BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
July 19, 2017
12:05 p.m.
Albuquerque Chamber of Commerce
115 Gold Avenue, Southwest
Albuquerque, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
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JOB NO.: 7864L (CC)
1  APPEARANCES  
2  COMMISSIONERS:
3  MS. PATRICIA GIPSON, Chair
4  MR. GILBERT PERALTA, Vice Chair
5  MS. KARYL ANN ARMBRUSTER, Secretary
6  MR. R. CARLOS CABELLERO, Commissioner
7  MR. JAMES CONYERS, Commissioner
8  MR. TIM CRONE, Commissioner
9  MS. DANIELLE JOHNSTON, Commissioner
10  MS. TRISH RUIZ, Commissioner
11  MS. CARMIE TOULOUSE, Commissioner
12
13  STAFF:
14  MS. KATIE POULOS, Director, Options for Parents
15  and Families
16  MS. BEVERLY FRIEDMAN, NMPED Custodian of Records
17  and Liaison to the PEC

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THE CHAIR: I'm going to bring to order
this meeting of the Public Education Commission. It
is Wednesday -- yes -- Wednesday, July 19th. And it
is approximately 12:05 p.m.
So I will ask Commissioner Armbruster to
do the roll-call vote.
COMMISSIONER ARMBRUSTER: Okay.
Commissioner Toulouse?
COMMISSIONER TOULOUSE: Present.
COMMISSIONER ARMBRUSTER: Commissioner
Armbruster is here.
Commissioner Conyers?
COMMISSIONER CONYERS: Present.
COMMISSIONER ARMBRUSTER: Commissioner
Peralta?
COMMISSIONER PERALTA: Here.
COMMISSIONER ARMBRUSTER: Secretary
Gipson?
THE CHAIR: Here.
COMMISSIONER ARMBRUSTER: Commissioner
Johnston?
COMMISSIONER JOHNSTON: Present.
COMMISSIONER ARMBRUSTER: Commissioner
Crone?
COMMISSIONER CRONE: Here.

COMMISSIONER ARMBRUSTER: Commissioner
Ruiz?
COMMISSIONER RUIZ: Present.
COMMISSIONER ARMBRUSTER: And
Commissioner Caballero will come later, I think. So
I'll put "no" right now.
So we have -- we have a quorum of five
today. Well, there are eight of us; right? So --
THE CHAIR: No, the quorum never changes.
MS. FRIEDMAN: There are nine.
COMMISSIONER TOULOUSE: If there are eight
of us here, there is a quorum present.
THE CHAIR: We have a quorum. Our quorum
is always six; because there's ten Commissioners.
There's ten seats; so the quorum doesn't change.
COMMISSIONER ARMBRUSTER: Okay.
THE CHAIR: So -- all right. We will move
on to the Pledge of Allegiance and the Salute to the
New Mexico Flag. I'll do the Pledge, and if
Commissioner Ruiz will do the New Mexico Flag. And
the flags are right here. (Indicates.)
(Pledge of Allegiance and Salute to the
New Mexico Flag conducted.)
THE CHAIR: As I'm sure many of you know,
we unfortunately lost Commissioner Pogna, I guess,
about two weeks ago now; so that we were very fortunate that she was able to be with us the Thursday before she passed away so that we had an opportunity to share a few minutes with her, not knowing that she was going to leave us so quickly. So we would like to extend the -- the well wishes and the thanks to the family.

I'm going to ask now, is there anyone from Commissioner Pogna's family here today? We understood that there might be some folks here. Okay. So we're okay with that.

Commissioner Pogna with the State of New Mexico for almost 50 years; so that her service to the State Board of Education, to the PEC, and to many other areas for New Mexico students is unqualified; so that we thank her family for sharing her with us.

And, certainly, she is a role model for all of us to be able to go -- keep on going at the age that she did.

I contacted the Governor's Office, and they did issue a Certificate of Recognition. So I guess I should read that into the record now.

And, Cindy, I'll give you a copy that you can -- and I apologize; I've got a dot in my -- so I'm having trouble actually seeing. The projector made the dot in my eye.

So this Certificate of Recognition is presented by Susana Martinez, Governor of New Mexico, In Memoriam, to Millie Pogna, Public Education Commissioner.

"Whereas, Millie Pogna was the first-generation daughter of Italian immigrant parents and developed her tenacious spirit, because of the hardships she endured as a young woman which shaped her zest for life;

"And, whereas, her leadership developed throughout involvement in student organizations in college and continued throughout her adult life;

"And, whereas, her many accomplishments include Homecoming Queen, Distinguished Alumna, Member of the Board of Education/Public Education Commission, Tri Sigma Sorority member, member of the New Mexico State Board for the Constitutional Coalition, 1999; Director for National Association of State Boards of Education; Appointed Member to President Reagan's Advisory Committee for the John F. Kennedy Center for the Performing Arts, 1980 to '88; Appointed Member of the Legislative Public School Reform Committee, 1985; Panelist for the U.S. Department of Education's National Forum of Excellence, 1982; and Awardee of the New Mexico Christian Parent Educator Association, 1997;

"And, whereas, in addition to her dedicated service to the education field, Millie Pogna also had a passion for singing, and performed in the Albuquerque Little Theater, her church choirs, sang the National Anthem at numerous State Republican Conventions, and was elected President of the New Mexico Federation of Music Clubs;

"And, whereas, Millie Pogna leaves behind her husband of 67 years, Bob, and three daughters: Kathleen Anderson, Patricia Mazzone, Karen Johnson, husband, Scott; three grandchildren: Taylor Mazzone, with wife, Erin; Grayson Mazzone, Alexandra Mazzone; and her beloved canine companion, Cody. "Now, therefore, I, Susana Martinez, Governor of the State of New Mexico, do hereby extend deepest condolences to the family and friends of Millie Pogna."

We do have a short presentation that was played at her -- at her rosary service. Before we do that, I'd like to do a Moment of Silence. So we do that, I'd like to do a Moment of Silence. So if we could just do that, please.

MS. FRIEDMAN: We can do the Moment of Silence with this. There's no talking.


(Memorial video is played for all present.)

THE CHAIR: Thank you. Okay. We are on Item No. 3, the Approval of the Agenda.

Do we have any changes we need for the agenda?

Hearing no changes, I'll entertain a motion.

COMMISSIONER RUIZ: (Indicates.)

THE CHAIR: (Indicates.)

COMMISSIONER CRONE: (Indicates.)

THE CHAIR: Second by Commissioner Crone.

All in favor?

(Commissioners so indicate.)

THE CHAIR: (Indicates.)

COMMISSIONER RUIZ: All in favor?

THE CHAIR: Any opposed?

(No response.)

THE CHAIR: Hearing no opposition, the motion passes.

We are on to Item No. 4, which is Public Comment.

Beverly, do we know if anyone signed up?

And the first person that's on the agenda is Shelly Cherrin.
### Page 10

Commissioners. My name is Shelly Cherrin, and I am here to comment on Agenda Item No. 10, Discussion and Possible Action on Charter School Renewal Application.

There are two comments I'd like to make about this. One has to do with voting on the draft today, versus the original charter application. I'm going to respectfully ask that the Commission does make a decision about which application we -- needs to be filled out.

I've had the opportunity to work with a school this year on their renewal application. And we still, at this point, don't know which application we're supposed to complete.

In the past -- and I've worked with schools over the past number of years -- we've always known what application we would need to complete by the spring.

Applications take a long time. They take more than one person to fill them out. It takes a team. And my concern is that given this late date and not having an application that's been approved, and schools coming back, and this time frame being so busy, I think that it's going to put a lot of undue pressure on the schools to complete the application, the previous one, if the new draft isn't approved.

It's not just about filling out all the different categories of the report card, which I think you probably have seen the draft, so you know the difference between the old application and the new one. This impacts how we fill out the information about the school-specific goals, as well.

So, again, my one comment is I hope to see that the decision is made today.

I also would like to make a comment stating very strongly my being in favor of the draft application. I've, again, been doing this for a few years. I and other people who are working on these applications have had a lot of experience with -- with them in the past. And I do feel that there's a consensus among the group that this new draft is what is in the best interests of the charter schools.

I also have colleagues that work on the national level, and I am hearing that this new draft reflects what's going on with charter school renewals all over the country.

So, again, I urge you to at least make a decision today about which application we need to fill out, and then I'm going to ask you to vote in favor of the new draft. Thank you.

THE CHAIR: Thanks.

And the second person on the agenda [verbatim] is Patty Matthews.

MS. PATRICIA MATTHEWS: Good afternoon, members of the Commission. My name is Patricia Matthews. I'm from Matthews Fox Law Firm. We represent a number of charter schools in the state.

I just wanted to bring an issue to the attention of the Go- -- or the Commission -- which I'm not sure has been brought forward or that you're aware of that can substantially impact the help.

THE CHAIR: It's on the agenda.

MS. PATRICIA MATTHEWS: Oh. Is that --

THE CHAIR: Are you talking --

MS. PATRICIA MATTHEWS: I'm not talking about lease purchase agreements, okay?

THE CHAIR: Okay. Okay.

MS. PATRICIA MATTHEWS: I thought that was what that one was about.

This one occurred toward the end of spring, when charter schools generally fill out their applications for what's called "lease reimbursement grants" from the Capital Outlay Council. Those grants are generally granted around -- in the summertime; but the schools, during this application cycle, in -- on the third page of the application cover letter, there was a mention of a possibility that there may be a 20 percent cut in the lease reimbursement amount for all charter schools that get lease reimbursements, which is essentially all of them throughout the state. And if it doesn't impact the charter, it will impact the district from which the charter is leasing, because their lease amount is tied to that figure.

So I'm bringing that to the Board's attention. It would impact this year's funding. Some schools have upwards of $250,000 cut from their budget mid-school year, if this were to go forward.

The Capital Outlay Council is meeting on August the 11th to vote on the Award Subcommittee's recommendation as to whether or not to cut the per-pupil funding and how much.

As a representative of charter schools, it's our concern that the charters have not been a player in this. I don't know that the Capital Outlay Council or the Awards Subcommittee is fully apprised of the impact on charters.
I know the Coalition will speak about this during the report today. But I did want to bring it to your attention and possibly ask for the Commissioners to contact the Capital Outlay Council members and voice your concern or questions, and at least ask them to postpone a vote on reduction of these lease reimbursement amounts until such time as we can get a full handle on how it will impact charter schools.

As you can imagine, we're probably looking at midyear staffing cuts if those budget cuts went into effect. So I just wanted to bring that to the Commissioners' attention.

Thank you.

THE CHAIR: And that closes Public Comment.

On to No. 5, Approval of the Minutes and Transcripts.

And the first one is 5A, Approval of the June 15, 2017, PEC Work Session Minutes.

Excuse me.

Do we have any corrections to those minutes? Do we have a question?

COMMISSIONER ARMBRUSTER: I could be wrong. But on -- on Page 38, Commissioner -- this is what -- Turquoise Trail. Dr. Ray Griffin was talking on Page 37, and then Commissioner Johnston, and then the Chair, Commissioner Johnston. And then it says, "Commissioner Armbruster." But I think that was Dr. Griffin who said that. Or I could be sound wrong and not remember any of that; but it doesn't sound like me.

COMMISSIONER JOHNSTON: I asked the question, and he responded to me.

THE CHAIR: Right. It should be -- so that should be Dr. Griffin.

THE REPORTER: So corrected.

COMMISSIONER ARMBRUSTER: That's fine.

THE REPORTER: Thanks, Karyl Ann.

MS. POULOS: After the meeting last month, I did receive a message from Estancia Valley Classical Academy indicating that on the transcript, Mr. Bill Robinson is mentioned several times, but is identified as Mr. Bill Robertson. And that may have been mispeaking; it's unclear. But I did want to note that Estancia Valley did indicate that that should be Mr. Bill Robinson.

THE CHAIR: So all references to Mr. Robinson should be "Robertson"?

Just the reverse?

MS. POULOS: It should be "Robinson."

THE CHAIR: The reverse? And that's for this current -- for the ones that we're --

MS. POULOS: That's correct.

THE CHAIR: So I entertain a motion for approval of the PEC Meeting Transcript Minutes for June 15th, 2017, with the correction of Page 38, the identification of Dr. Griffin should be -- it should be Dr. Griffin instead of Commissioner Armbruster on Page 38; and any references in the minutes to Mr. "Robertson" in the -- in regards to Estancia Valley Classical Academy should be Mr. "Robinson."

COMMISSIONER ARMBRUSTER: I move.

THE CHAIR: There's a motion by Commissioner Armbruster.

COMMISSIONER RUIZ: (Indicates.)

THE CHAIR: A second by Commissioner Crone.

All in favor?

(Commissioners so indicate.)

THE CHAIR: Opposed?

(No response.)

THE CHAIR: Hearing no opposition, the motion passes.

We are on to 5B, Approval of the June 15th, 2017, PEC Work Session Minutes.

Do we have any corrections? Do we have a question?

COMMISSIONER ARMBRUSTER: I could be wrong. But on -- on Page 38, Commissioner -- this is what -- Turquoise Trail. Dr. Ray Griffin was talking on Page 37, and then Commissioner Johnston, and then the Chair, Commissioner Johnston. And then it says, "Commissioner Armbruster." But I think that was Dr. Griffin who said that. Or I could be sound wrong and not remember any of that; but it doesn't sound like me.

COMMISSIONER JOHNSTON: I asked the
name, spell it.
Take you.
Taking care of our staff here.
The CHAIR: We're on to 5C, Approval of the PEC Meeting Transcript Minutes for June 16th, 2017.
Do we have any corrections to those?
Seeing none, I'll entertain a motion.
COMMISSIONER CONYERS: (Indicates.)
The CHAIR: There's a motion by Commissioner Conyers.
COMMISSIONER TOULOUSE: (Indicates.)
The CHAIR: A second by Commissioner Toulouse.
All in favor?
(Commissioners so indicate.)
The CHAIR: Hearing no opposition, the motion passes.
And finally, 5D, Approval of the PEC Summary Minutes for June 15th and 16th.
And I'm assuming the same corrections have to be -- no?
Are there -- is there a correction -- I'm sure probably not to yours; but it could be -- is there a reference to -- and I don't know. Let's look real quick. If there's a --
MS. POULOS: No.
The CHAIR: Opposed?
(No response.)
The CHAIR: Hearing no opposition, the motion passes.
You do have the school's performance, which indicates their three-year average letter grade was a "C" in 2014, a "D" in 2015, a "C" in 2016. You also have, from the 2015 and '16 data, proficiency comparisons to the local school district, as well as to the statewide.
In 2015, you'll see that their reading data was equivalent to statewide and Los Lunas, slightly higher than the local school district, slightly lower than the statewide averages.
In 2015, the MAP data was equivalent to the local school district and below the statewide average.
But then you'll see, on the next page, in 2016, that data indicates that there was a very minimal 1-percentage-point growth in their reading scores; but that compares to the local school district, which had a 7-percentage-point increase in their growth and resulted in the local district performing better, as well as the State had a drop of 1 percentage point; and so it was equivalent performance.
But in math, you'll see their proficiency increased by 4 percentage points, where the local districts increased by 11 percentage points and the
State increased by 5 percentage points; and the school was below both the local district and the statewide in math.

You'll also see that the school did receive a Corrective Action Plan from our Special Education Bureau this spring. In January, there was a -- a spot audit by the Special Education Bureau and our Licensure Bureau. The result of that was a seven-item Corrective Action Plan with the Special Education Bureau.

There were issues identified by our Licensure Bureau that were addressed by the Licensure Bureau. The school has made progress on the Special Education Corrective Action Plan, specifically addressing Item 5, the Memorandum of Understanding, which was due -- is due on August 18th. And they did complete that in advance of that due date. The other items on that Corrective Action Plan are not yet due.

You do have the school's enrollment data in comparison to statewide data, as well as through the local school district. And you also have the additional analysis, which is that in other decisions that the Commission has made in the past several months, we have -- the Commission has relied on the fact that the school letter grading statute requires that a school that has earned a "D" or "F" letter grade must prioritize its resources toward improving student achievement until the school has received a letter grade of "C" or better for two consecutive years.

And for that reason, this Commission has decided not to approve the requests of other schools seeking to increase their enrollment or their grade levels served. For that reason, the Public Education Department is recommending that this request be denied.

In addition we did have the opportunity -- and the school did receive this from us -- to analyze the school-specific goals with the data we had. And that analysis conducted by my team -- I did provide to, again, the school and to the Commission yesterday -- indicates that the school has not met its goals for two of the goals, and that it has exceeded the goal for one of the goals.

THE CHAIR: Thank you.

Good morning.

MR. MICHAEL OGAS: Good morning.
current second-graders on to the third grade. And I
had really no indication that the performance of the
elementary school would be contingent on the
performance of the middle school and the high
school, which I still think -- and I've gone on
record to say -- is -- the way the data is looked at
is questionable; because we can speak to our
progress as an early-college high school and the
scholarships that our kids are being awarded and the
number of Associate's degrees.

This year, alone, we had two children
graduate high school with Associate's degrees. One
graduated with three Associate's degrees. It's the
first time in the history of UNM-Valencia that a
student had done that. You know, we continue to do
really good things with our Graduate SODA program.

So there's lots of factors in play here,
rather than just the data that you have in front of
you.
When I submitted the -- the request for an
amendment to add the third grade, I provided the MAP
scores for the elementary school. And if I can show
you, this is what we believe a trend is going to
happen.
In -- and what's in your packet -- but

the -- the diamonds are where the mechanism believes
that a certain grade level of students should be.

And you'll see on the kindergarten, first
grade, and second grade, we far exceed that. Our
kids are doing really well. And what I've been
saying from the beginning is if we have an
opportunity to grow our school from elementary
through high school, I believe you're going to see
this trend continue; because we're going to have a
cohort of anywhere between 25 and 40 students in
every grade level that are going to be getting the
same type of instruction leading on to an
early-college high school, leading on to a
vocational training center kind of thing that we've
been saying from the very beginning.

I think this, in and of itself, is
probably the most compelling set of -- piece of
information that you have; because it's new. It's not
two years old. It doesn't rely on something
that was derived, you know, two school years ago.
This happened this year. It was our testing on the
second and first -- kindergarten, first-, and
second-graders. So they're progressing very well.
And I'm very proud of our staff and how they're
doing.

Now, I'm not sure -- and I will address
the Corrective Action Plan from the Special
Education Bureau. What that has to do with the
addition of third grade is totally irrelevant. It
was not brought up in that manner.

The second thing that I want to bring up,
just for the record, is when we submit an amendment,
we submit it, at a minimum, four weeks in advance.
So we have no idea -- you know, I'm beginning to
learn now, the time of scrutiny from -- it's almost
like we're going through an entire renewal every
time that we're putting out an amendment.

We talked about this a year -- a little
over a year ago, when we added the second -- when we
added the K-through-second grades, when we had the
discussion on the pre-K program, which was a lengthy
discussion, and when we had the discussion on the --
on the Graduate SODA program, in terms of the makeup
of our school and the mission of our school and
wanting to help the community and maybe being
willing to take a lesser grade in order to be more
receptive to the needs of our community.

And we still believe that. You know, we
could easily raise our graduation rate by dropping
this program on Graduate SODA. Unfortunately, with

the budget the way it's been the last year, we
may -- we're looking at that very closely. It would
break my heart to have to do that. Even this year,
we graduated five students that would never have had
a chance to graduate before.

So, overall, I'm not -- I don't know what
else to say. I'm willing to answer any question
that you have. I've brought with us Sue Fox, our
legal counsel, to discuss any legal matters.

It just -- I think it's unfair that we
keep getting -- you know, the new grade hasn't even
come up yet. We have a grade -- a three-year
average of a "C." And we keep seeing a narrative
that almost makes it seem like we're a failing
school.
And if you -- we are far from a failing
school. We've got tremendous things going on down
there. We had a move last year that we moved into a
20-acre facility and portables. We've got an
aggressive program going on to build a nice facility
with the support of the Village.
There's a lot going on that I believe we
should be proud of -- the Commission should be proud
of -- in terms of trusting us. And I know the
people in Valencia County are very proud of what
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So I just -- I feel like we basically should never have done it this way. But when we did, we really, implicitly, told them, "Come back, and if you have been successful" -- which they have, and he has the figures to prove it -- "we'll give you your next year." We're not evaluating their high school. That's a different matter.

THE CHAIR: And I don't know whether it was implicit; but I'll accept that. I'm not going to apologize for scrutiny, though, when we're looking at --

COMMISSIONER TOULOUSE: No, it's --

MR. MICHAEL OGAS: I think you should be scrutinizing.

THE CHAIR: I'll be honest. I have a concern with the fact that the Special Ed Corrective Action Plan hasn't been completed.

MR. MICHAEL OGAS: I'd love to address it.

At your leisure, I will address it.

THE CHAIR: Because if that hasn't been able to be done, then we're piling more work on.

MR. MICHAEL OGAS: May I speak to that now? I'd love to.

Okay. So we were audited -- our growth -- let me just backtrack a minute.

Last year, at this time, we had 360 kids.

And then when we started -- at the end of the school year. When we started school, we had 518 kids when we moved into the new facility.

Of that, we probably grew almost twofold with kids with IEPs. Those student came to us, the majority of them, with outdated IEPs and outdated evaluations.

When the Public Ed Department came in in January, I believe it was, and audited our files, they found that more than 90 percent, if not more than that, all had updated evaluations; all had updated IEPs.

What was in question and what was cited were some students that had come to us from other districts that our IEP teams -- they had current IEPs, current evaluations. And I'm an old special education person. I ran special education for 25 years. Those kids came to us with IEPs that what I was used to was fine. They came with a DD exceptionality, they were three- and four-year-olds. There was no reason, in my mind, to think that we needed to call them anything else.

I've learned since then that the State wants us to make a determination. So there's nothing outdated about their evaluations or their IEP in terms of time line.

So what the State wants -- and I've had a very good conversation with the State Director of Special Education and our liaison just this last week. In fact, even yesterday, I had a talk with them.

And we have -- you know, we agreed that there was no concerns that we will not make the deadline in terms of holding new IEPs, making annual eligibility determinations. And if a student is now labeled Developmentally Delayed and needs to be labeled Speech Language Impaired, we have no problems doing that, and we have the expertise and the knowledge to be able to take care of those kinds of things, whether it's to go off the existing evaluations that are done -- that have been done, if they're in compliance, or conduct our own evaluations after that. That's not an issue.

The Special Education Bureau -- we had about an hour-long conversation with my team and Deborah Dominguez-Clark and Corinne Romero from the PED and Catherine Quick.

So we understand what they're looking for, and we have no problems complying with that. It's not that we had to comply. When we first got the notice that there was a Corrective Action Plan, we were already well into the MOU, because that was something that the Commission had asked us to do as a contingency for the 3Y4Y program. So that was almost already completed.

We looked at all of our files that were in question and couldn't understand exactly what they wanted; so we asked for a conference call. They happened to be in the middle of the new -- Special Legislative Session. And next thing comes; the next thing comes. Before you know it, we're into July.

We have the call.

So when we had the call, we put all these things out on the table, every single one of them. We understood what they were talking about in terms of Prior Written Notice.

There was a -- there was one of the Corrective Actions there that we needed to be doing, Prior Written Notices. When we showed them where they were in the IEP, they were perfectly fine with that, because they had all been done.

Part of it was a lack of communication.

Part of it was misunderstanding of where they were in the files.
But in terms of overall us not being in compliance, the State has no -- no issues. And I believe they told me yesterday that they had talked to Director Poulos before she wrote this letter and told her that we were well on our way to being okay with everything; they had really no concerns about it. That's what I was told yesterday.

I asked for something in writing, and they've been unable to give me that because the State Director is out of state right now.

So I would have a tremendous problem with being not -- not answering a Corrective Action Plan for special education if it was something egregious and we hadn't done it. But I can assure you we are on top of it. We will meet their time line, and everybody will be in compliance.

THE CHAIR: And that -- by and large, that time line really doesn't happen until September.

MR. MICHAEL OGAS: Yes, ma'am.

THE CHAIR: So that it's --

MR. MICHAEL OGAS: We have not ignored it.

COMMISSIONER JOHNSTON: Mr. Ogas, I have a question about enrollment numbers. You stated at the beginning of the year, you were at 300.

MR. MICHAEL OGAS: We ended our school year -- not this school year, but the year before -- at 360 students. And then we moved locations. The Commission asked us to -- I mean, we got approval to move locations, and we expanded our capacity almost threefold in terms of classroom space.

And at that time, we had an influx of enrollment, not only at the middle school and high school, but we added the pre-K through second grade.

COMMISSIONER JOHNSTON: So what was the enrollment increase? What was the total at the end of last year? 500?

MR. MICHAEL OGAS: It was right around 507, something like that; a little over 500, yes, ma'am.

COMMISSIONER JOHNSTON: But that increase, that was the addition of the K-2?

MR. MICHAEL OGAS: A lot of it was; but some of it is always adding -- seventh grade is always a big enrollment time, had been, you know, like, the entry grade for our students; so we always get a pretty good influx of seventh-graders. And we do get a lot of students in different grades wanting to come in.

And I want to re- -- I've said this before, and only for the benefit of the new Commissioner -- we truly are a charter school that does not discriminate. We never ask what or if or where the kids come from until we offer enrollment. And we pride ourselves on that, you know.

But on the back side, kids come to us with issues. And, you know, we'll deal with it, you know; that's our job. But we don't ever ask upfront. We don't ever have a contingency, like, "Well, you have to be a certain reading level to come into our school." We help kids in our county. We're the only school in our county, the only charter school.

THE CHAIR: I'm sorry. I just wanted to ask, what's the total -- what's your cap for the building, for your facility?

MR. MICHAEL OGAS: Our cap is 625; you approved us from 525.

THE CHAIR: But the facility? Is that what the facility is, also? The capacity for the facility?

MR. MICHAEL OGAS: Currently, yes, ma'am.

We are also building a facility that will allow an increase in that; because what we're going to be building will allow to free up some more rooms on this side to add the fourth through sixth grade.

We have it -- it's actually being built into our Facility Master Plan. An architect out of the Greer Stafford architect firm is working with Martica Casias' firm to update our Facility Master Plan to include all these.

THE CHAIR: So what's your total cap for that building, when you're done?

MR. MICHAEL OGAS: I -- you know, I made the statement earlier, a year ago, that we could probably stay close to our 625 cap, depending on maybe --

THE CHAIR: No. When you get -- what's your projected, that this is going to be the max that that building is going to be able to hold?

MR. MICHAEL OGAS: The building will be able to hold probably more than we want it to hold, you know; so... The CHAIR: Okay.

MR. MICHAEL OGAS: So we're looking at probably close to 650 to 700 students, total.

THE CHAIR: I'm sorry. I just -- COMMISSIONER JOHNSTON: And I apologize, Madam Chair. I forgot to request permission to ask a question. I was thinking -- may I?

THE CHAIR: Yeah. Sorry.
COMMISSIONER JOHNSTON: You made the statement, Mr. Ogas, that you have third-graders who are ready to come back to school. What have you done to inform the parents that you may not have a third grade?

MR. MICHAEL OGAS: We have not.

COMMISSIONER JOHNSTON: You have not.

MR. MICHAEL OGAS: Well, with this -- the notice that this was going to be an issue came to me two days ago.

COMMISSIONER JOHNSTON: Okay.

MR. MICHAEL OGAS: So, I mean, we have only had two days to work up some kind of response to the narrative that Director Poulos has created. It's not like we had any lead time on this.

COMMISSIONER JOHNSTON: So what -- if I'm clear, you requested the amendment, from what I heard you say earlier, to add the third grade, but received no response.

MR. MICHAEL OGAS: We requested the amendment within the time frame which the Charter School Division likes, to be four weeks before the meeting.

COMMISSIONER JOHNSTON: Yes. But you hadn't heard anything.

MR. MICHAEL OGAS: Not till Monday -- two days ago.

MS. POULOS: Madam Chairwoman, I do think it's important that the Commission hear from me that we actually reached out to this school, because we saw that they were already advertising that they were eligible to serve third-graders and were going to serve third-graders without ever having submitted an amendment. So this could have been submitted at any time.

But we at the PED actually reached out and asked them to submit that amendment, and I think -- as far as the materials were not completed and ready when the Commission got them and the school also got them. But I do want to be clear that the PED -- or the PED has been very clear on the recommendation it's going to make.

Included in the materials that we've been working with the Commission on regarding amendments, which is if a school -- and we've made that clear in all of our recent recommendations, and it's aligned with the decisions of the Commission -- which is if a school has receive at "D" or "F" letter grade and has not subsequently earned two consecutive "C"s we will not recommend the approval.

I believe the argument that elementary school and middle and high school are very separate. But the scores of the seventh through eleventh-graders on the NWEA are really concerning to me; because if I look at these scores -- perhaps you can explain how students lose ground.

MR. MICHAEL OGAS: I will try. I can tell you, by the springtime, it's a very hard thing to keep seventh through twelfth-graders, after being -- starting testing in March and ending testing in May -- to keep them focused. They're taking PARCC; they're taking end-of-course exams; they're taking NWEA for the third time, you know. And it's -- it really is difficult to do that.

And I honestly believe that some of that is just them saying, "I'm done," you know. They did well on the PARCC, which they knew was supposed to be the benchmark one. And then literally days after we finished the PARCC, we're telling them, "Now, we've got to do NWEA."

I know you've heard it before, and, you know, we do the best we can with it. I can't answer specifically. We do -- we're aware of it individually. We're doing a full training now when we come back and bring the teachers, on
We didn't have Internet till October, November -- very proud of staff and students for doing so well had put in place last year, and we continued it this year, summer tutoring for math.

We have an arrangement that we are fostering once again, now that we have our full Internet back up with New Mexico Tech, to do tutoring via the Internet from their students to our students in math and science. So we've got a lot of things in place in terms of interventions to deal with this.

We have a person right now who's looking at the individual scores and looking for students to see what exactly needs to happen individually on their ILP. We're going to raise the bar for them, and we're going to make sure that they understand, you know, that this is important.

But I can tell you, last year was a challenge to begin with. We moved. And for reasons that weren't necessarily particular to us -- I mean, we didn't have Internet till October, November -- you know; so there was a lot of stuff going on.

And we survived it. And, frankly, I'm very proud of staff and students for doing so well on the PARCC, and for the young ones doing so well on the -- you know, I just believe that the -- the interventions centered around scores and NWEA. We

adolescents were fried, honestly.

COMMISSIONER JOHNSTON: Can you tell me what -- did you do anything to work more diligently to inform high-school and middle-school students, or to prepare high-school and middle-school students for the NWEA, which you knew would be coming right on the heels of --

MR. MICHAEL OGAS: Yes, ma'am. And, Commissioner, so did they. We have -- we have all students assigned advisory periods, where they do, you know, everything from test preparation to remediation to grade checks and that kind of thing.

We make sure that students are aware when these tests are. They have the calendars.

You know, we try to provide them test-taking skills. We offer after-school tutoring. We offer during-the-day tutoring sometimes, some of the teachers that have the opportunity.

So we probably need to keep on it and keep stressing it, you know, more. We're not going to give up on it. And I'm not trying to make excuses for the seventh through twelfth-graders, because those same kids actually did very well in college.

And when you take our early college scores, you know -- I brought Ms. Garcia here with a stack of -- of the lists of the kids that attended college courses. How many courses this year?

MS. RITA GARCIA: There was over 270 courses.

MR. MICHAEL OGAS: So we took over 270 courses. We're only a school of, you know -- you know, probably 150 kids that were in those courses. So they took them, and the majority of them passed them with a "C" or better.

COMMISSIONER JOHNSTON: Are these the courses -- are these all UNM-Valencia courses?

MR. MICHAEL OGAS: Yes, ma'am.

COMMISSIONER JOHNSTON: Are these the courses that kids have to test into?

MR. MICHAEL OGAS: Every kid takes the COMPASS test to be able to get into -- we have that information. So they do have to test into them.

We have a tremendous relationship with UNM-Valencia. On top of everything else, a good portion of our upper classmen, and sometimes even our sophomores, are off taking college courses during the course of the day and trying to navigate -- what we do, we have the structure where we try to schedule their high school courses around their college courses, and we've articulated them

both.

COMMISSIONER JOHNSTON: Are they taking their remedial courses?

MR. MICHAEL OGAS: No.

COMMISSIONER JOHNSTON: They're testing into the entry-level college courses with the COMPASS?

MR. MICHAEL OGAS: Yes. Yes.

COMMISSIONER JOHNSTON: What percentage of them are able to do that?

MR. MICHAEL OGAS: What would you say, Rita?

MS. RITA GARCIA: I would say probably right around the 70 percent; because not all the courses are required to have a COMPASS or an Accuplacer.

Comisióner Johnston: But anyone who takes the COMPASS is scoring proficient on it.

MR. MICHAEL OGAS: A lot of them, yes.

And they take the COMPASS before they're counseled into their -- our goal is to get them to complete Math 121, which is the gateway class, you know; and we're getting to that point.

Our goal is to have students taking algebra by seventh or eighth grade, so that they can
get into the upper-level math. We just hired a
teacher who has a Master's degree, and has a passion
for teaching things like trigonometry and calculus.
And that's something that we had been missing over
the years.
We had some very good math teachers; but
we only had one. Now we have three, you know. So
I'm really excited about how things are panning out
in terms of us offering high-end curriculum,
especially to the older students.
COMMISSIONER JOHNSTON: And I remain
concerned about voting in favor of adding a third
grade while we're looking at so many challenges for
those upper classmen that you're working on.
But my sense -- my thought is is that I'd
like to see some of these efforts brought to
fruition before I look at another jump in
enrollment; because those are -- those are quick
gains. And you're doing some things for students
that require a lot of attention, a lot of direction
at the middle-school and high-school level. So
that's where my concern is.
MR. MICHAEL OGAS: That's a good point.
And we don't perceive that type of jump in
enrollment. We probably perceive being around the
500 mark for a while, anyway. We're not going to
see a 100- or 200-student increase.
COMMISSIONER JOHNSTON: But that jump to
500 -- to me, with one year, that's a huge jump.
MR. MICHAEL OGAS: Yeah, it was. We
handled it, though.

So what we're doing is we're concentrating
on literacy and numeracy, and we're doing it around
the STEAM model. We've adopted a reading curriculum
through National Geographic, which is a
science-based reading program. And it has a
tremendous amount of content and support within it.
And the teachers are getting better and better at
using it.
We also have foster situations, where our
older kids come down and are reading buddies to our
young kids. Or our FFA program comes down, and
they're interacting and doing -- our Robotics
program is coming down and doing math and related
types of activities.
So there's a lot of articulation and
support, particularly, you know, throughout. And
what that does for the older kids is that it helps
them, as well. So we have focused -- we -- we're
all one school; but everybody knows their role in
making sure. We've identified an administrator to
oversee the elementary school, an administrator
under me, both of them under me, to oversee the
middle and high school. And they both have --
they're laser-focused on what they need to get done.
COMMISSIONER CABALLERO: And your
rationale, again, for wanting to add the third
grade?
MR. MICHAEL OGAS: Well, we knew -- my
original proposal a year ago was to add -- just like
Commissioner Toulouse said -- was to add pre-K
through 6, with phasing in -- and I even had a plan
to phase in -- I believe it was one grade, one
grade, and then two grades, and fill it out over the
course of three years. And I was trying to do that
before our next renewal.
So that was when Commissioner Bergman
and -- you know, and the rest of the Commissioners
thought that might be too aggressive. They asked me
to go back and rethink it with my team.
We came back with a pre-K-through-2
recommendation. Then we had a long discussion about
pre-K, which I'm sure we're going to continue in a
little bit.
So what happened was, there was not any
ruling on the pre-K, which left us with an approval
of K-through-2; but the narrative, even in the
minutes -- and I read it last night -- allowed us to
actually begin a pre-K, because it left it between
us and the Public Ed Department.
We had already been approved through the

THE CHAIR: I -- Commissioner Caballero?
COMMISSIONER CABALLERO: Yes. The gains
by the first- and second-graders, second-graders
that would be third grade, how -- can you tell me a
little bit about that?
MR. MICHAEL OGAS: Well, we -- you have
them in your packet; so -- yeah.
THE CHAIR: You look on Page 15 of that
section.
MR. MICHAEL OGAS: It's a cover sheet.
For example, if you'll see the gray area and how it
goes above the little diamond, that -- that is
basically what -- where we're at in terms of our
performance in all these different areas. And it's
pretty -- it's pretty consistent.
budget process to start that. So it was just a
process of something that we've been asked by the
community to do, because they like our model. They
like what we do with kids. They like, you know, the
way that we work with the community. And we've been
asked, almost from day one, to add an elementary
school.

Originally, we even had an application --
or a letter of intent -- to maybe create a separate
elementary school years ago; but we opted not to, at
the direction of the previous Charter Schools
Division, who said, "Wait." You know, they gave us
the advice to wait for our next renewal, and then
look at adding grades after that.

So that's the advice we took, and that's
what we've gone with.

COMMISSIONER CABALLERO: And the follow-up
question to that is what -- what are your plans for
the third grade in terms of programming, continuing
what you started with the first and second that
would now continue?

MR. MICHAEL OGAS: That's a very good
question. Thank you, Commissioner Caballero.

We're looking at continuing our -- our
numeracy and our literacy-type thing. We're looking
at continuing cursive writing. Obviously, this will
be the first year that they take the PARCC. So test
preparation and that kind of thing are going to be
utmost; plus participation school-wide in our STEAM
model.

We're very heavy on the arts into STEM;
so, you know, music, dance, robotics, art, those
kinds of things are a mainstay with us, you know,
and they're embedded into our charter. When we had
our budget crisis, we did not -- we did not -- we
kept the integrity of those programs, you know. We
kept them alive.

So we're going to continue with that
model, because we know how, you know, eventually,
it'll move on to a little older, a little older.
And we have very effective robotics programs, dance
programs, music, guitar. And I'm talking really
high-end kinds of things.

Our guitar program plays every year with
the -- with the La Cueva Symphony, twice a year. So
they're that caliber, you know. It's a really nice
mix of arts and sciences. And that's what we'd like
to provide for the elementary.

Originally, we had spoken -- and we're
going to continue the conversation, now that we have

a facility -- with Explora; but we've also, since
we've adopted National Geographic, it's kind of a
good mix, because they also have a science-based
reading and math program.

COMMISSIONER CABALLERO: One last
question, Madam Chair?

THE CHAIR: Sure.

COMMISSIONER CABALLERO: So you've had
some students that have finished the second --
second grade. No third grade. How many of those
that you get back in the fourth grade?

THE CHAIR: They don't have a fourth
grade.

COMMISSIONER CABALLERO: They don't have a
fourth? Okay.

MR. MICHAEL OGAS: We had up to second
grade this year. And we finished the year with
23 second-graders. All of them are coming back.
Well, they want to come back. We're ready to go.
We've been planning. We've been planning staffing.
We've got a room ready to go. We've got furniture.
We've got it all set. We're ready to go.
A year ago, I couldn't have told you that,
because we were still building and, you know, moving
furniture and stuff.

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going to continue the conversation, now that we have

But everything is set. And we have a plan
to then add fourth grade with a facility, and then
to fifth and sixth, as we're building a new
facility. And we've had the PSFA in conversation
with us from the very beginning. So they know
exactly what we're doing.

COMMISSIONER CABALLERO: That's all,
Madam Chair.

THE CHAIR: I think I have one of my
favorite artists still at school. Does Nicholas
still work for you?

MR. MICHAEL OGAS: Nicholas is now working
elsewhere. But he's a good artist, absolutely, a
very good artist, yes.

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I just need to
get some things straight in my head.

So when you say you graduated five, five
from what?

MR. MICHAEL OGAS: Our Graduate SODA
Program.

COMMISSIONER ARMBRUSTER: The night one?

MR. MICHAEL OGAS: The night one, yes,
ma'am.

COMMISSIONER ARMBRUSTER: How many
MR. MICHAEL OGAS: About 20, 25 that are still there. And that's when we -- when we discussed that we knew that from the beginning, it's more a transient group of people. For whatever reason, life reasons, whatever, they'll come; they'll try; then they'll move out of state. I've had a long conversation with the Public Ed Department, that I just take kids that drop out twice. I'm losing that one.

COMMISSIONER ARMBRUSTER: Sometimes you just lose it, and, "Get a GED."

So you have a 3Y4Y, a kindergarten, a first grade, a second grade, a seventh, eighth, ninth, tenth, eleventh, twelfth, and a night school.

MR. MICHAEL OGAS: Yes.

COMMISSIONER ARMBRUSTER: My concern is that that's a lot. My concern is -- and the number of years -- I have only been here three; so I don't know the history before that, that whatever it is that you're doing. And you're talking about improving, improving.

But it seems to me, it ought to have been improved, because the -- your -- your lowest quartile is still an "F," 4.8 points out of 10.

So more money needs to be there. And I know money is an issue; so I won't even get into that. But to change their growth -- so if you've had them from -- because this is really only reflecting seventh through twelfth; it's not really reflecting the K-2 or your 3Y4Y kids -- that it's just not -- it just seems like too much, and there's not enough effort on the ones you already have.

I understand the issue about third grade. I understand that you perceive that you would get third and fourth grade, and we, as a Commission, had talked about this a lot, of having to not appear, "Some schools are okay and some are not." And you are caught in the middle.

But that's what we decided. You had to have above a "C"; you couldn't have all these "F's". You had to have all of these different criteria. And I'm not sure that I'm feeling that you have them.

I mean, how -- the kids -- how many kids did you end up with last year at the end of the year? The one that just ended?

MR. MICHAEL OGAS: This current school year?

COMMISSIONER ARMBRUSTER: The year before that you had --

MR. MICHAEL OGAS: We were in a different facility, and we had 360 students and we were full. The facility limited us on enrollment.

COMMISSIONER ARMBRUSTER: Okay.

MR. MICHAEL OGAS: May I ask --

THE CHAIR: Without the K-2. That was 300 without the K-2 students. So the K-2 students added about 60, roughly?

MR. MICHAEL OGAS: Roughly, yes.

COMMISSIONER ARMBRUSTER: And so did -- were your kindergarten students proficient, all of them proficient at the end of this year, based on the NWEA?

MR. MICHAEL OGAS: I don't know that all of them were proficient; but I do know that we know where they are.

COMMISSIONER ARMBRUSTER: 17th percentile?

I'm not actually sure. I see the winter, spring.

So the spring --

MR. MICHAEL OGAS: They did improve, though.

COMMISSIONER ARMBRUSTER: Yes, they did improve. But they're in the 17th percentile; am I reading that correctly? They went from the 11th percentile to the 17th percentile.

MR. MICHAEL OGAS: In mathematics.

COMMISSIONER ARMBRUSTER: In mathematics.

So does that mean they're on grade level? I really don't know.

MR. MICHAEL OGAS: There's probably as many on grade level as anywhere else.

COMMISSIONER ARMBRUSTER: But they're not all on grade level is what you'd probably say.

MS. SUSAN FOX: Madam Chair, Commissioner Armbruster, I'd just like to -- I feel like I have to jump in at this point and just indicate that when K-2 was approved a year ago, there were no conditions placed upon adding grades subsequently, nothing regarding any sort of grade-level performance, et cetera.

I obviously agree with this Commission scrutinizing what's going on over at the school. But in order to be placing some of these conditions on after the fact, I think, is, number one, unfair to this particular school; but also, to the extent that the justification for any denial here has been stated as the A-B-C-D-F statute, prioritization of resources, requiring that the school get a "C" for two consecutive years before being allowed to get...
an amendment, that is nowhere in the law.  
What the A-B-C-D-F law says is that the PED, not the PEC, require the school to prioritize its resources through its budget processes. And this is all reflected in the PED's regulation, which the school has done, I believe. And I believe that the school's most recent budget has been approved anticipating the inclusion of third grade, which implies that the PED's Budget Department was satisfied with how the school is allocating its resources with respect to the A-B-C-D-F law.  
And I just always want to mention that this is not a "D" school. This school's three-year average is a "C." And we don't have this year's grades yet, which is unfortunate. And everyone's checking their watch to see when those might come out, because those might really inform, ideally, this school's decision. But here we are in July. And this school needs a third grade. And I just don't see, with all due respect, that there is any legal justification for this body to deny a third grade under the circumstances, using the justification that's been provided by the Charter Schools Division.

If there are concerns about the school's performance, the charter contract is very clear about what needs to happen. There can be an Improvement Plan. There can be a Corrective Action Plan. But it would be happy to move through those processes with the CSD, if that's what they believe. But the first we've heard about this was yesterday -- or the day before. So here we are.

THE CHAIR: Commissioner Peralta?  
COMMISSIONER PERALTA: Thank you, Madam Chair. I just kind of wanted to go ahead and give you my perspective of where I stand on this issue with SODA; and, hopefully, after I finish up my comments, maybe we'll be able to get to a vote so we can move on with your next amendment. So I do concur with a lot of what Commissioner Toulouse had to say earlier, which she stated earlier; so I'm on board with that.

What I do anticipate is that possibly next year, you'll be back again with another amendment. And may I suggest that possibly when you come back, that you come back with a plan to infuse four, five, six, which was your initial attempt? But, again, it got stalled for somehow and some reason.

But what I'm very uneasy about is going back to your -- your confirmation that you had mailed -- jumped the gun on your website about third grade happening at your school. And that's a -- you know, what I'm uneasy about is that if for some reason this Commission denies the amendment, it almost seems like it's a "shame on us," when it should be a "shame on you."

And I'll end it with that. And so you have my support for this go-round. But I will hope you take what I had to share with you. So --

Madam Chair?

THE CHAIR: And I'll agree with Commissioner Peralta. I think at this point in time, I think you've adequately showed, to me, that you're doing the work that needs to be done with that K-2 program. And then we've all had discussions about how the middle schools need feeder programs. And you're creating that feeder program. That's -- and I think you're right. Shame on us if -- but I think if we've got this two years' worth of info, and you come forward, we can hopefully have a greater grade span amendment request. So I'll -- Commissioner Johnston?
concern about that. So that's where -- that's where
my focus is on.
MR. MICHAEL OGAS: Yes. May I respond to
that, briefly or --
COMMISSIONER JOHNSTON: I would like you to.
MR. MICHAEL OGAS: So I agree. We -- we
need to -- we need to look at this more closely.
With respect to the ACT, we provide opportunity for
every student, ninth grade through twelfth grade, to
take the ACT. So a lot of the scores that are lower
tend to be our younger kids.
But by the time they're at high school, by
the time they're eleventh and twelfth grade, we've
seen ACT scores jump as many as 17 points.
I'd like, talking about focus.
MR. MICHAEL OGAS: Now that I know that,
you'll get it. I didn't see I needed to do that
today.
COMMISSIONER JOHNSTON: The more detail
and data you can give us, the happier we are.
COMMISSIONER TOULOUSE: Madam Chair, may I
move for cloture?
THE CHAIR: Okay. I think we're ready to
make the motion.
COMMISSIONER TOULOUSE: Madam Chair, I
move that we approve the amendment request from the
School of Dreams to add the third grade to their
school for the school year of 2017-'18.
COMMISSIONER CABALLERO: Second.
COMMISSIONER RUIZ: It says we have to
give a reason.
COMMISSIONER TOULOUSE: Okay. Then I will
include that they have adequately showed that
they're ready to extend their students to -- I don't
believe that I have to do anything more.
THE CHAIR: And I'm -- I'll just explain
that our current attorney from the AG's Office had
advised me at the last meeting not to -- that we
don't -- we should not provide explanations --
MS. POULOS: Madam Chairwoman?
THE CHAIR: -- reasons; so I'm conflicted
here.
MS. POULOS: Can I have --
THE CHAIR: And I'm -- you know. So
that's -- that's what I'm -- my -- the advice to me
was, "Don't do it."
MS. POULOS: I'd like --
THE CHAIR: So I hate to go against --
Johnston?

COMMISSIONER JOHNSTON: No.

COMMISSIONER ARMBRUSTER: Commissioner Crone?

COMMISSIONER CRONE: No.

COMMISSIONER ARMBRUSTER: Commissioner Armbruster votes, "No."

Commissioner Ruiz?

COMMISSIONER RUIZ: Yes.

COMMISSIONER ARMBRUSTER: The motion passed with six "For."

MS. FOX: Six-three.

COMMISSIONER TOULOUSE: Six-three.

COMMISSIONER ARMBRUSTER: I said six "pro" votes.

THE CHAIR: Thank you. Can we take a ten-minute break?

Oh, I'm sorry. I apologize. I forgot.

COMMISSIONER TOULOUSE: Some of us never ate lunch, if you'll excuse us.

THE CHAIR: Commissioners, so he doesn't have to sit here longer, we have a second amendment request from this same school. And I apologize. I lost my train of thought there for a minute.

And this is 6A-ii, Add a 3Y4Y

Developmentally Disabled Program.

MS. POULOS: Madam Chairwoman, Commissioners, I won't belabor. But for the same reasons, specifically, because this is a special education program, CSD is recommending that this amendment not be approved until the school has demonstrated academic achievement at the "C" level for two consecutive years and has completed the Special Education Corrective Action Plan.

THE CHAIR: Thank you. Is there anything you want to add?

MR. MICHAEL OGAS: Unless there's any questions on what I said about the Corrective Action Plan, we feel extremely comfortable. The only thing that I would add to that is the notion of a 3Y4Y program going back into the '80s. Our team has experience in developing those programs in early intervention and identifying students with disabilities within IDEA and within the early intervention categories, both sides.

So I would not even attempt to recommend that we pursue that program if I didn't feel comfortable that, number one, we had the expertise and the knowledge to do this. Not to say anything, but I can honestly tell you that both local districts in Valencia County, myself and my team, had a significant impact on developing both Child Find and Pre-K programs in both districts. I was once an Assistant Superintendent and Director in both districts, running Special Services and Special Education.

So I feel comfortable doing it. I know we know how to do it. The Corrective Action Plan has another side of the story to it; but we are going to comply with it and move on. And it's a stellar program. If you came down to visit it, you would be extremely impressed, as everybody else has been.

We have two classroom teachers, two aides, therapists that go in the classrooms. They have an organized program, designed specifically within the different early -- early childhood categories. And we work on individual -- individual IEPs continuously. It's a good program.

The initial issue, if we -- I went back and read all of the minutes of the last three meetings -- four meetings -- was whether or not the Commission wanted to get into the pre-K area. This is a 3Y4Y program under the Individuals with Disabilities Education Act. When we first started it, the Commission had opted not to put it into the contract and gave me direction to work directly with PED, if we wanted to pursue it.

We did do that. We worked with both Finance and the Special Education Bureau, then found out that we needed to have an MOU with -- a Trailblazers MOU with the Department of Health.

So when we brought it back the second time, that was at Director Poulos' direction. Actually, she was the one that asked us to do the amendment to codify the program into the contract, then asked us to go and do the Trailblazers MOU, so that -- that took a while, because that includes about ten different entities.

We were brought to the table, thanks to the help of the Special Education Bureau, Ms. Quick, and the Department of Health, Ms. Jennifer Brown. They brought us to the table with all the entities there, including the local school districts. They verified that we should be viewed as an LEA within the MOU, and that we should be at the table during the transition meeting from early intervention to the 3Y4Y program.

All of that has been done. It was signed and implemented beginning April 1st. And so we did do everything that we can. And like I said, the
only last thing I want to say is the Corrective Action Plan is not going to be an issue after September. We're going to comply with every every letter on that thing. We had a good conversation about four days ago with the Special Ed Bureau, and we know what we need to do.

MS. SUSAN FOX: And I'd just like to add very briefly the same concern about the stated justification for denial, as I just articulated in the previous amendment.

THE CHAIR: I agree. We can't say that the Corrective Action Plan hasn't been completed yet when its end date isn't until September. So it's -- we don't know that it's not going to be completed.

COMMISSIONER JOHNSTON: Madam Chair -- but do we know that it's going to be completed?

THE CHAIR: Well, I can -- I can take him at his word that he said it will be, that he's had the discussions, and that it will be. But I don't think we can take a vote on something that -- you know, to say, "Well, you may not" -- we're basically saying -- if we say "no," because it hasn't been completed, we're saying, "We don't believe that you can complete it."

And I don't know whether we have the --

that's -- you know, that's within our purview to say, "Hey, you know, we don't know that you're going to complete it."

Well, we don't know it until September.

But I can -- I'm going to take him at his word that is on the record that he's had these discussions, that they're on the right track to complete it, and that it will be completed, and we will essentially know if it didn't happen.

MR. MICHAEL OGAS: May I add one more thing to that, Madam Chair?

THE CHAIR: Sure.

MR. MICHAEL OGAS: The ramifications of not completing it go far beyond this body. I'm fully aware of federal law regarding special education and related services. I've been in the middle of that for the last 30 years. When I say we're going to complete it, we will. But we'll make sure that this body is aware of it when we do.

COMMISSIONER ARMBRUSTER: Do you have data on how your 3Y4Y kids did in kindergarten this year?

MR. MICHAEL OGAS: Well -- actually, they haven't been in kindergarten yet. This will be the first year that they go to kindergarten, I can tell you, Mrs. Ogas has the list of kids that have actually transitioned out of the IEP process because of the progress that they've made within the program.

So I can tell you number of the four-year-olds will no longer have -- be identified as a child with a disability because of the success of the early intervention program.

Historically, we have seen that students in this kind of program do actually very well when it comes to second and third grade and reading. So I see no reason for it not to include -- but we don't have specification right now, because we haven't had any of those kids in kindergarten yet.

COMMISSIONER ARMBRUSTER: You've only done 3Y4Y last year. I see. So they're four-year-olds.

MR. MICHAEL OGAS: Will be kindergarteners this year.

THE CHAIR: Commissioners, any other questions? Are we ready?

COMMISSIONER JOHNSTON: Yes, I have --

THE CHAIR: Commissioner Johnston?

COMMISSIONER JOHNSTON: Can you talk to me a little bit about your exit program for your graduating students and the number on IEPs and the preparations that you have for the transition and how the team works on that?

MR. MICHAEL OGAS: Absolutely. We meet the transition goals, and we score very well every year on -- I think it's Item 13 on transition planning. Indicator 13. We get a report every year that we've been in compliance.

I can't remember a report -- with the exception, maybe the very first year, that we might have been out of compliance. But it's been -- it's been solid.

They have ongoing transition plans. The majority of our students graduate with regular diplomas and are referred to our agencies or have some type of thing going on for their vocational training or whatever they need.

We've graduated a number of students with IEPs every year, and a couple that have had the Certificates of Completion and are moving into adult transition programs.

So we run the gamut. We have kids with more moderate to severe disabilities, as well as mild hearing disabilities, language disabilities; we've had visually impaired students, and we've offered orientation and mobility and VI teaching services.
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So we're really pretty good at that. We know the law, and we understand what needs to happen. We're in compliance. Like I said, the Special Ed unit came down, and they monitored all 100 -- or close to 98 -- of our IEPs. And the only issue they had were with these that were labeled "DD." And so we're taking care of it.

COMMISSIONER CABALLERO: Yes.

THE CHAIR: Commissioner Caballero?

COMMISSIONER CABALLERO: Let me see. Somewhere I kind remember that your population is slightly above the average where you're at. Do you have any idea why that is so?

MR. MICHAEL OGAS: I do. Well, number one, the majority -- like, 95 percent of the students we have with IEPs came to us with IEPs. The majority of those that came to us with IEPs had outdated IEPs, outdated evaluations.

So I'm not going to point any fingers.

But there have been issues where students feel they might be getting better service per their IEPs with us; so they come. But we don't ask them whether or not they have an IEP until we actually offer enrollment, which -- you know.

So the very first year, we were audited,

because we had an influx with students with IEPs like I had been out there recruiting them or something. That wasn't the case at all. It hasn't been the case.

But when you're the only viable alternative in a valley our size, you're going to get an influx of students that have needs and differing issues, you know. And we do. And we embrace that.

But I think that's the major reason why.

We do have where we identify them, and we run SAT teams and that kind of stuff ourselves. But our whole model is set around intervention-type things, from tutoring, Individual Learning Plans. Even kids that don't have IEPs have an Individual Learning Plan; so...

COMMISSIONER CABALLERO: That's all I have.

THE CHAIR: Seeing no other questions, I'll entertain a motion. And I think we've got -- You know that Commissioner Caballero is here, right?

THE REPORTER: (Indicates.)

COMMISSIONER TOULOUSE: Madam Chair, the wording on the motion is on Page 7.

COMMISSIONER CABALLERO: I'm on the wrong school's amendment. Sorry, it's my fault. I flipped back and -- so I move to approve the amendment request presented by the School of Dreams to amend the grade levels served to include a 3Y4Y Developmentally Disabled Program.

COMMISSIONER TOULOUSE: Second.

THE CHAIR: There's a second by Commissioner Toulouse.

COMMISSIONER ARMBRUSTER: Commissioner Conyers?

COMMISSIONER ARMBRUSTER: Commissioner Gipson?

COMMISSIONER ARMBRUSTER: Commissioner Toulouse?

COMMISSIONER ARMBRUSTER: Commissioner Caballero?

COMMISSIONER ARMBRUSTER votes "No."

So it passes.

THE CHAIR: Seven-to-two. Thank you once again.

Now, if we can take a ten-minute break, I'd appreciate it.

(Recess taken, 1:47 p.m. to 1:59 p.m.)

THE CHAIR: We are on to our next and final amendment request, and that is from Estancia Valley Classical Academy.

MS. ARCHULETA-STAEHLIN: Good afternoon, everyone.

THE CHAIR: Director?
And again, we're happy to answer any questions that you have. We don't have a formal presentation to you all today. We knew that some of this was information you were waiting for, and we believe we have now provided the Commission with all of the information it needs from us, as a charter school, in order for us to allow us to move forward.

THE CHAIR: All right. And, Commissioners, I think in terms of questions, we've belabored this for --

COMMISSIONER ARMBRUSTER: Too long.

THE CHAIR: -- a long time; so...

COMMISSIONER TOULOUSE: Madam Chair, there is one point in --

THE CHAIR: Okay. I'm just -- I'm just saying that I don't think we need to hash over a lot of old questions that we've had with this school, because they have come forward. They've answered most of our questions. So I would just ask that we not go back and rehash questions that have been asked and answered already.

If there is a -- if there is a new concern, I certainly welcome those questions. But to go back and have to rehash the past --

MS. ARCHULETA-STAEHLIN: We've spent a lot of time together in this last year. So I don't suspect that it's --

THE CHAIR: So I would just -- I'm just asking that you keep any of your questions to something that is new and not something that has been asked and answered, for our sake, as well as the school's sake, that we're not living in the past.

COMMISSIONER TOULOUSE: Madam Chair, I know more about this school than I do any school that isn't in my district.

But I do -- in our materials, there's a statement. It says, "Our current charter enrollment cap is 575. We are anticipating moving to a new facility as early as August 2017, depending on availability of funding, and expect enrollment to surpass 575 for the next charter renewal."

Do you have someplace you're moving in August?

MS. ARCHULETA-STAEHLIN: No, ma'am. We have a place that we're going to begin construction on.

COMMISSIONER TOULOUSE: Right. That was my question; because, to me, there's a different -- a different kind of approval we give you if you were
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<td>moving this school year, as opposed to next school year.</td>
<td>think that everything that you have endeavored to do and every question I have asked of the district and every item I have observed has supported your ability to handle this increase in enrollment.</td>
<td>at your enrollment for this September? Or this August? Or whatever?</td>
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<td>MS. ARCHULETA-STAEHLIN: And, really, that's to allow us to grow, based on what we have on waiting lists. And we really do, as you all have heard from other schools as time has gone on, an opportunity for us to grow our own, if you will. And that would allow us -- at this point in time, we could have, I believe three kindergartens -- we have enough students-in-waiting, if you will, that if we had space, we would have that. And if you think of that type of growth over the course of time, we suspect that the building we're planning is going to be adequate for us; but, hopefully, full.</td>
<td>My -- my remaining need for resolution is that lowest quartile. But everybody works with that. And I say that, just so that moving ahead, I've said it. But I can tell you, as the Commissioner who represents the district within which you reside, I have had -- I did have a call from a parent who was concerned about your move from your current location to Edgewood. How many miles is that? I didn't -- I didn't drive it. Is it ten miles?</td>
<td>MS. ARCHULETA-STAEHLIN: I think we have 531 students, and a waiting list, at least in the lower grades, of 34 students.</td>
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<td>MS. ARCHULETA-STAEHLIN: Absolutely -- you are in my district. And I consider -- our first quartile has gone up. I don't wish to beat this horse anymore; he's long past dead and buried, I suspect -- is that what we're hoping to do is, with a larger facility, be able to offer more to more students.</td>
<td>COMMISSIONER JOHNSTON: This has been a fact somebody doesn't like that we've moved seven miles down the road, there's not much we could do about that. And I would say that that's really -- if you look at the bigger picture, that's our plan.</td>
<td>MS. ARCHULETA-STAEHLIN: So if there's a fact that lowest quartile. But everybody works with that. And I say that, just so that moving ahead, I've said it. But I can tell you, as the Commissioner who represents the district within which you reside, I have had -- I did have a call from a parent who was concerned about your move from your current location to Edgewood. How many miles is that? I didn't -- I didn't drive it. Is it ten miles?</td>
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<td>MS. ARCHULETA-STAEHLIN: Well, the concern -- we believe, in fact -- and, again, I think it's going to -- I guess if I ask. You haven't had one student disenroll because of the move, have you?</td>
<td>MR. TIM THIERY: Seven. COMMISSIONER JOHNSTON: It's about seven -- five miles, six miles -- it's not many miles -- and that it would reflect a change in the demographics.</td>
<td>MR. TIM THIERY: Seven. COMMISSIONER JOHNSTON: It's about seven -- five miles, six miles -- it's not many miles -- and that it would reflect a change in the demographics.</td>
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<td>The CHAIR: No. I just have one quick question; because I'm just -- what are you looking for?</td>
<td>The CHAIR: But you can't --</td>
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MS. ARCHULETA-STAHLIN: No, ma'am. We would have asked for that specifically, if it was -- again, as Commissioner Toulouse has said, if we were thinking about adding more kids now, we would have made that point.


COMMISSIONER PERALTA: Okay. So I feel like -- well, let me go ahead and articulate to where I stand on this particular amendment request from your school, as the liaison to the Public Schools Capital Outlay Council, which directly works hand-in-hand with the PSFA. Alluding to the Director's e-mail from CID, I did see that. It was forwarded to me, and it did say that plans were approved.

Whether that means -- I think what we're looking for from CID is permit approval and not so much plan approval, meaning that you need a permit to be able to break ground to start construction. Maybe they -- the wordsmithing got wrong or whatever. Maybe the permit was approved. If the plans were approved, that's the PSFAs' responsibility. But I'll leave it at that.

Going to Commissioner Toulouse's opening statement earlier, in our packet, it does say that you are moving to a new facility as early as August 2017. That's next month.

MS. ARCHULETA-STAHLIN: And that's not going to happen this year.

COMMISSIONER PERALTA: Correct. Okay.

Thank you. So we are anticipating that we are moving in when?

MS. ARCHULETA-STAHLIN: Well, as soon as the facility is completed. I would suspect that would be sometime next summer, 2018.

COMMISSIONER PERALTA: And I think I've alluded to this before in previous meetings. But on average -- all right? -- and taking into account all the phases that it takes to construct, on average, it takes about 18 months. That's a year and a half to get a facility completely built and get its final blessing from PSFA for E-Occupancy and minimum adequacy and all of that stuff. So that's longer than a year.

MS. ARCHULETA-STAHLIN: I understand.

COMMISSIONER PERALTA: You're not going to make August. It's possible it can happen in a year; but you've got to make sure, of course, the permits allow you to go ahead and start breaking ground, which we're already almost close to August. Weather is perfect. Nothing gets in the way of construction. You know, site conditions are good. The contractors are on task, okay? Utilities, make sure those things are available.

So it almost has to be a perfect, ideal situation for you to get your school done in time to open in August.

So where I stand is that I'm a little bit cautious about allowing you to add 305 kids, and you going back today and saying that, "You are going to be accepted to our school," and come August -- we have delays or whatever -- we're not going to make that time line. And now you've got 300 kids who have committed to the school who have got no place to go.

MS. ARCHULETA-STAHLIN: We do not expect --

COMMISSIONER PERALTA: These are my comments. These aren't questions.

MS. ARCHULETA-STAHLIN: I apologize.
and I appreciate the concerns.
And we will take that back and make sure that whoever is -- tries to lottery in to our school are aware of the conditions and the timeline that proceeds, so that we do not have 300 people waiting for the doors to open that we're unable to open.

Thank you.

THE CHAIR: Okay. But I just want to make it clear that we do have the ability -- and it is within our purview -- to accept -- to approve or to deny this Corrective Action -- this -- I'm sorry -- so...

MS. ARCHULETA-STAELHLIN: And I apologize. I do not -- I did not mean that. What I meant, ma'am, was simply what -- what condition -- what you must -- you are able to consider to make those determinations. That's all. I meant no disrespect whatsoever.

THE CHAIR: And in all honesty, I don't think -- because we don't go through and ask every Commissioner, "What went through your mind to make this decision?"

COMMISSIONER CABALLERO: But I think it's important for her to clarify and dispel for other Commissioners that that presentation given really should be just points of information for the school to take into account, and not -- not take that as -- as conditions precedent to their approval.

And so I think it's important for her to make the clarification. And it is correct that we shouldn't be -- our decision shouldn't be elsewhere, other than what's in front of us within our purview and not anywhere else.

And that's where the Commission has gotten into trouble. We've gotten into trouble when we go outside of that. And I don't mind hearing it from the schools or their attorneys. And remind us, because we're human beings, and we take whatever we -- each of us say as very valid, and we may make a mistake.

COMMISSIONER PERALTA: If I may just follow up on -- as I mentioned earlier, I was waiting for a response back from Martica Casias of PSFA. I got a text back, "We don't have notification from the CID at this time. We don't have approved plans yet."
I'll just leave it at that.

MS. ARCHULETA-STAELHLIN: I appreciate that update. Thank you.

COMMISSIONER JOHNSTON: And, Madam Chair, just prior to this, we had a conversation about when someone says that they -- when a charter says that they will complete an action that is pending, that -- that we have to take them at their word.

And historically, everything that the Classical Academy has approached, they've approached in a proactive, organized, orderly manner. And so I have no reason to believe otherwise. But...

COMMISSIONER JOHNSTON: Madam Chair, may I make that motion?

THE CHAIR: Certainly.

COMMISSIONER JOHNSTON: Madam Chair, I move to approve the amendment request presented by Estancia Valley Classical Academy to increase its enrollment to 780, with the following conditions:

Successful completion of the PSFA process?

COMMISSIONER TOULOUSE: Of the new facility?

COMMISSIONER JOHNSTON: Of the new facility, because the school has demonstrated an acceptable level of academic performance, with no grade lower than a "C" in the last three years.

COMMISSIONER CABALLERO: Second.

THE CHAIR: Second.

COMMISSIONER ARMBRUSTER: Are there any abstentions?

THE CHAIR: Discussion?

COMMISSIONER ARMBRUSTER: Oh, I'm sorry. Discussions. I just want to make one comment. Tell me if this is correct. So if -- just if -- this project didn't get all the PSFA --

COMMISSIONER CABALLERO: Are you abstaining?

THE CHAIR: You're asking the question about -- yeah.

COMMISSIONER ARMBRUSTER: If they didn't get that, then they couldn't improve their -- have a larger cap, because they don't have any place to put it; right?

COMMISSIONER PERALTA: They would have to remain in their existing facility.

COMMISSIONER ARMBRUSTER: Which, by Fire Code or whatever, can only hold so many kids. So this is already --
COMMISSIONER TOULOUSE: But it's covered in the motion.

COMMISSIONER ARMBRUSTER: That's what I'm saying.

Okay. Ready?

THE CHAIR: Anyone else?

COMMISSIONER ARMBRUSTER: Okay.

Commissioner Peralta?

COMMISSIONER PERALTA: No.

COMMISSIONER ARMBRUSTER: Commissioner Crone?

COMMISSIONER CRONE: No.

COMMISSIONER ARMBRUSTER: Commissioner Caballero?

COMMISSIONER CABALLERO: Yes.

COMMISSIONER ARMBRUSTER: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER ARMBRUSTER: Commissioner Johnston?

COMMISSIONER JOHNSTON: Yes.

COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

COMMISSIONER RUIZ: Yes.

COMMISSIONER ARMBRUSTER: Six "For."

THE CHAIR: The motion carries six to three.

Thank you very much for your time.

THE CHAIR: Item No. 7, Discussion and Possible Action on La Promesa Early Learning Center.

Director?

MS. POULOS: Madam Chairwoman, Commissioners, Item No. 7 is an item to have a report from La Promesa Early Learning Center.

At the May meeting, a Corrective Action Plan was finalized for this school. When the determination was made to include this item on the agenda, we had been in communication and had not received the data we were requesting from the school.

We have since received a data download directly from the assessment company, and that data is redacted and included in your materials. It's quite comprehensive -- or extensive, maybe. I will be -- my team and I will be working on doing an analysis of that data.

And I think the other thing that, Madam Chairwoman, you had asked -- or indicated that you would be interested in at this time -- is an update from the school leader regarding the planned professional development that they were pursuing as part of the Corrective Action Plan.

THE CHAIR: And I want to thank whoever thinks I can read this small.

MS. POULOS: That's me. I thought you all brought magnifying glasses.

THE CHAIR: I don't think my magnifying glass could read it. And I have the app on my phone. Oh, I can't even read that.

Mr. Jones, from what I understand, is attending a professional development opportunity. So Ms. Matthews is here to give us that update because he was not available.

So thank you.

MS. PATRICIA MATTHEWS: Madam Chair, members of the Commission, Patricia Matthews of Matthews Fox on behalf of La Promesa Early Learning Center.

I have a couple of -- sort of a twofold presentation, that as to the -- I want to clarify; because it was my understanding, based on the Corrective Action Plan -- and it's in here -- that the school would give that update on professional development courses at the October meeting. So I don't have that for you today.

We had -- we had agreed that we would come forward with a list of what he was doing, had done, and would be doing. So I don't have an update for that.

THE CHAIR: Okay.

MS. PATRICIA MATTHEWS: What I would like to do is sort of come on the suit tails of Mr. Ogas this morning, which is talking about some communication concerns.

I want to -- I'm only going to talk for a few minutes, and I'm sure you're happy about that; because I think there's an implication the school didn't do what they were asked to do by the fact that we were on this agenda with short notice.

Mr. Jones, on April the 24th, which was the date of the negotiations, sent the 2015-'16 raw data to Ms. Barnes, which was forwarded to...
MS. POULOS: It was not. I'm sorry. I have to clarify.

MS. PATRICIA MATTHEWS: I apologize, Ms. Poulos. It doesn't matter to me.

The Commission was represented by Ms. Barnes, and that data ended up apparently in your possession, because it's in your e-mail chains. So I don't want to argue about that. So it was there, and it was provided in raw form. It was stated to be in raw form. Mr. Jones did not receive any response from the Charter Schools Division until the 7th of July that there was some concern about the fact that it was presented in Excel spreadsheet form, versus a PDF format.

Then in June, he sent the -- I believe it was the '16-'17 data in the same format, again, not hearing from the Commission -- I mean, from the Charter Schools Division -- until July, that there was something that wasn't acceptable. Now, whether or not it is or it isn't, I believe it is exactly in the format that she asked for. It's not in a PDF. Granted. But I would encourage there to be better communication. If there's something that we're providing in response to the Corrective Action Plan -- he did it on his own initiative -- let him know right away that there's something wrong, or it's not acceptable. In fact, he asked for -- from the Director, "What is it you want me to provide to you?" And she didn't explain. So that's all I'm going to say. But I'm very concerned. We agreed on the cap, to come before you in October and April, to report out on the status of the school; and here we are, given notice on July the 7th that we're on the agenda with some implication the school has done something wrong in not complying.

That's all I wanted to say.

THE CHAIR: Okay. And I'll -- and I'm going to say that I was the recipient of a number of e-mails in those chains that go back a number of weeks addressing concerns about the data that had or had not been presented. Because it was my understanding when we had the meeting -- and I was the -- I think the engine that pulled this train for this agenda item; so I'll take complete ownership of this one, because I had concerns -- because concerns were raised early by me, first and foremost, because I -- I was the recipient of an e-mail that had student data with students' names on it. And I'm very concerned when student IDs start circulating through e-mails. And that went back probably a month ago, at least, that Mr. Jones sent that e-mail to myself, I think the Director -- and I don't even remember who else was the recipient of that. And I know that's been addressed to him prior, that the transmission of student names should not be done, especially through an e-mail.

So that -- that was my first concern that was -- that was piqued.

And I know when we had the -- or I'm pretty sure -- when we had the discussion at the May meeting, that the -- there was an agreement that there would be personalized reports made by NW--- we're talking NWEA? Or is it Discovery?

MS. PATRICIA MATTHEWS: It was not Discovery; it was NWEA. And that's very clear. The e-mails from Ms. Barnes says, "Going forward, because we're not even using NWEA, we will use this format."

And the school was in the process of, for this upcoming school year, obtaining information from NWEA for a report that personalized it for...
And that's the difference. Under FERPA, you and the Charter Schools Division qualify as an exempt entity. They don't have to have permission from the parent to share that kind of data with those entities.

And so Mr. Jones, I would assume, assumed that we're not going to share this documentation with everybody. And so he -- you know, I understand we will redact going forward. But I hope that doesn't lead to mistrust that we're making up kids; so -- yeah. So --

THE CHAIR: From my perspective that was never the concern. My concern was a personal information concern. I was -- I never thought that there were kids that were being made up. No, no.

MS. PATRICIA MATTHEWS: Okay. So I want to make sure, going forward, that the charter school will redact the names of the students, but -- but that the intent for all of that information to be made public.

THE CHAIR: Right. But the -- let me just clarify. This was not information that was transmitted from Ms. Poulos, the Director, to me. This was information that Mr. Jones added to e-mail chains.

MS. PATRICIA MATTHEWS: Still, as an entity, you as the Commission, fall within that category.

THE CHAIR: I understand. But we have not --

MS. PATRICIA MATTHEWS: Understood.

THE CHAIR: -- prior, gotten -- schools have redacted, you know. And I -- and I understand. It's certainly not anything that's going to be printed out. And -- but I -- but if Commission -- you know, if Commissioners had asked for the actual information, I don't think it's the Director's or any of the CSD's job, to then have to redact that. So if we said we want to see that --

MS. PATRICIA MATTHEWS: I agree.

THE CHAIR: -- that printed-out material, she wouldn't have been able to provide, nor would I have been able to, so that it could be printed out for people to see.

MS. PATRICIA MATTHEWS: Simply send an e-mail, "Mr. Jones, this is your job. You redact it." It will happen. I don't have any qualms about it. Just pick up the phone, call these people. It is not a problem. Or be responsive in a timely manner. That's all we're asking.

But I didn't want the Commission to hear and listen and have an agenda item, and go, "Whoa, now what's happening with LP," when they thought they were complying? That's why Mr. Jones asked me to come today and speak on their behalf.

COMMISSIONER JOHNSTON: May I ask a question --

THE CHAIR: Sure.

COMMISSIONER JOHNSTON: -- Ms. Matthews?

MS. PATRICIA MATTHEWS: If you're asking me to interpret the data, that's a problem.

COMMISSIONER JOHNSTON: This isn't about data. It's a more basic question. This is the Corrective Action Plan that we're all holding that we need to work on. Do -- because it is not ready at this point, have you and Mr. Jones talked about when -- when it could reasonably be expected?

MS. PATRICIA MATTHEWS: You mean the final form, Ms. Johnston?

COMMISSIONER JOHNSTON: Yes.

MS. PATRICIA MATTHEWS: Madam Chair, Commissioner Johnston, the last round -- I worked with -- so I got back on the 1st -- I sent to Ms. Barnes on, I believe it was July the 5th, all of my comments to that document. So that's the last I've heard of it.

COMMISSIONER JOHNSTON: So July the 5th --

MS. PATRICIA MATTHEWS: I believe it was the 5th.

COMMISSIONER JOHNSTON: -- was comments that we have not seen.

MS. PATRICIA MATTHEWS: It may have been Monday or Tuesday of the following week.

COMMISSIONER JOHNSTON: Madam Chair, my goal with this would be able to move forward so we do reach a communication. It's two ways. I recognize that Mr. Jones is in a training, which is a part of all of this.

MS. PATRICIA MATTHEWS: Yes, ma'am.

COMMISSIONER JOHNSTON: I applaud him for that. He -- what is his expectation? Is his expectation is that we will reach out to him and that he will respond? That he won't do anything on this until we talk to him again?

MS. PATRICIA MATTHEWS: That's implementing; it's in process. I think what we all need to decide on is the final language. There is some --

COMMISSIONER JOHNSTON: Yes.

MS. PATRICIA MATTHEWS: -- some
THE CHAIR: She's out of the country.
MS. PATRICIA MATTHEWS: Oh, okay. And I was out of the country; so...
COMMISSIONER JOHNSTON: So it's a matter of me waiting; so I understand.
MS. PATRICIA MATTHEWS: It's absolutely not waiting.
COMMISSIONER JOHNSTON: Until she gets back.
MS. PATRICIA MATTHEWS: No. He's moving forward based on what he's been told.
THE CHAIR: My understanding is he's attending now.
COMMISSIONER JOHNSTON: And with -- have you seen the July 5th communication from the attorney, from Ms. Barnes, on the language? Right? You e-mailed Ms. Barnes? Did I follow that? And so somewhere out there are your questions on the language.
MS. PATRICIA MATTHEWS: It may -- please forgive me. It would be -- because the 5th was -- no, that was a Wednesday. It was probably the 7th.

COMMISSIONER JOHNSTON: Okay. But there's something out there that you have requested clarification on.
MS. PATRICIA MATTHEWS: Yes, ma'am. I met with Mr. Jones on the 5th of July -- or on that Friday, the 7th.
COMMISSIONER JOHNSTON: But we haven't seen that. Thank you.
THE CHAIR: We're on to Item No. 8, Report from the Options for Parents and the Charter School Division.
Director?
MS. DEBBIE DOLBOW: Dolbow.
MS. POULOS: -- Debbie Dolbow, who joined our team two weeks ago, just the beginning of July.
So she is the newest member of our team member -- or newest member of our team, and we're excited to have her.
And also wanted to let you know that we are in the process of increasing the size of our team. And so that's a very exciting piece of news.

COMMISSIONER JOHNSTON: We're looking at the 10th.
MS. POULOS: Okay. I'll work on that.
COMMISSIONER JOHNSTON: And the date is the 10th.
MS. POULOS: Would you have -- THE CHAIR: We're looking at the 10th.
COMMISSIONER JOHNSTON: In the letter.

THE CHAIR: No. The date in the letter is actually the 7th; but we're looking at the 10th.

MS. POULOS: On Page 7, you'll see additional updates with regards to La Promesa. One of the things that I did try to do with that document, that you have, the Corrective Action Plan, is lay out what are the reporting dates so that we can keep track of that.

It appears, based on that document, that the next reporting date would appropriately be August 15th or thereabouts. And those are assurances with regards to external hires. In much lighter font, you can see where I tried to lay out other reporting dates, which is August 30th, completion of governance training by their board, which my team has reached out to try and schedule the dates for those two full training dates with the CSD training folks.

In addition, October 4th is the date we've asked -- it just says "October" in the plan. But that gives us time to get the materials for you on their Professional Development Plan, their report on NMDASH planning.

We have scheduled, and, in fact, at the end of this week on Friday, the Priority Schools team, as well as my team, is going to be at the school to observe the Priority Schools team giving them training on using NMDASH, submission of their governance recruitment and selection plan and revised bylaws, submission of credentials of external board and principal evaluator, a report on compliance with their fiscal year '16 audit Corrective Action Plan.

The next reporting date after that would be January 1st, 2018, which would be the report on the professional development, the implementation of their Professional Development Plan for their school leader, as well as NMDASH planning, a similar report on April 1st. And then three days after WIDA testing, WIDA data; on May 20th, 2018, NWEA data reporting. And then the date of their annual audit, there are disclosures required related to their Foundation membership.

So I believe those are the dates. And I think maybe once we get that communication between Ms. Barnes and Ms. Matthews, we may have more clarity on that.

THE CHAIR: Okay.

MS. POULOS: In addition, we still have some schools that have outstanding vacancies on their governing boards. I think we've kind of been at a place where the schools haven't been really clear about how many vacancies they have. So I think, with this new fiscal year and the requirement from the PEC that the schools establish the number of board memberships or spaces/vacancies that they will have, we can get a little more clear on this.

And so we're probably going to clear this out, just do a restart, and then, really, with our new information about each governing board, how many positions they have on that board, we'll be able to more clearly report to you if there are any open vacancies that aren't being filled. We have not received any new information about schools looking for a facility.

The next several pages you do have are those governance changes. Again, I do recommend that the Commission read through these just to look for anything that is a concern to them, and then we can follow up on that.

Certainly, we do have a few of our schools that are seeing a good bit of turnover. Those are schools that you know about that you have on your agenda for other items. So we'll continue to keep an eye on that and report to you on that.

And then I think the last item in here is working with Public Impact on revising your performance frameworks. We have been working to move forward with getting a -- a agreement in place to be able to move forward with that work.

And one of the things that Public Impact has started to do is also reach out to stakeholders in New Mexico, charter school leaders, APS, Joseph Escobedo over at APS, just to get an understanding from them so they can better support you. They're doing some information gathering, some similar surveys to the work that you did to help them understand where schools are and where we may be able to get better information for you.

THE CHAIR: Okay. So I guess I just have a question in regards to that; because we've got the August date for the work session with them.

MS. POULOS: Yes.

THE CHAIR: So that what are we anticipating them providing for us at that August -- are we going to be able to see, like, a preliminary outline of --

MS. POULOS: Of a performance framework.

THE CHAIR: Right.
MS. POULOS: Yes, absolutely.

THE CHAIR: That's what I thought.

MS. POULOS: That is -- they wanted to take everything that you discussed in the last meeting, all the work you had done, the information they get from stakeholders in the field, and really put together some options for you; so, again, you're not starting from scratch and trying to say, "What do we do?"

But really, some options: "Here's one way you can revise it. Here's another option, based on the conversations we had."

So they do anticipate, I think, for all, for academic, financial, and/or organizational --

THE CHAIR: Okay.

MS. POULOS: -- having those options available for you at the August 30th and 31st meeting, so that by the end of that meeting, we can go away with something where it's a pretty good, at least first, draft.

THE CHAIR: This is most likely which way we're going.

MS. POULOS: Right.

THE CHAIR: Do you know if we'll have eyes on that before we show up in Santa Fe? Or --

MS. POULOS: I think that was their intent, and also to have already gathered feedback from you through the survey process.

THE CHAIR: Got you. Okay.

MS. POULOS: But I do -- I do have calls to just check in with them and so they can ask me what's going on. So I will get that information and be able to share that with you.

THE CHAIR: Okay. I appreciate that; because it would just -- I think it would just help to speed the conversation along in the work sessions if we've had a little bit of a look at it and can either say, "Just forget that -- that completely and move on to" -- okay. All right. I appreciate that.

MS. POULOS: Absolutely.

THE CHAIR: Okay. We're good?

Okay. Item No. 9, we're going to table at this moment in time. I'm just going to tell you, we met for less than an hour today. We're moving forward on it; but we're certainly not at a point, unfortunately, where we can move forward and vote on -- for who we're going to award the contract to.

It's just -- it's a process that takes thought, and there's a lot to consider. And it is nice that we had multiple proposals. We appreciate that.

So we think we may be in a better spot tomorrow; but we're not going to be able to vote tomorrow. So it's -- I guess it'll be the September meeting that we'll unfortunately have to wait till.

So that's the update for that.

And Item No. 10 is Discussion and Possible Action on Charter School Renewal Application Forms and Kit.

MS. POULOS: I'm sorry, Madam Chairwoman. Do you mind if I jump back to Item 8?

THE CHAIR: Okay.

MS. POULOS: I apologize. One item that I didn't mention that I just want to have on your radars is that the regulations that were proposed regarding governing body training after the public input hearings -- I'm not even sure what the correct phrase is -- we did respond to that comment, as well as make changes to that rule. And that rule has been filed with those changes and will be effective July 25th, 2017; so in just a few days. And we have updated our website --

THE CHAIR: Okay.

MS. POULOS: -- with the revised rules.

And we will, over the next few weeks, be updating that same website. It's the -- if you're on the Charter Schools website, it's the tab that says "Training." And we will be updating that a lot.

And Item No. 10 is Discussion and Possible Action on Charter School Renewal Application Forms and Kit.

And training dates that the CSD is providing, the PED are providing, are already on the website. In fact, I think this weekend, Las Cruces, we'll be providing a full-day introductory training. And, obviously, we will have those introductory trainings once a month, either a series of three nights or a Saturday full-day. And they will be rotating around the state in Santa Fe, Gallup, Albuquerque, and Las Cruces. Those will be the sites across the state.

THE CHAIR: When are you in Cruces?

MS. POULOS: On Saturday, this Saturday; in three days.

THE CHAIR: Okay.

MS. POULOS: And the Commission is always
wonder to attend any of those; in fact, we would
welcome you.  
THE CHAIR: I guess the question is -- or
concern -- that if someone wants to fill out -- if
someone fills out the application to be a provider
for the training -- and I'm trying to remember how
it all worked out, that PED had 90 days -- was it
90 days to --
MS. POULOS: It says we have 100 days; but
that is not the intent. If we're getting 100
applications, then we need time to get them all
done. Our intent is those are going to be processed
very quickly.
THE CHAIR: Because my only concern is for
schools, if they go do some kind of training, and
then it ends up that that provider wasn't accepted,
what happens? You know, they've kind of, you know,
not only wasted time; they may have wasted money.
And it's -- I think there's just that whole concern
that's there.
Okay, all right.
COMMISSIONER TOULOUSE: Madam Chair?
On that rule, when it becomes the final
version, can you e-mail it?
MS. POULOS: Yes, absolutely. And we do
have it. Again, it's on our website. But I will
also send an e-mail. And, in fact, I will have hard
copies at our next meeting.
THE CHAIR: Right. Because I think the
LESC sent one out. But I think that was the -- I
think that was the old one; it wasn't the new one.
COMMISSIONER TOULOUSE: Not the final --
not the final.
THE CHAIR: Yeah. So that's -- it's
important so that, in case schools have questions,
that we can kind of answer them.
Yes. Commissioner Caballero is --
COMMISSIONER RUIZ: He left.
THE CHAIR: My question is, did he leave
leave, or --
COMMISSIONER RUIZ: No, he left.
THE CHAIR: So will the record please
reflect that Commissioner Caballero has left?
COMMISSIONER TOULOUSE: Left the building.
THE CHAIR: Okay. I'm sorry. We're on to
Item -- we're back now to Item No. 10, Discussion
and Possible Action on Charter School Renewal
Application Forms and Kit.
MS. POULOS: So in your materials, you
will find several items. And these are items that
you have already received hard copies of, if you had
requested them at the last meeting.
So we did include, just for reference, the
recommendations and kind of evaluation that was
completed by NACSA after our last renewal
consideration in December. You have, first, a clean
copy, no tracked changes, of the recommended
revisions from CSD. And then after that, starting
on Page 40, you have the tracked changes of the
recommendations for changes. And then starting on
Page 94, you have the current Renewal Application
Kit that has been used in the years past.
I can do this however the Commission would
like. If you would like, I can talk you through the
recommendations we made, the changes that we
recommended, and why we did that.
I will say that we did recommend, and are
recommending, that the Commission consider revising
the application at this time, because, first and
foremost, schools are beginning work. We've already
done two training sessions with those renewal
applicants, and they are beginning work on the
renewal application.
In addition, this is the first group of
renewal applicants who were under the Performance
Contract and Framework. So we did have a few of
them that were under those -- in the last renewal
cycle, about four; but, otherwise, this is the first
full group of renewal applicants that are under the
new Performance Contract. And this application
hasn't been revised since that time, and we do think
it's really important.
In addition, what I will just say, from
the perspective of the CSD, is that these -- this
renewal application that we have been using has a
lot of duplication. It goes indicator by indicator.
And what we get from schools is the same response to
all of those indicators.
And the other thing that we have struggled
with, I think, is figuring out how to use the
information that's provided in this -- in their
responses, in their renewal applications, during our site visits and during our process of making
recommendations; because it hasn't been connected to
what's going on at the school. And so that's why we
have recommended -- and that's why a lot of our
recommendations are targeted to is really getting to
get the schools to talk about what we will see, or
what we should see, on site when we are there.
So that's kind of an overview. If you
would like, I'm happy to go through the recommendations; or I don't know how the Commission would prefer that I move forward on this.

COMMISSIONER RUIZ: First, I want to thank you, Director Poulos, for all the time that you put into this; because I get e-mails from you all hours of the day. And so I appreciate the time that you spend on it.

And the other thing is I am a new Commissioner; so for my benefit, as well as I'm sure some of the other Commissioners, I would like for you to expand on it, and, you know, discuss the changes. And I think that we need to do this now rather than later, because I think it needs to be in a timely manner.

We heard somebody this morning that said, you know, they want to see us, you know, move on on things like that. So I think that right now is the time to do it and take care of it instead of moving anything over.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I have a concern that you're already training on something we haven't approved.

MS. POULOS: I'm happy to address that.

The team is here. They can talk a little bit more.

What we did was not train on something.

This was brought to the training to show -- and this is a hard balance -- this was brought to the training to show the schools and get their input on what we were thinking about recommending to the Commission. And it's always a challenge, like, how do we get input without putting it out there, and when does that timing happen?

And, certainly, the team was very clear -- and I know Commissioner Johnston was at the training where the team talked about this. I, personally, was not; but I know that my team, you know, took this to say, "This is what we are thinking about recommending to the Commission. What is your feedback? What is your input? Is there information that we're not asking or things that should be here that we're -- that aren't in here?"

And, really, the intent was not to say, "This is going to be the renewal application." The intent was to say, "We know that the renewal application needs to be updated. We want to get stakeholder input."

And I -- I -- it's -- I don't know how to get input otherwise.
COMMISSIONER JOHNSTON: Taos International. I have had feedback from some of the schools where they're having some problem with this. But I still have a problem, whether this is a way to introduce this to people or not, that if we're doing a training on how to fill one out, and you're getting ready to fill one out, and you're saying, "This is what we're proposing, but we haven't done it yet." I don't see how -- getting those two together. But bottom line, I've heard feedback about keeping the old, as well as going with the new. I think there's always something to be said for both deals; and I think at a certain level, if the new application deserves the same amount of time, not just an hour sitting here today to look at it; because I think as a Commission, we have an obligation to put our own thoughts into it and come to the table and say, "This is what I think should be in it, as well."

And I don't think we have done that service to this at this moment in time. I'm going to say that, on the record, when back in the fall, the reason why we engaged in the look at the Performance Framework was because that's what drives all of our policies and procedures. And it was NACSA who recommended to me that we start with the Performance Framework. "Why are you doing the Renewal Kit and working backwards? You should be doing the Performance Framework first, and then taking a look at all of your -- all of your other policies and procedures."

So I don't argue that this merits looking at; I absolutely do. But I feel that we're not giving it the time and the effort that it requires at this moment in time. And I think it's a disservice to the schools that we put something in the framework that we haven't defined. And I think it's a disservice to the schools that we put something in the framework before we move forward. But that's me.

And there was never a -- a promise, unfortunately, to schools that this was going to be fixed this year. And I think it's a disservice to the schools to put this quick fix into it; because I don't think we've -- I have no issue and -- with eliminating that whole C part. I have no problem with getting rid of that at all; because we have said time and time again, "That's just a waste of everyone's time and effort."

But I think it is fair and more reasonable to get as much input on this as we have from the Performance Framework before we move forward. But that's me.

COMMISSIONER JOHNSTON: Madam Chair; having been there -- and Part C, to Ms. Montoya, is a vital part. So I learned that by attending the workshop.
At the June meeting, I asked Ms. Friedman to give me hard copies of all of this, because I knew how important this was going to be. And I've spent -- I've spent a great deal of time looking at it and reflecting.

I understand we don't want to do this quickly. We don't want to do this in an uninformed manner.

I have the sense of urgency of the schools. I have the perceptions of a group of -- of people who are addressing both of these forms and are in the process of getting ready to write this.

And the majority of them really support the new form, because it fits into that continuum.

I've looked at it all the way from the -- from the annual monitoring document that we have, when they go on the site visits, all the way back to the PEC memo, or the NACSA memo that you talked about, asking us very carefully look at what we've been doing and not make any immediate decisions.

I've looked at statute; I've looked at Administrative Code; I've looked at the data that we've striving to present as grounding for what we do for the schools to provide for us.

There is a definite link. There is a definite chain to this new application.

I don't -- I understand what you're saying about the Performance Framework and the importance of that, and NACSA's concerns when they came in that we may be getting the cart before the horse.

But I think if we're looking at the advantages to the charters who are renewing this year who are in the process of doing this, allowing them to use this new form is more of an advantage to them. That is -- that is what -- that is what they almost unanimously said.

And I recognize -- I recognize all of the concerns you have; because "D" and "F" schools do have to work harder, and they need those options.

But everyone else -- I told them to go home and call their Commissioners from their district, so that each of the Commissioners would be informed of the reaction. I don't know how many did. Ms. Montoya was gracious enough. She called me. We've talked several times about it.

And I appreciate you coming, Ms. Cherrin. I knew you were working on it. I even introduced Ms. Montoya to Mr. Crone, and she met him today, because he's her Commissioner.

So I just -- I have a sense of urgency for those who are doing the charter renewal. And I think -- I firmly believe, based on the study that I've done, that this new document better supports the needs and the progression of where we're going.

But that's just me. But I feel like because I've been present -- those trainings are absolutely imperative to attend. It really -- I've attended two; and it's really helped me.

THE CHAIR: We've all universally said that. The schools that don't attend the trainings, we see it in the application.

COMMISSIONER JOHNSTON: Commissioners, also. Yeah. But everybody was there. And they were on task, and they were engaged all day. They were even writing --

COMMISSIONER TOULOUSE: Several of the schools were there in my district, and nobody's called me. And so I've had --

COMMISSIONER JOHNSTON: I told them when I did it. I said -- I said, "Now, I'm really not doing something. I'm only one Commissioner. But if you really like it, call your Commissioner and tell them." Or you don't.

Ms. Montoya -- bless her heart -- she's here. And I appreciate it; because we need to hear both opinions.

And we don't want to drop Part C in the old application, because that's the part that you talked to me about that you really felt like you wanted.

So if we vote to keep the old application, I don't think it would be fair to drop the Part C at this point.

THE CHAIR: And I'm going to just address Part C and say that universally, Commissioners say that's the piece that they really don't pay -- because we end up negotiating; so that the Part C, looking forward, is what we -- we ignore, in all sincerity. Because you're spending time on that Part C, and -- you know. But we're getting into a discussion with the audience. And that's --

COMMISSIONER JOHNSTON: And as I understand it, the desire to keep it was because the "D" and "F" schools need that additional time to justify the future. And I agree with you that perhaps we've not looked at the future or counted it as important. But I felt like I needed to bring up the interests of the renewal charters.

THE CHAIR: Right. So I guess the question is do we want to go piece by piece with
this?  

COMMISSIONER RUIZ: Yes, I would like to do that.  

MS. POULOS: So, if you'd like, we can go on a tracked changes version, which I think will help you see what we did. And you can look at Page 40 to do that.

And, obviously, the only thing that's on Page 40 is a change of -- instead of '16-'17, we're now in '17-'18.

On the next page, one change that hasn't been noted that would need to be noted is, at the top of the page, the Secretary of Education would need to be changed.

And a lot of this is changed in the language, just making some clarification, trying to get a little less wordy, but also clarifying that the CSD is providing staff support to the Commission. That includes conducting renewal site visits, making recommendations for renewal, non-renewal, or conditional renewal, and that those recommendations are on behalf of the Public Education Department.

Change "a determination" to "a decision."

And then changing the dates, and also clarifying that when you have a district authorizer, then it's the district, and you should check with them on their forms and processes; so not a lot substantive there.

But then -- and one of the -- the thing that we did as we started thinking through what should a new renewal application look like, is actually go to the renewal application statute and really try to align this exactly to the statute, which I think the intent was to do that in the first one; but I'm not sure it did that.

And so the changes in paragraph 1 on Page 42 are really about aligning to the statute. So it's structural.

There are six parts that are required by the statute. That's a Summary Data Report and Current Charter Contract. So that would be included in the kit -- or the application that the Commissioners get. A progress report from the school is Part B. A financial statement is Part C.

Part D would be petitions of support. Part E, description of the charter school's facilities; and Part F, any amendment requests.

And then this identifies -- the next language is really about just identifying that this -- these sections meet the statutory requirements and then identifying the statutory language for non-renewal and those reasons for non-renewal.

Then the next paragraph talks about Part A, identifies that the Summary Report will come out in the summer, rather than in the spring, after the newest report card data is provided, so that we can have a full kind of summary of their performance; and then also ask that the school verify the information and then use that information to report on their academic performance goals and their contractual requirements.

For Part B, this clarifies that we are asking them to provide a report -- a summary -- or a response on their academic performance, financial compliance, organizational, contractual, and governance responsibilities and improvement actions.

And this is one word that has changed throughout. You'll see the "actions" from the draft that we handed out in hard copy last month to this draft. And that was based on feedback from Commissioner Armbruster, who liked -- did not like the use of the word "efforts," because she did not feel like that was solid enough, and really felt that the word "actions" or something more strong -- that we're not looking for them to be thinking about improvement, but actually taking the action to improve.

And then this also notes that Part B, that report, which was called "Self-Report" or "Looking Back," is really now broken into several sections:

Section 1 being Academic; 2, Financial; 3, Organizational. And then we break down what we expect to see in that.

And so this is where it may actually help to jump forward and look at Part B.

Again, Part A is a report from PED -- or from CSD -- and their charter contract, just using their academic data.

Part B is the Progress Report. And here, as we note in this paragraph, it's broken down. And we're asking, specifically on Academics, which starts on Page 62, that the school report on fewer items; because, like I said, in the past, the application was pretty redundant. So it said, "Letter Grade." And then it said, "Current Standing." And then it said the exact same thing for "School Growth." And then, "Growth of Q1," and then, "Growth of Q3." And then "Graduation," and
then "Opportunity to Learn." We were, again,
getting very redundant answers, where the same
information was being provided.

In addition, we were not getting good
information. What we felt like we were getting was
excuses rather than explanations of what the school
has done. And this is where I think we actually
provide a lot more guidance in this draft, to say,
"We're asking you to specifically" -- and you can
see that on Page 62. For a school, 2a, the little
"a," where it says, "The Public Education Department
assigns a letter grade." And we say, "For a school
that has not maintained a C or better in each year
of the term of the contract, provide a narrative
that describes the improvement actions targeted to
improve the school's letter grade, those being
school, adult, leader, and teacher actions, and the
successes of these actions."

So we're really trying to give schools the
guidance on what are you supposed to be talking
here? It's not, "Why didn't you achieve," but,
"What did you do when you saw that low-level
achievement? What action did you, as adults, take
in your school to help those students do better?"
And then it does clarify that the purpose

of that narrative is to get the schools to
demonstrate that they're making progress toward that
acceptable level of achievement, that "C" or higher.

And then we ask them to be very clear
about telling us what evidence we're going to see
when we're on the site visit; so, again, connecting
it to the rest of the renewal process, which really
was missing before, is what exactly are we going to
see when we're in that school? What should we be
looking for to see the things that you've been
doing; and, also, What should we see that shows the
things that you have been doing actually changes the
outcomes for students?

And then it does say -- and this is an
area that was based on some of the conversations
we've been having -- that schools that have a "C" or
better over the term of the contract would not
complete this section. That's trying to, again save
some work for schools that are meeting a minimum
expectation -- Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes. I'm fine
with the "C" and all these things. It sounds a lot
like the New Mexico DASH thing; so I've gone to
three of those and almost understand it.

But my feeling, as usual, is that even

though it's a "C" school, and that's fine, I think
if they have a "D" or an "F," they need to address
only those parts, not all of those things.

MS. POULOS: In any indicator.

COMMISSIONER ARMBRUSTER: Right. For
example -- which is our biggy -- the lowest
quartile, it could be an "F," and they should be a
"C" school. And they should have to address that,
because I think they should, I mean; but not the
whole thing. They don't have to do all of this.

MS. POULOS: So I guess my question would
go back to the conversation we were having earlier.

If we are saying, for any one indicator, if they
received a "D" or "F," is that in any of the past
three years? Is it in the current year? Is it in
any of the past five years? What would that be that
would prompt them to write a response?

COMMISSIONER ARMBRUSTER: I guess I could
live with even the last year, if it hadn't been --
if they hadn't had an "F" before; but if they have
one now, I guess that would be what happened. If
it's an "F" for the last three years, I guess that's
really a concern to me. I don't know.

THE CHAIR: I think, at the very least,
the two most recent years would be --
Then the next would be what’s approaching progress and what's failing to demonstrate progress, and really just lays out with clarity what will we would do to evaluate those, which I think has been, in the past, we didn't really know what to do with those narratives.

So that's what you -- if you're going back to where we were before, on Page 42, Part B, Section 1, Subsection "a," this just explains all of that. It's just an explanation of academic performance and then what we're looking.

If you look at Subsection B -- and what you'll notice when you're looking between Pages 62 and 3 and 4, is that we've deleted a lot of stuff; right? So that's that repetitive, "Provide a statement of progress and additional information regarding your school's grading report for the past three years."

"Provide a statement of progress regarding current standing over the past three years."

"Provide a statement of progress... ." So what we've done is really just collapsed it all into one narrative. We're talking about what's coming from the letter grade, addressed it. I think we've established some benchmarks for, like "Here you do need to tell us; here, you don't, because we're going to accept that that letter grade is reflecting your performance at an acceptable level."

Subpart B goes into the school-specific charter goals. And, again, it asks that they report on each of the goals that's in their Performance Framework, and that for any year that they haven't met their goals, for those goals, they talk about what they did, again, to improve student achievement and get closer to meeting their goals. And it's using the same standard.

So those are different goals; but it's using the same standard of, again, we're looking at adult actions, and we're looking for sustained progress with those students, based on adult actions, that we're going to get outcomes from kids.

So -- and that just kind of cleans up the -- if you look at Page 66, 67, and 68, it eliminates all that; because that was, again, repetitive reporting on these same things, and in a different way.

What we found over the past two years is the way that we were asking them to report, if you look at Page 66 and 67, a lot of schools weren't able to report in this format. And so what the new prompt does, subpart B that's on Page 65, is it doesn't ask for a specific format, but, rather, it leaves that up to the school, based on the differences in the types of goals they have.

So that --

THE CHAIR: So my -- my concern with that is are we hopefully narrowing down, so that we don't get a thousand pages of these graphs that schools figure, "I'm just going to put all this stuff in so..." -- you know. That's -- you know.

MS. POULOS: Yeah.

THE CHAIR: That the more I inundate people, the less they're going to look at it, and we're just going to move on.

MS. POULOS: And I think that this does that better than the other one, in that, again, it eliminates a lot of the redundancy, which is where we were getting that graph over graph over graph, and also narrative, cut-and-paste, cut-and-paste, change a few words. So I think it does do that. I think, also, by providing guidance on at least how we're going to evaluate that, it gives them some targeted things to do, rather than thinking, "Well, we'll just throw the whole kitchen
certain schools have had certain things, and we want
them to address those to really help us consider
those things that have happened over the term of the
contract; and again, specific evidence.

Then what we look at, if you flip to
Page 44 and 73, they correspond in Section 3, which
moves away from financial compliance and moves to
that contractual, organizational, and governance
compliance or responsibilities, Subpart A of that
being the Charter Material Terms.

And the really great thing about this is
we've often struggled, when we go to schools, to see
their material terms in action. And so this gives
every school the opportunity -- every school must
fill this out -- is to provide a brief narrative
describing how they have implemented those material
terms.

And that's the operational structure, the
mission of the school, and the educational program
of the school, and then help us see those when we're
on the site visit; so that we can then easily report
out to the Commission, "They're meeting their
material terms. Here's what they told us, and
here's what we were able to see and verify during
the site visit."

So -- then there's also just a little part
that says if a school makes substantial changes or
has not met the material terms, they must provide an
additional and more robust narrative to explain,
again, improvement actions, what actions -- once
they realize that they weren't meeting those
material terms, what actions did the adults and the
leader in that building take in order to meet those
terms, and what success did they have in doing that,
and, again, how are we going to verify that they
took that action.

Then in Subpart B, we look at the
Organizational Performance Framework.

So, again, for any area that was rated
below the "Meets" standard during the term of the
contract, they provide a narrative. What actions
did they, as adults, take to meet all of those
terms, and what was the effectiveness of those
actions in improving their performance?

And, again, specific successes are those
changes in practice that we can see.

And then we ask them again to help guide
us during the site visit by giving us evidence that
we're going to look at.

And then something that hadn't been a part
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<td>1. of this that I think is really important is something that came up this time, which is if the schools -- we're on Page 14, the last paragraph in Subpart B. If the school has received any OCR complaints or formal special education complaints, the school must identify those, provide all communications redacted to protect personally identifiable information related to those complaints in an appendix, and describe the current status of the complaint. If any of those complaints have been resolved and resulted in a finding that the school violated the law, they must provide a narrative describing the required compensatory and corrective actions required and their status in implementing those actions. So this is really going to set the Commission up to have some of that information that you haven’t in the past that’s been really important. And we don’t really have a good way right now of collecting this; so I think this is really essential. The next subpart is Subpart C on Page 75, and that’s the Governance responsibilities. And what we've asked them to do is take the initiative to get that — to that full compliance and the success they've had in doing that. So that's the looking back. That is having them reflect, on every single one of those sections of their Performance Framework in a way that our old application really didn't; because if you look at the information in the old application that was deleted around Organizational, it was just a &quot;Check 'yes' or 'no,'&quot; and, really, again, just didn't give us a lot of information or reflection. Part C is where the school has the opportunity -- this is both on Page 45 and on 76 -- on 76, it's very short. It gives the school the opportunity to demonstrate financial stewardship over the term of the contract. And this is -- all that language there is directly from the statute on what they were supposed to do; and, also, part of this is that for the schools that have earned a D-or-lower letter grade, this language that we were talking about earlier, they should specifically address, &quot;how the school has prioritized resources toward proven programs and methods linked to improve student achievement until they've earned a C or better.&quot; So, again, this is another place where</td>
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<td>1. to identify how they've, over the term of their contract, met the terms of their governance requirements; that is, the membership of their board at all times during the contract, and that should include membership on their required committees; so really having them be thoughtful about saying, &quot;We have always had,&quot; or, &quot;When we've had a vacancy, this is how long it took us to fill that vacancy; this is what we did&quot;. At any time when the membership on the governing body fell below the requirements or their bylaws or their statutory minimum members -- they're actually going to have to identify that for you: &quot;this happened on these dates, and this is what we did to correct that.&quot; Anytime they didn't have the required committee memberships, especially that Audit Committee and the Finance Committee. The amount of time vacancies were open and board members that did not complete their required training hours in any term. And then, again, if they have to, in one of those, describe something that they did not do or should have met a term, then they'd have to identify, again, the improvement actions they took. those &quot;D&quot; and &quot;F&quot; schools really have some specific opportunity to address something that they were supposed to do and did do. So one of the things that we've been working on -- because what the statute says is that this would be in a format required by the Department -- is we've been working on the format for that, using a report that's actually going to allow us to do most of the work and the school to do very little of the work. This is what the Budget Officer does every year for every single school. And it's an analysis. And the only part that's missing here is the &quot;D&quot; and &quot;F.&quot; And so that's something we would have to work in here. But they do it every year. And what we're trying to do is adapt this to a five-year report. So there's some work that's going on for that. We would actually pre-fill 95 percent of this, and then the school would really be just reflecting on, you know, why were there changes in membership? How did that impact their budget and their programs at the school? If they lost -- if they had budgeted for more and gotten less, how did that impact, and what did they do to respond to that? Where did they absorb their losses?</td>
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info@litsupport.com BEAN & ASSOCIATES, INC. 505-843-9494 201 Third St. NW, Ste. 1630, Albuquerque NM 87102
Part E is a Description of the Charter Facilities and Assurances. This was specifically, I would say, not well-addressed in the -- in the prior application. So here, we ask them to provide a narrative description of the facilities and then attach any facility plans, or their Master Plan, which helps you kind of get that looking-forward picture of what they're doing with facilities.

In addition, we ask them for a copy of the E-Occupancy Certificate and a letter from PSFA for the NMCI score, and then also ask them to use assurances that their facilities are in compliance with requirements of 22-8B-4.2. And that's something we didn't get this year and kind of struggled with and were trying to figure out.

And the -- the there are templates for those assurances that are available from PSFA that they use as part of the award process this year.

And then you'll see on -- and that's Page 85. We've removed the language on the Term of Renewal, because a Statement of the Term of Renewal that was requested, if less than five years.

Nobody, I don't think, has ever, in the history of renewals, asked for a term that's less than five years. So we didn't -- and that's not part of the

statutory requirements, either.

We removed the checklist on Page 86, because we're still going on with Part F, which, instead of that looking forward, where they did planning for future goals, instead, this is just amendment requests. And what it says is that they should meet the amendment request requirements to support PEC consideration that will become effective as part of the new contract.

So we would work, in those amendment request processes that we've been working toward, what we can do is put that old language back now, that old form; or we can go ahead and incorporate in the new requests that schools would be asking for.

That is what we did. I tried to go through it really quickly.

I think, again, just a quick acknowledgment. What I think it does is eliminates some of that duplication, provides more clarity, gets targeted on what do we know about this school. And I think that is in response to specific feedback from NACSA that said, you know, they were getting the feedback at the back end and not at the front end.

And this really, at the front end, says...
"Okay, if your school has done these things, don't respond. If you've not done these things, then you have to respond."

But it also really helps CSD, when they do those site visits, to actually know what to look for. What should we pay attention to? Because what we have been doing is a regular compliance site visit. It's not as helpful for, I think, you or us in gathering information to help you consider what to do at renewal.

COMMISSIONER RUIZ: Thank you.

COMMISSIONER JOHNSTON: Really, that's a lot. You said it -- we worked all day on part of that.

MS. POULOS: I'm sorry, Cindy.

COMMISSIONER JOHNSTON: But if you'll look in the memo included from NACSA, it really does address -- I went back and I looked at everything. It really goes back to those annual site visits and the findings and then the responses to the site visits and the corrections and -- and tracks it all through, from the beginning to the end.

MS. POULOS: And I will say, like, what I envision us being able to do next year or a year after is that if -- if we do move forward with this, and we can get it into an electronic submission format that's not, like, upload, but, actually, a form, then we can automatically turn on and off parts of it; so they don't even have to worry about, "Am I supposed to respond to this narrative," or we've turned it off, and you don't even have to think about it.

THE CHAIR: You live in an alternate reality. You know that.

MS. POULOS: I do. It is true.

THE CHAIR: You know, so that's --

COMMISSIONER ARMBRUSTER: The thing is -- we get the amendments that we've been talking about, the amendment requests and that whole thing that we've been doing, and we have this. And they have the New Mexico DASH. They're kind of all the same.

So if they can answer one, they can answer all of them.

COMMISSIONER JOHNSTON: And annually, you go in, and you know exactly what they're going to be looking for at the site visit. There are no "gotchas."

COMMISSIONER ARMBRUSTER: Actually, even when they renew -- we sort of talked about this for -- we're not waiting five years to see that you've had an "F" on your second year, or the first year after you renew. You better not be having those things -- right? -- because all of this is supposed to be doing -- is that right?

COMMISSIONER JOHNSTON: If you do have an area -- and performance is going to ebb and flow -- you're not -- you have that opportunity annually to address it and to -- to address it by looking at research-based, solid remediations and say, "Well" -- and then you have the narrative that says, "Well, we tried this, and it doesn't work; because we looked at this and this and this, and we know these are the weaknesses. These are our corrective actions, and this is what we're going to do."

And you're building. So when it comes time to apply for renewal, you have all of that history.

And I'm looking at Commissioner Peralta. Remember when -- you're young, though. Look at Commissioner Conyers. Remember when PED used to come around every three years and do a district evaluation? They would come into the districts? And it was much like what you're talking about. They would come, and those were the things they were looking for.

You're young, too. All these youngsters at this table.

COMMISSIONER CONYERS: They would come in -- like, 20 people.

COMMISSIONER JOHNSTON: That's right. A whole team would come in, and we would have a site visit, and they would build off of what you had, and that would be your Improvement Plan.

THE CHAIR: The good old days.

COMMISSIONER JOHNSTON: I don't know if it was the good old days; that's what it reminded me of. Statutorily, and the Administrative Code, that's what you're --

THE CHAIR: Right. Right.

COMMISSIONER JOHNSTON: I was teasing you, Commissioner Peralta. I apologize. But I think you probably are too young.

COMMISSIONER PERALTA: Appreciate it.

THE CHAIR: So now you have an excuse for everything. "I'm too young. I don't remember that. That was before my time."


COMMISSIONER TOULOUSE: The rest of us can
say, "We're so old, we've lost the memory"; so...

COMMISSIONER JOHNSTON: That's why I needed confirmation.

COMMISSIONER TOULOUSE: I'm just very glad that Cindy just has to take down the words; because if she had to follow all the gestures -- if they're descriptive to the audience, then I'm just glad she doesn't have to take them down.

COMMISSIONER JOHNSTON: I'll tell you a story sometime when I was in college in a play, and the reviewer said, "She was really good, except her hands were in flight the whole time."

COMMISSIONER TOULOUSE: Well, I used to make money in staff meetings by insisting I could keep my hands under the table the entire time. And people would swear I couldn't, and I would. I would go out of a meeting with $20, $30.

THE CHAIR: Okay.

COMMISSIONER JOHNSTON: So should I make a motion?

THE CHAIR: That's up to you.

COMMISSIONER JOHNSTON: Is it time, I guess I should ask? Is it time?

THE CHAIR: Well, anytime is really a time for a motion.

COMMISSIONER JOHNSTON: Emotion?

THE CHAIR: As well as a margarita; but that's besides -- (A discussion was held off the record.)

COMMISSIONER JOHNSTON: Madam Chair, I make the motion that we accept the revised -- the Revised Draft of the State Charter Renewal Application Kit.

COMMISSIONER CONYERS: Second.

THE CHAIR: Discussion?

COMMISSIONER ARMBRUSTER: Are there any abstentions? There will be eight of us voting.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: No.

COMMISSIONER ARMBRUSTER: Commissioner Armbruster votes "Yes."

Commissioner Crone?

COMMISSIONER CRONE: Yes.

COMMISSIONER ARMBRUSTER: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER ARMBRUSTER: Commissioner Johnston?

COMMISSIONER JOHNSTON: Yes.

COMMISSIONER ARMBRUSTER: Commissioner
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| 1 type of thing. But I'll be -- I'll be contacting you individually about that.  
2 THE CHAIR: And I also have a TSA number;  
3 so you will probably need that for that; because I can skip the line then.  
4 COMMISSIONER ARMBRUSTER: And I have a Global Entry, too.  
5 MS. FRIEDMAN: That's why I need to talk to you individually.  
6 THE CHAIR: Before I continue, I would just like to thank PED for the workshop, the conference, that was put on; because we -- I don't think we've met in between. So I just wanted to say a number of us went. And I think the schools absolutely had a -- a fruitful conference, that there was nothing but positives.  
7 The only negatives I heard was, "I needed more time with that person," you know; so that that -- that's a good negative, you know, that you know that people are getting quality information from those presenters, and they wanted to be able to ask more questions or get more information. And the same was true, I know, for myself, so that it was, I think, very well attended.  
8 MS. POULOS: It was very well attended.  
9 | 1 meeting, we did have a charter school that did come before the Council during Public Forum that was raised, actually, at that conference that was brought forward that there's -- the awards that were going to happen in July; but now the Council -- that's the correct phrase, "Council"; right? -- that the Council is meeting in August now for those -- for those awards, and that the -- there is a distinct possibility that there will be a 20 percent reduction in those funds to our schools, which could have a devastating effect on the schools.  
10 So I facilitated a conversation between Commissioner Peralta, who I rely completely on for that information and that work, and Kelly, which was the suggestion, so that we can see what might possibly -- what could be done about this.  
11 And I think I'm going to turn it over, in part, to Commissioner Peralta; because Commissioner Peralta put forward a suggestion for how we might move forward in dealing with this, with this issue, at this point in time.  
12 COMMISSIONER PERALTA: Yes. So we talked sometime last week. And -- as Commissioner -- Chair Gipson alluded to, myself, Kelly Callahan, and Commissioner Gipson -- about the concerns. You know, it was probably maybe a couple of months ago, or maybe the previous month at the last Council meeting, we did have a charter school that did come before the Council during Public Forum that basically addressed that, that issue about the 20 percent reduction in the lease reimbursement and the effect that it would have on the -- all schools. Not just charter schools, but all public schools, are taking a big hit.  
13 And so there will be discussion on the August 11th Council Meeting. I do not have any information on what the Awards Subcommittee is recommending, whether they are going to go with -- go through with the awards or not, or implement the reduction. So that would be interesting to see what's going to come about with that on August 11th.  
14 But we talked about what might be a possible way of addressing the issue to the charter schools. My suggestion would be that if we were able to at least be considerate and give charter schools at least a one-year advance notice that the possibility of that reduction could be coming into play, if we give them that ample time to be able to collect all the information and data to support reasons why they shouldn't take that hit, I think that would be fair enough to the charters to be able to do that, as opposed to just the element of |
| 11 THE CHAIR: There were a lot of people there. I don't know how many schools; because it was nice that they brought so many people from their schools. So that was nice. And I certainly recognized a lot of folks, so that -- and I think -- unfortunately, I think it was one of those cases where you say, "I wish this school had been there"; because you know the quality of the work that was going on there and how they would have benefited from it.  
12 So I certainly do hope -- and I know we had a conversation about next year. So that's -- it's exciting to be able to see that continuing. So I wanted to say thank you for that work.  
13 Letter C says, "PSCOC Release Purchase Funds."  
14 And that's -- it's not "Release Purchase." It's the "Lease Purchase" and the -- what is it referred to as -- the reimbursements and the -- or awards, whatever it's -- whatever it's referred to. So that wording is a little awkward. But it's not, "Release." I think -- it was probably Wordsmith, and it did "Release," when it was supposed to be "Lease."  
15 But there is -- there was a concern that |
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<td>surprise and just springing it on them. So, you know, I have suggested that we allow the Coalition, along with Chair Gipson and myself, of course, sitting on the Council panel, to maybe either get on the agenda or come before the Council on a Public Forum. So I -- I reached out to Cassandra Cano, who is part of PSFA and the Council Liaison, and she suggested that on the 11th, if Ms. Callahan and Chair Gipson would appear in a Forum, she thought that would be justifiable, and at least the first step of maybe, you know, bringing the position of the charter schools and the Commission, as to, you know, the concerns and how we -- what can we do to basically go forward in partnering up and coming up with a -- you know, adequate solution, so that these charter schools don't have to take such a big hit, and so it's not so impactful on their budgets and having to cut programs or staffing and those kind of things. So we look forward to the time on August 11th, and I think once that happens, we'll come back and present what we were able to get out of that conversation. THE CHAIR: Right. And I think this</td>
<td>listen to the radio. COMMISSIONER TOULOUSE: Madam Chair, the meeting is at the Journal, Albuquerque Journal Building. COMMISSIONER CRONE: Okay. COMMISSIONER TOWLSUE: But I think you need to call for a reservation; so -- because they have to open the building. Because it's -- I think it's at 7:00. If I remember, it's at 7:00. COMMISSIONER CRONE: I believe that's correct. THE CHAIR: Okay. COMMISSIONER CRONE: We're hurting more than K-12 is. Just saying. THE CHAIR: I know. But just so you know, there was a number of schools who were anticipating the possibility of these cuts, did fundraising to try to maybe offset some of it. And when the cash reserves were wiped out, they lost that money; so that it's -- you know, it's -- and I -- and I think we understand, everyone, the entire educational community, is hurting as a result of these budget cuts. So I think we need to have truly an accurate picture of what this really all looks like,</td>
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<td>conversation has long-term effects, because -- or I -- and, hopefully, positive; because we're looking at not -- well, I guess it could come up in the &quot;Short Session,&quot; because it's a -- it's a revenue issue. But we know that they're looking at cutting the Small School Size Adjustment, that that's a fabric of every conversation for how many sessions. So I think there -- I think it would be of great value to have that study, so that it's not just conjectures: &quot;This is -- this is what might happen&quot;; so that there's concrete information one way or the other with this. So I think it can help as we move forward to the Legislative Sessions, as well as for the charters, so that there is -- everyone is speaking from a point of accurate information. So I -- you know, I appreciate the suggestion by Commissioner Peralta for that. Commissioner Crone? COMMISSIONER CRONE: I just wanted to add that tonight on 89.1 -- it's KANW -- some of the college presidents are going to address this whole issue about funding. And I -- I'm not sure of the time. I'm not sure of the locations. You might actually be able to attend the forum and not just as opposed to sitting up here and saying, &quot;This is what's going to happen,&quot; and we really don't have the data to back us up. COMMISSIONER ARMBRUSTER: Gilbert? COMMISSIONER PERALTA: Yeah. COMMISSIONER ARMBRUSTER: Just two questions, very quickly. The easier one is: So when the Legislature is talking about Small School Funding, we're talking about charters only. They're not going to do -- COMMISSIONER PERALTA: No, no. THE CHAIR: He's not talking about the Legislature. COMMISSIONER ARMBRUSTER: No. But do you know what -- THE CHAIR: Overall public; right? COMMISSIONER ARMBRUSTER: So even small, traditional schools will be in -- okay. And how do traditional public schools use lease money? They're using -- because you said it would be both, or -- they will take a hit, also, you said? COMMISSIONER PERALTA: I meant that basically the fact that the -- what the last Legislative Session did of taking General Surplus...</td>
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Funding of all public schools. That was an issue.

COMMISSIONER ARMBRUSTER: They're not getting a 20 percent --

COMMISSIONER PERALTA: No, they're not --

THE CHAIR: The lease money is only pertaining to charters.

COMMISSIONER TOULOUSE: The hit would come for places like APS, who lease some of their vacant facilities to charter schools.

COMMISSIONER ARMBRUSTER: Right. But that would only affect the charters.

THE CHAIR: It would affect Las Cruces; because they did the construction funding. So it does affect them, because they floated the construction money, so that if one of those schools had to close because of that, they could.

COMMISSIONER ARMBRUSTER: They're not getting any money. They didn't give any money to school districts this year to build schools, either. The State did not, like, give -- I don't know -- 20 percent or 50 percent or something?

COMMISSIONER JOHNSTON: There's nothing this year?

COMMISSIONER ARMBRUSTER: Do you want to go around and ask opinions?

THE CHAIR: No. Just shake or nod your head.

(Commissioners indicate.)

COMMISSIONER TOULOUSE: We've done a consensus.

THE CHAIR: I have two appointments to make, one to NMPSIA and one to the State Library Commission.

And there was one person who asked -- who expressed a desire to serve on NMPSIA; and that was Commissioner Armbruster. So, Commissioner Armbruster -- no?

COMMISSIONER CRONE: I'm already on NMPSIA.

THE CHAIR: No, Trish didn't -- Commissioner Ruiz was for the Library Commission.

COMMISSIONER RUIZ: No. No, ma'am. It was for NMPSIA.

THE CHAIR: I'm sorry. That's my -- I'm sorry. Then I misread that. I apologize. So that makes it --

schools that were in the stages of construction have been either set back a quarter or two quarters.

THE CHAIR: So what I'm asking -- because I don't go and speak without getting everyone's -- or the majority's approval -- that I'm asking that I get your approval to go on the 11th to speak for the -- the Commission, and continue -- this is going to be something that is -- it will expand in terms of the scope of our participation in this; so that this is just the initial, "Please let us do this, and hold off the -- the reduction until we can provide some better information for you."

So at this point in time, I'm asking the Commission -- the Commission's approval to go on the 11th to speak for the Commission in asking for this temporary "stay of execution."

COMMISSIONER TOULOUSE: It's not on the agenda for a vote; but we could do a consensus.

THE CHAIR: Well, it says, "Discussion and Possible Action." No, I'm sorry, it doesn't.

COMMISSIONER TOULOUSE: We can do a consensus. Everyone can nod or shake their head.

THE CHAIR: It doesn't really need a vote, unless you all said no. Then I would take that into serious consideration, you know. But as long as I have a -- you know, a feeling, then I'm okay.

Okay?

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THE CHAIR: I'm sorry. That's my -- I'm sorry. Then I misread that. I apologize. So that makes it --

MS. FRIEDMAN: Madam Chair, actually, no one volunteered for the Library Commission.

THE CHAIR: I'm sorry. I thought you said Library Commission. And I apologize. And I don't know how I misread that. I'm sorry. So that --

COMMISSIONER ARMBRUSTER: Why can't one of us be the one and one be the alternate?

THE CHAIR: Can you have an alternate to that?

MS. FRIEDMAN: Yes, you certainly can. As a matter of fact, I got an e-mail just a little while ago -- I sent it to you -- Mr. Quintana?

THE CHAIR: Yeah, I briefly saw it. I didn't have a chance to fully -- to fully read it.

MS. FRIEDMAN: Yeah. He's desperate to have a person; because they haven't have a quorum without a person. And so --

THE CHAIR: And that's the case with so many of the commissions, unfortunately, at this point in time.

MS. FRIEDMAN: We've only had one or two backups for that position, also.

THE CHAIR: So because Commissioner Ruiz was the first e-mail that I received, Commissioner Ruiz will be the permanent, and Commissioner
COMMISSIONER JOHNSTON: And, Madam Chair, I'll volunteer to serve on the Library Commission. I had considered that.

THE CHAIR: Thank you. I apologize for that.

COMMISSIONER RUIZ: That's okay.

THE CHAIR: I don't know how I misread that. So Commissioner Johnston will serve on the Library Commission. And I will -- oh. Beverly, you have the --

MS. FRIEDMAN: I have all the data, and I'll contact them and let them know. And I'll talk to --

THE CHAIR: I'll just publicly express my concern that the e-mail for that replacement came through --

MS. FRIEDMAN: Quickly?

THE CHAIR: -- too quickly. I thought it was inappropriate the day that I received it; so I'm just going to say that.

COMMISSIONER CRONE: Yeah. I think they are sort of desperate; because there was another vacancy, as well.

COMMISSIONER CRONE: There is a meeting the first Wednesday in August in Ruidoso.

COMMISSIONER RUIZ: For NMPSIA?

MS. FRIEDMAN: I've got all of that. I'll send it to her.

THE CHAIR: That was the e-mail that came through. They're concerned there won't be somebody in August in Ruidoso.

COMMISSIONER CRONE: It's at the Inn of the Mountain Gods.

COMMISSIONER TOULOUSE: You wouldn't mind going there.

COMMISSIONER JOHNSTON: What about the State Library Commission?

THE CHAIR: They meet in Santa Fe. They meet in a closed library.

COMMISSIONER JOHNSTON: Oh, dear. I have great respect for librarians.

THE CHAIR: I do, too. And I'm appalled that schools are doing away with -- because it's more than just a book. Yeah. So --

COMMISSIONER RUIZ: I have it on my calendar. Thank you.

THE CHAIR: -- disconcerting.

Update from the Coalition.

MS. KELLY CALLAHAN: Good afternoon, Madam Chair, Commissioners. Thank you once again. I'm sorry if missed the June meeting. I saw in the minutes that you recognized --

THE CHAIR: No, you're not. You're not sorry.

MS. KELLY CALLAHAN: Not really. But I'm back with enthusiasm. So we'll take a look at that. Just to bring everybody up to speed, I think everybody informally knows, but I do want to put it on the record, that the Coalition will have a new Executive Director, and that is Matthew Pahl. He will be starting at the Coalition as the full-time Executive Director on September 1st. Greta is retiring, and next week is her last week. I am not retiring; but I am taking a different kind of position. And I'm just going to say this: Matt is young, enthusiastic, very ambitious, has a lot of great ideas. And we mutually came to that decision. And so I really appreciate Matt stepping up.

I will continue to serve as the Liaison to the PEC. Matt is under the Government Conduct Act, and so he's -- he's going to take sort of background for a year in the advocacy pieces and things like
really appreciate your support in not letting this hammer come down on the schools so quickly.

So if there's anything that we can do in terms of contacting folks, you know, however -- if you need to get information from schools, if you want to filter through us, we can -- we can certainly probably get things pretty quickly for you, and, you know, anything that we can coordinate with -- with you guys.

So we will -- we will put that out in the Public Comment when we are there in that meeting on August 11th.

Just so you know that we are planning on doing a fall conference, it's going to look a little different. But we do not have dates and everything.

I'm kind of -- I want Matt to be involved in this, and Matt has been really involved in what's going on at the PED and the lawsuit; and so he hasn't really had a chance. So we will keep you guys informed, you know. And who knows what kind of partnership, and I think there's a lot of opportunity that we're looking to explore. And so this is going to be great.

And we will be at all of the Interim Committees. Matt is working on developing a platform for the Coalition that we're going to put together for the schools that we want to share with you all and with the -- with the LESC and LFC; and hopefully, we'll have those out in September. So we're trying to get a jump on the legislative planning that we need to do.

So other than that, I just -- if you have any questions for me, and, you know, just thank you again for making us a part of this partnership, and we hope that we can continue to grow the work that we're doing and continue the -- the supporting charter schools, but also supporting the quality of charter schools. And I think we're very much in synch on that.

So if you have any questions, I'm here to answer. And I have photos, if you --

COMMISSIONER JOHNSTON: Get to the important stuff.

COMMISSIONER ARMBRUSTER: I'm just wondering if -- maybe one of the Commissioners here could answer that. So with the PSCOC, which is of grave concern, this decision came ultimately from the Governor? Or from where? Legislature?

THE CHAIR: It's coming from LFC; correct?

Or LESC? LESC.
COMMISSIONER PERALTA: LFC is involved, too.

COMMISSIONER TOULOUSE: I think the LFC does more in the way of budget.

THE CHAIR: One of the driving voices is from LESC.

COMMISSIONER TOULOUSE: Well, that's because of the connection. But the actual decisions come --

COMMISSIONER ARMBRUSTER: I'm just wondering if there's a public outcry, or -- you know, the squeaky wheel gets the grease there. You know, whether we're saying, "Well, schools are getting 20 percent less." That's a -- we're not talking about 3 percent here. We're talking about 20.

So then they can say, "Well, we're not going to be able to provide lunches anymore."

So there you go. For -- I'm just saying that the public will now hear that schools in New Mexico will no longer be able to provide lunches, because they have to pay for their schooling, that kind of thing. I'm not suggesting necessarily that; but if there's something we can --

MS. KELLY CALLAHAN: We have. And the Call to Action, Commissioner Armbruster, is exactly that. It's an impact statement. It's a short, sweet -- they can do it in an e-mail. You know, "The amount would be this. This is what we're going to have to do to fill that gap."

And it ranges from staffing cuts to not providing lunches, after-school programs, whatever it is. But there's -- we ask that they be very directed about what exactly the school is going to have to do to make up the deficit of a 20 percent cut off of their -- not a 20 percent off their whole budget, but just off the lease reimbursement.

But most schools are already supplementing their operational money, because the leases are big, which is part of the -- the dialogue that we've been having, is because charter schools have to look at other means of getting into buildings, that sometimes the public -- or the private -- leases end up costing them a lot more than -- and so I think there's a larger landscape that needs to be looked at.

But we are -- Commissioner, we asked them to communicate to the PSCOC respectfully and very short; because these people are very busy. But just, "Here's a direct impact of what's happening."

And they will also be meeting to do some-- we have a few coming from Public Comment.

COMMISSIONER ARMBRUSTER: So local charters might be doing this, also, as well as --

MS. KELLY CALLAHAN: We've communicated with both district-chartered and PEC-chartered schools.

THE CHAIR: Having been at a number of the committees during Session, there's -- there's an army that shows up at -- you know. So it's -- it's -- and it's -- I think it's important for people to see, that it's not just one or two faces that are standing up.

Director, did you --

MS. POULOS: This was going back. So at the end of this discussion, if you don't mind? Sorry.

MS. KELLY CALLAHAN: Unless you have any -- I don't have anything else.

COMMISSIONER JOHNSTON: I just have a question. And I apologize for my ignorance; but this is where I am.

COMMISSIONER PERALTA: It is the PSCOC.

COMMISSIONER JOHNSTON: Okay. So it is. This -- the impetus for this 20 percent reduction and -- two things: One, having made lease payments as a charter school head of school -- charter head-of-school person, I know exactly what they're living. And 20 percent would -- is this -- this only applies to charters? Because schools -- school districts do not -- or sell them -- lease anything.

So the impact --

THE CHAIR: But it does -- does impact the school districts that do lease.

COMMISSIONER JOHNSTON: Lease buildings.

Lease buildings.

MS. KELLY CALLAHAN: They'll lose that. The lease is written that it is for the amount of the lease reimbursement.

COMMISSIONER JOHNSTON: Then it goes back. And this may not be a question to ask in a public meeting. But where did this all start? I mean, I've missed it until today.

THE CHAIR: Well, I think it started at the LESC and the LFC, that's where it started. And I'm -- you know, you can correct me. It's -- the conversation of the Small School Size Adjustment. So if you can't get the Small School
Size Adjustment dealt with, this is -- this is a back door.

COMMISSIONER JOHNSTON: This is the offshoot.

MS. KELLY CALLAHAN: It may -- it could be; but --

COMMISSIONER PERALTA: If the Small School Size Adjustment goes away, whatever, then the charter schools also have to take a hit, as well.

COMMISSIONER JOHNSTON: So it's to make sure that everybody -- it balances; because I was in -- I understood the conversation of the Small School Size Adjustment. But I hadn't this part of it. Okay.

MS. KELLY CALLAHAN: And -- you know. And the other thing is that this -- this discussion has happened, because when -- you usually get the application to do the lease reimbursement in April. And it said in there that there's a possibility that there could be a 20 percent -- so the discussion happened when the application came out.

But I don't know where the impetus to put it into that application -- I think a lot of it -- and Commissioner Peralta, when we talked on the phone -- everybody was going through that kind of budget slashing that was happening, and districts and charter schools.

And so, you know, I think there's -- it's a way to offset some of the hits that the Capital Outlay money used to take care of some other things and -- you know, I just think there's a lot of "Peter to pay Paul" that's going on. And it's -- and it's unfortunate that we have to do that; so...

COMMISSIONER JOHNSTON: That makes sense.

I was just trying to put --

THE CHAIR: The process was also -- it was unfortunate, because -- you know, it's like an asterisk on this application. It's, like -- you know. So I don't think that -- I think that, also --

COMMISSIONER JOHNSTON: Very quietly moving; whereas, the Small School Size Adjustment was very loud.

THE CHAIR: Oh, yeah. Yeah. Well, because there's also traditional publics that --

COMMISSIONER JOHNSTON: There are so many of them.

MS. KELLY CALLAHAN: There's a lot of intricacies that have to be negotiated.

THE CHAIR: Which is what has also kept it there.

COMMISSIONER TOULOUSE: And there is anti-charter school sentiment among folks at the LESC and the LFC. So it's an easy way to bring that in, cut the money, and change the discussion from the Small School Adjustment to something else.

THE CHAIR: Right. Yeah.

COMMISSIONER JOHNSTON: Thank you. THE CHAIR: Thanks.

MS. KELLY CALLAHAN: Thank you.

Appreciate it.

THE CHAIR: Looking back?

MS. POULOS: On Item 10, one of the things that we had discussed this morning.

THE CHAIR: What is that?

MS. POULOS: That's the Renewal Kit -- I meant to throw back in there for you for that discussion was whether you wanted to add another subpart in here. I think I know where it can fit, where if someone has what we would call an essential partnership, contract, or relationship, that you would want that submission of the agreement. And I forgot to bring it up.

COMMISSIONER ARMBRUSTER: It's too late now.

MS. POULOS: And we could give them the warning that we're recommending, for next meeting, that we put it in.

THE CHAIR: It is what it is.

MS. POULOS: Okay. I'll draft it up language. I'll give the schools the warning that we're thinking about recommending, or recommending at the next meeting, that the Commission put that in. I'll pull the language. I'm probably just going to pull it straight from what we have in the new application.

THE CHAIR: You know what might be possible is maybe, looking forward, that we simply say, you know, "We need to take a look at, and we need to update all our info, that whatever -- whoever" --

MS. POULOS: Anybody.

THE CHAIR: -- "has this, we need to see it." And that way, we cover everyone.

MS. POULOS: We could do that, too. We could just draft up a --

THE CHAIR: Right. I think that would be important from my perspective, to really see it; because I think some people here didn't even think of, like, New Americas as a management, when it is,
really. So I think -- there could be out there.

MS. POULOS: Yeah. And they should be re-entering those agreements, I would think, every year.

THE CHAIR: I would think so.

MS. POULOS: So we should make that a submission requirement. All right. I'll work on that for next meeting.

THE CHAIR: All right. Okay.

PEC Comments?

COMMISSIONER RUIZ: Thank you to everybody. Great meeting.

COMMISSIONER TOULOUSE: Madam Chair, all I want to say is to tell people the Legislative Education Study Committee is meeting next week, Wednesday, Thursday, Friday, in Gallup. And I will be going to the Thursday and Friday part.

THE CHAIR: Just so everyone knows, Wednesday is really --

COMMISSIONER TOULOUSE: There's not a whole lot.

THE CHAIR: People dribble in on Wednesday. Most people get in on Wednesday; and then it's Thursday, really, that starts the meat of the work. So it's --

COMMISSIONER TOULOUSE: And Thursday afternoon is the Indian Education, which includes the NACA schools. And I wanted to make sure I was there for that.

THE CHAIR: I was concerned, because that was originally the date for PSCOC. So I was trying to figure out how I was going to split myself between Gallup and Santa Fe. So now, at least that's been set. So thank you for that.

COMMISSIONER PERALTA: I'm good.

THE CHAIR: I'm -- I was going to tell everyone I'm going to be in Gallup next week, and I --

COMMISSIONER TOULOUSE: I waited for you to say it under your remarks, because you usually do.

THE CHAIR: I did -- I'll let everyone know I was at the organizational meeting for the LESC for the session where the -- there -- scope of work for the year. And they have committed that charters are going to be a fabric of their conversation throughout this year.

We don't have an outline of what's happening at each of the meetings. So that's when it becomes a little problematic. But, yes, Indian Education, appropriately, is on the schedule for -- and there are a couple of our schools that have been invited to be there; so -- and that's all I'm going to say about that.

So -- and I'll let you know as soon as we have a firm date for the revocation hearing. But -- and I'll admit that I asked for it to be moved to the 10th, because I had to be in Santa Fe on the 11th; so instead of going up on the 7th, coming back and then coming back again, I thought it's a better use of transportation money if I only have to come up.

And a number of you also might be going.

I don't know; but -- so we'll see.

COMMISSIONER ARMBRUSTER: Me?

THE CHAIR: Yes.

COMMISSIONER ARMBRUSTER: No.

Everything's great, I guess.

THE CHAIR: Commissioner Conyers?

COMMISSIONER CONYERS: I'm good. Very good.

THE CHAIR: You're good?

COMMISSIONER JOHNSTON: I have a question.

The revocation hearing?

THE CHAIR: Correct.

COMMISSIONER JOHNSTON: This will be the first one. So they don't present to us as a Commission. They do present. You said a number of us will be going. That's what threw me. You might have jumped to another subject.

THE CHAIR: No, I was thinking of the PSCOC. Hopefully, we're all there at the revocation hearing. They present to us.

COMMISSIONER JOHNSTON: And I'm just trying to get it in my head.

Then I really, really learned a great deal in going to the training that Becky and Baylor did. And I appreciated it, and it improved my depth of knowledge. Those trainings -- I've been to two of them -- they're most helpful to me, and I appreciate it. I wanted to recognize that. I, in an attempt to be better informed about DEAP, had planned on going on Thursday and Friday, also. But I'm just there at my own expense to listen so that I can understand better, because I know they will be there; so...

COMMISSIONER ARMBRUSTER: At LESC?

COMMISSIONER JOHNSTON: No -- yes, LESC in
Gallup. I will be there just to listen. I won't say anything. And I won't tell anybody --
The CHAIR: Commissioner Crone?
COMMISSIONER CRONE: Welcome, Trish, to NMPSIA. We do a lot of work and get almost nothing accomplished; but it's fun. We have no control over the insurance industry. Just saying.

THE CHAIR: I guess I want to thank -- I'm sorry.

COMMISSIONER CRONE: We go to Happy Hour somewhere; so...

THE CHAIR: I want to thank Baylor for hanging out throughout the whole meeting when we went to -- where did we go? Dolores Huerta Governing Council meeting last week. I appreciate the conversation. It was enjoyable.

That was about the only part that was enjoyable. And that's enough said.

So do I have a Motion to Adjourn?

COMMISSIONER RUIZ: So move.

COMMISSIONER TOULOUSE: Second.

THE CHAIR: Second. All in favor?

(Commissioners so indicate.)

THE CHAIR: Opposed?

(No response.)

THE CHAIR: I said if people want to hang out to talk about the amendment, it's not part of the meeting, because we're not voting on anything.

We stand adjourned until tomorrow morning, when we have the input hearings.

(Proceedings adjourned at 4:24 p.m.)
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