

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

Bean & Associates, Inc.

Professional Court Reporting Service

201 Third Street, NW, Suite 1630

Albuquerque, New Mexico 87102

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<p style="text-align: right;">Page 6</p> <p>1 about two weeks ago now; so that we were very 2 fortunate that she was able to be with us the 3 Thursday before she passed away so that we had an 4 opportunity to share a few minutes with her, not 5 knowing that she was going to leave us so quickly. 6 So we would like to extend the -- the well 7 wishes and the thanks to the family. 8 I'm going to ask now, is there anyone from 9 Commissioner Pogna's family here today? We 10 understood that there might be some folks here. 11 Okay. So we're okay with that. 12 Commissioner Pogna's family shared 13 Commissioner Pogna with the State of New Mexico for 14 almost 50 years; so that her service to the State 15 Board of Education, to the PEC, and to many other 16 areas for New Mexico students is unqualified; so 17 that we thank her family for sharing her with us. 18 And, certainly, she is a role model for 19 all of us to be able to go -- keep on going at the 20 age that she did. 21 I contacted the Governor's Office, and 22 they did issue a Certificate of Recognition. So I 23 guess I should read that into the record now. 24 And, Cindy, I'll give you a copy that you 25 can -- and I apologize; I've got a dot in my -- so</p>	<p style="text-align: right;">Page 8</p> <p>1 U.S. Department of Education's National Forum of 2 Excellence, 1982; and Awardee of the New Mexico 3 Christian Parent Educator Association, 1997; 4 "And, whereas, in addition to her 5 dedicated service to the education field, Millie 6 Pogna also had a passion for singing, and performed 7 in the Albuquerque Little Theater, her church 8 choirs, sang the National Anthem at numerous State 9 Republican Conventions, and was elected President of 10 the New Mexico Federation of Music Clubs; 11 "And, whereas, Millie Pogna leaves behind 12 her husband of 67 years, Bob, and three daughters: 13 Kathleen Anderson, Patricia Mazzone, Karen Johnson, 14 husband, Scott; three grandchildren: Taylor 15 Mazzone, with wife, Erin; Grayson Mazzone, Alexandra 16 Mazzone; and her beloved canine companion, Cody. 17 "Now, therefore, I, Susana Martinez, 18 Governor of the State of New Mexico, do hereby 19 extend deepest condolences to the family and friends 20 of Millie Pogna." 21 We do have a short presentation that was 22 played at her -- at her rosary service. But before 23 we do that, I'd like to do a Moment of Silence. So 24 if we could just do that, please. 25 MS. FRIEDMAN: We can do the Moment of</p>
<p style="text-align: right;">Page 7</p> <p>1 I'm having trouble actually seeing. The projector 2 made the dot in my eye. 3 So this Certificate of Recognition is 4 presented by Susana Martinez, Governor of 5 New Mexico, In Memoriam, to Millie Pogna, Public 6 Education Commissioner. 7 "Whereas, Millie Pogna was the 8 first-generation daughter of Italian immigrant 9 parents and developed her tenacious spirit, because 10 of the hardships she endured as a young woman which 11 shaped her zest for life; 12 "And, whereas, her leadership developed 13 throughout involvement in student organizations in 14 college and continued throughout her adult life; 15 "And, whereas, her many accomplishments 16 include Homecoming Queen, Distinguished Alumna, 17 Member of the Board of Education/Public Education 18 Commission, Tri Sigma Sorority member, member of the 19 New Mexico State Board for the Constitutional 20 Coalition, 1999; Director for National Association 21 of State Boards of Education; Appointed Member to 22 President Reagan's Advisory Committee for the 23 John F. Kennedy Center for the Performing Arts, 1980 24 to '88; Appointed Member of the Legislative Public 25 School Reform Committee, 1985; Panelist for the</p>	<p style="text-align: right;">Page 9</p> <p>1 Silence with this. There's no talking. 2 THE CHAIR: Oh, okay. Okay. Thank you. 3 (Memorial video is played for all present.) 4 THE CHAIR: Thank you. Okay. We are on 5 Item No. 3, the Approval of the Agenda. 6 Do we have any changes we need for the 7 agenda? 8 Hearing no changes, I'll entertain a 9 motion. 10 COMMISSIONER RUIZ: (Indicates.) 11 Motion by Commissioner Ruiz. 12 COMMISSIONER CRONE: (Indicates.) 13 THE CHAIR: Second by Commissioner Crone. 14 All in favor? 15 (Commissioners so indicate.) 16 THE CHAIR: Any opposed? 17 (No response.) 18 THE CHAIR: Hearing no opposition, the 19 motion passes. 20 We are on to Item No. 4, which is Public 21 Comment. 22 Beverly, do we know if anyone signed up? 23 And the first person that's on the agenda 24 is Shelly Cherrin. 25 MS. SHELLY CHERRIN: Thank you,</p>

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

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

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

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

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

1 decision today about which application we need to
2 fill out, and then I'm going to ask you to vote in
3 favor of the new draft. Thank you.

4 THE CHAIR: Thanks.

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

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

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

15 THE CHAIR: It's on the agenda.

16 MS. PATRICIA MATTHEWS: Oh. Is that --

17 THE CHAIR: Are you talking --

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

20 THE CHAIR: Okay. Okay.

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

23 This one occurred toward the end of
24 spring, when charter schools generally fill out
25 their applications for what's called "lease

1 application, the previous one, if the new draft
2 isn't approved.

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

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

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

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

25 So, again, I urge you to at least make a

1 reimbursement grants" from the Capital Outlay
2 Council. Those grants are generally granted
3 around -- in the summertime; but the schools, during
4 this application cycle, in -- on the third page of
5 the application cover letter, there was a mention of
6 a possibility that there may be a 20 percent cut in
7 the lease reimbursement amount for all charter
8 schools that get lease reimbursements, which is
9 essentially all of them throughout the state. And
10 if it doesn't impact the charter, it will impact the
11 district from which the charter is leasing, because
12 their lease amount is tied to that figure.

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

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

21 As a representative of charter schools,
22 it's our concern that the charters have not been a
23 player in this. I don't know that the Capital
24 Outlay Council or the Awards Subcommittee is fully
25 apprised of the impact on charters.

<p style="text-align: right;">Page 14</p> <p>1 I know the Coalition will speak about this 2 during the report today. But I did want to bring it 3 to your attention and possibly ask for the 4 Commissioners to contact the Capital Outlay Council 5 members and voice your concern or questions, and at 6 least ask them to postpone a vote on reduction of 7 these lease reimbursement amounts until such time as 8 we can get a full handle on how it will impact 9 charter schools. 10 As you can imagine, we're probably looking 11 at midyear staffing cuts if those budget cuts went 12 into effect. So I just wanted to bring that to the 13 Commissioners' attention. 14 Thank you. 15 THE CHAIR: And that closes Public 16 Comment. 17 On to No. 5, Approval of the Minutes and 18 Transcripts. 19 And the first one is 5A, Approval of the 20 June 15, 2017, PEC Work Session Minutes. 21 Excuse me. 22 Do we have any corrections to those 23 minutes? 24 Seeing none, I will entertain a motion. 25 COMMISSIONER RUIZ: (Indicates.)</p>	<p style="text-align: right;">Page 16</p> <p>1 question, and he responded to me. 2 THE CHAIR: Right. It should be -- so 3 that should be Dr. Griffin. 4 THE REPORTER: So corrected. 5 COMMISSIONER ARMBRUSTER: That's fine. 6 THE REPORTER: Thanks, Karyl Ann. 7 MS. POULOS: After the meeting last month, 8 I did receive a message from Estancia Valley 9 Classical Academy indicating that on the transcript, 10 Mr. Bill Robinson is mentioned several times, but is 11 identified as Mr. Bill Robertson. And that may have 12 been misspeaking; it's unclear. But I did want to 13 note that Estancia Valley did indicate that that 14 should be Mr. Bill Robinson. 15 THE CHAIR: So all references to 16 Mr. Robinson should be "Robertson"? 17 Just the reverse? 18 MS. POULOS: It should be "Robinson." 19 THE CHAIR: The reverse? And that's for 20 this current -- for the ones that we're -- 21 MS. POULOS: That's correct. 22 THE CHAIR: So I entertain a motion for 23 approval of the PEC Meeting Transcript Minutes for 24 June 15th, 2017, with the correction of Page 38, the 25 identification of Dr. Griffin should be -- it should</p>
<p style="text-align: right;">Page 15</p> <p>1 THE CHAIR: There's a motion by 2 Commissioner Ruiz. 3 COMMISSIONER CRONE: (Indicates.) 4 THE CHAIR: A second by Commissioner 5 Crone. 6 All in favor? 7 (Commissioners so indicate.) 8 THE CHAIR: Opposed? 9 (No response.) 10 THE CHAIR: Hearing no opposition, the 11 motion passes. 12 We are on to 5B, Approval of the PEC 13 Meeting Transcript Minutes for June 15th, 2017. 14 Do we have any corrections? Do we have a 15 question? 16 COMMISSIONER ARMBRUSTER: I could be 17 wrong. But on -- on Page 38, Commissioner -- this 18 is what -- Turquoise Trail. Dr. Ray Griffin was 19 talking on Page 37, and then Commissioner Johnston, 20 and then the Chair, Commissioner Johnston. And then 21 it says, "Commissioner Armbruster." But I think 22 that was Dr. Griffin who said that. Or I could be 23 wrong and not remember any of that; but it doesn't 24 sound like me. 25 COMMISSIONER JOHNSTON: I asked the</p>	<p style="text-align: right;">Page 17</p> <p>1 be Dr. Griffin instead of Commissioner Armbruster on 2 Page 38; and any references in the minutes to 3 Mr. "Robertson" in the -- in regards to Estancia 4 Valley Classical Academy should be Mr. "Robinson." 5 COMMISSIONER ARMBRUSTER: I move. 6 THE CHAIR: There's a motion by 7 Commissioner Armbruster. 8 COMMISSIONER RUIZ: (Indicates.) 9 THE CHAIR: A second by Commissioner Ruiz. 10 All in favor? 11 (Commissioners so indicate.) 12 THE CHAIR: Opposed? 13 (No response.) 14 THE CHAIR: Hearing no opposition, the 15 motion passes. 16 We are on to 5C. 17 COMMISSIONER TOULOUSE: Madam Chair, can I 18 make a comment on that -- besides, you just need to 19 say "As corrected"; you don't need to say the 20 corrections. However, the comment is, for the 21 audience, this is why we ask people to spell your 22 name, even if you think it's a more common name, 23 because, if not, our clerk here is taking what she 24 hears, which isn't always what you mean. 25 So, please, when you're asked to spell the</p>

<p style="text-align: right;">Page 18</p> <p>1 name, spell it. 2 Thank you. 3 Taking care of our staff here. 4 THE CHAIR: We're on to 5C, Approval of 5 the PEC Meeting Transcript Minutes for June 16th, 6 2017. 7 Do we have any corrections to those? 8 Seeing none, I'll entertain a motion. 9 COMMISSIONER CONYERS: (Indicates.) 10 THE CHAIR: There's a motion by 11 Commissioner Conyers. 12 COMMISSIONER TOULOUSE: (Indicates.) 13 THE CHAIR: A second by Commissioner 14 Toulouse. 15 All in favor? 16 (Commissioners so indicate.) 17 THE CHAIR: Opposed? 18 (No response.) 19 THE CHAIR: Hearing no opposition, the 20 motion passes. 21 And finally, 5D, Approval of the PEC 22 Summary Minutes for June 15th and 16th. 23 And I'm assuming the same corrections have 24 to be -- no? 25 Are there -- is there a correction -- I'm</p>	<p style="text-align: right;">Page 20</p> <p>1 THE CHAIR: Yes. Don't turn that on yet. 2 Director? 3 MS. POULOS: Madam Chairwoman, 4 Commissioners, before you, you have two -- and they 5 are presented as two different packets -- but two 6 amendment requests by the School of Dreams Academy. 7 The first one is a request to amend the 8 authorized school grades to include the third grade. 9 You see that the school states the rationale for the 10 request is to add third grade, beginning in the 11 2017-'18 school year. 12 In the 2016-'17 school year, the School of 13 Dreams was approved to serve Grades K through 2. 14 They ended the year with 23 second-graders, and all 15 have indicated they want to return for 2017-'18. 16 The school did attach NWEA map information 17 showing the growth in their elementary program. And 18 they attached the minutes from their May Governing 19 Council meeting with the request. 20 As the Commission can see in the history, 21 you did approve a request last April to amend the 22 grades to allow -- and I'm sorry; that was last 23 May -- to allow the addition of kindergarten through 24 second grade and to increase the enrollment cap to 25 100 students.</p>
<p style="text-align: right;">Page 19</p> <p>1 sure probably not to yours; but it could be -- is 2 there a reference to -- and I don't know. Let's 3 look real quick. If there's a -- 4 COMMISSIONER TOULOUSE: No. 5 MS. POULOS: There should not be. 6 THE CHAIR: So I will entertain a motion 7 for the Summary Minutes. 8 COMMISSIONER JOHNSTON: (Indicates.) 9 THE CHAIR: There's a motion by 10 Commissioner Johnston. 11 COMMISSIONER ARMBRUSTER: (Indicates.) 12 THE CHAIR: A second by Commissioner 13 Armbruster. 14 All in favor? 15 (Commissioners so indicate.) 16 THE CHAIR: Opposed? 17 (No response.) 18 THE CHAIR: Motion passes. 19 Item 6, Discussion and Possible Action on 20 Charter School Amendments. 21 And the first one on the agenda is the 22 School of Dreams Academy. So before that thing 23 comes on again -- 24 MS. POULOS: Do you want us to take it 25 off?</p>	<p style="text-align: right;">Page 21</p> <p>1 You do have the school's performance, 2 which indicates their three-year average letter 3 grade was a "C" in 2014, a "D" in 2015, a "C" in 4 2016. You also have, from the 2015 and '16 data, 5 proficiency comparisons to the local school 6 district, as well as to the statewide. 7 In 2015, you'll see that their reading 8 data was equivalent to statewide and Los Lunas, 9 slightly higher than the local school district, 10 slightly lower than the statewide averages. 11 In 2015, the MAP data was equivalent to 12 the local school district and below the statewide 13 average. 14 But then you'll see, on the next page, in 15 2016, that data indicates that there was a very 16 minimal 1-percentage-point growth in their reading 17 scores; but that compares to the local school 18 district, which had a 7-percentage-point increase in 19 their growth and resulted in the local district 20 performing better, as well as the State had a drop 21 of 1 percentage point; and so it was equivalent 22 performance. 23 But in math, you'll see their proficiency 24 increased by 4 percentage points, where the local 25 districts increased by 11 percentage points and the</p>

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1 State increased by 5 percentage points; and the
2 school was below both the local district and the
3 statewide in math.

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

11 There were issues identified by our
12 Licensure Bureau that were addressed by the
13 Licensure Bureau.

14 The school has made progress on the
15 Special Education Corrective Action Plan,
16 specifically addressing Item 5, the Memorandum of
17 Understanding, which was due -- is due on
18 August 18th. And they did complete that in advance
19 of that due date. The other items on that
20 Corrective Action Plan are not yet due.

21 You do have the school's enrollment data
22 in comparison to statewide data, as well as through
23 the local school district. And you also have the
24 additional analysis, which is that in other
25 decisions that the Commission has made in the past

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1 COMMISSIONER TOULOUSE: Good afternoon.

2 THE CHAIR: That's right. If you could
3 introduce yourself for the record, please?

4 MR. MICHAEL OGAS: Yes. My name is
5 Michael Ogas. I am the Principal and Founder of
6 School of Dreams Academy.

7 I would like to introduce the people who
8 are with me. I have Mrs. Kathy Chavez, who is our
9 Governing Council President and a co-founder;
10 Ms. Teresa Ogas. T-E-R-E-S-A. She is a Speech and
11 Language Pathologist and involved in our Child Find
12 initiative, as well as a founder. Mr. Eric Brown,
13 who is our Director of Support Services, and
14 Mrs. Rita Garcia, who is our Early College High
15 School liaison.

16 Thank you for allowing me the opportunity
17 to come and address the Commission. From a
18 historical standpoint, this is the fourth time in a
19 year that I've been before the Commission on this
20 similar issue, pretty much the same issue. A year
21 ago, we came before the Commission to request a
22 grade increase; and you approved a grade increase
23 with the exact same information that Dr. Poulos just
24 shared.

25 The focus at that time was on the "D"; but

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1 several months, we have -- the Commission has relied
2 on the fact that the school letter grading statute
3 requires that a school that has earned a "D" or "F"
4 letter grade must prioritize its resources toward
5 improving student achievement until the school has
6 received a letter grade of "C" or better for two
7 consecutive years.

8 And for that reason, this Commission has
9 decided not to approve the requests of other schools
10 seeking to increase their enrollment or their grade
11 levels served.

12 For that reason, the Public Education
13 Department is recommending that this request be
14 denied.

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

23 THE CHAIR: Thank you.

24 Good morning.

25 MR. MICHAEL OGAS: Good morning.

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1 the Commission saw fit to look at the MAP scores
2 that were available. And the "D" actually reflects
3 the work of what's going on -- or what had been
4 going on in the seventh through twelfth grade, not
5 the elementary grades.

6 So one thing that has come out -- and I'm
7 not sure if the Director has had an opportunity to
8 see it. But the current PARCC scores are out. And
9 I had an opportunity to look at our comparison with
10 both Los Lunas Schools and Belen Schools. And I
11 have a spreadsheet right here that shows we are
12 almost dead even in most respects with Los Lunas,
13 and higher scores than in the Belen School District.
14 I could read them all to you for the record, if you
15 like; but it's up to you.

16 The thing about -- and I'm not
17 complaining. But I am concerned about the process
18 when we submit an amendment. This particular
19 amendment, I felt, was something that basically -- I
20 don't want to say had been approved; but had been
21 encouraged when we added the kindergarten through
22 second grade.

23 It just didn't make any sense to think,
24 unless, you know, the whole bottom fell out of the
25 school, that we wouldn't be able to continue the

<p style="text-align: right;">Page 26</p> <p>1 current second-graders on to the third grade. And I 2 had really no indication that the performance of the 3 elementary school would be contingent on the 4 performance of the middle school and the high 5 school, which I still think -- and I've gone on 6 record to say -- is -- the way the data is looked at 7 is questionable; because we can speak to our 8 progress as an early-college high school and the 9 scholarships that our kids are being awarded and the 10 number of Associate's degrees. 11 This year, alone, we had two children 12 graduate high school with Associate's degrees. One 13 graduated with three Associate's degrees. It's the 14 first time in the history of UNM-Valencia that a 15 student had done that. You know, we continue to do 16 really good things with our Graduate SODA program. 17 So there's lots of factors in play here, 18 rather than just the data that you have in front of 19 you. 20 When I submitted the -- the request for an 21 amendment to add the third grade, I provided the MAP 22 scores for the elementary school. And if I can show 23 you, this is what we believe a trend is going to 24 happen. 25 In -- and what's in your packet -- but</p>	<p style="text-align: right;">Page 28</p> <p>1 Now, I'm not sure -- and I will address 2 the Corrective Action Plan from the Special 3 Education Bureau. What that has to do with the 4 addition of third grade is totally irrelevant. It 5 was not brought up in that manner. 6 The second thing that I want to bring up, 7 just for the record, is when we submit an amendment, 8 we submit it, at a minimum, four weeks in advance. 9 So we have no idea -- you know, I'm beginning to 10 learn now, the time of scrutiny from -- it's almost 11 like we're going through an entire renewal every 12 time that we're putting out an amendment. 13 We talked about this a year -- a little 14 over a year ago, when we added the second -- when we 15 added the K-through-second grades, when we had the 16 discussion on the pre-K program, which was a lengthy 17 discussion, and when we had the discussion on the -- 18 on the Graduate SODA program, in terms of the makeup 19 of our school and the mission of our school and 20 wanting to help the community and maybe being 21 willing to take a lesser grade in order to be more 22 receptive to the needs of our community. 23 And we still believe that. You know, we 24 could easily raise our graduation rate by dropping 25 this program on Graduate SODA. Unfortunately, with</p>
<p style="text-align: right;">Page 27</p> <p>1 the -- the diamonds are where the mechanism believes 2 that a certain grade level of students should be. 3 And you'll see on the kindergarten, first 4 grade, and second grade, we far exceed that. Our 5 kids are doing really well. And what I've been 6 saying from the beginning is if we have an 7 opportunity to grow our school from elementary 8 through high school, I believe you're going to see 9 this trend continue; because we're going to have a 10 cohort of anywhere between 25 and 40 students in 11 every grade level that are going to be getting the 12 same type of instruction leading on to an 13 early-college high school, leading on to a 14 vocational training center kind of thing that we've 15 been saying from the very beginning. 16 I think this, in and of itself, is 17 probably the most compelling set of -- piece of 18 information that you have; because it's new. It's 19 not two years old. It doesn't rely on something 20 that was derived, you know, two school years ago. 21 This happened this year. It was our testing on the 22 second and first -- kindergarten, first-, and 23 second-graders. So they're progressing very well. 24 And I'm very proud of our staff and how they're 25 doing.</p>	<p style="text-align: right;">Page 29</p> <p>1 the budget the way it's been the last year, we 2 may -- we're looking at that very closely. It would 3 break my heart to have to do that. Even this year, 4 we graduated five students that would never have had 5 a chance to graduate before. 6 So, overall, I'm not -- I don't know what 7 else to say. I'm willing to answer any question 8 that you have. I've brought with us Sue Fox, our 9 legal counsel, to discuss any legal matters. 10 It just -- I think it's unfair that we 11 keep getting -- you know, the new grade hasn't even 12 come up yet. We have a grade -- a three-year 13 average of a "C." And we keep seeing a narrative 14 that almost makes it seem like we're a failing 15 school. 16 And if you -- we are far from a failing 17 school. We've got tremendous things going on down 18 there. We had a move last year that we moved into a 19 20-acre facility and portables. We've got an 20 aggressive program going on to build a nice facility 21 with the support of the Village. 22 There's a lot going on that I believe we 23 should be proud of -- the Commission should be proud 24 of -- in terms of trusting us. And I know the 25 people in Valencia County are very proud of what</p>

1 we're doing.

2 I completely disagree with the
3 recommendation not to allow third grade to happen.

4 THE CHAIR: Thank you.

5 MR. MICHAEL OGAS: Thank you. So just to
6 let you know, we have -- we have 23 returning
7 second-graders. That would mean, if this Commission
8 decides not to add this amendment to allow us to
9 continue moving forward in our plan to add a pre-K
10 through twelfth grade, I would have to go home
11 tonight and start telling those families that they
12 would not be able to come back to School of Dreams
13 Academy.

14 All of them have indicat- -- all of them
15 are enrolled and ready to go. Not only that, they
16 have siblings, you know; and that would virtually
17 destroy our K-through-2 program, because then why
18 would I want to enroll my child in a K-to-2 program,
19 knowing that by the end of second grade, they're
20 going to have to go off to another school.

21 So it would dismantle everything we've
22 worked so hard for. We have planned space over the
23 next two years to add -- well, actually, to add all
24 the rest of the grades, including a building project
25 that, with any good fortune, will happen beginning

1 COMMISSIONER TOULOUSE: Madam Chair, I
2 want to say that when we did this, I had concerns at
3 the time -- and I think I voiced them -- that every
4 other school that has come to us and wanted to grow
5 their own students, and we would give them the
6 K-through-5, they would start with a couple of
7 grades and move up each year. We still have some
8 moving up.

9 This is the first school we cut off. And
10 I had a problem with doing that because of this
11 having to come back every year and letting kids
12 down. I think implicitly, when we did that vote, we
13 gave them the next year. And I must -- I must agree
14 that when you try to take elementary school and then
15 look at them in regard to junior -- or mid-school
16 and high school, especially the high-school end,
17 it's not going to work out.

18 I really would feel -- I can't vote not to
19 give them this year. I'm -- you know, I'm sorry we
20 didn't give them all the way through and let them
21 move up and show us how successful with starting at
22 the beginning and taking your kids up; because this
23 wasn't the first school, during my time on the
24 Commission, that came and asked us to let them grow
25 their own students because of the difficulty of

1 September.

2 So there's a lot -- there's a lot going
3 on. I think it's positive. I see -- you know, I'm
4 not going to be the first to -- to deny that maybe
5 there's room for improvement. There's room for
6 improvement in every school.

7 But if you compare these most recent 2017
8 PARCC scores, if we're going to compare with the
9 middle school and high school they're doing across
10 the Valley, we are ahead, if not equal to every
11 school in that area, you know.

12 And then if you look at -- I don't know
13 much about these other kind of websites that -- that
14 rate schools. Niche.com rates us very well with a
15 "B," you know. And so I have those results here.

16 You know, it just depends on what you're
17 looking at and how you're looking at it, you know.
18 And it really troubles me that -- that we get -- we
19 get this type of response every time we -- we seem
20 to come forth with an amendment or with an issue.
21 And I would like to see a little bit more support,
22 honestly, from the Charter Schools Division.

23 I guess that's all I have to say. I can
24 answer questions.

25 THE CHAIR: Commissioner Toulouse?

1 taking a kid in in sixth grade and bringing them up
2 within a year, at the most, to where the school
3 expected them to be.

4 And I think we owe them the chance to keep
5 on doing this, and working. And if they're doing
6 their Corrective Action Plan and working with the
7 other students -- I mean, I -- I find high school
8 very difficult right now in looking at any of our
9 schools, or any of the people I know. Things are
10 changing very, very rapidly in education. And when
11 this state has continued to make changes and changes
12 and changes, so nobody ever gets in one set -- one
13 direction of doing things -- I mean, I realize I'm
14 old.

15 And -- but when I went to school, you knew
16 what was coming down the road. You didn't -- the
17 biggest problem I had -- and it was a problem -- is
18 between my Algebra 1 and Algebra 2, they decided to
19 totally change how they taught Algebra 2. And I
20 could do algebra problems; but to this day, I
21 couldn't show you how because I had to completely
22 switch.

23 Well, if I was a kid who had to switch
24 every couple of years on how things are taught, I
25 don't know what I'd do.

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1 So I just -- I feel like we basically
 2 should never have done it this way. But when we
 3 did, we really, implicitly, told them, "Come back,
 4 and if you have been successful" -- which they have,
 5 and he has the figures to prove it -- "we'll give
 6 you your next year." We're not evaluating their
 7 high school. That's a different matter.
 8 THE CHAIR: And I don't know whether it
 9 was implicit; but I'll accept that. I'm not going
 10 to apologize for scrutiny, though, when we're
 11 looking at --
 12 COMMISSIONER TOULOUSE: No, it's --
 13 MR. MICHAEL OGAS: I think you should be
 14 scrutinizing.
 15 THE CHAIR: I'll be honest. I have a
 16 concern with the fact that the Special Ed Corrective
 17 Action Plan hasn't been completed.
 18 MR. MICHAEL OGAS: I'd love to address it.
 19 At your leisure, I will address it.
 20 THE CHAIR: Because if that hasn't been
 21 able to be done, then we're piling more work on.
 22 MR. MICHAEL OGAS: May I speak to that
 23 now? I'd love to.
 24 Okay. So we were audited -- our growth --
 25 let me just backtrack a minute.

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1 Last year, at this time, we had 360 kids.
 2 And then when we started -- at the end of the school
 3 year. When we started school, we had 518 kids when
 4 we moved into the new facility.
 5 Of that, we probably grew almost twofold
 6 with kids with IEPs. Those student came to us, the
 7 majority of them, with outdated IEPs and outdated
 8 evaluations.
 9 When the Public Ed Department came in in
 10 January, I believe it was, and audited our files,
 11 they found that more than 90 percent, if not more
 12 than that, all had updated evaluations; all had
 13 updated IEPs.
 14 What was in question and what was cited
 15 were some students that had come to us from other
 16 districts that our IEP teams -- they had current
 17 IEPs, current evaluations. And I'm an old special
 18 education person. I ran special education for
 19 25 years. Those kids came to us with IEPs that what
 20 I was used to was fine. They came with a DD
 21 exceptionality, they were three- and four-year-olds.
 22 There was no reason, in my mind, to think that we
 23 needed to call them anything else.
 24 I've learned since then that the State
 25 wants us to make a determination. So there's

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1 nothing outdated about their evaluations or their
 2 IEP in terms of time line.
 3 So what the State wants -- and I've had a
 4 very good conversation with the State Director of
 5 Special Education and our liaison just this last
 6 week. In fact, even yesterday, I had a talk with
 7 them.
 8 And we have -- you know, we agreed that
 9 there was no concerns that we will not make the
 10 deadline in terms of holding new IEPs, making annual
 11 eligibility determinations. And if a student is now
 12 labeled Developmentally Delayed and needs to be
 13 labeled Speech Language Impaired, we have no
 14 problems doing that, and we have the expertise and
 15 the knowledge to be able to take care of those kinds
 16 of things, whether it's to go off the existing
 17 evaluations that are done -- that have been done, if
 18 they're in compliance, or conduct our own
 19 evaluations after that. That's not an issue.
 20 The Special Education Bureau -- we had
 21 about an hour-long conversation with my team and
 22 Deborah Dominguez-Clark and Corinne Romero from the
 23 PED and Catherine Quick.
 24 So we understand what they're looking for,
 25 and we have no problems complying with that. It's

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1 not that we had to comply. When we first got the
 2 notice that there was a Corrective Action Plan, we
 3 were already well into the MOU, because that was
 4 something that the Commission had asked us to do as
 5 a contingency for the 3Y4Y program. So that was
 6 almost already completed.
 7 We looked at all of our files that were in
 8 question and couldn't understand exactly what they
 9 wanted; so we asked for a conference call. They
 10 happened to be in the middle of the new -- Special
 11 Legislative Session. And next thing comes; the next
 12 thing comes. Before you know it, we're into July.
 13 We have the call.
 14 So when we had the call, we put all these
 15 things out on the table, every single one of them.
 16 We understood what they were talking about in terms
 17 of Prior Written Notice.
 18 There was a -- there was one of the
 19 Corrective Actions there that we needed to be doing,
 20 Prior Written Notices. When we showed them where
 21 they were in the IEP, they were perfectly fine with
 22 that, because they had all been done.
 23 Part of it was a lack of communication.
 24 Part of it was misunderstanding of where they were
 25 in the files.

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1 But in terms of overall us not being in
 2 compliance, the State has no -- no issues. And I
 3 believe they told me yesterday that they had talked
 4 to Director Poulos before she wrote this letter and
 5 told her that we were well on our way to being okay
 6 with everything; they had really no concerns about
 7 it. That's what I was told yesterday.
 8 I asked for something in writing, and
 9 they've been unable to give me that because the
 10 State Director is out of state right now.
 11 So I would have a tremendous problem with
 12 being not -- not answering a Corrective Action Plan
 13 for special education if it was something egregious
 14 and we hadn't done it. But I can assure you we are
 15 on top of it. We will meet their time line, and
 16 everybody will be in compliance.
 17 THE CHAIR: And that -- by and large, that
 18 time line really doesn't happen until September.
 19 MR. MICHAEL OGAS: Yes, ma'am.
 20 THE CHAIR: So that it's --
 21 MR. MICHAEL OGAS: We have not ignored it.
 22 COMMISSIONER JOHNSTON: Mr. Ogas, I have a
 23 question about enrollment numbers. You stated at
 24 the beginning of the year, you were at 300.
 25 MR. MICHAEL OGAS: We ended our school

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1 year -- not this school year, but the year before --
 2 at 360 students. And then we moved locations. The
 3 Commission asked us to -- I mean, we got approval to
 4 move locations, and we expanded our capacity almost
 5 threefold in terms of classroom space.
 6 And at that time, we had an influx of
 7 enrollment, not only at the middle school and high
 8 school, but we added the pre-K through second grade.
 9 COMMISSIONER JOHNSTON: So what was the
 10 enrollment increase? What was the total at the end
 11 of last year? 500?
 12 MR. MICHAEL OGAS: It was right around
 13 507, something like that; a little over 500, yes,
 14 ma'am.
 15 COMMISSIONER JOHNSTON: But that increase,
 16 that was the addition of the K-2?
 17 MR. MICHAEL OGAS: A lot of it was; but
 18 some of it is always adding -- seventh grade is
 19 always a big enrollment time, had been, you know,
 20 like, the entry grade for our students; so we always
 21 get a pretty good influx of seventh-graders. And we
 22 do get a lot of students in different grades wanting
 23 to come in.
 24 And I want to re- -- I've said this
 25 before, and only for the benefit of the new

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1 Commissioners -- we truly are a charter school that
 2 does not discriminate. We never ask what or if or
 3 where the kids come from until we offer enrollment.
 4 And we pride ourselves on that, you know.
 5 But on the back side, kids come to us with
 6 issues. And, you know, we'll deal with it, you
 7 know; that's our job. But we don't ever ask
 8 upfront. We don't ever have a contingency, like,
 9 "Well, you have to be a certain reading level to
 10 come into our school." We help kids in our county.
 11 We're the only school in our county, the only
 12 charter school.
 13 THE CHAIR: I'm sorry. I just wanted to
 14 ask, what's the total -- what's your cap for the
 15 building, for your facility?
 16 MR. MICHAEL OGAS: Our cap is 625; you
 17 approved us from 525.
 18 THE CHAIR: But the facility? Is that
 19 what the facility is, also? The capacity for the
 20 facility?
 21 MR. MICHAEL OGAS: Currently, yes, ma'am.
 22 We are also building a facility that will allow an
 23 increase in that; because what we're going to be
 24 building will allow to free up some more rooms on
 25 this side to add the fourth through sixth grade.

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1 We have it -- it's actually being built
 2 into our Facility Master Plan. An architect out of
 3 the Greer Stafford architect firm is working with
 4 Martica Casias' firm to update our Facility Master
 5 Plan to include all these.
 6 THE CHAIR: So what's your total cap for
 7 that building, when you're done?
 8 MR. MICHAEL OGAS: I -- you know, I made
 9 the statement earlier, a year ago, that we could
 10 probably stay close to our 625 cap, depending on
 11 maybe --
 12 THE CHAIR: No. When you get -- what's
 13 your projected, that this is going to be the max
 14 that that building is going to be able to hold?
 15 MR. MICHAEL OGAS: The building will be
 16 able to hold probably more than we want it to hold,
 17 you know; so...
 18 THE CHAIR: Okay.
 19 MR. MICHAEL OGAS: So we're looking at
 20 probably close to 650 to 700 students, total.
 21 THE CHAIR: I'm sorry. I just --
 22 COMMISSIONER JOHNSTON: And I apologize,
 23 Madam Chair. I forgot to request permission to ask
 24 a question. I was thinking -- may I?
 25 THE CHAIR: Yeah. Sorry.

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1 COMMISSIONER JOHNSTON: You made the
 2 statement, Mr. Ogas, that you have third-graders who
 3 are ready to come back to school. What have you
 4 done to inform the parents that you may not have a
 5 third grade?
 6 MR. MICHAEL OGAS: We have not.
 7 COMMISSIONER JOHNSTON: You have not.
 8 MR. MICHAEL OGAS: Well, with this -- the
 9 notice that this was going to be an issue came to me
 10 two days ago.
 11 COMMISSIONER JOHNSTON: Okay.
 12 MR. MICHAEL OGAS: So, I mean, we have
 13 only had two days to work up some kind of response
 14 to the narrative that Director Poulos has created.
 15 It's not like we had any lead time on this.
 16 COMMISSIONER JOHNSTON: So what -- if I'm
 17 clear, you requested the amendment, from what I
 18 heard you say earlier, to add the third grade, but
 19 received no response.
 20 MR. MICHAEL OGAS: We requested the
 21 amendment within the time frame which the Charter
 22 School Division likes, to be four weeks before the
 23 meeting.
 24 COMMISSIONER JOHNSTON: Yes. But you
 25 hadn't heard anything.

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1 MR. MICHAEL OGAS: Not till Monday -- two
 2 days ago.
 3 MS. POULOS: Madam Chairwoman, I do think
 4 it's important that the Commission hear from me that
 5 we actually reached out to this school, because we
 6 saw that they were already advertising that they
 7 were eligible to serve third-graders and were going
 8 to serve third-graders without ever having submitted
 9 an amendment. So this could have been submitted at
 10 any time.
 11 But we at the PED actually reached out and
 12 asked them to submit that amendment, and I think --
 13 as far as the materials were not completed and ready
 14 when the Commission got them and the school also got
 15 them. But I do want to be clear that the PEC -- or
 16 the PED has been very clear on the recommendation
 17 it's going to make.
 18 Included in the materials that we've been
 19 working with the Commission on regarding amendments,
 20 which is if a school -- and we've made that clear in
 21 all of our recent recommendations, and it's aligned
 22 with the decisions of the Commission -- which is if
 23 a school has receive at "D" or "F" letter grade and
 24 has not subsequently earned two consecutive "C"s we
 25 will not recommend the approval.

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1 So while their particular materials had
 2 not been prepared, I think it was clear from our
 3 communications with them last year on this same
 4 matter what our recommendation was going to be.
 5 (Commissioner Caballero arrives.)
 6 THE CHAIR: And I will say that I do
 7 recall the Director communicating that, "What
 8 direction do you want to go," because we've seen the
 9 advertisement for the third grade.
 10 COMMISSIONER JOHNSTON: So there was an
 11 advertisement for third grade.
 12 MR. MICHAEL OGAS: We jumped the gun and
 13 put it on our website, yes, ma'am. But we knew we
 14 were going to be submitting an amendment request.
 15 And, frankly, based upon -- and I even reviewed the
 16 minutes of the last meeting back to last May, there
 17 was never any real indication that it was going to
 18 be an issue.
 19 So that's my bad, and I apologize for
 20 that. But we didn't mean any ill will. The only
 21 kids that were actually, to this point, we know are
 22 coming back for sure, are the ones that came -- were
 23 with us as second-graders.
 24 COMMISSIONER JOHNSTON: Second question:
 25 I'm looking at the NWEA scores. And I understood --

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1 I believe the argument that elementary school and
 2 middle and high school are very separate. But the
 3 scores of the seventh through eleventh-graders on
 4 the NWEA are really concerning to me; because if I
 5 look at these scores -- perhaps you can explain how
 6 students lose ground.
 7 MR. MICHAEL OGAS: I will try. I can tell
 8 you, by the springtime, it's a very hard thing to
 9 keep seventh through twelfth-graders, after being --
 10 starting testing in March and ending testing in
 11 May -- to keep them focused. They're taking PARCC;
 12 they're taking end-of-course exams; they're taking
 13 NWEA for the third time, you know. And it's -- it
 14 really is difficult to do that.
 15 And I honestly believe that some of that
 16 is just them saying, "I'm done," you know. They did
 17 well on the PARCC, which they knew was supposed to
 18 be the benchmark one. And then literally days after
 19 we finished the PARCC, we're telling them, "Now,
 20 we've got to do NWEA."
 21 I know you've heard it before, and, you
 22 know, we do the best we can with it. I can't answer
 23 specifically. We do -- we're aware of it
 24 individually. We're doing a full training now when
 25 we come back and bring the teachers, on

1 interventions centered around scores and NWEA. We
2 had put in place last year, and we continued it this
3 year, summer tutoring for math.

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

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

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

22 And we survived it. And, frankly, I'm
23 very proud of staff and students for doing so well
24 on the PARCC, and for the young ones doing so well
25 on the -- you know, I just believe that the -- the

1 stack of -- of the lists of the kids that attended
2 college courses. How many courses this year?

3 MS. RITA GARCIA: There was over
4 270 courses.

5 MR. MICHAEL OGAS: So we took over
6 270 courses. We're only a school of, you know --
7 you know, probably 150 kids that were in those
8 courses. So they took them, and the majority of
9 them passed them with a "C" or better.

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

12 MR. MICHAEL OGAS: Yes, ma'am.

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

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

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

1 adolescents were fried, honestly.

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

8 MR. MICHAEL OGAS: Yes, ma'am. And,
9 Commissioner, so did they. We have -- we have all
10 students assigned advisory periods, where they do,
11 you know, everything from test preparation to
12 remediation to grade checks and that kind of thing.
13 We make sure that students are aware when these
14 tests are. They have the calendars.

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

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

24 And when you take our early college
25 scores, you know -- I brought Ms. Garcia here with a

1 both.

2 COMMISSIONER JOHNSTON: Are they taking
3 their remedial courses?

4 MR. MICHAEL OGAS: No.

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

8 MR. MICHAEL OGAS: Yes. Yes.

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

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

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

17 COMMISSIONER JOHNSTON: But anyone who
18 takes the COMPASS is scoring proficient on it.

19 MR. MICHAEL OGAS: A lot of them, yes.
20 And they take the COMPASS before they're counseled
21 into their -- our goal is to get them to complete
22 Math 121, which is the gateway class, you know; and
23 we're getting to that point.

24 Our goal is to have students taking
25 algebra by seventh or eighth grade, so that they can

1 get into the upper-level math. We just hired a
2 teacher who has a Master's degree, and has a passion
3 for teaching things like trigonometry and calculus.
4 And that's something that we had been missing over
5 the years.

6 We had some very good math teachers; but
7 we only had one. Now we have three, you know. So
8 I'm really excited about how things are panning out
9 in terms of us offering high-end curriculum,
10 especially to the older students.

11 COMMISSIONER JOHNSTON: And I remain
12 concerned about voting in favor of adding a third
13 grade while we're looking at so many challenges for
14 those upper classmen that you're working on.

15 But my sense -- my thought is is that I'd
16 like to see some of these efforts brought to
17 fruition before I look at another jump in
18 enrollment; because those are -- those are quick
19 gains. And you're doing some things for students
20 that require a lot of attention, a lot of direction
21 at the middle-school and high-school level. So
22 that's where my concern is.

23 MR. MICHAEL OGAS: That's a good point.
24 And we don't perceive that type of jump in
25 enrollment. We probably perceive being around the

1 So what we're doing is we're concentrating
2 on literacy and numeracy, and we're doing it around
3 the STEAM model. We've adopted a reading curriculum
4 through National Geographic, which is a
5 science-based reading program. And it has a
6 tremendous amount of content and support within it.
7 And the teachers are getting better and better at
8 using it.

9 We also have foster situations, where our
10 older kids come down and are reading buddies to our
11 young kids. Or our FFA program comes down, and
12 they're interacting and doing -- our Robotics
13 program is coming down and doing math and related
14 types of activities.

15 So there's a lot of articulation and
16 support, particularly, you know, throughout. And
17 what that does for the older kids is that it helps
18 them, as well. So we have focused -- we -- we're
19 all one school; but everybody knows their role in
20 making sure. We've identified an administrator to
21 oversee the elementary school, an administrator
22 under me, both of them under me, to oversee the
23 middle and high school. And they both have --
24 they're laser-focused on what they need to get done.

25 COMMISSIONER CABALLERO: And your

1 500 mark for a while, anyway. We're not going to
2 see a 100- or 200-student increase.

3 COMMISSIONER JOHNSTON: But that jump to
4 500 -- to me, with one year, that's a huge jump.

5 MR. MICHAEL OGAS: Yeah, it was. We
6 handled it, though.

7 COMMISSIONER JOHNSTON: And that's a
8 challenge for those students.

9 MR. MICHAEL OGAS: And the kids handled
10 it, too.

11 THE CHAIR: I -- Commissioner Caballero?

12 COMMISSIONER CABALLERO: Yes. The gains
13 by the first- and second-graders, second-graders
14 that would be third grade, how -- can you tell me a
15 little bit about that?

16 MR. MICHAEL OGAS: Well, we -- you have
17 them in your packet; so -- yeah.

18 THE CHAIR: You look on Page 15 of that
19 section.

20 MR. MICHAEL OGAS: It's a cover sheet.
21 For example, if you'll see the gray area and how it
22 goes above the little diamond, that -- that is
23 basically what -- where we're at in terms of our
24 performance in all these different areas. And it's
25 pretty -- it's pretty consistent.

1 rationale, again, for wanting to add the third
2 grade?

3 MR. MICHAEL OGAS: Well, we knew -- my
4 original proposal a year ago was to add -- just like
5 Commissioner Toulouse said -- was to add pre-K
6 through 6, with phasing in -- and I even had a plan
7 to phase in -- I believe it was one grade, one
8 grade, and then two grades, and fill it out over the
9 course of three years. And I was trying to do that
10 before our next renewal.

11 So that was when Commissioner Bergman
12 and -- you know, and the rest of the Commissioners
13 thought that might be too aggressive. They asked me
14 to go back and rethink it with my team.

15 We came back with a pre-K-through-2
16 recommendation. Then we had a long discussion about
17 pre-K, which I'm sure we're going to continue in a
18 little bit.

19 So what happened was, there was not any
20 ruling on the pre-K, which left us with an approval
21 of K-through-2; but the narrative, even in the
22 minutes -- and I read it last night -- allowed us to
23 actually begin a pre-K, because it left it between
24 us and the Public Ed Department.

25 We had already been approved through the

1 budget process to start that. So it was just a
2 process of something that we've been asked by the
3 community to do, because they like our model. They
4 like what we do with kids. They like, you know, the
5 way that we work with the community. And we've been
6 asked, almost from day one, to add an elementary
7 school.

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

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

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

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

24 We're looking at continuing our -- our
25 numeracy and our literacy-type thing. We're looking

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

5 COMMISSIONER CABALLERO: One last
6 question, Madam Chair?

7 THE CHAIR: Sure.

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

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

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

16 MR. MICHAEL OGAS: We had up to second
17 grade this year. And we finished the year with
18 23 second-graders. All of them are coming back.
19 Well, they want to come back. We're ready to go.
20 We've been planning. We've been planning staffing.
21 We've got a room ready to go. We've got furniture.
22 We've got it all set. We're ready to go.

23 A year ago, I couldn't have told you that,
24 because we were still building and, you know, moving
25 furniture and stuff.

1 at continuing cursive writing. Obviously, this will
2 be the first year that they take the PARCC. So test
3 preparation and that kind of thing are going to be
4 utmost; plus participation school-wide in our STEAM
5 model.

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

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

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

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

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

7 COMMISSIONER CABALLERO: That's all,
8 Madam Chair.

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

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

15 THE CHAIR: Commissioner Armbruster?

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

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

20 MR. MICHAEL OGAS: Our Graduate SODA
21 Program.

22 COMMISSIONER ARMBRUSTER: The night one?

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

25 COMMISSIONER ARMBRUSTER: How many

1 students were in the night program?

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

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

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

16 MR. MICHAEL OGAS: Yes.

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

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

1 that you had --

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

5 COMMISSIONER ARMBRUSTER: Okay.

6 MR. MICHAEL OGAS: May I ask --

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

10 MR. MICHAEL OGAS: Roughly, yes.

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

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

18 COMMISSIONER ARMBRUSTER: 17th percentile?
19 I'm not actually sure. I see the winter, spring.
20 So the spring --

21 MR. MICHAEL OGAS: They did improve,
22 though.

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

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

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

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

20 I mean, how -- the kids -- how many kids
21 did you end up with last year at the end of the
22 year?

23 MR. MICHAEL OGAS: This current school
24 year? The one that just ended?

25 COMMISSIONER ARMBRUSTER: The year before

1 percentile to the 17th percentile.

2 MR. MICHAEL OGAS: In mathematics.

3 COMMISSIONER ARMBRUSTER: In mathematics.
4 So does that mean they're on grade level? I really
5 don't know.

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

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

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

17 I obviously agree with this Commission
18 scrutinizing what's going on over at the school.
19 But in order to be placing some of these conditions
20 on after the fact, I think, is, number one, unfair
21 to this particular school; but also, to the extent
22 that the justification for any denial here has been
23 stated as the A-B-C-D-F statute, prioritization of
24 resources, requiring that the school get a "C" for
25 two consecutive years before being allowed to get

1 an amendment, that is nowhere in the law.

2 What the A-B-C-D-F law says is that the
3 PED, not the PEC, require the school to prioritize
4 its resources through its budget processes. And
5 this is all reflected in the PED's regulation, which
6 the school has done, I believe.

7 And I believe that the school's most
8 recent budget has been approved anticipating the
9 inclusion of third grade, which implies that the
10 PED's Budget Department was satisfied with how the
11 school is allocating its resources with respect to
12 the A-B-C-D-F law.

13 And I just always want to mention that
14 this is not a "D" school. This school's three-year
15 average is a "C." And we don't have this year's
16 grades yet, which is unfortunate.

17 And everyone's checking their watch to see
18 when those might come out, because those might
19 really inform, ideally, this school's decision.

20 But here we are in July. And this school
21 needs a third grade. And I just don't see, with all
22 due respect, that there is any legal justification
23 for this body to deny a third grade under the
24 circumstances, using the justification that's been
25 provided by the Charter Schools Division.

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

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

13 THE CHAIR: And I'll agree with
14 Commissioner Peralta. I think at this point in
15 time, I think you've adequately showed, to me, that
16 you're doing the work that needs to be done with
17 that K-2 program.

18 And then we've all had discussions about
19 how the middle schools need feeder programs. And
20 you're creating that feeder program. That's -- and
21 I think you're right. Shame on us if -- but I think
22 if we've got this two years' worth of info, and you
23 come forward, we can hopefully have a greater grade
24 span amendment request. So I'll -- Commissioner
25 Johnston?

1 If there are concerns about the school's
2 performance, the charter contract is very clear
3 about what needs to happen. There can be an
4 Improvement Plan. There can be a Corrective Action
5 Plan. And it would be happy to move through those
6 processes with the CSD, if that's what they believe.

7 But the first we've heard about this was
8 yesterday -- or the day before.

9 So here we are.

10 THE CHAIR: Commissioner Peralta?

11 COMMISSIONER PERALTA: Thank you,
12 Madam Chair. I just kind of wanted to go ahead and
13 give you my perspective of where I stand on this
14 issue with SODA; and, hopefully, after I finish up
15 my comments, maybe we'll be able to get to a vote so
16 we can move on with your next amendment.

17 So I do concur with a lot of what
18 Commissioner Toulouse had to say earlier, which she
19 stated earlier; so I'm on board with that.

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

1 COMMISSIONER JOHNSTON: Thank you. I have
2 one more question. And it's -- I would like to see
3 specifics on the successes of the middle-school and
4 high-school students with the COMPASS and with the
5 courses in which they're enrolled; because in
6 further looking at your -- and I don't need those
7 today. I'm talking about in the future when we meet
8 again.

9 Because I'm looking at the ACT, which you
10 do administer. But where the scores on the ACT and
11 the student is enrolling in college, these scores
12 would not qualify for a regular -- I mean, this
13 would be a remedial student.

14 And there is no -- I have no question with
15 that; because a lot of us end up in that situation.
16 But with what you've been stating today for your
17 high-schoolers, my concern for voting for adding a
18 third grade is I need to see some specific,
19 stringent, focused, research-based evidence of
20 what's happening in the middle school and the high
21 school at School of Dreams, and some analysis, you
22 know, "We tried things, and they don't work. But
23 then we look, and we try another thing."

24 But we should be able to tell that whole
25 journey. I'm not getting that. And I really have a

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1 concern about that. So that's where -- that's where
2 my focus is on.

3 MR. MICHAEL OGAS: Yes. May I respond to
4 that, briefly or --

5 COMMISSIONER JOHNSTON: I would like you
6 to.

7 MR. MICHAEL OGAS: So I agree. We -- we
8 need to -- we need to look at this more closely.

9 With respect to the ACT, we provide opportunity for
10 every student, ninth grade through twelfth grade, to
11 take the ACT. So a lot of the scores that are lower
12 tend to be our younger kids.

13 But by the time they're at high school, by
14 the time they're eleventh and twelfth grade, we've
15 seen ACT scores jump as many as 17 points.

16 COMMISSIONER JOHNSTON: That's the data
17 I'd like, talking about focus.

18 MR. MICHAEL OGAS: Now that I know that,
19 you'll get it. I didn't see I needed to do that
20 today.

21 COMMISSIONER JOHNSTON: The more detail
22 and data you can give us, the happier we are.

23 COMMISSIONER TOULOUSE: Madam Chair, may I
24 move for cloture?

25 THE CHAIR: Okay. I think we're ready to

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1 COMMISSIONER TOULOUSE: Under any Rules of
2 Order, I know it's not required when you're asking
3 to approve. When you're asking not to approve
4 something, then you need it. But to approve, you
5 don't.

6 THE CHAIR: So, you know, I'm --

7 MS. POULOS: Madam Chairwoman, if you'd
8 like me to say it on the record, this can appear to
9 be an arbitrary and capricious decision, because
10 other schools have been in a similar circumstance in
11 the past two months, and you've made a very
12 different decision. If you can clarify in the
13 record, in the motion language, why this school is
14 different -- and I do understand why you may think
15 it is -- it will be helpful for this Commission to
16 have that clear in its motion language.

17 THE CHAIR: Except the advice from the --
18 from our -- our legal advice has been not to. So at
19 this point in time, I hesitate to -- I don't have
20 the legal degree to disagree with the lawyer.

21 COMMISSIONER CABALLERO: There's a pending
22 motion with a rationale of why. I seconded that
23 motion. So either you vote it up or down, or we
24 have a discussion to amend it. But that's pretty
25 much where we're at.

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1 make the motion.

2 COMMISSIONER TOULOUSE: Madam Chair, I
3 move that we approve the amendment request from the
4 School of Dreams to add the third grade to their
5 school for the school year of 2017-'18.

6 COMMISSIONER CABALLERO: Second.

7 COMMISSIONER RUIZ: It says we have to
8 give a reason.

9 COMMISSIONER TOULOUSE: Okay. Then I will
10 include that they have adequately showed that
11 they're ready to extend their students to -- I don't
12 believe that I have to do anything more.

13 THE CHAIR: And I'm -- I'll just explain
14 that our current attorney from the AG's Office had
15 advised me at the last meeting not to -- that we
16 don't -- we should not provide explanations --

17 MS. POULOS: Madam Chairwoman?

18 THE CHAIR: -- reasons; so I'm conflicted
19 here.

20 MS. POULOS: Can I have --

21 THE CHAIR: And I'm -- you know. So
22 that's -- that's what I'm -- my -- the advice to me
23 was, "Don't do it."

24 MS. POULOS: I'd like --

25 THE CHAIR: So I hate to go against --

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1 COMMISSIONER TOULOUSE: I feel that if
2 there's any question on what we did, there's plenty
3 of discussion to go back and look at that would
4 justify. We didn't do this with -- an up-or-down
5 without any discussion.

6 THE CHAIR: So do we need the motion
7 repeated for people? Or are we good?

8 COMMISSIONER CABALLERO: I'm good.

9 THE CHAIR: Commissioner Armbruster?

10 COMMISSIONER ARMBRUSTER: Commissioner
11 Peralta?

12 COMMISSIONER PERALTA: Yes.

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Caballero?

15 COMMISSIONER CABALLERO: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Toulouse?

18 COMMISSIONER TOULOUSE: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Conyers?

21 COMMISSIONER CONYERS: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Gipson?

24 THE CHAIR: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

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1 Johnston?
 2 COMMISSIONER JOHNSTON: No.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Crone?
 5 COMMISSIONER CRONE: No.
 6 COMMISSIONER ARMBRUSTER: Commissioner
 7 Armbruster votes, "No."
 8 Commissioner Ruiz?
 9 COMMISSIONER RUIZ: Yes.
 10 COMMISSIONER ARMBRUSTER: The motion
 11 passed with six "For."
 12 MS. FOX: Six-three.
 13 COMMISSIONER TOULOUSE: Six-three.
 14 COMMISSIONER ARMBRUSTER: I said six "pro"
 15 votes.
 16 THE CHAIR: Thank you. Can we take a
 17 ten-minute break?
 18 Oh, I'm sorry. I apologize. I forgot.
 19 COMMISSIONER TOULOUSE: Some of us never
 20 ate lunch, if you'll excuse us.
 21 THE CHAIR: Commissioners, so he doesn't
 22 have to sit here longer, we have a second amendment
 23 request from this same school. And I apologize. I
 24 lost my train of thought there for a minute.
 25 And this is 6A-ii, Add a 3Y4Y

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1 Valencia County, myself and my team, had a
 2 significant impact on developing both Child Find and
 3 Pre-K programs in both districts. I was once an
 4 Assistant Superintendent and Director in both
 5 districts, running Special Services and Special
 6 Education.
 7 So I feel comfortable doing it. I know we
 8 know how to do it. The Corrective Action Plan has
 9 another side of the story to it; but we are going to
 10 comply with it and move on. And it's a stellar
 11 program. If you came down to visit it, you would be
 12 extremely impressed, as everybody else has been.
 13 We have two classroom teachers, two aides,
 14 therapists that go in the classrooms. They have an
 15 organized program, designed specifically within the
 16 different early -- early childhood categories. And
 17 we work on individual -- individual IEPs
 18 continuously. It's a good program.
 19 The initial issue, if we -- I went back
 20 and read all of the minutes of the last three
 21 meetings -- four meetings -- was whether or not the
 22 Commission wanted to get into the pre-K area. This
 23 is a 3Y4Y program under the Individuals with
 24 Disabilities Education Act. When we first started
 25 it, the Commission had opted not to put it into the

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1 Developmentally Disabled Program.
 2 MS. POULOS: Madam Chairwoman,
 3 Commissioners, I won't belabor. But for the same
 4 reasons, specifically, because this is a special
 5 education program, CSD is recommending that this
 6 amendment not be approved until the school has
 7 demonstrated academic achievement at the "C" level
 8 for two consecutive years and has completed the
 9 Special Education Corrective Action Plan.
 10 THE CHAIR: Thank you. Is there anything
 11 you want to add?
 12 MR. MICHAEL OGAS: Unless there's any
 13 questions on what I said about the Corrective Action
 14 Plan, we feel extremely comfortable. The only thing
 15 that I would add to that is the notion of a 3Y4Y
 16 program going back into the '80s. Our team has
 17 experience in developing those programs in early
 18 intervention and identifying students with
 19 disabilities within IDEA and within the early
 20 intervention categories, both sides.
 21 So I would not even attempt to recommend
 22 us pursue that program if I didn't feel comfortable
 23 that, number one, we had the expertise and the
 24 knowledge to do this. Not to say anything, but I
 25 can honestly tell you that both local districts in

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1 contract and gave me direction to work directly with
 2 PED, if we wanted to pursue it.
 3 We did do that. We worked with both
 4 Finance and the Special Education Bureau, then found
 5 out that we needed to have an MOU with -- a
 6 Trailblazers MOU with the Department of Health.
 7 So when we brought it back the second
 8 time, that was at Director Poulos' direction.
 9 Actually, she was the one that asked us to do the
 10 amendment to codify the program into the contract,
 11 then asked us to go and do the Trailblazers MOU, so
 12 that -- that took a while, because that includes
 13 about ten different entities.
 14 We were brought to the table, thanks to
 15 the help of the Special Education Bureau, Ms. Quick,
 16 and the Department of Health, Ms. Jennifer Brown.
 17 They brought us to the table with all the entities
 18 there, including the local school districts. They
 19 verified that we should be viewed as an LEA within
 20 the MOU, and that we should be at the table during
 21 the transition meeting from early intervention to
 22 the 3Y4Y program.
 23 All of that has been done. It was signed
 24 and implemented beginning April 1st. And so we did
 25 do everything that we can. And like I said, the

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1 only last thing I want to say is the Corrective
 2 Action Plan is not going to be an issue after
 3 September. We're going to comply with every --
 4 every letter on that thing. We had a good
 5 conversation about four days ago with the Special Ed
 6 Bureau, and we know what we need to do.
 7 MS. SUSAN FOX: And I'd just like to add
 8 very briefly the same concern about the stated
 9 justification for denial, as I just articulated in
 10 the previous amendment.
 11 THE CHAIR: I agree. We can't say that
 12 the Corrective Action Plan hasn't been completed yet
 13 when its end date isn't until September. So it's --
 14 we don't know that it's not going to be completed.
 15 COMMISSIONER JOHNSTON: Madam Chair -- but
 16 do we know that it's going to be completed?
 17 THE CHAIR: Well, I can -- I can take him
 18 at his word that he said it will be, that he's had
 19 the discussions, and that it will be. But I don't
 20 think we can take a vote on something that -- you
 21 know, to say, "Well, you may not" -- we're basically
 22 saying -- if we say "no," because it hasn't been
 23 completed, we're saying, "We don't believe that you
 24 can complete it."
 25 And I don't know whether we have the --

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1 that's -- you know, that's within our purview to
 2 say, "Hey, you know, we don't know that you're going
 3 to complete it."
 4 Well, we don't know it until September.
 5 But I can -- I'm going to take him at his word that
 6 is on the record that he's had these discussions,
 7 that they're on the right track to complete it, and
 8 that it will be completed, and we will essentially
 9 know if it didn't happen.
 10 MR. MICHAEL OGAS: May I also add one more
 11 thing to that, Madam Chair?
 12 THE CHAIR: Sure.
 13 MR. MICHAEL OGAS: The ramifications of
 14 not completing it go far beyond this body. I'm
 15 fully aware of federal law regarding special
 16 education and related services. I've been in the
 17 middle of that for the last 30 years. When I say
 18 we're going to complete it, we will. But we'll make
 19 sure that this body is aware of it when we do.
 20 COMMISSIONER ARMBRUSTER: Do you have data
 21 on how your 3Y4Y kids did in kindergarten this year?
 22 MR. MICHAEL OGAS: Well -- actually, they
 23 haven't been in kindergarten yet. This will be the
 24 first year that they go to kindergarten, I can tell
 25 you, Mrs. Ogas has the list of kids that have

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1 actually transitioned out of the IEP process because
 2 of the progress that they've made within the
 3 program.
 4 So I can tell you number of the
 5 four-year-olds will no longer have -- be identified
 6 as a child with a disability because of the success
 7 of the early intervention program.
 8 Historically, we have seen that students
 9 in this kind of program do actually very well when
 10 it comes to second and third grade and reading. So
 11 I see no reason for it not to include -- but we
 12 don't have specification right now, because we
 13 haven't had any of those kids in kindergarten yet.
 14 COMMISSIONER ARMBRUSTER: You've only done
 15 3Y4Y last year. I see. So they're four-year-olds.
 16 MR. MICHAEL OGAS: Will be kindergarteners
 17 this year.
 18 THE CHAIR: Commissioners, any other
 19 questions? Are we ready?
 20 COMMISSIONER JOHNSTON: Yes, I have --
 21 THE CHAIR: Commissioner Johnston?
 22 COMMISSIONER JOHNSTON: Can you talk to me
 23 a little bit about your exit program for your
 24 graduating students and the number on IEPs and the
 25 preparations that you have for the transition and

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1 how the team works on that?
 2 MR. MICHAEL OGAS: Absolutely. We meet
 3 the transition goals, and we score very well every
 4 year on -- I think it's Item 13 on transition
 5 planning. Indicator 13. We get a report every year
 6 that we've been in compliance.
 7 I can't remember a report -- with the
 8 exception, maybe the very first year, that we might
 9 have been out of compliance. But it's been -- it's
 10 been solid.
 11 They have ongoing transition plans. The
 12 majority of our students graduate with regular
 13 diplomas and are referred to our agencies or have
 14 some type of thing going on for their vocational
 15 training or whatever they need.
 16 We've graduated a number of students with
 17 IEPs every year, and a couple that have had the
 18 Certificates of Completion and are moving into adult
 19 transition programs.
 20 So we run the gamut. We have kids with
 21 more moderate to severe disabilities, as well as
 22 mild hearing disabilities, language disabilities;
 23 we've had visually impaired students, and we've
 24 offered orientation and mobility and VI teaching
 25 services.

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1 So we're really pretty good at that. We
 2 know the law, and we understand what needs to
 3 happen. We're in compliance. Like I said, the
 4 Special Ed unit came down, and they monitored all
 5 100 -- or close to 98 -- of our IEPs. And the only
 6 issue they had were with these that were labeled
 7 "DD." And so we're taking care of it.
 8 COMMISSIONER CABALLERO: Yes.
 9 THE CHAIR: Commissioner Caballero?
 10 COMMISSIONER CABALLERO: Let me see.
 11 Somewhere I kind remember that your population is
 12 slightly above the average where you're at. Do you
 13 have any idea why that is so?
 14 MR. MICHAEL OGAS: I do. Well, number
 15 one, the majority -- like, 95 percent of the
 16 students we have with IEPs came to us with IEPs.
 17 The majority of those that came to us with IEPs had
 18 outdated IEPs, outdated evaluations.
 19 So I'm not going to point any fingers.
 20 But there have been issues where students feel they
 21 might be getting better service per their IEPs with
 22 us; so they come. But we don't ask them whether or
 23 not they have an IEP until we actually offer
 24 enrollment, which -- you know.
 25 So the very first year, we were audited,

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1 because we had an influx with students with IEPs
 2 like I had been out there recruiting them or
 3 something. That wasn't the case at all. It hasn't
 4 been the case.
 5 But when you're the only viable
 6 alternative in a valley our size, you're going to
 7 get an influx of students that have needs and
 8 differing issues, you know. And we do. And we
 9 embrace that.
 10 But I think that's the major reason why.
 11 We do have where we identify them, and we run SAT
 12 teams and that kind of stuff ourselves. But our
 13 whole model is set around intervention-type things,
 14 from tutoring, Individual Learning Plans. Even kids
 15 that don't have IEPs have an Individual Learning
 16 Plan; so...
 17 COMMISSIONER CABALLERO: That's all I
 18 have.
 19 THE CHAIR: Seeing no other questions,
 20 I'll entertain a motion. And I think we've got --
 21 You know that Commissioner Caballero is
 22 here; right?
 23 THE REPORTER: (Indicates.)
 24 COMMISSIONER TOULOUSE: Madam Chair, the
 25 wording on the motion is on Page 7.

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1 THE CHAIR: I'm on the wrong school's
 2 amendment. Sorry, it's my fault. I flipped back
 3 and -- so I move to approve the amendment request
 4 presented by the School of Dreams to amend the grade
 5 levels served to include a 3Y4Y Developmentally
 6 Disabled Program.
 7 COMMISSIONER TOULOUSE: Second.
 8 THE CHAIR: There's a second by
 9 Commissioner Toulouse.
 10 Commissioner Armbruster?
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Conyers?
 13 COMMISSIONER CONYERS: Yes.
 14 COMMISSIONER ARMBRUSTER: I'm sorry.
 15 Before I go on, is anyone abstaining?
 16 Commissioner Crone?
 17 COMMISSIONER CRONE: Yes.
 18 COMMISSIONER ARMBRUSTER: Commissioner
 19 Gipson?
 20 THE CHAIR: Yes.
 21 COMMISSIONER ARMBRUSTER: Commissioner
 22 Toulouse?
 23 COMMISSIONER TOULOUSE: Yes.
 24 COMMISSIONER ARMBRUSTER: Commissioner
 25 Caballero?

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1 COMMISSIONER CABALLERO: Yes.
 2 COMMISSIONER ARMBRUSTER: Commissioner
 3 Peralta?
 4 COMMISSIONER PERALTA: Yes.
 5 COMMISSIONER ARMBRUSTER: Commissioner
 6 Ruiz?
 7 COMMISSIONER RUIZ: Yes.
 8 COMMISSIONER ARMBRUSTER: Commissioner
 9 Johnston?
 10 COMMISSIONER JOHNSTON: No.
 11 COMMISSIONER ARMBRUSTER: Commissioner
 12 Armbruster votes "No."
 13 So it passes.
 14 THE CHAIR: Seven-to-two. Thank you once
 15 again.
 16 Now, if we can take a ten-minute break,
 17 I'd appreciate it.
 18 (Recess taken, 1:47 p.m. to 1:59 p.m.)
 19 THE CHAIR: We are on to our next and
 20 final amendment request, and that is from Estancia
 21 Valley Classical Academy.
 22 MS. ARCHULETA-STAEHLIN: Good afternoon,
 23 everyone.
 24 THE CHAIR: Director?
 25 MS. POULOS: And, Madam Chairwoman,

<p style="text-align: right;">Page 82</p> <p>1 Commissioners, first, I must apologize. When I was 2 sending materials out, I did not send the complete 3 packet. So there is a small portion, after Page 80, 4 currently in Section 7 -- or -- sorry -- 6 -- which 5 is the recommendation report. The work materials 6 are not there. I apologize.</p> <p>7 That being said, you have seen them now 8 for about three months in a row. So I think you 9 maybe have them memorized.</p> <p>10 But in these materials, you do see that 11 Estancia Valley Classical Academy is requesting 12 approval of an amendment to increase their 13 enrollment cap from 455 -- or -- sorry -- from 575 14 to 780. And the reasoning for this request, as you 15 know, is to support them in being able to receive 16 funding and financing for a facility.</p> <p>17 The Commission has made a similar approval 18 in the past for Tierra Adentro. And based on the 19 academic performance of this school having received 20 an "A" letter grade in 2014; in 2015, an "A"; and a 21 "C" in 2016; CSD has recommended the approval of 22 this enrollment cap.</p> <p>23 In addition, the Commission did receive, 24 this morning from me, as well as yesterday, 25 communications from Estancia Valley Classical</p>	<p style="text-align: right;">Page 84</p> <p>1 And, again, we're happy to answer any 2 questions that you have. We don't have a formal 3 presentation to you all today. We knew that some of 4 this was information you were waiting for, and we 5 believe we have now provided the Commission with all 6 of the information it needs from us, as a charter 7 school, in order for us to allow us to move forward.</p> <p>8 THE CHAIR: All right. And, 9 Commissioners, I think in terms of questions, we've 10 belabored this for --</p> <p>11 COMMISSIONER ARMBRUSTER: Too long. 12 THE CHAIR: -- a long time; so...</p> <p>13 COMMISSIONER TOULOUSE: Madam Chair, there 14 is one point in --</p> <p>15 THE CHAIR: Okay. I'm just -- I'm just 16 saying that I don't think we need to hash over a lot 17 of old questions that we've had with this school, 18 because they have come forward. They've answered 19 most of our questions. So I would just ask that we 20 not go back and rehash questions that have been 21 asked and answered already.</p> <p>22 If there is a -- if there is a new 23 concern, I certainly welcome those questions. But 24 to go back and have to rehash the past --</p> <p>25 MS. ARCHULETA-STAEHLIN: We've spent a lot</p>
<p style="text-align: right;">Page 83</p> <p>1 Academy from the Public Schools Facility Authority 2 that specifically identified the PSFA's review of 3 the facility plans and approval, based on NMCI and 4 E-Occupancy.</p> <p>5 The communication they received this 6 morning and forwarded on to the Commissioners -- so 7 if you have the e-mail, you can view that in your 8 e-mail right now -- is a communication that 9 indicates that CID has now issued an approval. And 10 that is an e-mail from Jody Roybal that says, "Plans 11 for the Estancia Valley Charter School are approved 12 and will be going back to PSFA today."</p> <p>13 And there's a tracking number. And that 14 is from Jody Roybal, who is at the Construction 15 Industries Division.</p> <p>16 THE CHAIR: Okay. Welcome. 17 MS. ARCHULETA-STAEHLIN: Good afternoon, 18 Madam Chairman and members of the Commission. We 19 stand ready for questions.</p> <p>20 I would say to you -- and I'm glad that 21 Ms. Poulos had the information that she shared with 22 you. But we've received -- as far as we know, 23 everybody who needs to bless us has blessed us. We 24 are looking forward to beginning and moving forward 25 with our plans to move into a new facility.</p>	<p style="text-align: right;">Page 85</p> <p>1 of time together in this last year. So I don't 2 suspect that it's --</p> <p>3 THE CHAIR: So I would just -- I'm just 4 asking that you keep any of your questions to 5 something that is new and not something that has 6 been asked and answered, for our sake, as well as 7 the school's sake, that we're not living in the 8 past.</p> <p>9 COMMISSIONER TOULOUSE: Madam Chair, I 10 know more about this school than I do any school 11 that isn't in my district.</p> <p>12 But I do -- in our materials, there's a 13 statement. It says, "Our current charter enrollment 14 cap is 575. We are anticipating moving to a new 15 facility as early as August 2017, depending on 16 availability of funding, and expect enrollment to 17 surpass 575 for the next charter renewal."</p> <p>18 Do you have someplace you're moving in 19 August?</p> <p>20 MS. ARCHULETA-STAEHLIN: No, ma'am. We 21 have a place that we're going to begin construction 22 on.</p> <p>23 COMMISSIONER TOULOUSE: Right. That was 24 my question; because, to me, there's a different -- 25 a different kind of approval we give you if you were</p>

<p style="text-align: right;">Page 86</p> <p>1 moving this school year, as opposed to next school 2 year.</p> <p>3 MS. ARCHULETA-STAEHLIN: And, really, 4 that's to allow us to grow, based on what we have on 5 waiting lists. And we really do, as you all have 6 heard from other schools as time has gone on, an 7 opportunity for us to grow our own, if you will. 8 And that would allow us -- at this point in time, we 9 could have, I believe three kindergartens -- we have 10 enough students-in-waiting, if you will, that if we 11 had space, we would have that.</p> <p>12 And if you think of that type of growth 13 over the course of time, we suspect that the 14 building we're planning is going to be adequate for 15 us; but, hopefully, full.</p> <p>16 COMMISSIONER JOHNSTON: Madam Chair? 17 THE CHAIR: Commissioner? 18 COMMISSIONER JOHNSTON: This has been a 19 journey; but -- for me. And in my experience, I 20 often learn more from difficult journeys.</p> <p>21 You have -- I agree with you, Madam Chair, 22 that we need to move forward with this. And I 23 absolutely -- you are in my district. And I 24 absolutely, at this point, see no reason that I 25 would vote against this increase in enrollment. I</p>	<p style="text-align: right;">Page 88</p> <p>1 MS. ARCHULETA-STAEHLIN: Well, the 2 concern -- we believe, in fact -- and, again, I 3 don't wish to beat this horse anymore; he's long 4 past dead and buried, I suspect -- is that what 5 we're hoping to do is, with a larger facility, be 6 able to offer more to more students.</p> <p>7 COMMISSIONER JOHNSTON: Yes. 8 MS. ARCHULETA-STAEHLIN: So if there's a 9 fact somebody doesn't like that we've moved seven 10 miles down the road, there's not much we could do 11 about that. And I would say that that's really -- 12 if you look at the bigger picture, that's our plan.</p> <p>13 I would also note for you -- even though 14 it really is not part of, I think, this particular 15 consideration -- our first quartile has gone up. I 16 don't have the official reporting yet; but I would 17 like to alleviate your concern.</p> <p>18 COMMISSIONER JOHNSTON: Mr. Thiery and I 19 will be best friends. But what I would like to do, 20 since this is in my district, if -- when it's time 21 to make the motion, I would appreciate being able to 22 do -- to make a motion. I don't know whether I'm 23 out of line or not. But that's where I am.</p> <p>24 THE CHAIR: No. I just have one quick 25 question; because I'm just -- what are you looking</p>
<p style="text-align: right;">Page 87</p> <p>1 think that everything that you have endeavored to do 2 and every question I have asked of the district and 3 every item I have observed has supported your 4 ability to handle this increase in enrollment.</p> <p>5 My -- my remaining need for resolution is 6 that lowest quartile. But everybody works with 7 that. And I say that, just so that moving ahead, 8 I've said it.</p> <p>9 But I can tell you, as the Commissioner 10 who represents the district within which you reside, 11 I have had -- I did have a call from a parent who 12 was concerned about your move from your current 13 location to Edgewood.</p> <p>14 How many miles is that? I didn't -- I 15 didn't drive it. Is it ten miles?</p> <p>16 MR. TIM THIERY: Seven. 17 COMMISSIONER JOHNSTON: It's about 18 seven -- five miles, six miles -- it's not many 19 miles -- and that it would reflect a change in the 20 demographics.</p> <p>21 I tried to -- to respond to that. And I 22 even contacted the Chair about it; because I don't 23 think it's going to -- I guess if I ask. You 24 haven't had one student disenroll because of the 25 move, have you?</p>	<p style="text-align: right;">Page 89</p> <p>1 at your enrollment for this September? Or this 2 August? Or whatever?</p> <p>3 MS. ARCHULETA-STAEHLIN: I think we have 4 531 students, and a waiting list, at least in the 5 lower grades, of 34 students.</p> <p>6 THE CHAIR: So if this -- if this request 7 is accepted, you would take those waiting list kids? 8 MS. ARCHULETA-STAEHLIN: They would -- if 9 we were already in our new facility, we would be 10 able to absorb those.</p> <p>11 THE CHAIR: But you can't -- 12 MS. ARCHULETA-STAEHLIN: But we cannot. 13 THE CHAIR: -- at this point in time. 14 MS. ARCHULETA-STAEHLIN: Right. 15 THE CHAIR: That's what I was trying to 16 figure out. 17 MS. ARCHULETA-STAEHLIN: Yes, ma'am. 18 THE CHAIR: You're not going to take any 19 additional students. 20 MS. ARCHULETA-STAEHLIN: If we have room 21 in a particular grade, and there's not a waiting 22 list, yes, we will take those students. But if we 23 have a waiting list for a particular grade, we are 24 unable to move those children. And we will lottery 25 again, which was sort of an ongoing basis. But,</p>

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1 again, without space, you are limited.
 2 THE CHAIR: Right. So you're not
 3 anticipating adding additional portables at this
 4 moment in time to be able to increase enrollment
 5 now.
 6 MS. ARCHULETA-STAEHLIN: No, ma'am. We
 7 would have asked for that specifically, if it was --
 8 again, as Commissioner Toulouse has said, if we were
 9 thinking about adding more kids now, we would have
 10 made that point.
 11 THE CHAIR: Right. Okay. Sure.
 12 COMMISSIONER PERALTA: Okay. So I feel
 13 like -- well, let me go ahead and articulate to
 14 where I stand on this particular amendment request
 15 from your school, as the liaison to the Public
 16 Schools Capital Outlay Council, which directly works
 17 hand-in-hand with the PSFA. Alluding to the
 18 Director's e-mail from CID, I did see that. It was
 19 forwarded to me, and it did say that plans were
 20 approved.
 21 Whether that means -- I think what we're
 22 looking for from CID is permit approval and not so
 23 much plan approval, meaning that you need a permit
 24 to be able to break ground to start construction.
 25 Maybe they -- the wordsmithing got wrong or

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1 whatever. Maybe the permit was approved. If the
 2 plans were approved, that's the PSFA's
 3 responsibility. But I'll leave it at that.
 4 Going to Commissioner Toulouse's opening
 5 statement earlier, in our packet, it does say that
 6 you are moving to a new facility as early as August
 7 2017. That's next month.
 8 MS. ARCHULETA-STAEHLIN: And that's not
 9 going to happen this year.
 10 COMMISSIONER PERALTA: Correct. Okay.
 11 Thank you. So we are anticipating that we are
 12 moving in when?
 13 MS. ARCHULETA-STAEHLIN: Well, as soon as
 14 the facility is completed. I would suspect that
 15 would be sometime next summer, 2018.
 16 COMMISSIONER PERALTA: And I think I've
 17 alluded to this before in previous meetings. But on
 18 average -- all right? -- and taking into account all
 19 the phases that it takes to construct, on average,
 20 it takes about 18 months. That's a year and a half
 21 to get a facility completely built and get its final
 22 blessing from PSFA for E-Occupancy and minimum
 23 adequacy and all of that stuff. So that's longer
 24 than a year.
 25 MS. ARCHULETA-STAEHLIN: I understand.

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1 COMMISSIONER PERALTA: You're not going to
 2 make August. It's possible it can happen in a year;
 3 but you've got to make sure, of course, the permits
 4 allow you to go ahead and start breaking ground,
 5 which we're already almost close to August. Weather
 6 is perfect. Nothing gets in the way of
 7 construction. You know, site conditions are good.
 8 The contractors are on task, okay? Utilities, make
 9 sure those things are available.
 10 So it almost has to be a perfect, ideal
 11 situation for you to get your school done in time to
 12 open in August.
 13 So where I stand is that I'm a little bit
 14 cautious about allowing you to add 305 kids, and you
 15 going back today and saying that, "You are going to
 16 be accepted to our school," and come August -- we
 17 have delays or whatever -- we're not going to make
 18 that time line. And now you've got 300 kids who
 19 have committed to the school who have got no place
 20 to go.
 21 MS. ARCHULETA-STAEHLIN: We do not
 22 expect --
 23 COMMISSIONER PERALTA: These are my
 24 comments. These aren't questions.
 25 MS. ARCHULETA-STAEHLIN: I apologize.

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1 COMMISSIONER PERALTA: So I, personally,
 2 have to vote based on a facility that you are in
 3 currently, okay? Currently, your facility allows
 4 for about 85 more kids, where you're at now.
 5 I don't want to put kids to -- to make a
 6 commitment -- or parents to make a commitment to a
 7 facility that hasn't even broken ground yet. That's
 8 probably going to take, on average, about 18 months
 9 to get fully constructed and doors open for your
 10 kids to come in. Thank you.
 11 MS. ARCHULETA-STAEHLIN: Madam
 12 Commissioner, if I may just make a comment on the
 13 record so that we have that, I appreciate the
 14 concerns that have been raised by the Commission. I
 15 think we've tried to answer them all as completely
 16 as possible.
 17 I would note that I don't think the
 18 concerns that have been raised particularly by
 19 Commissioner Peralta are within the Commission to
 20 decide -- for that to be the basis for a decision
 21 one way or the other.
 22 And I mean no disrespect. I think it's
 23 important for everybody to be clear on what the --
 24 what powers you have over us, which are many, and
 25 which powers do not fall within the purview of --

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1 and I appreciate the concerns.
 2 And we will take that back and make sure
 3 that whoever is -- tries to lottery in to our school
 4 are aware of the conditions and the timeline that
 5 proceeds, so that we do not have 300 people waiting
 6 for the doors to open that we're unable to open.
 7 Thank you.
 8 THE CHAIR: Okay. But I just want to make
 9 it clear that we do have the ability -- and it is
 10 within our purview -- to accept -- to approve or to
 11 deny this Corrective Action -- this -- I'm sorry --
 12 so...
 13 MS. ARCHULETA-STAEHLIN: And I apologize.
 14 I do not -- I did not mean that. What I meant,
 15 ma'am, was simply what -- what condition -- what you
 16 must -- you are able to consider to make those
 17 determinations. That's all. I meant no disrespect
 18 whatsoever.
 19 THE CHAIR: And in all honesty, I don't
 20 think -- because we don't go through and ask every
 21 Commissioner, "What went through your mind to make
 22 this decision?"
 23 COMMISSIONER CABALLERO: But I think it's
 24 important for her to clarify and dispel for other
 25 Commissioners that that presentation given really

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1 should be just points of information for the school
 2 to take into account, and not -- not take that as --
 3 as conditions precedent to their approval.
 4 And so I think it's important for her to
 5 make the clarification. And it is correct that we
 6 shouldn't be -- our decision shouldn't be elsewhere,
 7 other than what's in front of us within our purview
 8 and not anywhere else.
 9 And that's where the Commission has gotten
 10 into trouble. We've gotten into trouble when we go
 11 outside of that. And I don't mind hearing it from
 12 the schools or their attorneys. And remind us,
 13 because we're human beings, and we take whatever
 14 we -- each of us say as very valid, and we may make
 15 a mistake.
 16 COMMISSIONER PERALTA: If I may just
 17 follow up on -- as I mentioned earlier, I was
 18 waiting for a response back from Martica Casias of
 19 PSFA. I got a text back, "We don't have
 20 notification from the CID at this time. We don't
 21 have approved plans yet."
 22 I'll just leave it at that.
 23 MS. ARCHULETA-STAEHLIN: I appreciate that
 24 update. Thank you.
 25 COMMISSIONER JOHNSTON: And, Madam Chair,

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1 just prior to this, we had a conversation about when
 2 someone says that they -- when a charter says that
 3 they will complete an action that is pending,
 4 that -- that we have to take them at their word.
 5 And historically, everything that the Classical
 6 Academy has approached, they've approached in a
 7 proactive, organized, orderly manner. And so I have
 8 no reason to believe otherwise. But...
 9 MS. ARCHULETA-STAEHLIN: Thank you, ma'am.
 10 Again, I meant no disrespect. I'm just doing my
 11 job.
 12 THE CHAIR: Are we ready for a motion?
 13 COMMISSIONER JOHNSTON: Madam Chair, may I
 14 make that motion?
 15 THE CHAIR: Certainly.
 16 COMMISSIONER JOHNSTON: Madam Chair, I
 17 move to approve the amendment request presented by
 18 Estancia Valley Classical Academy to increase its
 19 enrollment to 780, with the following conditions:
 20 But I don't think we have any conditions.
 21 Successful completion of the PSFA process?
 22 COMMISSIONER TOULOUSE: Of the new
 23 facility?
 24 COMMISSIONER JOHNSTON: Of the new
 25 facility, because the school has demonstrated an

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1 acceptable level of academic performance, with no
 2 grade lower than a "C" in the last three years.
 3 COMMISSIONER CABALLERO: Second.
 4 THE CHAIR: Second.
 5 COMMISSIONER ARMBRUSTER: Are there any
 6 abstentions?
 7 THE CHAIR: Discussion?
 8 COMMISSIONER ARMBRUSTER: Oh, I'm sorry.
 9 Discussions. I just want to make one comment.
 10 Tell me if this is correct.
 11 So if -- just if -- this project didn't
 12 get all the PSFA --
 13 COMMISSIONER CABALLERO: Are you
 14 abstaining?
 15 THE CHAIR: You're asking the question
 16 about -- yeah.
 17 COMMISSIONER ARMBRUSTER: If they didn't
 18 get that, then they couldn't improve their -- have a
 19 larger cap, because they don't have any place to put
 20 it, right?
 21 COMMISSIONER PERALTA: They would have to
 22 remain in their existing facility.
 23 COMMISSIONER ARMBRUSTER: Which, by Fire
 24 Code or whatever, can only hold so many kids. So
 25 this is already --

<p>Page 98</p> <p>1 COMMISSIONER TOULOUSE: But it's covered 2 in the motion. 3 COMMISSIONER ARMBRUSTER: That's what I'm 4 saying. 5 Okay. Ready? 6 THE CHAIR: Anyone else? 7 COMMISSIONER ARMBRUSTER: Okay. 8 Commissioner Peralta? 9 COMMISSIONER PERALTA: No. 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Toulouse? 12 COMMISSIONER TOULOUSE: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Crone? 15 COMMISSIONER CRONE: No. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Caballero? 18 COMMISSIONER CABALLERO: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Conyers? 21 COMMISSIONER CONYERS: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Armbruster votes "Yes." 24 Commissioner Gipson? 25 THE CHAIR: No.</p>	<p>Page 100</p> <p>1 quite comprehensive -- or extensive, maybe. 2 I will be -- my team and I will be working 3 on doing an analysis of that data. 4 And I think the other thing that, 5 Madam Chairwoman, you had asked -- or indicated that 6 you would be interested in at this time -- is an 7 update from the school leader regarding the planned 8 professional development that they were pursuing as 9 part of the Corrective Action Plan. 10 THE CHAIR: And I want to thank whoever 11 thinks I can read this small. 12 MS. POULOS: That's me. I thought you all 13 brought magnifying glasses. 14 THE CHAIR: I don't think my magnifying 15 glass could read it. And I have the app on my 16 phone. Oh, I can't even read that. 17 Mr. Jones, from what I understand, is 18 attending a professional development opportunity. 19 So Ms. Matthews is here to give us that update 20 because he was not available. 21 So thank you. 22 MS. PATRICIA MATTHEWS: Madam Chair, 23 members of the Commission, Patricia Matthews of 24 Matthews Fox on behalf of La Promesa Early Learning 25 Center.</p>
<p>Page 99</p> <p>1 COMMISSIONER ARMBRUSTER: Commissioner 2 Johnston? 3 COMMISSIONER JOHNSTON: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Ruiz? 6 COMMISSIONER RUIZ: Yes. 7 COMMISSIONER ARMBRUSTER: Six "For." 8 THE CHAIR: The motion carries six to 9 three. 10 Thank you very much for your time. 11 THE CHAIR: Item No. 7, Discussion and 12 Possible Action on La Promesa Early Learning Center. 13 Director? 14 MS. POULOS: Madam Chairwoman, 15 Commissioners, Item No. 7 is an item to have a 16 report from La Promesa Early Learning Center. 17 At the May meeting, a Corrective Action 18 Plan was finalized for this school. When the 19 determination was made to include this item on the 20 agenda, we had been in communication and had not 21 received the data we were requesting from the 22 school. 23 We have since received a data download 24 directly from the assessment company, and that data 25 is redacted and included in your materials. It's</p>	<p>Page 101</p> <p>1 I have a couple of -- sort of a twofold 2 presentation, that as to the -- I want to clarify; 3 because it was my understanding, based on the 4 Corrective Action Plan -- and it's in here -- that 5 the school would give that update on professional 6 development courses at the October meeting. So I 7 don't have that for you today. 8 We had -- we had agreed that we would come 9 forward with a list of what he was doing, had done, 10 and would be doing. So I don't have an update for 11 that. 12 THE CHAIR: Okay. 13 MS. PATRICIA MATTHEWS: What I would like 14 to do is sort of come on the suit tails of Mr. Ogas 15 this morning, which is talking about some 16 communication concerns. 17 I want to -- I'm only going to talk for a 18 few minutes, and I'm sure you're happy about that; 19 because I think there's an implication the school 20 didn't do what they were asked to do by the fact 21 that we were on this agenda with short notice. 22 Mr. Jones, on April the 24th, which was 23 the date of the negotiations, sent the 2015-'16 raw 24 data to Ms. Barnes, which was forwarded to 25 Ms. Poulos.</p>

1 MS. POULOS: It was not. I'm sorry. I
2 have to clarify.

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

5 The Commission was represented by
6 Ms. Barnes, and that data ended up apparently in
7 your possession, because it's in your e-mail chains.

8 So I don't want to argue about that.

9 So it was there, and it was provided in
10 raw form. It was stated to be in raw form.

11 Mr. Jones did not receive any response from the
12 Charter Schools Division until the 7th of July that
13 there was some concern about the fact that it was
14 presented in Excel spreadsheet form, versus a PDF
15 format.

16 Then in June, he sent the -- I believe it
17 was the '16-'17 data in the same format, again, not
18 hearing from the Commission -- I mean, from the
19 Charter Schools Division -- until July, that there
20 was something that wasn't acceptable.

21 Now, whether or not it is or it isn't, I
22 believe it is exactly in the format that she asked
23 for. It's not in a PDF. Granted. But I would
24 encourage there to be better communication. If
25 there's something that we're providing in response

1 recipient of an e-mail that had student data with
2 students' names on it.

3 And I'm very concerned when student IDs
4 start circulating through e-mails. And that went
5 back probably a month ago, at least, that Mr. Jones
6 sent that e-mail to myself, I think the Director --
7 and I don't even remember who else was the recipient
8 of that. And I know that's been addressed to him
9 prior, that the transmission of student names should
10 not be done, especially through an e-mail.

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

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

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

23 And the school was in the process of, for
24 this upcoming school year, obtaining information
25 from NWEA for a report that personalized it for

1 to the Corrective Action Plan -- he did it on his
2 own initiative -- let him know right away that
3 there's something wrong, or it's not acceptable.

4 In fact, he asked for -- from the
5 Director, "What is it you want me to provide to
6 you?" And she didn't explain.

7 So that's all I'm going to say. But I'm
8 very concerned. We agreed on the cap, to come
9 before you in October and April, to report out on
10 the status of the school; and here we are, given
11 notice on July the 7th that we're on the agenda with
12 some implication the school has done something wrong
13 in not complying.

14 That's all I wanted to say.

15 THE CHAIR: Okay. And I'll -- and I'm
16 going to say that I was the recipient of a number of
17 e-mails in those chains that go back a number of
18 weeks addressing concerns about the data that had or
19 had not been presented.

20 Because it was my understanding when we
21 had the meeting -- and I was the -- I think the
22 engine that pulled this train for this agenda item;
23 so I'll take complete ownership of this one, because
24 I had concerns -- because concerns were raised early
25 by me, first and foremost, because I -- I was the

1 that -- so that -- so there was a confusion about
2 the Discovery and the NWEA and asking to have
3 information from Discovery in the same format
4 presented as NWEA. And that's just not going to
5 happen; so...

6 THE CHAIR: And I apologize for that,
7 because that was my disconnect. I'm thinking that
8 report should have been for this current year; but
9 it's the going-forward.

10 MS. PATRICIA MATTHEWS: Right. Exactly.

11 THE CHAIR: But there wasn't -- there
12 still was the concern that the information that was
13 transmitted was not the --

14 MS. PATRICIA MATTHEWS: I'll work on
15 Mr. Jones making sure he knows how to redact.

16 THE CHAIR: Right. Right. Because it's
17 not -- it is not the first time. I don't even think
18 it's the second time that I've received that
19 information.

20 MS. PATRICIA MATTHEWS: Madam Chair,
21 members of the Commission, I think that part of the
22 problem is that Mr. Jones expects for this
23 information to be transmitted to the Charter Schools
24 Division, potentially Commissioners, but not to be
25 published.

1 And that's the difference. Under FERPA,
2 you and the Charter Schools Division qualify as an
3 exempt entity. They don't have to have permission
4 from the parent to share that kind of data with
5 those entities.

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

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

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

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

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

6 COMMISSIONER JOHNSTON: May I ask a
7 question --

8 THE CHAIR: Sure.

9 COMMISSIONER JOHNSTON: -- Ms. Matthews?

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

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

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

20 COMMISSIONER JOHNSTON: Yes.

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

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

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

6 MS. PATRICIA MATTHEWS: Understood.

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

15 MS. PATRICIA MATTHEWS: I agree.

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

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

1 I've heard of it.

2 COMMISSIONER JOHNSTON: So July the 5th --

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

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

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

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

14 MS. PATRICIA MATTHEWS: Yes, ma'am.

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

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

24 COMMISSIONER JOHNSTON: Yes.

25 MS. PATRICIA MATTHEWS: -- some

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1 fundamental implementation concerns that I voiced to
2 Ms. Barnes. And I don't know where those
3 discussions are going to go.

4 THE CHAIR: She's out of the country.

5 MS. PATRICIA MATTHEWS: Oh, okay. And I
6 was out of the country; so...

7 COMMISSIONER JOHNSTON: So it's a matter
8 of me waiting; so I understand.

9 MS. PATRICIA MATTHEWS: It's absolutely
10 not waiting.

11 COMMISSIONER JOHNSTON: Until she gets
12 back.

13 MS. PATRICIA MATTHEWS: No. he's moving
14 forward based on what he's been told.

15 THE CHAIR: My understanding is he's
16 attending now.

17 COMMISSIONER JOHNSTON: And with -- have
18 you seen the July 5th communication from the
19 attorney, from Ms. Barnes, on the language?

20 Right? You e-mailed Ms. Barnes? Did I
21 follow that? And so somewhere out there are your
22 questions on the language.

23 MS. PATRICIA MATTHEWS: It may -- please
24 forgive me. It would be -- because the 5th was --
25 no, that was a Wednesday. It was probably the 7th.

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1 because, hopefully, we'll be able to get things out
2 quicker and just have more capacity on the team,
3 both for support and for monitoring.

4 You will see on our -- starting on Page 4,
5 the monitoring, kind of, tracker. The changes you
6 will note are changes about Estancia Valley
7 Classical Academy; specifically, that the Hearing
8 Officer's report was submitted to -- in the appeal
9 in to the Secretary of Education on June 21st. The
10 recommendation from the Hearing Officer was that the
11 five-year renewal be granted with the conditions
12 that were recommended back in December.

13 So she is recommending overturning the
14 Commission's decision to grant a three-year renewal.
15 The decision will now be something that's issued by
16 the Secretary of Education, after he's had an
17 opportunity to review the -- the recommendation and
18 report from the Hearing Officer.

19 In addition, we do have information about
20 DEAP Charter School's -- the Notice of Intent to
21 Revoke. A notice was sent to the school. And we
22 did also receive notice, on July 12th, that the
23 prior head administrator, Ms. Jennie Jimenez, was no
24 longer with the school, and that they do have a new
25 head administrator who started on July 11th.

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1 COMMISSIONER JOHNSTON: Okay. But there's
2 something out there that you have requested
3 clarification on.

4 MS. PATRICIA MATTHEWS: Yes, ma'am. I met
5 with Mr. Jones on the 5th of July -- or on that
6 Friday, the 7th.

7 COMMISSIONER JOHNSTON: But we haven't
8 seen that. Thank you.

9 THE CHAIR: We're on to Item No. 8, Report
10 from the Options for Parents and the Charter School
11 Division.

12 Director?

13 MS. POULOS: Madam Chairwoman,
14 Commissioners, first, as the update on the Division,
15 I do want to introduce Debbie Dolbow -- did I say
16 that right? --

17 MS. DEBBIE DOLBOW: Dolbow.

18 MS. POULOS: -- Debbie Dolbow, who joined
19 our team two weeks ago, just the beginning of July.
20 So she is the newest member of our team member -- or
21 newest member of our team, and we're excited to have
22 her.

23 And also wanted to let you know that we
24 are in the process of increasing the size of our
25 team. And so that's a very exciting piece of news,

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1 The Chairwoman and I did have discussions
2 about the date of that hearing, which was initially
3 scheduled for August 4th. But at this time, we're
4 going to --

5 THE CHAIR: Well, it was -- the letter
6 didn't go out by the 4th; so that the letter said
7 the 7th.

8 MS. POULOS: We're going to look to see if
9 it's possible to change the date of that hearing to
10 August 10th. But one of the things that we do have
11 to look at is the availability of --

12 THE CHAIR: I did reach out about that
13 letter. And apparently, the -- the attachments were
14 not attached, apparently, to the notice. That was
15 the letter that went out.

16 MS. POULOS: Interesting. Okay.

17 THE CHAIR: Okay? So that's -- but I --
18 okay. Yeah, they received the letter. They just
19 don't have the attachments, I guess, for our
20 procedures.

21 MS. POULOS: Okay. I'll work on that.

22 COMMISSIONER JOHNSTON: And the date is
23 the 10th.

24 MS. POULOS: Would you have --

25 THE CHAIR: We're looking at the 10th.

<p style="text-align: right;">Page 114</p> <p>1 COMMISSIONER JOHNSTON: In the letter. 2 THE CHAIR: No. The date in the letter is 3 actually the 7th; but we're looking at the 10th. 4 MS. POULOS: On Page 7, you'll see 5 additional updates with regards to La Promesa. One 6 of the things that I did try to do with that 7 document that you have, the Corrective Action Plan, 8 is lay out what are the reporting dates so that we 9 can keep track of that. 10 It appears, based on that document, that 11 the next reporting date would appropriately be 12 August 15th or thereabouts. And those are 13 assurances with regards to external hires. In much 14 lighter font, you can see where I tried to lay out 15 other reporting dates, which is August 30th, 16 completion of governance training by their board, 17 which my team has reached out to try and schedule 18 the dates for those two full training dates with the 19 CSD training folks. 20 In addition, October 4th is the date we've 21 asked -- it just says "October" in the plan. But 22 that gives us time to get the materials for you on 23 their Professional Development Plan, their report on 24 NMDASH planning. 25 We have scheduled, and, in fact, at the</p>	<p style="text-align: right;">Page 116</p> <p>1 some schools that have outstanding vacancies on 2 their governing boards. I think we've kind of been 3 at a place where the schools haven't been really 4 clear about how many vacancies they have. So I 5 think, with this new fiscal year and the requirement 6 from the PEC that the schools establish the number 7 of board memberships or spaces/vacancies that they 8 will have, we can get a little more clear on this. 9 And so we're probably going to clear this 10 out, just do a restart, and then, really, with our 11 new information about each governing board, how many 12 positions they have on that board, we'll be able to 13 more clearly report to you if there are any open 14 vacancies that aren't being filled. We have not 15 received any new information about schools looking 16 for a facility. 17 The next several pages you do have are 18 those governance changes. Again, I do recommend 19 that the Commission read through these just to look 20 for anything that is a concern to them, and then we 21 can follow up on that. 22 Certainly, we do have a few of our schools 23 that are seeing a good bit of turnover. Those are 24 schools that you know about that you have on your 25 agenda for other items. So we'll continue to keep</p>
<p style="text-align: right;">Page 115</p> <p>1 end of this week on Friday, the Priority Schools 2 team, as well as my team, is going to be at the 3 school to observe the Priority Schools team giving 4 them training on using NMDASH, submission of their 5 governance recruitment and selection plan and 6 revised bylaws, submission of credentials of 7 external board and principal evaluator, a report on 8 compliance with their fiscal year '16 audit 9 Corrective Action Plan. 10 The next reporting date after that would 11 be January 1st, 2018, which would be the report on 12 the professional development, the implementation of 13 their Professional Development Plan for their school 14 leader, as well as NMDASH planning, a similar report 15 on April 1st. And then three days after WIDA 16 testing, WIDA data; on May 20th, 2018, NWEA data 17 reporting. And then the date of their annual audit, 18 there are disclosures required related to their 19 Foundation membership. 20 So I believe those are the dates. And I 21 think maybe once we get that communication between 22 Ms. Barnes and Ms. Matthews, we may have more 23 clarity on that. 24 THE CHAIR: Okay. 25 MS. POULOS: In addition, we still have</p>	<p style="text-align: right;">Page 117</p> <p>1 an eye on that and report to you on that. 2 And then I think the last item in here is 3 working with Public Impact on revising your 4 performance frameworks. We have been working to 5 move forward with getting a -- an agreement in place 6 to be able to move forward with that work. 7 And one of the things that Public Impact 8 has started to do is also reach out to stakeholders 9 in New Mexico, charter school leaders, APS, Joseph 10 Escobedo over at APS, just to get an understanding 11 from them so they can better support you. They're 12 doing some information gathering, some similar 13 surveys to the work that you did to help them 14 understand where schools are and where we may be 15 able to get better information for you. 16 THE CHAIR: Okay. So I guess I just have 17 a question in regards to that; because we've got the 18 August date for the work session with them. 19 MS. POULOS: Yes. 20 THE CHAIR: So that what are we 21 anticipating them providing for us at that August -- 22 are we going to be able to see, like, a preliminary 23 outline of -- 24 MS. POULOS: Of a performance framework. 25 THE CHAIR: Right.</p>

1 MS. POULOS: Yes, absolutely.
 2 THE CHAIR: That's what I thought.
 3 MS. POULOS: That is -- they wanted to
 4 take everything that you discussed in the last
 5 meeting, all the work you had done, the information
 6 they get from stakeholders in the field, and really
 7 put together some options for you; so, again, you're
 8 not starting from scratch and trying to say, "What
 9 do we do?"
 10 But really, some options: "Here's one way
 11 you can revise it. Here's another option, based on
 12 the conversations we had."
 13 So they do anticipate, I think, for all,
 14 for academic, financial, and/or organizational --
 15 THE CHAIR: Okay.
 16 MS. POULOS: -- having those options
 17 available for you at the August 30th and 31st
 18 meeting, so that by the end of that meeting, we can
 19 go away with something where it's a pretty good, at
 20 least first, draft.
 21 THE CHAIR: This is most likely which way
 22 we're going.
 23 MS. POULOS: Right.
 24 THE CHAIR: Do you know if we'll have eyes
 25 on that before we show up in Santa Fe? Or --

1 MS. POULOS: I think that was their
 2 intent, and also to have already gathered feedback
 3 from you through the survey process.
 4 THE CHAIR: Got you. Okay.
 5 MS. POULOS: But I do -- I do have calls
 6 to just check in with them and so they can ask me
 7 what's going on. So I will get that information and
 8 be able to share that with you.
 9 THE CHAIR: Okay, I appreciate that;
 10 because it would just -- I think it would just help
 11 to speed the conversation along in the work sessions
 12 if we've had a little bit of a look at it and can
 13 either say, "Just forget that -- that completely and
 14 move on to" -- okay. All right. I appreciate that.
 15 MS. POULOS: Absolutely.
 16 THE CHAIR: Okay. We're good?
 17 Okay. Item No. 9, we're going to table at
 18 this moment in time. I'm just going to tell you, we
 19 met for less than an hour today. We're moving
 20 forward on it; but we're certainly not at a point,
 21 unfortunately, where we can move forward and vote
 22 on -- for who we're going to award the contract to.
 23 It's just -- it's a process that takes thought, and
 24 there's a lot to consider. And it is nice that we
 25 had multiple proposals. We appreciate that.

1 So we think we may be in a better spot
 2 tomorrow; but we're not going to be able to vote
 3 tomorrow. So it's -- I guess it'll be the September
 4 meeting that we'll unfortunately have to wait till.
 5 So that's the update for that.
 6 And Item No. 10 is Discussion and Possible
 7 Action on Charter School Renewal Application Forms
 8 and Kit.
 9 MS. POULOS: I'm sorry, Madam Chairwoman.
 10 Do you mind if I jump back to Item 8?
 11 THE CHAIR: Okay.
 12 MS. POULOS: I apologize. One item that I
 13 didn't mention that I just want to have on your
 14 radars is that the regulations that were proposed
 15 regarding governing body training after the public
 16 input hearings -- I'm not even sure what the correct
 17 phrase is -- we did respond to that comment, as well
 18 as make changes to that rule. And that rule has
 19 been filed with those changes and will be effective
 20 July 25th, 2017; so in just a few days. And we have
 21 updated our website --
 22 THE CHAIR: Okay.
 23 MS. POULOS: -- with the revised rules.
 24 And we will, over the next few weeks, be
 25 updating that same website. It's the -- if you're

1 on the Charter Schools website, it's the tab that
 2 says "Training." And we will be updating that a lot
 3 in the next few weeks to get an application up for
 4 providers to apply for approval to provide training.
 5 And we'll have documents out, guidance documents for
 6 how to do that, as well as documents on how to
 7 report, and just a lot of other information. So
 8 that is going forward. And for this fiscal year,
 9 being '17-'18, schools' governing bodies will be
 10 trained under those rules.
 11 And training dates that the CSD is
 12 providing, the PED are providing, are already on the
 13 website. In fact, I think this weekend, Las -- in
 14 Las Cruces, we'll be providing a full-day
 15 introductory training. And, obviously, we will have
 16 those introductory trainings once a month, either a
 17 series of three nights or a Saturday full-day. And
 18 they will be rotating around the state in Santa Fe,
 19 Gallup, Albuquerque, and Las Cruces. Those will be
 20 the sites across the state.
 21 THE CHAIR: When are you in Cruces?
 22 MS. POULOS: On Saturday, this Saturday;
 23 in three days.
 24 THE CHAIR: Okay.
 25 MS. POULOS: And the Commission is always

<p style="text-align: right;">Page 122</p> <p>1 welcome to attend any of those; in fact, we would 2 welcome you.</p> <p>3 THE CHAIR: I guess the question is -- or 4 concern -- that if someone wants to fill out -- if 5 someone fills out the application to be a provider 6 for the training -- and I'm trying to remember how 7 it all worked out, that PED had 90 days -- was it 8 90 days to --</p> <p>9 MS. POULOS: It says we have 100 days; but 10 that is not the intent. If we're getting 100 11 applications, then we need time to get them all 12 done. Our intent is those are going to be processed 13 very quickly.</p> <p>14 THE CHAIR: Because my only concern is for 15 schools, if they go do some kind of training, and 16 then it ends up that that provider wasn't accepted, 17 what happens? You know, they've kind of, you know, 18 not only wasted time; they may have wasted money. 19 And it's -- I think there's just that whole concern 20 that's there.</p> <p>21 Okay, all right.</p> <p>22 COMMISSIONER TOULOUSE: Madam Chair? 23 On that rule, when it becomes the final 24 version, can you e-mail it? 25 MS. POULOS: Yes, absolutely. And we do</p>	<p style="text-align: right;">Page 124</p> <p>1 you have already received hard copies of, if you had 2 requested them at the last meeting.</p> <p>3 So we did include, just for reference, the 4 recommendations and kind of evaluation that was 5 completed by NACSA after our last renewal 6 consideration in December. You have, first, a clean 7 copy, no tracked changes, of the recommended 8 revisions from CSD. And then after that, starting 9 on Page 40, you have the tracked changes of the 10 recommendations for changes. And then starting on 11 Page 94, you have the current Renewal Application 12 Kit that has been used in the years past.</p> <p>13 I can do this however the Commission would 14 like. If you would like, I can talk you through the 15 recommendations we made, the changes that we 16 recommended, and why we did that.</p> <p>17 I will say that we did recommend, and are 18 recommending, that the Commission consider revising 19 the application at this time, because, first and 20 foremost, schools are beginning work. We've already 21 done two training sessions with those renewal 22 applicants, and they are beginning work on the 23 renewal application.</p> <p>24 In addition, this is the first group of 25 renewal applicants who were under the Performance</p>
<p style="text-align: right;">Page 123</p> <p>1 have it. Again, it's on our website. But I will 2 also send an e-mail. And, in fact, I will have hard 3 copies at our next meeting.</p> <p>4 THE CHAIR: Right. Because I think the 5 LESC sent one out. But I think that was the -- I 6 think that was the old one; it wasn't the new one.</p> <p>7 COMMISSIONER TOULOUSE: Not the final -- 8 not the final.</p> <p>9 THE CHAIR: Yeah. So that's -- it's 10 important so that, in case schools have questions, 11 that we can kind of answer them.</p> <p>12 Yes. Commissioner Caballero is -- 13 COMMISSIONER RUIZ: He left.</p> <p>14 THE CHAIR: My question is, did he leave 15 leave, or --</p> <p>16 COMMISSIONER RUIZ: No, he left.</p> <p>17 THE CHAIR: So will the record please 18 reflect that Commissioner Caballero has left? 19 COMMISSIONER TOULOUSE: Left the building.</p> <p>20 THE CHAIR: Okay. I'm sorry. We're on to 21 Item -- we're back now to Item No. 10, Discussion 22 and Possible Action on Charter School Renewal 23 Application Forms and Kit.</p> <p>24 MS. POULOS: So in your materials, you 25 will find several items. And these are items that</p>	<p style="text-align: right;">Page 125</p> <p>1 Contract and Framework. So we did have a few of 2 them that were under those -- in the last renewal 3 cycle, about four; but, otherwise, this is the first 4 full group of renewal applicants that are under the 5 new Performance Contract. And this application 6 hasn't been revised since that time, and we do think 7 it's really important.</p> <p>8 In addition, what I will just say, from 9 the perspective of the CSD, is that these -- this 10 renewal application that we have been using has a 11 lot of duplication. It goes indicator by indicator. 12 And what we get from schools is the same response to 13 all of those indicators.</p> <p>14 And the other thing that we have struggled 15 with, I think, is figuring out how to use the 16 information that's provided in this -- in their 17 responses, in their renewal applications, during our 18 site visits and during our process of making 19 recommendations; because it hasn't been connected to 20 what's going on at the school. And so that's why we 21 have recommended -- and that's why what a lot of our 22 recommendations are targeted to is really getting to 23 get the schools to talk about what we will see, or 24 what we should see, on site when we are there. 25 So that's kind of an overview. If you</p>

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1 would like, I'm happy to go through the
2 recommendations; or I don't know how the Commission
3 would prefer that I move forward on this.

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

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

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

21 THE CHAIR: Commissioner Toulouse?

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

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

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1 COMMISSIONER JOHNSTON: Well -- and,
2 Madam Chair, having been at the training -- and it
3 was well-attended, and it was most informative. And
4 there were -- well, I can give you the names of the
5 schools. But the majority of the folks -- and I
6 think that's their sense of urgency -- is it has not
7 been trained on with the new application.

8 Both have been presented. The majority of
9 the schools -- well, there are seven schools. And
10 six of them -- or -- are in favor of the new
11 application.

12 And you heard Ms. Cherrin speak to it this
13 morning. However, Ms. Montoya, who was also at the
14 training --

15 MS. MONTOYA: Sorry. I was late.

16 COMMISSIONER JOHNSTON: -- represents two
17 schools --

18 MS. MONTOYA: Two schools.

19 COMMISSIONER JOHNSTON: -- had contacted
20 me, because she feels that when you're working --
21 correct me if I state this incorrectly. When you're
22 working with a "D" or an "F" school, that the new
23 application does not give you enough opportunity
24 to -- to really talk about the growth that you
25 are -- that you are working to achieving through

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

2 What we did was not train on something.
3 This was brought to the training to show -- and this
4 is a hard balance -- this was brought to the
5 training to show the schools and get their input on
6 what we were thinking about recommending to the
7 Commission. And it's always a challenge, like, how
8 do we get input without putting it out there, and
9 when does that timing happen?

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

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

24 And I -- I -- it's -- I don't know how to
25 get input otherwise.

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1 improved performance.

2 MS. MONTOYA: Correct.

3 COMMISSIONER JOHNSTON: But we had folks
4 from New Mexico Connections Academy, Taos Health
5 Leadership, Anthony Charter School, Horizon West,
6 Academy of Trades and Technology, Media Arts. And I
7 will say -- and the lady who just retired as Media
8 Arts also came up to me -- there you are; you did --
9 and you said that you -- you liked the new
10 application.

11 MS. VOIGT: I do like the new application.

12 COMMISSIONER JOHNSTON: And the gentleman
13 who is filling the position that you left was there
14 at the training.

15 And we even had representation from an APS
16 charter, El Camino Real. And the APS even sent a
17 member of their Finance Department to hear, even
18 though they're looking at the application; because I
19 think that their desire is to go along with what we
20 have.

21 It was an excellent training. Everyone
22 was engaged. The trainers did an outstanding job of
23 presenting both sides and reassuring, all day long,
24 whichever one is selected, you will -- the
25 transition will not be a difficult one.

<p style="text-align: right;">Page 130</p> <p>1 I think that is their perception; it's not 2 always the perception of the schools that it won't 3 be difficult. 4 MS. MONTOYA: No. And I'm representing 5 Taos International School. 6 COMMISSIONER JOHNSTON: Taos 7 International. 8 THE CHAIR: There is no discussion at this 9 point in time. 10 COMMISSIONER JOHNSTON: Well, I just 11 wanted you to know I was there. 12 THE CHAIR: I'm not cutting you off. 13 COMMISSIONER TOULOUSE: Madam Chair, I 14 have had feedback from some of the schools where 15 they're having some problem with this. But I still 16 have a problem, whether this is a way to introduce 17 this to people or not, that if we're doing a 18 training on how to fill one out, and you're getting 19 ready to fill one out, and you're saying, "This is 20 what we're proposing, but we haven't done it yet," I 21 don't see how -- getting those two together. 22 But bottom line, I've heard feedback about 23 keeping the old, as well as going with the new. I 24 think there's always something to be said for both 25 deals; and I think at a certain level, if the new</p>	<p style="text-align: right;">Page 132</p> <p>1 it, and I don't see where there's -- 2 THE CHAIR: Before we continue, I would 3 just like to -- I have a couple of concerns with 4 this. And part of it is we're spending so much time 5 with our Performance Framework that I think the new 6 application deserves the same amount of time, not 7 just an hour sitting here today to look at it; 8 because I think as a Commission, we have an 9 obligation to put our own thoughts into it and come 10 to the table and say, "This is what I think should 11 be in it, as well." 12 And I don't think we have done that 13 service to this at this moment in time. 14 I'm going to say that, on the record, when 15 back in the fall, the reason why we engaged in the 16 look at the Performance Framework was because that's 17 what drives all of our policies and procedures. And 18 it was NACSA who recommended to me that we start 19 with the Performance Framework. 20 "Why are you doing the Renewal Kit and 21 working backwards? You should be doing the 22 Performance Framework first, and then taking a look 23 at all of your -- all of your other policies and 24 procedures." 25 So I don't argue that this merits looking</p>
<p style="text-align: right;">Page 131</p> <p>1 format would allow people to provide the additional 2 information they want to provide, then I think 3 that's fine. 4 And if that's in the instructions that can 5 tell you if you need to show other things, do it; 6 because I know we tend to get wordy around here. 7 Partly, it's because we've always had lawyers doing 8 these. And I don't know a lawyer who will use one 9 word when they can use three. And I grew up in a 10 lawyers' household and worked in an agency that was 11 dealing with federal regs and state regs and 12 everything, that I would like at some point to see 13 somebody come in who doesn't have a legal 14 background, but who has a literary background, who 15 can edit it down to read to where people can figure 16 out what we're telling them to do, in which case I 17 think it would be easier to come up with, "You may 18 include additional information." 19 There is a way to explain if your school 20 has been a "D" school, but you are working to get it 21 better. 22 MS. POULOS: And, actually, if I can -- if 23 I can tell you how I think this actually does that 24 better than the past one? 25 COMMISSIONER TOULOUSE: Because I've read</p>	<p style="text-align: right;">Page 133</p> <p>1 at; I absolutely do. But I feel that we're not 2 giving it the time and the effort that it requires 3 at this moment in time. And I think it's a 4 disservice to the schools that we put something 5 through. And we're always going to be dealing 6 with -- these schools are the ones that are up now. 7 These schools are going to benefit from this; these 8 schools aren't. 9 And there was never a -- a promise, 10 unfortunately, to schools that this was going to be 11 fixed this year. And I think it's a disservice to 12 the schools to put this quick fix into it; because I 13 don't think we've -- I have no issue and -- with 14 eliminating that whole C part. I have no problem 15 with getting rid of that at all; because we have 16 said time and time again, "That's just a waste of 17 everyone's time and effort." 18 But I think it is fair and more reasonable 19 to get as much input on this as we have from the 20 Performance Framework before we move forward. But 21 that's me. 22 COMMISSIONER JOHNSTON: Madam Chair, 23 having been there -- and Part C, to Ms. Montoya, is 24 a vital part. So I learned that by attending the 25 workshop.</p>

<p style="text-align: right;">Page 134</p> <p>1 At the June meeting, I asked Ms. Friedman 2 to give me hard copies of all of this, because I 3 knew how important this was going to be. And I've 4 spent -- I've spent a great deal of time looking at 5 it and reflecting. 6 I understand we don't want to do this 7 quickly. We don't want to do this in an uninformed 8 manner. 9 I have the sense of urgency of the 10 schools. I have the perceptions of a group of -- of 11 people who are addressing both of these forms and 12 are in the process of getting ready to write this. 13 And the majority of them really support the new 14 form, because it fits into that continuum. 15 I've looked at it all the way from the -- 16 from the annual monitoring document that we have, 17 when they go on the site visits, all the way back to 18 the PEC memo, or the NACSA memo that you talked 19 about, asking us very carefully look at what we've 20 been doing and not make any immediate decisions. 21 I've looked at statute; I've looked at 22 Administrative Code; I've looked at the data that 23 we've striving to present as grounding for what we 24 do for the schools to provide for us. 25 There is a definite link. There is a</p>	<p style="text-align: right;">Page 136</p> <p>1 those who are doing the charter renewal. And I 2 think -- I firmly believe, based on the study that 3 I've done, that this new document better supports 4 the needs and the progression of where we're going. 5 But that's just me. But I feel like 6 because I've been present -- those trainings are 7 absolutely imperative to attend. It really -- I've 8 attended two; and it's really helped me. 9 THE CHAIR: We've all universally said 10 that. The schools that don't attend the trainings, 11 we see it in the application. 12 COMMISSIONER JOHNSTON: Commissioners, 13 also. Yeah. But everybody was there. And they 14 were on task, and they were engaged all day. They 15 were even writing -- 16 COMMISSIONER TOULOUSE: Several of the 17 schools were there in my district, and nobody's 18 called me. And so I've had -- 19 COMMISSIONER JOHNSTON: I told them when I 20 did it. I said -- I said, "Now, I'm really not 21 doing something. I'm only one Commissioner. But if 22 you really like it, call your Commissioner and tell 23 them." Or you don't. 24 Ms. Montoya -- bless her heart -- she's 25 here. And I appreciate it; because we need to hear</p>
<p style="text-align: right;">Page 135</p> <p>1 definite chain to this new application. 2 I don't -- I understand what you're saying 3 about the Performance Framework and the importance 4 of that, and NACSA's concerns when they came in that 5 we may be getting the cart before the horse. 6 But I think if we're looking at the 7 advantages to the charters who are renewing this 8 year who are in the process of doing this, allowing 9 them to use this new form is more of an advantage to 10 them. That is -- that is what -- that is what they 11 almost unanimously said. 12 And I recognize -- I recognize all of the 13 concerns you have; because "D" and "F" schools do 14 have to work harder, and they need those options. 15 But everyone else -- I told them to go 16 home and call their Commissioners from their 17 district, so that each of the Commissioners would be 18 informed of the reaction. I don't know how many 19 did. Ms. Montoya was gracious enough. She called 20 me. We've talked several times about it. 21 And I appreciate you coming, Ms. Cherrin. 22 I knew you were working on it. I even introduced 23 Ms. Montoya to Mr. Crone, and she met him today, 24 because he's her Commissioner. 25 So I just -- I have a sense of urgency for</p>	<p style="text-align: right;">Page 137</p> <p>1 both opinions. 2 And we don't want to drop Part C in the 3 old application, because that's the part that you 4 talked to me about that you really felt like you 5 wanted. 6 So if we vote to keep the old application, 7 I don't think it would be fair to drop the Part C at 8 this point. 9 THE CHAIR: And I'm going to just address 10 Part C and say that universally, Commissioners say 11 that's the piece that they really don't pay -- 12 because we end up negotiating; so that the Part C, 13 looking forward, is what we -- we ignore, in all 14 sincerity. Because you're spending time on that 15 Part C, and -- you know. But we're getting into a 16 discussion with the audience. And that's -- 17 COMMISSIONER JOHNSTON: And as I 18 understand it, the desire to keep it was because the 19 "D" and "F" schools need that additional time to 20 justify the future. And I agree with you that 21 perhaps we've not looked at the future or counted it 22 as important. But I felt like I needed to bring up 23 the interests of the renewal charters. 24 THE CHAIR: Right. So I guess the 25 question is do we want to go piece by piece with</p>

<p style="text-align: right;">Page 138</p> <p>1 this?</p> <p>2 COMMISSIONER RUIZ: Yes, I would like to</p> <p>3 do that.</p> <p>4 MS. POULOS: So, if you'd like, we can go</p> <p>5 on a tracked changes version, which I think will</p> <p>6 help you see what we did. And you can look at</p> <p>7 Page 40 to do that.</p> <p>8 And, obviously, the only thing that's on</p> <p>9 Page 40 is a change of -- instead of '16-'17, we're</p> <p>10 now in '17-'18.</p> <p>11 On the next page, one change that hasn't</p> <p>12 been noted that would need to be noted is, at the</p> <p>13 top of the page, the Secretary of Education would</p> <p>14 need to be changed.</p> <p>15 And a lot of this is changed in the</p> <p>16 language, just making some clarification, trying to</p> <p>17 get a little less wordy, but also clarifying that</p> <p>18 the CSD is providing staff support to the</p> <p>19 Commission. That includes conducting renewal site</p> <p>20 visits, making recommendations for renewal,</p> <p>21 non-renewal, or conditional renewal, and that those</p> <p>22 recommendations are on behalf of the Public</p> <p>23 Education Department.</p> <p>24 Change "a determination" to "a decision."</p> <p>25 And then changing the dates, and also</p>	<p style="text-align: right;">Page 140</p> <p>1 this -- these sections meet the statutory</p> <p>2 requirements and then identifying the statutory</p> <p>3 language for non-renewal and those reasons for</p> <p>4 non-renewal.</p> <p>5 Then the next paragraph talks about Part</p> <p>6 A, identifies that the Summary Report will come out</p> <p>7 in the summer, rather than in the spring, after the</p> <p>8 newest report card data is provided, so that we can</p> <p>9 have a full kind of summary of their performance;</p> <p>10 and then also ask that the school verify the</p> <p>11 information and then use that information to report</p> <p>12 on their academic performance goals and their</p> <p>13 contractual requirements.</p> <p>14 For Part B, this clarifies that we are</p> <p>15 asking them to provide a report -- a summary -- or a</p> <p>16 response on their academic performance, financial</p> <p>17 compliance, organizational, contractual, and</p> <p>18 governance responsibilities and improvement actions.</p> <p>19 And this is one word that has changed</p> <p>20 throughout. You'll see the "actions" from the draft</p> <p>21 that we handed out in hard copy last month to this</p> <p>22 draft. And that was based on feedback from</p> <p>23 Commissioner Armbruster, who liked -- did not like</p> <p>24 the use of the word "efforts," because she did not</p> <p>25 feel like that was solid enough, and really felt</p>
<p style="text-align: right;">Page 139</p> <p>1 clarifying that when you have a district authorizer,</p> <p>2 then it's the district, and you should check with</p> <p>3 them on their forms and processes; so not a lot</p> <p>4 substantive there.</p> <p>5 But then -- and one of the -- the thing</p> <p>6 that we did as we started thinking through what</p> <p>7 should a new renewal application look like, is</p> <p>8 actually go to the renewal application statute and</p> <p>9 really try to align this exactly to the statute,</p> <p>10 which I think the intent was to do that in the first</p> <p>11 one; but I'm not sure it did that.</p> <p>12 And so the changes in paragraph 1 on</p> <p>13 Page 42 are really about aligning to the statute.</p> <p>14 So it's structural.</p> <p>15 There are six parts that are required by</p> <p>16 the statute. That's a Summary Data Report and</p> <p>17 Current Charter Contract. So that would be included</p> <p>18 in the kit -- or the application that the</p> <p>19 Commissioners get. A progress report from the</p> <p>20 school is Part B. A financial statement is Part C.</p> <p>21 Part D would be petitions of support. Part E,</p> <p>22 description of the charter school's facilities; and</p> <p>23 Part F, any amendment requests.</p> <p>24 And then this identifies -- the next</p> <p>25 language is really about just identifying that</p>	<p style="text-align: right;">Page 141</p> <p>1 that the word "actions" or something more strong --</p> <p>2 that we're not looking for them to be thinking about</p> <p>3 improvement, but actually taking the action to</p> <p>4 improve.</p> <p>5 And then this also notes that Part B, that</p> <p>6 report, which was called "Self-Report" or "Looking</p> <p>7 Back," is really now broken into several sections:</p> <p>8 Section 1 being Academic; 2, Financial; 3,</p> <p>9 Organizational. And then we break down what we</p> <p>10 expect to see in that.</p> <p>11 And so this is where it may actually help</p> <p>12 to jump forward and look at Part B.</p> <p>13 Again, Part A is a report from PED -- or</p> <p>14 from CSD -- and their charter contract, just using</p> <p>15 their academic data.</p> <p>16 Part B is the Progress Report. And here,</p> <p>17 as we note in this paragraph, it's broken down. And</p> <p>18 we're asking, specifically on Academics, which</p> <p>19 starts on Page 62, that the school report on fewer</p> <p>20 items; because, like I said, in the past, the</p> <p>21 application was pretty redundant. So it said,</p> <p>22 "Letter Grade." And then it said, "Current</p> <p>23 Standing." And then it said the exact same thing</p> <p>24 for "School Growth." And then, "Growth of Q1," and</p> <p>25 then, "Growth of Q3." And then "Graduation," and</p>

<p style="text-align: right;">Page 142</p> <p>1 then "Opportunity to Learn." We were, again, 2 getting very redundant answers, where the same 3 information was being provided.</p> <p>4 In addition, we were not getting good 5 information. What we felt like we were getting was 6 excuses rather than explanations of what the school 7 has done. And this is where I think we actually 8 provide a lot more guidance in this draft, to say, 9 "We're asking you to specifically" -- and you can 10 see that on Page 62. For a school, 2a, the little 11 "a," where it says, "The Public Education Department 12 assigns a letter grade." And we say, "For a school 13 that has not maintained a C or better in each year 14 of the term of the contract, provide a narrative 15 that describes the improvement actions targeted to 16 improve the school's letter grade, those being 17 school, adult, leader, and teacher actions, and the 18 successes of these actions."</p> <p>19 So we're really trying to give schools the 20 guidance on what are you supposed to be talking 21 here? It's not, "Why didn't you achieve," but, 22 "What did you do when you saw that low-level 23 achievement? What action did you, as adults, take 24 in your school to help those students do better?" 25 And then it does clarify that the purpose</p>	<p style="text-align: right;">Page 144</p> <p>1 though it's a "C" school, and that's fine, I think 2 if they have a "D" or an "F," they need to address 3 only those parts, not all of those things.</p> <p>4 MS. POULOS: In any indicator.</p> <p>5 COMMISSIONER ARMBRUSTER: Right. For 6 example -- which is our biggy -- the lowest 7 quartile, it could be an "F," and they should be a 8 "C" school. And they should have to address that, 9 because I think they should, I mean; but not the 10 whole thing. They don't have to do all of this.</p> <p>11 MS. POULOS: So I guess my question would 12 go back to the conversation we were having earlier. 13 If we are saying, for any one indicator, if they 14 received a "D" or "F," is that in any of the past 15 three years? Is it in the current year? Is it in 16 any of the past five years? What would that be that 17 would prompt them to write a response?</p> <p>18 COMMISSIONER ARMBRUSTER: I guess I could 19 live with even the last year, if it hadn't been -- 20 if they hadn't had an "F" before; but if they have 21 one now, I guess that would be what happened. If 22 it's an "F" for the last three years, I guess that's 23 really a concern to me. I don't know.</p> <p>24 THE CHAIR: I think, at the very least, 25 the two most recent years would be --</p>
<p style="text-align: right;">Page 143</p> <p>1 of that narrative is to get the schools to 2 demonstrate that they're making progress toward that 3 acceptable level of achievement, that "C" or higher.</p> <p>4 And then we ask them to be very clear 5 about telling us what evidence we're going to see 6 when we're on the site visit; so, again, connecting 7 it to the rest of the renewal process, which really 8 was missing before, is what exactly are we going to 9 see when we're in that school? What should we be 10 looking for to see the things that you've been 11 doing; and, also, What should we see that shows the 12 things that you have been doing actually changes the 13 outcomes for students?</p> <p>14 And then it does say -- and this is an 15 area that was based on some of the conversations 16 we've been having -- that schools that have a "C" or 17 better over the term of the contract would not 18 complete this section. That's trying to, again save 19 some work for schools that are meeting a minimum 20 expectation -- Commissioner Armbruster?</p> <p>21 COMMISSIONER ARMBRUSTER: Yes. I'm fine 22 with the "C" and all these things. It sounds a lot 23 like the New Mexico DASH thing; so I've gone to 24 three of those and almost understand it. 25 But my feeling, as usual, is that even</p>	<p style="text-align: right;">Page 145</p> <p>1 COMMISSIONER ARMBRUSTER: That's a good 2 compromise.</p> <p>3 MS. POULOS: Okay.</p> <p>4 COMMISSIONER ARMBRUSTER: But their report 5 would still be not as in-depth as someone who was a 6 "D" school for the last four years or something like 7 that.</p> <p>8 MS. POULOS: So I think the other thing 9 that this application does that the prior draft 10 didn't have -- and you can see this on Page -- 11 sorry -- on Page 60, is it tells you -- or the 12 applicant -- that -- how the narratives will be 13 evaluated by the Charter Schools Division; right?</p> <p>14 So we can say, "They meet the standards 15 either because they hit this C or better in each of 16 those last three years, no D or F in any of the last 17 two years; or, that their narrative does certain 18 things; right? Identifies specific actions taken to 19 improve poor performance, identifies specific 20 evidence that the site visit team should review when 21 they do that renewal visit to see what actions have 22 been taken; and then also shows sustained measurable 23 successes resulting from those improvement actions 24 over the contract term, and that the evaluation of 25 that data supports it.</p>

<p style="text-align: right;">Page 146</p> <p>1 Then the next would be what's approaching 2 progress and what's failing to demonstrate progress, 3 and really just lays out with clarity what will we 4 would do to evaluate those, which I think has been, 5 in the past, we didn't really know what to do with 6 those narratives. 7 So that's what you -- if you're going back 8 to where we were before, on Page 42, Part B, 9 Section 1, Subsection "a," this just explains all of 10 that. It's just an explanation of academic 11 performance and then what we're looking. 12 If you look at Subsection B -- and what 13 you'll notice when you're looking between Pages 62 14 and 3 and 4, is that we've deleted a lot of stuff; 15 right? So that's that repetitive, "Provide a 16 statement of progress and additional information 17 regarding your school's grading report for the past 18 three years." 19 "Provide a statement of progress regarding 20 current standing over the past three years." 21 "Provide a statement of progress... ." 22 So what we've done is really just 23 collapsed it all into one narrative. We're talking 24 about what's coming from the letter grade, addressed 25 it. I think we've established some benchmarks for,</p>	<p style="text-align: right;">Page 148</p> <p>1 able to report in this format. And so what the new 2 prompt does, subpart B that's on Page 65, is it 3 doesn't ask for a specific format, but, rather, it 4 leaves that up to the school, based on the 5 differences in the types of goals they have. 6 So that -- 7 THE CHAIR: So my -- my concern with that 8 is are we hopefully narrowing down, so that we don't 9 get a thousand pages of these graphs that schools 10 figure, "I'm just going to put all this stuff in 11 so..." -- you know. That's -- you know. 12 MS. POULOS: Yeah. 13 THE CHAIR: That the more I inundate 14 people, the less they're going to look at it, and 15 we're just going to move on. 16 MS. POULOS: And I think that this does 17 that better than the other one, in that, again, it 18 eliminates a lot of the redundancy, which is where 19 we were getting that graph over graph over graph, 20 and also narrative, cut-and-paste, cut-and-paste, 21 change a few words. So I think it does do that. 22 I think, also, by providing guidance on at 23 least how we're going to evaluate that, it gives 24 them some targeted things to do, rather than 25 thinking, "Well, we'll just throw the whole kitchen</p>
<p style="text-align: right;">Page 147</p> <p>1 like "Here you do need to tell us; here, you don't, 2 because we're going to accept that that letter grade 3 is reflecting your performance at an acceptable 4 level." 5 Subpart B goes into the school-specific 6 charter goals. And, again, it asks that they report 7 on each of the goals that's in their Performance 8 Framework, and that for any year that they haven't 9 met their goals, for those goals, they talk about 10 what they did, again, to improve student achievement 11 and get closer to meeting their goals. And it's 12 using the same standard. 13 So those are different goals; but it's 14 using the same standard of, again, we're looking at 15 adult actions, and we're looking for sustained 16 progress with those students, based on adult 17 actions, that we're going to get outcomes from kids. 18 So -- and that just kind of cleans up 19 the -- if you look at Page 66, 67, and 68, it 20 eliminates all that; because that was, again, 21 repetitive reporting on these same things, and in a 22 different way. 23 What we found over the past two years is 24 the way that we were asking them to report, if you 25 look at Page 66 and 67, a lot of schools weren't</p>	<p style="text-align: right;">Page 149</p> <p>1 sink in and hope something sticks." Now they know 2 what's going to stick. 3 So that's really the Part B on Section 12, 4 Academic Performance. 5 And then if you move over to Page 43, it 6 starts talking about Section 2, which is the 7 Financial Compliance. And that's different from the 8 financial report. This is really just about 9 compliance; right? Are you reporting on time, 10 audits, things like that. 11 And so Subsection A, which you can see on 12 Page 60 -- well, yeah. 69, you see Financial 13 Compliance is kept there. And then we start 14 eliminating some of the stuff. 15 But in 70 is where you see A. And it 16 talks about the fact that every school is required 17 to be audited annually. And then, again, it gets 18 really specific and says, "If the school has 19 received audit findings in any annual audit during 20 the term of the contract, we want -- again, the same 21 idea -- adult/teacher/leader/board actions that 22 they've taken to address those and correct them, and 23 how that's resulted in improved compliance. 24 And we actually ask them to be specific; 25 because this actually gives them guidance on how</p>

<p style="text-align: right;">Page 150</p> <p>1 their audit committee should be working, that we 2 want them to use the work of the audit committee 3 in -- quote -- and this is a requirement of law -- 4 "tracking and reporting progress on the status of 5 findings," which we think many of our audit 6 committees aren't doing; so this gives them the 7 motivation to actually follow that statutory 8 requirement to develop their narrative. 9 If their audit committee has been 10 functioning really well, they're already going to 11 have all this work done. If it's not, they're going 12 to do all this work and then know exactly how their 13 audit committee should function. 14 And then we talk about success being 15 significant changes in progress and in the audit 16 findings in subsequent years. We know, again, what 17 they're supposed to be telling us about. And then 18 we ask them to, again, identify specific evidence 19 that we can see during the site visit. 20 The next piece is the Financial 21 Performance Framework. And this asks the school 22 that if they've received -- and, you know, they've 23 supposed to have been self-rating those Financial 24 Performance Frameworks over the past several years. 25 Any one that's self-rated below a "Meets" standard</p>	<p style="text-align: right;">Page 152</p> <p>1 certain schools have had certain things, and we want 2 them to address those to really help us consider 3 those things that have happened over the term of the 4 contract; and again, specific evidence. 5 Then what we look at, if you flip to 6 Page 44 and 73, they correspond in Section 3, which 7 moves away from financial compliance and moves to 8 that contractual, organizational, and governance 9 compliance or responsibilities, Subpart A of that 10 being the Charter Material Terms. 11 And the really great thing about this is 12 we've often struggled, when we go to schools, to see 13 their material terms in action. And so this gives 14 every school the opportunity -- every school must 15 fill this out -- is to provide a brief narrative 16 describing how they have implemented those material 17 terms. 18 And that's the operational structure, the 19 mission of the school, and the educational program 20 of the school, and then help us see those when we're 21 on the site visit; so that we can then easily report 22 out to the Commission, "They're meeting their 23 material terms. Here's what they told us, and 24 here's what we were able to see and verify during 25 the site visit."</p>
<p style="text-align: right;">Page 151</p> <p>1 would provide a narrative. Again, anybody that 2 hasn't wouldn't provide a narrative. And in that 3 narrative, they would again talk about those 4 specific actions. 5 And so what we would need to do -- and 6 it's going to be some work on our part; but it's 7 actually to the degree that we can, and this is 8 going to be somewhat challenging -- but actually get 9 those Performance Frameworks. You were supposed to 10 self-rate. Did you? And we're going to compile it 11 for the Commission. 12 Then the next piece on Page 72, which is 13 Subpart C, is talking about Board of Finance. And 14 so this is actually very limited; but this is if the 15 school's Board of Finance was submitted -- or 16 suspended at any time, then they're going to 17 specifically address that; because that's a big flag 18 and a concern. 19 And so, again, the same thing: What did 20 they do on their own initiative, those 21 adult/leader/board actions, to regain that Board of 22 Finance authority and the success of those actions. 23 And then it's very clear, if you haven't, then you 24 don't have to. 25 So we're getting really targeted on</p>	<p style="text-align: right;">Page 153</p> <p>1 So -- then there's also just a little part 2 that says if a school makes substantial changes or 3 has not met the material terms, they must provide an 4 additional and more robust narrative to explain, 5 again, improvement actions, what actions -- once 6 they realize that they weren't meeting those 7 material terms, what actions did the adults and the 8 leader in that building take in order to meet those 9 terms, and what success did they have in doing that, 10 and, again, how are we going to verify that they 11 took that action. 12 Then in Subpart B, we look at the 13 Organizational Performance Framework. 14 So, again, for any area that was rated 15 below the "Meets" standard during the term of the 16 contract, they provide a narrative. What actions 17 did they, as adults, take to meet all of those 18 terms, and what was the effectiveness of those 19 actions in improving their performance? 20 And, again, specific successes are those 21 changes in practice that we can see. 22 And then we ask them again to help guide 23 us during the site visit by giving us evidence that 24 we're going to look at. 25 And then something that hadn't been a part</p>

<p style="text-align: right;">Page 154</p> <p>1 of this that I think is really important is 2 something that came up this time, which is if the 3 schools -- we're on Page 14, the last paragraph in 4 Subpart B. 5 If the school has received any OCR 6 complaints or formal special education complaints, 7 the school must identify those, provide all 8 communications redacted to protect personally 9 identifiable information related to those complaints 10 in an appendix, and describe the current status of 11 the complaint. If any of those complaints have been 12 resolved and resulted in a finding that the school 13 violated the law, they must provide a narrative 14 describing the required compensatory and corrective 15 actions required and their status in implementing 16 those actions. 17 So this is really going to set the 18 Commission up to have some of that information that 19 you haven't in the past that's been really 20 important. And we don't really have a good way 21 right now of collecting this; so I think this is 22 really essential. 23 The next subpart is Subpart C on Page 75, 24 and that's the Governance responsibilities. And 25 what we've asked them to do is take the initiative</p>	<p style="text-align: right;">Page 156</p> <p>1 to get that -- to that full compliance and the 2 success they've had in doing that. 3 So that's the looking back. That is 4 having them reflect, on every single one of those 5 sections of their Performance Framework in a way 6 that our old application really didn't; because if 7 you look at the information in the old application 8 that was deleted around Organizational, it was just 9 a "Check 'yes' or 'no,'" and, really, again, just 10 didn't give us a lot of information or reflection. 11 Part C is where the school has the 12 opportunity -- this is both on Page 45 and on 76 -- 13 on 76, it's very short. It gives the school the 14 opportunity to demonstrate financial stewardship 15 over the term of the contract. And this is -- all 16 that language there is directly from the statute on 17 what they were supposed to do; and, also, part of 18 this is that for the schools that have earned a 19 D-or-lower letter grade, this language that we were 20 talking about earlier, they should specifically 21 address, "how the school has prioritized resources 22 toward proven programs and methods linked to improve 23 student achievement until they've earned a C or 24 better." 25 So, again, this is another place where</p>
<p style="text-align: right;">Page 155</p> <p>1 to identify how they've, over the term of their 2 contract, met the terms of their governance 3 requirements; that is, the membership of their board 4 at all times during the contract, and that should 5 include membership on their required committees; so 6 really having them be thoughtful about saying, "We 7 have always had," or, "When we've had a vacancy, 8 this is how long it took us to fill that vacancy; 9 this is what we did". 10 At any time when the membership on the 11 governing body fell below the requirements or their 12 bylaws or their statutory minimum members -- they're 13 actually going to have to identify that for you: 14 "this happened on these dates, and this is what we 15 did to correct that." 16 Anytime they didn't have the required 17 committee memberships, especially that Audit 18 Committee and the Finance Committee. 19 The amount of time vacancies were open and 20 board members that did not complete their required 21 training hours in any term. 22 And then, again, if they have to, in one 23 of those, describe something that they did not do or 24 should have met a term, then they'd have to 25 identify, again, the improvement actions they took</p>	<p style="text-align: right;">Page 157</p> <p>1 those "D" and "F" schools really have some specific 2 opportunity to address something that they were 3 supposed to do and did do. 4 So one of the things that we've been 5 working on -- because what the statute says is that 6 this would be in a format required by the 7 Department -- is we've been working on the format 8 for that, using a report that's actually going to 9 allow us to do most of the work and the school to do 10 very little of the work. This is what the Budget 11 Officer does every year for every single school. 12 And it's an analysis. And the only part 13 that's missing here is the "D" and "F." And so 14 that's something we would have to work in here. 15 But they do it every year. And what we're 16 trying to do is adapt this to a five-year report. 17 So there's some work that's going on for that. We 18 would actually pre-fill 95 percent of this, and then 19 the school would really be just reflecting on, you 20 know, why were there changes in membership? How did 21 that impact their budget and their programs at the 22 school? If they lost -- if they had budgeted for 23 more and gotten less, how did that impact, and what 24 did they do to respond to that? Where did they 25 absorb their losses?</p>

<p style="text-align: right;">Page 158</p> <p>1 It specifically talks about salary and how 2 those are changing, based on the T&E. 3 And then it also talks -- breaks down, by 4 category, the expenditures; so direct instruction, 5 student support services, student services, 6 instruction, administration, food services, capital 7 outlay. All of that is laid out here, and then, 8 also, an FTE comparison. 9 So it gives a lot of information, and it 10 makes it really easy for the schools, because we 11 already have 95 percent of this data. 12 So that would be what I think Part C would 13 look like. And, again, that's because it's in a 14 format required by the Department. 15 THE CHAIR: So we would get that for every 16 school. "D" and "F" would just have to -- 17 MS. POULOS: They would have one extra 18 section they would have to complete. 19 THE CHAIR: Yeah. 20 MS. POULOS: So then Part D is the 21 Petitions of Support. 22 And if you look on Page 78, that's just 23 statutory language. When you start looking on 24 Page 79 through 81, this is the old reporting that 25 they used to do for the Organizational. So, again,</p>	<p style="text-align: right;">Page 160</p> <p>1 Part E is a Description of the Charter 2 Facilities and Assurances. This was specifically, I 3 would say, not well-addressed in the -- in the prior 4 application. So here, we ask them to provide a 5 narrative description of the facilities and then 6 attach any facility plans, or their Master Plan, 7 which helps you kind of get that looking-forward 8 picture of what they're doing with facilities. 9 In addition, we ask them for a copy of the 10 E-Occupancy Certificate and a letter from PSFA for 11 the NMCI score, and then also ask them to use 12 assurances that their facilities are in compliance 13 with requirements of 22-8B-4.2. And that's 14 something we didn't get this year and kind of 15 struggled with and were trying to figure out. 16 And the -- the -- there are templates for 17 those assurances that are available from PSFA that 18 they use as part of the award process this year. 19 And then you'll see on -- and that's 20 Page 85. We've removed the language on the Term of 21 Renewal, because a Statement of the Term of Renewal 22 that was requested, if less than five years. 23 Nobody, I don't think, has ever, in the history of 24 renewals, asked for a term that's less than five 25 years. So we didn't -- and that's not part of the</p>
<p style="text-align: right;">Page 159</p> <p>1 that's changed, based on the other pages. So it 2 just happened to fall in a different place. It was 3 the way that I deleted stuff. 4 But what we did do is the Petitions of 5 Support really don't change. One of the things that 6 I think that we do, at some point, really, have to 7 think about, is what does the Petition of Support 8 language actually mean? Because right now, what we 9 tell schools is, "You use -- you do these petitions 10 based on the enrollment and the teachers at the 11 school in the year that you apply for renewal." 12 That's your last year. 13 It may not be that that's what the 14 Commission is actually looking for. But we have 15 just used that same language and used the same form. 16 So there's no change to that at all. 17 COMMISSIONER ARMBRUSTER: And that's in 18 the law that you have to do that; right? 19 MS. POULOS: The Petitions of Support are 20 required by law. The law is not necessarily as 21 clear as it could be on what is that, who is it; 22 right? Should they do that petition at the end of 23 every single year and keep them during the term of 24 their contract and pile it up? That's something to 25 think about.</p>	<p style="text-align: right;">Page 161</p> <p>1 statutory requirements, either. 2 We removed the checklist on Page 86, 3 because we're still going on with Part F, which, 4 instead of that looking forward, where they did 5 planning for future goals, instead, this is just 6 amendment requests. And what it says is that they 7 should meet the amendment request requirements to 8 support PEC consideration that will become effective 9 as part of the new contract. 10 So we would work, in those amendment 11 request processes that we've been working toward, 12 what we can do is put that old language back now, 13 that old form; or we can go ahead and incorporate in 14 the new requests that schools would be asking for. 15 That is what we did. I tried to go 16 through it really quickly. 17 I think, again, just a quick 18 acknowledgment. What I think it does is eliminates 19 some of that duplication, provides more clarity, 20 gets targeted on what do we know about this school. 21 And I think that is in response to specific feedback 22 from NACSA that said, you know, they were getting 23 the feedback at the back end and not at the front 24 end. 25 And this really, at the front end, says</p>

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1 "Okay, if your school has done these things, don't
2 respond. If you've not done these things, then you
3 have to respond."

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

11 COMMISSIONER RUIZ: Thank you.

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

15 MS. POULOS: I'm sorry, Cindy.

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

23 MS. POULOS: And I will say, like, what I
24 envision us being able to do next year or a year
25 after is that if -- if we do move forward with this,

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1 for -- we're not waiting five years to see that
2 you've had an "F" on your second year, or the first
3 year after you renew. You better not be having
4 those things -- right? -- because all of this is
5 supposed to be doing -- is that right?

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

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

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

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1 and we can get it into an electronic submission
2 format that's not, like, upload, but, actually, a
3 form, then we can automatically turn on and off
4 parts of it; so they don't even have to worry about,
5 "Am I supposed to respond to this narrative,"
6 because we've already turned that on and said, "You
7 have to," or we've turned it off, and you don't even
8 have to think about it.

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

11 MS. POULOS: I do. It is true.

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

13 COMMISSIONER ARMBRUSTER: The thing is --
14 we get the amendments that we've been talking about,
15 the amendment requests and that whole thing that
16 we've been doing, and we have this. And they have
17 the New Mexico DASH. They're kind of all the same.
18 So if they can answer one, they can answer all of
19 them.

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

24 COMMISSIONER ARMBRUSTER: Actually, even
25 when they renew -- we sort of talked about this

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1 looking for.

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

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

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

10 THE CHAIR: The good old days.

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

15 THE CHAIR: Right. Right.

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

19 COMMISSIONER PERALTA: Appreciate it.

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

23 COMMISSIONER PERALTA: Way before. Way
24 before.

25 COMMISSIONER TOULOUSE: The rest of us can

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<p>1 say, "We're so old, we've lost the memory"; so...</p> <p>2 COMMISSIONER JOHNSTON: That's why I</p> <p>3 needed confirmation.</p> <p>4 COMMISSIONER TOULOUSE: I'm just very glad</p> <p>5 that Cindy just has to take down the words; because</p> <p>6 if she had to follow all the gestures -- if they're</p> <p>7 descriptive to the audience, then I'm just glad she</p> <p>8 doesn't have to take them down.</p> <p>9 COMMISSIONER JOHNSTON: I'll tell you a</p> <p>10 story sometime when I was in college in a play, and</p> <p>11 the reviewer said, "She was really good, except her</p> <p>12 hands were in flight the whole time."</p> <p>13 COMMISSIONER TOULOUSE: Well, I used to</p> <p>14 make money in staff meetings by insisting I could</p> <p>15 keep my hands under the table the entire time. And</p> <p>16 people would swear I couldn't, and I would. I would</p> <p>17 go out of a meeting with \$20, \$30.</p> <p>18 THE CHAIR: Okay.</p> <p>19 COMMISSIONER JOHNSTON: So should I make a</p> <p>20 motion?</p> <p>21 THE CHAIR: That's up to you.</p> <p>22 COMMISSIONER JOHNSTON: Is it time, I</p> <p>23 guess I should ask? Is it time?</p> <p>24 THE CHAIR: Well, anytime is really a time</p> <p>25 for a motion.</p>	<p>1 Conyers?</p> <p>2 COMMISSIONER CONYERS: Yes.</p> <p>3 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>4 Ruiz?</p> <p>5 COMMISSIONER RUIZ: Yes.</p> <p>6 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>7 Gipson?</p> <p>8 THE CHAIR: No.</p> <p>9 COMMISSIONER ARMBRUSTER: That's six votes</p> <p>10 "yes"; two votes, "no."</p> <p>11 THE CHAIR: The motion passes six-to-two.</p> <p>12 And I guess we're tabling, at this moment</p> <p>13 in time, No. 11.</p> <p>14 MS. POULOS: I think so, unless you want</p> <p>15 to spend this time working through the rest of them.</p> <p>16 THE CHAIR: We still have a number of</p> <p>17 other items. But I don't mind.</p> <p>18 COMMISSIONER TOULOUSE: Madam Chair, some</p> <p>19 of us work 80 hours a week; some of us don't.</p> <p>20 THE CHAIR: Well, it's still reasonably</p> <p>21 early. And I don't mind continuing the discussion</p> <p>22 on the amendments after the meeting, if</p> <p>23 Commissioners choose to. That's fine. I can -- I'm</p> <p>24 certainly willing to do that.</p> <p>25 But at this point in time, the Amendment</p>
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<p>1 COMMISSIONER JOHNSTON: Emotion?</p> <p>2 THE CHAIR: As well as a margarita; but</p> <p>3 that's besides --</p> <p>4 (A discussion was held off the record.)</p> <p>5 COMMISSIONER JOHNSTON: Madam Chair, I</p> <p>6 make the motion that we accept the revised -- the</p> <p>7 Revised Draft of the State Charter Renewal</p> <p>8 Application Kit.</p> <p>9 COMMISSIONER RUIZ: Second.</p> <p>10 THE CHAIR: Discussion?</p> <p>11 COMMISSIONER ARMBRUSTER: Are there any</p> <p>12 abstentions? There will be eight of us voting.</p> <p>13 Commissioner Toulouse?</p> <p>14 COMMISSIONER TOULOUSE: No.</p> <p>15 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>16 Armbruster votes "Yes."</p> <p>17 Commissioner Crone?</p> <p>18 COMMISSIONER CRONE: Yes.</p> <p>19 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>20 Peralta?</p> <p>21 COMMISSIONER PERALTA: Yes.</p> <p>22 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>23 Johnston?</p> <p>24 COMMISSIONER JOHNSTON: Yes.</p> <p>25 COMMISSIONER ARMBRUSTER: Commissioner</p>	<p>1 Request Protocol is not -- is not ready for a vote;</p> <p>2 so we will move on and hopefully, have that -- I</p> <p>3 think, actually, we talked about probably October.</p> <p>4 MS. POULOS: Probably.</p> <p>5 THE CHAIR: Yeah. When we were doing the</p> <p>6 Work Session.</p> <p>7 MS. POULOS: I think we can get feedback.</p> <p>8 THE CHAIR: By the time we do feedback,</p> <p>9 it's going to be a little bit longer than we had</p> <p>10 hoped.</p> <p>11 Okay. Report from me. We have the</p> <p>12 Community Input hearings tomorrow. We have two</p> <p>13 schools that are going forward. So we look forward</p> <p>14 to a robust conversation with them.</p> <p>15 There's a number of us that have signed up</p> <p>16 to go to the NACSA conference in October. So</p> <p>17 we're -- I think there's two, three -- five of us</p> <p>18 that are going. So I'm assuming that everyone's</p> <p>19 gotten all the appropriate information to you?</p> <p>20 MS. FRIEDMAN: Basically, I'm working on</p> <p>21 that right now; because I will need to ask the five</p> <p>22 of you some questions as to which airport you want</p> <p>23 to fly out of, when you want to leave.</p> <p>24 I'll need your full name that's on your --</p> <p>25 your driver's license for identification and that</p>

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1 type of thing. But I'll be -- I'll be contacting
 2 you individually about that.
 3 THE CHAIR: And I also have a TSA number;
 4 so you will probably need that for that; because I
 5 can skip the line then.
 6 COMMISSIONER ARMBRUSTER: And I have a
 7 Global Entry, too.
 8 MS. FRIEDMAN: That's why I need to talk
 9 to you individually.
 10 THE CHAIR: Before I continue, I would
 11 just like to thank PED for the workshop, the
 12 conference, that was put on; because we -- I don't
 13 think we've met in between. So I just wanted to say
 14 a number of us went. And I think the schools
 15 absolutely had a -- a fruitful conference, that
 16 there was nothing but positives.
 17 The only negatives I heard was, "I needed
 18 more time with that person," you know; so that
 19 that -- that's a good negative, you know, that you
 20 know that people are getting quality information
 21 from those presenters, and they wanted to be able to
 22 ask more questions or get more information. And the
 23 same was true, I know, for myself, so that it was, I
 24 think, very well attended.
 25 MS. POULOS: It was very well attended.

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1 THE CHAIR: There were a lot of people
 2 there. I don't know how many schools; because it
 3 was nice that they brought so many people from their
 4 schools. So that was nice. And I certainly
 5 recognized a lot of folks, so that -- and I think --
 6 unfortunately, I think it was one of those cases
 7 where you say, "I wish this school had been there";
 8 because you know the quality of the work that was
 9 going on there and how they would have benefited
 10 from it.
 11 So I certainly do hope -- and I know we
 12 had a conversation about next year. So that's --
 13 it's exciting to be able to see that continuing. So
 14 I wanted to say thank you for that work.
 15 Letter C says, "PSCOC Release Purchase
 16 Funds."
 17 And that's -- it's not "Release Purchase."
 18 It's the "Lease Purchase" and the -- what is it
 19 referred to as -- the reimbursements and the -- or
 20 awards, whatever it's -- whatever it's referred to.
 21 So that wording is a little awkward. But it's not,
 22 "Release." I think -- it was probably Wordsmith,
 23 and it did "Release," when it was supposed to be
 24 "Lease."
 25 But there is -- there was a concern that

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1 was raised, actually, at that conference that was
 2 brought forward that there's -- the awards that were
 3 going to happen in July; but now the Council --
 4 that's the correct phrase, "Council"; right? -- that
 5 the Council is meeting in August now for those --
 6 for those awards, and that the -- there is a
 7 distinct possibility that there will be a 20 percent
 8 reduction in those funds to our schools, which could
 9 have a devastating effect on the schools.
 10 So I facilitated a conversation between
 11 Commissioner Peralta, who I rely completely on for
 12 that information and that work, and Kelly, which was
 13 the suggestion, so that we can see what might
 14 possibly -- what could be done about this.
 15 And I think I'm going to turn it over, in
 16 part, to Commissioner Peralta; because Commissioner
 17 Peralta put forward a suggestion for how we might
 18 move forward in dealing with this, with this issue,
 19 at this point in time.
 20 COMMISSIONER PERALTA: Yes. So we talked
 21 sometime last week. And -- as Commissioner -- Chair
 22 Gipson alluded to, myself, Kelly Callahan, and
 23 Commissioner Gipson -- about the concerns. You
 24 know, it was probably maybe a couple of months ago,
 25 or maybe the previous month at the last Council

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1 meeting, we did have a charter school that did come
 2 before the Council during Public Forum that
 3 basically addressed that, that issue about the
 4 20 percent reduction in the lease reimbursement and
 5 the effect that it would have on the -- all schools.
 6 Not just charter schools, but all public schools,
 7 are taking a big hit.
 8 And so there will be discussion on the
 9 August 11th Council Meeting. I do not have any
 10 information on what the Awards Subcommittee is
 11 recommending, whether they are going to go with --
 12 go through with the awards or not, or implement the
 13 reduction. So that would be interesting to see
 14 what's going to come about with that on August 11th.
 15 But we talked about what might be a
 16 possible way of addressing the issue to the charter
 17 schools. My suggestion would be that if we were
 18 able to at least be considerate and give charter
 19 schools at least a one-year advance notice that the
 20 possibility of that reduction could be coming into
 21 play, if we give them that ample time to be able to
 22 collect all the information and data to support
 23 reasons why they shouldn't take that hit, I think
 24 that would be fair enough to the charters to be able
 25 to do that, as opposed to just the element of

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1 surprise and just springing it on them.
 2 So, you know, I have suggested that we
 3 allow the Coalition, along with Chair Gipson and
 4 myself, of course, sitting on the Council panel, to
 5 maybe either get on the agenda or come before the
 6 Council on a Public Forum.
 7 So I -- I reached out to Cassandra Cano,
 8 who is part of PSFA and the Council Liaison, and she
 9 suggested that on the 11th, if Ms. Callahan and
 10 Chair Gipson would appear in a Forum, she thought
 11 that would be justifiable, and at least the first
 12 step of maybe, you know, bringing the position of
 13 the charter schools and the Commission, as to, you
 14 know, the concerns and how we -- what can we do to
 15 basically go forward in partnering up and coming up
 16 with a -- you know, adequate solution, so that these
 17 charter schools don't have to take such a big hit,
 18 and so it's not so impactful on their budgets and
 19 having to cut programs or staffing and those kind of
 20 things.
 21 So we look forward to the time on
 22 August 11th, and I think once that happens, we'll
 23 come back and present what we were able to get out
 24 of that conversation.
 25 THE CHAIR: Right. And I think this

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1 conversation has long-term effects, because -- or
 2 I -- and, hopefully, positive; because we're looking
 3 at not -- well, I guess it could come up in the
 4 "Short Session," because it's a -- it's a revenue
 5 issue. But we know that they're looking at cutting
 6 the Small School Size Adjustment, that that's a
 7 fabric of every conversation for how many sessions.
 8 So I think there -- I think it would be of
 9 great value to have that study, so that it's not
 10 just conjectures: "This is -- this is what might
 11 happen"; so that there's concrete information one
 12 way or the other with this.
 13 So I think it can help as we move forward
 14 to the Legislative Sessions, as well as for the
 15 charters, so that there is -- everyone is speaking
 16 from a point of accurate information.
 17 So I -- you know, I appreciate the
 18 suggestion by Commissioner Peralta for that.
 19 Commissioner Crone?
 20 COMMISSIONER CRONE: I just wanted to add
 21 that tonight on 89.1 -- it's KANW -- some of the
 22 college presidents are going to address this whole
 23 issue about funding. And I -- I'm not sure of the
 24 time. I'm not sure of the locations. You might
 25 actually be able to attend the forum and not just

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1 listen to the radio.
 2 COMMISSIONER TOULOUSE: Madam Chair, the
 3 meeting is at the Journal, Albuquerque Journal
 4 Building.
 5 COMMISSIONER CRONE: Okay.
 6 COMMISSIONER TOULOUSE: But I think you
 7 need to call for a reservation; so -- because they
 8 have to open the building. Because it's -- I think
 9 it's at 7:00. If I remember, it's at 7:00.
 10 COMMISSIONER CRONE: I believe that's
 11 correct.
 12 THE CHAIR: Okay.
 13 COMMISSIONER CRONE: We're hurting more
 14 than K-12 is. Just saying.
 15 THE CHAIR: I know. But just so you know,
 16 there were a number of schools who were anticipating
 17 the possibility of these cuts, did fundraising to
 18 try to maybe offset some of it. And when the cash
 19 reserves were wiped out, they lost that money; so
 20 that it's -- you know, it's -- and I -- and I think
 21 we understand, everyone, the entire educational
 22 community, is hurting as a result of these budget
 23 cuts.
 24 So I think we need to have truly an
 25 accurate picture of what this really all looks like,

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1 as opposed to sitting up here and saying, "This is
 2 what's going to happen," and we really don't have
 3 the data to back us up.
 4 COMMISSIONER ARMBRUSTER: Gilbert?
 5 COMMISSIONER PERALTA: Yeah.
 6 COMMISSIONER ARMBRUSTER: Just two
 7 questions, very quickly.
 8 The easier one is: So when the
 9 Legislature is talking about Small School Funding,
 10 we're talking about charters only. They're not
 11 going to do --
 12 COMMISSIONER PERALTA: No, no.
 13 THE CHAIR: He's not talking about the
 14 Legislature.
 15 COMMISSIONER ARMBRUSTER: No. But do you
 16 know what --
 17 THE CHAIR: Overall public; right?
 18 COMMISSIONER ARMBRUSTER: So even small,
 19 traditional schools will be in -- okay. And how do
 20 traditional public schools use lease money? They're
 21 using -- because you said it would be both, or --
 22 they will take a hit, also, you said?
 23 COMMISSIONER PERALTA: I meant that
 24 basically the fact that the -- what the last
 25 Legislative Session did of taking General Surplus

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1 Funding of all public schools. That was an issue.
 2 COMMISSIONER ARMBRUSTER: They're not
 3 getting a 20 percent --
 4 COMMISSIONER PERALTA: No, they're not --
 5 the public schools are not getting --
 6 THE CHAIR: The lease money is only
 7 pertaining to charters.
 8 COMMISSIONER TOULOUSE: The hit would come
 9 for places like APS, who lease some of their vacant
 10 facilities to charter schools.
 11 COMMISSIONER ARMBRUSTER: Right. But that
 12 would only affect the charters.
 13 THE CHAIR: It would affect Las Cruces;
 14 because they did the construction funding. So it
 15 does affect them, because they floated the
 16 construction money, so that if one of those schools
 17 had to close because of that, they could.
 18 COMMISSIONER ARMBRUSTER: They're not
 19 getting any money. They didn't give any money to
 20 school districts this year to build schools, either.
 21 The State did not, like, give -- I don't know --
 22 20 percent or 50 percent or something?
 23 COMMISSIONER JOHNSTON: There's nothing
 24 this year?
 25 COMMISSIONER PERALTA: A lot of the

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1 have a -- you know, a feeling, then I'm okay.
 2 Okay?
 3 COMMISSIONER ARMBRUSTER: Do you want to
 4 go around and ask opinions?
 5 THE CHAIR: No. Just shake or nod your
 6 head.
 7 (Commissioners indicate.)
 8 COMMISSIONER TOULOUSE: We've done a
 9 consensus.
 10 THE CHAIR: I have two appointments to
 11 make, one to NMPSIA and one to the State Library
 12 Commission.
 13 And there was one person who asked -- who
 14 expressed a desire to serve on NMPSIA; and that was
 15 Commissioner Armbruster. So, Commissioner
 16 Armbruster -- no?
 17 COMMISSIONER CRONE: I'm already on
 18 NMPSIA.
 19 THE CHAIR: No, Trish didn't --
 20 Commissioner Ruiz was for the Library Commission.
 21 COMMISSIONER RUIZ: No. No, ma'am. It
 22 was for NMPSIA.
 23 THE CHAIR: I'm sorry. That's my -- I'm
 24 sorry. Then I misread that. I apologize. So that
 25 makes it --

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1 schools that were in the stages of construction have
 2 been either set back a quarter or two quarters.
 3 THE CHAIR: So what I'm asking -- because
 4 I don't go and speak without getting everyone's --
 5 or the majority's approval -- that I'm asking that I
 6 get your approval to go on the 11th to speak for
 7 the -- the Commission, and continue -- this is going
 8 to be something that is -- it will expand in terms
 9 of the scope of our participation in this; so that
 10 this is just the initial, "Please let us do this,
 11 and hold off the -- the reduction until we can
 12 provide some better information for you."
 13 So at this point in time, I'm asking the
 14 Commission -- the Commission's approval to go on the
 15 11th to speak for the Commission in asking for this
 16 temporary "stay of execution."
 17 COMMISSIONER TOULOUSE: It's not on the
 18 agenda for a vote; but we could do a consensus.
 19 THE CHAIR: Well, it says, "Discussion and
 20 Possible Action." No, I'm sorry, it doesn't.
 21 COMMISSIONER TOULOUSE: We can do a
 22 consensus. Everyone can nod or shake their head.
 23 THE CHAIR: It doesn't really need a vote,
 24 unless you all said no. Then I would take that into
 25 serious consideration, you know. But as long as I

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1 MS. FRIEDMAN: Madam Chair, actually, no
 2 one volunteered for the Library Commission.
 3 THE CHAIR: I'm sorry. I thought you said
 4 Library Commission. And I apologize. And I don't
 5 know how I misread that. I'm sorry. So that --
 6 COMMISSIONER ARMBRUSTER: Why can't one of
 7 us be the one and one be the alternate?
 8 THE CHAIR: Can you have an alternate to
 9 that?
 10 MS. FRIEDMAN: Yes, you certainly can. As
 11 a matter of fact, I got an e-mail just a little
 12 while ago -- I sent it to you -- Mr. Quintana?
 13 THE CHAIR: Yeah, I briefly saw it. I
 14 didn't have a chance to fully -- to fully read it.
 15 MS. FRIEDMAN: Yeah. He's desperate to
 16 have a person; because they haven't have a quorum
 17 without a person. And so --
 18 THE CHAIR: And that's the case with so
 19 many of the commissions, unfortunately, at this
 20 point in time.
 21 MS. FRIEDMAN: We've only had one or two
 22 backups for that position, also.
 23 THE CHAIR: So because Commissioner Ruiz
 24 was the first e-mail that I received, Commissioner
 25 Ruiz will be the permanent, and Commissioner

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1 Armbruster will be the alternate.
 2 COMMISSIONER JOHNSTON: And, Madam Chair,
 3 I'll volunteer to serve on the Library Commission.
 4 I had considered that.
 5 THE CHAIR: Thank you. I apologize for
 6 that.
 7 COMMISSIONER RUIZ: That's okay.
 8 THE CHAIR: I don't know how I misread
 9 that. So Commissioner Johnston will serve on the
 10 Library Commission.
 11 And I will -- oh. Beverly, you have
 12 the --
 13 MS. FRIEDMAN: I have all the data, and
 14 I'll contact them and let them know. And I'll talk
 15 to --
 16 THE CHAIR: I'll just publicly express my
 17 concern that the e-mail for that replacement came
 18 through --
 19 MS. FRIEDMAN: Quickly?
 20 THE CHAIR: -- too quickly. I thought it
 21 was inappropriate the day that I received it; so I'm
 22 just going to say that.
 23 COMMISSIONER CRONE: Yeah. I think they
 24 are sort of desperate; because there was another
 25 vacancy, as well.

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1 COMMISSIONER CRONE: There is a meeting
 2 the first Wednesday in August in Ruidoso.
 3 COMMISSIONER RUIZ: For NMPSIA?
 4 MS. FRIEDMAN: I've got all of that. I'll
 5 send it to her.
 6 THE CHAIR: That was the e-mail that came
 7 through. They're concerned there won't be somebody
 8 in August in Ruidoso.
 9 COMMISSIONER CRONE: It's at the Inn of
 10 the Mountain Gods.
 11 COMMISSIONER TOULOUSE: You wouldn't mind
 12 going there.
 13 COMMISSIONER JOHNSTON: What about the
 14 State Library Commission?
 15 THE CHAIR: They meet in Santa Fe. They
 16 meet in a closed library.
 17 COMMISSIONER JOHNSTON: Oh, dear. I have
 18 great respect for librarians.
 19 THE CHAIR: I do, too. And I'm appalled
 20 that schools are doing away with -- because it's
 21 more than just a book. Yeah. So --
 22 COMMISSIONER RUIZ: I have it on my
 23 calendar. Thank you.
 24 THE CHAIR: -- disconcerting.
 25 Update from the Coalition.

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1 THE CHAIR: The Library or NMPSIA?
 2 COMMISSIONER CRONE: NMPSIA.
 3 THE CHAIR: I'll say NMPSIA did not send
 4 anything through immediately, that they -- I think
 5 it was thoughtful, their response. I think the
 6 Library Commission was --
 7 COMMISSIONER JOHNSTON: Are they being --
 8 oh, good. And I volunteered. Oh, good.
 9 THE CHAIR: Just so you know, they meet
 10 four times a year.
 11 COMMISSIONER JOHNSTON: That's all right.
 12 Being a former English teacher who loves the
 13 library, the "liberry" [ph] is my place.
 14 THE CHAIR: I'll tell you that the school
 15 district that I taught in just now eliminated all
 16 the librarian positions and had a -- literally had a
 17 garage sale for all of the library materials, that
 18 there is nothing left. That's 178 elementary
 19 schools, five middle schools and three high schools,
 20 just done away with.
 21 COMMISSIONER CRONE: At least they didn't
 22 burn them.
 23 THE CHAIR: We don't know that.
 24 COMMISSIONER CRONE: Also, Trish?
 25 COMMISSIONER RUIZ: Yes.

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1 MS. KELLY CALLAHAN: Good afternoon,
 2 Madam Chair, Commissioners. Thank you once again.
 3 I'm sorry if missed the June meeting. I saw in the
 4 minutes that you recognized --
 5 THE CHAIR: No, you're not. You're not
 6 sorry.
 7 MS. KELLY CALLAHAN: Not really. But I'm
 8 back with enthusiasm. So we'll take a look at that.
 9 Just to bring everybody up to speed, I
 10 think everybody informally knows, but I do want to
 11 put it on the record, that the Coalition will have a
 12 new Executive Director, and that is Matthew Pahl.
 13 He will be starting at the Coalition as the
 14 full-time Executive Director on September 1st.
 15 Greta is retiring, and next week is her
 16 last week. I am not retiring; but I am taking a
 17 different kind of position. And I'm just going to
 18 say this: Matt is young, enthusiastic, very
 19 ambitious, has a lot of great ideas. And we
 20 mutually came to that decision. And so I really
 21 appreciate Matt stepping up.
 22 I will continue to serve as the Liaison to
 23 the PEC. Matt is under the Government Conduct Act,
 24 and so he's -- he's going to take sort of background
 25 for a year in the advocacy pieces and things like

1 that.

2 So -- but I will definitely -- you can't
3 get rid of me that easily; so -- but I'm glad for
4 that. I think it will also help with continuity.
5 And, of course, we'll be communicating with Matt.

6 I also want to echo, Katie. Your team did
7 an outstanding job on that conference. And I
8 attended a lot of the sessions, and they were
9 terrific. And we feel like the schools got a lot of
10 benefit out of it.

11 So thank you for including us, and also
12 for allowing us to be a part of the presentations.
13 So that was good. And I'm hoping that we'll be able
14 to look at some more collaboration as we go down the
15 road, I think, with Matt coming on. And just in the
16 light of the budget issues that we're all having, I
17 think we need to look at creative ways of sharing
18 opportunities. So we hopefully definitely will take
19 a look at that.

20 And then, just -- Commissioner Peralta,
21 thank you so much for participating in the phone
22 conference with Chair Gipson and myself. I
23 appreciate your thoughts and insight on that.

24 I just wanted to let you know that we did
25 put out a "Call to Action" for the schools to send

1 really appreciate your support in not letting this
2 hammer come down on the schools so quickly.

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

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

13 Just so you know that we are planning on
14 doing a fall conference, it's going to look a little
15 different. But we do not have dates and everything.
16 I'm kind of -- I want Matt to be involved in this,
17 and Matt has been really involved in what's going on
18 at the PED and the lawsuit; and so he hasn't really
19 had a chance. So we will keep you guys informed,
20 you know. And who knows what kind of partnership,
21 and I think there's a lot of opportunity that we're
22 looking to explore. And so this is going to be
23 great.

24 And we will be at all of the Interim
25 Committees. Matt is working on developing a

1 brief impact statements to the Council members, just
2 so that they knew that there is going to be some
3 dire consequences that are going to happen if this
4 is implemented, like you said. And I truly
5 appreciate the thoughtfulness that you brought to
6 the -- of giving a year, let's take a look at this.

7 And what I would like to propose is that
8 we work on a really -- I think, a data-driven report
9 about the fiscal -- or the facility issues that are
10 happening with charter schools. I think there's a
11 lot of information -- we have PSFA over here. We
12 have PED over here. We have information from the
13 schools here. And I think there's just a lot of
14 information that I would like to see if we can
15 consolidate.

16 So I'm going to put forth, at that
17 meeting -- the Coalition is going to put a
18 recommendation that we can work with the PEC, with
19 the other authorizers, to put together a data-driven
20 report. CSD hopefully will help. And really give
21 that information, so that a year from now, or
22 earlier, that we'll have a much better picture of
23 what's happening.

24 Hopefully, the budget will get better; but
25 if not, then we need to be prepared. And so we

1 platform for the Coalition that we're going to put
2 together for the schools that we want to share with
3 you all and with the -- with the LESC and LFC; and
4 hopefully, we'll have those out in September. So
5 we're trying to get a jump on the legislative
6 planning that we need to do.

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

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

17 COMMISSIONER JOHNSTON: Get to the
18 important stuff.

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

24 THE CHAIR: It's coming from LFC; correct?
25 Or LESC? LESC.

<p style="text-align: right;">Page 190</p> <p>1 COMMISSIONER PERALTA: LFC is involved, 2 too. 3 COMMISSIONER TOULOUSE: I think the LFC 4 does more in the way of budget. 5 THE CHAIR: One of the driving voices is 6 from LESC. 7 COMMISSIONER TOULOUSE: Well, that's 8 because of the connection. But the actual decisions 9 come -- 10 COMMISSIONER ARMBRUSTER: I'm just 11 wondering if there's a public outcry, or -- you 12 know, the squeaky wheel gets the grease there. You 13 know, whether we're saying, "Well, schools are 14 getting 20 percent less." That's a -- we're not 15 talking about 3 percent here. We're talking about 16 20. 17 So then they can say, "Well, we're not 18 going to be able to provide lunches anymore." 19 So there you go. For -- I'm just saying 20 that the public will now hear that schools in 21 New Mexico will no longer be -- can't have lunch, 22 because they have to pay for their schooling, that 23 kind of thing. I'm not suggesting necessarily that; 24 but if there's something we can -- 25 MS. KELLY CALLAHAN: We have. And the</p>	<p style="text-align: right;">Page 192</p> <p>1 And they will also be meeting to do some-- we have a 2 few coming from Public Comment. 3 COMMISSIONER ARMBRUSTER: So local 4 charters might be doing this, also, as well as -- 5 MS. KELLY CALLAHAN: We've communicated 6 with both district-chartered and PEC-chartered 7 schools. 8 THE CHAIR: Having been at a number of the 9 committees during Session, there's -- there's an 10 army that shows up at -- you know. So it's -- 11 it's -- and it's -- I think it's important for 12 people to see, that it's not just one or two faces 13 that are standing up. 14 Director, did you -- 15 MS. POULOS: This was going back. So at 16 the end of this discussion, if you don't mind? 17 Sorry. 18 MS. KELLY CALLAHAN: Unless you have 19 any -- I don't have anything else. 20 COMMISSIONER JOHNSTON: I just have a 21 question. And I apologize for my ignorance; but 22 this is where I am. 23 This Capital Outlay Council is -- is it a 24 part of the PSCOC? 25 COMMISSIONER PERALTA: It is the PSCOC.</p>
<p style="text-align: right;">Page 191</p> <p>1 Call to Action, Commissioner Armbruster, is exactly 2 that. It's an impact statement. It's a short, 3 sweet -- they can do it in an e-mail. You know, 4 "The amount would be this. This is what we're going 5 to have to do to fill that gap." 6 And it ranges from staffing cuts to not 7 providing lunches, after-school programs, whatever 8 it is. But there's -- we ask that they be very 9 directed about what exactly the school is going to 10 have to do to make up the deficit of a 20 percent 11 cut off of their -- not a 20 percent off their whole 12 budget, but just off the lease reimbursement. 13 But most schools are already supplementing 14 their operational money, because the leases are big, 15 which is part of the -- the dialogue that we've been 16 having, is because charter schools have to look at 17 other means of getting into buildings, that 18 sometimes the public -- or the private -- leases end 19 up costing them a lot more than -- and so I think 20 there's a larger landscape that needs to be looked 21 at. 22 But we are -- Commissioner, we asked them 23 to communicate to the PSCOC respectfully and very 24 short; because these people are very busy. But 25 just, "Here's a direct impact of what's happening."</p>	<p style="text-align: right;">Page 193</p> <p>1 COMMISSIONER JOHNSTON: Okay. So it is. 2 This -- the impetus for this 20 percent reduction 3 and -- two things: One, having made lease payments 4 as a charter school head of school -- charter 5 head-of-school person, I know exactly what they're 6 living. And 20 percent would -- is this -- this 7 only applies to charters? Because schools -- school 8 districts do not -- or sell them -- lease anything. 9 So the impact -- 10 THE CHAIR: But it does -- it does impact 11 the school districts that do lease. 12 COMMISSIONER JOHNSTON: Lease buildings. 13 Lease buildings. 14 MS. KELLY CALLAHAN: They'll lose that. 15 The lease is written that it is for the amount of 16 the lease reimbursement. 17 COMMISSIONER JOHNSTON: Then it goes back. 18 And this may not be a question to ask in a public 19 meeting. But where did this all start? I mean, 20 I've missed it until today. 21 THE CHAIR: Well, I think it started at 22 the LESC and the LFC, that that's where it started. 23 And I'm -- you know, you can correct me. It's -- 24 the conversation of the Small School Size 25 Adjustment. So if you can't get the Small School</p>

<p style="text-align: right;">Page 194</p> <p>1 Size Adjustment dealt with, this is -- this is a 2 back door. 3 COMMISSIONER JOHNSTON: This is the 4 offshoot. 5 MS. KELLY CALLAHAN: It may -- it could 6 be; but -- 7 COMMISSIONER PERALTA: If the Small School 8 Size Adjustment goes away, whatever, then the 9 charter schools also have to take a hit, as well. 10 COMMISSIONER JOHNSTON: So it's to make 11 sure that everybody -- it balances; because I was 12 in -- I understood the conversation of the Small 13 School Size Adjustment. But I hadn't this part of 14 it. Okay. 15 MS. KELLY CALLAHAN: And -- you know. And 16 the other thing is that this -- this discussion has 17 happened, because when -- you usually get the 18 application to do the lease reimbursement in April. 19 And it said in there that there's a possibility that 20 there could be a 20 percent -- so the discussion 21 happened when the application came out. 22 But I don't know where the impetus to put 23 it into that application -- I think a lot of it -- 24 and Commissioner Peralta, when we talked on the 25 phone -- everybody was going through that kind of</p>	<p style="text-align: right;">Page 196</p> <p>1 there. 2 COMMISSIONER TOULOUSE: And there is 3 anti-charter school sentiment among folks at the 4 LESC and the LFC. So it's an easy way to bring that 5 in, cut the money, and change the discussion from 6 the Small School Adjustment to something else. 7 THE CHAIR: Right. Yeah. 8 COMMISSIONER JOHNSTON: Thank you. 9 THE CHAIR: Thanks. 10 MS. KELLY CALLAHAN: Thank you. 11 Appreciate it. 12 THE CHAIR: Looking back? 13 MS. POULOS: On Item 10, one of the things 14 that we had discussed this morning. 15 THE CHAIR: What is that? 16 MS. POULOS: That's the Renewal Kit -- I 17 meant to throw back in there for you for that 18 discussion was whether you wanted to add another 19 subpart in here. I think I know where it can fit, 20 where if someone has what we would call an essential 21 partnership, contract, or relationship, that you 22 would want that submission of the agreement. And I 23 forgot to bring it up. 24 COMMISSIONER ARMBRUSTER: It's too late 25 now.</p>
<p style="text-align: right;">Page 195</p> <p>1 budget slashing that was happening, and districts 2 and charter schools. 3 And so, you know, I think there's -- it's 4 a way to offset some of the hits that the Capital 5 Outlay money used to take care of some other things 6 and -- you know, I just think there's a lot of 7 "Peter to pay Paul" that's going on. And it's -- 8 and it's unfortunate that we have to do that; so... 9 COMMISSIONER JOHNSTON: That makes sense. 10 I was just trying to put -- 11 THE CHAIR: The process was also -- it was 12 unfortunate, because -- you know, it's like an 13 asterisk on this application. It's, like -- you 14 know. So I don't think that -- I think that, 15 also -- 16 COMMISSIONER JOHNSTON: Very quietly 17 moving; whereas, the Small School Size Adjustment 18 was very loud. 19 THE CHAIR: Oh, yeah. Yeah. Well, 20 because there's also traditional publics that -- 21 COMMISSIONER JOHNSTON: There are so many 22 of them. 23 MS. KELLY CALLAHAN: There's a lot of 24 intricacies that have to be negotiated. 25 THE CHAIR: Which is what has also kept it</p>	<p style="text-align: right;">Page 197</p> <p>1 MS. POULOS: And we could give them the 2 warning that we're recommending, for next meeting, 3 that we put it in. 4 THE CHAIR: It is what it is. 5 MS. POULOS: Okay. I'll draft up 6 language. I'll give the schools the warning that 7 we're thinking about recommending, or recommending 8 at the next meeting, that the Commission put that 9 in. I'll pull the language. I'm probably just 10 going to pull it straight from what we have in the 11 new application. 12 THE CHAIR: You know what might be 13 possible is maybe, looking forward, that we simply 14 say, you know, "We need to take a look at, and we 15 need to update all our info, that whatever -- 16 whoever" -- 17 MS. POULOS: Anybody. 18 THE CHAIR: -- "has this, we need to see 19 it." And that way, we cover everyone. 20 MS. POULOS: We could do that, too. We 21 could just draft up a -- 22 THE CHAIR: Right. I think that would be 23 important from my perspective, to really see it; 24 because I think some people here didn't even think 25 of, like, New Americas as a management, when it is,</p>

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1 really. So I think -- there could be out there.
 2 MS. POULOS: Yeah. And they should be
 3 re-entering those agreements, I would think, every
 4 year.
 5 THE CHAIR: I would think so.
 6 MS. POULOS: So we should make that a
 7 submission requirement. All right. I'll work on
 8 that for next meeting.
 9 THE CHAIR: All right. Okay.
 10 PEC Comments?
 11 Commissioner Ruiz?
 12 COMMISSIONER RUIZ: Thank you to
 13 everybody. Great meeting.
 14 THE CHAIR: Commissioner Toulouse?
 15 COMMISSIONER TOULOUSE: Madam Chair, all I
 16 want to say is to tell people the Legislative
 17 Education Study Committee is meeting next week,
 18 Wednesday, Thursday, Friday, in Gallup. And I will
 19 be going to the Thursday and Friday part.
 20 THE CHAIR: Just so everyone knows,
 21 Wednesday is really --
 22 COMMISSIONER TOULOUSE: There's not a
 23 whole lot.
 24 THE CHAIR: People dribble in on
 25 Wednesday. Most people get in on Wednesday; and

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1 happening at each of the meetings. So that's when
 2 it becomes a little problematic. But, yes, Indian
 3 Education, appropriately, is on the schedule for --
 4 and there are a couple of our schools that have been
 5 invited to be there; so -- and that's all I'm going
 6 to say about that.
 7 So -- and I'll let you know as soon as we
 8 have a firm date for the revocation hearing. But --
 9 and I'll admit that I asked for it to be moved to
 10 the 10th, because I had to be in Santa Fe on the
 11 11th; so instead of going up on the 7th, coming back
 12 and then coming back again, I thought it's a better
 13 use of transportation money if I only have to come
 14 up.
 15 And a number of you also might be going.
 16 I don't know; but -- so we'll see.
 17 COMMISSIONER ARMBRUSTER: Me?
 18 THE CHAIR: Yeah.
 19 COMMISSIONER ARMBRUSTER: No.
 20 Everything's great, I guess.
 21 THE CHAIR: Commissioner Conyers?
 22 COMMISSIONER CONYERS: I'm good. Very
 23 good.
 24 THE CHAIR: You're good?
 25 COMMISSIONER JOHNSTON: I have a question.

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1 then it's Thursday, really, that starts the meat of
 2 the work. So it's --
 3 COMMISSIONER TOULOUSE: And Thursday
 4 afternoon is the Indian Education, which includes
 5 the NACA schools. And I wanted to make sure I was
 6 there for that.
 7 THE CHAIR: I was concerned, because that
 8 was originally the date for PSCOC. So I was trying
 9 to figure out how I was going to split myself
 10 between Gallup and Santa Fe. So now, at least
 11 that's been set. So thank you for that.
 12 COMMISSIONER PERALTA: I'm good.
 13 THE CHAIR: I'm -- I was going to tell
 14 everyone I'm going to be in Gallup next week, and
 15 I --
 16 COMMISSIONER TOULOUSE: I waited for you
 17 to say it under your remarks, because you usually
 18 do.
 19 THE CHAIR: I did -- I'll let everyone
 20 know I was at the organizational meeting for the
 21 LESC for the session where the -- there -- scope of
 22 work for the year. And they have committed that
 23 charters are going to be a fabric of their
 24 conversation throughout this year.
 25 We don't have an outline of what's

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1 The revocation hearing?
 2 THE CHAIR: Correct.
 3 COMMISSIONER JOHNSTON: This will be the
 4 first one. So they don't present to us as a
 5 Commission. They do present. You said a number of
 6 us will be going. That's what threw me. You might
 7 have jumped to another subject.
 8 THE CHAIR: No, I was thinking of the
 9 PSCOC. Hopefully, we're all there at the revocation
 10 hearing. They present to us.
 11 COMMISSIONER JOHNSTON: And I'm just
 12 trying to get it in my head.
 13 Then I really, really learned a great deal
 14 in going to the training that Becky and Baylor did.
 15 And I appreciated it, and it improved my depth of
 16 knowledge. Those trainings -- I've been to two of
 17 them -- they're most helpful to me, and I appreciate
 18 it. I wanted to recognize that. I, in an attempt
 19 to be better informed about DEAP, had planned on
 20 going on Thursday and Friday, also. But I'm just
 21 there at my own expense to listen so that I can
 22 understand better, because I know they will be
 23 there; so...
 24 COMMISSIONER ARMBRUSTER: At LESC?
 25 COMMISSIONER JOHNSTON: No -- yes, LESC in

1 Gallup. I will be there just to listen. I won't
 2 say anything. And I won't tell anybody --
 3 THE CHAIR: Commissioner Crone?
 4 COMMISSIONER CRONE: Welcome, Trish, to
 5 NMPSIA. We do a lot of work and get almost nothing
 6 accomplished; but it's fun. We have no control over
 7 the insurance industry. Just saying.
 8 THE CHAIR: I guess I want to thank -- I'm
 9 sorry.
 10 COMMISSIONER CRONE: We go to Happy Hour
 11 somewhere; so...
 12 THE CHAIR: I want to thank Baylor for
 13 hanging out throughout the whole meeting when we
 14 went to -- where did we go? Dolores Huerta
 15 Governing Council meeting lasting week. I
 16 appreciate the conversation. It was enjoyable.
 17 That was about the only part that was enjoyable.
 18 And that's enough said.
 19 So do I have a Motion to Adjourn?
 20 COMMISSIONER RUIZ: So move.
 21 COMMISSIONER TOULOUSE: Second.
 22 THE CHAIR: Second. All in favor?
 23 (Commissioners so indicate.)
 24 THE CHAIR: Opposed?
 25 (No response.)

1 BEFORE THE PUBLIC EDUCATION COMMISSION
 2 STATE OF NEW MEXICO
 3
 4
 5
 6
 7 REPORTER'S CERTIFICATE
 8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
 9 Court Reporter in the State of New Mexico, do hereby
 10 certify that the foregoing pages constitute a true
 11 transcript of proceedings had before the said
 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
 13 State of New Mexico, County of Bernalillo, in the
 14 matter therein stated.
 15 In testimony whereof, I have hereunto set my
 16 hand on July 31, 2017.
 17
 18
 19 _____
 20 Cynthia C. Chapman, RMR-CRR, NM CCR #219
 21 BEAN & ASSOCIATES, INC.
 22 201 Third Street, NW, Suite 1630
 23 Albuquerque, New Mexico 87102
 24
 25 Job No.: 7864L (CC)

1 THE CHAIR: I said if people want to hang
 2 out to talk about the amendment, it's not part of
 3 the meeting, because we're not voting on anything.
 4 We stand adjourned until tomorrow morning,
 5 when we have the input hearings.
 6 (Proceedings adjourned at 4:24 p.m.)
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1 RECEIPT
 2 JOB NUMBER: 7864L CC Date: 7/19/17
 3 PROCEEDINGS: PUBLIC MEETING
 4 CASE CAPTION: In re: Public Meeting of the Public
 5 Education Commission
 6 *****
 7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED
 8 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 9 DATE DELIVERED: _____ DEL'D BY: _____
 10 REC'D BY: _____ TIME: _____
 11 *****
 12 ATTORNEY:
 13 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 14 DATE DELIVERED: _____ DEL'D BY: _____
 15 REC'D BY: _____ TIME: _____
 16 *****
 17 ATTORNEY:
 18 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 19 DATE DELIVERED: _____ DEL'D BY: _____
 20 REC'D BY: _____ TIME: _____
 21 *****
 22 ATTORNEY:
 23 DOCUMENT: Transcript / Exhibits / Disks / Other ____
 24 DATE DELIVERED: _____ DEL'D BY: _____
 25 REC'D BY: _____ TIME: _____

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