

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING

January 13, 2017

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

REPORTED BY: MABEL JIN CHIN, NM CCR #81
Bean & Associates, Inc.
Professional Court Reporting Service
201 Third Street Northwest, Suite 1630
Albuquerque, New Mexico 87102

(7165L) MC

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

A P P E A R A N C E S

COMMISSIONERS:

MS. PATRICIA GIPSON, Chair

MR. GILBERT PERALTA, Vice Chair

MS. KARYL ANN ARMBRUSTER, Secretary

MS. MILLIE POGNA, Member

MS. CARMIE TOULOUSE, Member

MR. TIM CRONE, Member

MS. TRISH RUIZ, Member

MR. JAMES CONYERS, Member

MS. DANIELLE JOHNSTON, Member

MR. R. CARLOS CABALLERO, Member

STAFF:

MS. KATIE POULOS, Director,
Charter Schools Division

MS. AUDREY McKEE, Assistant Attorney General
Counsel to the PEC

MR. PHILLIP GIOUDEMANS, Assistant Director,
Charter Schools Division

MS. BEVERLY FRIEDMAN, PED Custodian of Record and
Liaison to the PEC

INDEX TO PROCEEDINGS

1		
2		
3	1. Call to Order	5
4	Roll Call	5
5	Pledge of Allegiance, Salute to New Mexico Flag	7
6	2. Swearing in of New PEC Commissioners	9
7	3. Approval of Agenda	25
8	4. Approval of Minutes/Transcript, December 7, 8, 9, 2016	26
9	5. Election of Officers for 2017	27
10	6. Discussion and Possible Action on the Carl Perkins Consolidated Annual Report	32
11		
12	7. Review of the PEC Rules of Procedure	54
13	8. Discussion and Possible Action - PED Recommendation to Commence Revocation Proceedings Against La Promesa Early Learning Center Based on Suspension of Board of Finance and Fiscal Mismanagement	55
14		
15		
16	9. Discussion and Possible Action on Charter School Amendments	
17		
18	A. Tierra Encantada Charter School	78
19	B. Tierra Adentro of New Mexico	117
20	C. Gilbert Sena Charter High School	139
21	D. School of Dreams Academy	146
22	E. Explore Academy	158
23	F. Monte Del Sol Charter School	195
24	10. Report from Options for Parents & the Charter School Division - Discussion and Possible Actions	
25	A. Charter School Division Update	208

1	B. Six Directions Indigenous School	209
2	C. DEAP	221
3	D. Report on Renewal Transfers of PEC Authorized Schools	221
4	E. Report on Governing Body Changes	228
5		
6	11. Discussion and Possible Action to Commence Operations for SAHQ Academy	229
7	12. Discussion and Possible Action on New Application Evaluation Rubric and Criteria	249
8		
9	13. Discussion and Possible Action on Governing Body Changes Policy and Forms - Contract Provision 8.10(b) and PEC Policy	250
10		
11	14. Discussion and Possible Action on the Estancia Valley Classical Academy Appeal	264
12	15. Report from the Chair	252
13	16. PEC Comments	260
14	17. Open Forum	264
15	18. Adjourn	266
16		
17	REPORTER'S CERTIFICATE	268

ATTACHMENTS

20	1. Visitors Attending Meeting Sign-In Sheets	
21		
22		
23		
24		
25		

1 SANTA FE, NEW MEXICO, JANUARY 13, 2017, 9:02 A.M.

2

3 CHAIRMAN GIPSON: Good morning. I am
4 bringing this session of the New Mexico Public
5 Education Commission -- what am I doing?

6 COMMISSIONER TOULOUSE: You are calling --

7 CHAIRMAN GIPSON: Thank you. I already lost
8 my train of thought. It is 9:02, and it is Friday,
9 January 13, 2017. I will ask Commissioner Armbruster
10 to do a roll call vote, please?

11 COMMISSIONER ARMBRUSTER: Commissioner
12 Caballero?

13 Not here.

14 Commissioner Ruiz?

15 COMMISSIONER RUIZ: Here.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Crone?

18 COMMISSIONER CRONE: Here.

19 CHAIRMAN GIPSON: You don't know where
20 people are.

21 COMMISSIONER ARMBRUSTER: I don't know where
22 people are. Commissioner Johnston?

23 COMMISSIONER JOHNSTON: Present.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Gipson?

1 CHAIRMAN GIPSON: Here.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Pogna?

4 COMMISSIONER POGNA: Here.

5 COMMISSIONER ARMBRUSTER: Commissioner
6 Peralta?

7 COMMISSIONER PERALTA: Here.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Armbruster is here.

10 Commissioner Conyers?

11 COMMISSIONER CONYERS: Present.

12 COMMISSIONER ARMBRUSTER: Are you present?

13 COMMISSIONER TOULOUSE: Yes, I am present.

14 I don't want to be present, Madame Secretary.

15 COMMISSIONER ARMBRUSTER: So right now we
16 have nine. A quorum would be seven -- six.

17 MS. MCKEE: A majority would be six.

18 COMMISSIONER ARMBRUSTER: Yes.

19 CHAIRMAN GIPSON: So we do have a quorum of
20 nine Commissioners present, one Commissioner absent.

21 We'll now begin with the Pledge of
22 Allegiance and Salute to the New Mexico Flag. I will
23 ask Commissioner Pogna to lead us in the pledge of
24 allegiance, and Commissioner Conyers with the salute
25 to the New Mexico flag.

1 (Pledge of Allegiance and Salute to
2 the New Mexico Flag conducted.)

3 CHAIRMAN GIPSON: Beverly, is Commissioner
4 Caballero being sworn in today?

5 MS. FRIEDMAN: No, ma'am, he is not.

6 CHAIRMAN GIPSON: Okay. All right.

7 We now have the opportunity to welcome new
8 Commissioners, and we are going to be welcoming and
9 swearing in some of our new Commissioners.

10 Commissioner Crone, Commissioner Johnston is
11 being sworn in today. Commissioner Armbruster is also
12 being sworn in today, and Commissioner Ruiz is also
13 being sworn in today. Correct?

14 COMMISSIONER RUIZ: Yes.

15 CHAIRMAN GIPSON: And we have the honor of
16 having Supreme Court Justice Barbara Vigil here to be
17 doing the swearing in for us, but -- do we have an
18 order?

19 MS. FRIEDMAN: Madame Chair, I would like to
20 suggest that the Commissioners who are going to be
21 sworn in come down to the front one by one and the
22 Honorable Judge Vigil will swear each Commissioner in,
23 and following the Commissioner swearing in there will
24 be a notary to notarize the oath of office. And so if
25 you would sign that -- and for each Commissioner who

1 comes up.

2 CHAIRMAN GIPSON: Okay. Thank you very
3 much. And we'll also -- if anyone has friends or
4 family here that you want pictures with, they can come
5 up while you're being sworn in as well so they can be
6 part of the picture. So please feel free to invite
7 whoever down if you wish. And I think Beverly said
8 that she would take pictures. Thank you so much.

9 We'll just start -- so we'll start with
10 Commissioner Johnston.

11 Good morning.

12 JUDGE BARBARA VIGIL: Thank you. It is my
13 honor to be here this morning to do this ceremony --
14 testing, testing -- I'm not sure this is on. Testing,
15 testing -- are you with me?

16 MS. FRIEDMAN: You want me to hold it? I
17 can hold it.

18 JUDGE BARBARA VIGIL: Testing -- that's
19 better. Okay.

20 Good morning, Ms. --

21 COMMISSIONER JOHNSTON: Danielle Johnston.

22 JUDGE BARBARA VIGIL: All right. Are you
23 ready?

24 COMMISSIONER JOHNSTON: This is my first
25 ever swearing in, so you will have to --

1 JUDGE BARBARA VIGIL: This is special.

2 COMMISSIONER JOHNSTON: A lifetime first.

3 JUDGE BARBARA VIGIL: Please raise your
4 right hand and repeat after me.

5 I, Danielle Johnston --

6 COMMISSIONER JOHNSTON: I, Danielle
7 Johnston --

8 JUDGE BARBARA VIGIL: -- do solemnly
9 swear --

10 COMMISSIONER JOHNSTON: -- do solemnly
11 swear --

12 JUDGE BARBARA VIGIL: -- that I will support
13 the Constitution of the United States --

14 COMMISSIONER JOHNSTON: -- that I will
15 support the Constitution of the United States --

16 JUDGE BARBARA VIGIL: -- and the
17 Constitution and the laws of the State of New
18 Mexico --

19 COMMISSIONER JOHNSTON: -- and the
20 Constitution and the laws of the State of New
21 Mexico --

22 JUDGE BARBARA VIGIL: -- and that I will
23 faithfully and impartially --

24 COMMISSIONER JOHNSTON: -- and that I will
25 faithfully and impartially --

1 JUDGE BARBARA VIGIL: -- discharge the
2 duties --

3 COMMISSIONER JOHNSTON: -- discharge the
4 duties --

5 JUDGE BARBARA VIGIL: -- of New Mexico
6 District 8 Public Education Commissioner --

7 COMMISSIONER JOHNSTON: -- of New Mexico
8 District 8 Public Education Commissioner --

9 JUDGE BARBARA VIGIL: -- on which I am about
10 to enter --

11 COMMISSIONER JOHNSTON: -- on which I am
12 about to enter --

13 JUDGE BARBARA VIGIL: -- to the best of my
14 ability --

15 COMMISSIONER JOHNSTON: -- to the best of my
16 ability --

17 JUDGE BARBARA VIGIL: -- so help me God.

18 COMMISSIONER JOHNSTON: -- so help me God.

19 JUDGE BARBARA VIGIL: Congratulations.

20 COMMISSIONER JOHNSTON: Thank you so much.

21 JUDGE BARBARA VIGIL: Thank you.

22 Okay.

23 CHAIRMAN GIPSON: I think we should clap.

24 (Applause.)

25 CHAIRMAN GIPSON: Could the record please

1 indicate that Commissioner Caballero has just joined
2 us?

3 JUDGE BARBARA VIGIL: All right. All right.
4 Are you ready?

5 COMMISSIONER ARMBRUSTER: I am.

6 JUDGE BARBARA VIGIL: All right. Please
7 raise your right hand?

8 Repeat after me. I, Karyl Ann Armbruster --

9 COMMISSIONER ARMBRUSTER: I, Karyl Ann
10 Armbruster --

11 JUDGE BARBARA VIGIL: -- do solemnly
12 swear --

13 COMMISSIONER ARMBRUSTER: -- do solemnly
14 swear --

15 JUDGE BARBARA VIGIL: -- that I will support
16 the Constitution of the United States --

17 COMMISSIONER ARMBRUSTER: -- that I will
18 support the Constitution of the United States --

19 JUDGE BARBARA VIGIL: -- and the
20 Constitution and laws of the State of New Mexico --

21 COMMISSIONER ARMBRUSTER: -- and the
22 Constitution and laws of the State of New Mexico --

23 JUDGE BARBARA VIGIL: -- and that I will
24 faithfully and impartially --

25 COMMISSIONER ARMBRUSTER: -- and that I will

1 faithfully and impartially --

2 JUDGE BARBARA VIGIL: -- discharge the
3 duties --

4 COMMISSIONER ARMBRUSTER: -- discharge the
5 duties --

6 JUDGE BARBARA VIGIL: -- of Public Education
7 Commissioner --

8 COMMISSIONER ARMBRUSTER: -- of Public
9 Education Commissioner --

10 JUDGE BARBARA VIGIL: -- on which I am about
11 to enter --

12 COMMISSIONER ARMBRUSTER: -- on which I'm
13 about to enter --

14 JUDGE BARBARA VIGIL: -- to the best of my
15 ability --

16 COMMISSIONER ARMBRUSTER: -- to the best of
17 my ability --

18 JUDGE BARBARA VIGIL: -- so help me God.

19 COMMISSIONER ARMBRUSTER: -- so help me God.

20 JUDGE BARBARA VIGIL: Congratulations.

21 COMMISSIONER ARMBRUSTER: Thank you.

22 JUDGE BARBARA VIGIL: All right. Okay.

23 Please raise your right hand, repeat after me.

24 I, Tim Crone --

25 COMMISSIONER CRONE: I, Tim Crone --

1 JUDGE BARBARA VIGIL: -- do solemnly
2 swear --

3 COMMISSIONER CRONE: -- do solemnly swear --

4 JUDGE BARBARA VIGIL: -- that I will support
5 the Constitution of the United States --

6 COMMISSIONER CRONE: -- that I will support
7 the Constitution of the United States --

8 JUDGE BARBARA VIGIL: -- and the
9 Constitution and laws of the State of New Mexico --

10 COMMISSIONER CRONE: -- and the Constitution
11 and laws of the State of New Mexico --

12 JUDGE BARBARA VIGIL: -- and that I will
13 faithfully and impartially --

14 COMMISSIONER CRONE: -- and that I will
15 faithfully and impartially --

16 JUDGE BARBARA VIGIL: -- discharge the
17 duties --

18 COMMISSIONER CRONE: -- discharge the
19 duties --

20 JUDGE BARBARA VIGIL: -- of --

21 COMMISSIONER CRONE: -- of --

22 JUDGE BARBARA VIGIL: -- New Mexico Public
23 Education District 10 of the Public Education
24 Commission --

25 COMMISSIONER CRONE: Do I need to repeat

1 that?

2 JUDGE BARBARA VIGIL: Well, how about Public
3 Education --

4 COMMISSIONER CRONE: -- Public Education
5 District 10 Commissioner --

6 JUDGE BARBARA VIGIL: -- on which I'm about
7 to enter --

8 COMMISSIONER CRONE: -- on which I'm about
9 to enter --

10 JUDGE BARBARA VIGIL: -- to the best of my
11 ability --

12 COMMISSIONER CRONE: -- to the best of my
13 ability --

14 JUDGE BARBARA VIGIL: -- so help me God.

15 COMMISSIONER CRONE: -- so help me God.

16 JUDGE BARBARA VIGIL: Congratulations.

17 COMMISSIONER CRONE: Thank you.

18 CHAIRMAN GIPSON: Thank you.

19 JUDGE BARBARA VIGIL: All right. Ms. Ruiz,
20 please raise your right hand.

21 I, Trish Ruiz --

22 COMMISSIONER RUIZ: I, Trish Ruiz --

23 JUDGE BARBARA VIGIL: -- do solemnly
24 swear --

25 COMMISSIONER RUIZ: -- do solemnly swear --

1 JUDGE BARBARA VIGIL: -- that I will support
2 the Constitution of the United States --

3 COMMISSIONER RUIZ: -- that I will support
4 the Constitution of the United States --

5 JUDGE BARBARA VIGIL: -- and the
6 Constitution and laws of the State of New Mexico --

7 COMMISSIONER RUIZ: -- and the constitution
8 and laws of the State of New Mexico --

9 JUDGE BARBARA VIGIL: -- and that I will
10 faithfully and impartially --

11 COMMISSIONER RUIZ: -- and that I will
12 faithfully and impartially --

13 JUDGE BARBARA VIGIL: -- discharge the
14 duties --

15 COMMISSIONER RUIZ: -- discharge the
16 duties --

17 JUDGE BARBARA VIGIL: -- of Public Education
18 Commissioner --

19 COMMISSIONER RUIZ: -- of Public Education
20 Commissioner --

21 JUDGE BARBARA VIGIL: -- on which I am about
22 to enter --

23 COMMISSIONER RUIZ: -- on which I'm about to
24 enter --

25 JUDGE BARBARA VIGIL: -- to the best of my

1 ability --

2 COMMISSIONER RUIZ: -- to the best of my

3 ability --

4 JUDGE BARBARA VIGIL: -- so help me God.

5 COMMISSIONER RUIZ: -- so help me God.

6 JUDGE BARBARA VIGIL: Congratulations.

7 COMMISSIONER RUIZ: Thank you.

8 JUDGE BARBARA VIGIL: If I may beg your
9 indulgence, Madame Chair, members of the Commission, I
10 would just like to say it's an honor to be here this
11 morning to administer the oath of office to some very,
12 very experienced members of our state citizens who
13 have a deep understanding of what actually goes on in
14 classrooms, which is brilliant, in my perspective. So
15 I just wanted to thank you, thank each and every one
16 of you for the work that you do for the citizens of
17 New Mexico, and congratulate the new Commissioners for
18 your commitment to serve the education system in New
19 Mexico.

20 And again, on behalf of the court and the
21 entire state judiciary, we appreciate all that you do
22 for the betterment of others.

23 Thank you, Madame Chair and Commissioners.

24 CHAIRMAN GIPSON: Thank you so much. We
25 appreciate you coming and helping us with this.

1 JUDGE BARBARA VIGIL: Thank you.

2 CHAIRMAN GIPSON: Have a great day.

3 JUDGE BARBARA VIGIL: Thank you.

4 CHAIRMAN GIPSON: We're now moving on to the
5 regular portion of our agenda. I will ask those of
6 the audience to please make sure that your electronic
7 devices are on mute, and for anyone who is going to
8 come forward and speak today, if you would please,
9 when you come forward, to identify yourselves for the
10 court reporter and spell your last name so that we
11 have that clear. And if anyone does wish to speak in
12 the public portion of the meeting, there is a separate
13 sign-in sheet in the back for you to do so. So please
14 make sure your name is on there if you do wish to
15 speak.

16 And Commissioners, I will also ask that as
17 we go through and you are doing motions that you
18 identify yourselves for the court reporter. And for
19 most of the agenda items there are also proposed
20 motions there to help us all out with that.

21 So -- and for everyone here, Ms. McKee is
22 from the Attorney General's Office, and she is not a
23 Commissioner, and she is here to offer us legal
24 advice. So if you hear us -- if you see us talking to
25 each other, we're not talking about votes. She is

1 offering advice for motions and so on.

2 So that being said, we're now on to item
3 number 3, which is the approval of the agenda.

4 So if there are no changes I will entertain
5 a motion to approve agenda.

6 COMMISSIONER CABALLERO: I have a proposed
7 change to the agenda.

8 CHAIRMAN GIPSON: Okay.

9 COMMISSIONER CABALLERO: This is Ricardo
10 Carlos Caballero, Commissioner District 1.

11 Am I on?

12 CHAIRMAN GIPSON: You have to hold the
13 button down.

14 COMMISSIONER CABALLERO: My name is Ricardo
15 Carlos Caballero, Commissioner District 1. And by the
16 way, I had already gotten the oath of office. On the
17 portion of -- of review of procedure, my take is that
18 we're going to approve or disapprove the -- this
19 little procedure book?

20 MS. McKEE: Good morning, Commissioner.
21 Just briefly, I will not be reviewing the PEC Rules of
22 Procedure today. What I will do, what I will ask that
23 you review them for the work session next month, if
24 you have questions, changes, so forth, so that
25 everyone has a chance to read them, digest them. I

1 will be doing the training at the work session next
2 month. And then on the agenda for next month we'll be
3 voting on the rules to implement them.

4 COMMISSIONER CABALLERO: Okay. So it -- I
5 do have proposed changes to these rules. And from
6 reading those Rules of Procedure, the Commissioners
7 have to get notice of what changes, proposed changes
8 are in advance of the next meeting, so --

9 MS. McKEE: That's correct, Commissioner.

10 COMMISSIONER CABALLERO: So I will submit
11 those to the Commission, and they will be quite
12 substantial in order to get more -- um -- fairness and
13 fair play.

14 And with that my -- also, my proposal is to
15 postpone the election of officers to the next meeting,
16 which is in February. The rules do allow for existing
17 officers to continue if the officers are not elected
18 at the annual meeting, which is today, so those
19 officers are to stay in office until a new election
20 takes place.

21 MS. McKEE: So we'll just take it one at a
22 time, Commissioner.

23 So, of course, like I said for the next
24 agenda meeting -- for the next meeting -- it will be
25 on the agenda to vote on the PEC rules. I will let

1 our Chairwoman go ahead and proceed with the meeting,
2 because I think what your next -- your next suggestion
3 would have to be done by motion.

4 CHAIRMAN GIPSON: But we have to deal with
5 the proposal to approve the agenda.

6 MS. McKEE: Right.

7 CHAIRMAN GIPSON: Commissioner Caballero,
8 you would have to put a motion in to postpone the
9 elections.

10 COMMISSIONER CABALLERO: Right. I
11 understand that. Again, Ricardo Carlos Caballero. My
12 motion is that we postpone the election of officers
13 until the next regular meeting, that part of the
14 changes and approval of the agenda and the -- that's
15 it.

16 CHAIRMAN GIPSON: Okay.

17 COMMISSIONER CABALLERO: That's it.

18 CHAIRMAN GIPSON: Commissioner Armbruster,
19 we will need a roll call vote.

20 I'm sorry. Okay. We'll open that motion up
21 for discussion. Sorry.

22 COMMISSIONER TOULOUSE: We need a second.

23 CHAIRMAN GIPSON: Do we have a second for
24 that motion? I'm not sure.

25 There is a motion by Commissioner Caballero

1 and there was a second by Commissioner Pogna. So we
2 now open up that motion for discussion.

3 COMMISSIONER CRONE: Would you mind
4 repeating the motion?

5 COMMISSIONER CABALLERO: Yes. The motion is
6 very simple. This is on approval of agenda. My
7 motion is just to postpone the election of officers
8 until the next regular meeting, which is in February.

9 I'm a new member, so are you, so is Ruiz. I
10 think we need to get to know each other better. We
11 are new. I do have some proposed changes to our rules
12 and it will not take away anything from the -- from
13 the body because the existing officers will continue
14 as officers.

15 CHAIRMAN GIPSON: I just want to clarify
16 that the changes for the rules has nothing to do with
17 this motion. That's completely separate, so that does
18 not -- is not entered into the decision-making with
19 the motion to postpone the election.

20 Commissioners, any other comments, concerns?

21 COMMISSIONER POGNA: Madame Chair?

22 CHAIRMAN GIPSON: Commissioner Pogna.

23 COMMISSIONER POGNA: We have a present
24 agenda --

25 CHAIRMAN GIPSON: Correct.

1 COMMISSIONER POGNA: -- to not have to stay
2 with the present agenda?

3 CHAIRMAN GIPSON: This is a motion to amend
4 that agenda, and that is to remove item number 5.

5 Commissioners, any other questions,
6 comments?

7 If not, I will ask Commissioner --

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Armbruster. Can you explain your reasoning for that?

10 COMMISSIONER CABALLERO: Well, one of the
11 primary reasons is that there's new members. We just
12 had a meeting. Today is our first meeting with new
13 members. I think that members should have an
14 opportunity to meet those people that are intending to
15 run. I don't know who is intending to run, to tell
16 you the truth, and I would like to know that -- not
17 that I have anything against the present leadership
18 and I'm not running, but I think it's fair for the new
19 guys on the block to be able to get to know the people
20 before we decide on the leadership.

21 And normally -- normally in every
22 organization that I have been involved in we decide
23 leadership before the new ones come in -- the new
24 folks come in. And so I find it strange that we start
25 off in a meeting with a lot of new members, including

1 myself, and we go through the election of officers.
2 So it's a postponement to one meeting, that way we
3 know each other, and we can proceed.

4 CHAIRMAN GIPSON: Commissioners, any other
5 questions or comments?

6 Commissioner Armbruster, I'll ask for a roll
7 call vote.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Toulouse?

10 COMMISSIONER TOULOUSE: No.

11 COMMISSIONER ARMBRUSTER: Commissioner
12 Conyers?

13 COMMISSIONER CONYERS: No.

14 COMMISSIONER ARMBRUSTER: Commissioner
15 Peralta?

16 COMMISSIONER PERALTA: No.

17 COMMISSIONER ARMBRUSTER: Commissioner
18 Johnston?

19 COMMISSIONER JOHNSTON: No.

20 COMMISSIONER ARMBRUSTER: Commissioner

21 Gipson?

22 CHAIRMAN GIPSON: No.

23 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

24 COMMISSIONER RUIZ: No.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Crone?

2 COMMISSIONER CRONE: No.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Pogna?

5 COMMISSIONER POGNA: No.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Caballero?

8 COMMISSIONER CABALLERO: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Armbruster votes no. Thank you.

11 The vote is nine to one, so nine to one, so
12 the motion passes -- no, fails.

13 CHAIRMAN GIPSON: The motion failed. The
14 agenda stays as written.

15 COMMISSIONER TOULOUSE: Madame Chair, Carmie
16 Toulouse. I move we approve the agenda as written.

17 CHAIRMAN GIPSON: Thank you. Motion by
18 Commissioner Toulouse, second by Commissioner Ruiz.

19 Commissioner Caballero?

20 COMMISSIONER CABALLERO: Yes.

21 CHAIRMAN GIPSON: This is -- just we can do
22 it by voice vote. That's fine.

23 All in favor?

24 (Ayes.)

25 CHAIRMAN GIPSON: Opposed?

1 The motion passes?

2 COMMISSIONER CABALLERO: Abstention.

3 CHAIRMAN GIPSON: Is there an abstention?

4 COMMISSIONER CABALLERO: Yes.

5 CHAIRMAN GIPSON: There is one abstention.

6 COMMISSIONER CABALLERO: Abstention.

7 CHAIRMAN GIPSON: We are on to --

8 MS. McKEE: Yes. I just wanted to remind
9 the Commissioners that -- that if you would like to
10 abstain, you can do so before the vote is called and
11 give a reason for that so there's no confusion.

12 COMMISSIONER CABALLERO: Thanks. We can do
13 it before or after. It's not pertinent that an
14 abstention be done first. An abstention need not give
15 an explanation why the abstention was given. I will
16 tell you what my abstention is. I proposed the
17 change. It will be very ironic if I don't stick to my
18 conviction.

19 COMMISSIONER TOULOUSE: Then you vote no.

20 COMMISSIONER CABALLERO: No, it's an
21 abstention still.

22 CHAIRMAN GIPSON: We're on item number 4,
23 approval of the minutes and transcript. 4A, approval
24 of PEC meeting transcript/minutes for December 7th,
25 8th and 9th of 2016. Do we have any corrections to

1 those transcripts?

2 Hearing no changes or corrections, I will
3 entertain a motion.

4 CHAIRMAN GIPSON: Motion by Commissioner
5 Ruiz, second by Commissioner Peralta.

6 All in favor?

7 (Ayes.)

8 CHAIRMAN GIPSON: Opposed?

9 Abstentions?

10 COMMISSIONER CABALLERO: I was not a
11 Commissioner. I was not present for the -- it will be
12 a little weird for me to vote for or against.

13 CHAIRMAN GIPSON: The motion passes with one
14 abstention. So it's a nine in favor.

15 On to 4B. Approval of the PEC Summary
16 Minutes for December 7th, 8th and 9th of 2016. Do we
17 have any corrections to those minutes?

18 Seeing none, I will ask for a motion.

19 Motion by Commissioner Armbruster, second by
20 Commissioner Ruiz.

21 Thank you. All in favor?

22 (Ayes.)

23 CHAIRMAN GIPSON: Opposed?

24 Abstention?

25 COMMISSIONER CABALLERO: Aye.

1 CHAIRMAN GIPSON: Motion carries. Nine in
2 favor, one abstention.

3 Thank you. We are now on to item number 5,
4 the election of officers. And at this point I will
5 turn this meeting temporarily over to Ms. McKee.

6 MS. McKEE: Thank you, Madame Chair. We'll
7 start our election of officers for 2017. At this time
8 I will entertain a nomination for Chair of this
9 Commission.

10 COMMISSIONER TOULOUSE: Madame Chair, Carmie
11 Toulouse. I nominate Patricia Gipson to continue as
12 Chair for this group for the next year.

13 COMMISSIONER ARMBRUSTER: Second.

14 MS. McKEE: And as I said before, we don't
15 need a second on these, but I do have to have the
16 person being nominated accept that nomination.

17 CHAIRMAN GIPSON: I do.

18 MS. McKEE: Are there other nominations?

19 All right. I'll call for a roll call vote.

20 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

21 COMMISSIONER RUIZ: Ruiz. Yes.

22 COMMISSIONER ARMBRUSTER: Sorry.

23 Commissioner Caballero?

24 COMMISSIONER CABALLERO: Aye.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Crone?

2 COMMISSIONER CRONE: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Pogna?

5 COMMISSIONER POGNA: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Toulouse?

8 COMMISSIONER TOULOUSE: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Armbruster votes yes.

11 Commissioner Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER ARMBRUSTER: Commissioner

14 Johnston?

15 COMMISSIONER JOHNSTON: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner

17 Peralta?

18 COMMISSIONER PERALTA: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner

20 Gipson?

21 CHAIRMAN GIPSON: Yes.

22 COMMISSIONER ARMBRUSTER: That is a

23 unanimous vote for Madame Chair, Patricia Gipson.

24 CHAIRMAN GIPSON: Thank you. Thank you very

25 much.

1 We'll now move on to nominations for Vice
2 Chair. Commissioner Conyers?

3 COMMISSIONER CONYERS: Thank you. It's both
4 a privilege and an honor for me to nominate Gilbert
5 Peralta as the Vice Chair of the Public Education
6 Commission.

7 CHAIRMAN GIPSON: Commissioner Peralta, do
8 you accept?

9 COMMISSIONER PERALTA: Yes.

10 CHAIRMAN GIPSON: Thank you.

11 Oh, I'm sorry. I'm getting ahead of myself.
12 Are there any other nominations?

13 Seeing no other nominations, roll call vote,
14 please.

15 COMMISSIONER ARMBRUSTER: Commissioner
16 Johnston?

17 COMMISSIONER JOHNSTON: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Pogna?

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Crone?

1 COMMISSIONER CRONE: Yes.
2 COMMISSIONER ARMBRUSTER: Commissioner
3 Conyers?
4 COMMISSIONER CONYERS: Yes.
5 COMMISSIONER ARMBRUSTER: Commissioners
6 Peralta?
7 COMMISSIONER PERALTA: Yes.
8 COMMISSIONER ARMBRUSTER: Commissioner
9 Gipson?
10 CHAIRMAN GIPSON: Yes.
11 COMMISSIONER ARMBRUSTER: Commissioner
12 Armbruster votes yes.
13 Commissioner Ruiz?
14 COMMISSIONER RUIZ: Yes.
15 COMMISSIONER ARMBRUSTER: Commissioner
16 Caballero?
17 COMMISSIONER CABALLERO: Yes.
18 COMMISSIONER ARMBRUSTER: It's a unanimous
19 vote for Gilbert for Vice Chair.
20 CHAIRMAN GIPSON: Congratulations. Thank
21 you very much.
22 We are now on to nominations for Secretary
23 of the Commission.
24 CHAIRMAN GIPSON: Commissioner Ruiz?
25 COMMISSIONER RUIZ: Madame Chair, I would

1 like to nominate Karyl Ann Armbruster.

2 CHAIRMAN GIPSON: Do you accept?

3 COMMISSIONER ARMBRUSTER: I do.

4 CHAIRMAN GIPSON: Are there any other
5 nominations?

6 Seeing none, I will call -- I will have a
7 roll call vote.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Pogna?

10 COMMISSIONER POGNA: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner
12 Peralta?

13 COMMISSIONER PERALTA: Yes.

14 COMMISSIONER ARMBRUSTER: Commissioner
15 Caballero?

16 COMMISSIONER CABALLERO: Yes.

17 COMMISSIONER ARMBRUSTER: Commissioner
18 Crone?

19 COMMISSIONER CRONE: Yes.

20 COMMISSIONER ARMBRUSTER: Commissioner
21 Toulouse?

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Armbruster votes yes.

25 Commissioner Conyers?

1 COMMISSIONER CONYERS: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Gipson?

4 CHAIRMAN GIPSON: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner
6 Johnston?

7 COMMISSIONER JOHNSTON: Yes.

8 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

9 COMMISSIONER RUIZ: Yes.

10 COMMISSIONER ARMBRUSTER: It's a unanimous
11 vote for me for secretary.

12 CHAIRMAN GIPSON: Thank you very much, and
13 congratulations.

14 We are now on to item number 6, which is
15 discussion and possible action on the Carl Perkins
16 Consolidated Annual Report, and we have Elaine Perea
17 here, who is the Deputy Director, PED College and
18 Career Bureau. Good morning and welcome.

19 MS. ELAINE PEREA: Thank you. Thank you
20 all.

21 The first thing I would like to tell you is
22 the news that post the agenda being printed I have
23 become the Director of College and Career Readiness
24 Bureau.

25 CHAIRMAN GIPSON: Congratulations to you.

1 MS. ELAINE PEREA: Last month when I was
2 here I reported that we were intending to file our
3 Consolidated Annual Report for the Carl D. Perkins
4 Grant with the Department of Education, and in the
5 time since that meeting we have done so.

6 In your binders or perhaps separately -- I
7 believe they have been punched -- there is a bound
8 45-page report that looks something like this. You
9 all are welcome to read it at your leisure. It might
10 put you to sleep at night. It does, however, explain
11 all of the many activities that we have conducted in
12 the past year in support of career technical
13 education, in support of the teachers who provide that
14 education.

15 In particular, a major component of the
16 funds that we use and the directive from the
17 Department of Education is an alignment of course work
18 so that students who are in high school are taking
19 courses that help prepare them both for college and
20 career success, and that those courses prepare them
21 for work at the post-secondary level, and then that
22 the post-secondary classes are aligned to industry
23 needs and credentialing requirements, so that when
24 students finish their post-secondary technical
25 education they are ready for the workforce.

1 So much of what you would find, if you
2 choose to read this annual report, is the specifics of
3 the work related to that.

4 I think I'll pause for a moment if any of
5 the Commissioners have any questions about that before
6 I get into the details of the numbers.

7 CHAIRMAN GIPSON: Commissioners, any
8 questions?

9 Okay. Thank you.

10 COMMISSIONER CABALLERO: Is the question,
11 ma'am, whether we have any questions on the report
12 itself or what you just stated?

13 MS. ELAINE PEREA: Either one. If you have
14 any questions. I am going to -- I am going to next
15 talk about some detailed numbers, and so I just
16 thought kind of content, might be nice to first --
17 just to make sure, especially since there are some new
18 Commissioners, if you wanted to have a little more
19 background about what my bureau does, what my work is
20 that this report covers, I would be happy to go into
21 more detail.

22 COMMISSIONER CABALLERO: I will wait.

23 CHAIRMAN GIPSON: I know I have asked
24 something about this previously, but I guess my
25 question is, for secondary schools, if they are

1 looking to start a program which would be not a
2 technical, but more of an industrial kind of trade
3 program, what's the process for that and how available
4 are those -- those funds for schools to access?

5 MS. ELAINE PEREA: That's a great question.
6 The act requires a minimum award of \$15,000. The
7 allocation of the fund is dependent on how many
8 schools apply. Of the schools who apply, we look at
9 the total enrollment of the school and then we look at
10 the enrollment of free and reduced lunch recipients.
11 The proportion is based on both of those numbers, 30
12 percent on total enrollment, 70 percent on
13 economically disadvantaged enrollment. Those two
14 enrollment numbers together, then, the proportion of a
15 given applicant school to all of the applicant schools
16 determines how much of the award a given school gets.

17 There is a \$15,000 threshold to that, which
18 means that small rural schools and charter schools by
19 themselves are often too small to receive these funds.
20 That being said, the act does allow smaller schools to
21 form a consortia so that they can apply together.
22 When they apply together, say you have four small
23 schools, they don't each get a quarter of that
24 \$15,000. Instead, the four schools submit a plan and
25 the funding might go, for example, 50 percent to one

1 school, and 50 percent to the other, and the other two
2 schools don't get any money directly, but they are
3 participating in a consortia so they might send their
4 students to the technical program at another charter
5 school, for example. So there is some flexibility in
6 the act in how smaller schools participate, but they
7 have to do it through a consortia.

8 This year we have had -- we send out an
9 E-mail to all of the schools in the state, both
10 charters and districts, inviting them to come to an
11 informational two-day workshop that's coming up in
12 just over a week, on the 23rd and 24th of January. In
13 that invitation we make a special point of inviting
14 nonrecipients to come so that they can learn more
15 about how they would get funds. We intend this year
16 to have those nonrecipient schools. We have several
17 small schools and small districts that are planning to
18 attend, and we are proactively planning to have those
19 schools sit together so that they can work on a
20 consortia application.

21 CHAIRMAN GIPSON: Thank you. That answers
22 my second question, which was, can you coordinate with
23 other schools.

24 So now my next question is, is it too late
25 if schools wanted to attend that workshop?

1 MS. ELAINE PEREA: No, ma'am. We're still
2 accepting RSVPs now, and if you have a particular
3 school that may not know about it for some reason, I
4 would be happy after the meeting to help make sure we
5 get that.

6 CHAIRMAN GIPSON: That's here in Santa Fe.

7 MS. ELAINE PEREA: No. It's in Albuquerque
8 at the CNM Workforce Center, and it's two days.

9 CHAIRMAN GIPSON: Thanks. I appreciate
10 that.

11 Commissioners, any other questions?

12 All right. Continue.

13 MS. ELAINE PEREA: All right. The next
14 thing you should find in your packet is a two-page
15 color printout that looks something like this. It's
16 got lots and lots of numbers in rather small print.
17 These two pages reflect the ongoing outcomes of the
18 Carl D. Perkins program in our state at the secondary,
19 and the post-secondary level. At the secondary level
20 there are eight indicators that we report to the
21 Department of Education. Each of those indicators has
22 a target that is set through negotiations. Those
23 negotiations start at the applicant workshop that I
24 just mentioned. We talk to the applicant and come to
25 a consensus on what we intend to propose to the

1 Department of Education. And then through a back and
2 forth process with the Department of Education
3 representatives we come to a finalized target. The
4 target sets the direction for the state in terms of
5 what we should be doing to support CTE. Every year we
6 then look at our actual performance compared to our
7 target and report that. If we do not get within 90
8 percent of the target, we say we have missed the
9 target. And on this color page we have color coded
10 for you. Green, meets or exceeds the target; yellow,
11 does not meet the target but is within that 90 percent
12 safe harbor; and the red is when we do not meet the
13 target.

14 So for the secondary you can very quickly
15 look through visually and see that we did not miss any
16 of our targets. We are in safe harbor for four, and
17 we exceeded the target for four.

18 The important thing about safe harbor is
19 that the Department of Education in a cycle of
20 continuous improvement always pushes us to set our
21 target higher. So when we are in safe harbor we are
22 especially at risk for the next year because the
23 target is moving away from us. And if we barely
24 met -- if we barely met safe harbor, and then the bar
25 is raised, there is maybe a greater chance that we'll

1 miss the target the next year. And so we pay
2 attention to those safe harbors because those are
3 places where we want to pay a special attention so
4 that we don't miss the next year.

5 For the post-secondary measures there are
6 fewer of them. There are six instead of eight, but
7 they are very similar to the secondary measures. Here
8 we had a little more variability. We met three of our
9 indicators, we were in safe harbor for two, and we
10 missed one. As I mentioned to the Commission the last
11 time that I was here the 5P1 indicator is the
12 indicator we missed. That's towards the bottom of the
13 page, and it is the nontraditional participation
14 indicator. That is the indicator that measures
15 students who take a program of study that is strongly
16 gender. In other words, less than 25 percent of the
17 people who work in that -- in that career are of a
18 given gender.

19 The clearest examples of that are ones that
20 we are familiar with. Education, for example, we have
21 not enough male teachers. Nursing is another commonly
22 recognized gender career where there are few men. And
23 then many of the STEM careers are underrepresented by
24 women. In our state we also have, welding and the oil
25 and gas related careers which are often

1 underrepresented by women.

2 This is -- there are four indicators within
3 Carl Perkins about nontraditional careers, two about
4 participation and two about completion. One at the
5 secondary and at the post-secondary. So these
6 together, these four indicators, what we call the
7 nontraditional indicators are indicators that we have
8 struggled with repeatedly in our state. And if you
9 look just through kind of the color indicator, you
10 will see at the secondary level, Success 1, we missed
11 it for three years in a row. We have been in safe
12 harbor for two. And here in 5P1, this is the third
13 time we have missed that indicator, also have been in
14 safe harbor a couple of times.

15 The participation in these courses is
16 wrapped up with a lot of cultural stuff in New Mexico.
17 Our bureau works to help schools recognize the value
18 in allowing any student who wants to participate in a
19 course of study access to that. We also work to
20 remove barriers such as a school that only had a male
21 restroom in their shop. That's clearly not
22 comfortable for a girl to take those classes.

23 So we continue to work on those indicators.
24 That is something that we have struggled with in the
25 state for many years, and this year one of the things

1 that the Department of Education asked us to do when
2 we missed this indicator is to disaggregate the data
3 so that we look at it within subgroups, we look at it
4 by gender, and we look at it across races.

5 What we found when we disaggregated the data
6 is somewhat counter-intuitive. Instead of girl access
7 to STEM being the weakness, which is what it is
8 nationally that is -- that is the place where
9 nontraditional indicators generally are weak, in our
10 state it's the opposite. We have a good participation
11 by females in traditionally male programs of study.
12 But in our traditionally female programs of study we
13 have very limited male participation at both the
14 secondary and the post-secondary level. As I
15 mentioned, these are courses like nursing and
16 teaching.

17 So because we missed indicator 5P1, we have
18 to submit a quarterly report to the Department of
19 Education explaining what we have done in particular
20 in the past quarter to help assure that we don't miss
21 the indicator again.

22 We propose as the Department of Education
23 two strategies for the upcoming year. We propose that
24 we provide more professional development to
25 post-secondary institutions so that they could

1 increase their recruiting of men into traditionally
2 female fields, and we propose that we work with
3 secondary, with our high schools, to increase
4 pipeline, because if kids don't take those classes in
5 high school, of course they are much less likely to
6 take them in college.

7 So those are the two things that we'll be
8 working on in the upcoming year to support this
9 indicator and to support nontraditional education here
10 in New Mexico.

11 If you all have any questions or you want me
12 to talk about any other indicators in particular I
13 would be happy to.

14 CHAIRMAN GIPSON: Commissioner Armbruster.

15 COMMISSIONER ARMBRUSTER: Not to burden you,
16 if I were to Google "Perkins," would it give me a list
17 of nontraditional jobs in both genders?

18 MS. ELAINE PEREA: You would probably have
19 to do more than Google. But there are two sources
20 that are very helpful. One is Advance CTE, that is
21 the National Association for Career Technical
22 Education, and there are many resources there.

23 And the other is NAPE, National Alliance for
24 Partnerships in Equity. And NAPE is a partner with
25 many states, including ours, in providing the

1 education and support and developing systems towards
2 this. On the NAPE's website are -- there is -- if you
3 dig down deep enough, there is a spreadsheet of the
4 CIP codes, which is Career -- I don't know what
5 it's -- C-I-P. I know Career is the first word. The
6 CIP codes are how O*NET classifies jobs. And every
7 particular CIP code, every job classification within
8 the government's classification system is classified
9 as nongendered, gender male, gender female. We use
10 those CIP codes then to align to our course codes and
11 determine at the course level whether a course is
12 gendered or not.

13 CHAIRMAN GIPSON: Commissioners? Any other
14 questions?

15 Commissioner Caballero.

16 COMMISSIONER CABALLERO: A little bit more
17 on the -- the 3P1, Student Retention or Transfer.
18 Your safe harbor, can you elaborate more on that?

19 MS. ELAINE PEREA: I would be happy to. 3P1
20 is, as you said, Student Retention or Transfer, and
21 the next two boxes elaborate what goes into the
22 numerator and what goes into the denominator.

23 So I like to read this sort of from the
24 other way around. The denominator is the number of
25 concentrators who were enrolled in post-secondary

1 education in the fall of the previous year and who did
2 not earn an industry-recognized credential, a
3 certificate or a degree in the previous reporting
4 year. So I call that the set. That's the
5 denominator.

6 I'm going to let go of this so I can use my
7 hands.

8 In every one of these indicators there is a
9 denominator that's the group. It's the set. And then
10 you take the set and you look at the numerator, and
11 that's a smaller subset. And when you divide the
12 numerator by the denominator you come out with the
13 percentage. So that's what we typically look at very
14 closely is the percentage, but we actually report both
15 of those numbers. We report the denominator and the
16 numerator.

17 So in this particular example, the set is
18 students who are concentrating in technical education
19 but have not yet received a credential of some sort.
20 That's the set. And then the numerator, the subset of
21 that, is the ones who are still in school. Because
22 there is some attrition, there is some loss, you could
23 think of it as the other piece is the people who fell
24 out in some way.

25 So for this year, if you took 100 and you

1 subtracted 72.4 from that, we're at 27 percent, 27.6
2 percent, that's the number of kids who had been
3 working on a credential in CTE at our state's
4 post-secondary who stopped coming. Okay? So that's
5 what that indicator is. And as can you see, we're in
6 safe harbor. This is another indicator we have
7 struggled with over the years.

8 This indicator also sort of moves with the
9 economy. People, when the economy is bad, people come
10 back to school. They enroll in post-secondary. And
11 as the economy improves they drop. They actually
12 don't finish their credential.

13 So it's, again, kind of a little
14 counter-intuitive, but you see less completions as the
15 economy improves, which is why our target hasn't moved
16 from 78.3, because we are struggling to meet that
17 target and so we have not had to move that goal post
18 further away.

19 COMMISSIONER CABALLERO: And can you provide
20 some specifics of programs that you are doing to
21 create -- I think the other one is technical skills
22 attainment. What is the program actually doing for
23 most skill development, placement, and when most of
24 that is happening?

25 MS. ELAINE PEREA: So the Perkins funds, 50

1 percent of the money that our bureau manages for the
2 Perkins goes to post-secondary, we split the funds
3 half to secondary and half to post-secondary.
4 Generally the post-secondary award goes to about 12
5 community colleges. It is -- these funds are limited.
6 They cannot go to research programs. They can only go
7 to technical programs. So every applicant, every
8 recipient has a -- has an application that includes a
9 plan for how they will address each of these
10 indicators. And for retention and transfer, and as
11 you very insightfully noticed, technical skill
12 attainment, those are very closely related.

13 Oftentimes when people don't complete it's
14 because they hit some sort of a wall with their
15 technical skills. Most of our post-secondary are
16 working very hard to make sure that remediation is --
17 is woven into their programs and so that students do
18 not get too far and hit those walls. Remediation
19 typically happens early in the program, sometimes even
20 before the student can become a concentrator, so that
21 they -- what we don't want to happen, let's say
22 nursing, for example, we don't want somebody to get
23 all of their nursing credentials except Algebra 1 and
24 not be able to be a nurse because they couldn't pass
25 algebra.

1 So the post-secondary typically will put
2 math remediation as a pre-requisite even to entering
3 the nursing program so that the student has mastered
4 those algebra skills before they move into the nursing
5 program so that they don't end up dropping because of
6 those skills.

7 COMMISSIONER CABALLERO: Are you able to
8 track the student post-secondary from junior college
9 to junior college, or one technical school to the
10 other?

11 MS. ELAINE PEREA: Within state, yes, we do.
12 We are not able to track student placement across
13 state lines or from public institutions to private
14 institutions. That's a problem nationally and is part
15 of why the targets are not higher than they are,
16 because that's always been a problem.

17 COMMISSIONER CABALLERO: So you get dinged
18 on that portion?

19 MS. ELAINE PEREA: I wouldn't say we get
20 dinged, because it's part of why the target is low.

21 CHAIRMAN GIPSON: Commissioners, any other
22 questions?

23 MS. ELAINE PEREA: Thank you. The third
24 thing that you will find hopefully in your packet is
25 simply a letter that is stamped at the top, December

1 2016, December 8. It is from the Department of
2 Education. It is the closeout letter for our audit.
3 Those of you who were on the Commission last year will
4 remember that that was kind of a big deal for us.
5 They were here for about a week and we had a letter of
6 findings. We have worked through all of those
7 findings and everything has been closed out, so we are
8 very pleased that we were able to close that quickly.
9 Sometimes these things can draw on for years, but this
10 was not the case this year for us.

11 And that's all I have to say.

12 CHAIRMAN GIPSON: Congratulations on that.

13 COMMISSIONER CABALLERO: One last question.

14 CHAIRMAN GIPSON: Certainly.

15 COMMISSIONER CABALLERO: In the report that
16 you mentioned that it's bound, and I know that a lot
17 of that report is -- all throughout the state; right?
18 Your involvement in Carl Perkins is throughout the
19 state?

20 MS. ELAINE PEREA: I just meant it's bound
21 physically.

22 COMMISSIONER CABALLERO: Yes, but the report
23 itself, you are in charge of looking at all the Carl
24 Perkins money, activities throughout the state?

25 MS. ELAINE PEREA: Yes, sir.

1 COMMISSIONER CABALLERO: Okay. This has to
2 do with just charter schools. There's a question, and
3 question 8 that says during the reporting year that
4 your state used Perkins funds to support funded
5 charter schools operating career and technical
6 education programs. Can you elaborate a little bit
7 more? I read through it and I'm just curious if you
8 had more to add to that.

9 MS. ELAINE PEREA: I would just like to say
10 that the -- that the point that I mentioned earlier
11 about the funding structure and the rules of how money
12 is determined, it significantly limits how much
13 charter schools are able to participate in the Carl
14 Perkins Act. And towards that I would say that in
15 your role as leaders for the charter schools, when
16 charters have good relationships and are doing similar
17 things, I -- for example, STEM, I know there are
18 several charter schools that are working on STEM in
19 different ways. That's a natural consortium that
20 could be encouraged to submit and get funds. That's
21 kind of beyond the scope of the work of my bureau, but
22 it is certainly something that we, me and Katy can
23 work together to try to bring more charter schools
24 into the fold. Because of that \$15,000 cap or floor,
25 rather, it's very hard for individual charter schools

1 to participate.

2 In this question that you point out, you
3 will see that the charter schools that are listed are
4 district charters. APS has chosen to support some of
5 their district charters. That award goes to the
6 district, and so clearly they are well over the
7 \$15,000 cap.

8 And then, the Media Arts Charter School in
9 Albuquerque gets a targeted award to participate in
10 the high schools that work, which is a leadership set
11 aside part of Carl Perkins grant, and so they get
12 about \$100,000 to participate in that intensive
13 coaching effort. That's a wall-to-wall school design
14 that brings CTE into every classroom, into the math
15 classrooms, the English classrooms, and Media Arts
16 Charter is one of four schools in the state that has
17 gotten that targeted award, in part to help them build
18 a showcase that shows other schools how to do CTE
19 right, if you will.

20 COMMISSIONER CABALLERO: How many charter
21 schools, both state and those sponsored by school
22 districts, participate on the Carl Perkins program?

23 MS. ELAINE PEREA: Just those that are
24 outlined in this question. There's the three
25 Albuquerque Public district charters, Corrales

1 International, DATA Charter, the Career Enrichment
2 Center, and then the Media Arts Collaborative Charter
3 School, which gets a direct grant which is not part of
4 the Perkins basic grant. That's a separate High
5 Schools That Work grant. Those four are the only
6 ones.

7 COMMISSIONER CABALLERO: And I'm trying to
8 understand the limitation. So for sure the rural
9 schools in -- rural charter schools will be less able
10 to participate because they won't qualify because of
11 their size.

12 MS. ELAINE PEREA: By themselves they will
13 not qualify.

14 CHAIRMAN GIPSON: Can I just qualify? I
15 think it's not just rural. We have any number of
16 charters that are -- that are quite small, so that
17 it's -- it's across the board. I would say probably
18 most of our charters don't have the student
19 population.

20 MS. ELAINE PEREA: And many of our
21 districts, about half of our districts cannot qualify
22 by themselves.

23 CHAIRMAN GIPSON: Commissioner Johnston.

24 COMMISSIONER JOHNSTON: There are nine
25 educational cooperative regions across the state and

1 the rural schools utilize those cooperatives to help
2 them function as fiscal agent and support in the grant
3 writing, and one of my desires would be that the
4 leaders of the charter schools, the small charter
5 schools, both urban and rural, recognize that they are
6 eligible to participate in these cooperatives, and
7 that they can get assistance in writing for these
8 grants and planning for them. So rural schools are
9 not limited because of isolation or size, nor are the
10 urban. It's we need to be better informed about the
11 regional cooperatives that lie in the state, because
12 they are vital. They can serve a wonderful --

13 MS. ELAINE PEREA: Thank you, Commissioner
14 Johnston, that's a very important point. The RECs are
15 fundamental. But that being said, the applicants or
16 potential applicants are not limited to RECs. For
17 example, for several years Los Alamos and Pojoaque
18 formed a collaborative and they submitted a joint
19 application for several years. Now they are not
20 participating anymore, but just as an example, two
21 schools that are aligned that have similar goals can
22 form a consortia, if they were at opposite ends of the
23 state.

24 CHAIRMAN GIPSON: And I know that -- I think
25 the vast majority of charters do work with the RECs

1 because they understand the benefit of it. But I
2 don't know whether they fully understood or understand
3 that they could form, like, a consortium for the
4 Perkins grant. So I think that's an important point
5 to get across to the charters.

6 So my question is, if I was a
7 state-authorized charter, I could not access the
8 Perkins grant through, say, in my area, Las Cruces.
9 Is that -- that's not possible. I would have to be a
10 district-authorized to obtain that money?

11 MS. ELAINE PEREA: Yes, that's correct.

12 CHAIRMAN GIPSON: Okay. All right.

13 MS. ELAINE PEREA: And I want to point out
14 one other thing. Because this is a federal grant,
15 there is a fair amount of bureaucracy, and the
16 smaller -- the smaller districts and charters have
17 found that, because if you get three schools together
18 and they get \$18,000, and they need a half FTE to
19 administer those \$18,000, even when they find the
20 power in numbers to apply, they sometimes decide that
21 it's not worth the money because of the bureaucratic
22 load.

23 CHAIRMAN GIPSON: Right. Thank you.

24 Commissioners, any other questions?

25 CHAIRMAN GIPSON: Thank you.

1 MS. ELAINE PEREA: Thank you for your time.

2 CHAIRMAN GIPSON: Thank you.

3 Congratulations, once again.

4 MS. ELAINE PEREA: Thank you.

5 COMMISSIONER TOULOUSE: Madame Chair, I
6 would also like to congratulate Dr. Perea on her
7 promotion, which I always assumed was coming, but I'm
8 glad to know for once my assumptions were correct.
9 Thank you.

10 MS. ELAINE PEREA: Thank you.

11 CHAIRMAN GIPSON: Commissioners, we are on
12 to number 7, Review of the PEC Rules of Procedure. I
13 think it's been adequately --

14 COMMISSIONER CONYERS: Do we need a motion
15 to approve the report?

16 CHAIRMAN GIPSON: I'm sorry. Do we have to
17 approve this report?

18 MS. POULOS: Madame chair, I believe it was
19 informational. We'll make sure that it's back on the
20 agenda. If she needs approval.

21 CHAIRMAN GIPSON: I thought it was just
22 informational.

23 COMMISSIONER CONYERS: Okay. I was just
24 going to propose a motion.

25 CHAIRMAN GIPSON: Okay. We're on to item 7,

1 Review of the PEC's Rules of Procedure. I think it's
2 been explained that we had already put this yesterday
3 on our work session agenda for next month, which will
4 be February 9th, and we'll have a discussion later on
5 about the full work session agenda. If anyone has any
6 recommendations for changes to the rulings, if you
7 will please forward them to Beverly so that she can
8 then send them out to us so that we could review them,
9 and we will have them in a timely fashion for the
10 February 9th meeting.

11 And I'll remind Commissioners once again
12 that all communications go through Beverly to us so
13 that we don't deal with a rolling quorum and get into
14 any difficulties with that. So I would appreciate
15 that. So thank you.

16 I will ask for a short break at this point
17 in time before we move on to the next agenda item. So
18 if we can take 10 minutes? We'll be quick, thank you.

19 (A recess was taken from 10:12 a.m.
20 through 10:32 a.m.)

21 CHAIRMAN GIPSON: I'm going to call us back
22 into session, please.

23 We are on to item number 8, Discussion and
24 Possible Action - PED Recommendation to Commence
25 Revocation Proceedings Against La Promesa Early

1 Learning Center Based on Suspension of Board of
2 Finance and Fiscal Management.

3 Before I turn this over to the Director, I
4 would like to remind everyone that this is not a
5 hearing to revoke the charter. This is a discussion
6 on whether this Commission will, in fact, vote to hold
7 the hearing. So whatever determination is made today
8 is simply on whether we will or will not hold a
9 revocation hearing. At the time, if the decision is
10 made to hold the revocation hearing, members of the
11 community, interested parents and students will be
12 afforded an opportunity to provide testimony at that
13 hearing. Since this is not a hearing we do not hear
14 from parents, students or interested community members
15 at this portion of the meeting because this, once
16 again, is not a hearing. This is simply a discussion
17 for a decision on whether we will, in fact, hold that
18 hearing.

19 Do the Commissioners have any questions in
20 regards to that?

21 COMMISSIONER CABALLERO: Yes.

22 CHAIRMAN GIPSON: Could you please introduce
23 yourself or identify yourself?

24 COMMISSIONER CABALLERO: Not allowing
25 parents to speak, is that normal procedure?

1 CHAIRMAN GIPSON: Correct, because this,
2 once again, is not a hearing.

3 COMMISSIONER CABALLERO: I understand it's
4 not a hearing.

5 CHAIRMAN GIPSON: That's why the decision
6 has always been that parents, interested community
7 members, because they have the opportunity at
8 hearings, but not at an agenda item such as this.

9 COMMISSIONER CABALLERO: Okay. I don't -- I
10 checked all our procedures. I didn't see any of that
11 there and I will just leave it at there. But let me
12 just clarify, those people that want to speak to the
13 Commission can do so in the open forum portion?

14 CHAIRMAN GIPSON: Yes. As I mentioned at
15 the beginning of the meeting that there's the sign-up
16 sheet for the open public portion of the meeting, yes.

17 COMMISSIONER CABALLERO: Okay.

18 CHAIRMAN GIPSON: There is a limited time to
19 that.

20 COMMISSIONER CABALLERO: Limited time per
21 person?

22 CHAIRMAN GIPSON: Total.

23 COMMISSIONER TOULOUSE: Madame Chair, I
24 would like to also say, though, that the school has an
25 option if they have someone else that they want to sit

1 with them, a governance council member, a parent, a
2 representative, or something, they could include in
3 their answers to the discussion, at the option of the
4 school at this. So it doesn't necessarily have to be
5 the two people. It's their choice, or they can choose
6 somebody else.

7 CHAIRMAN GIPSON: Yes. They can have a
8 governance council member sitting with them, yes, but
9 not -- I'll leave it at that.

10 Are we ready to proceed?

11 Director Poulos.

12 MS. POULOS: Madame Chairwoman,
13 Commissioners, before you today, the Public Education
14 Department has provided a recommendation to commence
15 revocation proceedings against La Promesa Early
16 Learning Center. That recommendation is based on the
17 suspension of the Board of Finance and the evidence
18 that the Public Education Commission has that
19 indicates that this school has engaged in fiscal
20 mismanagement.

21 As the Commission knows, on August 12, 2016
22 the Public Education Department did notify La Promesa
23 Early Learning Center that the Public Education
24 Department was suspending the school's Board of
25 Finance. That was based on information that PED had

1 that made it reasonable to believe there was
2 mismanagement, improper recording or improper
3 reporting of public school funds under the school's
4 control. In your material today you have that letter
5 as well as the investigation that was conducted by the
6 Public Education Department's Audit Bureau that led to
7 the suspension of the Board of Finance.

8 What's very important to know is that the
9 New Mexico Statutes Annotated 22-8B-39(G) states that
10 when a governing body of a state charter school is
11 suspended from acting as a board of finance, the
12 department shall consider commencing proceedings
13 before the Commission to revoke the charter of the
14 state chartered charter school in the case of a state
15 chartered charter school that has engaged in serious
16 or repeated mismanagement, improper recording or
17 improper reporting of public school funds under its
18 control.

19 And that's why we are making the
20 recommendation, because since August 12, 2016, the
21 Public Education Commission -- Department --
22 apologies -- has had the opportunity to learn more
23 information and come to a better understanding. That
24 includes while the Public Education Department, and
25 therefore La Promesa's audit, is not ready and has not

1 been released, initial discussions with the auditor
2 have indicated that there are serious concerns and
3 that there are issues that reflect what we have seen
4 here and the reasons for the suspension of the Board
5 of Finance.

6 And so for those reasons, the Public
7 Education Department has made the recommendation that,
8 again, the Commission consider holding a revocation
9 hearing to accept evidence to determine whether there
10 has been fiscal mismanagement, improper recording,
11 whether there has been failure to comply with
12 generally-accepted fiscal management.

13 In addition, we have provided information
14 about the school's current performance. We do think
15 that's important for the Commission to be aware of as
16 far as academics go, and we do that with all of the
17 items we present in front of the Commission. So you
18 will see that in addition to the fiscal mismanagement,
19 the PED certainly has concerns about the academic
20 performance of the school, which in the last year
21 received a letter grade of an F.

22 CHAIRMAN GIPSON: Thank you. Good morning.

23 Beverly, do we have one of those big clips
24 that will just make it a little bit easier?

25 MS. PATRICIA MATTHEWS: Thank you, Madame

1 Chair, members of the Commission. My name is Patricia
2 Matthews from the Matthews Fox law firm here on behalf
3 of La Promesa Early Learning Center.

4 COMMISSIONER ARMBRUSTER: I do think we need
5 you to talk closer and a little bit louder
6 so Commissioner Pogna can hear you.

7 MS. PATRICIA MATTHEWS: Can you hear me now,
8 Commissioner Pogna?

9 COMMISSIONER POGNA: Yes.

10 MS. PATRICIA MATTHEWS: My name is Patricia
11 Matthews from the Matthews Fox law firm on behalf of
12 La Promesa Early Learning Center, and I will let
13 Mr. Jones introduce himself.

14 MR. CHRIS JONES: Good morning, Madame
15 Chair, members of the Commission. My name is Chris
16 Jones. I'm the Executive Director of La Promesa Early
17 Learning Center.

18 MS. PATRICIA MATTHEWS: Thank you very much
19 for the opportunity to speak to the Commission this
20 morning. Unfortunately, we were caught quite off
21 guard and we were not given any sort of parameters
22 about how this process would work this morning, so we
23 have put something together. Hopefully, that
24 information will provide a more complete picture of
25 what's happening here.

1 But the first thing I am going to do is talk
2 about the context of the recommendation itself with
3 regard to perhaps the illegality of the information
4 provided to the Commission at this time, and then I'm
5 going to let Mr. Jones talk to you about what the
6 school has done since August when the Board of -- when
7 their board was suspended by the Public Education
8 Department.

9 I'm very concerned that the way we received
10 notice from the Charter Schools Division about the
11 potential of this action by the Commission was
12 received by Ms. Friedman through the mass distribution
13 of agenda on Tuesday. That was the first we learned
14 of it. And of course, then the information in your
15 packet was obtained by the school. It was not
16 provided voluntarily by the Charter Schools Division
17 or anyone else from the department.

18 I am very concerned about the reasons given
19 for the recommendation. They are stated in your
20 packet in the third paragraph. As very clearly noted
21 by the Charter Schools Division, the FY 2016 audit has
22 not been released, of the department and all of the
23 charter schools, which are its component units. The
24 state audit rules state very clearly that the kind of
25 information that they have released to the Commission,

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 and now unfortunately to the media and the rest of the
2 State of New Mexico, is information by rule that
3 should have not been released. The state audit rule
4 provides the following, and it's very simple and is a
5 very broad confidentiality requirement. It says "The
6 agency personnel and the agency IPA, the independent
7 public auditor, shall not release information to the
8 public relating to the audit until the audit report is
9 released by the office and has become a public
10 record." That is New Mexico Administrative Code
11 2.2.210(J)(3), and I don't know how you would
12 interpret anything else but what the information is
13 that is provided in that paragraph is clearly
14 revealing information from that audit.

15 So I'm very concerned about that initial
16 reason -- the reason -- that's the only reason stated.
17 There's no new information provided with regard to
18 things that have come up over the time since they came
19 in and suspended the board and put a corrective action
20 plan in place. Mr. Jones will talk more about that.
21 But I'm very concerned that that is the only reason
22 identified for the recommendation.

23 The school cannot sit here today and even
24 respond to you without violating the audit act. So we
25 can't even defend ourselves. I don't know how the

1 Commission itself will even articulate reasons from
2 whatever this information, which is clearly vague in
3 the recommendation. I don't even know how they will
4 articulate the reason for voting on, going forward
5 with a hearing on the vote to revoke. So even if we
6 get to a hearing on a vote to revoke, whether or not
7 to revoke, unless that audit has been released we
8 can't have a public meeting, and the school can't
9 defend itself with regard to the information in that
10 audit.

11 We're also very concerned that the statement
12 of continuing mismanagement that's put in this
13 document, when that's clearly not been the feedback
14 that the schools received from the department, and the
15 only reason that -- the only thing that the FY 2016
16 audit will reveal is information about FY '16, and not
17 the current state of affairs at this school. So it's
18 very problematic that the basis of this recommendation
19 is on information that can't even be revealed
20 publicly. I don't even know if the Commissioners have
21 the draft findings. I don't know how you would even
22 know what -- that she is referring to without having
23 that information before you could take a vote.

24 I also like to point out that since
25 Mr. Aguilar and his team came to the school in August,

1 the only folks that have been there have been the
2 state-directed third-party business manager. The
3 Charter Schools Division certainly hasn't come to the
4 school to look at the process to see what kinds of
5 things would indicate continued mismanagement, and
6 they have not come to the school in that regard.
7 Clearly they can. They are entitled to under the
8 contract to conduct a site visit on a particular
9 issue. They haven't done that.

10 And so I am very -- and so I'll just
11 conclude my comments about the legal concerns of the
12 recommendation by saying we have a right, as you
13 pointed out, Commissioner Gipson, to have a public
14 hearing and have folks from the public there, but
15 right now we can't have a public hearing because the
16 audit information isn't public upon which this
17 recommendation is based.

18 The school, as I have already mentioned,
19 they can't defend themselves, and as written, the
20 statements in the recommendation are so vague you
21 can't even articulate why there's a basis to hold the
22 revocation hearing without revealing what's in a
23 confidential state audit.

24 And I'll let Mr. Jones talk to you about
25 what the schools have been doing since we were here

1 before you in August when Mr. Aguilar conveyed his
2 confidence that he thought the school could move
3 forward on this issue, as have other schools who have
4 had their boards of finance suspended and have not
5 been revoked.

6 MR. CHRIS JONES: Good morning. Again,
7 Madame Chair, members of the Commission, my name is
8 Chris Jones and I'm the Executive Director of La
9 Promesa Early Learning Center. I was appointed
10 permanent Executive Director in September.

11 I want to try to revert back to August 12
12 when our Board of Finance was suspended. On August 12
13 I did meet with Deputy Aguilar, Director Craig, and
14 Dan Hill, who was General Counsel. At that time we
15 were told that we had some things that needed repair
16 in terms of our finances and operation. At that time
17 we were also told that we would need a couple of clean
18 audits. Mr. Aguilar did mention to us that we would
19 need at least two clean audits before we were to start
20 to have things handed back to us, from purchasing to
21 payroll, to other financial matters.

22 Thus far we have not had the opportunity to
23 reach the first audit. We are still referring to old
24 business that was conducted at the school. The most
25 recent audit was for fiscal year '16.

1 When the gentleman came to meet with me on
2 August 12 we were given a financial oversight plan. I
3 do not know if the plan is within your materials
4 today, but the plan was a list of requirements that we
5 were to meet. And within the requirements you will
6 see that we have worked with The Vigil Group as well
7 as Mr. Craig and his department to meet each of the
8 requirements in the documents. I have not had any
9 communication with the Charter School Division. My
10 communication with the Public Education Department has
11 been positive. There has been no communications that
12 has come to my office to indicate otherwise. We have
13 gotten back on track. We continue to work with The
14 Vigil Group to do so.

15 From a governance standpoint, we do have
16 governance members. We have gotten our governance
17 board back on track as well.

18 We have an auditor who was voted as our
19 President. We have worked, without the urging of the
20 division, we have worked to create our own monitoring
21 tools, and we have provided specialized training to
22 our governance council in the areas of finance and
23 operations, all without the urging of the department.

24 Mr. Craig, who has met with us on many
25 occasions, has not communicated any concern when it

1 comes to the current operation of our school.

2 The school grade that is shared today is, of
3 course, the school grade from the last school year,
4 the most recent school grade. However, I do want to
5 emphasize that we do have agreed-upon academic
6 indicators. The indicators were from our previous
7 renewal, and every single year we review those
8 indicators. I want to share with you that in terms of
9 our academic program, we understand there is work to
10 do as well. I also want to share that we have met our
11 academic indicators already in the first half of the
12 school year in both math and reading. We have either
13 met or exceeded our academic indicator targets.

14 We are working with The Vigil Group, who was
15 assigned to us by the PED. And the inference and the
16 reference to current mismanagement is troubling to me
17 as well. Under my leadership we have started to get
18 things back on track. We have lots of oversight from
19 the Public Education Department. That includes our
20 budget analyst as well as Mr. Craig, the Director of
21 Finance or of Budget, excuse me, as well as The Vigil
22 Group. So we have many layers of oversight.

23 I also want to add that if allowed we would
24 love the opportunity to sit down with members of the
25 Commission and discuss the progress that has been made

1 thus far. We understand the severity, we understand
2 the seriousness of having a Board of Finance
3 suspended. We have never taken that lightly. When I
4 stood in front of you on the 31st of August I told you
5 I was committed to this process and I still am. I
6 would like the opportunity to sit with you again and
7 come up with a better monitoring system, perhaps a
8 more formal plan for improvement, but at this time I
9 do not believe that a revocation is necessary. This
10 is based solely on old information and I truly believe
11 that our school is worthy of a continued operation.

12 And I appreciate your time this morning.

13 CHAIRMAN GIPSON: Before we move on can I
14 just ask, have you provided as a result of the school
15 grade, have you provided an improvement plan?

16 MR. CHRIS JONES: In November I did contact
17 Director Poulos because we did provide an academic
18 improvement plan at the beginning of this school year.
19 Now, when I did contact Director Poulos I asked if
20 that academic improvement plan would suffice. I have
21 this through E-mail, Ms. Poulos did indicate to me she
22 would check with the Commission and get back to me.
23 So the communication has been one-sided. It has come
24 from me and I am trying to ensure that we are
25 complying and we are meeting the requirements.

1 I still have not heard back from Ms. Poulos
2 about the clarification from the Commission. We do
3 have the academic improvement plan in place but,
4 again, communication has lacked, therefore we have
5 been under the assumption that we're getting back on
6 the right track, and I believe our academic
7 performance thus far proves it.

8 CHAIRMAN GIPSON: I just want to remind you
9 that the contract does clearly state that you are to
10 submit an improvement plan with a school letter grade
11 of F, so I would appreciate it if you did, in fact,
12 forward that so that we would -- we would have that
13 information.

14 I'm going to ask the Director at this time
15 if she has any independent information outside of this
16 audit to present at this time.

17 MS. POULOS: Madame Chairwoman, are you
18 referencing the investigation by the Public Education
19 Department's Audit Bureau?

20 CHAIRMAN GIPSON: No.

21 MS. POULOS: So you are referencing the
22 audit report that is the external fiscal audit?

23 CHAIRMAN GIPSON: We're asking if there is
24 independent information not contained in that audit
25 that you can provide us at this point in time.

1 MS. POULOS: The information that we're
2 providing, and I think to Ms. Matthews' point, we are
3 not, and the information that we provided in today's
4 materials does not reference and is not in relation to
5 the auditor's report that is being reviewed by the New
6 Mexico Office of the Auditor. Rather, it is
7 conversations that the Deputy Secretary has had with
8 the auditors not about the audit report, but about the
9 status of the school's financial management. And that
10 is what this -- in addition to, and primarily based on
11 the letter where we did suspend the Board of Finance
12 because 22 -- and I believe it's -- I apologize, it's
13 not 8B, it's 8-39, requires that we consider whether
14 to commence proceedings based on the suspension of the
15 Board of Finance. That is, in fact, the basis of the
16 recommendation to move forward with scheduling a
17 revocation hearing.

18 COMMISSIONER CABALLERO: Question.

19 In framing the issue to revoke, is that
20 basically hinging on the revocation of the group of
21 finance within the school solely?

22 CHAIRMAN GIPSON: Could you repeat that?

23 COMMISSIONER CABALLERO: Is the issue before
24 us only taking into account the revocation of the
25 Board of Finance?

1 CHAIRMAN GIPSON: No, it's not. What the
2 question and the concern that I have is, are those two
3 -- are the financial issues too closely related at
4 this point in time to the audit, and we cannot
5 reference that audit at this point in time. So I have
6 -- I have a concern about going forward with this
7 because of the information being too closely related
8 to that audit that has not been released.

9 COMMISSIONER CABALLERO: Madame Chair, that
10 is my feeling also. My concern that the way it was
11 framed by the school is that they really -- they are
12 really saying is that they did not get enough notice
13 about the issues because everything is hinging on an
14 audit for them to be able to defend themselves, that
15 any group should be allowed an opportunity for proper
16 defense, and they cannot.

17 CHAIRMAN GIPSON: I'm not dismissing the
18 timeliness of it because that's not the question now.
19 I'm focused on at this point in time, because if we
20 did, in fact, vote to have a hearing the hearing would
21 come at a much later date and the school would have
22 more than enough time to present their case. The
23 issue that I am concerned about at this moment in time
24 is the closeness -- how the two issues are closely
25 related, and I have a serious concern about how

1 closely related those financial issues are and the
2 Commission not being able to address those audit
3 issues at this moment in time.

4 So that I am going to move to table the
5 PED's request until independent information from CSD
6 is presented.

7 COMMISSIONER CABALLERO: I will second the
8 motion.

9 CHAIRMAN GIPSON: There is a second by
10 Commissioner Caballero.

11 COMMISSIONER TOULOUSE: A discussion?

12 CHAIRMAN GIPSON: Discussion, yes.

13 COMMISSIONER TOULOUSE: Madame Chair, I
14 would like, too, that I think this is the first piece
15 of information we have had since our August meeting on
16 this, and in the past we have had ongoing reports
17 where there were problems. I would like, when we do
18 bring this back up, to have a report on the financial
19 changes that have already been made, the status of
20 what's going on. I would also like a status report
21 because what's rolled into this, even though it's not
22 in the motion, is the school F grade. I would like a
23 status report on the improvements. You know, your
24 contract has you giving us short cycle assessment
25 data, anyway. I would like to see those to see a

1 whole package from the school that those things are
2 back, because I know that we had serious problems in
3 the past, and those are over and done with, and I'm
4 not sure that it's time to make everybody pay for
5 those if it's fixed. I am concerned about the grade.
6 So we are looking harder and harder with money being
7 tighter and tighter at the lower-grade schools.

8 So I think the whole package, if the school
9 is stable and the financial processes are working and
10 the grades are getting better, then I have a better
11 picture on how I want to vote on this school.

12 So thank you, Madame Chair.

13 CHAIRMAN GIPSON: Commissioners, any other
14 comments?

15 I will want to once again reiterate that I
16 have concerns about the academics, so the finances,
17 aside, I would appreciate a status on how you are
18 proceeding with that improvement plan. I hope that
19 you have been moving on that improvement plan even
20 though you may not have submitted it to us. But we do
21 have serious concerns about that downward spiral with
22 the school grade.

23 MS. PATRICIA MATTHEWS: Madame Chair,
24 members of the Commission -- would you like for me to
25 wait until after you take a vote?

1 CHAIRMAN GIPSON: I think we would like to
2 vote. If there's no other Commissioners' comments or
3 concerns about this --

4 COMMISSIONER ARMBRUSTER: Before we vote, I
5 just want you to state exactly what we're voting on so
6 I have it correct.

7 CHAIRMAN GIPSON: We're voting on tabling.
8 It's a motion to table PED's request until independent
9 information from CSD is presented.

10 COMMISSIONER ARMBRUSTER: Table PED --

11 CHAIRMAN GIPSON: It's tabling item
12 number --

13 COMMISSIONER TOULOUSE: 8.

14 CHAIRMAN GIPSON: 8.

15 COMMISSIONER ARMBRUSTER: Okay.

16 CHAIRMAN GIPSON: And once again, we do have
17 a motion and we do have a second, so if you will do a
18 roll call vote, please.

19 COMMISSIONER ARMBRUSTER: I just want -- a
20 yes vote is to table.

21 Commissioner Conyers?

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner

2 Pogna?

3 COMMISSIONER POGNA: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner

5 Johnston?

6 COMMISSIONER JOHNSTON: Is this the
7 appropriate time to abstain?

8 COMMISSIONER CABALLERO: I think it is.

9 COMMISSIONER JOHNSTON: I'm abstaining.

10 COMMISSIONER ARMBRUSTER: You know, I think
11 you all have our rules. So just a reminder that on
12 page 7 of our Rules of Procedure that are in place at
13 the moment, if you abstain just please do so before
14 the vote.

15 COMMISSIONER JOHNSTON: I apologize.

16 COMMISSIONER ARMBRUSTER: Not a problem.

17 COMMISSIONER JOHNSTON: I have it circled.

18 COMMISSIONER ARMBRUSTER: Okay.

19 Commissioner Peralta?

20 COMMISSIONER PERALTA: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner

22 Gipson?

23 CHAIRMAN GIPSON: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner

25 Crone?

1 COMMISSIONER CRONE: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

3 COMMISSIONER RUIZ: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner

5 Caballero?

6 COMMISSIONER CABALLERO: Yes, to table.

7 COMMISSIONER ARMBRUSTER: Okay.

8 Commissioner Armbruster votes yes.

9 That is nine to table and with one
10 abstention.

11 CHAIRMAN GIPSON: Thank you.

12 Ms. Matthews?

13 MS. PATRICIA MATTHEWS: Madame Chair,
14 members of the Commission, thank you. It's been a
15 very difficult few days for the school and I
16 appreciate your confidence or at least your
17 willingness to put this off.

18 My question is, and so the school wants to
19 be very clear that it provides the information that
20 the Commissioners would like, and based on timing,
21 when you would like that information. So should we
22 plan -- should the school plan to present or be on
23 your agenda for the next meeting to report out on
24 financials and on your academics?

25 CHAIRMAN GIPSON: Well, I think at the very

1 least the information about the academics, you know, I
2 would appreciate it at the next meeting. I think the
3 financial is still up in the air. I think it's
4 dependent on whether CSD can provide any additional
5 independent information.

6 MS. PATRICIA MATTHEWS: Madame Chair, can I
7 have a clarification? When you said independent
8 verification --

9 CHAIRMAN GIPSON: Outside of any --

10 MS. PATRICIA MATTHEWS: Current audit --

11 CHAIRMAN GIPSON: Audit findings, yes.

12 MS. PATRICIA MATTHEWS: Okay. Thank you
13 very much.

14 MR. CHRIS JONES: Thank you.

15 CHAIRMAN GIPSON: We'll take a quick break
16 while the room empties.

17 (A recess was taken from 11:04 a.m.
18 through 11:12 a.m.)

19 CHAIRMAN GIPSON: We are now back in session
20 and we are on item number 9, Discussion of Possible
21 Action on Charter School Amendments.

22 MS. POULOS: Madame Chairwoman,
23 Commissioners, before you is the first amendment
24 request which is from Tierra Encantada Charter School
25 to change the facility location. The school is

1 seeking to change facilities from the local facilities
2 just down the street. CSD or the PED are recommending
3 that this request potentially be approved on the
4 condition that the PSFA is able to certify that the
5 facility meets all statutory requirements and that the
6 minutes provided are acceptable to this Commission.

7 With regards to the minutes, these appear to
8 have been from May 2016, but the request is from
9 December 2016, so I wasn't sure how the Commission
10 felt about that large gap of time. I think the school
11 initially back in May had thought about submitting the
12 request, I think had -- had withdrawn the request for
13 various reasons. I will say we did ask that the PSFA
14 for feedback on the lease terms because there are some
15 specific requirements with regards to leasing. They
16 did express some concerns, which were also raised just
17 by CSD review of the lease, about whether some of the
18 changes that are specifically outlined in the lease
19 are being made for the purpose of meeting adequacy
20 standards, because the lease requires that the school
21 take on that cost which would be inappropriate based
22 on the statute. Pretty technical.

23 So at this point that's why we are making
24 the recommendation. It is not completely clear that
25 there are issues, but it raises concerns for us as

1 well as for PSFA whether that is appropriate in the
2 lease.

3 CHAIRMAN GIPSON: Thank you.

4 Good morning. And once again, if you would
5 please introduce yourself for the record?

6 MR. MANUEL LUCERO: Madame Chair, members of
7 the Commission, good morning. I'm Manuel Lucero. I'm
8 the new school director. I took over the school after
9 May. I took over the school in August. And with
10 me -- and I'll let him introduce himself here
11 momentarily. He is the President of our Board. But
12 we also have our school Budget Finance Director, and
13 our school Principal, in case there's questions you
14 may have, they are here in the audience, as well as
15 our school counsel.

16 MR. ABENICIO BALDONADO: Good morning,
17 Madame Chair, Commissioners. I am Abenicio E.
18 Baldonado. I'm the President of Tierra Encantada
19 Charter School. I began July 1st, 2016, and I
20 recently took over as President in October of 2016.
21 But, thank you very much for having us here.

22 CHAIRMAN GIPSON: Thank you.

23 MR. MANUEL LUCERO: So, again, Madame Chair,
24 members of the Board, the nature of our request to
25 amend the charter is we feel that -- that the current

1 facility that we are in, it doesn't -- the
2 dilapidating condition -- because it's older, and we
3 get all that stuff, we get it -- but it was originally
4 made for an elementary and not a secondary school. So
5 the quarters, really, are not conducive to a secondary
6 institution, which is what we are.

7 The -- and I think that if you guys are not
8 sure -- you looked at there -- that there's other
9 conditions that we feel that by moving to a new
10 facility will allow us to grow. Our enrollment has
11 pretty much been stagnant because we cannot grow due
12 to the fact that we are already at pretty much
13 capacity. We have some classrooms that we have had to
14 put partitions in order to try to make it into two
15 classrooms to try to accommodate the students that we
16 have. And so when it's all said and done, it is
17 adequacy standards, that we're most concerned about in
18 trying to create an atmosphere, a learning atmosphere
19 for our students that will best help in their
20 education.

21 One other piece, also, is the fact that the
22 new facility or the facility that we would be moving
23 into would really allow for us to continue a
24 partnership that we have with Santa Fe Community
25 College. And we looked at, because of where it's

1 located, it's very close, so we can incorporate a
2 little bit more additional courses at the community
3 college, dual credit classes and so on and so forth.
4 So it just felt like a better fit for our students.
5 And that's kind of the -- well, that is the main
6 reason for -- for our request.

7 MS. POULOS: Madame Chairwoman.

8 CHAIRMAN GIPSON: Director?

9 MS. POULOS: Can I add one item, and this is
10 actually something that I had not quite understood.
11 Mr. Lucero indicates that part of the reason is to
12 grow. That was something that wasn't completely clear
13 to CSD. Had it been, we would have included
14 additional analysis. As you recall from the
15 conversation, I believe it was in November, about some
16 amendment request, this school's academic performance,
17 they have received, I believe, the last letter grade
18 actually was, I believe, a D -- an F. An F. And we
19 do believe based on that letter grade statute that a
20 school that has not earned a letter grade of C or
21 higher for at least two years in a row must prioritize
22 its resources to improving student achievement and not
23 growing. And so that would have been additional
24 analysis we would have included. And I apologize, I
25 didn't understand that.

1 CHAIRMAN GIPSON: Can I just ask for some
2 clarification here? When you referenced the lease,
3 were you referencing letter H on page 5 of the lease?
4 Is that the area of concern that CSD has raised about,
5 "Subject to Subsection C, the school will pay for and
6 maintain and repair -- in compliance with all
7 requirements of law"? Is that the area?

8 MS. POULOS: There were actually several
9 areas that I asked about when I asked Ms. Casias. The
10 first is, C, the school is responsible for payment of
11 all property taxes. And I can find the pages for you.
12 I believe that it is on page 2, which is noted as page
13 19 on the top of the page through upside down numbers.

14 Item D, which says "As set out in Section
15 7," also on page 2 of the lease, I believe, item A,
16 which is the following is lessee's list of tenant
17 improvements, and that is found on page 3 of the
18 lease, 7A.

19 And then you are correct, the other area
20 that we were referencing was 7H, which is on page 5 of
21 the lease.

22 CHAIRMAN GIPSON: Okay. Because I just want
23 to -- I'm looking at -- because I think we missed the
24 page numbers on the leases. That's okay.

25 When I'm referencing letter H, that's daily

1 maintenance, which is up to the school, but it does
2 specifically state that it is the lessor that's going
3 to be responsible for all the keeping it up to code.

4 MS. POULOS: Correct. And it really was,
5 when you read the information on A, Section 7A, which
6 talks about removing desks and chairs, toilets being
7 exchanged for regular size, kitchen equipment being
8 removed, bell/intercom/fire system, so those will
9 remain, double doors being constructed.

10 CHAIRMAN GIPSON: It says it will be
11 reimbursed by the lessee.

12 MS. POULOS: Those were the concerns that
13 was raised, and PSFA confirms that they also felt
14 uncomfortable with that language.

15 CHAIRMAN GIPSON: Okay. All right. Thank
16 you.

17 MR. MANUEL LUCERO: Again, Madame Chair and
18 members of the Board, I would like to comment first on
19 the first thing that she mentioned, and then we do
20 have, like I said, our counsel here that has been
21 working on the contract, so those questions could
22 maybe be asked of her.

23 But I agree that, you know, we have -- we do
24 have an F, but I really believe that the factors of
25 that F are exacerbated by the fact that we have the

1 conditions that we're in. I believe that -- that, you
2 know, that's not the only reason we got an F. I
3 understand that. But I do believe that, you know, not
4 being in a facility conducive, in a learning
5 environment conducive to get the most out of what we
6 can for our students does exacerbate that grade, so I
7 think that moving to a facility that is a much better
8 learning environment should certainly help in that.

9 But we also, too, have a plan in place, an
10 academic plan, of course, to start looking at an
11 improvement plan to look at those issues that gave us
12 that F to begin with so that -- you know, and I was
13 going to bring that up, but since she hadn't, I
14 thought, well, I won't muddy that water. But that was
15 part of my -- I knew you probably would have, anyway,
16 but -- so I did look at that obviously before we came
17 in, that might be a question that you might have had.

18 So -- and I do want to give an opportunity
19 to my board president. He wanted to say a few words
20 also, regarding that stuff. So at this point I
21 will --

22 CHAIRMAN GIPSON: Okay. Can I just ask you,
23 before you start, have you provided the improvement
24 plan?

25 MR. MANUEL LUCERO: Yes, ma'am.

1 CHAIRMAN GIPSON: So CSD --

2 MR. MANUEL LUCERO: It should be in there.
3 Absolutely.

4 MS. POULOS: Madame Chairwoman,
5 Commissioners, as you may recall, we had a lot of
6 discussions over the past year on what that
7 improvement plan should look like. Our understanding
8 at the end of last year was that the implementation of
9 the improvement plan as written would be submitted
10 starting next year, so we have not actively taken any
11 of those. Schools may have submitted them into Web
12 EPSS, but I don't have that information right now, and
13 clarification would be appreciated because if that is
14 something you want us to report on we would be happy
15 to do that.

16 CHAIRMAN GIPSON: Yes. Because my
17 understanding was we were changing what existed in the
18 contracts that they provide an improvement plan, so
19 that until the new system falls into place, the
20 current system is still there. And the contract
21 specifically, the only thing we changed was not having
22 -- not requiring the approval plan for the letter
23 grade of C. The contract originally said C, but we
24 still maintained it with the D and F. So I was under
25 the belief that schools were providing improvement

1 plans. So I would appreciate, and if you say it's
2 there, then we can certainly take a look at it.

3 MR. MANUEL LUCERO: Yes, ma'am. And one
4 other thing before Mr. Baldonado does speak, that I
5 wanted to also mention that this particular process
6 that we're going through right now, and asking for
7 this charter amendment, is part of a three-pronged
8 process, because, of course, this is where it starts.
9 If you approve, then at that point we do have to get
10 out of our lease with Santa Fe Public Schools, which
11 you have a letter there in your packet that they want
12 to do it right away, but I said no, you can't put the
13 horse in front of the -- so we need to come and get
14 your approval.

15 And then lastly, when it's all said and
16 done, whatever last pieces of the lease and that
17 particular group has to be finalized with, of course,
18 our counsel, and they would have to meet all the
19 parameters that are required by statute and so on and
20 so forth. But I just didn't want to move on with that
21 process prior to having this, because we could have
22 done all that stuff and then you said no, and it would
23 have made no sense at that point. So I just wanted
24 to --

25 So in the end, if all three pieces don't

1 fall into place, we just stay where we're at. And
2 they, what I mean by they, Santa Fe Public Schools
3 knows that to be a fact, and so does the Sebesta
4 Group, the Mission Viejo facility knows that.

5 CHAIRMAN GIPSON: What's the rating of your
6 current facility? Do you have that?

7 MR. MANUEL LUCERO: Ironically enough, I do
8 have the current one, but it was pretty low, and then
9 all of a sudden no changes were made and now all of a
10 sudden it's not a priority list anymore. So I'm not
11 sure how that got moved. But -- and I don't have that
12 information with me but I certainly can provide that.

13 CHAIRMAN GIPSON: Okay.

14 MR. ABENICIO BALDONADO: Madame Chair,
15 members of the Commission, I would also like to speak
16 personally about Tierra Encantada. I was a former
17 educator there previously, and I worked in the
18 conditions in trying to educate students, and they
19 were difficult. There was at one time during the
20 school year that I taught in a small library that was
21 blocked off by a partition, and I had about 25 to
22 about 28 students within that year really squeezed in
23 and it really did create a difficult learning
24 environment, and many of the students gave us that
25 feedback as well. Granted, that we did take a few

1 measures to make it a little bit more comfortable for
2 the students, but to -- in order to grow,
3 unfortunately, I don't believe that our building is --
4 can do that. You know, we could be up to 400 students
5 in our charter, but unfortunately, our Alvord building
6 wouldn't fit 400, and that's part -- and as Mr. Lucero
7 stated, that's just a partial affect. It's not the
8 entire view of why we have an F, and we are taking
9 measures to improve our school as well.

10 And at this time Madame Chair, members of
11 the Commission, I would like to invite Sue Fox. She
12 would like to give you a little bit of feedback
13 regarding our lease, if that would be okay?

14 CHAIRMAN GIPSON: I would like to, while
15 we're waiting, part of me has a concern over growth
16 when your academic performance is low, so that there
17 is that piece of me that doesn't want you to move to
18 some place where you might see a big growth spurt when
19 you haven't gotten your academic plan together. So I
20 have a concern over that. But I -- but I do
21 understand the facility issue.

22 COMMISSIONER CABALLERO: Point of
23 clarification, Madame Chair, if you can clarify
24 something for me. When several members and the
25 director spoke of growth, and a week or so ago I

1 understood growth for a charter school to be adding
2 more grades as growth. Are you adding more grades?

3 MR. MANUEL LUCERO: No, sir.

4 CHAIRMAN GIPSON: No, but they haven't
5 reached their enrollment cap, so they can grow their
6 student numbers.

7 COMMISSIONER CABALLERO: They can still grow
8 the students.

9 CHAIRMAN GIPSON: Yes, because they -- you
10 are at what? 290?

11 MR. MANUEL LUCERO: Yes, ma'am.

12 CHAIRMAN GIPSON: And you have a cap of 400?

13 MR. MANUEL LUCERO: Yes.

14 CHAIRMAN GIPSON: Right now they are limited
15 by their facility and they can't grow their enrollment
16 beyond that because of their facility. They move into
17 a new facility they can add on additional students
18 without coming to us because they have that 400
19 enrollment cap.

20 COMMISSIONER CABALLERO: So now in this
21 issue when we are talking about they cannot take on
22 growth, we're not talking about a school that's
23 requesting taking on additional grades, but coming --
24 being able to meet their already number designated to
25 them for growth.

1 CHAIRMAN GIPSON: Correct. They are not
2 asking for any kind of amendment to change their
3 current grading.

4 COMMISSIONER CABALLERO: Okay. So that --
5 another clarification. So how would that -- the whole
6 idea of growth and the grade, how can that grade, low
7 grade limit them in the growth capacity?

8 CHAIRMAN GIPSON: It's -- the concern is
9 because they -- my concern.

10 COMMISSIONER CABALLERO: Okay.

11 CHAIRMAN GIPSON: My concern is if they are
12 struggling trying to see academic growth with the
13 current numbers of students that they're servicing, if
14 they move into a new facility and they have additional
15 students and a significant number of additional
16 students that have unknown academic issues, that it
17 may add to their struggle to move their grade up.

18 MS. POULOS: Madame Chairwoman?

19 CHAIRMAN GIPSON: Yes.

20 MS. POULOS: I don't know how the Commission
21 would feel about this, but I would propose that
22 potentially the Commission could approve with a
23 condition that despite the fact that they have the
24 larger -- despite the fact that the facility could
25 facilitate more students, that they not increase

1 beyond the current capacity. That may be one which
2 would solve that, if the school were to agree to that.

3 CHAIRMAN GIPSON: Thank you. Maybe I have
4 to apologize for adding that in at this moment in
5 time. It was, I think, an unfortunate quick aside by
6 my part, but I appreciate that -- that suggestion,
7 because that might be somewhere down the road what
8 we're looking at.

9 MR. MANUEL LUCERO: Well, Madame Chair,
10 members of the Commission, the only thing is that I
11 caution that recommendation in that -- I'll give an
12 example. This year our budget was based on 310
13 students. That's what we projected, and we ended up
14 with 290, so obviously when we get adjusted it's less
15 money to work with as far as budget is concerned. So
16 to think -- you know, when you have natural attrition,
17 you know, maybe we don't necessarily have to go up to
18 400, at capacity, which is what is allowed, but to say
19 to not allow any growth at all, this really puts --
20 financially to create a budget that's not realistic,
21 you know. So maybe we don't go to 400. But to, say,
22 not to grow at all would really make it difficult to
23 budget because you got -- there's attrition and
24 there's a number of other variables that fluctuate
25 enrollment up and down. But to tie our hands and not

1 be able to recruit beyond the 290 that we have now I
2 think would be a disservice, in my opinion.

3 CHAIRMAN GIPSON: Seems that you have added
4 that 310 factor. I probably have no problem with
5 setting that as your number, but we're -- you know,
6 we're ahead of ourselves in this discussion right now.
7 But I think Commissioner Peralta might have some
8 information from PSFA. Maybe.

9 COMMISSIONER PERALTA: Well, I'll provide
10 what I do have with the dialogue that I have with
11 Martica. So there is no question about the new
12 facility, the proposed new site that the school wants
13 to go to.

14 Going back, the proposed new site for the
15 school is -- meets that or exceeds, it meets the
16 proposed -- actually, that student load is about 910
17 students. That new facility could hold up to that
18 amount, number of kids. So it would be -- it would be
19 a proper, and I think it would be a good move for the
20 school. It would be very beneficial to staff and
21 students. The only hangup, again, going back to
22 Ms. Poulos and from what I hear from PSFA is that the
23 language and the agreement between the lessee and the
24 lessor needs to be stipulated. And I think the big
25 thing is, is that we want to make sure that if there's

1 any improvements that have to be made for adequacy,
2 which I don't foresee any, that's the responsibility
3 of the landlord. And I think we want to make sure
4 that we get that -- that stated in the lease contract
5 with the school.

6 MS. SUSAN FOX: Madame Chair, Commissioner
7 Peralta, sorry. I'm just going to kind of lurk over
8 the shoulder here.

9 I'm sorry, Susan Fox with the Matthews Fox
10 law firm.

11 Certainly the intent is to comply with all
12 statutory and legal requirements in this lease. And
13 this lease specifically does incorporate the language
14 that is required by PSFA regarding owner maintaining
15 the adequacy standards for the life of the lease at no
16 additional cost to the school and the state. Beyond
17 that, there really are no statutory requirements about
18 what has to be in the lease. But certainly the intent
19 is here for the landlord to bring that facility to
20 adequacy to the extent it needs to be -- it doesn't
21 really need to have much done to it -- and to keep it
22 to adequacy. And if PSFA reads some ambiguity in this
23 lease to say something other than that, we'll gladly
24 work with PSFA to clear that up in the next lease.

25 It's also -- PSFA reviews these leases in

1 the context of lease reimbursement requests every
2 year, and so you may be aware that over the last round
3 there were several schools that were caught in some
4 PSFA questioning, and so we will be continuing to work
5 with PSFA to the extent that we need to, to address
6 their concerns.

7 So again, this is a draft. The landlord
8 doesn't want to go any further with the school until
9 the school can tell him that you guys are on board
10 with the idea of them moving, and so we will be
11 finalizing the lease if you all approve this request.

12 COMMISSIONER CABALLERO: Question.

13 CHAIRMAN GIPSON: Mr. Caballero.

14 COMMISSIONER CABALLERO: Yes. Thank you.
15 Question to the school director. It was mentioned
16 earlier that if you get a score that your resources
17 have to be focused on bringing up your low score. You
18 are trying to get out of a bad situation that was now
19 recently described as not conducive to learning. How
20 do you propose being able to pull through getting a
21 new building and focusing resources on improvement?

22 MR. MANUEL LUCERO: Thank you for the
23 question. Madame Chair, members of the Commission,
24 first, one of the things, first of all, the move is
25 not going to be today, of course. It's going to be

1 over the summer, so it will just be a new facility.

2 But in the interim we have put in -- for
3 example, I just recently got some Title I funds, for
4 example, that the school did not have prior to -- the
5 previous director did not, you know, aspire to
6 solicit, and I have, and we have gotten approved. So
7 we're putting in more funds through grants, through
8 other means, to ensure that the student academics are
9 being addressed. I hope that kind of answers your
10 question. But we are -- we refocused -- we have a
11 cabinet committee that I put together with my
12 principal and some of the directors from our school
13 and our business manager, and they come up with plans
14 to ensure that we put money in the right places that
15 really focus on academics. We just received also
16 through bond money \$210,000 for technology, you know,
17 so we're starting to put money in places that are
18 really going to enhance student education. I believe
19 that.

20 Again, as I mentioned, to the Madame
21 Chairperson and the Commission, I just took over this
22 position on July 15, so a lot of my ideas, the new
23 principal as well, a few new staff persons, as we move
24 forward, our ideas hopefully will help in our quest to
25 improve that grade, certainly, and also the way our

1 vision and how we spend money hopefully will be more
2 conducive to student academics.

3 COMMISSIONER CABALLERO: Thank you.

4 CHAIRMAN GIPSON: Commissioner Armbruster.

5 COMMISSIONER ARMBRUSTER: I'm sharing the
6 Chair's concerns. If I were looking at the school I
7 would be concerned whether it should even remain open.
8 It is just me. I'm not talking for everyone else.
9 Because even the highest -- the highest performing
10 students were As. This is in 2014. And the lowest
11 performing students were a D. Then they became Bs and
12 Fs, and then Fs and Fs. So that is a big concern for
13 me. And with a new facility will it not cost more?
14 You need more students for the SEG money?

15 MR. MANUEL LUCERO: And actually, I said
16 that we are -- the budget this year was 310, but the
17 actual number to make the budget work and everything
18 work is 329 students, not 400. 400 would be optimal
19 and if we are at an A you guys would be all happy. I
20 get that. But 329 is the actual number that would
21 make the budget work.

22 And if you look at -- as I said, I did bring
23 my finance director. But if you look at our budget
24 throughout the last few years, it's been pretty
25 healthy. He does an amazing job of ensuring that we

1 have sufficient funds to -- and so to maintain what
2 we're asking. And if you look at moving to a new
3 facility, it shouldn't -- it shouldn't really be a big
4 issue. But again, that 329 was the magic number. I
5 said 310. It was 329 he told me. I have it written
6 down right here. But that is the magic number that we
7 should have no problems at that point financially.

8 COMMISSIONER ARMBRUSTER: I can see the
9 financial. At the same time, should one commit really
10 39 students -- I think it's 39, new students, and they
11 would not probably be all in one grade level, to a
12 school who is failing students who are in the most
13 need, and at this point those who are probably not in
14 the most need. And I don't -- because whatever you
15 have done every year that you have low-performing
16 students -- and I understand the low-performing
17 students part -- but whatever plan you're using hasn't
18 increased their growth, and that's what really
19 concerns me.

20 MR. ABENICIO BALDONADO: Madame Chair,
21 members of the Commission, Commissioner Armbruster, I
22 agree with you completely. As a former educator at
23 this school, I definitely understand your concerns,
24 along with Commissioner Gipson. However, I'm
25 fortunate enough to be part of this board in a new

1 role with the school, and I want to work to ensure
2 that there is accountability from the top to bottom.
3 But I was fortunate enough to be part of Tierra
4 Encantada the year of 2012-2013, and that was the year
5 that we went from an F school to a C school in a
6 matter of one year. And the true reason I believe
7 that occurred was we had become part of Expeditionary
8 Learning. Unfortunately, by the time around 2014 we
9 had left Expeditionary Learning, and that's where we
10 saw our grade begin to drop.

11 Currently we are in the possess of
12 negotiations with Expeditionary Learning to possibly
13 become part of EL again, and that's something that we
14 are hopeful for, because I truly believe if we go back
15 to Expeditionary Learning we'll see our grade rise up
16 again.

17 CHAIRMAN GIPSON: Can I interrupt?

18 COMMISSIONER ARMBRUSTER: I'm probably going
19 to say what you are going to say, but you go ahead.

20 CHAIRMAN GIPSON: Is it in your mission to
21 be part of Expeditionary Learning?

22 MR. ABENICIO BALDONADO: It's project based.
23 Expeditionary Learning is --

24 CHAIRMAN GIPSON: I understand what
25 Expeditionary Learning and project based is. I'm just

1 asking, does your contract specifically reference
2 Expeditionary Learning?

3 MR. MANUEL LUCERO: Not in this new charter,
4 and it references project based.

5 CHAIRMAN GIPSON: Okay. Can we -- can I ask
6 the director to just verify that for me, because
7 there's another problem if it does, obviously.

8 Okay. If I can just get that clarified at
9 some point today, I would appreciate it.

10 MS. POULOS: Okay.

11 CHAIRMAN GIPSON: Thank you.

12 MR. MANUEL LUCERO: Madame Chair, just as a
13 reminder, and I know you know this because you were
14 here. They just -- you guys just approved the school
15 a year and a half ago, so a lot of that old language
16 may be in the new charter. For example, you guys just
17 renewed the five-year deal a year and a half ago, so
18 some of that language from the original charter may
19 have changed a little bit.

20 CHAIRMAN GIPSON: Right. But we have the
21 current charter, that's all I'm asking.

22 MR. MANUEL LUCERO: Yes. Of course.

23 MS. POULOS: Madam Chairwoman, the school's
24 mission statement is "The Mission of the Tierra
25 Encantada Charter School at Alvord is to empower

1 students as citizen scholars with a dual language
2 environment, very rigorous learning curriculum which
3 will prepare students for post-secondary success."

4 And then as far as the educational program
5 goes, it says, "Tierra Encantada Charter School
6 implements a comprehensive dual language conversion
7 program that has been approved by NM PED as part of
8 our academic program, aligned to the common core state
9 standards and the New Mexico State standards. Content
10 is delivered using project-based learning according to
11 the Expeditionary Learning model, with regular
12 formative and periodic summative assessments, TECS
13 aligned to common core using a mastery-based
14 assessment tool."

15 I would like to -- and I apologize for this
16 -- ask the school to address this, and had Ms. Fox not
17 left I would have asked her. I believe that this
18 year, and I could be wrong, there were certainly
19 questions about whether the dual language program
20 would be approved by our Multicultural and Bilingual
21 Education Bureau, I am not sure whether it was or was
22 not ultimately approved or disapproved, and I think
23 that that may be something the Commission would like
24 addressed.

25 CHAIRMAN GIPSON: Well, yes, because if the

1 -- the contract specifically states Expeditionary
2 Learning, so I am extremely concerned that you no
3 longer use it, didn't notify us, nor asked for a
4 contract amendment to take that wording out of the
5 contract. There is an expectation when you say
6 according to Expeditionary Learning, and then you no
7 longer are using Expeditionary Learning, that's a
8 breach of contract to no longer use the Expeditionary
9 Learning, and I'm very concerned about -- I'm sorry we
10 walked down this road.

11 MR. ABENICIO BALDONADO: Madame Chair, I
12 would like to clarify, members of the Commission.
13 Just to clarify, we still are incorporating
14 Expeditionary Learning. What I meant is that we left
15 the Expeditionary Learning program so we don't pay the
16 fee, but our curriculum is delivered as Expeditionary
17 Learning and project based, so pedagogy based.

18 CHAIRMAN GIPSON: Okay. So there's a
19 difference between project based and Expeditionary
20 Learning. I need to make that clear, and there's a
21 clear identification of that by the Commission. So
22 that if you're telling us Expeditionary Learning, you
23 are telling us it is a different model than
24 project-based learning. There's two different
25 promises --

1 COMMISSIONER CABALLERO: Clarification,
2 please? We are getting into an issue that this
3 Commission did not intend by what we were reviewing.
4 If the Commission feels like we need to get into this
5 item we need to put it in an agenda in a future
6 reference, unless the Commissioners feel that that
7 point comes into play with their lease. And so I
8 would caution the Commission to get into -- not to get
9 into items and issues that are not in play right now.
10 What is in play is the lease. Can they actually --
11 can we let them do the lease, and that is it.

12 If, in fact, there is something else that
13 needs to be reviewed we need to do that at some other
14 time, but not today.

15 CHAIRMAN GIPSON: And actually, the lease is
16 not the issue. We do not have -- we're not giving
17 them affirmation that they can or cannot do the lease.
18 It is the amendment that we're looking at, and
19 academics did come into play with the report from the
20 Director for the amendment request. And the school
21 self-disclosed about Expeditionary Learning, so it is
22 an area that I cannot dismiss. It's not necessarily
23 an area that we would take action on at this moment in
24 time, but it is an area of concern directly related to
25 their academics that we do need to explore. But once

1 again, we're not voting on whether they do the lease
2 or not. We don't -- we don't have the authority to do
3 that.

4 COMMISSIONER TOULOUSE: No. We allow the
5 move, but we don't --

6 CHAIRMAN GIPSON: We allow the move but we
7 don't authorize the lease.

8 COMMISSIONER JOHNSTON: Madame Chair?

9 CHAIRMAN GIPSON: Commissioner Johnston.

10 COMMISSIONER JOHNSTON: Thank you, Madame
11 Chair. Current enrollment this year is 290?

12 MR. MANUEL LUCERO: Yes, ma'am.

13 COMMISSIONER JOHNSTON: At this point?

14 MR. MANUEL LUCERO: Yes, ma'am.

15 COMMISSIONER JOHNSTON: You are looking at a
16 sustainability number of 329?

17 MR. MANUEL LUCERO: Yes, ma'am.

18 COMMISSIONER JOHNSTON: To afford the new
19 lease. I understand, I think, and I better ask you if
20 this is true, because I'm making some assumptions in
21 my head that, one, you feel there would be no
22 difficulty reaching that number for next year.

23 MR. MANUEL LUCERO: Yes, ma'am.

24 COMMISSIONER JOHNSTON: Because you have
25 held at maximum enrollment for the time of your

1 existence and you have packed the building you are in.
2 You have taken it to capacity.

3 My concern, because you are -- am I correct,
4 are you a SAM school? No. They do not qualify. I
5 read that somewhere -- leave that one. I was
6 incorrect.

7 But because of your academic situation, you
8 are looking, if I understood you correctly, at
9 prioritizing your curriculum and how it's delivered.
10 You want to be very careful because you want to
11 increase that grade, that school grade. My concern
12 lies in sustainability of an improved program, because
13 improving program carries its own financial burden,
14 and moving into a new facility. I fully understand
15 that the environment in which you go to school has a
16 significant impact on the way you perform on
17 assessments.

18 Yes, sir. Please answer.

19 MR. MANUEL LUCERO: Well -- I'm sorry.
20 The sustainability piece is the fact that, for
21 example, this year we have 38 seniors, for example,
22 that will graduate, and our lottery is 65 freshman.
23 So just by doing what we do normally, it would take us
24 back to that 329 number. So there is attrition with
25 the grade, as you know, but, like, last year we had X

1 amount of seniors and, of course, X amount of 7th
2 graders coming in, so that number has been kind of
3 pretty consistent. But then you do get some attrition
4 throughout that.

5 COMMISSIONER JOHNSTON: Thank you. The last
6 part of the question for clarity for me is, with the
7 budget base on the 329, which seems attainable, not --
8 does that allow for increases in the instructional
9 budget at the same time?

10 MR. MANUEL LUCERO: Yes, ma'am, it certainly
11 does. And again, like I said, our business manager's
12 really good about putting the money where it needs to
13 be, and if we have to borrow from areas, we do. The
14 difference is, when we talk about growth, is that we
15 have some room to grow in other grades, for example,
16 to make that 400. We just wouldn't do that. So
17 that's why I was saying that the 329 or whatever,
18 because that would account for 65 new 7th graders, and
19 the 30-some-odd seniors that graduated. But let's
20 just say we had a low enrollment in 10th grade. If
21 this board, at the pleasure of this board if they
22 impose no growth, we would really be, you know, on top
23 of not allowing those grades to take more students at
24 this point.

25 COMMISSIONER JOHNSTON: As the new head of

1 school, in your working with the staff regarding the
2 instructional improvement or enrichment, or whatever
3 we would want to call it, have you begun to work with
4 the school business officials regarding the expenses
5 of any redirection for the budget for next year so
6 that you, you know, that you have something
7 sustainable?

8 MR. MANUEL LUCERO: Absolutely, ma'am.
9 That's -- and in fact, like I said, our business
10 manager is here, but we are always looking at that.
11 We're already projecting for next year, and we are
12 looking at based on bringing in, again, 65, which is
13 our lottery cap of 7th graders, and assuming that the
14 juniors move and everybody moves up, you know.

15 COMMISSIONER JOHNSTON: Thank you very much.

16 CHAIRMAN GIPSON: Commissioner Conyers.

17 COMMISSIONER CONYERS: Thank you. I would
18 like to speak in support of this amendment that's
19 before us. I really think we need to understand that
20 facilities do have a big impact on student
21 achievement, and I know that's one of the issues in
22 the last school I worked. I think it was built in
23 1972, and we were constantly having electricity would
24 go off so all the computers go off and everything is
25 lost. One side of the building would be 110 degrees

1 and the other wing would be 50, and it was just --
2 it's tough. And so I want to say I support what you
3 are asking to do.

4 CHAIRMAN GIPSON: I would like to just add
5 that this last school that I worked at that is still
6 functioning, so I'm not that old. It was built in
7 1940. So -- but I understand. I absolutely
8 understand the challenges of facilities.

9 Commissioner Toulouse, did you have your
10 hand up?

11 COMMISSIONER TOULOUSE: Yes. I just wanted
12 to agree with Commissioner Conyers. And I think that
13 we tied this all up ourselves in a bundle here. We
14 have several issues. But I think the one we're being
15 asked on today, may they move? That's the question we
16 have in front of us today. I think we need to have a
17 followup to deal with all of the rest of this stuff.
18 But I certainly feel that we shouldn't leave students
19 in a facility that they really shouldn't be in while
20 we're dealing with other issues that we really don't
21 know what they are yet.

22 I am concerned about the grade. I would
23 like to see, again, an academic progress report of
24 some kind to see improvement, just as I told the La
25 Promesa folks, to see that you are already working on

1 stuff while you are in your old facility. But I think
2 our issue today is simply, do we give them permission
3 to move, and I think we need to.

4 CHAIRMAN GIPSON: Okay. I appreciate that,
5 and I understand the question. The other questions
6 have to be answered at a different time. I have a
7 concern over the can they move, because simply saying,
8 yes, you can move right now says you can move and grow
9 to 400, and I have a concern about that.

10 We cannot, I will tell the Commissioners
11 now, that at this point in time we can't give them an
12 okay to move and put a temporary cap because it's not
13 on the agenda. It's not an item that was referenced
14 for possible vote on, so we would not be able to do
15 that, adding that to the motion. So the only way that
16 we could address the two items would be in February.

17 Commissioner Johnston.

18 COMMISSIONER JOHNSTON: Thank you, Madame
19 Chair. I have a very basic question. One is, I have
20 a sense and understanding that you really have thought
21 about this, these enrollment numbers and all of the
22 things that you will have to do in moving. If you
23 have a building that will facilitate almost 1,000
24 students, where in your budget -- do you have a
25 maintenance person on staff now? I mean, I'm talking

1 about a custodian.

2 MR. MANUEL LUCERO: As I was going to say,
3 Madame Chair, Commissioner Johnston -- excuse me. The
4 actual maintenance right now is done by SFPS, but we
5 do have two custodians on staff, and then we have
6 another individual that oversees all the work orders
7 and all kinds of stuff. But the actual maintenance,
8 like, if there's something that goes out that's huge,
9 we put a work order and it goes through SFPS because
10 they are our lease at this point.

11 COMMISSIONER JOHNSTON: I was talking about
12 custodian.

13 MR. MANUEL LUCERO: Yes, ma'am. We have
14 two.

15 COMMISSIONER JOHNSTON: And they are
16 budgeted?

17 MR. MANUEL LUCERO: Yes, ma'am.

18 COMMISSIONER JOHNSTON: So they are
19 currently there?

20 MR. MANUEL LUCERO: They have been there for
21 two.

22 COMMISSIONER JOHNSTON: That's not another
23 addition, then.

24 MR. MANUEL LUCERO: No, ma'am.

25 COMMISSIONER JOHNSTON: And they will go

1 with you to the new building?

2 MR. MANUEL LUCERO: Yes, ma'am.

3 COMMISSIONER JOHNSTON: Thank you very much.

4 COMMISSIONER CABALLERO: Madame Chair, I am
5 supporting this item, but I will not support a
6 condition on enrollment because if we see that the
7 school has the drive and they are saying this building
8 is not conducive to learning and you say, okay, you
9 can leave, go to a new building, but you cannot grow
10 beyond this point, so what we're actually doing is
11 setting them up for failure because any school,
12 whether charter school or university or private
13 school, it's all about budget and budget is all about
14 enrollment. They already have the minimum amount of
15 students to do what they need to do according to their
16 budget, 329. So any business that knows its bottom
17 line, I know, because I have been in business, that
18 they have done their numbers, they have done their
19 business, they know what the expenditures are like.

20 So if we don't want this charter school to
21 thrive, go ahead and limit the enrollment and they
22 will fail. But if we feel that they really need to
23 move, let's authorize the move, but no condition to
24 enrollment. They already have under their charter an
25 enrollment figure. They should abide by it, and the

1 division should abide by that enrollment figure they
2 got in their charter. So I will support the item.

3 CHAIRMAN GIPSON: Commissioner Conyers.

4 COMMISSIONER CONYERS: Madame Chairman, if
5 the Commission's ready, I'm ready to make the motion.

6 CHAIRMAN GIPSON: Commissioners, any other
7 comments?

8 Commissioner Armbruster?

9 COMMISSIONER ARMBRUSTER: I hate this. The
10 issue is the budget, but the real issue is students,
11 and I hear what you are saying. And I know that's
12 true, but 290 students are F in a school. Why would
13 we want to include more? Having said that, I totally
14 understand about your need for a different building.
15 Clearly what you have is inadequate.

16 I guess the other option open to us -- well,
17 two options. I think one is to delay this until
18 February when we can really know all of the
19 intricacies, or I guess the other one is, yes, you can
20 go ahead with this lease, but we're going to be
21 looking at this school as a school of concern who has
22 gone down from C, D, to F, and you might close. I
23 mean, I think that we kind of are not allowing
24 students, schools to continue to be -- have Fs and
25 continue because our responsibility in the end is not

1 just with charter schools, it's about students
2 regardless of where they are, but we are only
3 overseeing charter schools.

4 That's what I want to say.

5 CHAIRMAN GIPSON: Commissioner Johnston.

6 COMMISSIONER JOHNSTON: Thank you. And I
7 need -- this is where that budget comes into play. It
8 looks like at first glance that it's more, and
9 Commissioner Armbruster, I really -- I appreciate your
10 concern, but with a freshman class of, you said, what?
11 60 --

12 MR. MANUEL LUCERO: 7th grade class.

13 COMMISSIONER JOHNSTON: 7th grade class.

14 MR. MANUEL LUCERO: 65.

15 COMMISSIONER JOHNSTON: Did I say 6th grade?

16 MR. MANUEL LUCERO: You said freshman.

17 COMMISSIONER JOHNSTON: I thought I said 6th
18 grade there. So it's not more, and it's the same and
19 it seems like it's more. So what we're looking at,
20 we're not looking at more students. We are looking
21 they same number of students and so --

22 MR. MANUEL LUCERO: Yes.

23 COMMISSIONER JOHNSTON: -- I think we're not
24 adding to it. I want to be clear about that. It's a
25 real shift paradigm. Thank you.

1 CHAIRMAN GIPSON: Thank you. I would just
2 like to add that over the past three years they have
3 never reached 329, that they have been hovering in the
4 current enrollment number that they have at 269, so
5 that they are saying 329. They haven't reached 329
6 over the last three years, so we are talking about
7 more students.

8 COMMISSIONER JOHNSTON: But if I may
9 respond, respectfully, Commissioner or Chairwoman and
10 Commissioner, you are packed into a facility that is
11 too small. And with the attrition that comes from the
12 chaos that can be created inadvertently when you're
13 trying to educate in a very small space, you have not
14 been allowed to reach the optimum, and this move would
15 take you to a facility that would be more conducive to
16 organized education where you are not functioning
17 behind partitions in the library trying to maintain up
18 to 300. So I think I have faith that that 329 is
19 sustainable, if I'm believing you, sir.

20 MR. MANUEL LUCERO: Yes, ma'am. In fact,
21 just as an aside to kind of appeal to this move is,
22 the current facility, we don't have a cafeteria, for
23 example. They will get their food and they will go
24 eat outside if it's warm, or they will sit around the
25 gym. This new facility at least has a designated

1 cafeteria so they can sit and eat. So there's a lot
2 of things that hinder the educational process. Even
3 then, we talk about feeding students, all those types
4 of things -- it's all relative, I believe.

5 COMMISSIONER TOULOUSE: Madame Chair?

6 CHAIRMAN GIPSON: Commissioner Toulouse.

7 COMMISSIONER TOULOUSE: I have one other
8 issue. I'm not sure that their cap is 400, that we
9 can limit that cap without some kind of other action
10 to formally change the cap. That cap is already in
11 place, so I don't know that we can actually tell them.
12 But I also think that they, themselves, would not want
13 to take on any more students than they can bring into
14 your new Corrective Action Plan and your progress,
15 because you know it would hurt you, too, if you took
16 in, all of a sudden, took it up to 400. But I
17 question the legality of trying to limit a cap that's
18 already been in their contract.

19 CHAIRMAN GIPSON: I understand, and that's
20 why I said we couldn't address that at this meeting.

21 COMMISSIONER TOULOUSE: Right.

22 CHAIRMAN GIPSON: That would be something
23 that we would have to table this and move on to
24 February if it was -- if we needed to address -- if we
25 wanted to address that.

1 Commissioner Conyers.

2 COMMISSIONER CONYERS: I'm ready to make the
3 motion.

4 CHAIRMAN GIPSON: Okay.

5 COMMISSIONER CONYERS: I move that the
6 Public Education Commission approve the amendment
7 request provided by Tierra Encantada Charter School
8 requesting to Amend section 8.01 1.a(x), page 38
9 facility terms of its contract with the condition that
10 the PSFA is able to certify that the facility meets
11 all statutory requirements found in 22-8B-4.2.

12 COMMISSIONER TOULOUSE: Second.

13 CHAIRMAN GIPSON: There is a motion by
14 Commissioner Conyers and a second by Commissioner
15 Toulouse.

16 Commissioner Armbruster?

17 COMMISSIONER ARMBRUSTER: Just to make sure,
18 a yes vote is to allow them to move, in simple
19 language. Correct?

20 CHAIRMAN GIPSON: Correct.

21 COMMISSIONER ARMBRUSTER: So you know what
22 you're voting for.

23 Commissioner Pogna?

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

4 COMMISSIONER RUIZ: Yes.

5 COMMISSIONER ARMBRUSTER: Commission

6 Peralta?

7 COMMISSIONER PERALTA: Yes.

8 COMMISSIONER ARMBRUSTER: Commissioner

9 Crone?

10 COMMISSIONER CRONE: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner

12 Johnston?

13 COMMISSIONER JOHNSTON: Yes.

14 COMMISSIONER ARMBRUSTER: Commissioner

15 Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER ARMBRUSTER: Commissioner

18 Gipson?

19 CHAIRMAN GIPSON: No.

20 COMMISSIONER ARMBRUSTER: Commissioner

21 Caballero?

22 COMMISSIONER CABALLERO: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner

24 Armbruster votes no.

25 That is an eight for passing to allow that

1 move, and two against.

2 CHAIRMAN GIPSON: Thank you.

3 MR. ABENICIO BALDONADO: Thank you, Madame
4 Chair, members of the Commission.

5 CHAIRMAN GIPSON: We're now on to item 9B,
6 the Tierra Adentro of New Mexico for a program change,
7 student focused terms.

8 MS. POULOS: Madame Chairwoman,
9 Commissioners, before you go to the amendment request
10 that's been discussed by the Commission a couple of
11 times now by Tierra Adentro to amend the student
12 focused terms of their contract, this has come forward
13 to you after discussion with the school and then
14 Deputy Secretary Aguilar. What we did learn during
15 those conversations is, at the last conversation the
16 school had approximately 12 students enrolled in
17 what's being proposed as an alternative program.
18 Those students do not, based on the ones that were
19 enrolled at the time we had our last conversation, do
20 not participate in the school's arts programming.

21 So this really is, as you see in the
22 proposed alternative language, an additional program
23 offered on site where students work in credit recovery
24 or work on site at the school so they are not remote,
25 and they complete either credit recovery or advanced

1 learning through online programming. The way the
2 language is written, it says the students may or may
3 not participate in the full arts programming because
4 the school certainly wanted to recognize that those
5 students could, but again, based on the conversations
6 we have had, the 12 students that were enrolled at the
7 time of our conversations were not participating in
8 that arts programming.

9 The recommendation CSD has made, and we did
10 make this recommendation to the school, is to cap the
11 size of that program so that it doesn't result in
12 drift away from the school's mission, and we
13 recommended a 5 percent cap. Again, what that would
14 be is just establishing within the school a program of
15 a limited size, and so that would be a first-come,
16 first-served sort of enrollment. And that has been
17 something that the Deputy Secretary and I did discuss,
18 and there doesn't appear to be any problem with doing
19 that limitation on a cap of a certain program. Again,
20 laying that out with clarity.

21 That is our recommendation. The school
22 expressed concerns about doing so because if they got
23 one more student they wanted to be able to -- to allow
24 that student to participate in that program. Again,
25 our concern is that we may end up moving too far away

1 from the mission because we do know that those
2 students are not participating in that program.

3 CHAIRMAN GIPSON: Thank you. Good morning.

4 MS. VERONICA TORRES: Good morning, Madame
5 Commissioner, members of the Commission. My name is
6 Veronica Torres. I'm the Executive Director of the
7 Tierra Adentro. And with us today I have Principal
8 Theresa Archuleta, our Business Manager, Michael
9 Vigil, our lawyer, Andy Sanchez, and two of our
10 governing council members, President Sandy Martinez
11 and Representative Dan Vigil -- Silva. He's not
12 brothers with Michael Vigil.

13 So, yes, in discussing this with our
14 governing council, we did not want and did not feel
15 comfortable putting a cap on this. We are a public
16 education entity, as you know, and we have had a
17 significant increase in our high school. And many of
18 the high schoolers that are coming to us are coming to
19 us as sophomores, juniors and seniors, with a number
20 of credit recovery issues. So we were kind of not
21 forced, but wanting to integrate a program to help
22 these students graduate. So at the end of the day we
23 want to produce graduates with diplomas.

24 So this is internally a Tier 2 intervention,
25 if you will, for these students to graduate

1 successfully. It doesn't mean they can't participate
2 in the arts. In fact, some of them are beginning to
3 participate in the arts because they are going so fast
4 in their programming. So the vision is to obviously
5 wrap them back into the mission, but we had to
6 prioritize if we want these students to graduate. We
7 have got to get those academic credits done.

8 MS. THERESA ARCHULETA: Madame Chair,
9 members of the Commission, as noted by Director
10 Torres, this is our third time before you on the same
11 amendment.

12 My name is Theresa Archuleta, Principal of
13 Tierra Adentro.

14 I do want to say, having listened to all the
15 discussions earlier today, obviously student
16 achievement is number one for all of us in the state
17 of New Mexico, especially for all of our New Mexico
18 students. So having said that, what Executive
19 Director Veronica mentioned, is we have in our high
20 school 50 percent of them come to us needing credit
21 recovery. And so you get teen-aged boys, and putting
22 them in flamenco shoes, or playing flamenco guitar.
23 It's challenging because that's what we offer. We
24 don't offer a full-blown arts program like
25 comprehensive high schools do.

1 But the carrot for them is offering the
2 choice, because -- and a lot of them are coming -- and
3 I want to tell you, this was our first week back from
4 winter break. We enrolled 10 new high school students
5 today from comprehensive high schools. And they said
6 because of what we hear how you -- and we're very
7 close to the University of New Mexico, and we have a
8 very successful dual-credit program. I would like to
9 say 100 percent of our kids that were enrolled in the
10 dual credit program that stayed all the way through
11 received no less than a C in their dual credit
12 program, and that was probably 27 students.

13 So we are always constantly looking at
14 offering opportunities. What you all are asking in us
15 to have academic improvement plans, while our school
16 received a B, we still work on academic improvement
17 plans at our school. We work on it internally. What
18 we do is we look at our Discovery Education data, we
19 look at our PARCC data, we look at the teacher
20 assessment. This is why the online program was
21 introduced. This was a way at intervention, like you
22 have mentioned already for the two last PEC meetings.
23 This is what we're doing here.

24 So we don't want to take up a lot of time,
25 like we have done in the past. What we really want to

1 do is continue -- and it's really hard for us to put a
2 cap on intervention for our students. So I know we
3 could talk about maybe negotiating back and forth. I
4 would say that for year to year, we would need to look
5 at where our kids come and how they perform.

6 Please look at our overall report card grade
7 for the last five years. We are a pretty solid
8 school, and it's because the teachers -- and this
9 program did not come just from Ms. Torres and me. We
10 are a collective staff, a collective community. We
11 have really strong leadership and really strong folks
12 who really do take into account the education data.

13 So this is where we need the support, and we
14 would like to be able to move forward and we would
15 like to be able to, because what we see in these
16 students is they need their basic needs met. Some of
17 them are working. We had two of our students become
18 pregnant. So we don't want to say you have to go to
19 another school. We want to say we have this program
20 after school that you can come to still.

21 So this is where we are. These are who our
22 kids are, and we don't want to lose them.

23 CHAIRMAN GIPSON: Thank you. I would just
24 like to -- I'll give you my opinion now, at the very
25 beginning.

1 I -- there are very few schools that have
2 come before us that I have felt so strongly that they
3 are that committed to their mission statement. I lead
4 the conversation most of the time over concern with
5 mission drift, because it is an issue with us. I have
6 absolutely, positively no reservation, that this
7 school is committed, and it is also committed to the
8 community that they service, so that I have concerns
9 about limiting the number of students that come into
10 this program because I do not believe that those,
11 whatever the number of students is, that it will
12 dilute their mission in any way because I know how
13 dedicated they are to that mission. And I actually
14 hope that some of those recovery students that perhaps
15 don't enter thinking that they would like -- they are
16 not interested in the program may, because of the
17 environment they are in, see the program and gain an
18 interest in it and open some doors that they didn't
19 know were available to them. So that's also, to me, a
20 great positive going forward with them.

21 So I think everyone knows which way I am
22 leaning towards this.

23 COMMISSIONER JOHNSTON: I have, Madame
24 Chair --

25 CHAIRMAN GIPSON: Commissioner Johnston.

1 COMMISSIONER JOHNSTON: Thank you, Madame
2 Chair. Two simple questions. The program you say now
3 has approximately 12 students?

4 MS. VERONICA TORRES: Yes, Commissioner.

5 COMMISSIONER JOHNSTON: With the addition of
6 the 10 is it still 12 or is it --

7 MS. VERONICA TORRES: It's still 12, yes.
8 Some of them -- I had one student who failed chemistry
9 this semester, he's May of '18, and added chemistry
10 after school. Yes, of course, so that's an example of
11 13, but still a full-time student during the day
12 program.

13 COMMISSIONER JOHNSTON: And of these 12 -- I
14 echo what the Chairperson said, of these 12, how many
15 might drift in and out of the flamenco class or the
16 guitar class or some of the arts or be on the
17 periphery of it so they're not really enrolled
18 students, but their curriculum is being enriched by
19 observation and questioning and all of those education
20 things?

21 MS. VERONICA TORRES: Many of the students
22 that have, like Commissioner Gibson was saying, now
23 that they are in the environment, they're entering
24 arts into a more innovative way. Some of them, like,
25 Principal Archuleta was saying, they are not ready to

1 take up Flamenco 1 at 17 years old, but they are
2 helping with the productions, so they may be working
3 back stage setting up art shows, running concessions,
4 things like that, trying to integrate them into the
5 environments. Some of our students are about to
6 become parents. Their babies are going to be in
7 Flamenco A and maybe -- so the community, that's what
8 we're doing in trying to develop the mission. We are
9 very much visionaries, and we are not going to put our
10 mission in a box, if you will, and we are going to
11 process it in a way that, what's good for you if you
12 entered our school right now. What would we do for
13 you to integrate you in. You may not start right
14 away, but we are going to get you there.

15 COMMISSIONER JOHNSTON: Well, in culture.
16 Thank you very much.

17 CHAIRMAN GIPSON: Commissioner Toulouse.

18 COMMISSIONER TOULOUSE: Madame Chair, I
19 first want to say for the record that I will be
20 refraining from voting because my daughter is a
21 Director of the National Institute of Flamenco, who
22 are totally tied up with this school, and she does
23 quite a bit of work with the school.

24 However, I want to say that I have watched
25 this over several years and I am incredibly impressed

1 with what they do and how they are going. And I have
2 a grandson I would hope will be there in 6th grade
3 next year. I'm not sure they will be as happy to have
4 him there, but he is a flamenco student as well as a
5 soccer star. And I have a 3-year-old grandson in baby
6 flamenco who, if you end up over time having the lower
7 grades, you may have to deal with him, too.

8 And so I think this school really fills a
9 niche, a cultural niche in New Mexico and in
10 Albuquerque right now, and I have been very impressed
11 by being as close to it as I am, and hearing the
12 fussing and the happiness, and seeing the
13 performances, and I really would hope this Commission
14 would look towards finally letting them go ahead with
15 what they really, really, want to do, and go see some
16 of their performances.

17 Thank you.

18 CHAIRMAN GIPSON: Thank you. Commissioner
19 Caballero?

20 COMMISSIONER CABALLERO: Yes. Question.
21 Doing this, how would that change your graduation
22 rate, your retention rate, that either you have now
23 and you foresee in the future? How would that happen?

24 MS. VERONICA TORRES: So, Commissioners, the
25 reason this whole program even came up was because of

1 exactly what you are saying. Every year that Tierra
2 Adentro has been in operation, any student that has
3 come to us in high school we graduate with a diploma.
4 Last year our record was broken. I had a student drop
5 out. And as heartbreaking as that was, if I had this
6 program in place I would have kept that kid. And so
7 we don't want to make that mistake again. And in
8 working with kids from the community that are coming
9 in, like, Principal Archuleta was saying, now knowing
10 this program is -- can be in place, they are no longer
11 going -- so I'm predicting, this is the first year
12 that our graduation will go up, our graduation numbers
13 will increase.

14 MS. THERESA ARCHULETA: Commissioner
15 Caballero and members of the Commission, I think
16 because they need so much credit recovery it will
17 affect our graduation rate, most definitely, because
18 if you look at the five-year cohort we probably won't
19 meet that. But what we do know is if we graduate
20 them, because you know how it works, they have to --
21 the way the system works in the Public Ed Department
22 is they have to graduate within that five years.

23 Now remember, we didn't get them on track,
24 so we'll be playing catch up. But what I feel is
25 valuable from the Public Ed Department is that they

1 look at our growth, and we are validated for that.
2 And we also are validated because of our college
3 readiness, college and career readiness. We received
4 an A in that category. We'll continue to work with
5 those students to get them ready for college and
6 expose them to that while exposing them to the arts.

7 So, again, and we appreciate all the support
8 from the Commission and from the community, and
9 obviously from the folks that support us on our
10 governance council and our business manager and
11 lawyer. What we do is -- one of our teachers actually
12 made this comment. She said, we actually write an
13 individualized education plan for every one of our
14 students. That's what we do. That is what we pride
15 ourselves on, is that we take them from where they are
16 and then move them to that next level.

17 So I do think that having more kids needing
18 credit recovery will affect our graduation rate, yes,
19 but we'll get them there.

20 COMMISSIONER CABALLERO: And another
21 question close to that is, a little bit more, can you
22 tell me a little bit more on why you believe having a
23 percentage cap on that side of the program will not be
24 beneficial to what you are trying to do?

25 MS. THERESA ARCHULETA: Commissioner

1 Caballero, members of the Commission, I think what we
2 have to do is every year we have to look at who is not
3 on grade level or who is not proficient, and we have
4 to look at the PARCC results, we have to look at
5 Discovery Ed, and we have to look at all of our
6 teacher assessments. So it would be hard to put a cap
7 because it changes. For example, this year we were at
8 34 percent proficient in reading by the PARCC. So if
9 we were limited to, say, only 5 percent of students
10 could participate, what happens to the other 66
11 percent? We don't want a limit. I think we get in
12 trouble when we put a number on that, because what we
13 are saying is intervention is open to every single
14 student. That may look different. It may look -- for
15 example, we had a student who recently came to us and
16 he said, I need to be able to work. My mom's visa
17 just expired. And he needs to work in that
18 afterschool programming, and yet he also performs in
19 our afterschool dance ensemble, and so we work with
20 him around that.

21 So that's why we have to be very careful.
22 There's always exceptions to every rule. When you
23 start putting that everything is a certain amount
24 of -- you know, here's a percentage -- it's just like
25 what Ms. Torres -- the 13th person that comes in, if

1 we said we can only have 12 students, but what happens
2 to the 13th? How do I say one person's story is more
3 traumatic than the other person's story? All of our
4 kids have trauma in their lives. They really do. So
5 that's why it's a hard thing to put a cap.

6 CHAIRMAN GIPSON: And I would like to remind
7 Commissioners that we have never put a cap on an
8 individual program in a school, so it's something that
9 we have never -- and I have some personal reservations
10 about doing that, and much because of that reason.
11 And as a public school, how do you turn down that
12 person knocking on the door?

13 And as you mentioned, we all have stories.
14 We all have drama but, you know, I think it's
15 important that that door is open for everyone,
16 provided that they don't exceed the cap that's been
17 put on the school.

18 Commissioner Armbruster?

19 COMMISSIONER ARMBRUSTER: I do like your
20 school. I think you all do a great job. We have seen
21 many of your performances at the conferences.

22 My concern is money. Even though, in
23 Patty's perfect world that would not be a
24 consideration, but it is because you are going to get
25 more money for having afterschool programming for

1 students, whereas other charter schools right now, not
2 all, but most, are not getting credit recovery, more
3 money. So it's not really just -- this is how it
4 seems to me. Feel free to correct me. It's not just
5 the students in your school who are participating in
6 the arts and lets someone go with dancing and all who
7 you are looking at. It's also students who are coming
8 from wherever in -- around the area, who want to do a
9 credit recovery, which is giving you the budget money,
10 but they are not really part of your mission
11 statement.

12 For me there's a difference between student
13 A, who is doing dancing and becomes pregnant and loses
14 credit. I got that one. But it seems like the
15 mission isn't upon the other ones, and that's what is
16 of concern to me, because it's inflating your budget
17 at a time when you're going to be possibly paying 3.5
18 percent more on your retirement, and how do we want to
19 do that. Can other students from X school just go
20 to -- they can go anywhere to get credit recovery,
21 can't they?

22 MS. VERONICA TORRES: Thank you for your
23 question, ma'am. So to clarify, the students that
24 come in that have a bulk of credit recovery, and we
25 have to kind of fill their schedule with academics to

1 get them graduated, as soon as they're done they are
2 incorporated either into the day program or into the
3 arts day program, so they do fulfill the mission of
4 the school. As I stated before, what that looks like
5 could mean -- and this is what we're finding now again
6 in the new program -- is that they may not be in
7 Flamenco 1, but they are helping me backstage in
8 productions and things like that. It's kind of a
9 wraparound service for the arts. The arts, as you
10 know, vary in many different facets and I don't want
11 to put a box around what that looks like in flamenco.
12 And so having said that, these students that are just
13 coming in just for credit recovery, yes or no, it's
14 not just because, let's say, they dropped out as a
15 sophomore and they come back, decided they want to get
16 their diploma, and they maybe only need two classes to
17 make up as a sophomore, but then they are also entered
18 as a full-time junior in all those classes, and in the
19 arts. You know what I'm saying?

20 So like Principal Archuleta was saying, I
21 don't want to give every example of every child, but
22 that's just kind of to answer your question, we're not
23 just going to limit them to say, only do credit
24 recovery. We are not just a summer school or night
25 school or things like that. Pay \$220 and take it.

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 It's not that. It's to integrate them into the school
2 programming.

3 MS. THERESA ARCHULETA: Commissioner
4 Armbruster, members of the Commission, and if you
5 recall our very first meeting, we came with YDI, and
6 actually -- and we have already had a meeting with
7 Deputy Aguilar and Director Poulos, members of our
8 governance council were present as well as our
9 business manager, Michael Vigil, and we have
10 established that it's not -- there is no budgetary
11 conflict with contracting with YDI. So in essence, a
12 lot of the students that do come for the credit
13 recovery are expensive, too, because we have to
14 provide wraparound services through YDI for them. So
15 we are looking at working on a contract with YDI. So
16 a lot of these students do have needs that are beyond
17 what the school can offer, and so YDI can support us
18 in that sense.

19 So we would be entering into, we would be
20 spending money that the students generate to support
21 them so that they -- obviously, as these are kids that
22 haven't been in school, just having them come to class
23 after school doesn't -- that's not enough. That's not
24 enough to motivate them. So that's why the YDI
25 partnership, so we can get them back on track and

1 follow them more so than other schools can offer.

2 CHAIRMAN GIPSON: Are we ready for a motion?

3 Thanks.

4 COMMISSIONER PERALTA: Thank you, Madame
5 Chair. If there is no further discussion, I would
6 like to make a motion. If I could reference
7 Commissioners to the second proposed motion, I move to
8 approve the amended request presented by Tierra
9 Adentro of New Mexico Charter School to amend its
10 charter to amend the student focused terms of its
11 contract to include the following additional
12 information. An additional secondary program is also
13 offered on site for students to complete their credit
14 recovery or advanced learning through online
15 programming or through an accredited university.
16 These students may or may not participate in TANM's
17 full arts programming.

18 CHAIRMAN GIPSON: Do I have a second?

19 Second by Commissioner Ruiz.

20 Any discussion?

21 COMMISSIONER CABALLERO: Discussion.

22 CHAIRMAN GIPSON: Commissioner Caballero.

23 COMMISSIONER CABALLERO: Just a
24 clarification. I think I did not get the indication
25 of online only from the discussion, so I need to get

1 that clarified, but it was brought up in the motion
2 towards the end where it says the credit recovery --
3 can you read that, sir, towards the end of the motion
4 that's --

5 CHAIRMAN GIPSON: I'll reference you it's
6 written on page 5.

7 COMMISSIONER CABALLERO: Right. Online or
8 to an accredited university.

9 CHAIRMAN GIPSON: I think --

10 COMMISSIONER CABALLERO: And so just in
11 clarifying that, because that's part -- that's the
12 motion -- that's a formal motion, I am going to ask
13 the charter school if your program is all online and
14 are we in track with what is mentioned or not?

15 MS. VERONICA TORRES: Yes, Commissioner
16 Caballero. What it is, is we have Edgenuity, which
17 has been part of the school since 2010, and we want to
18 just formally make that how our students do credit
19 recovery, because they can't sit in front of the
20 teacher during the day. So our students that need
21 credit recovery, they see their normal teachers during
22 the day, but we do a credit recovery program that can
23 be online because we can't fit another teacher in
24 front of them during the day. Does that make sense?

25 COMMISSIONER CABALLERO: Yes.

1 MS. VERONICA TORRES: Okay. And then same
2 thing with the dual credit program.

3 COMMISSIONER CABALLERO: Okay.

4 MS. VERONICA TORRES: And we do have a
5 teacher in the classroom, a certified teacher in the
6 classroom at night, in the evening, so as they are
7 completing their Edgenuity classes, they can -- they
8 have a reference in front of them, a licensed teacher.

9 COMMISSIONER CABALLERO: Okay.

10 CHAIRMAN GIPSON: We have a motion and a
11 second. Do we have any other discussion?

12 Commissioner Armbruster.

13 COMMISSIONER ARMBRUSTER: The motion is to
14 approve the ongoing program, the new program, making
15 that clear.

16 CHAIRMAN GIPSON: It's to amend the
17 student --

18 COMMISSIONER ARMBRUSTER: But it's to
19 accept --

20 CHAIRMAN GIPSON: Right.

21 COMMISSIONER ARMBRUSTER: To approve the
22 amendment.

23 So you know, I just want to make sure you
24 know what you are voting for or not.

25 Okay. Commissioner Conyers?

1 COMMISSIONER CONYERS: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner

3 Gipson?

4 CHAIRMAN GIPSON: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner

6 Toulouse?

7 COMMISSIONER TOULOUSE: Madame Secretary,

8 I'm not abstaining. I'm taking myself out of it.

9 COMMISSIONER CABALLERO: Recusing.

10 COMMISSIONER TOULOUSE: I'm trying to

11 explain this. There's a different --

12 COMMISSIONER CABALLERO: The ethical

13 position.

14 COMMISSIONER TOULOUSE: Right.

15 COMMISSIONER ARMBRUSTER: Commissioner

16 Johnston?

17 COMMISSIONER JOHNSTON: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner

19 Crone?

20 COMMISSIONER CRONE: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner

22 Armbruster votes no.

23 Commissioner Caballero?

24 COMMISSIONER CABALLERO: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

1 COMMISSIONER RUIZ: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Pogna?

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER ARMBRUSTER: The vote will be
6 eight to pass the amendment with one recusing and one
7 no.

8 Congratulations.

9 CHAIRMAN GIPSON: Thank you very much.
10 Congratulations.

11 MS. VERONICA TORRES: Thank you, members of
12 the Commission.

13 COMMISSIONER TOULOUSE: Thank you for
14 bringing an attorney this time.

15 CHAIRMAN GIPSON: We're now on to 9D, School
16 of Dreams Academy for Expansion and Change in Grade
17 Levels.

18 MS. POULOS: Madame Chair, I believe we must
19 have jumped over 9C.

20 CHAIRMAN GIPSON: I'm sorry. I apologize.
21 Everyone sit down. And 9C, Gilbert Sena Charter High
22 School, Mission Statement Changes. I apologize.

23 MS. POULOS: Madame Chairwoman,
24 Commissioners, you have before you an amendment
25 request from Gilbert L. Sena Charter High School to

1 amend its current mission. I did want to note one
2 error. We apparently typed, rather than cutting and
3 pasting, and so on the first page where we have
4 identified the language that the school would like to
5 change its mission to, the very last word should not
6 read "success," but rather should read "achievements,"
7 and I apologize for that error -- in the new language;
8 correct. And so this -- CSD does not have a
9 recommendation on this. We believe it is simply a
10 change in wording for clarity on the school's part,
11 but it is not a substantive change. And so we have
12 provided proposed motion language on page 4.

13 And I actually would just like to say I
14 think this school is worth noting that they deserve
15 commendation. This is a SAM school. They work with a
16 very hard-served population, and you will see that
17 they have had great academic success over the last
18 three years. They have either been a B or C in each
19 of the years, and in fact, B in two out of those three
20 years. And you can see that they are doing a great
21 job of growing the students that they have, and they
22 have a population of students that is 100 percent
23 economically disadvantaged. They have a higher
24 population of students with disabilities than the
25 local district. And we just think that they're doing

1 really great stuff, and so I wanted to make sure that
2 everybody hears that they really do deserve a
3 commendation.

4 MS. NADINE TORRES: Thank you.

5 CHAIRMAN GIPSON: Good morning. I
6 apologize. I was on the wrong page.

7 MS. NADINE TORRES: Good afternoon, Madame
8 Chair, Commissioners. My name is Nadine Torres. I am
9 the Executive Director of Gilbert Sena Charter High
10 School. This is my fifth year as the Director. Thank
11 you for your time this afternoon to review our
12 amendment request. I do want to just make one
13 correction to Director Poulos. We are not a sand
14 school, although we -- although we do serve a very
15 at-risk population. Based off of the current
16 criteria, we do not -- we don't -- we don't get that
17 sand designation. Although this year I truly believe,
18 based off of the data that was collected for the 40
19 days, that we did meet the 20 percent Special Ed
20 criteria that would make us a SAM school, but at this
21 point we are not SAM designated, which means when I
22 say that, is that we have deserved our B based off of
23 not anything else but what we have done. So that is a
24 huge recognition for my staff, for my students, for my
25 parents and for my governance council.

1 I just want you to know that every year the
2 governance council, the staff, the parents and
3 students, review our mission statement to discuss how
4 well are we meeting our purpose. And upon reviewing
5 our mission statement this year we collaborated and
6 discussed to be more purposeful on focusing not only
7 on academic, but also on social skills. Our mission
8 change would support the work we do, not only ensuring
9 students are supported academically but also socially.

10 With our at risk population, building
11 relationships with our kids is critical. Many of our
12 students have had a very negative experience in their
13 education. As part of building those social skills
14 our students attend a weekly advocacy class. Their
15 advocate moves with them every year so their
16 advocates -- I have an advocacy group that I will have
17 until they graduate. Each of the certified staff have
18 this advocacy group. We work with the students on
19 developing career goals, personal academic goals, as
20 well as just checking to make sure they are doing all
21 right, how are things going, making sure that we have
22 built those relationships so that we don't have them
23 leave and go to another school. Most of the kids that
24 come to our school have already been to maybe one or
25 two other high schools before they come to us. So we

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 want to be able to build their self-esteem and their
2 own self advocacy.

3 So once again, thank you for your time and
4 consideration in looking at our amendment request, and
5 if you have any questions I feel free to answer them.

6 CHAIRMAN GIPSON: Commissioners, any
7 questions?

8 COMMISSIONER TOULOUSE: Madame Chair, I
9 would like to comment that I appreciate that you are
10 adding "social" into -- with your academic skills,
11 because that's something so few of our young people
12 seem to have anymore, so I want to applaud you for
13 adding that. And I'm absolutely in favor of this
14 change.

15 Let's see. Do we have a motion for me to
16 read in here?

17 COMMISSIONER ARMBRUSTER: Bottom of page 4.

18 COMMISSIONER TOULOUSE: Okay. It's an easy
19 one. Madame Chair, I move to approve the amendment
20 request presented by Gilbert L. Sena requesting to
21 amend its current mission statement.

22 CHAIRMAN GIPSON: Commissioner, there is a
23 second by Commissioner Ruiz.

24 Commissioners, any discussion?

25 Commissioner Armbruster?

1 COMMISSIONER ARMBRUSTER: We'll be voting to
2 amend the Commission mission statement.

3 Commission Pogna?

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

6 COMMISSIONER RUIZ: Yes.

7 COMMISSIONER ARMBRUSTER: Commissioner --
8 are you voting? I have forgotten now.

9 COMMISSIONER TOULOUSE: Yes.

10 COMMISSIONER ARMBRUSTER: You are voting. I
11 didn't want to make the same mistake.

12 COMMISSIONER TOULOUSE: At this point I have
13 no relatives at this school. It may change without
14 notice, but --

15 COMMISSIONER ARMBRUSTER: Yes. Okay.
16 Commissioner Toulouse?

17 COMMISSIONER TOULOUSE: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Armbruster votes yes.

23 Commissioner Gipson?

24 CHAIRMAN GIPSON: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Crone?

2 COMMISSIONER CRONE: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Peralta?

5 COMMISSIONER PERALTA: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Johnston?

8 COMMISSIONER JOHNSTON: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Caballero?

11 COMMISSIONER CABALLERO: Yes.

12 COMMISSIONER ARMBRUSTER: It is a 10 to zero
13 vote. Your amendment passes.

14 MS. NADINE TORRES: Thank you very much.
15 Have a wonderful afternoon.

16 CHAIRMAN GIPSON: Thank you very much.

17 Commissioners, at this point in time we're
18 going to have to take a break. So, I would suggest
19 that it might as well be the lunch break as opposed to
20 a short break, so we might as well take a lunch break
21 at this time.

22 I'll entertain -- we usually set a time for
23 when we come back. I'm not entertaining a motion.
24 I'm entertaining a time frame.

25 COMMISSIONER TOULOUSE: It's all on you.

1 CHAIRMAN GIPSON: I got in trouble last
2 time.

3 COMMISSIONER TOULOUSE: But it's still on
4 you.

5 CHAIRMAN GIPSON: I'm going to say 1:30.
6 Okay? So that's 45 minutes.

7 (A lunch recess was taken from 12:44 p.m.
8 through 1:40 p.m.)

9 CHAIRMAN GIPSON: Okay. I am bringing this
10 meeting of the Public Education Commission back into
11 session. And we are now on letter D of number 9, and
12 that happened is School of Dreams, who practiced
13 coming down before. Thank you. Welcome. And I'll
14 remind everyone now that you have all gone out and we
15 have been on our phones and everything, that you mute
16 your electronic devices again. Thanks.

17 Director?

18 MS. POULOS: Madame Chairwoman,
19 Commissioners, you have before you an amendment
20 request from School of Dreams Academy to amend the
21 grade level served. Currently the school's contract
22 states that the school is authorized to serve grades K
23 through 2 and 7 through 12. The Commissioners who
24 have been here before may recall we have had some
25 conversations about Pre-K, and either including that

1 or not. There are various types of Pre-K programs,
2 and some of those are, while funded through public
3 funds, and those funds are coming out of the Public
4 Education Department, some of those programs are not,
5 quote, unquote, "public school programs," and that's
6 why they would not be included in your contract. It
7 presents some challenges because then we have got
8 charter schools that are operating Pre-K programs.

9 In this case we learned that School of
10 Dreams Academy was, in fact, providing a Pre-K program
11 that is considered a public school program, and that
12 is a 3Y/4Y Developmentally Disabled Program.

13 So we did reach out to that school and say,
14 based on this information we believe that this,
15 because it is a public school program, needs to be
16 included in your grade level pack, and so the school
17 worked with us to get this on the agenda. But now I
18 feel that I am making this recommendation that the
19 Commission not vote on this today because there are
20 some outstanding concerns that have been raised with
21 regards to the implementation of this program.

22 First and foremost is that based on
23 information from the Special Education Department,
24 this school does not have a MOU in place that would
25 enable them to go to -- and I don't know all the

1 technical terms -- but meetings about these
2 developmentally disabled students with, I believe, an
3 external provider who -- then is how they get matched
4 up. And so that needs -- that MOU needs to be in
5 place, based on what the Special Education Bureau is
6 telling us, before this program should be implemented.

7 Now we are in the challenging position of
8 this program is being implemented. There are some
9 other questions, and the other question that this
10 raised for me is, again, we're talking about a school
11 that had a D letter grade, has not since that time had
12 two years of a C or better, and so there's a question
13 of whether that letter grade piece comes into play.
14 It gets more complicated because there may be a
15 federal law in this case that conflicts with that, in
16 which case the federal law would take precedence and
17 would say, no, we can't prevent that expansion.

18 We have also asked the Special Education
19 Bureau to help us out with that question, and they
20 are, but we don't have that information yet. But I
21 did think it was very important that at the very least
22 the Commission be aware of this and know that this was
23 going on and that this is something that does need --
24 the Commission may decide that you want to vote,
25 anyway, and put conditions on it. But I did want to

1 kind of lay out the challenges that we have right now.

2 CHAIRMAN GIPSON: Thanks for that.

3 Good morning.

4 COMMISSIONER TOULOUSE: Afternoon.

5 CHAIRMAN GIPSON: Good afternoon.

6 MR. MICHAEL OGAS: Yes, it is. Thank you
7 Madame Commissioner, and the Commissioners. My name
8 is Michael Ogas, O-G-A-S, as in Sam. I am the founder
9 and principal of School of Dreams Academy. If I could
10 just maybe hopefully try to clarify and make this a
11 little easier on all of us.

12 On the May 13th Public Education Commission
13 meeting when I was here before requesting an amendment
14 to our grade increase, we had significant discussion
15 about Pre-K, and at that point the Commission had
16 asked that we not include the Pre-K program, and we
17 did clarify and said, it was a DD Pre-K program, that
18 we would not put it as part of our charter contract,
19 and then even the Chair said, and then they will have
20 to deal with the PED on implementing the program, and
21 we have done that.

22 We have already put our budget request in
23 and our projected enrollments in and designed a
24 program around -- just to give you a little
25 familiarity, I have been involved in Special

1 Education, running Special Education programs for the
2 better part of 30 years. And I was part of putting
3 together the DD programs in Valencia County in both
4 local school districts, very familiar with Child Find
5 efforts, so know the requirements and put together a
6 team that was very well versed in doing that during
7 that time.

8 So we proceeded with it based upon the
9 recommendations that came forward from the Commission
10 without having to put it into our contract. We -- it
11 was October when I received a, I guess, a mandate from
12 Director Poulos to request an amendment, request to
13 put, I guess to codify our DD program, when I didn't
14 think at that time we needed to do that, but we did it
15 anyway.

16 The issue of the MOU with the Department of
17 Health and the Special Education Bureau, it's almost
18 like a catch-22. When we went to go forward with the
19 MOU in June, we were told we couldn't do that because
20 they needed confirmation from the Charter School
21 Division, although we are a public school and although
22 we did sign assurances under IDEA that we would comply
23 with all federal laws, and I do know what that means.
24 I spent the better part of my first 30 years career
25 doing that.

1 So Catherine Quick from the Early Childhood
2 Division and other people familiar with the MOU have
3 been calling, saying, are you going to sign the MOU?
4 And actually, I was kind of thinking that today we
5 were going to finish that up and we would sign the
6 MOU. But then a couple of days ago I received an
7 E-mail from Director Poulos saying, you know, it's on
8 the agenda and it can stay on the agenda, but we are
9 going to recommend putting it on hold because the
10 Special Ed Bureau has had some concerns about this.

11 Well, I had talked to the Special Ed Bureau
12 a little over a month ago and the new director,
13 Deborah Dominguez-Clark is very familiar with the kind
14 of work that we do, and it didn't sound like she had
15 any concerns. And at that time I was asking at what
16 point are we allowed to sign the MOU?

17 What the MOU does, it allows families the
18 opportunity to know what 3Y/4Y programs there are in
19 the local districts. It's more of a transition
20 program for those families that's more of an
21 obligation now that the Department of Health and the
22 early childhood providers like La Vida Felicidad and
23 some of these other ones that are around our area. So
24 you know, they set up the transition meetings and then
25 the local providers come. And since we are now a

1 state-authorized charter school, we happen to be the
2 second LEA in our area, so they want to invite us.
3 It's just, you know, we're not sure what comes first,
4 the chicken or the egg.

5 Long story short, I'm not sure I need to be
6 requesting an amendment to add 3Y/4Y in front of the
7 Commission because we have already established that we
8 could do the program, and it had been -- because you
9 have always just approved kindergarten through 12,
10 unless we are directed to do so, and I have no
11 problems implementing it as part of our contract,
12 either. I just want to do what's right throughout
13 this whole thing.

14 So with that, I stand for questions.

15 CHAIRMAN GIPSON: Okay. Commissioners,
16 correct me if I'm wrong, I think the question is,
17 because we have never dealt with the pre programs
18 before, because the funding, so therefore Charter
19 Schools Division had no authority to go in and to
20 monitor those programs because of how they were
21 funded. Now, if the funding is coming directly
22 through PED as a, quote, unquote, I guess,
23 "traditional public school," then CSD would, in fact,
24 then have the authority, and the PEC would have
25 authority over that pre program; correct?

1 MS. POULOS: That's correct, and it really
2 is this idea of, is this a public school program,
3 because the Commission has the authority to authorize
4 public school programs, and that's why the Pre-K has
5 not been included in the past, because the programs
6 that have come before us in the past were not these
7 public school programs. In fact, we identified only
8 two schools participating with these students, this
9 school and Turquoise Trail. When they reached out to
10 Turquoise Trail they said, actually, no, we are not
11 doing that. We are not participating in that program.
12 That was just something that was kind of weird that
13 happened last year. And so -- because we did reach
14 out to both schools at the time to say you need -- we
15 believe you need to have this amendment request.

16 Again, I think we are in conversations with
17 the Special Education Bureau to get this right. We
18 think it's important, but we don't think we have
19 enough information right now. And I will say that
20 even the Special Education Bureau right now is not
21 able to fund this program through the traditional
22 3Y/4Y funding because of these outstanding questions,
23 and so we do want to get all of that settled and
24 figured out and be able to bring you the correct
25 information.

1 CHAIRMAN GIPSON: So currently the money is
2 not even going?

3 MS. POULOS: That is what they said this
4 week when I was meeting with Special Education. They
5 don't know how this program is being funded because we
6 are not funding 3Y/4Y right now. That's what Special
7 Ed told me.

8 CHAIRMAN GIPSON: Mr. Ogas?

9 MR. MICHAEL OGAS: Madame Chairwoman, they
10 have not relayed that information to me. We were
11 approved through the budget process. We knew that
12 as -- because we added grades, we were approved an
13 increase and it was going to be taken care of after
14 the 40-day count and reconciled, I guess, and it's in
15 our budget. And as far as I remember, 3Y/4Y programs
16 have been in place and funded through the SEG since
17 1986.

18 CHAIRMAN GIPSON: Okay.

19 MR. MICHAEL OGAS: But we don't need to put
20 it in our contract if you don't want us to. I mean,
21 I'm good with that.

22 CHAIRMAN GIPSON: And I'm not comfortable
23 with not putting it in the contract if it is, in fact,
24 something that we have authority over and that CSD
25 would have, then the authority to go in and include

1 that in their site visitations. So I am more in favor
2 of including it in the contract.

3 My question is, and it's for going forward.
4 Is this the kind of program that the funding can be
5 lost because of budgetary issues at times, or is there
6 a consistency with it, so that, is there a possibility
7 that, like, in September, oh, the funding is not
8 available for this program any longer, so --

9 MS. POULOS: This is funded through federal
10 Special Education dollars, so this is not a special
11 program that's going to go away.

12 CHAIRMAN GIPSON: Okay.

13 MS. POULOS: And that's again why this is
14 also considered a public education program as compared
15 to the other Pre-K programs.

16 CHAIRMAN GIPSON: Right. And I do also have
17 concerns because it is -- because of the nature of the
18 program, do we have the ability to say no because
19 there's issues there.

20 MS. POULOS: And that's the question we have
21 asked Special Education to --

22 CHAIRMAN GIPSON: Address.

23 MS. POULOS: -- get an answer for, and
24 they're working with legal counsel to kind of get a
25 better handle on all of this.

1 COMMISSIONER TOULOUSE: Madame Chair, I
2 think we need to table it.

3 CHAIRMAN GIPSON: I do, too. I mean --

4 COMMISSIONER TOULOUSE: Sorry, Mr. Ogas for
5 having to drive up here, but you come up here now and
6 then anyway. We see you a couple of times a year.

7 CHAIRMAN GIPSON: So Commissioner Toulouse,
8 would you like to offer a motion?

9 MS. McKEE: Just a point of reference.
10 Commissioner Toulouse, if you are looking for language
11 there's several you can choose from.

12 COMMISSIONER TOULOUSE: I'm sort of -- but
13 I'm not sure a move to table needs to be that
14 specific, rather than just to table this element or
15 this agenda item.

16 COMMISSIONER JOHNSTON: Here's the motion.

17 COMMISSIONER TOULOUSE: I saw it.

18 COMMISSIONER CABALLERO: It's a motion to
19 table for a specific date, or a motion to table for
20 the end of the meeting, or a motion to table
21 indefinitely. So that's the only three options that
22 you have on the table.

23 COMMISSIONER TOULOUSE: It's the wording.

24 COMMISSIONER CABALLERO: You don't have to
25 put any other wording.

1 COMMISSIONER TOULOUSE: Madame Chair, I move
2 that we table this agenda item until such time as the
3 information is available for the school and to the
4 Commission.

5 COMMISSIONER POGNA: Second.

6 CHAIRMAN GIPSON: There is a motion by
7 Commissioner Toulouse and a second by Commissioner
8 Pogna. Commissioners, any discussion?

9 Seeing none, roll call vote, please,
10 Commissioner Armbruster.

11 COMMISSIONER ARMBRUSTER: Again, the vote
12 is -- the vote is to table the agenda item until the
13 information from Special Ed and CSD and of -- Special
14 Ed.

15 CHAIRMAN GIPSON: That wasn't included in
16 the motion.

17 COMMISSIONER TOULOUSE: Until we get
18 information from the school and the Commission
19 receives the necessary information.

20 COMMISSIONER ARMBRUSTER: Well, I don't have
21 to do the whole run. I'm just going to do the basic
22 so we know --

23 COMMISSIONER TOULOUSE: but I was not
24 necessarily saying CSD or -- whatever.

25 COMMISSIONER ARMBRUSTER: I just put in

1 general the motion is to table the agenda, this agenda
2 item until we get further information.

3 COMMISSIONER TOULOUSE: Right.

4 COMMISSIONER ARMBRUSTER: Okay. So a yes
5 vote is to table.

6 Carmie?

7 COMMISSIONER TOULOUSE: Yes.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Peralta?

10 COMMISSIONER PERALTA: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner
12 Crone?

13 COMMISSIONER CRONE: Yes.

14 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

15 COMMISSIONER RUIZ: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner

17 Caballero?

18 COMMISSIONER CABALLERO: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner

20 Pogna?

21 COMMISSIONER POGNA: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner

23 Conyers?

24 COMMISSIONER CONYERS: Yes.

25 COMMISSIONER ARMBRUSTER: Armbruster votes

1 yes.

2 Commissioner Gipson?

3 CHAIRMAN GIPSON: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner
5 Johnston?

6 COMMISSIONER JOHNSTON: Yes.

7 COMMISSIONER ARMBRUSTER: By a ten to zero
8 vote this will be tabled.

9 CHAIRMAN GIPSON: We're now on to 9E,
10 Explore academy for a school site change, and also an
11 expansion, change in grade levels.

12 MS. POULOS: Madame Chairwoman,
13 Commissioners, I'm going to -- if you want me to deal
14 with just the site change first, and then we can have
15 a second conversation.

16 So you do have before you Explore Academy
17 requesting to amend the facility material terms in
18 their charter. The school is requesting to change
19 locations. The prior language in their contract
20 had -- and this is kind of a funky little thing about
21 our contract -- had identified that they were working
22 on finalizing a different location, so they had the
23 location they were at, the location they were working
24 on finalizing. The school's proposing changing that
25 language to in the process of identifying a new

1 location. But our understanding is really the school
2 is ready to move to a new location, and so they are
3 asking for a change, not really about process of,
4 like, we're looking or not looking but, really, we
5 want to move.

6 So CSD did include in your materials this
7 morning the minutes which we received -- no, that was
8 a different school. I apologize.

9 But we did include -- now I remember what I
10 was trying to say in here. The NMCI letter from PSFA.
11 What we do not have for this facility is an
12 E-Occupancy certificate, and it appears based on what
13 I know that that has not been issued yet, and so that
14 is not something that's available. In addition, I
15 don't believe we have the lease, and so we haven't
16 been able to see whether there are any concerns about
17 the lease.

18 I will dispute this is an opportunity to say
19 this is certainly something that, as we think about
20 working on amendment protocols, we do want to lay out
21 for our schools what needs to be an amendment to
22 change facilities.

23 So at this point, you know, we have provided
24 some language that the school can -- or that the
25 Commission can use to either approve or deny the

1 amendment. With the approval we have recommended
2 includes a condition, if you choose to take that
3 route, that prior to occupancy the school provide
4 documentation to demonstrate that it meets all
5 requirements, including the E-Occupancy requirement.

6 CHAIRMAN GIPSON: Thank you. I think we
7 have had this conversation already.

8 MR. JUSTIN BAIARDO: We have, yes.

9 CHAIRMAN GIPSON: Good afternoon.

10 MR. JUSTIN BAIARDO: My name is Justin
11 Baiardo. I'm the founder and director over at Explore
12 Academy.

13 There is construction that is almost
14 complete on the building, so that is the reason why
15 the Certificate of Occupancy has not been issued.
16 There were some fire sprinklers that had to be
17 installed, and that's going on right now. And PSFA
18 has been in the loop. They have seen the plans. They
19 signed off on the plans as -- you know, once they are
20 complete they will bring the building to the
21 E-Occupancy standard that's required. So we hoped to
22 receive that occupancy certificate within the next
23 week to week and a half, and obviously before we move
24 in we would have that in hand.

25 COMMISSIONER PERALTA: Excuse me. Can you

1 give the address of that you said?

2 MR. JUSTIN BAIARDO: Sure. 5100 Masthead.

3 COMMISSIONER PERALTA: That I followed up
4 this morning with Martica from PSFA. Just shy of
5 9 o'clock this morning that she does confirm that she
6 does have an E-Occupancy for that particular address.

7 MR. JUSTIN BAIARDO: Great. Okay.

8 COMMISSIONER PERALTA: So like everything --

9 MR. JUSTIN BAIARDO: Yes. I think with --
10 when the completion of the sprinklers, when that's
11 finished, then that the E-Occupancy would be achieved,
12 so --

13 CHAIRMAN GIPSON: Commissioners, any
14 questions?

15 COMMISSIONER ARMBRUSTER: When were you
16 going to move? At the end of the school year?

17 MR. JUSTIN BAIARDO: We were going to move
18 at the end of January.

19 COMMISSIONER ARMBRUSTER: Oh.

20 CHAIRMAN GIPSON: Have you cleared up the
21 lease concerns, because the Director indicated that
22 they didn't have -- I don't know, is it PSE that
23 doesn't have the lease, or PSFA?

24 MS. POULOS: We have not seen a copy of the
25 lease. I don't know if that's been provided to PSFA

1 or if they would have requested it.

2 MR. JUSTIN BAIARDO: Yes, PSFA did request
3 it when we first began. The lease was approved back
4 in November when we sent that over to PSFA. We would
5 have to forward it to CSD as well.

6 CHAIRMAN GIPSON: So if it's cleared PSFA,
7 then there shouldn't be any lease concerns on our
8 part; correct? If they have approved it then they
9 have certainly looked at the language and there
10 shouldn't be a concern on our part, correct, unless
11 they notify us that there's a concern. All right.

12 So hopefully we have got that cleared up as
13 well.

14 MR. JUSTIN BAIARDO: All right.

15 CHAIRMAN GIPSON: Commissioner Caballero,
16 did you want to say something?

17 COMMISSIONER CABALLERO: Yes, part of it I
18 answered my own question, that -- there's one that was
19 mentioned by the Director that there was going to be
20 some other documents to be submitted, but I'm not
21 quite sure what those are. Would those be lease
22 documents?

23 CHAIRMAN GIPSON: I believe that was part of
24 it, that the E-Occupancy and the lease documents, to
25 the Director's knowledge, had not been provided, but

1 the school indicated that PSFA has signed off on the
2 lease, and Commissioner Peralta said that PSFA has
3 indicated that they are issuing and they have received
4 the E-Occupancy.

5 COMMISSIONER CABALLERO: Okay. The other
6 thing is, I would like to ask questions, even though
7 it was mentioned that we should separate the issue
8 from the enrollment portion, and I remember we had a
9 charter school here where we were concerned about
10 their enrollment at the same time we were concerned
11 about their move, and the only question I'm going to
12 ask is, whether changing the number of students in a
13 grade level is -- would that have any impact on
14 resources and money?

15 MR. JUSTIN BAIARDO: Are we getting into the
16 second amendment request?

17 CHAIRMAN GIPSON: Well, let me just try to
18 quickly answer part of that. Because they are asking
19 for a change in their contract we -- we do not take
20 combined amendments. We take each separate item as a
21 different amendment. When we are looking at the
22 concern over the potential increase in enrollment, it
23 was indicated that we couldn't deal with it because it
24 wasn't on the agenda. We would have to look -- we
25 would have to look at that separately. But as a

1 Commission, we do require the schools to submit to us
2 as a separate amendment request. And part of that
3 protects the school because it is possible for us to
4 approve the move and not approve the additional
5 amendment. If we combine them they could end up
6 losing and not being able to, say, move because we
7 don't agree with the other piece.

8 I don't know if I have answered that.

9 COMMISSIONER CABALLERO: I understand that.
10 But -- so I guess I'm having a hard time separating
11 the issue of enrollment, movement of grades, and the
12 need for the facility, is to some extent it's the
13 same, or are they able to increase that where they are
14 at and it doesn't matter whether they move or not?

15 CHAIRMAN GIPSON: I --

16 COMMISSIONER CABALLERO: Can you have him
17 answer if he understands?

18 CHAIRMAN GIPSON: But the charter -- the
19 contract requires that if they're going to move that
20 they notify us and we have to change in the contract,
21 then. That's what they're doing. They are coming to
22 us and saying, we're moving. We're approving the move
23 so we can change the contract. It has not -- that
24 move has really nothing to do with enrollment. It's
25 them notifying us and saying, we want to move. We're

1 requesting you allow us to move. But it has nothing
2 to do with the issue of enrollment. It's a separate
3 issue. We want to move. Let us move.

4 MR. JUSTIN BAIARDO: Right.

5 CHAIRMAN GIPSON: That's what this amendment
6 is purely dealing with.

7 MR. JUSTIN BAIARDO: Yes. I mean, it's --
8 it comes down to the expiration of our current lease.
9 We will have to change facilities and that's -- we're
10 in a temporary facility right now because our previous
11 lease expired, and so we're looking to -- we finalized
12 a new lease at the new facility, so it's not about
13 expanding more than it is about finding a more
14 permanent location.

15 COMMISSIONER CABALLERO: Okay.

16 CHAIRMAN GIPSON: Commissioners, any other
17 -- I just have a question. I'm looking at in our
18 documents the minutes, but I don't see signed minutes.
19 The minutes that you provided, looking through them
20 quickly, are -- do they reference the move or are they
21 referencing something else, because I see one set of
22 minutes here.

23 COMMISSIONER ARMBRUSTER: Ralph Montano
24 moved to approve the move.

25 CHAIRMAN GIPSON: To move, but there's no

1 signed minutes provided.

2 That's -- I'm just -- you know, that's just
3 a little housekeeping thing because that would have to
4 be included in our motion if we don't have signed
5 minutes.

6 MR. JUSTIN BAIARDO: Okay. I can --

7 CHAIRMAN GIPSON: I'm just questioning.

8 MR. JUSTIN BAIARDO: Absolutely.

9 CHAIRMAN GIPSON: Is that correct, that
10 there's been no additional submission of signed
11 minutes for the governance council?

12 MR. JUSTIN BAIARDO: Yes. The governance,
13 our board president signed a lease. I don't believe
14 he signed the minutes confirming that, but we can
15 provide that in short order.

16 MS. POULOS: I believe, Madame Chairwoman,
17 this may be a question of about how your board
18 indicates that it has approved its minutes and does it
19 have a signed acknowledgement that those have been
20 officially approved by your board, and if not,
21 potentially the suggestion that they should.

22 CHAIRMAN GIPSON: I guess -- and that's what
23 I mean, a clarifying. I don't -- we don't have
24 approved minutes from this governance council meeting,
25 and that's more what we would need. I was referring

1 to it as signed, but we would need documentation that
2 these minutes have been approved.

3 MR. JUSTIN BAIARDO: The December meeting,
4 they typically approve the minutes from the previous
5 meeting at the next meeting, so I would have to get
6 those to you.

7 CHAIRMAN GIPSON: Okay. All right. Thank
8 you.

9 Commissioners, any other -- Commissioner
10 Crone.

11 COMMISSIONER CRONE: Madame Chair, on the
12 first page, right in the middle there is a paragraph,
13 "This amendment can be proposed as contingent based on
14 the approval of financial terms of the transaction."

15 CHAIRMAN GIPSON: I'm sorry, could you show
16 me --

17 COMMISSIONER CRONE: The very first page.

18 CHAIRMAN GIPSON: Okay.

19 COMMISSIONER CRONE: Right in the middle,
20 that paragraph in the middle, last sentence.

21 CHAIRMAN GIPSON: Okay. Thank you.

22 Director?

23 MS. POULOS: Madame Chairwoman,
24 Commissioners, that language is included by the school
25 on the rationale, so if you look at page 7 of your

1 material, which is the amendment request form, that is
2 language that they have included in their rationale
3 for the amendment request.

4 COMMISSIONER JOHNSTON: Madame Chair?

5 CHAIRMAN GIPSON: Commissioner Johnston.

6 COMMISSIONER JOHNSTON: Thank you. Point of
7 clarification for myself. There's a need to move
8 because the original lease has expired. A site has
9 been identified. The school is working with PSFA. We
10 know that there is an E-Occupancy certificate there,
11 but we do not have a copy of it. The lease -- the
12 lease has been signed but we do not have a copy of it.
13 My -- my thought would be, is that we should table
14 this until we have the documentation so that we have a
15 complete picture of everything that is required for
16 the move.

17 CHAIRMAN GIPSON: Well, I'll say that prior
18 to this we have never had eyes on leases. That's --
19 if PSFA has had a concern about a lease, they have
20 identified that to us and communicated that. But we
21 have -- we have not required to see the lease. That's
22 up to PSFA to review it and sign off on it, and I have
23 to trust school that they say they have. And
24 Commissioner Peralta sitting on that board has
25 received the information that the E-Occupancy has been

1 authorized. It's just a matter of it being in the
2 mail in all likelihood at this point in time.

3 And I think the concern is that the lease
4 expires at the end of January?

5 MR. JUSTIN BAIARDO: Right.

6 CHAIRMAN GIPSON: So if they come back in
7 February they are in the parking lot.

8 COMMISSIONER JOHNSTON: So, okay. So the
9 lease that you currently have expires -- the temporary
10 lease?

11 MR. JUSTIN BAIARDO: Correct.

12 COMMISSIONER JOHNSTON: Okay. And you don't
13 yet -- do you have the lease on the new building?

14 MR. JUSTIN BAIARDO: We do. We have had
15 it -- that was the one voted in or approved in
16 November.

17 COMMISSIONER JOHNSTON: Okay. All right.

18 MR. JUSTIN BAIARDO: And at that point
19 that's when the construction commenced for the
20 sprinklers to be installed in the building. The lease
21 had to be in place before that began.

22 COMMISSIONER JOHNSTON: Okay. And we did
23 have a lease this morning in our packet that we talked
24 about extensively, and so that's what was triggering
25 me --

1 CHAIRMAN GIPSON: Right. Traditionally we
2 don't have copies of leases.

3 COMMISSIONER JOHNSTON: Okay. Thank you
4 very much.

5 CHAIRMAN GIPSON: If the school provides a
6 copy of the lease then it gets into the documentation,
7 but traditionally we don't see the leases, in getting
8 into the roots of a lease per se, unless PSFA has
9 indicated a concern.

10 Commissioner Toulouse.

11 COMMISSIONER TOULOUSE: Madame Chair, for
12 the information of the newer members, we knew this
13 change was coming. We knew. This school has kept us
14 up. This is not an example of when we get a school
15 coming in here, in fact, and, oh, we moved last month.
16 Can you approve it? Or else, we're moving tomorrow
17 and can you approve it? This is one where the
18 facility they were in, in the Northeast Heights, that
19 lease ended, they moved to the West Side, and
20 temporarily until they could get this done -- so we
21 have been aware this would be coming. Welcome to my
22 district. That adds another school to my district.
23 So --

24 CHAIRMAN GIPSON: Are you related to anyone
25 in that school district?

1 COMMISSIONER TOULOUSE: Not to my knowledge.
2 You know, I -- again, my father has 98 first cousins
3 or had, so I could well, but they would not be close
4 enough that I would have a relationship with them.
5 So, thank you.

6 CHAIRMAN GIPSON: Thank you. And I do
7 believe -- and thanks for that reminder, that this was
8 a temporary move out of the area that you wanted to be
9 in, and now you have the opportunity to go back to the
10 area that you originally intended to service that
11 community.

12 MR. JUSTIN BAIARDO: Correct.

13 CHAIRMAN GIPSON: All right. Commissioners,
14 any other questions?

15 I will entertain a motion, and I do believe
16 -- I'm not sure -- on page 5 there are -- there are
17 examples of motions.

18 I will do it.

19 I move to approve the amendment request
20 presented by Explore Academy requesting to amend
21 Section 8.0(a), page 38, facility terms of its
22 contract, with the condition that prior to occupancy
23 the school must provide documentation to demonstrate
24 the proposed facility and lease meet all statutory
25 requirements found in 22-8B-4.2, with certification

1 from PSFA.

2 COMMISSIONER TOULOUSE: And I second.

3 CHAIRMAN GIPSON: And a copy of the approved
4 minutes from your governance meeting.

5 COMMISSIONER TOULOUSE: Madame Chair, I'll
6 second the motion.

7 CHAIRMAN GIPSON: There is a second by
8 Commissioner Toulouse. Any discussion?

9 Seeing none, Commissioner Armbruster?

10 COMMISSIONER ARMBRUSTER: The yes vote to
11 change the location should you choose to do that.
12 That's what you are voting on.

13 Commissioner Conyers?

14 COMMISSIONER CONYERS: Yes.

15 COMMISSIONER ARMBRUSTER: Commissioner
16 Gibson?

17 CHAIRMAN GIPSON: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Caballero?

20 COMMISSIONER CABALLERO: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Crone?

23 COMMISSIONER CRONE: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Peralta?

1 COMMISSIONER PERALTA: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Toulouse?

4 COMMISSIONER TOULOUSE: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner
6 Pogna?

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

9 COMMISSIONER RUIZ: Yes.

10 COMMISSIONER ARMBRUSTER: Commissioner

11 Johnston?

12 COMMISSIONER JOHNSTON: Yes.

13 COMMISSIONER ARMBRUSTER: And Commissioner
14 Armbruster votes yes. That's ten, and the motion
15 passes.

16 CHAIRMAN GIPSON: Thank you. Now we are on
17 to the second amendment.

18 MS. POULOS: Madame Chairwoman,
19 Commissioners, this amendment was in front of the
20 Commissioners, I believe, in November -- December may
21 have been it. And at that time CSD recommended and
22 CSD continues to recommend that this request to add
23 grades 6, 7 and 8 should not be approved at this time.
24 Because 22-2E-4(E), of the New Mexico Statutes
25 annotated states that a school that has earned a D or

1 F letter grade must prioritize resources towards
2 proven programs and methods linked to improve student
3 achievement until a school earns a grade of C or
4 better for two consecutive years.

5 At that time CSD noted, and we continue to
6 note that the move from a D letter grade in their
7 first year to an A is certainly commendable and should
8 be commended. It's certainly the result of hard work
9 to do that, but ultimately it's important to ensure,
10 and the statute presumes that it's important to ensure
11 that that improved performance is maintained.

12 And so CSD does recommend that this be
13 reconsidered when the school receives another letter
14 grade that can show they have had the sustained
15 academic achievement for their students, but at this
16 time recommends that the school not expand.

17 CHAIRMAN GIPSON: Thank you.

18 MR. JUSTIN BAIARDO: I would like to -- I
19 feel like I'm compelled to state my case.

20 I feel like it is in the best interests of
21 Explore Academy to become a school that serves grades
22 6 to 12, and there's a few reasons for that if I may
23 take some time to expand.

24 The model that we used is all about student
25 choice, lots and lots of student choice. We take

1 traditional classes and divide them into month-long
2 thematic seminars where students can choose the manner
3 in which they want to learn. We currently offer over
4 700 different themes or flavors, we call them, from
5 which students can choose to complete their graduation
6 requirements. That's the academic novelty of the
7 school.

8 Aside from that, though, and I think more
9 pertinent to today's discussion are the academic
10 standards that we hold for our students and the
11 expectations, which are exceptionally high. And it
12 is -- for each month-long seminar that we do offer,
13 students must pass each standard in the class with an
14 80 percent or better, which means we require students
15 to know everything they are required to know, which
16 may not seem like a novel concept, but it is, in fact.
17 And as they move through their education with us there
18 are no gaps in their understanding. We feel that's an
19 important part of building a comprehensive student.

20 This is why we feel we also need to build a
21 more solid foundation bringing in students at younger
22 ages. And I can speak from this, from the perspective
23 of both a middle school and high school teacher. As a
24 former middle schoolteacher I can testify to the
25 degree to which students have very little

1 accountability in what they learn at the middle school
2 level. Unlike high school, it takes a significant
3 action to hold a student back in middle school. This
4 can be a time where significant gaps and understanding
5 are formed and can build. It is one of the most
6 academically developmental periods in the life of a
7 child, yet with little accountability.

8 This is not to omit the importance of a
9 social environment, which is equally important, and
10 significantly contributes to academic success. We
11 provide an environment at Explore Academy which is one
12 of acceptance, tolerance and safety for all our
13 students, one which is -- one which students
14 overwhelmingly describe to outsiders as feeling like a
15 family.

16 Academically, however, what we feel we have
17 seen from new students, both transfer students and
18 those entering 9th grade are gaps. And this is not
19 fault of the schools but rather the fault of the
20 system. As a high school teacher, I know all too well
21 that a student can pass a given unit, fail another
22 unit, and yet average out to a passing final grade,
23 which is then deemed proficient in all the standards
24 covered within that course. And we feel that is
25 irresponsible, and that was one of the rationales in

1 the charter when we first proposed it.

2 Comparing that to our model where students
3 must pass each standard before moving on, we feel that
4 what will continue to set us apart and allow us to
5 approve academically is this level of accountability,
6 given that as they progress through our curriculum we
7 know that each student knows all the prerequisite
8 concepts.

9 As a college prep school and preparing our
10 students for success in college, we're well aware of
11 the concerning rate of students entering remedial
12 classes when starting college, and we take that very
13 seriously. This is a part of our motivation that
14 keeps our standards higher. Yet, I see a very similar
15 trend taking place at the middle school level with 9th
16 graders entering into the high school system. I
17 respect the PEC's recommendation to have us wait,
18 however, I'm compelled to continue to argue for this
19 amendment to help improve education for students
20 within our schools, but at a younger age. There's a
21 considerable contingent of students with younger
22 siblings who want to see an Explore Academy middle
23 school, as well as a growing number of parents who
24 come to us out of the blue requesting that we offer a
25 similar program for their middle school students.

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 I understand that the recommendation
2 is referring in large part to our letter grade from
3 the previous year. And I -- we did have a D rating
4 that year. However, I am compelled to also mention
5 that with no growth data, after the first year of
6 school, 50 percent of our data, which was based on
7 growth, came from data that was outside of our school,
8 and yet, I don't really feel like that was
9 representative of actually how we did in our first
10 year, which for a first year of school we did very
11 well. So 50 percent of our score came from data that
12 was not our own. I'm not sure that we could have
13 shown results higher than what we actually did
14 demonstrate.

15 I also understand that this recommendation
16 and some of the discussion that took place back in
17 November spoke of waiting a year to have us stabilize.
18 However, in all honestly, we are not looking to
19 stabilize just yet. I feel we can do better. Just
20 after our second year of operation we are the 6th
21 ranked school among secondary charter schools, and we
22 are proud of that, yet we want to continue to improve
23 and we feel like this amendment and the expansion of
24 grade levels and offering an Explore Academy
25 curriculum to younger students will allow us to build

1 a more solid foundation and allow us to be, what we
2 feel, be doing a greater service to more students
3 across a broader grade range.

4 Thank you.

5 CHAIRMAN GIPSON: I just have a quick
6 question before -- you have got 181 students right
7 now? And I know your cap is for 500. What's your
8 anticipation with what your enrollment would be with
9 the -- with the grade expansion, and are you limited
10 to the 181 now just because of your lease?

11 MR. JUSTIN BAIARDO: We are not. We had two
12 good years of growth in our first year, and our second
13 year we had significant growth. But then I think
14 moving to the West Side, which I did discuss with the
15 Commission when we first came, we feel like kind of
16 kept us in the same -- at the same population. We are
17 moving back over now to the center part of town. We
18 recruit so many students from Rio Rancho, even the
19 South Valley. We have busing. We are going to see a
20 big jump in our cap, outside the middle school.

21 To answer your question specifically, I feel
22 like we could easily support at least 50 students in
23 grades 6, 7, potentially even 8 for next year.

24 CHAIRMAN GIPSON: 50 each or 50 --

25 MR. JUSTIN BAIARDO: 50 each.

1 CHAIRMAN GIPSON: I just wanted a ballpark
2 figure of what you were looking at. Okay. Thank you.

3 Commissioner Caballero, did you have --

4 COMMISSIONER CABALLERO: I have a question
5 for our attorney, McKee.

6 The question is, it was mentioned that our
7 statute limits the expansion according to the letter
8 grade. My question is, is that, in the statute part,
9 a subpart of another section where we can get an
10 understanding of the -- of the -- the policy questions
11 that they were trying to answer? And is that, then, a
12 hard and fast rule that we must abide by, or do we
13 have, as a Commission, room to make a decision for or
14 against?

15 MS. McKEE: The Subsection E is a
16 subsection. There are letters before that. I don't
17 know what they are off the top of my head. But it is
18 absolutely a part of the statute with other
19 subsections. That specific subsection does state that
20 it requires a school that has earned a letter grade of
21 D to prioritize resources for improving programs and
22 methods. So I think -- is it your question is whether
23 there is other parts of the statute that would allow
24 us to --

25 COMMISSIONER CABALLERO: At first I thought

1 that maybe with an average of the letter grade, or if
2 they're standing presently on a failing grade or near
3 failing grade, and that's what the limit is, because
4 we are looking at a charter school who is now at A, I
5 think, from what I read. And so are we precluded from
6 approving the amendment?

7 MS. McKEE: Well, I don't think we are
8 precluded. I mean, I think -- but I think there has
9 to be an analysis that goes into it, and I think that
10 the information that we have gotten from the Charter
11 School Division is something that we should, you
12 know -- you should look at carefully.

13 CHAIRMAN GIPSON: I think the question is
14 over the wording, materials and resources. So by
15 saying that they should concentrate their materials
16 and resources to student growth, that's not saying we
17 can't allow them to grow their programs. We may
18 decide, you may vote because you don't think that's a
19 wise investment of their resources to grow their
20 enrollment, but it doesn't -- the statute doesn't
21 preclude us from being -- voting in favor of the
22 amendment.

23 COMMISSIONER CABALLERO: Thank you.

24 CHAIRMAN GIPSON: Commissioner Toulouse.

25 COMMISSIONER TOULOUSE: Madame Chair, I want

1 to again say on the record, grades don't tell you
2 everything. And I -- this is beginning my fifth year
3 on the Commission. There's two people here with more
4 seniority and two of us with the same amount, so I
5 think I'm speaking as a senior member. I have yet to
6 see a new school who does not have a D or even an F in
7 the first year because of the way the formula works,
8 as Mr. Baiardo has explained. When your second year
9 is an A, I think that speaks much more.

10 On the other hand, I think Mr. Baiardo knows
11 the discussion I had last time, that I have a problem
12 necessarily thinking 5th graders and maybe even 6th
13 graders can do this. Again, this is personal
14 experience. I have -- my son has a 5th grader. My
15 daughter has a 5th grader. They are very, very
16 different. Both of them are bright. Both -- one of
17 them gets much better grades than the other, but the
18 one who gets the better grades is dyslexic. She works
19 harder. However, they both could do what you do, but
20 I cannot see either one of these very different young
21 boys doing in 6th grade what you want them to do come
22 this year.

23 I don't have a problem with seeing 8th
24 graders doing it. I'm not as sure about 7th grade,
25 depending on the child, but I really cannot see -- and

1 again, this is just my own two, but they are so very
2 different, and their home lives and everything are
3 very different, from different parents, that I just
4 have real concerns that you may be setting up some
5 young ones to fail where they can't give the same kind
6 of attention an older child can to that one-month-long
7 process.

8 And I mean, I would like to see you drop it,
9 rather than start lower and add, I would almost rather
10 see, like, you do 8th graders, and if that works,
11 let's try 7th grade, you know, to see, because the
12 maturity level is so different across, you know, 11,
13 12 year olds that -- those are my concerns about this.
14 It has nothing to do with your grade, because I
15 think -- I would have done beautifully if we had a
16 charter school like yours when I was in high school.
17 My son would have, my daughter would have totally, you
18 know, messed it up, because each person is so
19 different. I wish there had been other options, but I
20 am just concerned about those 11 and 12 year olds.

21 Thank you.

22 CHAIRMAN GIPSON: Commissioner Johnston.

23 COMMISSIONER JOHNSTON: Thank you, Madame
24 Chair.

25 I echo Commissioner Toulouse's concern. You

1 have done -- I complement you on the work you have
2 done with the high school students in the two years
3 you have had them. I think that letter grade has
4 proven that grades 9 through 12. Brain development
5 during puberty is the focus, and all of the research I
6 have read about middle school is that, and having
7 worked in middle schools, for the majority of the
8 students what you are doing is you are reinforcing the
9 skills that were acquired in the first six to seven
10 years. Middle school philosophy is so different from
11 high school philosophy. You are looking at two
12 different schools in your third year of operation if
13 you expand to include those middle grades,
14 particularly if you are looking at 50 to 100 new
15 students in an environment.

16 I'm -- I'm very cautious in looking at
17 adding a brand new school with a different way of
18 teaching, with different concepts. There would be
19 some students who would be ready for it
20 intellectually. They would have had that development.
21 That's why we offer Algebra 1 in the 8th grade to
22 those few students. The majority of the students,
23 research shows us during those middle school years,
24 their physical development takes over and the brain
25 kind of is dormant with skill development. That's

1 where I'm skeptical. Thank you.

2 CHAIRMAN GIPSON: Commissioner Peralta.

3 COMMISSIONER PERALTA: Thank you, Madame
4 Chair. I just wanted to share that I stand with the
5 statutory requirement that says two consecutive years,
6 and that's some great gains achieved in the short
7 time, in your very young time as a school. Even if
8 you regress this year, I still think you will make the
9 threshold of, you know, being able to come back next
10 year and follow through with this amendment. So I
11 caution my fellow Commissioners, if we waiver from the
12 statutory requirement of two consecutive years in this
13 case, that we would open ourselves to a lot of things
14 down the road.

15 So that's my opinion. Thank you.

16 MS. PATRICIA MATTHEWS: Madame Chair, may I
17 respond?

18 CHAIRMAN GIPSON: It's not a question.
19 Sorry.

20 COMMISSIONER CABALLERO: Madame Chair.

21 CHAIRMAN GIPSON: Commissioner Caballero.

22 COMMISSIONER CABALLERO: I'll try to be very
23 brief. That's why I asked the question of the
24 attorney. Do we have -- can we -- are we forced to
25 rule a certain way, and the answer was no.

1 MS. MCKEE: No, the answer was not no. The
2 answer was it depends.

3 COMMISSIONER CABALLERO: Well, no, and so it
4 depends. It depends on the Commission. And so
5 whether you adhere to hard and fast rules on the
6 policy or the statute, that's one, or do you believe
7 in something else according to all that's being
8 presented. And let me tell you a story about myself.

9 I went to an all-Hispanic school. The high
10 school where I went to in El Paso was overcrowded, and
11 they had to -- they had a middle school at the high
12 school, 7th and 8th, and they had to push the 7th
13 grade to an elementary school close by. And I went to
14 that 7th grade, and the teachers took that opportunity
15 to propose a pilot program for the new 7th graders,
16 and they believed that they were going to get 7th
17 graders for a long, long period of time. And so we
18 went to the 7th grade and we were told that we were
19 entering into a pilot program. The program was a
20 kick-ass. It was hard as hell, but it was uplifting.
21 They didn't emphasize sports, but we had sports. They
22 emphasized sportsmanship. We lost every single game
23 that we played because that was the outcome they
24 wanted.

25 But I can tell you that by the time we got

1 to the 8th grade -- in that 7th grade I got an
2 introduction to music, classical music, and every day
3 we were in music we had to identify a lot of stuff
4 about the music. We had to read the music. We have
5 to identify the composer. And we got that every
6 single day, and before math class, because they
7 believed that that music and classical music was going
8 to have an impact on math.

9 So by the time we got to the 8th grade it
10 was a waste of our time because all of us that went to
11 Zavala Elementary were so far advanced, that the
12 teachers tried to accelerate but they couldn't because
13 they had other students from other feeder schools.

14 My high school had -- they separated the
15 students. Those that were going to college were
16 separated from those that were not going to college.
17 There were only 46 students college bound. The
18 majority of those students that actually entered the
19 university and finished, the majority of us, of those
20 students that finished, finished with an engineering
21 degree. And so most of us that were college bound
22 were from that Zavala Elementary School. Most of us
23 that were successful were from that Zavala Elementary
24 School.

25 So I have internalized that experience in

1 middle school, and I didn't get anything new until I
2 was in -- a sophomore. So it was waste of my time,
3 8th and 9th grade, because I was getting the same
4 thing I was getting at the 7th grade.

5 So the answer is, can a 7th grader get into
6 a program -- and this is all Chicanitos -- I mean, we
7 weren't good at all in any subjects -- be submerged in
8 a very intensive program, and the answer is yes,
9 because every single teacher was in on it. It was a
10 conspiracy. The district never replicated the pilot
11 program anywhere else. Never. Never, ever, ever. I
12 think they started two years, two or three years and
13 then it disappeared.

14 But I can tell you that the middle school is
15 the key. If you want to do great things with high
16 school students it has to start in middle school. Can
17 they handle it? I couldn't read by the time I got to
18 7th grade, I read but I couldn't comprehend. The
19 first day of class in reading they said reading is
20 comprehension. And once we understood that, then we
21 excelled.

22 So if a charter school cannot do this, it's
23 not going to happen in the public schools. And I
24 think our mission as a Commission is to attempt and
25 push the limits and then -- so that those experiments,

1 those excel programs go to the public schools and are
2 replicated. It's too bad my 7th grade was not
3 replicated by the public schools. But in a charter
4 program maybe they will. Maybe we can push the
5 replication.

6 And so I am in favor of -- of -- of doing 6
7 and 7. I think it's worthwhile. I think any school
8 that went from D to an A should be given that
9 opportunity, and not adhere hard and fast to a
10 statute.

11 Thank you.

12 CHAIRMAN GIPSON: Commissioner Conyers.

13 COMMISSIONER CONYERS: Thank you. I kind of
14 want to take you back on what Commissioner Caballero
15 was saying. Regardless of how the Commission, which
16 way the Commission goes today, you are on the right
17 track and it's what you need to do. I think the
18 sooner -- and when you take students at 9th grade
19 coming from various places, you know, you are -- it
20 can be very difficult because some are well prepared
21 and some are not, so I think the sooner you can get
22 them into your system and start working with them I
23 think that's a good thing.

24 MR. JUSTIN BAIARDO: Yes.

25 CHAIRMAN GIPSON: Thank you.

1 COMMISSIONER CONYERS: Thank you.

2 CHAIRMAN GIPSON: Commissioners?

3 I'll just add as we are doing personal
4 things, I went to a 7 through 12 public school, and
5 part of it was a nightmare for 7th graders. I fully
6 support you. There is a piece of me that would prefer
7 that you were coming and saying, we would like to
8 start it with 6th graders and then move on, instead 6,
9 7 and 8. We have all heard the difficulties with not
10 having a feeder program, and I understand that there's
11 an importance, and you're trying to reach out to that
12 community, but there is that little piece of me that
13 would like it to be a little bit slower to make sure I
14 fully agree that the intent of the charters or piece
15 of the intent of the charters was to do innovative
16 things and to be able to show the traditional public
17 schools this is what can be done and offer it, and
18 show people. But I have a concern over biting off too
19 much with the 6th, 7th and 8th. So I'm struggling
20 with that, but I support the growth.

21 Commissioner Johnston.

22 COMMISSIONER JOHNSTON: Thank you, Madame
23 Chair. And I just feel a need to clarify, because I
24 agree with everything that was said, but I understand
25 the difference in the methodology of teaching students

1 at the middle school. Absolutely middle schoolers can
2 achieve, but it's a very different way of learning and
3 it's going to be two patterns -- that's my
4 skepticism -- that you would have to use. And you are
5 new to the charter school movement. You are in your
6 second year, you are just entering your third year, so
7 nothing has ever been gained by going too quickly, I
8 don't think.

9 And I will tell everyone here I did the 9th
10 grade two times, so I'm here because of people -- when
11 I entered the 10th grade, which was high school when I
12 was there -- who gave me a chance, because my brain
13 went to sleep when I was in the 9th grade. So we have
14 all had our challenges. We all have our trauma and we
15 all have our drama, but very different methodology.
16 It's a huge thing. I commend you on how well you have
17 done, but I'm skeptical. That's a huge jump to have a
18 middle school and a high school in the same charter.

19 CHAIRMAN GIPSON: Commissioner Armbruster.

20 COMMISSIONER ARMBRUSTER: I don't think any
21 of us disagree with your program. You have made
22 phenomenal growth, and I was the one who was looking
23 at the lower quartile, and I commend you for that
24 methodology that you have done.

25 I think the issue for me is, we have a

1 number of charter schools that we have all seen, and
2 they start out really well, or they start out low and
3 then they go up, and the next year they go down. We
4 have a number of schools who have done that. I don't
5 want that to happen to you. And I don't want to say,
6 oh, you can do this, and then see that happen.

7 So I would -- I think if you can keep this
8 at an A or B level, and I'm even okay with a B, by the
9 way, that this Commission would say, go for it.
10 Because what's going to happen, and you know this, is
11 that the 5th graders you get will be a challenge for
12 you in 6th grade, and then you have two years to get
13 them up to the 9th grade. Wherever you start there's
14 always some are lower, so to speak, and different, and
15 having different qualities. I like what you do with
16 the kids. I like the fact that you have the 80
17 percent because it's, you know, it's like a do or die.
18 You have to do it. And for me I need to see that
19 other year as it's written, because I need to know
20 that for sure.

21 CHAIRMAN GIPSON: Do we have a motion?

22 COMMISSIONER PERALTA: I'll do it. I'll
23 make a motion.

24 CHAIRMAN GIPSON: Okay. Commissioner
25 Peralta.

1 COMMISSIONER PERALTA: Yes. I would move to
2 deny the amendment request presented by Explore
3 Academy requesting to amend its instructional program
4 to include grades 6 and 7 in 2017 to '18, and to
5 include grade 8 in 2018 to 2019, because the school
6 has not yet demonstrated sustained academic
7 achievement as required by 22-2E-4(E), which requires
8 the school that has earned a letter grade of a D to
9 prioritize resources towards proven programs and
10 methods leading to improved student achievement until
11 the school earns a grade of a C or better for two
12 consecutive years.

13 CHAIRMAN GIPSON: There is a second by
14 Commissioner Ruiz.

15 Any discussion?

16 Seeing no discussion, Commissioner
17 Armbruster?

18 COMMISSIONER ARMBRUSTER: The voting, the
19 amendment is -- the motion to move to deny Explore
20 Academy's request to add grades. So a yes vote is to
21 deny.

22 Commissioner Conyers?

23 COMMISSIONER CONYERS: No.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Peralta?

1 COMMISSIONER PERALTA: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner

3 Pogna?

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner

6 Toulouse?

7 COMMISSIONER TOULOUSE: This is a hard one.

8 I think I'm going to vote no, although I have

9 concerns.

10 COMMISSIONER ARMBRUSTER: Okay.

11 Commissioner Gipson?

12 CHAIRMAN GIPSON: No.

13 COMMISSIONER ARMBRUSTER: Commissioner --

14 wait a minute -- Johnston.

15 COMMISSIONER JOHNSTON: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner

17 Crone?

18 COMMISSIONER CRONE: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

20 COMMISSIONER RUIZ: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner

22 Caballero?

23 COMMISSIONER CABALLERO: No.

24 COMMISSIONER ARMBRUSTER: Hold on. It's me.

25 The answer is Commissioner Armbruster votes no -- yes,

1 I'm sorry.

2 The amendment to deny has passed by a six to
3 four vote.

4 CHAIRMAN GIPSON: Thank you.

5 MR. JUSTIN BAIARDO: Thank you.

6 CHAIRMAN GIPSON: We are on to our final
7 amendment request, and that is 9F, Monte Del Sol
8 Charter School Food Service Change.

9 MS. POULOS: Madame Chairwoman,
10 Commissioners, you have a request from Monte Del Sol
11 to amend the food service terms of its contract. The
12 contract currently states that the school will provide
13 free and reduced lunch, and its food services shall be
14 provided in a manner that's in compliance with
15 applicable laws regarding public school programs.
16 This school has identified that they have already
17 terminated that food services contract; is that
18 correct?

19 DR. ROBERT JESSEN: Yes. Dr. Robert Jessen,
20 J-E-S-S-E-N.

21 MS. POULOS: In your materials you will find
22 a little bit of the school history, which we have
23 included for all of the items, the amendment request
24 form, the communication from the school to the
25 families at the school, as well as communications with

1 the food service provider canceling that contract, and
2 what I have also added this morning, which the
3 governing board for the school voted last night.

4 DR. ROBERT JESSEN: Tuesday.

5 MS. POULOS: Tuesday, I apologize, to move
6 forward with this amendment request, and those minutes
7 are included. Those are obviously the draft minutes
8 from Tuesday. And the only outstanding concern, and
9 Dr. Jessen and I have spoken a little bit about
10 this -- is the current contract template that the
11 Commission has requires the school to select one of
12 four or five options, and we couldn't quite figure out
13 what that right selection was. They can offer
14 breakfast, they can offer lunch, they can offer no,
15 they can offer the free and reduced lunch and/or
16 breakfast. So again, that's the only outstanding
17 request, and the school may have more information on
18 where they stand on that today.

19 CHAIRMAN GIPSON: Okay. Good afternoon.
20 Thank you.

21 DR. ROBERT JESSEN: Thank you. Madame Chair
22 and Commissioners, Monte Del Sol has had a difficult
23 time this year financially, and I think that we
24 outlined that in our supporting document. We realized
25 very early this year that it was going to be difficult

1 to get to the end of the year in the black. The
2 legislature did not help things along. And so we take
3 that fiduciary responsibility very seriously.

4 We notified the food provider at the end of
5 September that they were going to have to cut their
6 costs because we couldn't afford subsidizing the food
7 program. They tried to do so, but by the time they
8 got to December, they saw and we both saw that they
9 couldn't do this. So we made the very difficult
10 choice to cease providing the program. We coordinated
11 with the PED, the Coordinated School Health and
12 Wellness Bureau, who authorized us to stop serving
13 free and reduced lunches.

14 And this is where it gets tricky, because we
15 want to make sure that we serve our students as well
16 as we can, but we also want to abide by our contract,
17 and by having a provider who is licensed and
18 authorized to sell free and reduced lunches. So we
19 found another provider who economically can provide
20 free and reduced lunches, but doesn't have the
21 necessary approval at this moment. So currently we
22 are still in negotiations with the School Health and
23 Wellness Bureau, who are in negotiations with the USDA
24 to provide us with a provisional authorization for a
25 new server to provide free and reduced lunches until

1 the end of the year.

2 So we are still working on it. We do not
3 want to be in violation of our contract.

4 MS. POULOS: Madame Chair.

5 CHAIRMAN GIPSON: Director.

6 MS. POULOS: This is an opportunity to at
7 least encourage this Commission to engage in a
8 discussion on whether this may be one of those items
9 that's currently identified as a material term, but
10 because of issues that could come up this may not
11 appropriately be an item that is a material term.

12 CHAIRMAN GIPSON: I agree, and we are -- we
13 had a short discussion yesterday about having to take
14 a look at the contract and streamlining it to some
15 extent. And yes, this is noted as one of those items
16 that, unfortunately, it's not necessary as a material
17 term to the contract. Yes.

18 Commissioners, any comments?

19 CHAIRMAN GIPSON: I'll just say -- I mean,
20 certainly as an educator we know the importance of
21 healthy, well-fed students, but we all certainly
22 understand the impact that the latest cut, that was
23 made in December, so that there's a timing factor here
24 that, unfortunately, that came down, and you might
25 have -- might have even been on winter break by that

1 time -- I'm not sure -- so that when you started back
2 up the lunch program has at least temporarily been
3 stopped.

4 DR. ROBERT JESSEN: Yes. We are still
5 serving lunch. It took a while for the new provider
6 to get its feet on the ground, so the Athletic Booster
7 Club, which is now providing all funds for our sports,
8 served pizza for a few days. But we are making sure
9 that there is food available and we want to get the
10 free and reduced lunch program back on.

11 CHAIRMAN GIPSON: Okay. Thank you.

12 COMMISSIONER TOULOUSE: Madame Chair.

13 CHAIRMAN GIPSON: Commissioner Toulouse.

14 COMMISSIONER TOULOUSE: Then I would like to
15 say, because they are still making attempts to do
16 that, I wouldn't want, as you said, I don't see this
17 as a real material term, that I would want to approve
18 this amendment when they are still trying to do that.

19 Aren't there more federal funds available?

20 DR. ROBERT JESSEN: I don't believe there
21 are more federal funds available, but they are also
22 very careful in terms of who they authorize to provide
23 the lunches because, I'm sure as you are all aware,
24 there is a lot of bureaucracy in providing free
25 lunches now in terms of what you must serve and we

1 must serve it. We don't have a choice. The students
2 don't have a choice on saying, no, we don't want that
3 anymore. It has to go on their plate.

4 CHAIRMAN GIPSON: My question is, if we
5 approve the amendment, doesn't that free them up then
6 to be freer with their choices? Now, you still have
7 to abide by all -- your provider has to abide by all
8 those guidelines, but doesn't it take us out of the
9 equation when there's a question of whether it really
10 -- that should be in the equation to begin with?

11 MS. POULOS: Madame Chairwoman,
12 Commissioners, I think, especially considering the way
13 the form is reflected right now, if this amendment
14 were approved that material term section of the
15 question would simply be blank, and so it would be
16 signaling, maybe this is not actually a material term,
17 and then the school is free to choose whichever of
18 those options it wants, and so that may be the correct
19 approach, and again, recognizing that this is
20 something that may be challenging.

21 I would just like to say to Commissioners,
22 Commissioner Toulouse's comment about the federal
23 funds, those lunches are reimbursed at a certain rate.
24 I think the challenge for many of our charter
25 schools -- and that doesn't exist for our larger

1 districts, is the economies of scale. And so when
2 they are trying to provide that in a smaller
3 environment it's much harder to find a provider who
4 can do that at that reimbursement rate.

5 CHAIRMAN GIPSON: And as we go to rural
6 areas it becomes even more challenging to find a
7 provider, number one, and then a provider that can do
8 it at a rate that they can afford, so that becomes
9 challenging.

10 My recommendation would be to go forward
11 with this amendment so it's no longer in their
12 contract and it's not -- it's not a concern, because
13 like has been mentioned, it's probably a piece of the
14 contract that is an unnecessary piece to be in there.

15 So I appreciate the fact that you have come
16 forward because odds are I wouldn't have known.

17 Commissioner Caballero.

18 COMMISSIONER CABALLERO: Yes. You mentioned
19 that even if this is out of your contract your school
20 is still committed to providing lunch or food?

21 DR. ROBERT JESSEN: Yes. In order to get a
22 provider it has to be economically viable for that
23 provider to do it. So if the federal funds are not
24 reimbursed then they have to charge for all of their
25 lunches. They can have a different price -- different

1 options. So the basic option is a three-dollar
2 option, but it would not be possible for the students
3 to subsidize free lunches.

4 COMMISSIONER CABALLERO: The other question
5 is do the Feds allow for you to remove the free and
6 just have a lower fee for all of them?

7 DR. ROBERT JESSEN: I think it's a package
8 deal. You can't just have the reduced lunches.

9 COMMISSIONER CABALLERO: Okay. Thank you.

10 CHAIRMAN GIPSON: Commissioner Armbruster.

11 COMMISSIONER ARMBRUSTER: This is, I guess,
12 a question. Of course I'm going to vote for you so
13 you don't have to do it, but because of the economies
14 of scale, what are the other charters in Santa Fe
15 doing? And is it possible -- I am not telling you
16 what to do, please understand that, but I didn't think
17 about it in this way, and they must be struggling
18 also. And is there a way to kind of get a group, a
19 consortium for food and do that?

20 DR. ROBERT JESSEN: Tierra Encantada has a
21 free and reduced lunch program, their elementary.
22 They provide some lunches to NMSA, who do those free
23 and reduced lunches. ATC and -- yes, I'm sorry, NMSA
24 gets Turquoise Trail. Did I say Tierra Encantada?
25 Turquoise Trail has a free and reduced lunches.

1 Tierra Encantada offers no option for free and reduced
2 lunches. ATC has no option for free and reduced
3 lunches. The Master's Program has a bit of a subsidy
4 by its owner for those students to buy lunches at the
5 community College. But in terms of high school, Monte
6 is the only one that offered a free and reduced lunch
7 program.

8 COMMISSIONER JOHNSTON: I have a question.

9 CHAIRMAN GIPSON: Commissioner Johnston.

10 COMMISSIONER JOHNSTON: Thank you, Madame
11 Chair.

12 So was your student body 100 percent free
13 and reduced?

14 DR. ROBERT JESSEN: No. We have about 360
15 students. 200 of those were eligible and average
16 every day was 80 to 90 of those 200 students that were
17 eligible actually ate the free and reduced lunches.

18 COMMISSIONER JOHNSTON: So with this
19 amendment, you would no longer offer the free or
20 reduced to those 80 or 90 students who were eating.
21 They would have to pay that \$3 fee; is that correct?

22 DR. ROBERT JESSEN: We would no longer have
23 to offer the free and reduced lunch program, but we
24 are still in negotiation to try to actually still do
25 that.

1 COMMISSIONER JOHNSTON: But as it is right
2 now, all students would have to pay some sort of fee
3 if they eat at school?

4 DR. ROBERT JESSEN: Yes.

5 COMMISSIONER JOHNSTON: And have you set a
6 fee for those, I mean, during this interim, how much
7 your students pay?

8 DR. ROBERT JESSEN: Three dollars.

9 COMMISSIONER JOHNSTON: Three dollars?
10 Thank you.

11 CHAIRMAN GIPSON: If we don't approve the
12 amendment, just as a reminder, they are in material
13 violation of their contract. I'm going to say this as
14 a personal. Sort of a ridiculous thing to be
15 immaterial for this. I'm not saying free and reduced
16 lunch is a ridiculous thing, but the fact that it's in
17 the contract and they are being bound to that.

18 They have identified that they are
19 absolutely committed to try to offer the program, but
20 for them to be in material violation -- and they
21 already are. They have self disclosed that they have
22 stopped, so they are now currently in material
23 violation of their contract.

24 And the budget doesn't allow them to -- to
25 possibly continue, but they are committed to try to

1 continue, and I believe that of them. I think we're
2 freeing them of the burden of knowing that they are in
3 material violation of their contract if we support the
4 amendment. And our conscience, that we know that a
5 school is in material violation of their contract and
6 is continuing on, I think we have got somewhat of an
7 obligation. What do we do? We know they are in
8 material violation of their contract and what are we
9 to do? Tell them, no, you can't do that?

10 COMMISSIONER ARMBRUSTER: Well, then they
11 will be in financial problems.

12 CHAIRMAN GIPSON: Correct. So we are --
13 this is an unfortunate sign of our times right now.

14 Director.

15 MS. POULOS: Madame Chairwoman, I want to
16 say, the other important thing to note is it's also
17 distinct from some of the other examples you have seen
18 where financial terms didn't allow the continuation of
19 a major element of the school's mission or educational
20 program.

21 CHAIRMAN GIPSON: Right. And that's what I
22 was referencing when I was saying ridiculous, that
23 we're going to hold their feet to the fire over. I
24 firmly believe, as I said, in feeding these children,
25 but it's an area that I think we need to move out of

1 the contract, so why burden them with it at this point
2 in time?

3 Commissioner Ruiz.

4 COMMISSIONER RUIZ: May I make a motion?

5 CHAIRMAN GIPSON: You may.

6 COMMISSIONER RUIZ: I move to approve the
7 amendment request presented by Monte Del Sol Charter
8 School requesting to amend the food service terms of
9 its contract with the condition that the school
10 provide the approved governing body minutes to the
11 CSD.

12 CHAIRMAN GIPSON: And I do -- I mean, we
13 just need the next month be approved here. Thank you.
14 Do I have a second?

15 Second by Commissioner Crone.

16 COMMISSIONER JOHNSTON: Madame Chair, before
17 we vote, I will abstain from this vote.

18 CHAIRMAN GIPSON: Thank you.

19 Any further discussion?

20 None being seen, or heard.

21 Commissioner Armbruster.

22 COMMISSIONER ARMBRUSTER: And a yes vote
23 will allow Monte Del Sol to remove the food service
24 requirement from their contract.

25 Commissioner Pogna?

1 COMMISSIONER POGNA: Yes.
2 COMMISSIONER ARMBRUSTER: Commissioner
3 Toulouse?
4 COMMISSIONER TOULOUSE: Yes.
5 COMMISSIONER ARMBRUSTER: Commissioner
6 Conyers?
7 COMMISSIONER CONYERS: Yes.
8 COMMISSIONER ARMBRUSTER: Commissioner
9 Armbruster votes yes.
10 Commissioner Peralta?
11 COMMISSIONER PERALTA: Yes.
12 COMMISSIONER ARMBRUSTER: Commissioner
13 Crone?
14 COMMISSIONER CRONE: Yes.
15 COMMISSIONER ARMBRUSTER: Commissioner
16 Caballero?
17 COMMISSIONER CABALLERO: Yes.
18 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?
19 COMMISSIONER RUIZ: Yes.
20 COMMISSIONER ARMBRUSTER: Commissioner
21 Gipson?
22 CHAIRMAN GIPSON: Yes.
23 COMMISSIONER ARMBRUSTER: It is a ten to
24 zero. The motion passes.
25 CHAIRMAN GIPSON: No, it's a nine-zero.

1 There was one abstention.

2 COMMISSIONER ARMBRUSTER: Sorry. Nine and
3 one abstention, but it passes.

4 CHAIRMAN GIPSON: Thank you very much. Have
5 a great afternoon.

6 DR. ROBERT JESSEN: Thank you very much.

7 CHAIRMAN GIPSON: Commissioners, can we take
8 just a very short break? Thank you.

9 (A recess was taken from 3:02 p.m.
10 through 3:17 p.m.)

11 CHAIRMAN GIPSON: Okay. We are on to item
12 number 10, Report from Options for Parents and the
13 Charter School Division, Discussion and Possible
14 Actions. And we are looking at charter school update.
15 Now I don't know. Phil, you want me to skip that one?

16 MR. PHILLIP GIOUDEMANS: Please.

17 CHAIRMAN GIPSON: Just in case anyone
18 noticed, the Charter School Director has a flight to
19 catch so she will not be -- she is not available,
20 except that if there is an emergency here, because she
21 is en route to the airport. So just so that people
22 are aware.

23 But we are moving on, then. So I am --
24 we'll simply not do the Charter School Division
25 update. But I would -- I guess I'll recognize the new

1 Charter School Division's employees. So if you would
2 like to introduce yourselves, we'll say hello
3 officially as the full Commission.

4 MR. MARC DUSKE: Okay. Thank you. My name
5 is Marc Duske, and I have just relocated from the
6 College and Career Readiness Bureau to the Charter
7 Schools Division as of about one week ago, so I will
8 be serving in the capacity as a supervisor for the
9 Charter School Division, and I'm really excited about
10 the opportunity.

11 CHAIRMAN GIPSON: Thank very much and
12 welcome.

13 That moves us to letter B, Six Directions
14 Indigenous School budget reporting concerns.

15 We'll let them get settled first.

16 Good afternoon. Could you please introduce
17 yourselves for the record?

18 MR. PHILLIP GIOUDEMANS: Yes. For the
19 record, my name is Phillip Gioudemans,
20 G-I-O-U-D-E-M-A-N-S.

21 Okay. Thank you. Madam Commissioner,
22 members of the Commission, I am substituting here for
23 the Director, so bear with me for a moment. She did
24 plop this in front of me right as she was leaving.

25 So to read the summary, executive summary

1 here, on November 29 the Director of the School Budget
2 and Financial Analysis expressed that he was extremely
3 concerned, the school's capacity to meet state
4 requirements for financial oversight.

5 The school did not timely provide first
6 reporting period membership reports or the required
7 financial reporting for FY17, first quarterly report,
8 the national board certified reporting or membership
9 projections.

10 At that time the Director reported that the
11 school had failed to submit any of the legally
12 required communication or reporting to PED since they
13 have opened. Any financial reporting of any sort.
14 The Director further noted that the school has had
15 turnover and core administrative functions since the
16 inception.

17 The Director reported the school as being
18 closely monitored by his office for a possible move to
19 monthly reporting at the end of the second quarter.

20 And we have no recommendation at this point.

21 CHAIRMAN GIPSON: Good afternoon. Once
22 again, please identify yourself for the record.

23 MS. NATASHA CUYLEAR: Good afternoon, Madame
24 Chair, members of the Commission. My name is Natasha
25 Cuylear, C-U-Y-L-E-A-R. I am an attorney at the law

1 office of Johnson, Barnhouse and Keegan, and I am here
2 today on behalf of Six Directions Indigenous School,
3 DEAP and NISN, which is the Naca-Inspired Schools
4 Network, and I will let Kay and Tom introduce
5 themselves.

6 MS. KAY GIRDNER: My Name is Kay Girdner,
7 K-A-Y, G-I-R-D-N-E-R, and I am the acting business
8 manager for Six Directions Indigenous School and for
9 DEAP.

10 MR. TOM GENNE: Good afternoon. My name is
11 Tom Genne, G-E-N-N-E, and I am the most recent former
12 principal of Six Directions School. I also work for
13 the Naca-Inspired Schools Network. And since this
14 issue arose under my watch I am representing the
15 school this afternoon.

16 CHAIRMAN GIPSON: Thank you.

17 MS. NATASHA CUYLEAR: And Madame Chair and
18 members of the Commission, our -- we prepared a
19 statement today about our comments to respond to
20 concerns expressed by CSD regarding Six Directions
21 Indigenous School as well as DEAP, because I believe
22 the two reports -- and I know that CSD has not
23 reported on DEAP, that's the next agenda. We see them
24 as related, so our statements do refer to both of
25 those.

1 But at the outset I want to mention that
2 initially this issue with budget reporting concerns
3 came up in November, and both Six Directions and DEAP
4 addressed issues at that time, and Kay and Tom will go
5 into more detail about that.

6 But I would like to point out that these
7 discussions between the Department and CSD and the
8 schools and NISN took place in early December, and
9 that's in regards to the reporting concerns. And at
10 that point we believed that this issue had been taken
11 care of based on statements we received from the
12 Department and from CSD. So it was our impression and
13 the impression of the schools that we had resolved any
14 reporting concerns at the beginning of December.

15 And as you might recall, this same agenda
16 item was on the December PEC meeting agenda and it was
17 removed from that agenda. So I think it comes as a
18 bit of a surprise to the schools now that it's back on
19 the agenda for January. And I -- the -- none of
20 schools here, for Six Directions or DEAP, received
21 notice that this was going to be reported on at this
22 meeting until they received the public notice earlier
23 this week. But both schools have provided -- will
24 provide comments today and on -- with regards to what
25 happened on that situation. So I'll turn it over to

1 Kay for more details on that.

2 MS. KAY GIRDNER: I want to thank the
3 Commission for providing us the opportunity to speak
4 to you today. I have worked in school finance for
5 over ten years, and Commissioner Johnston hired me in
6 2005 when she was the principal at East Mountain High
7 School. I have been a licensed business manager since
8 2008, and I served as the business manager for East
9 Mountain High School through 2015.

10 I began working for Naca-Inspired Schools
11 Network as the Finance Director in August 2016. And
12 as you may know, Naca-Inspired Schools Network is a
13 nonprofit organization that supports local leaders to
14 develop and launch a school, and once opened we
15 provide technical assistance and professional
16 development where needed. Naca-Inspired Schools
17 Network provides business management services for both
18 DEAP and Six Directions.

19 It came to our attention in November that
20 work was not getting done and reports were not being
21 submitted on time by the licensed business manager we
22 employed at the time. As a result, Naca-Inspired
23 Schools Network has separated from this person's
24 employment. I have since worked diligently to fulfill
25 all the requirements and get the schools back on track

1 with reporting deadlines. All the reports that had
2 not been completed on November 29th were submitted by
3 December 2nd, 2016.

4 Although the report from the Charter Schools
5 Division states that, quote, "the school had failed to
6 submit any of the legally required communication or
7 reporting to PED since they have opened," unquote, I
8 would like to clarify for the record that for Six
9 Directions Indigenous School, the first quarter
10 reports were only one day late. Submission of those
11 reports was acknowledged by Pam Bowker in an E-mail to
12 the previous business manager on November 1st, 2016.
13 And as I stated, earlier, all other reports that were
14 required were submitted by December 2nd, 2016.

15 MR. TOM GENNE: Commissioner Gipson --
16 Chairperson Gipson, Commissioners, Assistant Director,
17 you heard from our business manager Kay Girdner about
18 the -- about the personnel issue that we went through
19 with the staff person that had been assigned to the
20 two schools, DEAP and Six Directions, that failed to
21 complete their responsibilities. When that became
22 apparent, it was Kay here that stepped up and put in
23 dozens and dozens of hours, both while -- while in
24 town and while out of town, to make things right, and
25 I want to publicly commend her for doing that.

1 Since then we have hired an additional staff
2 person, as she said, to become the business manager
3 for those two schools, and she also comes to us with a
4 strong educational financial background, and she is
5 studying the schools right now and preparing to step
6 in and do what's necessary.

7 I am a little concerned about the executive
8 summaries that came with these two agenda items, the
9 one for Six Directions and the one for DEAP Charter
10 School. I am concerned that -- about the impression
11 that they may have on you who have not seen our
12 schools or had a chance to know them other than this
13 agenda item. I want to point out that while the
14 Director of School Budget and Financial Analysis was
15 saying that the schools did not provide timely reports
16 for FY17, he did so on November 29th, only one quarter
17 into FY17. To say that we haven't done that for FY17,
18 Fiscal Year '17, I think is an overstep and certainly
19 not representative of our intentions or how we intend
20 to move forward. It may have been his reflection on
21 what happened in the first quarter and I can accept
22 that. But I can also assure you that -- that both the
23 network and the schools did everything they could in
24 the time that they had available to address that
25 situation, and the long-term plan is also designed to

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 address the situation.

2 Further down in the executive summary the
3 Director reported that the schools had failed to
4 submit any legally-required communication or reporting
5 to PED since they opened. At the time he said that
6 DEAP Charter School had been opened the prior year and
7 then one quarter into this school year, and the Six
8 Directions Charter School had only been opened for
9 four months. It's a rather broad brush to paint the
10 schools with and to stigmatize the schools, really, to
11 suggest that we hadn't provided any legally-required
12 communication. That's simply inaccurate. I suspect,
13 again, that the director was only referring to those
14 financial reports that were late for the first
15 quarter. And I want to reemphasize that with all of
16 you.

17 I can assure this Commission that all
18 required court reporting for all the other aspects of
19 the school -- and here I'm referring to the multitude
20 of reports that are required in the STARS system, four
21 or five times a year, have been filed on time,
22 accurately, and every time for both schools for the
23 length that they had been opened, for DEAP last year
24 and this year, and for Six Directions just at the end
25 of the first quarter.

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 In the case of Six Directions, as its
2 Principal, I know that communications with Director
3 Poulos and her team had always been timely and
4 responsive, both before the school was authorized and
5 to this present day. If the members of this
6 Commission were to visit Six Directions you would find
7 the school at or near its projected enrollment, its
8 students noisily engaged in learning because -- I say
9 that because of the fact that it's a middle school and
10 middle school students are not quiet students. It's a
11 school that honors and celebrates the cultural values
12 of the indigenous people that it serves. You would
13 find parents and community members welcomed into the
14 school and pleased to be there. You would find a
15 staff highly-educated and skilled, with boundless
16 energy and totally committed to the success of its
17 young students.

18 I encourage all of you to take the time when
19 you have the time to visit the school, which I think
20 is a truly unique and successful charter school,
21 fulfilling its mission and providing quality education
22 for its students.

23 You have my apologies for having to be here
24 today because we were late. You have my assurances
25 that in the future, with the plan we have in place, we

1 will file our financial reports in a timely manner.

2 Thank you for the opportunity to speak.

3 CHAIRMAN GIPSON: Thank you. I would like
4 to apologize from our part about the December agenda.
5 We did not know that that -- that you were going to be
6 on the agenda. It is generally -- because it's our
7 renewal time period, we generally don't deal with
8 other topics because we are just full with the renewal
9 hearings, so that the removal of you off the agenda
10 was because of that. The executive committee made a
11 determination that no other items would be placed on
12 the agenda. So I apologize from our part if there was
13 a misunderstanding there.

14 And we will certainly take a look at the
15 timeliness of notification for you being on and/or
16 taken off the agenda so that you have a better
17 understanding of why that was -- why that action was
18 taken.

19 CHAIRMAN GIPSON: Commissioners, do you have
20 any questions or comments for the school?

21 COMMISSIONER CABALLERO: Question.

22 CHAIRMAN GIPSON: Certainly.

23 COMMISSIONER CABALLERO: Is this untimely
24 reporting, is this your first infraction?

25 MS. KAY GIRDNER: Okay. It is the first

1 infraction for Six Directions which was only one day
2 late on the quarterly reports, but was about three
3 weeks late on membership projections, TMA reporting
4 and national board certified. They are a school
5 that's only been opened since this fall.

6 DEAP was also late on its fourth quarter
7 report. It was because the previous business manager
8 had resigned in June and the new business manager had
9 not been hired to take her place until July, and I did
10 come in in July and begin working on those reports.
11 And so I got DEAP's fourth quarter reports from fiscal
12 year '16 filed the first week in August. So DEAP was
13 one week late as a result of a change in business
14 managers, where one had resigned and a new one had not
15 yet been hired to take her place.

16 COMMISSIONER CABALLERO: Thank you.

17 CHAIRMAN GIPSON: Commissioners, any other
18 questions or comments?

19 I think to -- and I will say that the
20 Director did indicate to me before she left that all
21 of the reporting is currently up to date, so we do
22 appreciate that and we appreciate the challenges that
23 we're seeing with getting not just qualified, but
24 quality business individuals, that that seems to be
25 the challenge. But a reminder that it is, I think,

1 also critical that it's a piece of your governance
2 council meetings, so that perhaps some issues can be
3 discovered earlier if there is a financial report to
4 the governance counsel at your meetings so that they
5 are aware of what needs to be turned in, so that they
6 can raise questions, so that there's checks and
7 balances that are there, because this is unfortunately
8 the area that closes more schools than anything else.
9 So that it is an area of concern, but we appreciate
10 that you have certainly more than cooperated and
11 gotten all the materials, and in a timely fashion now.
12 Thank you.

13 Commissioner Johnston.

14 COMMISSIONER JOHNSTON: Thank you, Madame
15 Chair. And if I may recognize Ms. Girdner, ten years
16 in a charter school. And I have great confidence in
17 the work she does and her attention to detail, and you
18 have a good person on staff now.

19 MS. KAY GIRDNER: Thank you.

20 MR. TOM GENNE: Thank you.

21 CHAIRMAN GIPSON: So we are now on to letter
22 C, which is addressing the same concern. Is there
23 someone else from DEAP here or no?

24 MS. NATASHA CUYLEAR: No.

25 CHAIRMAN GIPSON: Okay. So we've taken care

1 of both. We're good. I just didn't want to have
2 someone not speak if they wanted to speak.

3 So now we are on to Report on Renewal
4 Transfers of PEC, and we have got several schools. Do
5 you have anything on that, Phillip?

6 MR. PHILLIP GIOUDEMANS: I don't.

7 CHAIRMAN GIPSON: Okay. We're fine.

8 MR. PHILLIP GIOUDEMANS: I mean, I have the
9 list, the same information that you have.

10 CHAIRMAN GIPSON: Okay.

11 MR. PHILLIP GIOUDEMANS: A list of schools
12 that transfer, but I can certainly read that into the
13 record if you prefer.

14 CHAIRMAN GIPSON: No, but I know that we do
15 have the Albuquerque Public Schools, and I apologize,
16 I don't know what your official title is, Joseph,
17 because -- Roman numeral number III on this lettered
18 item is La Resolana, and a number of Commissioners,
19 when the report came in about the nonrenewal decision
20 by Albuquerque Public Schools -- La Resolana, for
21 those that renew, chose not to renew with the PEC this
22 year, chose to renew with APS, and APS voted not to
23 renew the charter. And when the information came to
24 the Commission there were concerns raised about how
25 come we didn't know about the seriousness of their

1 finances until well after the fact, that this seemed
2 to be a two-year issue so that it was more than an
3 ongoing issue, and why didn't we know in a more timely
4 fashion. So that I asked La Resolana to be on the
5 agenda, and the other schools.

6 So if you wish to speak about any of the
7 other schools, that's fine. If not, we're okay. But
8 if you could just give us a brief -- and introduce
9 yourself, please, for the record?

10 DR. JOSEPH ESCOBEDO: Good afternoon, Madame
11 Chairwoman and members of the Commission. My name is
12 Joseph Escobedo, E-S-C-O-B-E-D-O. I am the Director
13 of Charter Schools for Albuquerque Public Schools.
14 And Justina Montoya, who is the Principal of La
15 Resolana, is also in the audience. And so if you have
16 any specific questions about the school she can come
17 forward and answer that.

18 Through our process, through our renewal
19 process we had a seven-member team that did review
20 each school, and so we had four renewals that came to
21 us from the Public Education Commission, and one that
22 renewed that we had already authorized.

23 In the review of La Resolana, we did find
24 that looking at their projected balance at the end of
25 the year they were at the time \$210,000 -- had a

1 \$210,000 deficit, and citing state statute and our
2 local policy on charter schools, we recommended to the
3 APS Board of Education to deny the renewal. The APS
4 board ultimately voted four to three to deny the
5 renewal and agreed with our office's recommendation.

6 Ms. Montoya is appealing, and on the basis
7 that not the complete information was given to the
8 board to make their decision. And so the decision or
9 the appeal decision will be waiting ultimately for the
10 Secretary's decision in the coming months.

11 So I stand for questions.

12 CHAIRMAN GIPSON: My -- okay. My
13 understanding was that this was a cumulative
14 shortfall, that there was from the prior school year,
15 there was perhaps around \$100,000 shortfall, and that
16 the 200,000 was now rolling into the second year.
17 There was a similar number, and that brought the total
18 to the approximately 200,000?

19 DR. JOSEPH ESCOBEDO: Yes, and I would leave
20 that up to the principal to answer those specific
21 questions. But at the time that we looked at
22 projected cash balances they were at a \$210,000
23 deficit.

24 At September 30th, looking at the report
25 that was in the Public Education Department, that

1 shows the cash balance, a deficit of 238,000, I
2 believe, September 30th, 2016.

3 CHAIRMAN GIPSON: Okay. Commissioners, any
4 questions or comments, because unfortunately I think
5 more the questions that I had I needed someone from
6 PED's budget than your information, because we had
7 your information. So the questions that we have
8 extended to PED more than it did to APS with their
9 investigation.

10 MR. PHILLIP GIOUDEMANS: Madame
11 Commissioner, just to let you know, we did just ask
12 David Craig to join us, and he may provide some
13 additional insight.

14 CHAIRMAN GIPSON: Okay. Thank you.

15 DR. JOSEPH ESCOBEDO: And I would just add
16 that I think long term -- I'm only six months on the
17 job. I'm the new Director, but I have been with the
18 district for 12 years so I really understand, you
19 know, all of the -- where charter schools have gone.
20 And as we look at charter school finances I think I
21 would just offer that if we could jointly work
22 together in examining the information that is provided
23 quarterly to the state and to the district and how are
24 we using that information in a more useful way so that
25 these things don't spring up upon us, it would be my

1 hope, and what I offer to you.

2 CHAIRMAN GIPSON: Thank you. And just so
3 the Commission knows, we're not questioning APS's
4 decision. It's the information that came as a result
5 of the renewal report from APS that we discovered --
6 that we -- that as a Commission we first learned of
7 this great shortfall. So it's -- we're not looking at
8 what APS did or not, so --

9 Commissioner Toulouse.

10 COMMISSIONER TOULOUSE: Madame Chair, I
11 think what this does is addresses a concern I had for
12 a while now that we don't get financial information in
13 any timely way to deal with it, just like we don't get
14 audit information. That's beginning to change, but
15 slowly in any way that we deal with audit exceptions,
16 because when I looked at these others, I also saw that
17 you had conditions to fix audit exceptions that should
18 come to us but have not generally come to us or -- I'm
19 a stickler on making sure you don't have repeat
20 findings and that you fix them. And I know
21 Dr. Escobedo and I sat next to each other at a charter
22 schools deal, and I was in another session where I
23 listened to people talk to a representative of the
24 State Auditor's Office, and governance council members
25 were saying, how can we fix them because you don't get

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 your audit until it's finally released. And I think
2 we have a lot of schools that don't understand on
3 audit exception. You fix them when you have your exit
4 interview. That's what exit interviews are for, to
5 give you a chance to know what was found, to either
6 protest it when the audit goes in or to begin to fix
7 it. You don't wait two years for it to come out.

8 So I also want to say I'm concerned that you
9 folks are now having to deal with some of these audit
10 exceptions, because we need to be a team in this,
11 because if any of your schools come to us -- we
12 haven't gotten very many from APS, but we do get them
13 from other districts. I really would like cooperation
14 that we didn't have from several other districts
15 because they have never done anything with charter
16 schools. I do appreciate what you are doing and I do
17 apologize, and having been a longer term member, you
18 have audit exceptions to deal with because they never
19 came to us. So, thank you.

20 DR. JOSEPH ESCOBEDO: Thank you.

21 CHAIRMAN GIPSON: Thank you.

22 MR. PHILLIP GIOUDEMANS: David,
23 unfortunately, is not available. If you would like,
24 though, I can certainly pass on the request to the
25 Director and we can try to get some more information

1 on any reporting and previously, prior to the
2 transfer.

3 CHAIRMAN GIPSON: Right. I would -- I would
4 appreciate more information at the February meeting.
5 I thought by putting a request for that information I
6 thought that's what we were going to have today. But,
7 yes, I would like that information for February so
8 that we can try to figure out what we can do to --

9 COMMISSIONER TOULOUSE: Madame Chair, after
10 the legislative session is over I would like to
11 request that we get a financial breakdown on the
12 balance -- not numbers, but all of our schools,
13 whether they are within the budgets or whether they're
14 over, or whether they're significantly over. I am not
15 asking for an audit. I'm not asking for detailed
16 information. But I want to know so we don't get hit
17 with this again, for every one of our charter schools,
18 as we're getting close to the end of the fiscal year,
19 are they managing their money well. If they haven't,
20 how bad is it. So -- thank you.

21 MR. PHILLIP GIOUDEMANS: And Madame
22 Chairwoman, members of the Commission, I did want to
23 do some clarification. The Director provided to me
24 that currently our budget office has not identified a
25 budget deficit, but we can certainly get more

1 information on that and bring it to the February
2 meeting.

3 CHAIRMAN GIPSON: Thank you very much.

4 That leaves us the Report on Governing Body
5 Changes. I believe there's only one.

6 I'm fine if we just want to -- everyone has
7 read it; correct?

8 COMMISSIONER TOULOUSE: Right.

9 CHAIRMAN GIPSON: I think we're fine with
10 it. The schools are obligated to report to us that
11 they have had a governing body change. It's indicated
12 that they were late, they didn't do it in a timely
13 fashion, but they are in compliance because the
14 vacancy has been filled.

15 MR. PHILLIP GIOUDEMANS: And I just received
16 information just prior to this at a meeting as well,
17 that we have now received the necessary paperwork from
18 the school, so they are now in compliance.

19 CHAIRMAN GIPSON: Okay. Thank you very
20 much.

21 Does anyone have any questions about that?

22 Thank you.

23 We are now on to item number 11, Discussion
24 and Possible Action to Commence Operations for SAHQ
25 Academy.

1 COMMISSIONER CABALLERO: Which item, Madame
2 Chair?

3 CHAIRMAN GIPSON: Item number 11 on the
4 agenda, but our tabs are off, so it's actually tab 10.
5 The book is one short of where we should be. Right.
6 So it's agenda item 11, but tab 10.

7 COMMISSIONER CABALLERO: Okay.

8 CHAIRMAN GIPSON: It gets confusing when you
9 close it up and then you try to go back and you think
10 you are at the right spot.

11 COMMISSIONER TOULOUSE: Madame Chair, before
12 we get started, I have a concern that has to do with
13 your SAHQ backers group and whether that is your
14 foundation, whether that is the one that runs your
15 for-profit or whatever your athletic program or not,
16 because to me when I read the material they are so
17 confused in my mind. I want to see some papers
18 separating the school functions from your academic --
19 you know, a formal agreement, because that can get to
20 be a real mess if that is, in truth, your foundation.
21 And when I read this stuff I could not see, and that's
22 why I would like to have time to come back next month
23 with papers, agreements between -- on the foundation
24 and on that. I would like to see something, Madame
25 Chair.

1 MS. ANN McCollum: Thank you. May I
2 respond?

3 CHAIRMAN GIPSON: There's not a question.

4 COMMISSIONER TOULOUSE: Madame Chair, I
5 would like to ask their attorney if they have any
6 paperwork.

7 MS. ANN McCOLLUM: Commissioner Toulouse,
8 I'm Ann McCollum with Matthews Fox.

9 COMMISSIONER TOULOUSE: You're new with
10 them. I knew you were an attorney, but I didn't know
11 if you were part of their board or whether --

12 MS. ANN McCOLLUM: Commissioners, I'm Ann
13 McCollum with Matthews Fox on behalf of SAHQ Academy,
14 and because you don't know me I just want to tell you,
15 I have 25 years in education before I joined the
16 practice of law, and I'm pleased to be here on behalf
17 of the school and working with you all to further
18 education in New Mexico.

19 We have submitted -- we have submitted a
20 very clear document, and in your packet I think
21 it's -- well, it's titled SAHQ Academy Legal
22 Relationships. I think it's starting at page 30 in
23 the PDF packet that I have access to. But that's --
24 and it very clearly and very -- I mean, I wrote it,
25 and it outlines the entities that are involved. If

1 you would like, I can give you a pretty quick --

2 COMMISSIONER TOULOUSE: And my problem is I
3 really am confused, because if you start commingling
4 funds, if one group -- I guess I don't want there to
5 be any problems before I take a vote either yes or no
6 on this one, and so that's why I would like a much
7 clearer picture of that association because -- and you
8 are already an existing group that is attaching itself
9 to a new entity, and I just -- when I'm talking with
10 public money, and money is tight, I just have real
11 concerns that -- I don't see that this is a good
12 organization. I would much rather see a completely
13 separate foundation from the organization that opens
14 the building and runs the other program. To me that's
15 a much cleaner arrangement and I would feel much more
16 comfortable with that, because we have a lot of
17 foundations and I know how they work. This one I'm
18 not sure it works the same way for a school foundation
19 as it does for their program. Am I making sense to
20 you?

21 MS. ANN McCOLLUM: Yes, and I can address
22 that.

23 COMMISSIONER TOULOUSE: Please.

24 MS. ANN McCOLLUM: Were you able to find
25 that document?

1 COMMISSIONER TOULOUSE: I didn't.

2 MS. ANN McCOLLUM: Okay. So the document,
3 because I am new to this process and to the school, I
4 also had to -- I understood the confusion is what I
5 should say. I understand it. So this document starts
6 with an explanation of SAHQ Academy is the charter
7 school. The foundation, and let's call it the school,
8 because I think with SAHQ and in every name that can
9 be confusing.

10 So SAHQ Academy is the charter school. It's
11 going to run the curricular program. It's the school.

12 The SAHQ foundation is a 501(c)3 registered
13 as SAHQ Backers, so the foundation and SAHQ Backers
14 are the exact same thing, and they own the building on
15 Lead in Albuquerque. One of the programs that the
16 foundation runs is an athletic program in the building
17 that they own for kids in the community. All the
18 people that, for those programs are volunteers, so
19 they do not have any employees.

20 So that's one entity, the foundation. They
21 are leasing the building which they own to the school.
22 In the materials that CSD provided to you in the
23 executive summary, they continue to confuse, even
24 though we submitted this document, they continue to
25 confuse as if there are three separate organizations

1 that are commingled.

2 CHAIRMAN GIPSON: Can I interrupt for a
3 second? I think I might have missed it and I want to
4 make sure I am clear. So SAHQ Backers equals
5 foundation?

6 MS. ANN McCOLLUM: Yes.

7 CHAIRMAN GIPSON: Because I got the chart in
8 front of me. So I have got a chart. I don't know if
9 that's what you are referencing but --

10 MS. ANN McCOLLUM: The chart --

11 CHAIRMAN GIPSON: I have a chart in front of
12 me.

13 MS. ANN McCOLLUM: The chart was in the
14 materials, but we also --

15 CHAIRMAN GIPSON: Right.

16 MS. ANN McCOLLUM: And this is frustrating,
17 I know, but we submitted these materials to the CSD.
18 But in their executive summary it doesn't seem to have
19 -- whoever wrote that doesn't seem to have read the
20 material that we submitted as part of our agreement to
21 meet the conditions.

22 And I would like to give you a broad stroke
23 of, very quickly and succinctly, about how this all
24 evolved since your July meeting. May I give you that
25 overview?

1 COMMISSIONER TOULOUSE: Madame Chair, my
2 other concern is we have got -- the documents we got
3 so late to review, a very, very lengthy document, and
4 basically this is what I have to review on, and I did
5 go through and I did look at stuff. I have not had
6 time because we got all of this so late to us.

7 MS. ANN McCOLLUM: May I address that as
8 well? Because that's our experience as well.

9 COMMISSIONER TOULOUSE: Well, I'm not
10 questioning, because this is a statement. I have not
11 reviewed this. I am not comfortable right now with
12 going forward without some time to really look at it,
13 and I would rather table this because you can't start
14 right now, anyway. I have never seen this -- to
15 commence operation, and we have had a couple of
16 schools on the Commission that had a second planning
17 year, that we did it this early in a year, and I want
18 to have time to read all of this.

19 So, Madame Chair, I would like to know if
20 any other people here are ready to go forward or if
21 they would rather have time to read these documents,
22 because it's very, very lengthy, and we got it so
23 late.

24 COMMISSIONER CABALLERO: I agree with the
25 motion to table, not experience, but I do feel a

1 little uneasy that we are proceeding, and it seems to
2 be a very complex case.

3 MS. PATRICIA MATTHEWS: Madame Chair,
4 members of the Commission, I think it's substantially
5 unfair to the charter school at this point in time
6 that we have -- there's five new members here who do
7 not have the historical background, and it appears
8 that some of the existing Commissioners actually also
9 don't recall the specific agreement that the
10 Commission had with this charter school.

11 This school was suspended in July of this
12 summer or last year, of 2016. And when we signed
13 agreements it was, one, that they would be on your
14 December agenda to present whether or not they were
15 prepared to go forward, commence operations. As of
16 today we should be voting on or talking about the
17 charter contract. And the reason why -- the reason
18 there has been a delay is not on the part of SAHQ
19 Academy. They should have had responses to their
20 November 1 submissions from the Charter Schools
21 Division long ago so that you are not just now getting
22 the information.

23 Now, I appreciate that you want to be fully
24 informed, Commissioner Toulouse, and the rest of the
25 Commission, but the down side of this is another

1 month, means another month out on any sort of contract
2 negotiations. If you will recall, what happened in --
3 coupled with the delay in the initial negotiations of
4 the contract, is we had the Finance Director decide
5 that they would not even go forward with the school's
6 budget as they had projected, which is the requirement
7 under the law, because they were looking at
8 enrollment, actual enrollment at the time in June.
9 And so what you were doing is we are seeing this being
10 pushed out and pushed out and pushed out again, when
11 the school needs time to get that enrollment going and
12 get the school going again. And I'm very concerned
13 that we had an agreement to go forward, to negotiate
14 the contract and have that completed by February the
15 28th. I feel like if you were able to hear the
16 presentation that we developed today, understanding we
17 were going to have that opportunity to respond to the
18 Charter Schools Division's recommendation, you might
19 feel a little more comfortable about where the school
20 is and how it is prepared to commence.

21 And that's -- I am sorry to be a little bit
22 assertive in this regard, but I do feel like if we
23 push it off yet another month we're two more months
24 down the road from where we had committed to be in
25 July of this year -- or last year, and I just am

1 concerned that, you know -- and then on top of that
2 I'm sure we can all understand we might have another
3 issue about getting contract negotiations coordinated,
4 et cetera, et cetera.

5 So I am putting that on the record, and I
6 will sit back and be told what to do.

7 CHAIRMAN GIPSON: Okay. We have completed
8 contract negotiations. We did those last fall.

9 MS. PATRICIA MATTHEWS: If I could be -- so
10 if we get past this point, all you have to do is vote
11 on the existing document? Is that where we are at?

12 CHAIRMAN GIPSON: That was my understanding.
13 I will double check on that. But my understanding was
14 those contract negotiations that we engaged in late
15 last spring were --

16 MS. PATRICIA MATTHEWS: Were good to go on?

17 CHAIRMAN GIPSON: -- will carry over, yes.
18 That was my understanding of the agreement. So I
19 don't think we're falling behind with that, but I will
20 certainly double-check on that item and get back to
21 you as soon as I can. But that was my understanding,
22 even in the discussion when we suspended, that the
23 contract negotiations had already been completed, so
24 those would just be for the 2018. That was my
25 understanding.

1 MS. PATRICIA MATTHEWS: I just need a
2 second.

3 COMMISSIONER CABALLERO: Question.

4 CHAIRMAN GIPSON: Commissioner -- hold on
5 just a second. Just -- my thought just came back and
6 it's scary.

7 I am going to apologize for my piece in
8 this. I did not pay close enough attention to the
9 calendar and I let it slip that we had made that
10 agreement for December. When the discussion about no
11 other items be placed on the agenda, that was meant to
12 be amendments and other concerns. If I had been,
13 unfortunately, reminded that this was to be on the
14 agenda for December, it would have been on the
15 December agenda. So I own part of that decision,
16 because we just weren't -- we were talking apples and
17 oranges when that decision was made, so I apologize
18 for that.

19 But I don't think -- I think we have just
20 delayed this discussion for a month in terms of
21 concerns that we have, and I will -- I will join the
22 other Commissioners with, I think there is a need for
23 clarity on some of these items that -- before we can
24 comfortably move forward. And when we put this on the
25 agenda, and even up until yesterday, I did not know

1 that the Director most likely would not be here in the
2 afternoon. We wouldn't have been able to move this to
3 the morning, anyway, because of the agenda items that
4 were there. And I would be more comfortable if we had
5 the Director here so that she could -- she is here
6 perhaps on phone. We can get her -- I think her
7 flight is leaving.

8 So, I apologize but I support the motion to
9 table at this moment in time.

10 MS. PATRICIA MATTHEWS: Madam Chair, members
11 of the Commission, I just want to be clear, is it
12 possible that -- because what we had anticipated was a
13 sort of a breakdown of commencement, approval to
14 commence, and then the next meeting would a vote on
15 the contract. Is there a way to put them both on the
16 same agenda? I mean, that would only make sense to
17 me.

18 CHAIRMAN GIPSON: I don't think I have any
19 problem with that.

20 MS. PATRICIA MATTHEWS: So the February
21 agenda --

22 CHAIRMAN GIPSON: If we're comfortable with
23 the commencement, then, yes.

24 MS. PATRICIA MATTHEWS: And because we have
25 a completed contract --

1 CHAIRMAN GIPSON: Correct.

2 MS. PATRICIA MATTHEWS: I have a copy of it
3 in case you don't.

4 CHAIRMAN GIPSON: Yes, I do.

5 MS. PATRICIA MATTHEWS: And so that we could
6 move forward and have that commitment to have it on
7 the agenda, both items, the commencement and --

8 CHAIRMAN GIPSON: Yes. Yes.

9 MR. PHILLIP GIOUDEMANS: Commissioner, just
10 one concern. As far as the approved or the proposed
11 contract, it's my understanding it was an
12 instructional program that was later -- that's part of
13 that original contract that was later rejected by this
14 body, the PEC, and that may need to be reviewed just
15 so that your instructional program is consistent with
16 the new instructional program that has since been
17 proposed by the school.

18 MS. ANN McCOLLUM: May we address some of
19 the concerns that are being raised so that when you
20 get a chance to review it you know what we have to
21 say?

22 CHAIRMAN GIPSON: Well, let me maybe try to
23 clarify this. I don't think -- I think if we end up
24 with a -- all right -- how would I --

25 I think if we have a concern about the

1 instructional program and if it is different than what
2 has been proposed -- I said if --

3 MS. ANN McCOLLUM: Yes.

4 CHAIRMAN GIPSON: If we had a concern that
5 the instructional program in the documents that we
6 have most recently been given is different than the
7 instructional program that had been proposed, then
8 we'll -- that vote will end up being such that we
9 won't be dealing with the second item.

10 MR. PHILLIP GIOUDEMANS: Thank you.

11 CHAIRMAN GIPSON: That's my guess. So I
12 don't think we have to address any further that issue
13 at this point in time, that it will be -- it will be a
14 determination when we look at it, if it is or not.

15 COMMISSIONER TOULOUSE: Madame Chair, we
16 approved an application for one program. You can't
17 change your program after you applied. That's always
18 been the rule.

19 CHAIRMAN GIPSON: If we determine that there
20 has been a change, then that's what will be.

21 MS. PATRICIA MATTHEWS: Madame Chair, I do
22 want to bring something to your attention. And
23 Ms. McKee, I think this is an important point for
24 setting the agenda, because we certainly could be
25 voting on the contract and on the commencement. But

1 as Ms. Gipson just pointed out, there is a potential
2 that something could go awry, so I want to be very
3 prepared at that next juncture to be aware that the
4 Commission and the founders entered into a certificate
5 agreement to extend, and there is a specific deadline
6 in there by which the school can continue to appeal
7 the inability or the impasse on a contract. So we
8 would need to be sure that there is a potential action
9 item to negotiate an extension of this agreement for
10 that next agenda if something should come up.

11 COMMISSIONER CABALLERO: Is the question do
12 we need to take an action on that extension today so
13 that we don't have that --

14 CHAIRMAN GIPSON: No. It would be at the
15 next --

16 COMMISSIONER CABALLERO: The next --

17 CHAIRMAN GIPSON: The next meeting, yes.

18 COMMISSIONER CABALLERO: So, Ms. Madame
19 Chair, with your most recent explanation, I was going
20 to -- my question was going to be or my concern is
21 that do we need to take action today? Is it
22 absolutely crucial?

23 CHAIRMAN GIPSON: No, there isn't, because
24 as far as, you know, my -- and I headed the contract
25 negotiations subcommittee, so we negotiated that, so

1 that's not a concern. And we're in receipt of that
2 contract, so that's not an issue. As far as I'm
3 concerned -- we did, yes. So we're fine with that.
4 So I think we're good with those three items that have
5 to be addressed in the next agenda; correct?

6 MS. PATRICIA MATTHEWS: Well, I can tell you
7 my preference, but I don't think I'm going to get
8 anywhere with that.

9 MS. ANN McCOLLUM: Can you enumerate those
10 three items? I'm unclear.

11 MS. PATRICIA MATTHEWS: I'll tell her.

12 CHAIRMAN GIPSON: Okay. All right. So I
13 think there is a going to be a motion on the table.

14 COMMISSIONER CABALLERO: There is already a
15 motion on the floor.

16 COMMISSIONER TOULOUSE: I said I would like
17 to.

18 CHAIRMAN GIPSON: She didn't make the formal
19 motion.

20 COMMISSIONER TOULOUSE: I wanted some
21 discussion.

22 COMMISSIONER CABALLERO: I second her like.

23 COMMISSIONER TOULOUSE: Madame Chair, now
24 that Commissioner Caballero has seconded what I'm
25 going to say, I move that we table the issue of the

1 commence operations action until the next meeting, and
2 at which time we may also take up approving the
3 previously negotiated contract if all items are still
4 the same as they had been. Is that -- is that what we
5 agreed?

6 MS. PATRICIA MATTHEWS: In addition to
7 addressing the extension issue, if necessary.

8 COMMISSIONER TOULOUSE: And that we would
9 extend.

10 CHAIRMAN GIPSON: Right.

11 COMMISSIONER TOULOUSE: Thank you.

12 CHAIRMAN GIPSON: Now do you want to --

13 COMMISSIONER CABALLERO: Yes. Second.

14 CHAIRMAN GIPSON: There is a second by
15 Commissioner Caballero. Is there any further
16 discussion?

17 Without further discussion, Commissioner
18 Armbruster.

19 COMMISSIONER ARMBRUSTER: I'm just going to
20 say quickly that a yes vote is to table.

21 Commissioner Conyers?

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER ARMBRUSTER: I'm sorry. Yes,
24 you say?

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Peralta?
3 COMMISSIONER PERALTA: Yes.
4 COMMISSIONER ARMBRUSTER: Commissioner
5 Toulouse?
6 COMMISSIONER TOULOUSE: Yes.
7 COMMISSIONER ARMBRUSTER: Commissioner
8 Pogna?
9 COMMISSIONER POGNA: Yes.
10 COMMISSIONER ARMBRUSTER: Commissioner
11 Johnston?
12 COMMISSIONER JOHNSTON: Yes.
13 COMMISSIONER ARMBRUSTER: Commissioner
14 Caballero?
15 COMMISSIONER CABALLERO: Yes.
16 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?
17 COMMISSIONER RUIZ: Yes.
18 COMMISSIONER ARMBRUSTER: And Commissioner
19 Tim Crone?
20 COMMISSIONER CRONE: Yes.
21 COMMISSIONER ARMBRUSTER: Commissioner
22 Gipson?
23 CHAIRMAN GIPSON: Yes.
24 COMMISSIONER ARMBRUSTER: Okay.
25 Commissioner Armbruster votes yes, ten to zero, the

1 motion passes.

2 MS. PATRICIA MATTHEWS: Madame Chair, may I
3 ask a question? I guess I won't solve your problem,
4 Commissioner Toulous. I was trying to figure out how
5 to get you paper copies.

6 COMMISSIONER TOULOUSE: Frequently I get
7 paper copies, but I couldn't have gotten a paper copy
8 on this one because it was so late. Applications and
9 renewals and all, Director Poulos is very good at
10 giving me paper copies, but we only got this a couple
11 of days ago. And I did flip through it. I read
12 sections of it. But even if I had a full computer
13 screen, I could not have read it all at that time. I
14 have vision problems with reading on a screen with a
15 light behind it. But I will read this before the next
16 meeting. But I'm never comfortable on voting with
17 something that's thick, without having read it
18 through. And I was trained well by state government
19 and by my father, the attorney, before then. You
20 know, always know what you're voting on or what you're
21 agreeing to, so --

22 MS. ANN McCOLLUM: I'll add to that to
23 clarify. The planning year document that's in there,
24 the completed one, the comments that are on there are
25 new to the school as well. Those were comments that

1 were made available to us on Tuesday, so those are not
2 comments that we had seen before Tuesday. I think
3 that's really important that you understand.

4 COMMISSIONER TOULOUSE: And Madame Chair, I
5 did get the E-mail you got from attorney Matthews,
6 which I did read the comments. That was a short
7 enough letter that was sent, because the school is in
8 my district, and I appreciate getting that. But that
9 was much shorter than this.

10 CHAIRMAN GIPSON: Thank your.

11 MR. PHILLIP GIOUDEMANS: Madame Chair, if I
12 may respond. Just as far as the timeline, these
13 comments -- these comments were in response to
14 documents that were submitted to us on the 6th, so the
15 timeline for all the parties involved, it has been
16 extremely tight.

17 COMMISSIONER CABALLERO: Will you be
18 answering those comments and submitting them to us
19 before the next meeting?

20 MS. ANN McCOLLUM: So the school submitted
21 all their documents by the deadline of November 1st.
22 The school did not receive comments on those deadlines
23 until December 21st. And from that, when we got
24 feedback from the December 21st comments, that's why
25 we submitted things on January 6th, so just to give

1 you an idea. And then -- and then the comments from
2 the January 6th submission is what we got on Tuesday.
3 So the reason we submitted them on January 6th was
4 because we didn't get feedback from our November 1st
5 submission until December 21st.

6 CHAIRMAN GIPSON: And I believe we now all
7 are in receipt, at the very least, of an electronic
8 copy of the school's responses; correct? All
9 Commissioners have that?

10 MS. ANN McCOLLUM: Tuesday's responses to
11 the new comments?

12 CHAIRMAN GIPSON: Yes. Yes. So in light of
13 the fact that they also, you know, came in Tuesday,
14 it's hard to digest all that in such a short period,
15 especially when some of us are spending a day
16 traveling up, so we lose time in that respect. If you
17 can put them on audible, I'm --

18 MS. PATRICIA MATTHEWS: Get somebody to
19 narrate for me.

20 CHAIRMAN GIPSON: Thank you.

21 We're at -- now on to item number 12,
22 Discussion and Possible Action on New Application
23 Evaluation Rubric and Criteria, and I think I can
24 quickly handle that.

25 I want to thank all the Commissioners that

1 came yesterday. So that I think we made some recently
2 good headway with the new application rubric, and we
3 directed the Director to move forward, and giving us
4 more of the application. She gave us the sample of
5 what the direction that we could possibly go in. And
6 we have now asked her to continue on with the
7 application and provide us additional information for
8 that, and we are looking forward to hopefully having a
9 completed new application in place for those schools.
10 So that the Director indicated that there was
11 potentially seven -- there are seven letters of intent
12 that have come forward for new schools, so that we
13 want to get this application firmed up so that there's
14 a clear direction those new schools -- they know what
15 direction they need to go in.

16 The training is being set up so that whether
17 the new application isn't done until February, the
18 training is going on so that there will be no stoppage
19 in the work on that. So we appreciate all the work
20 that was done yesterday and look forward to having
21 something in February.

22 Number 13, Discussion of Possible Action
23 Governing Body Changes Policy and Forms, Contract
24 Provision 8.10(b) and PEC policy, would be item,
25 actually, number 12, tab number 12.

1 Mr. Gioudemans, do you have anything for
2 that or no?

3 MR. PHILLIP GIOUDEMANS: I apologize. I am
4 being distracted for a second.

5 MS. PATRICIA MATTHEWS: I didn't do it.

6 MR. PHILLIP GIOUDEMANS: So I apologize.
7 Thank you for bearing with me.

8 Madame Chairwoman, members of the
9 Commission, on August 1st -- we're on item number 12,
10 the National Association of Charter School
11 authorizers, is that --

12 CHAIRMAN GIPSON: No, we're on item number
13 13.

14 MR. PHILLIP GIOUDEMANS: I apologize.

15 CHAIRMAN GIPSON: In tab 12.

16 MR. PHILLIP GIOUDEMANS: And -- no, I
17 apologize. We do not have anything on this item.

18 CHAIRMAN GIPSON: That's fine.

19 So the Director mentioned a few things
20 yesterday, but I would be more comfortable if she did
21 the explanation on it, because it's -- the
22 recommendations are coming forward from her, so I
23 think we need a motion to table it.

24 MS. MCKEE: Okay. You can do a motion to
25 table.

1 CHAIRMAN GIPSON: Commissioner Ruiz.

2 COMMISSIONER RUIZ: I move that we table
3 that until our next meeting.

4 CHAIRMAN GIPSON: There's a motion to table
5 item number 13, second by Commissioner Conyers.

6 Commissioner Armbruster.

7 COMMISSIONER ARMBRUSTER: Commissioner
8 Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER ARMBRUSTER: Commissioner
11 Toulouse?

12 COMMISSIONER TOULOUSE: Yes.

13 COMMISSIONER ARMBRUSTER: I'll put a
14 question mark -- okay.

15 Commissioner Caballero.

16 COMMISSIONER CABALLERO: Yes.

17 COMMISSIONER ARMBRUSTER: Commissioner Ruiz?

18 COMMISSIONER RUIZ: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Armbruster votes yes.

21 Commissioner Crone?

22 COMMISSIONER CRONE: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Conyers?

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Johnston?

3 COMMISSIONER JOHNSTON: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner
5 Peralta?

6 COMMISSIONER PERALTA: Yes.

7 COMMISSIONER ARMBRUSTER: Commissioner
8 Gipson?

9 CHAIRMAN GIPSON: Yes.

10 COMMISSIONER ARMBRUSTER: Ten to zero vote.

11 COMMISSIONER TOULOUSE: Madame Chair, I kind
12 of just wanted to hear Phillip do it.

13 CHAIRMAN GIPSON: We'll move on to number 15
14 and we'll leave the closed session until the very end
15 so that people don't have to come back for a short
16 number of things.

17 I will ask the Commissioners to take a look
18 at the liaison roles, and if you would take a look at
19 them, and take some time, if to -- to decide which
20 committees you may or may not. There's no requirement
21 that you serve on another committee, so that don't
22 feel compelled that you have to. We certainly
23 appreciate any work outside of these meetings that you
24 do do in attendance to other committees. But if you
25 would take a look at them. And if you would then

1 forward to Beverly a preference to what committee or
2 committees you would like to serve on, and we should
3 then have for the February meeting a compiled list.

4 If you have any -- if anyone has any
5 questions about what a committee does I would also
6 forward that to Beverly so that we can contact one of
7 the Commissioners that sits on that committee now to
8 have an explanation if you have got any questions.

9 If you do serve on another committee, there
10 is reimbursement for that, as Beverly explained
11 yesterday. If you are not listed on that committee,
12 then there is -- it's up to me if there's
13 reimbursement if you go to that -- if you go to that
14 meeting.

15 Yes.

16 COMMISSIONER ARMBRUSTER: I thought we also
17 talked about some of these committees where people
18 don't actually know what that person does on this
19 committee or what that committee involves. It was --
20 just going to write maybe two sentences or something
21 to Beverly, so when people are choosing -- well, I
22 think I will be on the -- I don't know -- School Board
23 Association, what exactly is there -- or what is the
24 Legislative Committee, because I'm on that.

25 CHAIRMAN GIPSON: Well, I thought that was

1 accomplished by saying if you have any questions
2 contact Beverly and she will --

3 COMMISSIONER ARMBRUSTER: Okay.

4 CHAIRMAN GIPSON: -- she will get that from
5 someone who sits on it now if there's any questions.

6 We did have -- I know we had one question,
7 and I don't have it in front of me, the list in front
8 of me. There was a --

9 I guess the question that a number of people
10 had was if some of these -- if these meetings actually
11 do notify or how do they notify members of our
12 committee that they will be meeting, because I think a
13 number who currently serve on a committee have never
14 been notified that they are meeting so they don't know
15 when to go.

16 So do you have any information on that?

17 MS. BEVERLY FRIEDMAN: Madame Chair, on that
18 roll sheet there is a contact name and number, and I
19 see one that's out of date, but those people who are
20 on those committees, you can call that person or I can
21 call that person.

22 CHAIRMAN GIPSON: Okay.

23 MS. BEVERLY FRIEDMAN: Whatever you wish,
24 but I think most of these committees and most of these
25 groups have indeed been attended by the people listed

1 on that sheet.

2 CHAIRMAN GIPSON: Okay. I guess perhaps
3 there was a misunderstanding that -- by some that
4 because you are serving on that committee you had to
5 do the reach out to let them know that you are serving
6 on the committee so that you would be notified of the
7 meetings. So I think that then is probably what
8 happened, people didn't know that they had to do the
9 initial reach out.

10 COMMISSIONER ARMBRUSTER: Okay.

11 CHAIRMAN GIPSON: So we know that now if
12 someone wants to serve on a committee, the reach out
13 has to be by you to notify that body that you are now
14 on that committee, so please have yourself put on the
15 E-mail list.

16 Commissioner Crone.

17 COMMISSIONER CRONE: Yes, Madame Chair. I'm
18 already a member of NMPSIA, and I guess I'm
19 volunteering for that.

20 CHAIRMAN GIPSON: Thank you.

21 Commissioner Peralta. Sorry.

22 COMMISSIONER PERALTA: Just maybe speed up
23 the process a bit, at the very top the full committees
24 that are mentioned up there, just from experience my
25 early years on the Commission, sitting on the

1 Strategic Planning Committee almost is
2 nonfunctionable. It doesn't seem like that's even in
3 existence at this point.

4 COMMISSIONER CABALLERO: I want to
5 interrupt.

6 COMMISSIONER TOULOUSE: Madame Chair --

7 COMMISSIONER PERALTA: We tried that and it
8 pretty much ended up being that was a -- a cooperative
9 committee with PED and a member of the Commission, so
10 I think PED had really taken the lead on that and they
11 kind of incorporated the Commission's function and
12 role into the Strategic Planning via the PED's
13 process. And so just to let you know. But I mean,
14 that doesn't necessarily mean we don't have to have
15 it, it's just that in my experience in the last three
16 to four years, it's almost been nonfunctionable.

17 And sitting on the Career Technical Ed
18 Commission, I think Mr. Conyers can attest that we
19 probably don't need to have that, either. I don't
20 think we have ever met or we have ever had anything or
21 ever had any direction --

22 COMMISSIONER CONYERS: Yes, I have met with
23 a couple of different directors of that and I am not
24 really sure what -- what our role is in that other
25 than to be knowledgeable of -- the former director

1 said he would maybe contact us before some of the
2 things were done to give us a heads up, but we have
3 had at least one or two other changes since then,
4 so --

5 CHAIRMAN GIPSON: Okay. And I'll echo that
6 with the Legislative Committee, which is separate from
7 the liaison roles. I don't think the --

8 COMMISSIONER ARMBRUSTER: That's why I think
9 I said that. I don't know who --

10 CHAIRMAN GIPSON: Because that's different
11 than the liaison roles, right. So I don't think that
12 we have had a Legislative Committee of two that has
13 met and really carried out any function.

14 COMMISSIONER ARMBRUSTER: Agree.

15 COMMISSIONER CABALLERO: Clarification. The
16 Strategic Planning Committee, the fact that it has
17 been somewhat not active, does that mean that it is
18 taken off the table or -- because we have a lot of new
19 committee members, and I was interested in that one.

20 COMMISSIONER TOULOUSE: Madame Chair, that
21 was actually created more for a specific instance
22 where we were trying to work on budgets and things
23 like that, and we did what we were going to do.

24 But I would like to request if we could have
25 this discussion at the work session more easily than

1 we can have it here. It's almost 4:30. A lot of
2 people are driving home. My energy is almost gone.
3 My breathing with my asthma is getting worse. I would
4 like to be here for the executive session, and I would
5 like to say we usually do these discussions, anyway, I
6 think at work sessions, when it comes down to after
7 you have reminded people publicly put it on the
8 record, and we kind of decide -- and anybody who has
9 missed a work session can certainly contact you or
10 Beverly.

11 But I would like to move on. I think our
12 court reporter here is looking like she is getting to
13 the end of her computer time. I think it's time to
14 wrap it up. Thank you.

15 CHAIRMAN GIPSON: I will just ask
16 Commissioners, once again, that any committee, that
17 any committee that you wish to serve on to please
18 notify Beverly. We'll gather up a list, and then as
19 has been suggested, we'll take a closer look in a work
20 session on whether the committees, not the liaison
21 roles, need to -- need to really continue on.

22 COMMISSIONER JOHNSTON: I have one, Madame
23 Chair. I have one very concrete. There are two
24 committees here, to participate you have to pay a
25 membership fee. Does the Commission pay the School

1 Boards Association or the School Leaders Association
2 membership dues if you are on the committee so you
3 assume that responsibility?

4 MS. BEVERLY FRIEDMAN: Madame Chair, we do
5 not pay any fees to any of the groups.

6 COMMISSIONER JOHNSTON: So if we have a
7 committee there -- I'll ask that later. But that
8 answers that.

9 COMMISSIONER TOULOUSE: You are not required
10 to pay. You serve on those committees without any
11 kind of monetary fee.

12 COMMISSIONER JOHNSTON: They're going to let
13 me vote without being a member? No. Anyway, for
14 later. I'll take care of it. That answers my
15 question. Sorry about that.

16 CHAIRMAN GIPSON: That's okay.

17 I'll just -- I'm going to make this way
18 briefer than it was originally going to be. We had
19 the appeal hearing for Hozho -- and that is
20 H-O-Z-H-O -- Charter School last Friday, and we are
21 awaiting the decision by the Hearing Officer, which
22 was Deputy Secretary Aguilar. There is no time frame
23 for when he needs to hand down the decision. I did
24 ask him if he had an idea, and he did not.

25 So that we know that the session is

1 starting, and he wants to make a thoughtful -- there
2 is a lot of paperwork for him to now go -- re-go
3 through, now that he has heard more information, had
4 some questions that he raised, he is going to go back
5 and look through the record, so that I don't
6 anticipate it's going to come quickly. So that's my
7 only update with that at this point in time.

8 The Charter Coalition has notified me that
9 they are going to forego an update at this point in
10 time. We appreciate you. Happy new year.

11 We're on to item number 16, which is PEC
12 comments for the new Commissioners. This is an
13 opportunity, a free opportunity for you to get
14 whatever two cents in that you want to get in.

15 So you are not obligated to say anything,
16 but if there is something that you wish to say,
17 besides happy new year, we're here to hear it.

18 So -- well, no matter which way I look I'm
19 starting with a new Commissioner.

20 So Commissioner Caballero.

21 COMMISSIONER CABALLERO: I got nothing to
22 say. I think you heard enough from me.

23 CHAIRMAN GIPSON: Commissioner Johnston.

24 COMMISSIONER JOHNSTON: Nothing.

25 CHAIRMAN GIPSON: Commissioner Conyers.

1 COMMISSIONER CONYERS: I do. I want to
2 extend my welcome to the new Commissioners. I did get
3 to meet with them somewhat yesterday during the work
4 session. I'm very impressed by the knowledge base we
5 have there.

6 And second part of my comment I'm going to
7 exclude myself from that, but with exception of me I
8 think we have a really good-looking Commission.

9 CHAIRMAN GIPSON: Thank you. Commissioner
10 Toulouse.

11 COMMISSIONER TOULOUSE: Madame Chair, other
12 than I think I'm at least as good looking as
13 Commissioner Conyers, which means take it as you see
14 it, I have nothing to add.

15 CHAIRMAN GIPSON: Thank you. Commissioner
16 Pogna -- Peralta. I'm sorry, I got my Ps --

17 COMMISSIONER PERALTA: I'm not Perea.

18 COMMISSIONER ARMBRUSTER: I have nothing
19 additional.

20 CHAIRMAN GIPSON: Commissioner Pogna.

21 Commissioner Crone.

22 COMMISSIONER CRONE: Read my bio.

23 CHAIRMAN GIPSON: Okay. Commissioner Ruiz.

24 COMMISSIONER RUIZ: Just thank you for the
25 opportunity to serve with you all. I look forward to

1 working with you.

2 CHAIRMAN GIPSON: And just once again,
3 welcome to all, and I appreciated the good work that
4 we did yesterday. So I look forward -- I'm sorry, PEC
5 comments, now that I have talked about yesterday
6 again. I had passed out to each of you -- those of
7 you that were here yesterday, we worked on a calendar
8 for the work session. We will vote on it next month
9 to firm it up.

10 We also discussed not having a meeting in
11 August, so that that is also something that we will
12 look at in February.

13 COMMISSIONER ARMBRUSTER: We might have one
14 on the 31st.

15 CHAIRMAN GIPSON: Right, but August the 31st
16 would be the September meeting for the renewals. So
17 the August 4th meeting.

18 And as for those of you also that were not
19 here, we're looking at with the work on performance
20 framework, we're looking at potentially adding dates,
21 April-ish, for listening meetings with the charter
22 schools on the work that we are doing on the
23 performance framework so we can get their input on the
24 performance framework changes that we are making -- or
25 would like to make.

1 Commissioner Pogna.

2 COMMISSIONER POGNA: Madame Chair, do we
3 need to hear from the legislature?

4 CHAIRMAN GIPSON: We do. Commissioner
5 Armbruster has done yeoman's work in trying to get
6 parking.

7 COMMISSIONER ARMBRUSTER: Parking will be
8 for the three of you.

9 MS. BEVERLY FRIEDMAN: Madame Chair, can I
10 make one comment?

11 CHAIRMAN GIPSON: Certainly.

12 MS. BEVERLY FRIEDMAN: I would like to
13 mention to the Commissioners we are going to be
14 ordering business cards, and I will be sending you an
15 E-mail about those business cards in the next week.
16 And I will give you a deadline, and by then we have to
17 do a PO to get them in a reasonable amount of time.

18 CHAIRMAN GIPSON: Thank you.

19 We are now back to item number --

20 I'm sorry. Is there anyone here that has
21 signed up to speak?

22 MS. BEVERLY FRIEDMAN: No.

23 CHAIRMAN GIPSON: Okay. GIPSON: So now
24 we're back to item number 15, which is discussion
25 about -- 14, discussion of possible action on -- no,

1 I'm sorry, Discussion and Possible Action on the
2 Estancia Valley Classical Academy Appeal, so this will
3 be closed.

4 MS. McKEE: I just wanted to remind you the
5 meeting --

6 CHAIRMAN GIPSON: Yes.

7 COMMISSIONER TOULOUSE: Madame Chair, I move
8 that the Commission go into a closed meeting to
9 discuss the possible appeal of the Estancia Valley
10 Academy.

11 CHAIRMAN GIPSON: And there is a second by
12 Commissioner Ruiz.

13 MS. McKEE: Just allow me to say pursuant to
14 NMSA 1978 Section 10-15-1(H)(1)(3)(7).

15 COMMISSIONER TOULOUSE: I will ask to have
16 that added to my motion, thank you, since I didn't
17 have that written in front of me. I'm trying to
18 hurry through.

19 CHAIRMAN GIPSON: Commissioner Armbruster,
20 we need a roll call vote.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Pogna?

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.
2 COMMISSIONER ARMBRUSTER: Commissioner
3 Armbruster votes yes.
4 Commissioner Conyers?
5 COMMISSIONER CONYERS: Yes.
6 COMMISSIONER ARMBRUSTER: Commissioner
7 Peralta?
8 COMMISSIONER PERALTA: Yes.
9 COMMISSIONER ARMBRUSTER: Commissioner
10 Gipson?
11 CHAIRMAN GIPSON: Yes.
12 COMMISSIONER ARMBRUSTER: Commissioner
13 Johnston?
14 COMMISSIONER JOHNSTON: Yes.
15 COMMISSIONER ARMBRUSTER: Commissioner
16 Crone?
17 COMMISSIONER CRONE: Yes.
18 CHAIRMAN GIPSON: Commissioner Ruiz?
19 COMMISSIONER RUIZ: Yes.
20 COMMISSIONER ARMBRUSTER: Commissioner
21 Caballero?
22 COMMISSIONER CABALLERO: Yes.
23 COMMISSIONER ARMBRUSTER: Unanimous, motion
24 to pass.
25 CHAIRMAN GIPSON: So I will ask those in the

1 audience that you will have to leave.

2 (The Commission held a closed session from
3 4:36 p.m. through 5:30 p.m.)

4 CHAIRMAN GIPSON: Okay. I am calling us
5 back into regular session, bringing us out of closed
6 session. And just as the notification, that there
7 were -- there was only discussion on the items listed
8 in the agenda, the Estancia Valley Classical Academy
9 appeal. There were no votes taken and no action
10 taken, and there was discussion of no other matters
11 while we were in closed session.

12 Okay. And there will be no additional
13 action taken.

14 So, our only item left is a motion to
15 adjourn.

16 COMMISSIONER CRONE: So moved.

17 COMMISSIONER ARMBRUSTER: Second.

18 CHAIRMAN GIPSON: There is a motion and a --
19 motion by Commissioner Crone, a second by Commissioner
20 Armbruster. All in favor?

21 (Ayes.)

22 CHAIRMAN GIPSON: Thank you very much. Safe
23 travels.

24 (The meeting concluded at 5:31 p.m.)
25

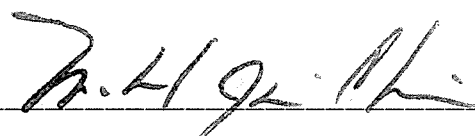
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

PUBLIC MEETING
January 13, 2017
9:00 a.m.
Jerry Apodaca Education Building - Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

REPORTER'S CERTIFICATE

I, MABEL JIN CHIN, CCR#81, DO HEREBY CERTIFY
that on January 13, 2017 the Proceedings in the
above-captioned matter were taken before me, that I
did report in stenographic shorthand the Proceedings
set forth herein, and foregoing pages are a true and
correct transcription to the best of my ability.



MABEL JIN CHIN, CCR #81
License Expires 12/31/2017

(7165L) -MC