2 My only concern is that, you know, if
3 there are -- if there are more pieces that are
4 coming out in the name of the PEC that the -- that
5 the legal counsel that we have has an adequate
6 ability to be able to get all of the information
7 that they need, so that they're clear that the
8 letters that are being sent out, we're not -- we
9 don't have an issue with, ultimately. And that's my
10 only concern.

11 COMMISSIONER JOHNSTON: And, Madam Chair,
12 finally, I understand what you're saying about
13 asking us to consider having an -- an attorney with
14 whom we contract at every meeting; because we do --
15 we are faced, more often than not, with attorneys
16 speaking to us first, instead of charter school
17 folks.

18 And with the attorneys addressing issues
19 with the charter schools, it may be of more comfort
20 to know the best way to respond by having someone
21 there.

22 But by the same token, I would worry that
23 it could make it a conversation between two
24 attorneys instead of a conversation between the PEC
25 and the charter school representatives about that --

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1 that's what I'm thinking about right now.

2 I thank you for patiently explaining that
3 to me, because --

4 THE CHAIR: I think that's -- the burden
5 is on us.

6 COMMISSIONER JOHNSTON: Yeah.

7 THE CHAIR: So that we make it clear to
8 the attorney what their role is --

9 COMMISSIONER JOHNSTON: Uh-huh.

10 THE CHAIR: -- at a meeting. And that's
11 on us, not to rely on that attorney to be the first
12 voice.

13 I -- personally, I don't have an issue
14 with the school who speaks first. That's -- and
15 that's okay if you do. That's fine.

16 COMMISSIONER JOHNSTON: Uh-huh.

17 THE CHAIR: But I hear what you're saying.
18 And I understand that. I think, however, that these
19 voices are strong enough that they're not going
20 to -- you know, to acquiesce to anyone who's sitting
21 there as the legal counsel to be the voice for the
22 PEC.

23 But once again, I think that's -- the onus
24 is on us to make sure that doesn't happen; but I --
25 I understand your concern.

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1 translating that in my head to say that you would
2 definitely like legal review, things that we put in
3 there.

4 THE CHAIR: Oh, absolutely. Yes.

5 COMMISSIONER JOHNSTON: I don't know that
6 that's a question. I think we all are looking for
7 that legal review of what we say. Am I correct in
8 that, in looking at Charter School Division?

9 COMMISSIONER ARMBRUSTER: So they wouldn't
10 be analyzing data coming in or doing things that are
11 not legal; right?

12 THE CHAIR: No, no, no. No. But when --
13 if someone says -- I guess I'm looking at someone;
14 because we're looking at who's going to best fit
15 this bill. And I'm not looking at a person; but I'm
16 looking at who would best do this.

17 We need someone who can understand the
18 language of the performance framework, the data, to
19 some extent, so that they're clear and confident, if
20 a letter is going out from the PEC, that you're not
21 X, Y, or Z, that it's correct.

22 COMMISSIONER ARMBRUSTER: Right. So
23 they're sort of reviewing before going.

24 THE CHAIR: Correct.

25 COMMISSIONER CONYERS: Madam Chair, kind

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1 COMMISSIONER JOHNSTON: I'm just trying to
2 sort through it.

3 THE CHAIR: Right. And I think you're
4 right. I think it could fall into that trap, that
5 it becomes a two-way conversation between two folks.

6 COMMISSIONER ARMBRUSTER: Easily.

7 THE CHAIR: So we would have to be aware
8 of that.

9 COMMISSIONER JOHNSTON: And then for
10 clarification for me, your last comment was that
11 that was the only area with -- with the scope of
12 work that you had -- that you were concerned about?
13 Did I understand that? I don't --

14 THE CHAIR: Which -- the --

15 COMMISSIONER JOHNSTON: You said where --

16 THE CHAIR: The attendance at the
17 meetings?

18 COMMISSIONER JOHNSTON: Right.

19 THE CHAIR: I still have an issue with
20 the, to some extent, the J-K. And I do not want to
21 limit the opportunity for legal counsel to be able
22 to adequately assess that we are correct in stating
23 that the school has not met this or -- you know,
24 that's my concern.

25 COMMISSIONER JOHNSTON: And I'm

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1 of in light of the conversation, I -- I guess I
2 am -- I don't guess. I know I agree. In a perfect
3 world, if the money's there, that would be ideal for
4 us to have our own attorney.

5 My only concern was whether there was
6 enough -- you know, sufficient funding for that.
7 And -- but that would be ideal. I think we would
8 all agree.

9 THE CHAIR: And I -- because it's not -- I
10 don't know how to put this. I don't -- this isn't
11 putting a project on that individual, you know, like
12 an additional project. So I don't think that it
13 would -- it's in the scope of our everyday work.

14 So it's not -- I'm not looking at this as
15 we also want this individual to go off and do this
16 other project, looking at things. That's not my
17 concern.

18 My concern is, to some extent, I see not
19 being able to -- how do I put this? I see, to some
20 extent, the -- the crossing out of some parts of J,
21 K, and maybe M -- 'cause I'm -- I made a ton of
22 notes -- that if you're the entity that is paying
23 the services, do you have the right to interfere
24 with what could potentially be attorney-client
25 privilege, if this is something we want to talk

1 about?

2 Does -- do they have the right to say,
3 "No, you can't talk about that"?

4 And maybe I didn't -- but I think -- you
5 know, if we're looking at our attorney making
6 adequate recommendations to us for communications
7 that are going out to schools, I want to make sure
8 that that attorney has the ability to be able to
9 access any and all information that is publicly --
10 I'm not asking them to do any additional work or
11 anything like that.

12 COMMISSIONER JOHNSTON: But you want them
13 to be able to review.

14 THE CHAIR: Yes. Not -- not analyze or --
15 I'm not asking -- I'm not -- my expectation is that
16 they're not -- they're not analyzing this work that
17 CSD has already done. That's -- I'm not looking for
18 that.

19 COMMISSIONER JOHNSTON: You want access.

20 THE CHAIR: Right.

21 COMMISSIONER JOHNSTON: And is it --

22 THE CHAIR: But I'm not asking -- I'm not
23 asking -- I don't -- I want the person who's doing
24 this to be able to understand that information; not
25 do the analysis, but be able to understand the

1 it for us.

2 So to me, those were the things that I
3 thought then, and still think, that we mostly need
4 an attorney for.

5 COMMISSIONER ARMBRUSTER: So it would --
6 would -- or CSD or PED write the letter of the
7 closure thing and then send it to ours and --

8 THE CHAIR: No. Those letters come out --
9 are supposed to come out from us. So that would be
10 part of the legal services.

11 COMMISSIONER ARMBRUSTER: Oh. Doesn't --
12 who's doing it now?

13 THE CHAIR: CSD.

14 COMMISSIONER ARMBRUSTER: And they're not
15 supposed to?

16 THE CHAIR: Well, it comes out in our
17 name.

18 COMMISSIONER TOULOUSE: We lost several
19 appeals, when I first got on -- when Jim and I were
20 first on the Commission, because those letters,
21 which were done for us, were not sufficiently
22 detailed. And that's --

23 COMMISSIONER ARMBRUSTER: I mean, I
24 understand what you're saying and can agree with
25 that. But why wouldn't they be -- you know, seems

1 analysis, kind of. Does that explain it better?

2 And I'm -- you know, and I'm looking at --
3 because, once again, I was a part of the
4 conversation for this.

5 COMMISSIONER ARMBRUSTER: And only those
6 two were; so --

7 THE CHAIR: That are here, yeah. Yeah.
8 But I know that this is all -- this has been a
9 common thread of conversation a number of other
10 times.

11 Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: Madam Chair, I
13 think one of the things that we were concerned about
14 when this came up was when we do a denial or closure
15 letter, that we have it sufficiently detailed, and
16 that all of the reasons are in there in a way that
17 we can't get caught with, "This is too general," or,
18 "You didn't say that," or those kinds of things;
19 because we were caught that way on more than one
20 occasion.

21 And the other thing that I think we need
22 now, and we needed then, was somebody who could
23 respond to, then, an appeal; so they actually had
24 time to prepare an appeal and not sit down the day
25 before the appeal and try to get in there and handle

1 likes CSD is pretty --

2 COMMISSIONER TOULOUSE: Well, I have no
3 idea why. And the lawyer who wrote them is not here
4 and hasn't been here for years. I have no idea why
5 she would have written them that way.

6 But she did, and it came back on us. And
7 I don't like to be on the losing end, and then going
8 into court and me being Court-ordered to vote for
9 something I didn't want to vote for. So...

10 COMMISSIONER ARMBRUSTER: So the issue is
11 we could have a PEC lawyer that also didn't have as
12 much detail.

13 COMMISSIONER TOULOUSE: It's our job to
14 see that it's on there.

15 COMMISSIONER JOHNSTON: And G and H -- and
16 I've got so many pieces of paper --

17 THE CHAIR: Me, too.

18 COMMISSIONER JOHNSTON: -- are part of the
19 questions you're asking? That's why I was --

20 "G" is, "At the" discretion -- "At the
21 direction of the Chair of the PEC, the attorney will
22 discuss any legal issues with the Director of
23 Options for Parents and Families that would impact
24 the work of the Charter School Division, as it
25 provides staff support to the PEC."

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1 And then, "The attorney shall have access
2 to public documents and information held at or
3 generated by PED that are necessary to execute the
4 scope of work. The selected attorney and the
5 Director of Options for Parents shall
6 collaboratively determine a process for requesting
7 and producing public documents and information held
8 at PED that are necessary to execute..." -- those
9 don't answer your -- the questions that you're
10 asking?

11 THE CHAIR: I don't think they did;
12 because --

13 COMMISSIONER JOHNSTON: Okay. I didn't
14 know. G and H on this one. I've got too many
15 pieces of paper. Are they over here on this one,
16 too?

17 COMMISSIONER ARMBRUSTER: The first G and
18 H; right? To me, it seems like -- the CSD does all
19 the investigating and doing all that. And they're
20 in charge of doing all that. I don't care if our
21 attorney looks at it; because you have to sign it,
22 Patty. It seems like a duplication of effort to
23 have them write the letter.

24 THE CHAIR: But the letter comes from us.

25 COMMISSIONER ARMBRUSTER: Right. But

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1 has been doing things for us that they shouldn't --
2 that they don't need to do; because those letters
3 are from us.

4 Those nonrenewals, those acceptance --
5 those are our letters; so they should be authored by
6 our staff.

7 COMMISSIONER ARMBRUSTER: Yeah. I mean --
8 to me, it's a little bit splitting hairs. I'm not
9 against what you're saying. But if they're going to
10 do it, and it's those kind of things -- I understand
11 what you're saying on those -- it just seems like --
12 well --

13 THE CHAIR: Then you're saying we don't
14 need legal counsel.

15 COMMISSIONER ARMBRUSTER: No, I don't
16 think -- no, I'm not saying that.

17 COMMISSIONER JOHNSTON: We need the legal
18 review. I absolutely concur; because that's that
19 language specificity that I was talking about
20 earlier.

21 But as far as -- I don't understand -- G
22 and H, that I'm looking at in this scope of work,
23 seem to address the -- the collaboration between the
24 attorney and the Charter School Division in
25 preparing those documents.

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1 do -- since they have more money than we are going
2 to have.

3 THE CHAIR: No. The letter comes from us.
4 So as far as I am concerned, if the letter comes
5 from us, and we're signing it, the letter should
6 be -- and if we have legal counsel to do it, then
7 why shouldn't they do it? What do we have legal
8 counsel for, then?

9 COMMISSIONER ARMBRUSTER: Standing up when
10 we disagree with PED.

11 COMMISSIONER JOHNSTON: What do we need
12 legal counsel for?

13 THE CHAIR: No, that's just it. That
14 legal counsel is not here to stand up for us when --
15 this is not an intention because we're at odds with
16 PED and we want legal counsel, because we're at odds
17 with PED. This is, in no shape, form, or manner,
18 has anything to do with anything like that. I want
19 to make that clear. This is not because we need
20 some ammunition to help us with PED. This is not in
21 any -- in any shape, form, or manner for that
22 purpose.

23 This is because we do have some
24 obligations, and we need to be able to fulfill those
25 obligations. And I think, to a great extent, CSD

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1 The attorney has access to any documents
2 that are needed, and there's collaboration, and that
3 part of the work that the Charter School Division
4 would be, would be to take that legal advice and
5 interpret it into a -- write it into a letter that's
6 then reviewed.

7 That's my -- and presented over our
8 signature, because the attorney is the PEC attorney.
9 Yeah, that's good.

10 THE CHAIR: So I guess my question is,
11 what's the next step?

12 MS. POULOS: Madam Chairwoman, I think --
13 you know, I think we kind of -- next steps, in my
14 mind, are we kind of need to decide what direction
15 we want to go, especially, I think, to the primary
16 question of does the Commission want to move forward
17 with an attorney that is present at the meetings?

18 Do you want to move forward with an RFP
19 which would, you know, create the panel, and then
20 getting to scope of work that we believe reflects?

21 So I think it's important, from the PED's
22 position, that reflects legal work and -- and
23 doesn't reflect non-legal work in that scope of
24 work. And I think, at which point, if this
25 Commission feels likes it needs to vote on a final

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1 scope of work, getting a final scope of work that
2 can be voted on and then moved forward into an RFP
3 process.

4 And I will just say, you know, this --
5 these changes were made with the support and working
6 in collaboration with legal counsel from PED, to be
7 able to identify what would be appropriate legal
8 work and what needs to be identified. And I will
9 say it also came from my experience in my other
10 authorizing office working with legal counsel there
11 and, certainly, to explain why the drafting of the
12 letters -- we would always draft letters, simply
13 because we were closest to the data analysis, the
14 background, all of the information that supports the
15 rationale for your decisions, and, then, ultimately,
16 worked closely with our legal counsel to make sure
17 that was, you know, appropriate, and that the
18 language in the letter was, you know, legally
19 defensible.

20 And so that goes into the piece where we
21 said, you know, the two parties would really work
22 together. We would draft to get that initial
23 information in there, and then there would be a
24 legal review.

25 COMMISSIONER ARMBRUSTER: So that would be

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1 THE CHAIR: And I'll add that at our last
2 telephone conversation for the agenda setting, the
3 recommendation was that the Director was more
4 comfortable, as an example, with a letter coming
5 from me. I'm not comfortable writing that letter.

6 COMMISSIONER JOHNSTON: Ah. Okay.

7 THE CHAIR: So that that's my expectation,
8 that that letter would be drafted via our attorney,
9 with the input. But I'm not comfortable writing
10 that letter.

11 COMMISSIONER JOHNSTON: And that, thank
12 you. That was a clarification.

13 So Charter School Division is looking, if
14 anything comes out over Public Education Commission
15 Chair's signature, you wish her to write the letter.
16 Is that what it is?

17 THE CHAIR: No. It was a specific --
18 there was an instance that came up. And the -- the
19 recommendation by the Director was, "I would
20 prefer..." -- and I don't want to get into a
21 particular --

22 COMMISSIONER JOHNSTON: Okay. That's
23 fine.

24 THE CHAIR: Okay. But that the letter
25 come from me.

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1 the PEC attorney would review what PED's -- wrote,
2 so to speak? Is that what you're saying?

3 MS. POULOS: And I think the important
4 thing, Madam Chairwoman, Commissioner Armbruster, is
5 it's the PEC's attorney working with the staff
6 report for the PEC, which, again, that is why we
7 would draft that letter, being closest, having
8 recommendations, knowing the school and information
9 about the school.

10 COMMISSIONER ARMBRUSTER: Our attorney
11 might not know all that and might have to go by what
12 you're saying and do it.

13 I don't think there's any question that we
14 want an attorney. I don't think anybody is
15 questioning that; right?

16 THE CHAIR: I don't know. I don't know.

17 COMMISSIONER ARMBRUSTER: Well, I'm not.

18 COMMISSIONER JOHNSTON: No. I agree, in
19 my experience in working with school attorneys, as
20 has been identified in all of the actions I've had,
21 is legal review and collaboration. But the staff in
22 the school district has been responsible for the
23 drafting of the letter and the working up of the
24 background, so that you have solid ground on which
25 to state your opinion, very specifically.

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1 COMMISSIONER JOHNSTON: It was a one
2 instance.

3 THE CHAIR: At this moment in time, yes.
4 But I'm not comfortable with that letter coming from
5 me and me alone, because I have no one to do real
6 review at this point in time.

7 COMMISSIONER TOULOUSE: Madam Chair, do we
8 want to go ahead and decide if we want to look at
9 doing this or not and can set up some kind of
10 subcommittee to work on scope of work? Because -- I
11 mean, we're getting way into the scope of work where
12 we don't need to be yet.

13 THE CHAIR: And I'll tell you, I --
14 personally, I think this needs to be moved on fairly
15 quickly, that we don't have an extended period of
16 time for this. We need to move on this.

17 So that's fine, if you want to give
18 further direction. But I'm going to say that that
19 subcommittee has to meet soon.

20 COMMISSIONER TOULOUSE: I don't know why
21 there couldn't be a teleconference on that.

22 THE CHAIR: It could be. But it has to be
23 sooner rather than later.

24 COMMISSIONER TOULOUSE: I've worked on a
25 lot of contracts. I'd be willing to.

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1 COMMISSIONER JOHNSTON: I certainly would
2 be willing to, also.
3 COMMISSIONER RUIZ: Me, too, yeah.
4 COMMISSIONER TOULOUSE: As far apart as we
5 are, we could do a telephonic meeting just fine.
6 THE CHAIR: But the greater question is,
7 most importantly -- and what we have to iron out for
8 that subcommittee -- is whether the presence for the
9 PEC attorney here at the meetings; that -- so that
10 that gives the greatest direction to that
11 subcommittee, because it's a big piece.
12 COMMISSIONER ARMBRUSTER: Right. Should
13 the PEC attorney be at this meeting? I'm going to
14 write some of this down, so I can remember it in
15 five minutes.
16 So, Carmie, you were okay with being on
17 the committee? And Trish said it, and I said it,
18 and Daniel and Patty? So do you think we could just
19 do a phone conference?
20 THE CHAIR: Yes.
21 COMMISSIONER ARMBRUSTER: And I can --
22 COMMISSIONER JOHNSTON: And the thing
23 you'd like us to figure out today is?
24 THE CHAIR: Is whether we move forward
25 with the PEC attorney being here. That's the

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1 THE CHAIR: Okay.
2 Commissioner Toulouse?
3 COMMISSIONER TOULOUSE: Yes, with some
4 reservations. But yes, we can discuss the
5 reservations.
6 THE CHAIR: Commissioner Armbruster?
7 COMMISSIONER ARMBRUSTER: Yes.
8 THE CHAIR: Commissioner Johnston?
9 COMMISSIONER JOHNSTON: Yes.
10 THE CHAIR: Commissioner Crone? Yes?
11 COMMISSIONER CRONE: Yes.
12 THE CHAIR: Commissioner Ruiz?
13 COMMISSIONER RUIZ: Yes.
14 THE CHAIR: Commissioner Gipson, yes.
15 Okay. Thank you. And we'll get together.
16 COMMISSIONER ARMBRUSTER: Okay.
17 THE CHAIR: We are on Item No. 12, Report
18 from the Chair. And I'll make this very brief.
19 I just want to remind everyone not to go
20 home without turning in your papers to Beverly.
21 Because we're at the end of the fiscal year; so that
22 it's -- it's imperative that we get all of our --
23 and if you have any outstanding travel forms, please
24 get them in yesterday. That is important.
25 We did have preliminary discussions

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1 biggest question. So I don't think we have to do
2 that in the form of a motion, do we?
3 COMMISSIONER JOHNSTON: We would have
4 to -- I'm sorry to interrupt.
5 THE CHAIR: Do we have to make them -- no.
6 COMMISSIONER JOHNSTON: If I remember
7 clearly, since you said that is not included in the
8 scope of work at this point --
9 THE CHAIR: But the scope of work isn't
10 anything we make a motion of. So this is just
11 direction that you're giving the subcommittee.
12 COMMISSIONER TOULOUSE: And then --
13 THE CHAIR: So we're not voting on any of
14 this today. So this is just direction that you're
15 giving the subcommittee. So that doesn't have to be
16 a motion; correct?
17 MR. DAVID STEVENS: No, I don't think any
18 motion.
19 THE CHAIR: We can just do a straw poll.
20 Commissioner Conyers?
21 COMMISSIONER CONYERS: What are we --
22 THE CHAIR: Do you want the scope of work
23 to include the PEC attorney being here at our
24 meetings?
25 COMMISSIONER CONYERS: Ideally, yes.

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1 yesterday at the work session about what a July
2 Public Input tour would look like. And I left my
3 notes back; but I think -- I think I remember most
4 of it.
5 We are tentatively looking at July 19 with
6 a possibility of Gallup.
7 MS. POULOS: On the --
8 THE CHAIR: That's Wednesday. Oh, I'm
9 sorry. It was Tuesday, the 18th. If we have to go
10 to Gallup, we will go to Gallup on Tuesday, the
11 18th.
12 We would be in Albuquerque on Wednesday,
13 the 19th, with a meeting in the morning.
14 COMMISSIONER ARMBRUSTER: Public Education
15 Commission meeting.
16 THE CHAIR: A PEC meeting in the morning,
17 an Input hearing in the afternoon.
18 And then on the morning of the 20th, we
19 would have the second Albuquerque Input hearing and
20 then travel to Las Cruces. And the 21st was
21 Las Cruces; correct?
22 MS. POULOS: I think what we actually -- I
23 didn't think we had discussed splitting the 19th. I
24 thought we just discussed having a meeting that day.
25 And then because the Community Input hearings are

1 typically not very long, because they are limited in
2 length, and we've done two, we would do those two,
3 because they're both in Albuquerque, and then travel
4 the rest of that day down to Cruces and then do it.

5 THE CHAIR: Do two Input hearings, plus a
6 regular meeting?

7 MS. POULOS: No, no, no. So the 19th, a
8 meeting. That was it. On the 20th, two input
9 hearings in Albuquerque, and then travel down to
10 Cruces.

11 COMMISSIONER JOHNSTON: And is that
12 meeting in Albuquerque on the 19th?

13 THE CHAIR: Right. So I thought we were
14 traveling the afternoon of the 20th down to Cruces.

15 MS. POULOS: Yes, because the Community
16 Input hearings are typically not very long. And so
17 there is time to do the two.

18 THE CHAIR: We would do both of the Input
19 hearings on the 20th and then travel down.

20 MS. POULOS: Correct.

21 THE CHAIR: Got you. Well, you know what?
22 I don't think at this moment of time that matters as
23 much. If we looked at the -- because typically, a
24 July meeting is just if needs be. So I think we
25 could -- I think if we wanted to, we could split

1 Input hearings up to the 19th, is to recall that
2 those two schools, the two Albuquerque schools, are
3 already scheduled for their capacity interviews on
4 the 11th. And so we probably won't be able to get
5 you that evaluation until the 14th.

6 So it just cuts into your time with that
7 capacity interview evaluation one day. So that was
8 the only thing I wanted to caution you about.

9 COMMISSIONER ARMBRUSTER: Forgot about
10 that.

11 THE CHAIR: Right. But the work
12 session --

13 COMMISSIONER ARMBRUSTER: I was just --
14 I'd rather have that than have a meeting. But fine.
15 Okay.

16 THE CHAIR: We can figure that out in
17 June. But -- because we will have had the full
18 applications for a substantial --

19 MS. POULOS: Both of them.

20 THE CHAIR: Right. For a time. And so --
21 and I've opened this up. And this was just -- it's
22 to let people know that that week will probably go
23 the -- your travel time, if you're traveling up,
24 will be the 18th through the 21st.

25 So that's just an FYI. And we'll finalize

1 those Input hearings to the afternoon, the morning;
2 and then you'd have the whole afternoon to get down
3 to Cruces on the 20th.

4 COMMISSIONER ARMBRUSTER: One of the
5 things I thought about is since we have so much to
6 do, if we only did it -- and I'm -- you know, this
7 is what I'm thinking. But on that 19th, I guess,
8 when you said we would be in Albuquerque for a PEC
9 meeting, we might want to do a work session in the
10 morning and have the PEC meeting, rather than
11 have --

12 THE CHAIR: No, we didn't talk that at
13 all.

14 COMMISSIONER ARMBRUSTER: No, I know we
15 didn't. We did not say that. I'm just giving --

16 THE CHAIR: I'm going to personally say no
17 to that one; because no -- no. It's a, "Because
18 no."

19 COMMISSIONER ARMBRUSTER: It's a "Because
20 no." Okay.

21 MS. POULOS: Madam Chairwoman, what we did
22 discuss was that on the 19th, we potentially would
23 be approving the amendment request policies, at
24 least for some of them. The only thing that I would
25 caution you about is, about moving one of those

1 that at the June meeting and take a closer look at
2 that and figure that out. But just so that, for
3 your own travel time, you have a general idea of
4 when you might be unavailable or available.

5 And we'll take a look -- a closer look at
6 the -- in the June meeting, as to who is going to be
7 where in terms of those Input hearings, okay?

8 As I mentioned before, the -- the EVCA
9 appeal is on the 9th. But once again, I haven't had
10 any official confirmation as to the exact time; so
11 it will be in the morning, my understanding.

12 But once I get that information, I will --
13 I will send it out to you as soon as I have it.

14 So if you wish to join in in the fun of
15 that, you're welcome to be part of the audience.
16 But there is no opportunity for members of the
17 Commission to have input into that. So it is what
18 it is.

19 I think I'm done. So on to Update from
20 the Charter Coalition.

21 MS. CALLAHAN: And I will be brief.

22 Madam Chair, Commissioners, Kelly
23 Callahan, Co-Executive Director of the New Mexico
24 Coalition for Charter Schools.

25 Just one big announcement that we wanted

1 to share.

2 Unfortunately, the conference that we had
3 planned for the end of May, we had to make a call on
4 being able to hold the conference. We had to
5 postpone it. Just a lot of trouble with budgets.
6 It's very, very difficult for the schools to commit.
7 And when we talked to the schools, they said they
8 wanted something after school was out. But I think
9 we were a little too soon, and I think a lot of
10 people are tired. This has been a very, very, very
11 strenuous year. And so we are postponing to
12 sometime in the fall.

13 We -- I just have to say that we have one
14 of the -- we have one of the best programs that I've
15 ever seen in a conference at that level for working
16 with charter school instructors and teachers and
17 leaders. And it was -- so I think we have a
18 commitment from most of the presenters that said
19 they would try to come back in the fall. So I will
20 keep you all posted as to that.

21 It's unfortunate, but we're -- you know,
22 we want to make sure that we're listening to what
23 our constituents are saying. And so we had to go
24 ahead and make that call, just because we had
25 out-of-state people that we wanted to commit to.

1 THE CHAIR: Thanks. Thanks.

2 THE CHAIR: Item No. 13, PEC Comments.
3 Commissioner Conyers?

4 COMMISSIONER CONYERS: Just good to see
5 everyone again and look forward to doing it next
6 month.

7 THE CHAIR: It's always good to be seen.

8 COMMISSIONER CONYERS: Yes.

9 THE CHAIR: Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Madam Chair,
11 Commissioner Johnston, I'm sorry I snapped at you.
12 I'm just so tired and coughing so hard. My brain
13 isn't all here. But I do want to apologize on the
14 record.

15 COMMISSIONER JOHNSTON: Thank you.

16 THE CHAIR: Commissioner Armbruster?

17 COMMISSIONER ARMBRUSTER: Glad we're here,
18 guys.

19 THE CHAIR: Commissioner Johnston?

20 COMMISSIONER JOHNSTON: Mr. Stevens,
21 welcome. And Commissioner Toulouse, thank you. I
22 think I did something like this, you know; so I
23 apologize for that. I caught myself.

24 So -- but I want to commend -- I went to
25 two of the -- I talked yesterday, so I'll be really

1 So I just wanted to make sure -- I know
2 Commissioner Pogna and Caballero had talked about
3 wanting to go; so I am hoping we can get that
4 information to them, as well.

5 And we will be at the special session with
6 bells on and representing the charter schools.
7 It's -- nobody knows what's going on; so -- but we
8 will be there.

9 And we will be continuing to work with
10 PED, Matt Pahl, on the SAM definition, which is
11 going to be key to a lot of the work that you're
12 doing in terms of the Performance Framework, in
13 terms of amendments and the things.

14 So, you know, I think we definitely need
15 to align with you, Katie, on the work that we're
16 doing. We're meeting with Matt, I think, the 1st of
17 June. And so we'll definitely make sure we're lined
18 up.

19 So, anyway, that's all I have, unless you
20 have any questions?

21 THE CHAIR: Happy travels.

22 MS. CALLAHAN: Thank you. I'm going to
23 Australia. So I'm ready.

24 Thank you very much. We appreciate your
25 support and look forward to continuing the work.

1 brief -- two of the trainings that the Charter
2 School Division is providing.

3 I went to a morning training for new
4 applicants that's part of an ongoing nine- or
5 ten-session training that they provide.

6 And I went to a three-hour training for
7 governing council members to fulfill their
8 commitments.

9 And it's quality training that's being
10 provided. And the attendants -- six or seven
11 charter schools were represented at the evening
12 governing council meeting. And two of the groups
13 writing applications were present during that
14 morning. And they -- they were very astute in their
15 questions.

16 So I thank you for that. And that's
17 really good training.

18 Thank you.

19 THE CHAIR: Thanks.

20 COMMISSIONER CRONE: I need -- I took time
21 out of my final grading to attend this meeting.

22 Thank you.

23 COMMISSIONER RUIZ: Thank you, everyone,
24 for being here and participating. And it's always
25 an interesting and fun opportunity. So thank you,

1 all.
 2 THE CHAIR: Thank you, all.
 3 COMMISSIONER TOULOUSE: Move to adjourn.
 4 THE CHAIR: There's a motion to adjourn.
 5 COMMISSIONER RUIZ: Second.
 6 THE CHAIR: There's a second by -- and I
 7 don't think we need a second for that. We have a
 8 second by Commissioner Ruiz.
 9 All in favor?
 10 (Commissioners so indicate.)
 11 THE CHAIR: Anyone opposed?
 12 (No response.)
 13 THE CHAIR: Thank you, all. Safe travels.
 14 COMMISSIONER JOHNSTON: And, Madam Chair,
 15 thank you for all you do.
 16 (Proceedings concluded at 3:56 p.m.)
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1 RECEIPT
 2 JOB NUMBER: 7832L CC Date: 5/12/17
 3 PROCEEDINGS: PUBLIC MEETING
 4 CASE CAPTION: In re: Public Meeting of the Public
 5 Education Commission
 6 *****
 7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED
 8 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 9 DATE DELIVERED: _____ DEL'D BY: _____
 10 REC'D BY: _____ TIME: _____
 11 *****
 12 ATTORNEY:
 13 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 14 DATE DELIVERED: _____ DEL'D BY: _____
 15 REC'D BY: _____ TIME: _____
 16 *****
 17 ATTORNEY:
 18 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 19 DATE DELIVERED: _____ DEL'D BY: _____
 20 REC'D BY: _____ TIME: _____
 21 *****
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 2 STATE OF NEW MEXICO
 3
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 7 REPORTER'S CERTIFICATE
 8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
 9 Court Reporter in the State of New Mexico, do hereby
 10 certify that the foregoing pages constitute a true
 11 transcript of proceedings had before the said
 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
 13 State of New Mexico, County of Santa Fe, in the
 14 matter therein stated.
 15 In testimony whereof, I have hereunto set my
 16 hand on May 24, 2017.
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 25 Job No.: 7832L (CC)

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