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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
VOLUME ONE
June 15, 2017
1:10 p.m.
Mabry Hall, Jerry Apodaca Education Building
300 Don Gaspar
Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
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A P P E A R A N C E S

COMMISSIONERS:

MS. PATRICIA GIPSON, Chair
MR. GILBERT PERALTA, Vice Chair
MS. KARYL ANN ARMBRUSTER, Secretary
MR. R. CARLOS CABALLERO, Member
MR. JAMES CONYERS, Member
MR. TIM CRONE, Member
MS. DANIELLE JOHNSTON, Member
MS. TRISH RUIZ, Member
MS. CARMIE TOULOUSE, Member

STAFF:

MS. KATIE POULOS, Director, Charter School Division
MS. ICELA PELAYO, Deputy Director, Options for
Parents & Families
MR. DAVID A. STEVENS, Assistant Attorney General
Counsel to the PEC
MS. LAUREL PIERCE, CSD Staff

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1 THE CHAIR: I'm going to bring to order
2 this meeting of the Public Education Commission. It
3 is Thursday, June 15th, and it is 1:10 p.m. And I'm
4 going to ask Commissioner Armbruster to do a
5 roll-call vote, please.

6 COMMISSIONER ARMBRUSTER: Commissioner
7 Pogna is not here yet.

8 Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: Present.

10 COMMISSIONER ARMBRUSTER: Commissioner
11 Armbruster is here.

12 Commissioner Conyers?

13 COMMISSIONER CONYERS: Present.

14 COMMISSIONER ARMBRUSTER: Commissioner
15 Peralta?

16 COMMISSIONER PERALTA: Here.

17 COMMISSIONER ARMBRUSTER: Commissioner
18 Gipson?

19 THE CHAIR: Here.

20 COMMISSIONER ARMBRUSTER: Commissioner
21 Johnston?

22 COMMISSIONER JOHNSTON: Present.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Crone is not here.

25 Commissioner Ruiz?

1 COMMISSIONER RUIZ: Present.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Caballero?

4 COMMISSIONER CABALLERO: Here.

5 THE CHAIR: Okay. I'll lead us in the
6 Pledge of Allegiance, and Commissioner Armbruster
7 will do the New Mexico Salute.

8 (Pledge of Allegiance and Salute to the
9 New Mexico Flag conducted.)

10 THE CHAIR: Okay. So we've had --
11 hopefully, everyone has had an opportunity to look
12 at the agenda.

13 And do we have any changes to the agenda?
14 And, if not, I'll entertain a motion.

15 COMMISSIONER RUIZ: (Indicates.)

16 THE CHAIR: And there is a motion by
17 Commissioner Ruiz.

18 COMMISSIONER ARMBRUSTER: (Indicates.)

19 THE CHAIR: A second by Commissioner
20 Armbruster.

21 All in favor, say "Aye."

22 (Commissioners so indicate.)

23 THE CHAIR: Any opposed?

24 (No response.)

25 THE CHAIR: Hearing no opposition, the

1 motion passes.

2 We are now moving into the Public Comment
3 section. And I don't know. Is there -- Katie's got
4 it.

5 There is no one that signed up for Public
6 Comment; so we will move on.

7 The next item is Item No. 4, which is the
8 Approval of the Minutes and Transcripts.

9 And "A" is approval of the May 11 Work
10 Session minutes.

11 If there are no corrections, I will
12 entertain a motion.

13 COMMISSIONER CONYERS: (Indicates.)

14 THE CHAIR: Motion by Commissioner
15 Conyers.

16 COMMISSIONER JOHNSTON: (Indicates.)

17 THE CHAIR: Second by Commissioner
18 Johnston.

19 All in favor?

20 (Commissioners so indicate.)

21 THE CHAIR: Opposed?

22 (No response.)

23 THE CHAIR: Hearing no opposition, the
24 motion passes.

25 On to 4B, Approval of the PEC Meeting

1 Transcript Minutes for May 12, 2017. If there are
2 no corrections --

3 COMMISSIONER TOULOUSE: (Indicates.)

4 THE CHAIR: There is a motion by
5 Commissioner Toulouse.

6 COMMISSIONER RUIZ: (Indicates.)

7 THE CHAIR: A second by Commissioner Ruiz.
8 All in favor?

9 (Commissioners so indicate.)

10 THE CHAIR: Opposed?

11 (No response.)

12 THE CHAIR: Hearing no opposition, the
13 motion passes.

14 And finally, 4C, Approval of the PEC
15 Summary Minutes for May 12, 2017.

16 If there are no corrections, I'll
17 entertain a motion.

18 COMMISSIONER CONYERS: (Indicates.)

19 THE CHAIR: Motion by Commissioner
20 Conyers.

21 COMMISSIONER ARMBRUSTER: (Indicates.)

22 THE CHAIR: Second by Commissioner
23 Armbruster.

24 All in favor?

25 (Commissioners so indicate.)

1 THE CHAIR: Opposed?

2 (No response.)

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

5 Thank you so much.

6 And just so the Commissioners are aware,
7 we are discussing a consent agenda, so that we can
8 move some of these things a little more quickly as
9 we move along.

10 Item No. 5, Discussion and Possible Action
11 on Charter School Amendments.

12 And the first one is Turquoise Trail. So
13 if there's someone here from Turquoise Trail, come
14 on up. And if you would -- I think -- is there a
15 clip there?

16 MS. POULOS: No, there is not.

17 THE CHAIR: I thought there was a clip.

18 MS. POULOS: Laurel is looking for a
19 binder clip.

20 THE CHAIR: It's easier if we clip the
21 microphone down. It's just a little bit easier for
22 you. But if not, you have to keep the button down.
23 If you would, just introduce yourself for the
24 record.

25 MR. FLOYD TRUJILLO: Thank you,

1 Madam Chair, members of the committee.

2 My name is Floyd Trujillo. I'm President
3 of the Turquoise Trail Governance Council.

4 THE CHAIR: Thank you very much. We'll
5 hear first from the Charter School Division.

6 Director?

7 MS. POULOS: That one is not working; this
8 one is.

9 Madam Chairwoman, Commissioners, today
10 before you, Turquoise Trail is requesting an
11 enrollment cap increase. The school is requesting
12 to increase its enrollment cap from -- I believe it
13 is 475 -- yes -- to 490 students. As you'll see in
14 the materials that we've provided you, you do have
15 the school's history, as well as the school's
16 enrollment at its 120th day, with 462 students in
17 2016-'17, and 463 in 2015-'16.

18 This school has maintained their total
19 enrollment over the last two years. You can see the
20 school's comparative subgroup enrollment for racial
21 categories, as well as for economically
22 disadvantaged students with disabilities and English
23 Language Learners.

24 And you can see the school's academic
25 performance over the past three years. They have

1 had a letter grade of "C" or higher in each of the
2 last three years. In the current year, or for the
3 most recent grade, it is a letter grade of a "B."

4 And for that reason, because they have
5 maintained academic performance at a "C" or higher,
6 the Charter Schools Division has recommended the
7 approval of this amendment request.

8 THE CHAIR: Thank you. Once again, thank
9 you. Whatever you wish to add.

10 MR. FLOYD TRUJILLO: Madam Chair,
11 committee members, not much to add. Again, this is
12 a slight increase that we're requesting. We do have
13 a waiting list in all of our grades currently, with
14 the exception of sixth grade.

15 This is Dr. Ray Griffin, our Head
16 Administrator, joining us.

17 DR. RAY GRIFFIN: Straight from the
18 New Mexico TEACH training at the Convention Center.

19 MR. FLOYD TRUJILLO: So, again, I don't
20 think that we have much else to add on that, and I'm
21 happy to stand for any questions that the committee
22 may have.

23 THE CHAIR: Thank you. I'm not sure if
24 there's anything you wish to add besides a breath.

25 DR. RAY GRIFFIN: I think we're good.

1 THE CHAIR: Okay. All right.

2 Commissioners, any questions? Comments?

3 I -- you know, as far as you rushed to get
4 here, I think we're -- Commissioner Toulouse?

5 COMMISSIONER TOULOUSE: Madam Chair, in
6 order -- because he rushed to get here, I just have
7 minor questions.

8 Since you do seem to have waiting lists
9 for your different classes, how many do you have for
10 different levels? Are there more in certain grades
11 than in others?

12 DR. RAY GRIFFIN: Our biggest demand is
13 always in the early years, pre-K and K. Typically,
14 in choice schools, there's less demand as you get
15 higher, in the higher grades; so fifth and sixth
16 grade, much less than the beginning; as in junior
17 high, eighth grade much less than sixth; and
18 eleventh and twelfth, much less than ninth. So
19 we're very typical in that.

20 COMMISSIONER TOULOUSE: How large are your
21 younger-level classes -- I mean, your waiting lists?

22 DR. RAY GRIFFIN: Right now, we have
23 22 students wait-listed for pre-K, out of 40 spaces.
24 So we have 40 in and 22 waiting. In kindergarten,
25 we have 75 in -- or 70- -- sorry. In kindergarten,

1 we have 60 in and five waiting, at the moment.

2 COMMISSIONER TOULOUSE: Thank you.

3 THE CHAIR: Thank you for that question,
4 because I have a friend whose daughter just moved
5 into the area, and she's looking to, I think, enroll
6 her children. So it's good information for -- and
7 I'm holding this down, and it's not working.

8 So thank you.

9 Any other questions or comments?

10 Commissioner Armbruster?

11 COMMISSIONER ARMBRUSTER: I'm happy that
12 your grades are, you know, A's and B's and C's. But
13 I am concerned about your lowest performing
14 students, and I'd like to know what you are doing
15 differently and why you're doing it and what you're
16 doing.

17 DR. RAY GRIFFIN: It is a very typical
18 challenge in schools with Title I populations; not
19 that that is the excuse, but that is the -- the
20 cohort that is difficult to improve on the current
21 standardized testing that we use in this country and
22 in this state.

23 Because we have made, I would say, minimal
24 progress in this area, I've worked closely with our
25 leadership team and with the board to ensure that

1 the allocation of funds in those areas are sustained
2 through the declining times of revenue.

3 And we have restructured. We have
4 restaffed. And in two specific areas, we have added
5 what I would call instructional-specific time for
6 low achieving kids.

7 So in a small school, we know who those
8 eight kids are in second grade. And we know who the
9 nine kids are in third grade. And they're going to
10 spend much more time with a specific reading
11 interventionist this year. So we've allocated more
12 time for those students. We've changed the
13 philosophy of pullout. We have increased the time
14 of RTI for those students.

15 And then the other cohort that typically
16 is in the lower performing student group, special
17 education, we have completely restructured the way
18 that we allocate time for intervention, added more
19 interventionists, meaning more aides, to spend more
20 time in the classroom, which we believe is the most
21 appropriate.

22 And then in the pullout sections, we've
23 made those groups less grade-specific and more
24 level-specific. And that's a huge philosophical
25 change in the school that we are implementing this

1 year.

2 So your question is on target. It's
3 appropriate, and we're aware and doing everything
4 that we can within our budget constraints to add
5 more time and more intervention to those students.

6 COMMISSIONER ARMBRUSTER: And so that just
7 began this year. And so the results that you will
8 get will show that?

9 DR. RAY GRIFFIN: We will hopefully see
10 some results that are positive in the next month
11 from the efforts we've made this year; but in
12 anticipation that this is a long-term issue, we've
13 made these changes proactively for next year.

14 THE CHAIR: And, actually, I was going to
15 ask, what were the budget effects of those changes?
16 What kind of impact did it have for you?

17 DR. RAY GRIFFIN: We, as any school would
18 do, try to have the impacts not be in direct student
19 instruction. So the impacts that we were able to
20 minimize affected physical education and our nurse
21 in a .2 reduction for the year. And everybody
22 else -- every other student, in terms of our time in
23 the library for literacy and art and music, all
24 stayed the same. And the classrooms remain
25 unaffected, and these RTI programs remained

1 unaffected.

2 MR. FLOYD TRUJILLO: And, Madam Chair,
3 members of the committee, if I might just add, the
4 governance council is very aware of these budget
5 cuts. We spent several meetings discussing them and
6 trying to get through the budget year with the least
7 pain as possible and also to reflect the changes
8 that we knew would be required, as Dr. Griffin
9 detailed.

10 THE CHAIR: Right. And I thank you for
11 that, because too often, the conversation from the
12 governance council isn't as robust as it should be.
13 And it appears that you're as actively involved as
14 we would appreciate. So thank you for that.

15 And I want to apologize for everyone,
16 because we're up here eating, because we went from
17 work session to here. So we --

18 COMMISSIONER ARMBRUSTER: Ten minutes.

19 THE CHAIR: So we didn't have a lot of
20 time. We sometimes snack; but we normally don't eat
21 a full meal while we're up here. So I apologize for
22 that.

23 Commissioner Armbruster?

24 COMMISSIONER ARMBRUSTER: I'm just
25 interested in some other things regarding your

1 lowest quartile.

2 So you've been doing -- I don't know --
3 NWEA or MAP -- something?

4 DR. RAY GRIFFIN: We are shifting, like a
5 lot of schools, from the DEA Short-Cycle, which is
6 in our charter performance contract, to NWEA.

7 COMMISSIONER ARMBRUSTER: Right. And so
8 how are those scores looking on your lowest
9 quartile? Was this intervention with a reading
10 interventionist?

11 DR. RAY GRIFFIN: The NWEA and MAPs which
12 are similar tests, continue to show positive growth
13 and success. We have met our goal two years in a
14 row of 70 percent of those low performing students
15 meeting their growth goals; so that it is a very
16 different assessment, as I'm sure you know, from the
17 PARCC assessment, which, you know, ends up being a
18 criterion reference test and doesn't really provide
19 the information we need on those specific kids in a
20 timely way.

21 So I would say that we're meeting our
22 growth goals. But it is the most challenging thing
23 we do in education is trying to specifically target
24 significantly large groups of students.

25 So 60 students out of 500 is a lot of

1 kids. And they require a tremendous organizational
2 focus that is one of the big challenges in public
3 education.

4 And I wish we had more people. If we had
5 more people, we'd have more tutoring, more
6 individual work. And I could go on with that wish
7 list, and I'll stop there.

8 COMMISSIONER ARMBRUSTER: I would add to
9 your wish list, also.

10 So the interventionist is -- started, I
11 assume, in August.

12 DR. RAY GRIFFIN: She's actually been in
13 the school for one year. So we just changed the
14 nature of the program and the specificity of who we
15 choose to work with her and the length of time.

16 COMMISSIONER ARMBRUSTER: So are they
17 using a different program or different materials or
18 is it the same thing?

19 DR. RAY GRIFFIN: No. It's really leveled
20 reading instruction between, you know, specific --
21 what I would call -- there's a technical term,
22 Katie, maybe you could help me with -- that is based
23 upon multicultural and Spanish at home and, you
24 know, those -- those challenges that students bring
25 to all schools. Language --

1 THE CHAIR: Language acquisition?

2 DR. RAY GRIFFIN: Skills, yes. Spanish at
3 home, typically, and English at school. So those
4 efforts.

5 And we have a great teacher. And she'll
6 start her second year. And we worked with her all
7 year long, saying, "What would you do differently if
8 you could, if you were allowed to do things
9 differently? To help kids, help more kids, what
10 would you do?"

11 So we've tailored our program around her
12 self-evaluation of how she did this year.

13 COMMISSIONER ARMBRUSTER: And this is just
14 a general question. And I -- sorry to put you on
15 the spot. But there are schools -- because, you
16 know, this is a State thing. They measure your kids
17 against other special ed or ELL-type kids. So there
18 are schools who are doing really well; not all, by
19 the way, whether traditional or charter schools.

20 And I'm wondering if you all kind of get
21 together and say, "Wow, this really works." Or,
22 "What are you doing?"

23 Do you have that ability to do that, to
24 say, "Why isn't this program working for what you're
25 doing?"

1 DR. RAY GRIFFIN: Yes, we do, and I have a
2 conference coming up next week that will --

3 COMMISSIONER ARMBRUSTER: Yes.

4 DR. RAY GRIFFIN: -- begin to share those
5 stories and those efforts. And in Santa Fe, there's
6 six charter schools. I even met for lunch at the
7 training today. What we talked about is our schools
8 and what we could do and how we could collaborate.

9 So the answer is yes; but we wish there
10 was more time for that collaboration, because there
11 are great ideas out there that are not
12 cost-oriented. They're just good ideas, and they
13 work somewhere.

14 So we're certainly open -- and we believe
15 that some of the things we're doing at Turquoise
16 Trail, we have shared with other schools, and they
17 are using our ideas. So, yes.

18 COMMISSIONER ARMBRUSTER: Thank you.

19 DR. RAY GRIFFIN: But not to the extent
20 that we would like always.

21 THE CHAIR: Director?

22 MS. POULOS: Madam Chairwoman and
23 Commissioners, I also do want to note that one of
24 the things our Assessment, Accountability &
25 Evaluation Bureau is going to be doing in this next

1 year is making it much more easy for schools to
2 access the data about similar schools that is found
3 in their report card that they're ranked up against.

4 And so those schools can more easily, you
5 know, find access to one another to share those
6 practices, but certainly something, as -- as
7 Dr. Griffin mentioned, that we are also working on
8 supporting our charter schools and doing.

9 THE CHAIR: Thank you.

10 Seeing no other questions --

11 COMMISSIONER JOHNSTON: Oh, I'm sorry. I
12 was inhaling, I apologize. This has been a busy
13 morning. And I'm trying to slow my head down.

14 You indicated that you had chosen this
15 year to begin using the NWEA MAP.

16 DR. RAY GRIFFIN: Correct.

17 COMMISSIONER JOHNSTON: Have you used that
18 previously at all?

19 DR. RAY GRIFFIN: I have in other schools,
20 even in New Mexico. But at Turquoise Trail, four
21 years ago, there was an opportunity for all schools
22 to switch their short-cycle to the DEA, with
23 relatively no cost. And it became apparent quickly
24 that they didn't mean charter schools, since we
25 ended up shifting to the DEA, which is a fine test.

1 We like it, and we use it well. So I have no
2 complaints against the test, and I'm glad we're
3 using it.

4 But as we understand, they have terminated
5 that test for elementary schools. So I don't know
6 if it's just New Mexico. But the NWEA is very
7 similar, and it has new built-in interventions which
8 will actually be a little bit better, and it's
9 slightly -- \$1,000 -- more for the school.

10 But we're in that transition right now.
11 And we believe that will be seamless, and we'll do
12 that four times a year, and all teachers will do
13 that in reading and math, and they'll be able to
14 immediately access data within 24 hours to
15 determine, you know, how their kids have grown and
16 see specific areas within reading and within math
17 that they can use some individualized intervention.

18 And we're getting pretty good at teachers
19 being very professional about looking at data and
20 informing their instruction, changing their
21 instruction. And I constantly check on that. And
22 the teachers are -- we're doing a pretty good job at
23 looking at what is not going well in terms of
24 instruction that testing shows.

25 COMMISSIONER JOHNSTON: And you

1 transitioned to the MAP this year? Or you have a
2 year's experience? Or you'll transition next year?

3 DR. RAY GRIFFIN: There are a few teachers
4 that have experience in using the NWEA MAP test.
5 But it's essentially the same process, procedure.
6 It's a little bit shorter test. It's a more
7 intuitive test; in other words, it's one of the
8 tests that have intelligence to know when a student
9 has reached their level.

10 So instead of an hour of time, where the
11 student will sit there, if they're done in
12 half-an-hour, they're done, with, I would say,
13 generally varying quality results, which you get in
14 these computer-based tests.

15 So we're pleased. We're not worried about
16 it. We're not anticipating any problems. We've had
17 a transition going for six months. We have a team.
18 We have trainings scheduled in August, and our
19 testing is going to start the second week of school.

20 COMMISSIONER JOHNSTON: And this year, the
21 teachers who have used the MAP, have you looked at
22 their data with them, how that that data influenced
23 their instruction?

24 DR. RAY GRIFFIN: Well, in terms of the
25 DEA tests that we've used for four years, what I can

1 do is go into the fourth and fifth grade, which I
2 have done just recently, and said, "You know, we
3 didn't really do a good job this year with
4 measurement. Did you do a good job teaching cups,
5 ounces, gallons, quarts?" They're still in our
6 testing.

7 And, you know, measurement is a weak area
8 in terms of our instruction, because instruction is
9 moving toward metrics. And we tend to use that more
10 in teaching.

11 So even at the end of the year, right
12 before the testing, the teachers -- review how many
13 ounces -- I don't even know right now. How many
14 ounces are in a cup? We'll just leave that
15 rhetorically.

16 THE CHAIR: Eight.

17 COMMISSIONER JOHNSTON: So if the
18 teachers -- if you have looked at the data and -- I
19 don't know where that's coming from -- and you have
20 identified where there might be a -- there might be
21 a need to strengthen instruction, and you've worked
22 with the teachers, what kind of a process have
23 you -- have you used to help these teachers utilize
24 this data?

25 DR. RAY GRIFFIN: We have even gone to the

1 extent, in the four years I've been here, with
2 support from the board, to spend cash balances -- in
3 the days when we had cash balances -- to hire an
4 outside consultant to come in and work
5 independently, non-judgmentally with the teachers,
6 to do the kind of analysis that would inform their
7 instruction; and then do the next step, which is,
8 all right, what are we going to do, now that we know
9 that measurement is the area that needs work?

10 You know, kids don't perform well on the
11 basis of our short-cycle testing. And so what they
12 would do -- in the simplest example, they would take
13 the problem that the class missed the most. 22 out
14 of 24 students missed that particular problem on
15 measurement. And the consultant worked with the
16 teachers to create a lesson to teach that. And it
17 would not surprise you to know that on the next DEA
18 test, we did really well on that item.

19 But it's that type of independent, you
20 know, individual work, "lesson study," the Japanese
21 call it, where they just really work on one specific
22 thing. And it takes a long time to hit all of those
23 areas, because there are 30 problems, and 15 of them
24 are not performed well by the majority of the class.

25 So we do that work. And this is yet

1 another example, where, if we had more people to
2 work on that, we know what to do. It really is the
3 demand of the multiple things to teach, the time in
4 the class day, the organization of the school, and
5 the discipline. And our teachers are very compliant
6 to do that, because they do want their kids to
7 perform well, and they want to perform well now on
8 these assessments.

9 So there's good motivation to do it.
10 Really, the days of, "I'm not teaching to the
11 tests," are pretty much over. So I think we have
12 teachers willing to realize that the kids need to
13 know this stuff and are doing -- at various levels.
14 Some teachers dig into it a lot more than others.
15 But we know what to do and have made some progress
16 by that methodology.

17 COMMISSIONER JOHNSTON: Some progress.

18 DR. RAY GRIFFIN: Yes.

19 COMMISSIONER JOHNSTON: Can you define?

20 DR. RAY GRIFFIN: It's not universal.
21 Teaching 22 kids and having -- all of you that have
22 worked with kids, you're more effective with some
23 kids than others, by your personality and your
24 delivery. Right now, I'm very effective with some
25 of you, and I'm putting some of you to sleep, you

1 know.

2 So -- so, you know, we are introducing
3 technological tools, focusing on 21st Century
4 learning with the goal of engagement for students,
5 so that in the course of a six-hour day at school,
6 not counting lunch and recess, they'll pay attention
7 more, they'll be more engaged, more active learning,
8 more hands-on learning -- the current term is
9 "project-based learning."

10 But we're really fans of the inquiry-based
11 methodology that LANL introduced through the science
12 program, and we're trying to introduce that, again,
13 with limited funds for instructional materials,
14 because charter schools were not in that LANL grant.
15 So we're heading in that direction as quickly as we
16 can. And we have eight or nine teachers going to
17 the training, which LANL has provided us for free
18 this summer, to introduce and strengthen that
19 methodology into our teachers' repertoire of
20 instructional techniques.

21 COMMISSIONER JOHNSTON: And here's --
22 here's the kicker. It's very rich environment that
23 you describe, very interactive among the adults, to
24 make sure that the delivery of the instruction to
25 the students is -- is of a quality, and that areas

1 that need to be strengthened are strengthened.

2 Is this a time to grow? Or do you need to
3 maintain where you are to work on these -- all of
4 these trends that you're talking about today? You
5 said teaching 22 students. If you add students to
6 my classroom, is that the most effective use?

7 DR. RAY GRIFFIN: It's a balance, to be
8 sure. So because we're asking for an enrollment cap
9 that is higher than actually will be enrolled, that
10 gives us the cushion to make decisions about that
11 extra kid in every classroom.

12 We have 21 classrooms. So if we added 21
13 students, every classroom would get one student.
14 But 21 times \$4,000 -- \$80,000 would keep a couple
15 of aides or keep a nurse full-time, or keep music or
16 keep art. And the balance of making sure students
17 have that, versus the increase in class size --
18 there are diminishing returns as you go higher in
19 the 20s, no question about it. So we have no
20 intention to immediately jump to 28 kids in a
21 classroom; nobody wants that.

22 But it's a balance between maintaining the
23 rich program that we have, continuing to have the
24 services for kids that we have, and putting another
25 kid in the classroom to make it yet 1/22 harder for

1 the teacher. It's really an exponential growth as
2 you go up in the 20s.

3 COMMISSIONER JOHNSTON: How large are your
4 kindergarten classes?

5 DR. RAY GRIFFIN: This year, there were
6 20 each, and each kindergarten has an aide.

7 COMMISSIONER JOHNSTON: That was my next
8 question. So you have 20 in each; plus, you're
9 paying for the aide.

10 DR. RAY GRIFFIN: The formula does pay for
11 that when you hit 20.

12 COMMISSIONER JOHNSTON: Yes. And then the
13 one through three, how large are your first and
14 second grades --

15 DR. RAY GRIFFIN: This is an interesting
16 question; because you go from 20 kids in
17 kindergarten with an aide to 21 kids in first grade
18 with no aide. And with luck, the kids have grown,
19 and there's less management of student behavior.
20 But like everybody, we're seeing the slow change of
21 behavior creep demographically and socially into our
22 school, and more special ed students coming to
23 charter schools.

24 In a typical trend around the country,
25 13 percent a couple of years ago, 15 percent of our

1 population this year; zero autistic kids four years
2 ago, five next year.

3 So, you know, that is -- that is part of
4 the change in the instruction, which is why we may
5 add another kid in a grade to get an "A." You know,
6 you just make -- those are the management decisions
7 you make for your school every day.

8 COMMISSIONER JOHNSTON: How many second
9 grade -- how large are your second grade?

10 DR. RAY GRIFFIN: 22. 22 with no aide.
11 So the capacity of each classroom at our facility --
12 which is an excellent facility, I have to say -- is
13 25 students is really the capacity. So if you put
14 25 in 21 classrooms, you can get up to 500 easily.
15 But we wouldn't fit 500 kids in that school
16 logistically.

17 COMMISSIONER JOHNSTON: And isn't that --
18 is that in the best interests, with all of the
19 enrichment that you're now adding, is that -- is
20 adding students the best -- is this the best time?

21 I have a question about -- you made a
22 comment about changing the nature of your
23 interventions.

24 DR. RAY GRIFFIN: Yes.

25 COMMISSIONER JOHNSTON: Can you explain

1 that a little bit to me?

2 THE WITNESS: So the Reads to Lead
3 program, which you're familiar with, targets a
4 specific range of students on a specific test. And
5 you pull one or two students out, and you work with
6 them until they're up to grade level; that reaches
7 40, 50 kids in the course of a year for two to three
8 weeks each.

9 And our decision is to not pull two to
10 three kids out of just third grade. It's to take
11 all the kids at Level C in first, second, and third
12 grade and teach to a specific level to a larger
13 group of kids, so that we touch more kids all at the
14 same level.

15 So we're moving away from an
16 individualized pullout to a specifically targeted
17 larger group. So we're going to touch more
18 students. More students are going to get help.

19 Do we know if that's a better way to do
20 it?

21 No, but we are going to try that.

22 COMMISSIONER JOHNSTON: Will you level
23 across the school? Will you have a reading time,
24 then, where students go to different groups?

25 DR. RAY GRIFFIN: Something like that,

1 right. Right. So the reading teacher will say to
2 the faculty in K to 4, for example, "From 9:00 to
3 10:00, I'm pulling the Level C readers that are
4 struggling."

5 And talk to the teachers. Individualize.
6 Talk to kids about what they're missing; because,
7 usually, they'll be missing a literacy. So they'll
8 be getting smaller group, more targeted literacy and
9 then the large group instruction.

10 So it is an individualized process. But
11 the goal is to touch more students and have better
12 results for more students: improved reading levels,
13 and, ultimately, get kids' engines going to the
14 point where they can be more independent readers.

15 And then the missing piece in all of this
16 is Turquoise Trail, with the board's support and
17 guidance, is really working hard on what we would
18 call "parent participation" in the -- in their own
19 child's academic improvement. So the notification
20 to you that your child is below grade level is much
21 more forceful, more often, and clearer and
22 validated. In other words, you have no way, if
23 you're a parent at Turquoise Trail, that you don't
24 know where your kid is in reading.

25 COMMISSIONER JOHNSTON: How specific is

1 that information that's provided me? I mean, do I
2 know exactly where my child, with your notification,
3 needs --

4 DR. RAY GRIFFIN: Compared to other kids
5 in our school, in the State, in the district, and
6 nationally.

7 COMMISSIONER JOHNSTON: And where my
8 child's strengths and weaknesses are?

9 DR. RAY GRIFFIN: It's an interesting
10 conversation about what we do in schools. So the
11 answer is that we do want our parents to be more
12 partners. So we have -- schedule more parent
13 evening events during the school year, where they
14 will learn about what the assessments mean, what's
15 the difference between criterion-based percentiles,
16 what does it mean if you're in the 13th percentile,
17 what does your Level C mean when the rest of your
18 class is at Level F, and, as a parent, what can you
19 do about it?

20 And so in the 21st Century learning of
21 learning 24/7, we're making sure that parents, on
22 their phones, and whatever technology at work, at
23 their friends' house or relatives' house, their
24 child has unlimited amount of improving -- I would
25 call it computer-based instruction.

1 So you're familiar with Khan Academy. But
2 there's new generations of tools that we're using,
3 like YUP, which is a texting -- you take a picture
4 of the problem you don't know, or the passage you
5 don't know, take a picture of it, send it off, and
6 say, "I don't know what the main idea is of this
7 paragraph." And the tutor works with you.

8 And so we've just run a pilot program for
9 math on the PARCC test for fifth and sixth grade
10 that we'll see the results of, where kids got free
11 help from this company because they're wanting to
12 come in to New Mexico and have some results.

13 So we're interested in trying everything
14 we can to get the learning to be not just at school,
15 where we provide intervention; because we can't do
16 that alone. Everybody knows the ratio of hours in
17 school versus hours at home.

18 And, of course, we have K-3 Plus in the
19 summertime and get as many kids in that program.
20 But we want parents to be our partners at Turquoise
21 Trail, and we're doing everything we can to
22 emphasize the word "required." While we can't
23 require it, we want our parents to be involved in
24 helping their kids get their kids where they need to
25 be, with tools, with time, and with parent

1 instruction about what to do.

2 And is it paying off? A little bit, a
3 little bit, slowly, over time. It's not flipping a
4 switch, and everyone goes, "Oh, great, it's
5 working." It takes a long time for people to make
6 changes in what they do at home, what we do at
7 school, and our routines.

8 COMMISSIONER JOHNSTON: Thank you. And
9 that all leads me back to the question of is this
10 the time to grow, with all of the efforts that
11 you're explaining to us?

12 DR. RAY GRIFFIN: So the enrollment cap
13 would allow us, if the enrollment projections pan
14 out, to have six extra kids in the school when we
15 open, out of 21 grades. So the growth would be
16 minimal. Six classrooms would have an extra kid.

17 And is that necessary to help our budget
18 and process? We just learned today that our
19 Speech-Language Pathologist is going to be three
20 days instead of two. That's \$25,000 that's not in
21 next year's budget. Where is that money going to
22 come from? Six more kids.

23 So those are the kind of balances that we
24 have to make.

25 Do we go into our cash balance next year

1 and, you know, run a \$25,000 deficit next year? Or
2 do we add the kids and make sure we have a balanced
3 budget for all of next year?

4 Those are difficult.

5 MR. FLOYD TRUJILLO: And, Madam Chair,
6 Member Johnston, one other thing to add is that the
7 flexibility that we're looking for here is also,
8 again, something that we believe is a tool that we
9 can use.

10 We certainly can't over-enroll. However,
11 traditionally, we do see that we get to a certain --
12 to what our cap is. Often, we don't hit that,
13 base- -- ball students just don't show, even though
14 we originally thought they would. Certainly we,
15 can't make an attempt to over-enroll.

16 But this gives us a little bit of
17 flexibility to, again, increase some of the students
18 there.

19 COMMISSIONER JOHNSTON: Thank you.

20 COMMISSIONER ARMBRUSTER: I just have one,
21 Madam Chair.

22 THE CHAIR: Commissioner Armbruster?

23 COMMISSIONER ARMBRUSTER: I just wanted to
24 know -- because I don't actually know this answer --
25 when you said that 70 percent were meeting their

1 growth goals, based on NWEA MAPs, is that a one-year
2 growth, or is that more than one year? Considering
3 you're two or three years below, what does that
4 mean?

5 DR. RAY GRIFFIN: The growth goal is
6 determined by the company, DEA, that said, "A
7 third-grader should, over the course of the year,
8 make this much improvement from the first test to
9 the fourth test." And so that's a predetermined
10 psychometrician-based goal, based on that test,
11 based on norms.

12 So we say to our teachers, "15 out of 20
13 of your kids should grow that much, one year's
14 expected growth."

15 And so we have met that quite easily;
16 almost 80 percent of our students grew in math, and
17 69 percent, this year, 4 out of 6 -- 4 out of 7, 5
18 out of 7 -- classes met their growth goal. So we
19 measure this by teacher, by grade level, and by
20 school.

21 So it simply means that on the DEA test,
22 four times over the quarters, the students have gone
23 from 30 right, 35 right, if that's their expected
24 growth goal.

25 That's a -- I don't want to touch that.

1 THE CHAIR: No. I think they want you to
2 try it, because they've been working on it.

3 COMMISSIONER ARMBRUSTER: So in overall
4 things, it sounds like you have a number of
5 interventions that you've looked into and you've
6 talked with other schools to see what they're doing
7 and if they're being more or less successful;
8 hopefully more.

9 So the goal really has to be not one
10 year's growth, because if they're three years
11 behind, then they're still three years behind in the
12 next grade level. So their growth for you all would
13 have to be, you know, a year and a half or two years
14 to get those kids up right.

15 DR. RAY GRIFFIN: That's right. This
16 isn't a proficiency measurement. Students that are
17 at grade level varies from 30 to 55 percent of our
18 students, which is better than the district and
19 State averages, for a whole lot of reasons.

20 We think we do a really good job; but we
21 know we can do better. I mean, we still have, I
22 always say, a half of our students not where they
23 need to be. So we're not complacent with that at
24 all.

25 Thank you.

1 COMMISSIONER JOHNSTON: Madam Chair, I
2 have one more question.

3 THE CHAIR: Commissioner Johnston?

4 COMMISSIONER JOHNSTON: The 30 percent of
5 students who do not -- who are not proficient, the
6 data that you have, how -- how do teachers access
7 that data? How do you monitor that it's -- it's
8 being utilized at the classroom level and at the
9 student level? What methodologies do you use?

10 COMMISSIONER ARMBRUSTER: The teachers
11 have direct access to that, because they have
12 instant access to their test results. Then they all
13 are very curious when we give these short-cycle
14 assessments.

15 They immediately look and see how their
16 kids did and whether they met their teacher goals
17 for the year, whether the kids have met their goal.
18 And as you can imagine, a teacher is really proud
19 when a kid moves a level and meets their goal. And
20 they have, you know, 90 percent of their kids,
21 proficient, you know, it's a very proud moment, and
22 teachers do check that often.

23 So we have the year results, now ready for
24 our board to see, you know, at a board meeting to
25 review that. But every imaginable dichotomy, boys

1 and girls, students speaking at -- Spanish at home,
2 ethnicity, grade level, teacher level, rookie
3 teacher, experienced teacher, Level III teacher,
4 every single possible way we look at that data and
5 try and understand where we could, you know, analyze
6 that and do a better job.

7 But teachers, at the beginning of the
8 year, when they have 22 kids come in, there's always
9 an entrance meeting with me, "Have you looked in
10 your student's cumulative records," which is sort of
11 my old school -- you go in the file and look.

12 Now, have you looked at your kids' scores
13 from last year? Do you know who in your class is
14 bilingual? Do you know who speaks this language at
15 home? And I go through a check list of questions.
16 And I quiz them, you know, in a fun way, to see if
17 they know what's going on. And especially, "Do you
18 know who your low readers are right off the bat?

19 "And I want you to have a conference with
20 the parents immediately, not wait until October for
21 conference day."

22 And our teachers do that pretty well.

23 COMMISSIONER JOHNSTON: How do they
24 diagnose those low readers at the beginning of the
25 year?

1 DR. RAY GRIFFIN: We provide them with the
2 information on a piece of paper. "These are your
3 kids and your test scores by order of reading level
4 and math level."

5 And we go, "Here are your kids. Here are
6 your special ed kids. Here are your bilingual
7 kids."

8 So they know that. Then the next question
9 is, "Okay, do you know what you're to do? Do you
10 know how to differentiate when you introduce your
11 lessons for these kids?"

12 And we have a pretty experienced staff; so
13 most of the time it's, "Yeah, I know."

14 "Okay. Good."

15 Our teachers are very collaborative in
16 terms of when kids move from second to third grade,
17 third to fourth, there's a lot of discussion about
18 who's the best teacher, who they shouldn't be with.

19 So we really know very well. We have an
20 amazing amount of retention.

21 I'm at a Title I school. 98 percent of
22 our kids return every year. And we have an Alpha
23 Omega Society, beginning and end. And I would say
24 two-thirds of our sixth grade every year have been
25 there since preschool.

1 So it really is a community -- it's still
2 a community school. And we really know our kids.
3 And the new kids, we know them right away. So
4 there's a good communication. It would be almost
5 impossible for a teacher to say, "Oh, I don't know
6 who I have," or, "I didn't know."

7 It happens once in a while; but --
8 COMMISSIONER JOHNSTON: As an
9 administrator, when you go to a teacher of the
10 students who are underperforming -- because I'm
11 looking at the -- the lowest performing students,
12 the growth in the last three years. And they've
13 struggled with that.

14 You've had a "D" one year, an "F" one
15 year, and an "F" the next year, in the -- in the
16 gains of those -- of those students.

17 I'm a teacher and I have low performing
18 students in my class. We take the MAP. I get
19 immediate results, because -- do you work with
20 teachers -- how do you know that the teachers have
21 taken that MAP data and identified the specific
22 strengths and weaknesses of that student and are
23 developing lesson plans that might address those?
24 How do you monitor that?

25 DR. RAY GRIFFIN: Such to the point that

1 that's the significant change we've made in the
2 bilingual program, in terms of who these students
3 meet, how often they meet, who is qualified to teach
4 them.

5 And, most interestingly, we took the
6 teachers that did show improvement in the lower
7 performing students more than other teachers.

8 So, for example, one teacher would have a
9 "C" level of improvement, and one teacher would have
10 an "F." And we have conversations together to say,
11 "What did you do that was so effective? How were
12 you effective?"

13 And you know what the interesting analysis
14 is so far? It's the teachers that speak Spanish,
15 that are bilingual, that are the most effective with
16 the low performing students. And it's because they
17 understand the grammar in Spanish, and they
18 understand where the kids are struggling.

19 So we want to hire more teachers that
20 actually have Spanish in their background; and,
21 thus, we had four openings. I hired three teachers
22 this year that are all bilingual.

23 With that in mind, we're lucky enough to
24 have a pool of teachers enough to act on that
25 analysis and that theory.

1 COMMISSIONER JOHNSTON: Do your teachers
2 do trend data during the year with the interim
3 assessments that shows you, so that you could look
4 at a classroom through the year and see any kind of
5 patterns with specific Common Core?

6 DR. RAY GRIFFIN: I can't speak to all
7 38 teachers. But that's the expectation is that's
8 the way they do that. And I know some do that very
9 well. And I have a couple that I'm working with
10 that don't do it so well.

11 COMMISSIONER JOHNSTON: Okay. Thank you
12 very much.

13 COMMISSIONER ARMBRUSTER: We could say
14 something else for about 20 seconds, until you
15 swallow.

16 THE CHAIR: Commissioners, any other
17 questions? Seeing none, I'll entertain a motion.

18 And I believe on Page 5 -- Page 4 and 5 of
19 your tab -- 5 -- there is a motion.

20 Commissioner Conyers?

21 COMMISSIONER CONYERS: I'll make the
22 motion.

23 THE CHAIR: Thank you.

24 COMMISSIONER CONYERS: I move to approve
25 the amendment request presented by Turquoise Trail

1 Charter School to Amend Section 8.01(A)(i),
2 Operational Structure of its Contract, to change the
3 school's enrollment cap from 475 to 490 students,
4 because the school has demonstrated an acceptable
5 level of academic performance through letter grade
6 performance with no grade lower than a "C" in the
7 last three years.

8 THE CHAIR: Thank you.

9 COMMISSIONER RUIZ: (Indicates.)

10 THE CHAIR: And there's a second by
11 Commissioner Ruiz.

12 Commissioner Armbruster?

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Peralta -- did you want to have discussion?

15 THE CHAIR: Oh, I'm sorry. I'm sorry. Is
16 there discussion? I was moving my consent agenda.

17 COMMISSIONER ARMBRUSTER: Okay. My
18 question is, are there any abstentions before we
19 vote?

20 COMMISSIONER PERALTA: Madam Chair,
21 Secretary, I do abstain, as I have a relative
22 employed by the District.

23 THE CHAIR: How unusual.

24 COMMISSIONER ARMBRUSTER: So we have one
25 abstention.

1 Commissioner Conyers?
2 COMMISSIONER CONYERS: Yes.
3 COMMISSIONER ARMBRUSTER: Commissioner
4 Johnston?
5 COMMISSIONER JOHNSTON: No.
6 COMMISSIONER ARMBRUSTER: Commissioner
7 Ruiz?
8 COMMISSIONER RUIZ: Yes.
9 COMMISSIONER ARMBRUSTER: Commissioner
10 Gipson?
11 THE CHAIR: Yes.
12 COMMISSIONER ARMBRUSTER: Commissioner
13 Toulouse?
14 COMMISSIONER TOULOUSE: Yes.
15 COMMISSIONER ARMBRUSTER: Commissioner
16 Caballero?
17 COMMISSIONER CABALLERO: Yes.
18 COMMISSIONER ARMBRUSTER: Commissioner
19 Armbruster votes "Yes." So that passes.
20 THE CHAIR: It passes with a six to two?
21 Seven to one?
22 COMMISSIONER ARMBRUSTER: It's six, with
23 one abstention.
24 It still has a -- it still has a --
25 THE CHAIR: Six-one-zero. Six-one-one.

1 Six "yes," one abstention, and one "no" vote.

2 Sorry. It's been a long day so far.

3 Thank you very much.

4 MR. FLOYD TRUJILLO: Madam Chair,
5 committee members, thank you very much.

6 DR. RAY GRIFFIN: Thank you.

7 THE CHAIR: We are on to our second
8 amendment request, which is Estancia Valley
9 Classical Academy. So anyone from the school -- and
10 I do see folks. And you can certainly pull another
11 chair from here, if need be.

12 Director?

13 MS. POULOS: Madam Chair-- --
14 Madam Chairwoman, Commissioners, before you today,
15 you do have an enrollment cap increase request from
16 Estancia Valley Classical Academy. They are
17 requesting to amend the current enrollment cap of
18 455 -- sorry -- 575 -- 455 to 575; is that correct?
19 Am I misreading? No? Got it. Got it.

20 575 to 780. Thank you.

21 This amendment request was originally
22 presented to the Commission at the April meeting.
23 At that time, the Commission did table this request,
24 and the motion was made by Commissioner Toulouse,
25 noting that she requested -- or she moved to table

1 the enrollment cap request until such time as the
2 school had plans in place and approved for the new
3 facility that they were looking to have built.

4 We do have information in the packet,
5 which is a letter from the Public Schools Facility
6 Authority. And you will see that.

7 I apologize.

8 Yes, on Page 13 of the packet. It's a
9 letter dated May 11th. It is from Martica Casias,
10 and it notes that the PSFA assessed the proposed
11 facilities based on 100 percent construction
12 documents. And the documents indicate that the
13 school meets general classroom space requirements to
14 adequacy for charter schools. It does indicate that
15 the NMCI score is a 6.57, noting that that is lower
16 than the statewide average, which is -- lower is
17 better.

18 And so this was added back to the agenda,
19 based on that information that we received.

20 And, again, the Commission does have, in
21 its materials, the academic performance of the
22 school, comparative proficiencies, comparative
23 enrollments.

24 And you will see that based on the
25 information that the CSD had, we did make a

1 recommendation to approve this enrollment cap. And
2 I believe -- and I don't think it's included here --
3 but that recommendation would be conditional, like
4 the Commission has done in the past, recommended or
5 made approval also for schools that are seeking an
6 enrollment cap based on a future facility, that that
7 would be conditional, based on that facility being
8 able to accommodate the enrollment cap.

9 THE CHAIR: Commissioner Peralta?

10 COMMISSIONER PERALTA: Thank you,
11 Madam Chair. Just to bring the Commissioners up to
12 date.

13 And so in reference to the letter that
14 Director Poulos just referred to, the PSFA did
15 receive plans on May 2nd. And so there was some
16 additional information that was needed by the PSFA
17 in regards to the plans that were submitted to PSFA.
18 There have been two requests thereafter, on May 10
19 and on June 2nd.

20 And the request was that the PSFA needed
21 additional information or corrections from the
22 architect regarding construction documents. And
23 until these plans can be corrected, those plans will
24 then be submitted to PSFA and CID. And the permit
25 for that building to be able to commence would

1 probably take about two weeks in order for those to
2 be approved by PSFA and CID.

3 So at this time, there's still some --
4 some cleaning up that needs to be done with those --
5 those plans from the architect in order for the
6 school to be able to begin its construction, from my
7 understanding.

8 THE CHAIR: So I guess I'm going to ask if
9 we want to table this until there has been the
10 clarification for those items presented to PSFA.

11 Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: Madam Chair, the
13 motion is -- or the action -- is already tabled.
14 And when we vote, we would need to take it off the
15 table, because the conditions were met.

16 And if the conditions are not met, it's
17 already tabled; so we don't need another motion to
18 table. It's already there, and we'd have to take it
19 off.

20 THE CHAIR: Right. I guess I misspoke in
21 terms of saying "a motion to table" again. But the
22 question is do we want to continue with this tabled?
23 Or do we want to look at this amendment request
24 today?

25 COMMISSIONER ARMBRUSTER: I don't think we

1 can, if we don't have the permission.

2 THE CHAIR: I think it still stays tabled,
3 because we don't have all the necessary information
4 from PSFA.

5 COMMISSIONER PERALTA: Nothing has
6 changed.

7 THE CHAIR: Yeah. Yeah -- unfortunately,
8 we don't have all the information that we need.

9 COMMISSIONER PERALTA: Madam Chair, may I
10 ask a question?

11 THE CHAIR: Certainly.

12 COMMISSIONER PERALTA: So my understanding
13 is that the school still anticipates opening in the
14 fall of 2018; is that correct?

15 MR. TIM THIERY: Correct. That's correct.

16 COMMISSIONER PERALTA: So we're still
17 behind a bit on getting things up to speed with PSFA
18 in terms of plans and what have you. And we're
19 mid-June. On average, it takes about a year and a
20 half for all phases to work in before building
21 actually finishes from the bottom to the top.

22 I'm just concerned whether your time line
23 is really realistic or not. That's just my concern.

24 MS. HETHERINGTON: Madam Chairman and
25 Commission Member Peralta, the -- I have to say that

1 the --

2 THE CHAIR: I'm sorry. Before you
3 continue, could you just identify yourself for the
4 record?

5 MS. HETHERINGTON: Yes, I apologize. That
6 was -- I apologize. I am Charlotte Hetherington, an
7 attorney with Cuddy & McCarthy, and I am
8 representing the Estancia Valley Classical Academy.

9 The letter that Mr. Peralta is referring
10 to is not a letter that the school has received,
11 indicating that there are some -- some additional
12 pieces of information that PSFA is still requiring
13 from the architect. And so I'm hoping that you
14 might be able to tell us when -- when you received
15 it.

16 COMMISSIONER PERALTA: So the letter I
17 referred to was the letter that Ms. Poulos referred
18 to in -- in our binder. What I'm referring to is a
19 conversation I had with Ms. Martica on Tuesday at a
20 PSCOC meeting.

21 MS. HETHERINGTON: Of this past week.
22 This week.

23 COMMISSIONER PERALTA: Day before
24 yesterday.

25 MS. HETHERINGTON: Okay. Okay.

1 COMMISSIONER PERALTA: If I may ask --

2 THE CHAIR: I'm sorry. Quick --

3 Ms. Martica indicated that she had sent
4 communications to the school on two separate
5 occasions for clarification.

6 COMMISSIONER PERALTA: May 10th -- May
7 10th and June 2nd were the requests made by PSFA.

8 MS. HETHERINGTON: And I guess what I am
9 trying to figure out -- because we certainly want to
10 make sure that communications are being properly
11 responded to -- is whether those communications were
12 with the architect or with the Foundation, which is
13 the supporter of the school; because it is the
14 Foundation -- the Foundation is acquiring the
15 property where the facility will be built, and then,
16 once it is constructed, intends to lease the new
17 facility to the school.

18 COMMISSIONER PERALTA: Based on my
19 conversation and from what I remember, my assumption
20 would be that she made that communication to the
21 architect.

22 MS. HETHERINGTON: Thank you. That's
23 helpful.

24 COMMISSIONER PERALTA: Have you guys
25 broken ground yet at the site?

1 MS. HETHERINGTON: No. The site has not
2 been sold to the Foundation yet. And, quite
3 frankly, one of the contingencies on the closing is
4 having -- having the approval of PSFA, as well as
5 the PEC, for this facility. So we -- we seem to be
6 in sort of a chicken-and-egg cycle here, where the
7 school is caught in the middle. And now that you've
8 relayed this information to us, we will certainly
9 follow up with it.

10 So I guess I'm requesting that if the
11 information is given to PSFA, that we be placed on
12 your July agenda, if you're going to hold a meeting
13 in July.

14 THE CHAIR: We actually have a meeting
15 scheduled in July for Albuquerque, because we will
16 be having our input hearings with the new
17 applications in Albuquerque. So we do have a July
18 meeting scheduled.

19 And I don't know the exact address. I
20 know it's part of the APS school system. It's not
21 at their main building; but it's at a -- it's at an
22 APS building. It'll -- it'll certainly be noticed
23 out.

24 But, yes, we do have a regular scheduled
25 meeting.

1 Director?

2 MS. POULOS: Madam Chairwoman,
3 Commissioners, one of the questions that I have
4 received from the school and that might be helpful,
5 for clarity's sake, to my understanding, is one of
6 the things that the Foundation is struggling with
7 with their -- with their purchase is when does this
8 Commission approve the -- the move to a different
9 location; specifically because this site is not the
10 same location. It is within the same school
11 district.

12 But their struggle is can they get an
13 approval of that change in location or some sort of
14 an assurance that as long as the school meets the
15 occupancy, the ownership requirements, those pieces,
16 that it's more of a formality, more of a notice
17 process than an actual approval process, where they
18 could find themselves in a situation where the
19 purchase of the land has occurred, somebody has
20 invested money in it, and then the school is not
21 allowed to move to that new location.

22 THE CHAIR: And I think, by and large, the
23 approval process is basically an automatic consent,
24 provided that the lease is appropriate, the
25 E-Occupancy is there. I don't see that there would

1 be any reason why we would say no, unless there was
2 a health and safety concern. But, otherwise, why
3 would we say, "No, you can't go into a nice new
4 building?" It doesn't make a whole lot of sense for
5 us.

6 But as long as all those ducks are in a
7 row, and you've got everything settled with PSFA,
8 the lease is appropriate, you know, it's -- it's a
9 formality for us to say, "Yes, you can -- you can
10 go."

11 Commissioner Caballero?

12 COMMISSIONER CABALLERO: If it's -- if
13 that's the case, if it's a formality that we're
14 going to do in the near future concerning this new
15 site, can't we approve it, pending and conditioned
16 on the -- the -- all the steps that need to be put
17 in order to get this done? Is that -- is that
18 something that can be done?

19 THE CHAIR: Well, I think we're talking
20 two different things. We're talking they're coming
21 to us and asking for the amendment, because they're
22 changing their location. That's a whole different
23 item than this, where we're approving an enrollment
24 cap based on a future building that has not been
25 approved by that State -- what do you -- Commission

1 or board or --

2 COMMISSIONER PERALTA: The PSFA.

3 THE CHAIR: Yeah, the PSFA. So it's two
4 different items.

5 COMMISSIONER TOULOUSE: Madam Chair, there
6 is one other item, and they've already done that.

7 THE CHAIR: Correct, yes.

8 COMMISSIONER TOULOUSE: It's a
9 notification to us of intent to move and go for a
10 location. And I think part of it is, in the past,
11 too, we've had schools that moved and then came to
12 us and said, "Oh, we've moved. Will you approve
13 it?"

14 Well, it's pretty hard at that point --
15 sometimes PSFA hasn't even necessarily known for
16 sure they've moved. Then it becomes very difficult.

17 Now, with this procedure, you tell us what
18 you've done. Then you get the facility approved.
19 It'll be ready for the cap. And then we approve the
20 cap, you know.

21 So we've gone part of the way; but we need
22 to know the facility is approved. Then we can do
23 the cap.

24 THE CHAIR: Right. I think getting over
25 this hopefully small hurdle with getting the --

1 whatever the concerns are from the architect,
2 that's -- that's, to me, a more significant issue.
3 I don't think it should be a concern that if PSFA
4 has approved it all, and the building is
5 constructed, that there's going to be any concern
6 that we would say, at that point in time, "No, you
7 can't move."

8 I -- I just can't imagine the scenario
9 that would have to take place for that to happen.

10 COMMISSIONER JOHNSTON: Madam Chair?

11 THE CHAIR: And I'll be on the record on
12 that, too.

13 Commissioner Johnston?

14 COMMISSIONER JOHNSTON: Thank you.

15 Ms. Nunneley and Mr. Thiery, this letter that we're
16 looking at -- and I hadn't realized now, is
17 addressed to Mr. Robertson, who is the director of
18 the Foundation.

19 MS. THERESA NUNNELEY: Uh-huh.

20 COMMISSIONER JOHNSTON: When he receives
21 communication, does he share that with the governing
22 council and with you, Mr. Thiery, immediately?

23 MR. TIM THIERY: I guess I should
24 introduce myself. I'm Tim Thiery, the Executive
25 Director of Estancia Valley Classical Academy.

1 Yes, Mr. Bill Robertson, who is president
2 of the VCA Foundation, regularly communicates with
3 myself, and, usually, governing council members were
4 together in that conversation. And we -- he reports
5 every month to our governing council meetings, as
6 well.

7 But something like that, I would have
8 expected to have heard of right away.

9 COMMISSIONER JOHNSTON: That's why I'm
10 asking.

11 MR. TIM THIERY: We were surprised.

12 THE CHAIR: Let me qualify. I think the
13 problem is the communication wasn't to the head of
14 the GC; the communication went to the architect.

15 COMMISSIONER JOHNSTON: But the architect
16 and Mr. Robinson should be in immediate contact.

17 MR. TIM THIERY: I agree with that.

18 COMMISSIONER JOHNSTON: You know, it's
19 caught you off guard. And you didn't know, and --
20 but it's important. That's why I'm asking. But he
21 does communicate regularly and in depth, so that you
22 know particularly when this is finally approved and
23 you begin construction?

24 MR. TIM THIERY: Yes. This is unlike
25 Mr. Robinson to -- to miss a detail like this.

1 COMMISSIONER JOHNSTON: That's why I asked
2 you. Because you're going to be walking that
3 facility as it's built.

4 MS. THERESA NUNNELEY: Absolutely, living
5 it.

6 COMMISSIONER JOHNSTON: And who is the
7 architect?

8 MR. TIM THIERY: It's Rachel Matthews.

9 COMMISSIONER JOHNSTON: That's the
10 developer; right? So they have architects on staff
11 there?

12 MR. TIM THIERY: They do.

13 COMMISSIONER JOHNSTON: Okay. All right.
14 That was just an aside; so I won't even go down that
15 path. But it is a big --

16 THE CHAIR: Right. I think it's a point
17 that somewhere, there's a communication -- there's
18 been a communication breakdown.

19 COMMISSIONER JOHNSTON: I'm so sorry.

20 THE CHAIR: So that, you know, that's
21 something that, correct, needs a conversation so
22 that there's not this time gap with, you know,
23 concerns being out there, and -- you know, and
24 you've got multiple layers with having to deal with
25 the Foundation and the school and the architect, so

1 that it's not just the head of -- head administrator
2 dealing directly with the architect; you're going
3 via the Foundation.

4 So it does put maybe a little bit more of
5 a wrinkle into it.

6 Commissioner Peralta?

7 COMMISSIONER PERALTA: Yes, if I may just
8 say, I know there are other schools or other
9 executive directors or administrators, what have
10 you, constantly have just personal contacts,
11 personal phone calls just to Martica directly. I
12 would strongly suggest you just do that on a weekly
13 basis here in the next few months just to make sure
14 she keeps up to speed and not, you know, rely on the
15 guys outside of your building. Just advice.

16 COMMISSIONER JOHNSTON: May I ask a
17 question?

18 THE CHAIR: Just if you have -- give a
19 list of who has to be cc'd on e-mails so that you've
20 got any number of other people that -- that are in
21 receipt of this communication.

22 Commissioner Johnston?

23 COMMISSIONER JOHNSTON: Thank you.

24 Mr. Thiery, Ms. Nunneley, have you ever -- have you
25 been to the PSFA office, or have you met Martica, or

1 have you met Mr. Sprick.

2 MS. THERESA NUNNELEY: I have not.

3 MR. TIM THIERY: No, I have not.

4 COMMISSIONER JOHNSTON: If you parked in
5 the garage over here, their office is just right
6 there.

7 And I would -- I agree with Mr. Peralta.
8 You should reach out and make personal contact with
9 these folks, particularly with this construction
10 project ahead of you, both the GC and -- because it
11 will be the Foundation, the GC, and the Head
12 Administrator. And very gracious people, very
13 helpful. Their plates are full. Reaching out,
14 because I am so sorry that you did not know about
15 this.

16 THE CHAIR: Okay. So I guess at this
17 point in time, we're going to keep this tabled and,
18 hopefully, in July, we can get this straightened
19 out. Thank you.

20 MR. TIM THIERY: Thank you.

21 MS. THERESA NUNNELEY: Thank you very
22 much.

23 THE CHAIR: Commissioners, I'm going to
24 ask for a ten-minute break at this point in time.
25 Thank you.

1 (Recess taken, 2:13 p.m. to 2:28 p.m.)

2 THE CHAIR: I think we're set with our
3 telecom machine now; so we will continue with Item
4 No. 6, which is Discussion and Possible Action on
5 Acceptance of the 2016 New Charter School
6 Applications.

7 And will the record please indicate that
8 Commissioner Crone is now in attendance; he's in the
9 house?

10 MS. POULOS: Madam Chairwoman,
11 Commissioners, you will see Item No. 6 is loose in
12 your materials, because I did have a typo. And I
13 apologize. So that has been corrected.

14 Based on just an administrative review of
15 the two -- or a technical review; I'm not sure what
16 word we landed on -- the two applications that we
17 received on June 1st, the applicants did attend all
18 of the training sessions that we provided and
19 actually asked us for extra sessions. And so we did
20 work a lot with those applicants. And they -- they
21 did submit all required appendices.

22 And so at this point, we don't have a
23 recommendation that any of those need to be notified
24 that they should not or cannot go forward in the
25 process.

1 THE CHAIR: Thank you.

2 Commissioners, any questions?

3 Otherwise, I'll entertain a motion, which
4 is on the last page. The only thing you would need
5 to do is include the names of the two schools. And
6 that would be -- Commissioner Ruiz.

7 COMMISSIONER RUIZ: I move that the PEC --
8 I'm sorry here. I'm sorry, Madam Chair.

9 THE CHAIR: That's okay. The names of the
10 two schools are in the little chart on the front
11 page of it.

12 COMMISSIONER RUIZ: Move that the PEC
13 accept?

14 THE CHAIR: Yeah, it's there.

15 COMMISSIONER RUIZ: So I move that the PEC
16 accept the applications of the Albuquerque
17 Collegiate Charter School and the Altura Preparatory
18 School.

19 COMMISSIONER PERALTA: Second.

20 THE CHAIR: Second by Commissioner
21 Peralta.

22 Any discussion?

23 Commissioner Armbruster?

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Peralta?

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

1 THE CHAIR: Thank you. We are now on
2 to -- am I putting my finger on this button for no
3 reason? Yes.

4 We are now on to Item No. 7, which is
5 Discussion and Possible Action on Acceptance and
6 Approval of Temporary Contracts for Renewal Schools.

7 MS. POULOS: Madam Chairwoman,
8 Commissioners. So there is an explanation. As you
9 all know, we did have several schools apply for
10 renewal back in December. And many of them were
11 approved. There were some that were denied.

12 And one of the requirements moving forward
13 is to enter into contracts with those schools for
14 their continued operation to establish the terms.

15 But certainly, part of the work that this
16 Commission knows they need to do is to work on the
17 template for both the contract that this Commission
18 uses with its schools, as well as the performance
19 frameworks. And rather than entering into a
20 five-year contract that we don't believe is in the
21 best interest of the Commission, students, schools,
22 or the public, we thought it was best -- and the
23 Chairwoman and I worked collaboratively on this to
24 come up with a temporary solution, and so presented
25 all of the schools with a temporary contract that

1 would make sure they felt the comfort that they were
2 going to continue to operate, but allow the
3 Commission time to do the work it needs to on the
4 contract, thinking that that will take less time.
5 And I do believe it will. And then also the
6 performance framework.

7 And we did have some conversation with
8 several of the schools, received a couple of
9 different versions of the contract back. The
10 Chairwoman and I, again, working collaboratively
11 determined that in one case, there were contract
12 revisions proposed that really changed the intent
13 and the impact of the proposed temporary contract.
14 So we did communicate with those schools that we
15 would not be supportive of accepting those proposed
16 changes. And those schools did write back with
17 the -- the temporary document that was originally
18 proposed to them, signed and approved by their
19 boards.

20 And then we did have one other school
21 write with proposed changes that we did believe
22 really were kind of clerical in nature and helped
23 provide additional clarity, and so felt comfortable
24 accepting those changes to the temporary contract
25 for that school.

1 So you do have in your materials today --
2 and I gave you copies just now of temporary signed
3 contracts from New America School-Las Cruces, from
4 MAS Academy, and from Southwest Aeronautics,
5 Mathematics and Sciences Academy. And that is the
6 one that does have revisions or proposed changes
7 that, again, the Chairwoman and I both reviewed and
8 felt comfortable with.

9 And then, in addition, in your binders, we
10 had already received a signed contract from
11 Southwest Secondary Learning Center.

12 What you do not have in your materials,
13 and who we have not heard back from is, Walatowa
14 Charter School, La Tierra Montessori School. And so
15 I will be following up with both of the leaders at
16 those schools next week when we see them at our
17 conference.

18 And then I do know that McCurdy Charter
19 School -- and Deborah is here today, and she can
20 address you. But they will be voting tonight and
21 ask that we consider the approval of their temporary
22 contract tomorrow morning, quickly, before we start
23 the heavy amount of work we have to do tomorrow.

24 And then we did hear back from Coral
25 Community Charter School. Their governing body will

1 be meeting on June 27th. And so we have indicated
2 that we will add them to the July meeting for
3 approval of their temporary contract. And Southwest
4 Preparatory Learning Centers -- you'll recall that
5 was "Primary," but they changed their name -- they
6 will be meeting on June 22nd. And so we will also
7 add them to the July meeting for their temporary
8 contract approval.

9 Any questions?

10 COMMISSIONER ARMBRUSTER: I do, only
11 because I didn't hear it. What did you say about
12 Walatowa?

13 MS. POULOS: We haven't heard back from
14 them. And so I will be in touch -- they will be
15 presenting at our conference next week, and so I'll
16 talk to them then.

17 THE CHAIR: Is -- La Tierra also at the
18 conference, or --

19 MS. POULOS: They're registered; so I'll
20 make sure I touch base with them.

21 COMMISSIONER JOHNSTON: And I have a
22 question. I didn't hear Southwest Secondary.

23 MS. POULOS: That is in your materials.
24 So that was actually provided to me very early on.
25 So it is in your binder.

1 COMMISSIONER JOHNSTON: And so you didn't
2 give us a second copy of that.

3 MS. POULOS: Correct.

4 COMMISSIONER JOHNSTON: Right. So I just
5 need to locate that.

6 THE CHAIR: The only one where you have a
7 second copy is where there was a slight clerical
8 change, and/or they just came in signed; otherwise,
9 you already had them signed in your packets.

10 MS. POULOS: And if you're looking for
11 that, that's on Page 33 of Item 7.

12 COMMISSIONER JOHNSTON: Thank you.

13 THE CHAIR: And I want to thank the
14 Director for the work -- and the schools -- for
15 their cooperation in this. And in my spare time,
16 I'm going to law school, I think.

17 So it's -- it's been a -- it's been a
18 learning curve. And I appreciate the -- the time
19 and the effort that everyone put in for this.

20 Are there any other questions?

21 COMMISSIONER CABALLERO: Question. So in
22 reading this, it -- it incorporates the existing
23 contract, or the -- the old contract? Is that what
24 I -- and if it doesn't, then my question is why a
25 temporary contract and not an extension of existing

1 contract?

2 THE CHAIR: These are -- these are schools
3 that are just transitioning into the contract
4 system. So they don't have an existing contract.
5 So they're -- we're moving off of just renewing
6 their charter and placing them on a contract. So we
7 can't just continue with an old, because we don't
8 have it.

9 COMMISSIONER CABALLERO: There's none.
10 Okay, thank you.

11 MS. POULOS: And Madam Chairwoman, in
12 addition, there are a few of those schools that did
13 have existing contracts. But the reason for the
14 temporary is because it is -- it incorporates the
15 terms from the prior contract to the extent that
16 they weren't changed as part of the renewal. And
17 that's important, because several of them were.

18 THE CHAIR: Right.
19 Commissioner Conyers?

20 COMMISSIONER CONYERS: Just a question.
21 I'm trying to understand the time line. I see
22 August 15th. Is that, like, in August needs to be
23 done? And is that reasonable? I'm just -- I'm --
24 what's the time line?

25 THE CHAIR: Well -- and I think that's --

1 yeah, that's a big question mark.

2 COMMISSIONER CONYERS: Oh.

3 MS. POULOS: Madam Chairwoman,
4 Commissioner Conyers, it is August 15th, 2017, for
5 the contract; because, again, we think that's going
6 to take less time. And it does actually state
7 explicitly, "If we're not able to get it done again,
8 we can extend it again."

9 THE CHAIR: Right.

10 MS. POULOS: Our hope is that we will be
11 able to have an attorney on board and be able to
12 move quickly through that.

13 And then for the performance framework,
14 it, I believe, is August 15th, 2018; because we do
15 think that that's going to take a bit of work before
16 we get to that endpoint.

17 THE CHAIR: Right. And I do -- those of
18 you that were at the work session received -- and do
19 we all have the -- the contract, changed?

20 MS. POULOS: I need to hand it out.

21 THE CHAIR: So Commissioners who were at
22 the work session received it. Those that were not
23 will receive the contract language suggestions that
24 the Director passed out this morning.

25 But -- and we're looking at putting that

1 on the Work Session for July when we have Work
2 Session in Albuquerque during our input hearings.
3 However, it is contingent on our being able to
4 have -- whenever we get the attorney on board.

5 So that's -- there's a contingency there
6 on when -- if August -- pie in the sky, August is
7 when it's done, hopefully. Okay?

8 Commissioners, any other questions?
9 Comments?

10 If not, I'll take a stab at the motion,
11 because I think there has to be some modification to
12 it. And I hope I get this right.

13 So I move to approve the temporary
14 contracts for New America School-Las Cruces,
15 Walatowa Charter School, McCurdy Charter School,
16 La Tierra Montessori Charter School, MAS Academy,
17 Coral Community Charter School, Southwest
18 Aeronautics, Mathematics, and Science Academy,
19 Southwest Secondary Learning Center, and Southwest
20 Preparatory Learning Center, in order to provide the
21 schools a requested assurance that they will not be
22 closed because of the technicality of not having a
23 contract.

24 This temporary contract is intended to
25 allow the Commission to engage in necessary work to

1 ensure contract templates and performance frameworks
2 are student-centered and fair to both the school,
3 families, the PEC, and State taxpayers.

4 As noted in the temporary contract, a
5 final contract and performance framework will be
6 negotiated when the Commission has completed its
7 work. And this is also pending the signed contracts
8 from those schools that have not provided the signed
9 contracts and the additional appropriate materials,
10 their governance council minutes approving the
11 temporary contract, once all of that documentation
12 is received.

13 Is that sufficient?

14 COMMISSIONER ARMBRUSTER: Second.

15 THE CHAIR: Oh, I'm sorry.

16 MR. DAN CASTILLE: Beg your pardon, Madam
17 Chairman. I just wanted to make clear, or ask, for
18 SAMS --

19 THE CHAIR: Sorry. Could you identify
20 yourself for the record?

21 MR. DAN CASTILLE: Sure. I'm --

22 THE CHAIR: And you can sit, if you --

23 MR. DAN CASTILLE: I'm Dan Castille. And
24 I represent SAMS, which is Southwest Aeronautics,
25 Mathematics and Science Academy. And we were the

1 one who submitted the -- the revisions that were
2 largely clerical.

3 THE CHAIR: Correct.

4 MR. DAN CASTILLE: But I did want to -- I
5 just wanted to make it clear, I hope, that that is
6 what you were moving to approve for SAMS, the
7 revised one that we had had previous discussions
8 about.

9 THE CHAIR: It is. I'm sorry if I needed
10 to spec- -- but that is, yes, yes.

11 MR. DAN CASTILLE: Okay. That's all I
12 have. Thank you.

13 COMMISSIONER CABALLERO: Question, or a
14 discussion. I'm not quite sure why we have to use
15 that language, because of --

16 THE CHAIR: Oh, I'm sorry. We didn't get
17 a second on my motion yet.

18 COMMISSIONER ARMBRUSTER: I did second it.
19 But I'm not sure.

20 Did you get that?

21 THE CHAIR: Yeah, I didn't see it. I'm
22 sorry.

23 COMMISSIONER CABALLERO: That was
24 somewhere.

25 THE CHAIR: Yeah, I didn't cement it, I'm

1 sorry.

2 COMMISSIONER CABALLERO: On discussion, I
3 don't think contracts are -- are technical in
4 nature. I think it's a must -- isn't it a must that
5 they must have a contract with the PEC? And if it's
6 a requirement to exist as a charter, I think we need
7 to -- to change the word "technical," because it's
8 not a technicality. Where it says, "intended" --

9 THE CHAIR: Oh. I --

10 COMMISSIONER CABALLERO: Because of a
11 technicality of not having a contract. It kind of
12 minimizes -- it, for the PEC, is very important. It
13 kind of minimizes our request for contracts. It's
14 not technical. It is a necessary requirement. And
15 so I would just remove it, just so that it doesn't
16 look funny.

17 (Chair consults with PEC Counsel.)

18 THE CHAIR: Okay. I would -- I have no
19 issue with a friendly amendment to that to remove
20 "technicality." That's fine. I'm all right with
21 that.

22 Any other discussion?

23 MR. DAN CASTILLE: Making --

24 MS. BENNETT ANDERSON: Deborah Bennett,
25 McCurdy Charter School.

1 THE CHAIR: Please, come on down so we can
2 hear you.

3 MS. BENNETT ANDERSON: Deborah Bennett,
4 McCurdy Charter School.

5 The minutes that you're requesting, do
6 those have to be approved minutes? Or can they be
7 draft? Because we don't --

8 THE CHAIR: They have to be approved
9 minutes.

10 MS. BENNETT ANDERSON: Because we will
11 have the signed document by tomorrow morning; but we
12 won't have the approved minutes until next month.

13 THE CHAIR: The motion accepts these
14 contracts, and it's pending that. So as long as you
15 send those materials in in whatever timely fashion
16 you can, based on your meetings, you're fine.

17 MS. BENNETT ANDERSON: Okay. Okay. Thank
18 you.

19 THE CHAIR: Thank you.

20 Any further discussion?

21 If not, Commissioner Armbruster?

22 COMMISSIONER ARMBRUSTER: Are there any
23 abstentions before we vote?

24 Okay.

25 THE CHAIR: Commissioner Toulouse, you

1 don't have someone going to one of these schools?

2 COMMISSIONER TOULOUSE: But, actually,
3 doing them all together, I don't know how to
4 abstain. I do have a relative at MAS, as people
5 know. But when it's this kind of generic thing, I'm
6 not sure there's a conflict of interest on a generic
7 memo. We could ask our attorney; but --

8 MR. DAVID STEVENS: It's okay. She
9 doesn't have to abstain.

10 COMMISSIONER TOULOUSE: That's what I
11 figured, a big clump.

12 COMMISSIONER ARMBRUSTER: Commissioner
13 Ruiz.

14 COMMISSIONER RUIZ: Yes.

15 COMMISSIONER ARMBRUSTER: Commissioner
16 Toulouse?

17 COMMISSIONER TOULOUSE: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Crone?

20 COMMISSIONER CRONE: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Armbruster votes "Yes."

23 Commissioner Johnston?

24 COMMISSIONER JOHNSTON: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Caballero?

2 COMMISSIONER CABALLERO: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Peralta?

5 COMMISSIONER PERALTA: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Gipson?

8 THE CHAIR: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Conyers?

11 COMMISSIONER CONYERS: Yes.

12 THE CHAIR: That is a nine-to-zero vote.

13 It passes.

14 Again, I thank you all for your efforts.

15 I just want to take a two-minute break. I just want
16 to talk to someone for a sec.

17 (Recess taken, 2:47 p.m. to 2:57 p.m.)

18 THE CHAIR: We are now on to Item No. 8,

19 which is Discussion and Possible Action on PED

20 Recommendation to Commence Revocation Proceedings

21 for Dzil -- oh, sorry. I -- DEAP School of

22 Empowerment and Perseverance, Because of Legal

23 Noncompliance, Lack of Appropriate Fiscal Management

24 and Other Concerns about School Operations.

25 Let me just get clarification. Do we

1 have --

2 FROM THE FLOOR: No, we don't. I -- I
3 think I confused her. I called her cell phone. And
4 she lives in a place where she has to go outside and
5 walk a little ways. And so she might be doing that
6 and not answering her home phone.

7 So we're going to try to get ahold of her;
8 so hopefully -- we'll call her. Hopefully, at some
9 point in time, we will have someone on the phone.

10 FROM THE FLOOR: Yes, yes.

11 THE CHAIR: I didn't want to ignore her if
12 she was already on.

13 Director?

14 MS. POULOS: Madam Chairwoman,
15 Commissioners, before you, you have a recommendation
16 for the Public Education Department to hold a
17 revocation hearing to determine if there is cause to
18 revoke the charter of DEAP Charter School.

19 This recommendation is based on the issue
20 that the Commission first heard about, discussed at
21 its meeting last month. At that time, that item had
22 been brought at the request of the Commission, and
23 PED had not yet completed a report from a visit that
24 was conducted by the School Budget and Financial
25 Analysis Bureau and Audit Bureau of the PED.

1 That report was completed and provided to
2 the school a week ago last Friday. And based on
3 that report, as well as the affidavits that the
4 school -- sorry -- that the Commission received in
5 the materials last month, as well as the audit
6 report from the 2016 audit, and as well as the
7 budget technical review meeting that was held last
8 week, and additional information that came to the
9 PED after that meeting, specifically, the
10 resignation of the most recent business manager, it
11 was determined by PED that at this time, we did feel
12 that it was appropriate to hold a revocation
13 hearing -- or to make a recommendation to the
14 Commission that they hold a revocation hearing to
15 determine if there is sufficient and just cause to
16 revoke the charter, because of the information that
17 has been presented in all of those materials.

18 And today, we do have David Craig from our
19 School Budget and Financial Analysis Bureau, who is
20 here to address the Commission.

21 THE CHAIR: I saw him over there, and then
22 I didn't see him. So I was, like, where did he go?

23 Okay. Thank you.

24 MR. CRAIG: Sure.

25 THE CHAIR: Mr. Craig, do you have --

1 MR. CRAIG: I don't -- I'll stand for
2 questions. But we have an audit report that the
3 Audit Bureau is happy to provide to you. I believe
4 you guys have had an opportunity to review it.

5 We did do a site visit. Based upon some
6 of the issues that were raised as part of -- an
7 affidavit that was done by the former business
8 managers, part of that was to determine whether or
9 not this school, Bear Mountain Empowerment Action
10 and Perseverance, has the ability to be able to go
11 forward as a functioning Board of Finance.

12 As you know, we have the ability from the
13 Secretary to have to suspend that if we have
14 evidence of financial mismanagement. At this time,
15 we haven't taken that additional step, because we're
16 still looking to see if they can submit a budget
17 that will comply with the law. If and when they
18 can't, then we may have to take additional steps.

19 Subsequently, the Audit Bureau has
20 released the audit report that you've seen. It has
21 a number of concerning things in it. Katie asked me
22 if I thought that a revocation hearing would be
23 appropriate. I said, "Absolutely." I said, "This
24 is a school that is not able to function
25 financially."

1 Nearly -- I mean, I'll just summarize
2 what's in that audit report. But nearly every
3 single procurement code that we have has been broken
4 by the school for long periods of time. Constant
5 churning in this business office has left inadequate
6 or nonexistent financial records, making the ability
7 for us to be able to go forward on an ongoing basis
8 extremely difficult.

9 We would have to -- they've had two
10 financial systems that would have to be compiled.
11 The most recent business manager just quit after we
12 had our budget technical review, and I indicated
13 what would need to be done in submitting an
14 operating budget that was effective that met their
15 verification of laws.

16 And I could go on and on. And I don't
17 want to waste your time, Madam Chair Gipson, but
18 it's as bad as I've ever seen it. So I'll stand for
19 questions, if you guys have anything specific based
20 on the materials we've given you.

21 THE CHAIR: Okay. Thank you. I
22 appreciate it.

23 MS. POULOS: Madam Chairwoman, sorry.
24 Also joining us is Molly Saiz from our Audit office.
25 And I'm sure she has questions. I don't know if

1 there was anything you wanted to say.

2 MS. MOLLY SAIZ: Not at this point. I'm
3 going to listen in, and --

4 THE CHAIR: Thank you. We appreciate you
5 coming. Unfortunately, we don't see you generally
6 in good times.

7 MS. MOLLY SAIZ: Unfortunately.

8 THE CHAIR: Good afternoon. And please,
9 once again, introduce yourself for the record.

10 MS. SHAYLA YELLOWHAIR: Okay. Ya'at'eeh,
11 everybody. My name is Shayla Yellowhair. I am the
12 Governing Council President of DEAP School. I stand
13 before you again.

14 It's unfortunate that we are here again.
15 And I have a prepared statement. And I do have -- I
16 can patch in our Head Administrator to provide a
17 little bit of context for why she is not here at
18 this point.

19 So while we completely understand the
20 seriousness of the concerns, it is frustrating that
21 we have not been given the time or support to make
22 these things right.

23 As you just heard from Mr. Craig, if and
24 when we can't [verbatim], we are up against already
25 a denial and a lack of support from the people who

1 are supposed to be supporting us directly.

2 At the last meeting, we assured you that
3 we would do whatever it takes to solve these issues.
4 We stand by that statement and have done everything
5 in our power to do so.

6 We received the report on Friday. We have
7 been -- it has been a week, almost a week and a
8 half, since the budget review meeting. And in that
9 time, our business manager, as you have heard, has
10 resigned due to the amount of work and the -- I
11 can't speak for her -- due to the amount of work
12 that does need to be done. I think there was a
13 level of intimidation there.

14 Our experience -- it's obvious that we
15 have much to improve; but we also, again, need the
16 support to do so.

17 We have been given many harsh and vague
18 directions with unreasonable time frames. Given the
19 report on Friday, we are supposed to -- what is
20 it? -- four days later, have everything completely
21 turned around.

22 We want to fix everything, because we owe
23 it to our students and community; but we also need
24 your help and understanding to do so, and time.

25 DEAP is a small staff of five, and it

1 requires that we wear many hats. While not
2 everything has panned out the way that we've
3 intended, we have made every effort to do what is
4 necessary to ensure that our students are given the
5 education we have set out to provide.

6 We wrapped up our second year of school
7 last week and are fully committed to making year
8 three a success. Starting this school and
9 continuing to improve has been task -- has been a
10 difficult task, and we are more than willing to do
11 what it takes to make sure that we correct what
12 needs to be corrected in the audit. And I'm able
13 to -- we'll be able to speak to the things that we
14 have already corrected and our action plan going
15 forward.

16 Again, it is -- we are asking for the
17 opportunity, because thus far, we have not had that
18 opportunity, given the -- the attitude that we can't
19 do this in the time that is given. And I, for one,
20 reject that notion.

21 I'm going to pass it over to Natasha. And
22 I'm going to call Ms. -- Dr. Jimenez.

23 MS. NATASHA CUYLEAR: Good afternoon,
24 Madam Chair and Commissioners. My name is Natasha
25 Cuylear. I'm an attorney at the Johnson, Barnhouse

1 & Keegan Law Firm. I'm here in support of DEAP.
2 I'll keep my remarks short. I think Ms. Yellowhair
3 touched on a lot of what I was going to say.

4 I just want to reemphasize that DEAP is
5 really asking the Public Education Commission today,
6 and the Department, to continue to work with the
7 school and to give DEAP a reasonable amount of time.

8 (Telephone call placed.)

9 MS. NATASHA CUYLEAR: And to giving DEAP a
10 reasonable amount of time to respond to the
11 Department's recommendations.

12 The Department's audit report does have
13 recommendations. And the school has already
14 complied -- has already complied with most of those.
15 So, I mean, they are in the process of doing so.
16 And, you know, pursuant to the Section 11.02 of the
17 Charter School Contract, the PEC has the option, if
18 there is an unsatisfactory review -- which there has
19 been -- to institute a Corrective Action process.
20 So we ask the PEC to at least consider a Corrective
21 Action process, or an Improvement Plan, or just
22 something so that the school has an opportunity to
23 continue to respond and continue to comply and to
24 follow through with the recommendations from the --
25 from the PED Audit Bureau.

1 MS. SHAYLA YELLOWHAIR: And also you'll
2 notice that our Head Administrator, Dr. Jennie
3 Jimenez, is not here in person. I do have her on
4 phone so she can state for the record why she's not
5 able to be here. Jennie, are you there?

6 DR. JENNIE JIMENEZ: Yes, I am.

7 MS. SHAYLA YELLOWHAIR: Okay. Can you go
8 ahead and state why you're not able to be here?

9 DR. JENNIE JIMENEZ: Yes. I was in a very
10 serious car accident a week ago Friday, or this
11 coming Friday. And I was on my way on I-40 to
12 Albuquerque and got involved in a -- in a head-on,
13 four-car crash. And one of the people involved
14 died. So it was very serious.

15 And I have multiple abrasions from the
16 seat belt and the -- the airbag; so I'm not able to
17 travel or move around very much yet.

18 MS. SHAYLA YELLOWHAIR: Thank you,
19 Jennie -- Dr. Jimenez.

20 THE CHAIR: Thank you.

21 Where do I begin? Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair.

23 Have you entered into any kind of contract
24 for a business manager?

25 MS. SHAYLA YELLOWHAIR: Yes. So our

1 current business manager, though she's going to
2 resign at the end of this month -- so she's still
3 our current business manager. We are waiting for
4 a -- what is it? -- a quote from the Vigil Group.
5 And they're the ones that are currently going
6 through all of our past records; so they're the ones
7 that are reconciling everything that we've been
8 asked by Mr. Craig.

9 COMMISSIONER TOULOUSE: Thank you.

10 THE CHAIR: And the Vigil Group is what
11 you anticipate will go forward. I guess the -- the
12 overwhelming concern -- and it doesn't just come
13 from a week ago or even a month ago. But it's the
14 fact that you don't have someone on site that is
15 overseeing this and that -- you know, that's been an
16 ongoing concern.

17 I do believe the Director brought that --
18 was it back in January? There were --

19 MS. POULOS: December.

20 THE CHAIR: These are concerns that we've
21 had ongoing. So that's -- you know, that's where I
22 have difficulties is that -- is this individual
23 going -- how hands-on is this individual going to be
24 with the finances of the school? Because it
25 obviously hasn't worked that someone is coming in on

1 a quarterly basis and looking at what you're doing.

2 MS. SHAYLA YELLOWHAIR: Right.

3 THE CHAIR: So can you shed any light
4 on -- on that?

5 MS. SHAYLA YELLOWHAIR: Yeah. I think --
6 I have two responses. The first response is we
7 are -- we are responsible for being a part of the
8 network that did, and is currently employing, the
9 two individuals that -- what is the word I'm looking
10 for? -- the affidavits, filed affidavits; right? So
11 they are the ones that did the past business
12 manager. So we put our trust in the wrong people,
13 and for that, we take full responsibility.

14 The fact is is while we are trying to make
15 amends, the Vigil Group has come very well
16 recommended. And I'm positive that we are not the
17 only school in New Mexico that does not have a
18 business manager on site.

19 THE CHAIR: Oh, I'm sure of that. But I
20 think for many of us, the concern has been -- and
21 I'm not getting into a personnel issue with who --
22 whether the people that were working were or were
23 not adequate, because that's something I don't want
24 to get into in public.

25 But my concern is that it -- it appears --

1 and maybe Mr. Craig can answer this adequately for
2 us -- that I know that there are schools that don't
3 have people on site. I think those schools probably
4 have people that are on site a little more often
5 than what the previous business administrators were,
6 whether they did a good job or didn't do a good job.

7 Given the serious nature of your financial
8 issues, if someone's not there regularly --

9 MS. SHAYLA YELLOWHAIR: Right.

10 THE CHAIR: -- how -- how -- how can these
11 issues be fixed? That's my concern, that -- and I
12 don't -- so I don't know whether it's something that
13 Mr. Craig even feels comfortable answering. I don't
14 know.

15 MR. CRAIG: Commissioner, Madam Chair
16 Commissioner Gipson and members of the PEC, let me
17 answer that by saying that most of the setups that
18 have a remote business official have significant
19 internal controls and accounting procedures that
20 allow for us to be able to assure that they're
21 meeting the State law requirements for the
22 Procurement Code.

23 You will have a remote business official.
24 The licensed school business official, as is
25 required under the Administrative Code, will have

1 oversight over that school's finances and will be
2 signing off on the budget, but will make sure that
3 there is significant internal controls that make
4 sure that the purchase requisition is available and
5 a purchase order is available for every purchase,
6 that operating budgets are developed in conformance
7 with State law, that there is a General Ledger that
8 is being adhered to that conforms to General
9 Accepted Accounting Principles.

10 All of those, when I go to the licensed
11 school business official, should be able to be
12 produced. And in this instance, it was not. In
13 fact, many times we had noncompliance with almost
14 every aspect of finances. For example, not only is
15 there not any purchase requisitions or purchase
16 orders at this school, all we have is a box of
17 receipts.

18 We have situations in which we had -- I
19 was there on the site visit. I went out to Navajo,
20 New Mexico, this time. I don't often do that,
21 because it's kind of far-away away to go on these
22 site visits. But I was worried about whether or not
23 the governing council would have the ability to be
24 able to operate as a Board of Finance.

25 We also had a budget that was submitted to

1 me that did not have revenues match expenditures.
2 Now, you don't have to be an accounting whiz to
3 understand that that doesn't conform with an
4 operating budget that is able to be accepted and
5 approved by the Public Education Department.

6 Now, I apologize if I ever came off to the
7 school staff as intimidating. But my point was is
8 you're going to have to go through and determine
9 what your expenditures were in the current year so
10 that you can develop a budget based upon what your
11 expenditures were in the current year, and you're
12 going to have to do that pretty quick, because the
13 statutory guideline by me -- for me is that I have
14 to have them all through by June 30th.

15 So that's -- I mean, if conforming to
16 State law is intimidating, then so be it; because
17 I'm still going to make them have to do that.
18 You're going to have to go through, determine what
19 you guys spent in the current year to determine what
20 the cash position of this school is in order to
21 determine a budget for the next year. It wasn't my
22 intent to be intimidating; but so be it.

23 So, I mean, I will say this: The licensed
24 school business official indicated that that would
25 be a significant difficulty because of the level of

1 lack of information in the General Ledger, lack of
2 good past practices, as they conform to State law,
3 as well as a lack of an accounting information
4 system that contains that data to be able to produce
5 an operating budget.

6 THE CHAIR: Commissioner Caballero?

7 COMMISSIONER CABALLERO: Yes. Have you
8 submitted the -- a report in writing to us? I don't
9 see it in --

10 MR. CRAIG: Most of that information
11 should be available in the Audit Bureau's report,
12 and all of that should be cited as part of it.

13 MS. POULOS: Madam Chairwoman,
14 Commissioner Caballero, the audit report, which is
15 included in your materials, that was authored by the
16 Public Education Department, starting on Page 9 --
17 it also has "Page 1" marked on it -- is a report
18 from the site visit that Mr. Craig participated in.
19 And so that incorporates his information.

20 COMMISSIONER CABALLERO: And the only
21 reason I asked is because it wasn't signed by
22 anybody.

23 MS. POULOS: It is from the Public
24 Education Department.

25 COMMISSIONER CABALLERO: Okay. So it's

1 not signed by anybody. And there's nothing at the
2 beginning that says "PED" or the "Bureau." And so
3 I -- it just kind of confused me that -- who this
4 was from.

5 So let me -- let me just finish the
6 questioning.

7 MS. POULOS: It is signed.

8 COMMISSIONER CABALLERO: Oh. That's a
9 letter.

10 MS. POULOS: There was a letter attached
11 to this. And it was attached and e-mailed. So it
12 was signed by Deputy Secretary Aguilar, as well as
13 Ms. Molly Saiz.

14 COMMISSIONER CABALLERO: All right. Okay.
15 So the other question is, are you familiar
16 with the group that they're intending to -- to -- to
17 get?

18 MR. CRAIG: Commissioner Gipson and
19 Commissioner, yes, I have worked intimately with the
20 Vigil Group over the years. I have a large amount
21 of respect for Michael Vigil and what they do for
22 charter schools.

23 I imagine most of the Commissioners have
24 worked with Michael, and he has probably testified
25 in front of this PEC many times. Former CFO of

1 Albuquerque Public Schools, I believe, too.

2 So -- but I will tell you that the amount
3 of work that Michael is going to have to do between
4 now and June 30th to get me a budget may or may not
5 get done. I imagine some interesting conversations
6 with Michael.

7 COMMISSIONER CABALLERO: So you're
8 doubting that they can do it.

9 MR. CRAIG: I am. I don't think the data
10 is available in an accounting information system to
11 estimated expenditures for FY '17 in order to be
12 able to produce an FY '18. In fact, we've taken
13 steps to produce an operating budget, because State
14 law requires us to put one in place for this school.

15 So, yes, I highly doubt we will be able to
16 produce an operating budget that balances revenues
17 and expenditures for this school without my bureau
18 actually doing it for them.

19 COMMISSIONER CABALLERO: We would have to
20 ask them.

21 MR. CRAIG: I don't mean to -- please
22 finish.

23 COMMISSIONER CABALLERO: No, no. Go
24 ahead.

25 MR. CRAIG: Well, it's very difficult to

1 answer, like, the "maybes" about how I would work
2 with the Vigil Group, though. Because all I have to
3 go on is the school's indication that they intend,
4 as of right now. Through previous testimony, the
5 business officer of record is Charlotte Road [ph],
6 who has indicated that she is no longer going to be
7 with the school, and we're still trying to work with
8 her to get an operating budget through the end of
9 the month; so...

10 COMMISSIONER CABALLERO: I was just trying
11 to figure out whether you knew them, whether they
12 had the capacity to deal with -- with, you know,
13 budget concerns.

14 MR. CRAIG: I mean, that's such a very
15 difficult question to answer, because my answer is
16 no; the school's answer is yes, for starters.

17 COMMISSIONER CABALLERO: And they, the
18 Vigil Group, would have to answer themselves whether
19 they can or cannot.

20 MR. CRAIG: Correct. And as a follow-up,
21 you know, a lot of this is we were working with
22 personnel at that school site who were not licensed
23 Head Administrators; so it's very difficult for me
24 to understand who I would work with. Would it be
25 with Dr. Jimenez and Charlotte, who's not going to

1 be there and has indicated she's not interested in
2 working on this budget?

3 So I don't know how this all gets
4 operationalized without me setting a budget.

5 COMMISSIONER CABALLERO: A group like
6 Vigil, when they review all the procedures and what
7 has to be done, would they also have to recommend
8 those internal procedures and who -- how to separate
9 functions and what they would need internally in
10 their organization to make this work?

11 MR. CRAIG: Commissioner Gipson and
12 Commissioner Caballero, yes. A licensed School
13 Business Official is responsible for -- is the point
14 person for all finances at that school. When they
15 sign up to be the licensed School Business Official,
16 there are certain aspects that are outlined in
17 Administrative Code of what is expected of that
18 individual.

19 They would not only have to do all of the
20 stuff necessary to get an approved operating budget
21 for FY '18 with my bureau, they would also run the
22 day-to-day finances and implement internal controls
23 and develop the information that's necessary for a
24 PBC for the financial audit; all of that is required
25 by the person who would have to take over, okay?

1 COMMISSIONER CABALLERO: That's all I
2 have.

3 THE CHAIR: Thanks. And I guess my
4 question is, have you had any discussions with the
5 Vigil Group since this time, relative to this, so we
6 have an idea of -- or maybe you don't want to answer
7 that.

8 MR. CRAIG: Well, Commissioner Gipson, I
9 don't mind answering that. I mean, I have -- I have
10 conversations -- they're, currently -- it's a matter
11 of public record -- they're currently the licensed
12 School Business Official for the schools which we
13 have suspended the Board of Finance for.

14 So I have conversations with the Vigil
15 Group, or members of their licensed School Business
16 Officials that are part of that group, as a daily
17 affair.

18 So, yes -- no, we've had conversations.
19 And as far as it relates to DEAP, it was just, you
20 know, "Are you guys looking at this?"

21 I said, "I'm not going to make a
22 recommendation to you guys either way. It's going
23 to have to be something that you have to determine
24 whether you want to do it."

25 THE CHAIR: Part of me is concerned with

1 all of the work they have to do. Are there even the
2 finances available for them to be able to afford the
3 time that it's going to take for the Vigil Group to
4 do this? Do we know -- you know?

5 MR. CRAIG: That is a real -- I'm sorry.
6 Was that a question for me, Commissioner Gipson?

7 THE CHAIR: It was.

8 MR. CRAIG: That's a very difficult
9 question to answer. And it is part of the
10 frustration that I have with trying to determine how
11 to set an operating budget, because there is so much
12 money coming into this school from the NACA Inspired
13 Schools Network grant that we're trying to figure
14 out how much and how much is available under the
15 current MOU and what amount is going to be available
16 going forward, that I have a tough time answering
17 that.

18 My guess is probably yes, if we were to
19 get something together under an MOU, maybe, that we
20 could go to try and get something from the NACA
21 Inspired Schools Network.

22 But I'll tell you, I don't know that
23 that's the case, because it's dependent upon a
24 Memorandum of Understanding that makes all sorts of
25 assurances about whether or not you have proper past

1 financial practices. Because there's federal grant
2 requirements, as a sub-recipient and tied to that,
3 and there's assurances made by the original grantee
4 that you are monitoring that there hasn't been any
5 financial mismanagement.

6 So it's a difficult question to answer,
7 Madam Chair. We would try and make something
8 available, if I set that budget.

9 THE CHAIR: Right. And I'll just ask one
10 more.

11 Is a -- is a common thread in here, or --
12 that lack of the procurement officer at the -- at
13 the school, is that really what helped to either
14 precipitate or exacerbate this situation, because
15 there wasn't that procurement officer there?

16 MR. CRAIG: Madam Chair, I can't offer you
17 anything, other than my opinion as a professional.
18 And in my opinion, that certainly contributed to it.
19 But that's directly related to the leadership and
20 management of this school. And when you have an
21 unlicensed Head Administrator that doesn't have
22 familiarity of what the requirements are to be an
23 administrator of a school, those are the types of
24 decisions that get made.

25 THE CHAIR: And I guess -- do we have an

1 answer -- she is now licensed, is she not? Or --
2 no, the Head Administrator.

3 MS. NATASHA CUYLEAR: Yes, Madam Chair.
4 Yes.

5 MR. CRAIG: Let me clarify. When I went
6 out to the school it was very clear that Prestene
7 was making all the decisions at the school. And, in
8 fact, the licensed Head Administrator, on paper, was
9 Dr. Jimenez. She made many assertions to us that,
10 "I just do what Prestene asks me to do." Okay?

11 THE CHAIR: All right. Thank you for that
12 clarification. Commissioner Johnston? I've
13 occupied a lot of time.

14 COMMISSIONER JOHNSTON: Thank you.
15 My concern lies -- you may have a seat.

16 MR. CRAIG: Thank you.

17 COMMISSIONER JOHNSTON: With your lack --

18 with the perceived -- my perceived lack of someone
19 stepping up to take control of the internal

20 processes -- because any school who has a licensed

21 business official who's off site has a -- has a

22 responsibility for all of the procurement, all of

23 the daily operations, all of the budgetary issues.

24 You have 24 students? You have a -- what

25 is your budget, your annual budget? How much is it?

1 How much money?

2 MS. SHAYLA YELLOWHAIR: The specific
3 number -- I actually don't have that information.

4 COMMISSIONER JOHNSTON: Ballpark.

5 MS. SHAYLA YELLOWHAIR: Ballpark, I would
6 say this past year was about \$225,000.

7 COMMISSIONER JOHNSTON: That's what I
8 thought, too.

9 MS. SHAYLA YELLOWHAIR: And I will say we
10 have somebody from the Vigil Group here. They are
11 contracted, yes.

12 COMMISSIONER JOHNSTON: But this is my
13 concern. You -- have any of you reached out to
14 the -- to ASBO, to the Association of School
15 Business Officials? Do we have anyone who's ever
16 been to their trainings? Have you been?

17 Budgetary control, internal control is not
18 a complex process. It is something that anyone, I
19 believe -- I learned it as a female; I know that you
20 can pick that up very quickly. I haven't seen
21 anyone take the initiative, even during the last six
22 to eight weeks, to step up and say, "We're going to
23 resolve this problem, and we're going to do it
24 right, and we're going to do it now"; because all
25 you have to do is pick up the phone and call.

1 There are many small districts across the
2 state with needs similar to yours, people who have
3 experience in these budgets who would help you, in
4 an instant, do something. You take it one step at a
5 time. And I have not yet observed that you guys
6 have done this. You have depended on other people.

7 My concern is this lack of internal
8 control. And now, having spent a full year with not
9 really gaining that knowledge, you do -- if you
10 don't have -- if you don't have your -- your
11 procurement items in place, that's the start of
12 everything.

13 I really believe, at this point, that a
14 hearing is the only option we have to -- to help --
15 to unravel all of this; because the -- the concerns
16 about DEAP operations and procurement and
17 reimbursements, even for food purchases,
18 reimbursements for food purchases, reconciliations
19 and verifications of the General Ledger that have
20 not been done -- it's a huge job.

21 MS. SHAYLA YELLOWHAIR: Right.

22 COMMISSIONER JOHNSTON: And you guys are
23 going to have to be involved in it. And I don't see
24 any other way to get to the bottom of everything
25 that needs to be done. If we can save the school

1 for the kids, we have to go to a hearing. We have
2 to unravel this.

3 THE CHAIR: Yeah. And I will -- I was
4 going to remind everyone that this isn't the time to
5 dig into the roots of all of it. That's what the
6 hearing would be for. So that's all we're really
7 looking to determine here today is --

8 COMMISSIONER JOHNSTON: We have to go to
9 hearing.

10 THE CHAIR: What I will -- there is
11 someone here from the Vigil Group. So I will ask
12 them if they want to come up, in case you have any
13 questions that you -- that we want to ask or if
14 there's something that they want to say.

15 MS. SHAYLA YELLOWHAIR: Can I just make a
16 quick statement? As far as not reaching out to
17 somebody, I will say it's often hard to reach out to
18 the CSD, because it feels like we are going to be
19 penalized for reaching out. It feels --

20 COMMISSIONER JOHNSTON: ASBO is what I'm
21 thinking, to other --

22 MS. SHAYLA YELLOWHAIR: That's why I
23 think, like, for me, personally, as the school -- or
24 the President, like, I think that's, like, a little
25 bit of what I need to get over. But --

1 COMMISSIONER JOHNSTON: That's all right.
2 Do you know that I called the school and sent an
3 e-mail and asked if I could come to visit, and I
4 never got a response?

5 MS. SHAYLA YELLOWHAIR: I'm sorry about
6 that.

7 COMMISSIONER JOHNSTON: I mean, really and
8 truly. And it's not reaching out to all of us.
9 It's other people; so that you're not intimidated,
10 because I understand that.

11 MS. SHAYLA YELLOWHAIR: Right.

12 FROM THE FLOOR: Madam Chairwoman, members
13 of the Commission, my name is Mackenzie Webb. I am
14 an employee of the Vigil Group. I am not a business
15 manager; I am not the financial manager that's
16 assigned to DEAP. But I'm a representative of the
17 group, and I'm a liaison between our group and our
18 charter school clients.

19 Like the school, and like David Craig
20 said, we've recently been brought on to help
21 reconcile the books from last year. We just signed
22 a contract on Monday. So if you have any questions,
23 please do direct them to our group. And we'll be
24 happy to come present at the next month's meeting.

25 THE CHAIR: Well, I think at this point in

1 time that there will be questions it'll be through a
2 hearing process, that it's not going to be another
3 agenda item.

4 COMMISSIONER JOHNSTON: Should I make a
5 motion?

6 COMMISSIONER TOULOUSE: Madam Chair, we
7 also have a representative of the NACA Network here
8 that maybe we have to hear from.

9 MR. ALAN BRAUER: Madam Chair, members of
10 the Commission, my name is Alan Brauer. I'm the
11 Fellowship Director with NACA Inspired Schools
12 Network. So I have worked with the staff here, as
13 well as our home-base staff that works with other
14 schools in the state.

15 I wanted to share, just for the record,
16 that my organization will support the financing of
17 the Vigil Group, or whoever the school deems they
18 want to support them with business management
19 services, as we have throughout this past year.

20 I do also say -- I would be remiss not to
21 say that I think this all started with affidavits
22 from two of our business managers that spoke to
23 Ms. Gipson, and then Ms. Gipson directed David Craig
24 to reach out to the school. It's unfortunate that
25 neither myself or the Executive Director of NACA

1 Inspired Schools, Kara Bobroff, were directly
2 contacted before David went and asked our staff for
3 affidavits.

4 There may or may not have been outreach.
5 There was no conversation about that. And so this
6 all starts, in my humble opinion, from a place that
7 this doesn't feel right to me. I don't think, also,
8 the school was connected prior to the affidavits
9 being collected. There was -- in fairness to David
10 and his team, I think there was some -- you know,
11 there was outreach; but that did not happen. And
12 then we received these affidavits.

13 So I do think that's an unfortunate part
14 of this. It's probably water under the bridge at
15 this point; but I have issue with how that came out.
16 And I -- I can't accept the way that that came out
17 with this school.

18 And so we are going to do whatever we can
19 to support our school, as we do with all of our
20 other schools. And financially, right now, if Vigil
21 Group is the one who will be taking on the support,
22 we will make sure that that happens.

23 David mentioned a few minutes ago about
24 one MOU that was not signed. The school does have
25 other signatures. We have several MOUs with each of

1 our schools. We have different MOUs with specific
2 grants.

3 I don't know if that was seen in his visit
4 to the school or not; but we do have those, and we'd
5 be more than happy to supply those, if that would be
6 helpful for your records, as well.

7 COMMISSIONER JOHNSTON: Madam Chair?

8 THE CHAIR: Hold on. I just want to
9 clarify that this has been on our radar and a
10 discussion point since last December, that there
11 were concerns that had been raised over the Head
12 Administrator and business manager situation; so
13 that it didn't just spring up six weeks ago.

14 MR. ALAN BRAUER: Sure.

15 THE CHAIR: So I'll take a little umbrage
16 with that. There's been -- there's been ongoing
17 concerns.

18 MS. POULOS: Madam Chairwoman, if you
19 don't mind, I would also say -- and I do take a
20 little offense to being labeled that my team has not
21 been helpful -- because I have a -- as you've heard
22 me praise them many times, a really excellent team
23 who did go out to the school last year, did give
24 feedback from the beginning of the operations of
25 this school.

1 And I'll say from the date that the
2 checking account was opened and was an incorrect
3 checking account, was an account based out of the
4 state and was not a state account -- and we have
5 provided support and information. I know
6 Ms. Yellowhair has been at our trainings for
7 governing body members. And so we certainly do feel
8 that we've provided a lot of support.

9 And I would push it even further than
10 December. There have been concerns on my radar
11 since the beginning. And we have expressed that to
12 the school in their reports. And if I -- you know,
13 if I must say, I don't feel that the school has
14 taken to our feedback as seriously as I would hope,
15 and, instead, has been in a position where they have
16 rejected, in my opinion, some of the feedback we've
17 given and haven't instead proactively addressed it.

18 And certainly, back in December, there
19 were the concerns raised by Mr. Craig of the late
20 reporting.

21 This issue of an administrator has been
22 much longer than since last December. It is -- I
23 looked back at the site visit report from last year,
24 and it was from last year that they did not have a
25 licensed administrator.

1 So, you know, I do want to point out that
2 this is information that we have been sharing, and
3 it is very serious in our minds, and it has been for
4 quite some time.

5 And I'm sorry I interrupted, because
6 Dr. -- Mr. Craig was going to speak.

7 MR. CRAIG: I called Kara when I was on my
8 way down to go get the affidavits, because I hadn't
9 reached her for the three days prior. She's the
10 Executive Director of Mention of NACA Inspired
11 Schools Network, as well as the former Director of
12 NACA.

13 The reason we had to move so quickly is
14 because the affidavits indicated that there was
15 misappropriation of federal funds. When you have a
16 doctored time-and-labor reporting for federal funds,
17 you have to take immediate action as a state
18 education entity, or else you may get labeled as an
19 at-risk grantee by the federal government under OMB
20 Circular 8133.

21 My options are very limited as a Public
22 Department Education employee. I have -- and if all
23 you have to go on is somebody's word that something
24 like this is out there, you have to get a legal
25 affidavit notarized, as well.

1 So I grabbed Woody from across the hall,
2 because he's a public notary. I said, "We're going,
3 because we're not going to put in jeopardy all of
4 the federal funding for all of the special education
5 kids and all of the Title I kids in our state
6 because somebody has doctored a time-and-labor
7 report in order to generate more money under it."

8 So you can take umbrage as much as you
9 want. But sometimes I have to do things in an
10 expeditious manner in order to ensure that we have
11 the finances in order for all of the schools in all
12 of the school districts in this great State of New
13 Mexico.

14 I contacted Kara. We had a nice
15 half-an-hour conversation about what I was doing on
16 her property immediately after I did that, while I
17 was still on her property. She was well aware of
18 the situation, and we waited to brief her until her
19 lawyer got on the phone.

20 So I don't understand how there is still
21 umbrage about this. But there are certain
22 requirements, as a PED employee, that we have to do
23 when we get certain reports like that, Madam Chair.
24 And I think the Commission should be aware of that,
25 okay?

1 THE CHAIR: Thank you.

2 COMMISSIONER JOHNSTON: Madam Chair, I
3 have a question for Mr. Brauer. Fellowship dollars
4 that you provide to the school as a part of the
5 NACA, my concern is the internal controls and the
6 training of the people who work who are the DEAP
7 staff and the founders. Rather than spending your
8 fellowship dollars to hire an outside entity to go
9 in, I would prefer that you assist them in finding
10 out how to empower themselves.

11 Membership in ASBO, attendance at
12 conferences that are available around the state,
13 workshops, trainings, professional development, I
14 think that's -- that's the first thing. And then
15 the second thing is, is if you are providing them
16 fellowship money, how are you accounting for that
17 budgetarily? What oversight do you have there?

18 If you're providing charter schools across
19 the State of New Mexico with dollars to support
20 them -- which I think is a wonderful thing -- but I
21 know there's -- there's an accountability that must
22 be there fiscally. And I would -- I would -- you
23 know, if we're laying this blame at everybody's
24 doorstep, it's all of us, where we really are. And
25 the children -- you're right -- are the ones who

1 will suffer if this has to come.

2 But I would respectfully ask you, what is
3 your fiscal department like? How do they help these
4 folks and monitor this? So that would be -- we have
5 to strengthen this internally, and then see if -- if
6 this -- where we are can really be corrected.

7 And it starts internally. I just feel
8 like a hearing is imperative so that we can move
9 forward.

10 MS. SHAYLA YELLOWHAIR: Can I ask a
11 question?

12 THE CHAIR: Oh, I'm sorry.

13 MS. SHAYLA YELLOWHAIR: It's okay. So at
14 this hearing, will we have the opportunity to -- is
15 this the -- the setting that we would have the
16 opportunity to answer to the allegations? Because
17 we've never had an opportunity to do that, either.

18 THE CHAIR: It would be, yes.

19 MS. SHAYLA YELLOWHAIR: Okay. But at this
20 point, it seems like, from the language in the
21 affidavit and the subsequent report, that we have
22 been deemed guilty, according to these two women who
23 I believe have also have questionable practices at
24 our schools. And so I think, like, that is
25 something that if this is the place, then I would

1 welcome a hearing, so that we do have a --

2 THE CHAIR: It would be at the hearing,
3 and you would have the opportunity to provide
4 whatever -- I forget what it is -- 30 days to
5 provide whatever materials that you felt relevant to
6 it.

7 But once again, I'll caution you. We
8 don't get into personnel --

9 MS. SHAYLA YELLOWHAIR: Uh-huh, I
10 understand that. And I apologize.

11 THE CHAIR: -- issues with -- you know,
12 that's -- so that's outside of that -- Commissioner
13 Armbruster? Because I haven't --

14 COMMISSIONER ARMBRUSTER: I wanted to
15 reinforce what Commissioner Johnston and
16 Commissioner Gipson were saying. I believe a
17 hearing is the place to go. I believe there's been
18 issues almost since the beginning for you. And of
19 course, that just kills me, because you're women,
20 and I'm all about women and women power.

21 I think NACA can support you; but they
22 should have been there right away. And right now, I
23 just feel like there's this hole, and because we
24 don't have all -- every single bit of information
25 from you, of course, and that I would support going

1 also to a hearing to get this out to see where we
2 are.

3 COMMISSIONER JOHNSTON: And I -- if I may.
4 Thank you, Madam Chair.

5 I know I'm over here waving my hands. But
6 my concern with the finances of DEAP lie not with
7 those affidavits. Those were the first things. But
8 my concerns lie with what the audit has revealed and
9 what Mr. Craig is saying. And those -- those are
10 not opinions; those are -- or one-time instances.
11 You need to forget about those affidavits and focus
12 in on what that audit showed and how do we correct
13 what has happened here and what's the fastest, best,
14 strongest, and reach out to your finance analyst, to
15 ASBO, to the Vigil Group, to anyone -- to NACA to
16 finance it, saying, "I need to go to this training
17 but we don't have any money. Will you give me some
18 money?"

19 MS. SHAYLA YELLOWHAIR: Is it your
20 suggestion that, in the record, we take out the
21 affidavit things; because that is --

22 COMMISSIONER JOHNSTON: You can answer
23 that. Yes, you may. What that did, it was that
24 that opened the door and that probably should; but
25 there are many, many other --

1 THE CHAIR: I'm going to stop you at this
2 point in time, because you shouldn't be giving them
3 advice on what they should be or not be putting into
4 their --

5 COMMISSIONER JOHNSTON: I shouldn't be.
6 Thank you very much. She's correct. I asked you if
7 I could come see you.

8 MR. ALAN BRAUER: Madam Commissioner, I
9 just wanted -- for the record, NACA is a charter
10 school in Albuquerque Public School system, NACA
11 Inspired Schools Network. So I don't want to have
12 this -- we leave, and, like, there's going to be
13 questions like another charter school is giving
14 money to another charter school. I just want to
15 say, we are nonprofit.

16 COMMISSIONER JOHNSTON: It's my limited
17 vocabulary.

18 THE CHAIR: Yes. And thank you for
19 clarifying that. I think for most of us, we hear
20 one thing, but we process it the other way, which is
21 correct. But -- all right.

22 Commissioner?

23 COMMISSIONER JOHNSTON: Would you like me
24 to make a motion?

25 THE CHAIR: If -- yes.

1 COMMISSIONER JOHNSTON: Let's see. I move
2 that the Public Education Commission hold a
3 revocation hearing -- let's see if I can get this --
4 for the DEAP School -- state this correctly.

5 I move that the Public Education
6 Commission commence revocation proceedings for DEAP
7 because of legal noncompliance, lack of appropriate
8 fiscal management, and other concerns about school
9 operations.

10 If that is appropriate? I took it
11 directly from the agenda.

12 THE CHAIR: If my recollection is correct,
13 the last hearing motion that we had did indicate a
14 date, as well; because we are -- we have a 30-day?
15 We have to commence that hearing within 30 days.

16 COMMISSIONER TOULOUSE: Don't we have to
17 send them the official notice?

18 THE CHAIR: It's 30 days from when the
19 official notice goes out.

20 MS. POULOS: They must have at least
21 30 days to respond. I think stating a date
22 presented challenges last time. I would not
23 encourage that.

24 THE CHAIR: I did. I'm just
25 double-checking. Sorry.

1 COMMISSIONER JOHNSTON: Would you like me
2 to restate it?

3 THE CHAIR: No, I think we're good for the
4 record.

5 COMMISSIONER JOHNSTON: Are we good for
6 the record? All right.

7 COMMISSIONER ARMBRUSTER: Second.

8 THE CHAIR: There's a second by
9 Commissioner Armbruster.

10 Is there any discussion?

11 COMMISSIONER CABALLERO: Just
12 clarification, Madam Chair. The -- the motion is
13 worded on the -- I think the first item is legal --
14 what was it? Legal -- what?

15 COMMISSIONER JOHNSTON: It's No. 8 on the
16 agenda. And I was reading --

17 THE CHAIR: I know it's No. 8. But
18 there's no motion that's --

19 COMMISSIONER CABALLERO: What she read was
20 something legal, and then financial
21 something-or-other.

22 COMMISSIONER JOHNSTON: Legal
23 noncompliance.

24 COMMISSIONER CABALLERO: And so I don't
25 have a clear picture of what the legal noncompliance

1 is. I understand fully the -- the financial. That,
2 I'm clear about.

3 COMMISSIONER JOHNSTON: That's the legal
4 part of it; that's the procurement part of it.

5 COMMISSIONER CABALLERO: Right, right.
6 But the legal noncompliance. Is there other stuff,
7 because they would have to answer to it.

8 THE CHAIR: Right.

9 MS. POULOS: Madam Chairwoman,
10 Commissioners, I would recommend that --

11 THE CHAIR: And it does become problematic
12 in terms of the letter; because we do want
13 specificity in the letter, so that they know what to
14 answer in their response. Right.

15 MS. POULOS: And I would recommend,
16 although it's not written in the form of a motion,
17 the language on Pages 6 and 7. And you may want to
18 explain that the factual bases are the allegations
19 or the facts or the information found in the
20 materials. And you may want to reference specific
21 pieces of that, which might help you establish that
22 motion language.

23 COMMISSIONER JOHNSTON: So then I would
24 need to amend my motion since we have a second?

25 THE CHAIR: Or --

1 COMMISSIONER JOHNSTON: Change my motion?

2 THE CHAIR: Rescind it, and we'll start
3 over again.

4 COMMISSIONER JOHNSTON: So do I -- I
5 request to rescind my motion.

6 THE CHAIR: Correct.

7 COMMISSIONER TOULOUSE: Then your second
8 has to rescind.

9 COMMISSIONER ARMBRUSTER: I will rescind
10 my second on your motion.

11 THE CHAIR: I just wanted to make sure we
12 had everything in there that we needed.

13 Well, okay. So -- we have this
14 discussion. My concern is, if you look at the
15 language that's -- that's in the proposed motion,
16 the language is, "Committed a material violation of
17 any of the conditions, standards, or procedures set
18 forth in the charter contract."

19 That is so extraordinarily broad that
20 they'll be here until doomsday trying to provide a
21 defense to that. I think we need to be more
22 specific for them in our letter so that they know
23 precisely what -- in fairness, precisely we're
24 looking at, so that they're not spinning their
25 wheels and saying, "I'm not sure if they meant

1 this," or, "I'm not sure they meant this," that we
2 outline for them, so that it's just not this, "You
3 violated the law," and now they have to answer to
4 it.

5 MS. NATASHA CUYLEAR: Madam Chair, if I
6 may, the language that CSD or Director Poulos is
7 suggesting is directly from the statute. But we're
8 looking for something more specific.

9 THE CHAIR: Correct, yes, because I think
10 the statute makes it --

11 MS. NATASHA CUYLEAR: It's very broad.

12 THE CHAIR: You could provide a defense
13 for this, and we come in, and we start asking
14 questions on this, and you're not prepared for it,
15 because you didn't know what we were looking at.
16 And we need to be specific on what we are looking at
17 that we feel that these are the areas where you --
18 you created or committed this material violation, so
19 that it's -- it's narrowed down for you.

20 MS. POULOS: And, Madam Chairwoman,
21 Commissioners, my recommendation was, we do have
22 specific alleged facts in these materials,
23 specifically in relation to the facts alleged in the
24 audit report provided by the School Financial
25 Analysis -- School Budget and Financial Analysis

1 Bureau and the PED Audit Bureau, as well as in the
2 affidavits, as well as in the -- the audit -- the
3 school's external financial audit from 2016.

4 And I think that if you specifically
5 reference those items, then you are giving them the
6 facts that have been raised for you as concerns.

7 THE CHAIR: So then I guess the -- I want
8 to make sure, also, for myself, that the hearing is
9 going to focus either, A, on the fiscal
10 mismanagement, and it is limited to that, or, if
11 there is this other very broad "material violations
12 of the contract," which is a 60-page document, and
13 it covers a tremendous amount, that something else
14 isn't going to be pulled out, and say, "Oh, but they
15 also did this"; so that we're clear that if it's
16 fiscal concerns, that that's what's in there, but
17 that, to me, we take out the idea that they also
18 committed other material violations, unless we
19 specify what those material violations are now, so
20 that they're clear on that.

21 MS. POULOS: Madam Chair?

22 THE CHAIR: And I think the fiscal issue
23 is very clear, you know.

24 MS. POULOS: And I think from the points
25 of view of the Department -- David, you can correct

1 me if I'm wrong. But I think certainly, at the
2 level of the Deputy Secretary and David, in other
3 conversations that we've had, one of those
4 violations is the failure to have a licensed
5 administrator conducting the administrative business
6 of the school, and, instead, having an unlicensed
7 administrator -- or an unlicensed individual
8 conducting the administrative business of the
9 school.

10 THE CHAIR: Right. And that -- yeah. And
11 that's fine. I just want -- I'm just trying to --
12 because, to me, that also was in the scope of the
13 financial issues. But that's in the audit. So that
14 wouldn't have to be covered separately, because
15 that's in the audit report that that's not there.

16 MS. POULOS: Yeah. I just -- I think it's
17 more of a legal compliance thing.

18 THE CHAIR: Adding that as a specific
19 item. I just have that nagging concern with that
20 overarching "material violations." And it's, like,
21 oh, my gosh. That could turn into whatever, you
22 know. And I -- I want to be as transparent as we
23 can be and fair, that the school understands
24 specifically what we're expecting them to address
25 in -- in their response.

1 COMMISSIONER ARMBRUSTER: So you're
2 looking at the -- the fiscal mismanagement and the
3 failure to have a licensed administrative --

4 THE CHAIR: And Generally Accepted
5 Stan- -- right. Violated any provisions of law
6 from -- well -- okay. Yeah, that's --

7 COMMISSIONER CABALLERO: That's too
8 general.

9 COMMISSIONER JOHNSTON: But it's based
10 on --

11 THE CHAIR: And I have an issue with that
12 last statement, "...violated any provision of law
13 from which the charter school was not specifically
14 exempted."

15 Well, we could be pulling out things
16 for -- you know, that's another one of those
17 overarching statements that who knows how to answer
18 that?

19 COMMISSIONER JOHNSTON: Madam Chair, the
20 specifics that we would want them, to which we need
21 to have the hearing, are a response to the results
22 of the Public Education Department audit, the
23 results of the 2016 external audit, the failure to
24 have a licensed school administrator, and --

25 THE CHAIR: No. I think that's been --

1 COMMISSIONER TOULOUSE: They have one now.

2 THE CHAIR: They have one, a licensed Head
3 Administrator.

4 MS. POULOS: Again, I think for us at the
5 PED is the concern that while they have a licensed
6 Head Administrator on staff, that individual is not
7 conducting the administrative business of the
8 school; rather --

9 THE CHAIR: I think it would be failure to
10 have not a licensed, but a licensed acting --

11 COMMISSIONER JOHNSTON: Administrator
12 conducting the activities of the school.

13 And should we -- I think we should include
14 the -- let's see -- the response -- or the two
15 affidavits that we have concerning the federal
16 flow-through dollars and their utilization?

17 THE CHAIR: Well, that goes in as part of
18 the material -- the -- the financial -- yeah,
19 that's --

20 COMMISSIONER JOHNSTON: As long as that's
21 included; because that seems to be something they
22 should respond to.

23 COMMISSIONER TOULOUSE: Madam Chair, while
24 you're arguing this, I have a question of Mr. Craig.

25 You know, David, I've been here

1 four-and-a-half years, and we've had three other
2 schools that when there was a financial problem, PED
3 immediately went in and grabbed the finances.

4 Why, when you got the affidavits, did you
5 let this condition continue and not take the
6 finances over, so we're also now sitting here with a
7 budget problem?

8 MR. CRAIG: An absolutely perfect
9 question, Commissioner.

10 Madam Chair Gipson and Commissioner
11 Toulouse, this time, I made them go through the due
12 process; because we've gotten stung with this in the
13 past, when we went in and took over this Board of
14 Finance, and this Commission decided to go ahead and
15 leave those schools open. And suddenly, I'm stuck
16 with the Board of Finance and running these schools
17 for years and years and years.

18 And so this time, I said, "No, we're going
19 to do it by the book. We're going to get sworn
20 affidavits. We're going through an audit process,
21 financial audit backup. We're going to have
22 everything in mind, so that when we go to a
23 revocation hearing, where it should be the
24 responsibility for you guys to make sure that the
25 governing bodies are overseeing the finances

1 appropriately, that we have everything in order to
2 be able to say this."

3 Now, that being said, Commissioner --
4 Madam Chair Gipson and Commissioner Toulouse, if I
5 believed for any instant that this school is
6 jeopardizing its finances in between now and when we
7 have this hearing, I may actually have to suspend
8 the Board of Finance if anything else comes to
9 light. There are certain times in which there is
10 gross financial mismanagement, or if we have a
11 statutory obligation to take them because we find
12 fraud, waste, or abuse.

13 We just don't have that. What we have is
14 gross financial mismanagement. Did I find something
15 illegal to the point where it's like, okay, you've
16 stolen money from kids, then I'm suspending this
17 Board of Finance. But I wanted to go through the
18 revocation process, work with Katie, work with the
19 PEC, bring these issues to you and let you all
20 decide; because I think sometimes we jump the gun on
21 our Board of Finance suspensions without going
22 through the due process to adhere to the PEC.

23 And so it's not off the table. If they
24 can't submit an operating budget by June 30, and I
25 have to put it in place, we're going to have to

1 think about it. We're still very seriously
2 considering it. We want to see how the revocation
3 goes in the future.

4 Time is of the issue to us. I mean, the
5 more that we let people that are financially
6 mismanaging public funds have access to them --
7 we've had to suspend the previous signatory
8 authorities. We've done and implemented corrective
9 actions in concert with the school. I should say
10 that immediately. They've complied with all of my
11 instructions so far.

12 And so I don't have reason to take them
13 over, as of yet. But if we can't get corrective
14 actions done, and we can't get something done this
15 way, I may have to do something like that.

16 COMMISSIONER TOULOUSE: I would hope you'd
17 work with them now in the next couple of weeks. No
18 matter what we do, we're not going to get them
19 closed in time to keep them from opening in the
20 fall. By the time you go setting up the hearing,
21 getting the decision from it, I'm sure they would
22 appeal, because everybody does, and then you go
23 through those time lines.

24 MR. CRAIG: Commissioner Gipson and
25 Commissioner Toulouse, nothing in my statements

1 should leave this Commission with the thought that
2 we're not working actively with the school.

3 COMMISSIONER TOULOUSE: Because my
4 interest is in the kids, and I am concerned that we
5 handled other schools differently; just like
6 La Promesa went to the appeal -- we even chose to
7 close them. And then all of a sudden, we're back to
8 a Corrective Action Plan.

9 So I would much rather, with a new school,
10 look for a very, very strict, quick Corrective
11 Action Plan; because, you know, if this was
12 September or October, and we were having this
13 discussion, then there's plenty of time.

14 But we don't have the time now to get in
15 there and close the school before it would open. So
16 now, we're dealing with kids who need an education,
17 whatever.

18 And so I have a concern that this isn't
19 the right time to do a revocation, especially on a
20 school this new, that I admit they didn't know how
21 to handle the finances.

22 When I started to run a welfare office I
23 didn't know how to handle the finances. And I
24 didn't get a lot of help. Luckily, I did have peers
25 I can go to.

1 You've been out there. You can see how
2 isolated they are. There wasn't somebody up in the
3 next town or whatever I could ask for help.

4 So I think we need to look at when we do
5 these more isolated, rural schools, coming up with
6 slightly different plans in the future, based on
7 this.

8 But I just have a real concern that we
9 aren't working on correcting action now, when
10 they're still going to have to open in August.
11 There's no way this time line is going to play
12 itself out in time for there to be a closure.

13 MR. CRAIG: Madam Chair Gipson,
14 Commissioner Toulouse, a very, very fair concern.
15 We are working on corrective actions with this
16 school to take immediate steps. But it's a bit like
17 putting out a fire. I mean, it keeps burning, and
18 you've still got to find things over here.

19 And so at a certain point, if I can't
20 manage it with the school operating as their Board
21 of Finance, I may have to do it. I do want to say
22 that I would advocate very strongly -- although
23 we've worked -- we're working through this
24 revocation hearing process that's independent of a
25 Board of Finance, those two need to remain

1 independent.

2 There's times in which I would have to
3 work very fast to go and stop a fraud, waste, and
4 abuse situation from occurring. And I would need
5 the power of the Secretary, to have her instruction
6 say, "David, you have to go in there immediately and
7 take the Board of Finance, and then we will talk to
8 PEC."

9 At the same time, I don't think, just
10 because we suspend a Board of Finance, that you all
11 need to be tied to sort of thinking that that school
12 needs to have some sort of direction or another.

13 So I think those are two independent
14 processes that need to work in concert when they do
15 and need to remain separate, as well. So I just
16 wanted to -- we are working on corrective actions.
17 I've sent many e-mails to Dr. Jimenez.

18 Dr. Jimenez has asked, as the licensed
19 Head Administrator, that all things go through her.
20 I instructed her that that needs to be the case.
21 We're working to the best of our ability; but at the
22 same time, to the earlier question, do I have of
23 faith and confidence that we'll be able to get it
24 done? Not very much.

25 COMMISSIONER TOULOUSE: You know,

1 Mr. Craig, I appreciate you and have a lot of
2 respect for your abilities; so I'm thinking on the
3 kids on the other end of it. And, I mean, as I tell
4 people, during my grade school years, I was a shy
5 kid. I'm still shy; people just don't know that. I
6 had to change schools four times. And it was so
7 hard for me each time that I had to move. And
8 sometimes it was with kids I already knew; sometimes
9 it was completely new kids back and forth.

10 And I just don't want to keep making our
11 kids -- if we have a way to make it better, if we
12 have a way to fix it. If we don't, then I'm ready
13 to close stuff and move on. But I just -- I think
14 when we look at grades, when we look at anything, we
15 tend to forget those kids that make up those numbers
16 and those grades when we have small schools.

17 So I just -- I'm just explaining that's my
18 take, because you do the financial, and I'm going to
19 do what's best for the students.

20 So thank you.

21 Do we have a motion yet?

22 THE CHAIR: I think we have a motion.

23 COMMISSIONER JOHNSTON: You think we --
24 yeah. Really and truly, this is an important
25 motion. And I wonder if -- if I am clear enough --

1 all right. I will make a motion. And before it's
2 seconded, let's make sure that we're ready here.

3 Let me find my sheet again.

4 Here it is. All right.

5 Madam Chair, I move --

6 THE CHAIR: That the Public Education
7 Commission.

8 COMMISSIONER JOHNSTON: There you go.
9 That the Public Education Commission commence
10 revocation proceedings for DEAP because of -- to
11 determine -- not -- take out "because of" -- but to
12 determine if the school failed to meet generally
13 accepted standards of fiscal management because of
14 their -- of the results of the Public Education
15 Department audit, the 2016 external audit, and that
16 the school violated any provision of law from which
17 the charter school is not exempted.

18 THE CHAIR: No, no, we're pulling that
19 out. It's too broad.

20 COMMISSIONER JOHNSTON: Well, I was going
21 to giving the specific of the administrator, because
22 it's not fiscal.

23 THE CHAIR: You just put that in. You
24 don't put the --

25 COMMISSIONER JOHNSTON: I don't put -- all

1 right. So let me go back.

2 I recommend that the Public Education
3 Commission commence proceedings -- commence
4 revocation proceedings -- revocation hearing -- to
5 determine if DEAP failed to meet generally accepted
6 standards of fiscal management based on the results
7 of the PED internal audit, the 2016 external audit,
8 the -- include -- and I'm going off the record right
9 now -- include the licensed administrator under
10 that, even though it says "fiscal"?

11 THE CHAIR: No.

12 COMMISSIONER JOHNSTON: Okay. And --

13 THE CHAIR: Failed to.

14 COMMISSIONER JOHNSTON: -- failed to
15 identify a licensed Head School Administrator who is
16 directly involved in the daily operations of the
17 school.

18 THE CHAIR: To have a -- not "identify";
19 because --

20 COMMISSIONER JOHNSTON: And to have --

21 THE CHAIR: Just have to name the person.

22 COMMISSIONER JOHNSTON: To have a
23 licensed --

24 THE CHAIR: A licensed Head Administrator.

25 COMMISSIONER JOHNSTON: New Mexico

1 licensed Head Administrator who is in charge of the
2 daily operations of the school and responsible for
3 the fiscal management of the school.

4 THE CHAIR: Conducting the duties of a
5 licensed Head Administrator.

6 COMMISSIONER JOHNSTON: And --

7 (A discussion was held off the record.)

8 THE CHAIR: Let's help Cindy out and we'll
9 write it out.

10 COMMISSIONER JOHNSTON: And I apologize.

11 THE CHAIR: I want this to be appropriate
12 on what we have.

13 Let's just do a ten-minute break, so we
14 can get this correct, and we will be back.

15 COMMISSIONER CABALLERO: Or maybe we can
16 just pass a -- we agree to a revocation hearing.
17 And then in our next meeting, we'll have proposed
18 language that's going to go to the school.

19 THE CHAIR: But that either means that
20 they have to come back tomorrow, so that they can
21 hear it and be here for it. Or July? You're asking
22 to have it in July? I think it's in all fairness to
23 them that we get this done. A ten-minute break, I
24 don't think, is going to --

25 MR. DAVID STEVENS: Let's try for

1 ten minutes, Madam Chair, and see where we go.

2 THE CHAIR: Because I don't want to --
3 they have to come back in July for this. I don't
4 think that's fair to them. We're taking a
5 ten-minute break.

6 (Recess taken, 4:07 p.m. to 4:19 p.m.)

7 THE CHAIR: We're going to try this one
8 more time.

9 COMMISSIONER JOHNSTON: Madam Chair, are
10 you ready?

11 THE CHAIR: I hope so.

12 COMMISSIONER JOHNSTON: Madam Chair, I
13 move that the PEC hold a revocation hearing to
14 determine if there is sufficient and just cause to
15 revoke the charter of DEAP Charter School, because
16 the school failed to meet generally accepted
17 standards of fiscal management, based on information
18 in allegations in the 2016 external audit --
19 external financial audit and site visit conducted by
20 the Public Education Department School Budget and
21 Financial Analysis Bureau and Audit Bureau, and all
22 allegations contained in the affidavits, including
23 in today's materials, and that DEAP Charter
24 School -- allegations that DEAP Charter School
25 further violated any provisions of law that require

1 the school to ensure all administrative functions
2 are conducted by a licensed Head Administrator.

3 And I stumbled a bit; so it probably would
4 be good if we would have our court reporter reread
5 that motion.

6 THE CHAIR: Which is better than the
7 substitute court reporter who said, "Do you know how
8 many pages I'd have to go back?"

9 (The record was read as requested.)

10 COMMISSIONER ARMBRUSTER: Second.

11 THE CHAIR: There's a second by
12 Commissioner Armbruster.

13 COMMISSIONER CABALLERO: Discussion.

14 THE CHAIR: Discussion.

15 COMMISSIONER CABALLERO: Yes. The only
16 thing I feel uncomfortable is the -- all the
17 allegations of the affidavit.

18 I understand that the audit and what was
19 said on the financial problems; those are very clear
20 to me. And -- but to say -- in other words, we're
21 taking the audit as sufficient enough evidence --
22 they're allegations, nothing else other than
23 somebody saying, "This is what happened."

24 My experience -- and this is why I feel
25 uncomfortable. My experience with affidavits is

1 that most of the time, it's accusations that
2 normally don't substantiate -- the facts don't
3 substantiate the allegations.

4 So unless we have something specific in
5 those affidavits that we feel comfortable with, I
6 would say it's okay; but -- and what in the
7 affidavit do we -- do we have that is somewhat
8 supporting that, outside the affidavit, so that we
9 can feel comfortable making the accusation to the
10 school and they having to defend it.

11 And the financials are concrete. The rest
12 of the stuff is just, "She said, she said, she said,
13 she said."

14 THE CHAIR: Well, the only thing I'll
15 answer to -- from my perspective, is that these are
16 affidavits that aren't just from someone from the
17 general public. They're from licensed business
18 administrators that were involved in the finances of
19 that school.

20 So, to me -- and I'll -- I guess I can ask
21 Mr. Craig to respond to this, perhaps -- that holds
22 a little more weight, because they're -- they're
23 the -- they're not just -- it's not just a -- a
24 parent complaint, and it's an allegation by a
25 parent; but it's an allegation by a professional --

1 a licensed professional who was actively involved in
2 the finances of that school, that that's what
3 they're putting in that affidavit.

4 But I don't know, if we exempted that
5 out -- because I know the one concern was the -- the
6 federal funds that was in that affidavit.

7 And so I would need to be clear on the
8 fact that if that affidavit didn't come in, that
9 there -- that issue would be addressed somehow. And
10 I'm not sure if it would be.

11 COMMISSIONER ARMBRUSTER: I think,
12 Madam Chair, that the affidavit should --

13 THE CHAIR: I think David is going to
14 answer.

15 COMMISSIONER ARMBRUSTER: I'm sorry,
16 David. I didn't see you.

17 THE CHAIR: No offense to you.

18 COMMISSIONER ARMBRUSTER: I didn't see
19 you. I saw you going out. I didn't see him come
20 in.

21 MR. CRAIG: That's okay. I tend to pop up
22 when you don't expect me.

23 Commissioner Gipson, I mean, when a --
24 yeah, when a licensed School Business Official calls
25 me and said, "I had to resign my position because

1 there's fraud and there's doctoring of documents,"
2 and they're able to produce the documents -- have
3 you guys seen the affidavit that's in the -- I don't
4 know what more of a smoking gun you need than a
5 doctored time-and-labor report that's actual
6 evidence that somebody is at the school changing
7 something from something else, so they can code it
8 under another fund to get funding under a federal
9 grant.

10 Like, to me, that was all I needed. That
11 would be enough, from where I stand on a financial
12 standpoint. But the fact that they went further and
13 were, like, these are the issues that I had that led
14 to my resignation, it actually carries a lot of
15 water with me.

16 I would have said, "Yeah, okay. That's
17 fine. Let's go have a conversation and give me some
18 more documentation," because I, like
19 Commissioner Caballero, would want to see -- "Show
20 me the report."

21 When they were able to produce the report,
22 that's enough for me. When I go to a site visit,
23 and they actually say, "Well, yes, our procurement
24 device consists of me going out, buying, taking
25 receipts and cut a check to myself," that's

1 concerning.

2 We have evidence of that. We wrote it up
3 in the Audit Bureau report; but the documentation of
4 evidence and the supportive evidence of each one of
5 those findings is backed up by hard data.

6 I don't know what else you want from the
7 Public Education Department as far as a smoking gun.
8 These aren't allegations; these are audit proof that
9 there is financial mismanagement at this school.

10 COMMISSIONER JOHNSTON: And we're holding
11 a hearing. And we absolutely have to bring that up
12 in the hearing.

13 MR. CRAIG: Okay.

14 COMMISSIONER ARMBRUSTER: I think that's
15 why we're having it.

16 THE CHAIR: As it was explained, the
17 affidavit -- there's an obligation, because it's
18 federal funds, for that affidavit to have to be
19 populated.

20 MR. CRAIG: Yeah.

21 THE CHAIR: And notarized. So that's why
22 it came about; so that it's -- you know, it's
23 more -- it's more than a "He said, she said."

24 MR. CRAIG: Commissioner Gipson, there's
25 many ways that you can secure the assets as a State

1 Education Agency under -- affidavit is one. But,
2 certainly, we had to make sure that we had something
3 in place that will hold up in a court of law to go
4 in and have a conversation about how we handled
5 federal funds in this state, okay?

6 THE CHAIR: All right. Thank you.

7 COMMISSIONER JOHNSTON: And it will give
8 the school a chance to respond, as they requested,
9 to the allegations in the affidavit; so...

10 COMMISSIONER ARMBRUSTER: Because this is
11 a hearing. And that's why we're having the hearing,
12 to tackle the facts and the veracity of all of these
13 things. They have to stay in as the motion is
14 stated.

15 THE CHAIR: Commissioners, any other
16 discussion?

17 Okay.

18 COMMISSIONER ARMBRUSTER: Any abstentions?

19 Okay.

20 Commissioner Gipson?

21 THE CHAIR: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Ruiz?

24 COMMISSIONER RUIZ: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Toulouse?
2 COMMISSIONER TOULOUSE: No.
3 COMMISSIONER ARMBRUSTER: Commissioner
4 Conyers?
5 COMMISSIONER CONYERS: Yes.
6 COMMISSIONER ARMBRUSTER: Commissioner
7 Crone?
8 COMMISSIONER CRONE: Yes.
9 COMMISSIONER ARMBRUSTER: Commissioner
10 Caballero?
11 COMMISSIONER CABALLERO: No.
12 COMMISSIONER ARMBRUSTER: Commissioner
13 Johnston?
14 COMMISSIONER JOHNSTON: Yes.
15 COMMISSIONER ARMBRUSTER: Commissioner
16 Armbruster votes "Yes."
17 So it's one, two, three, four -- six --
18 COMMISSIONER RUIZ: Commissioner Peralta?
19 COMMISSIONER ARMBRUSTER: Oh, you're right
20 there. I'm making a habit of this. Who gets
21 chosen? Sorry, Commissioner Peralta.
22 COMMISSIONER PERALTA: Yes.
23 THE CHAIR: So it's seven-two. Pass.
24 The motion passes, seven to two. Thank
25 you. And I appreciate your time.

1 And we are on to Item No. 9, Report from
2 Options for Parents and Charter Schools Division.

3 MS. POULOS: Madam Chairwoman,
4 Commissioners, you will see the updated materials.
5 Any updates comes out in these materials as gray, or
6 in the electronic versions, as red. You will see
7 that Anthony Charter School still on here, kind of
8 in a limbo situation. But that school will be
9 applying for renewal this year, and the school
10 leader did attend; however, we did learn that his
11 contract has not been renewed for the coming year,
12 so that that is something I think it's important to
13 know coming into the renewal of that school, or the
14 renewal application.

15 The hearing for Estancia Valley Classical
16 Academy was held on June 9th. Commissioner Gipson,
17 Armbruster, and Johnston were in attendance. We do
18 not have any new notifications of schools that are
19 looking to move.

20 And then we do still have outstanding
21 governing body resignations that have not been
22 filled.

23 Also, I did want to note for this
24 Commission -- and we may have been delinquent, I
25 think, but maybe not, in our request. Alma d'Arte,

1 we still have not received notification from them,
2 even, of those resignations. But I do think we had
3 discussed having them back.

4 THE CHAIR: We did.

5 MS. POULOS: So I think we need to make
6 sure that that happens.

7 THE CHAIR: And I had one more question.
8 La Promesa. Will they be populated into the ongoing
9 monitoring, now that they've got the Corrective
10 Action Plan?

11 MS. POULOS: I will make sure we do that
12 next month.

13 THE CHAIR: All right. Thanks.

14 MS. POULOS: And I will put dates in that.

15 You do have quite a few governing body
16 changes that we are reporting on. Again, I
17 encourage you to take a look at those materials in
18 case anything jumps out at you as a concern.

19 And then you do have, in these materials,
20 also, the school closure reports, just the updated.
21 That process continues, records being, you know,
22 moved, property being disposed of appropriately.
23 And then you do have your annual report from the
24 New Mexico School for the Arts.

25 THE CHAIR: Right.

1 MS. POULOS: And so if you have any
2 questions about that, the school is not here today,
3 but would be happy to come at a different time to
4 answer any questions you have.

5 That's generally our report. We do have
6 the conference next week, and that is on Wednesday
7 and Thursday. I believe there's about six or seven
8 of you who have registered to attend. We look
9 forward to that. And there is --

10 THE CHAIR: Thanks for reminding me. I
11 guess we have to notice that.

12 MS. POULOS: Yeah, I think we do. So I'll
13 make sure I coordinate with Beverly.

14 There is also a session scheduled that's
15 hosted by the Public Education Commission. It's
16 1:00 p.m. on the 21st. And it's just a conversation
17 with Commissioners; so an opportunity for anybody
18 who wants to to come in and engage with the
19 Commissioners.

20 The New Mexico Coalition for Charter
21 Schools will also be there hosting two sessions,
22 one, very first session of the conference, and one
23 at the very end of the conference.

24 THE CHAIR: Is Kelly showing slides of
25 Australia for us?

1 MS. POULOS: It will actually be -- and I
2 think all of you have heard -- that Matt Pahl will
3 be leaving the Department and actually joining the
4 Coalition of Charter Schools. And so it will be an
5 opportunity -- his opportunity -- to really
6 engage -- not in that role, because he doesn't start
7 until September 1st; but certainly to engage with
8 charter schools and be talking about the future of
9 the organization.

10 THE CHAIR: Right. Nice.

11 MS. POULOS: So we're pretty excited about
12 that. We have great speakers. And Icela has been
13 doing an amazing job organizing that and making sure
14 everything is well organized. And there's books
15 that each participant will receive.

16 So there's a lot of great stuff next week.
17 We're really excited about that.

18 We are -- our external reviewers are
19 reviewing new charter applications, as are folks
20 throughout the PED from various bureaus. So we're
21 getting a lot of different perspective on those new
22 applications and expertise.

23 And other than that -- oh. Our governing
24 body training rule, we're still working through
25 that, responding to comments and finalizing a rule

1 that we'll be sending with a recommendation to be
2 sent to the Secretary. I think by the time we do
3 that, it will be the Acting Secretary. As you all
4 heard, Secretary Skandera has given her resignation,
5 and the 20th will be her last day. And Deputy
6 Secretary Ruszkowski will be --

7 THE CHAIR: Don't do that to the other
8 deputies.

9 MS. POULOS: His name is easier to say --
10 will be the Acting Secretary. And so it'll likely
11 end up on his desk.

12 And we do still plan for that rule, with
13 minor modifications, to go forward and begin at the
14 beginning of next fiscal year.

15 THE CHAIR: Okay. Thank you. And we look
16 forward to next week. So I appreciate that.

17 And I appreciate all the Commissioners
18 that are taking all their time out once again, on
19 the road again. Someone has suggested that I
20 purchase someplace up here. It would be easier;
21 but --

22 COMMISSIONER ARMBRUSTER: And cheaper.

23 THE CHAIR: Okay. No. -- we're on No. 10,
24 Discussion and Possible Action on the Proposal for
25 the PEC Attorney.

1 And that actually is -- so everyone has
2 received a copy of that. I want to thank the
3 subcommittee for their time, their effort, their
4 work on this. I appreciate the PED's cooperation
5 and work on this.

6 And I guess we -- we went back and forth
7 on whether we actually even had to vote on this.
8 But we just figured, we'll just take a vote on it
9 and make it clean.

10 So if there's any questions? Comments?

11 COMMISSIONER JOHNSTON: I just have a
12 comment. In reading it last night, on Page 2 -- and
13 this is -- it goes A, B -- and you go to the top of
14 Page 3, and it goes C. And then it goes to E.
15 There's no D. So that's just --

16 MS. POULOS: Madam Chairwoman, I think the
17 formatting is a little off. It does A, B, C. The C
18 is hidden a little. D is right underneath that;
19 we're talking about Page 2. And it starts again --
20 I think it's because these are provisions of, I
21 think, the ethical code for attorneys.

22 THE CHAIR: It was, like, kind of cut and
23 pasted.

24 COMMISSIONER RUIZ: I don't have a "D."

25 THE CHAIR: On Page 3, there's just a

1 blank spot there between C and E.

2 MS. POULOS: Ah, yes.

3 COMMISSIONER JOHNSTON: We just need to
4 change the letters, I think.

5 THE CHAIR: I'll be honest. I looked at
6 my final copy. I didn't look at this.

7 COMMISSIONER JOHNSTON: I think this is a
8 beautiful document. That's why I think -- I know
9 the work, the blood, sweat, and tears that went into
10 it. I just didn't want that oversight.

11 THE CHAIR: I should have looked more at
12 this. I knew what the final copy looked like; so I
13 just didn't really pay a whole lot of attention;
14 so...

15 COMMISSIONER CABALLERO: Discussion? My
16 only concern is the language that has "Chairman" or
17 "Executive Committee." Under what circumstance --

18 THE CHAIR: Where are we?

19 COMMISSIONER CABALLERO: Let me see.
20 "Attorneys will" -- well, those are bills.

21 THE CHAIR: I thought we had -- I didn't
22 think there was anything in there that said that in
23 the final copy.

24 COMMISSIONER CABALLERO: That the
25 attorneys will take assignments from the majority of

1 the PED, the Chair, or the Executive Committee. And
2 then somewhere else, also, it talks about the Chair
3 or the Executive Committee.

4 And under our -- our -- my concern is that
5 when we discussed the Rules of Procedure --

6 THE CHAIR: I'm sorry. I'm sorry. It's a
7 typo there, "from the PED." It should be "the PEC."
8 That's a typo that keeps coming up. It's from the
9 majority vote of the PEC, not from the PED.

10 COMMISSIONER CABALLERO: Okay. And
11 then --

12 THE CHAIR: Yeah.

13 COMMISSIONER CABALLERO: -- the
14 assignments and the conversations, I think it's
15 worded to where the Chair or the Executive
16 Committee. And I think it should just state the
17 Executive Committee, just to be in line with the
18 Rules of Procedure. We had some discussion about
19 the Executive Committee. And -- and No. 3, under
20 "Executive Committee," it says, "Meets with the
21 Commission's assigned legal counsel to request and
22 receive legal advice on behalf of the Commission."

23 So my only concern is that we have a
24 larger group of people from the Commission other
25 than just the Chair. Otherwise, it's just going to

1 be an executive committee of one. I would prefer
2 the whole Commission. But I'm just following our
3 procedures.

4 THE CHAIR: But in C, if I'm looking at
5 the same place you are, it says, "The majority vote
6 of the PEC, the Chair, or the Executive Committee."
7 So it's any of those three.

8 COMMISSIONER CABALLERO: Right. But it
9 should be either the PEC, entire Board, or the
10 Executive Committee; so that -- in other words, we
11 don't have a direction here under what circumstances
12 it's the Chair. And at the time we were doing our
13 procedures, I said, "Well, there's going to be
14 situations where things have to happen real fast."

15 THE CHAIR: Right.

16 COMMISSIONER CABALLERO: And the Chair has
17 to deal with it.

18 THE CHAIR: Right.

19 COMMISSIONER CABALLERO: But I think there
20 should be clarity that it should be always the --
21 either the whole PEC or the Executive Committee, and
22 then have the language that if -- in extenuating or
23 emergent situations, it could be the Chair, just to
24 be able to move and protect whatever legal things
25 that we have.

1 But, in other words, it says the Chair or
2 the Executive Committee, and just leave it at the
3 Executive Committee. There's three of you guys.
4 And I don't think it's that much of a burden to have
5 three. But I think it's best to have three rather
6 than just one.

7 THE CHAIR: I don't -- you know --

8 COMMISSIONER ARMBRUSTER: I'm fine with
9 the way it is; but --

10 COMMISSIONER TOULOUSE: Madam Chair, when
11 I was on the CNM Board for 12 years, our -- we had
12 contracts with attorneys. And our chair was the
13 only one who gave orders, not even our executive
14 committee; because I was part of that for 12 years.
15 But I -- I don't see that we're going to have a
16 problem with chairs giving directions over something
17 they shouldn't do. I don't know.

18 But I think generally, if you elect a
19 chair, you elect somebody who's trustworthy. And I
20 just -- I was used to a chair making the decision.
21 And it's just like none of us could contact our
22 lawyers, because it costs money every time, unless
23 we got permission from the chair; and then any of us
24 could ask a question.

25 THE CHAIR: Right. And that's something

1 we'll have to work out. Yeah, yeah.

2 COMMISSIONER TOULOUSE: So I don't care
3 either way. But I just think you trust a chair.
4 But in general, I would think most of the time, just
5 like they do now, the Executive Committee would make
6 the decision.

7 THE CHAIR: Right. Right.

8 COMMISSIONER TOULOUSE: Like, I assume you
9 guys made the decision we only found out about it at
10 the last to have this meeting start at noon today.

11 THE CHAIR: We had that discussion -- we
12 started that discussion, I think, at the Work
13 Session in May.

14 COMMISSIONER TOULOUSE: The ones of us who
15 weren't here didn't know until we got -- it was no
16 problem. But I'm just saying, I expect the
17 executive group makes a lot of decisions that I
18 respond to; so --

19 THE CHAIR: Right.

20 COMMISSIONER ARMBRUSTER: I don't think
21 there's anything that's, like --

22 THE CHAIR: No, no.

23 Is there any other discussion?

24 MS. POULOS: Madam Chair, I just wanted to
25 point one thing out, which is that this does say,

1 "The PEC shall select a RFP review committee that
2 shall include at least five members to evaluate
3 responses."

4 THE CHAIR: And there was a correction to
5 that, wasn't there?

6 MS. POULOS: Oh, right, to the six. Yes,
7 you're right.

8 THE CHAIR: Yeah.

9 MS. POULOS: But I just wanted to raise
10 that. I don't know if we're going to try to have
11 the review committee before our July meeting. I
12 don't know if that's something we wanted to discuss
13 or can discuss.

14 THE CHAIR: I guess that all depends on --

15 MS. POULOS: How quickly.

16 COMMISSIONER JOHNSTON: -- whether it
17 passes.

18 THE CHAIR: Not only whether it -- so I
19 guess that's my question. Does that RFP committee
20 meet before it goes out? Or -- no, it doesn't.

21 COMMISSIONER TOULOUSE: It means after the
22 responses come in.

23 THE CHAIR: Right. So I guess it depends
24 on whether all the -- we've got --

25 MS. POULOS: How quickly things move. And

1 I don't know that. But we may want to be prepared,
2 if that's possible.

3 COMMISSIONER TOULOUSE: How long is your
4 response period going to be?

5 MS. POULOS: I don't know the answer to
6 that, which is why I'm saying I would rather us be
7 safe than sorry and have that committee ready to go,
8 even if we get responses, even if it's before our
9 July meeting. I don't know if there will be. I'm
10 just putting it out there.

11 THE CHAIR: Right. Because we're -- you
12 know, unfortunately, we don't know the time frame
13 this is going to play out in right now. We're
14 hoping that it happens quickly. But then "quickly"
15 is also up for interpretation, as well.

16 But we're -- but, you know, you're right.
17 And that's a good thought, that we should have that
18 committee up and aware that they may have to meet on
19 short notice.

20 So for people that are, you know, willing
21 to make one more trip -- well -- and, actually, if
22 we could tie that in somewhere, hopefully, maybe
23 around that July meeting, so that people would
24 already be in the area, and we could have that
25 meeting; or if they had to come up here, you know,

1 whatever. But -- okay. But that's --

2 COMMISSIONER ARMBRUSTER: You were
3 thinking that that would be in Santa Fe or in
4 Albuquerque.

5 MS. POULOS: I won't be on the RFP
6 committee.

7 COMMISSIONER ARMBRUSTER: That's true.
8 What were you thinking?

9 THE CHAIR: I'm thinking if we could, and
10 we could tie it into that -- when we're in
11 Albuquerque, then it would certainly be in
12 Albuquerque. Why would we have to drive to here?

13 COMMISSIONER ARMBRUSTER: Well, works for
14 me. No. I mean, I'm fine in Albuquerque.

15 THE CHAIR: You'd be down in Albuquerque.
16 So I think Albuquerque is fine; so that, hopefully,
17 we can work it into that time. If people had to
18 come in half-a-day earlier or whatever, that would
19 work.

20 So that's certainly -- let's hope that we
21 can do it that way. But I'll ask for who might be
22 interested in serving on that committee.

23 Now, my question is, do we need to -- do
24 we need that lost item in there so that we can vote
25 on it? There's -- there's a piece that was cut --

1 that was cut but wasn't pasted back in this --

2 COMMISSIONER JOHNSTON: So there's
3 something missing.

4 THE CHAIR: We're missing D.

5 COMMISSIONER JOHNSTON: It's missing.

6 THE CHAIR: We are missing D. And it's --
7 it is part of that. So do we need what is missing
8 in D?

9 COMMISSIONER PERALTA: Can it get read
10 into the record?

11 MS. POULOS: Or corrections discussed on
12 the record. And we know to add D in there. And we
13 also know to change that typo from vote of the PED
14 to vote of the PEC.

15 COMMISSIONER JOHNSTON: Well -- and that
16 number, five to six.

17 MS. POULOS: I think if you just say the
18 corrections discussed, then that --

19 THE CHAIR: I think that that's a Freudian
20 slip that that keeps coming back in.

21 COMMISSIONER CABALLERO: Why don't we get
22 it retyped, pass it out tomorrow, and vote then,
23 nice and clean?

24 MS. POULOS: Are you volunteering?
25 Because I'm taking the night off.

1 THE CHAIR: In all honesty, I hate to kill
2 five more trees to re- -- to reprint this out for
3 something that is -- I think it's statute language,
4 that it's ethics language that we're missing. It's
5 not something that we created to put in there. It's
6 something that's standard ethics language.

7 So I don't think it's anything that
8 someone could even object to; because it -- it's
9 what has to be there. So I think we can -- I think
10 in the motion, we could simply include the corrected
11 language of D to be added.

12 COMMISSIONER CABALLERO: Are you going to
13 read it out to us?

14 THE CHAIR: I don't have it.

15 COMMISSIONER JOHNSTON: I've made my
16 motion.

17 COMMISSIONER CABALLERO: I can't vote on
18 something that I don't see in front of me, or hear.
19 You can read it out, if you can.

20 THE CHAIR: I don't -- I'm trying to see
21 if I can find it.

22 MS. POULOS: I mean, it's the ethical
23 rules for all attorneys. So I'm not sure that you
24 can object to it.

25 THE CHAIR: I don't think he can. I will

1 see if I have -- if I have that -- if I can find it
2 quickly enough.

3 COMMISSIONER ARMBRUSTER: Is it D on the
4 second page, under "Scope of Work"?

5 COMMISSIONER JOHNSTON: No, it's above
6 "Scope of Work."

7 COMMISSIONER ARMBRUSTER: Oh. Is it the
8 first --

9 COMMISSIONER JOHNSTON: It's right above
10 "Scope of Work." "Confidentiality of Information."

11 COMMISSIONER ARMBRUSTER: "Shall be bound
12 by the following ethical rules"?

13 THE CHAIR: It's directly under,
14 "Inadvertent or unauthorized disclosures of
15 information." And there should be a D.

16 COMMISSIONER ARMBRUSTER: Do I have it?
17 Isn't that it?

18 THE CHAIR: It's not in the one that --
19 that I typed, either; because it wasn't in the
20 original one. I just simply -- you know --

21 COMMISSIONER ARMBRUSTER: Because I didn't
22 see it. But I thought maybe I wasn't looking --

23 THE CHAIR: Maybe I left it out of there,
24 too.

25 COMMISSIONER ARMBRUSTER: That's okay.

1 Just fill in the blanks. Was it in the original
2 original?

3 THE CHAIR: I can't answer that. I can't
4 tell you that.

5 MS. POULOS: I'm almost there. Hold on.
6 1606 -- 16-106. 16-106. 106. "Confidential
7 Information. A, Disclosure, generally; B,
8 Disclosure of Information" --

9 THE CHAIR: "C, Inadvertent or
10 Unauthorized Disclosure." And what is D?

11 MS. POULOS: These must be out of date.
12 One of these is out of date. I'm assuming it's what
13 I pulled up on mine.

14 THE CHAIR: Here's my question. Is it
15 possible that there is no D out of the 16 -- 16.106
16 that we needed? Because if you look at E, E
17 continues on with the "Scope of Work."

18 So I'm thinking that that D never existed,
19 and that it's a mislettering, and that it should
20 be -- D should be, "The attorneys will have a
21 contract."

22 E should be, "The attorneys will
23 provide... ."

24 F is, "At the direction of the Chair... ."

25 And we end with G and not H.

1 MS. POULOS: Well, so what -- I know
2 exactly what happened. So if you look at it, it is,
3 "The PED proposes to enter into an MOU under the
4 following conditions:"

5 The conditions are A, B, C, D. And then D
6 is that they're bound by the ethical rules, I think
7 is what you were just saying.

8 Then you jump; right? Because what you've
9 done is cut and pasted the ethical rules. You could
10 really just read it as, "The attorneys, PEC, and PED
11 shall be bound by the ethical rules."

12 Then you go, "The attorney will have
13 contract, or contracts, through the Public Education
14 Department."

15 THE CHAIR: Right.

16 MS. POULOS: Yeah. so it's the way that
17 it's excerpted. You're right.

18 THE CHAIR: So there isn't anything
19 missing.

20 MS. POULOS: Yeah.

21 COMMISSIONER JOHNSTON: It's just the
22 formatting.

23 THE CHAIR: Correct. So we're good with
24 it as it is written.

25 COMMISSIONER JOHNSTON: With those few

1 changes, yeah; the corrections, I guess.

2 MS. POULOS: Well, it's only one
3 correction.

4 THE CHAIR: Only one correction. "PED,"
5 in C, in letter C.

6 COMMISSIONER JOHNSTON: What about five to
7 six? My B says, "Shall include" -- "The RFP review
8 committee shall include at least five and
9 [inaudible] six." So there's that.

10 THE CHAIR: Okay. Are we ready?

11 Okay.

12 I move that the Public Education
13 Commission accept the RFP Scope of Work for Legal
14 Services with the correction of letter B shall read,
15 "will include at least six members," not five
16 members; and letter C should read, "by a majority
17 vote of the PEC," not the PED.

18 COMMISSIONER PERALTA: Second.

19 THE CHAIR: There's a second by
20 Commissioner Peralta.

21 Commissioner Armbruster, I guess we have
22 to take a roll-call vote on it. I don't know.

23 COMMISSIONER ARMBRUSTER: Okay. Is there
24 any abstentions?

25 Okay.

1 Commissioner Peralta?
2 COMMISSIONER PERALTA: Yes.
3 COMMISSIONER ARMBRUSTER: You go first, so
4 I won't forget you.
5 Commissioner Toulouse?
6 COMMISSIONER TOULOUSE: Yes.
7 COMMISSIONER ARMBRUSTER: Commissioner
8 Ruiz?
9 COMMISSIONER RUIZ: Yes.
10 COMMISSIONER ARMBRUSTER: Commissioner
11 Caballero?
12 COMMISSIONER CABALLERO: Abstain.
13 COMMISSIONER ARMBRUSTER: You were
14 supposed to tell me that at the beginning. Now, I
15 have to change my -- okay.
16 Commissioner Conyers?
17 COMMISSIONER CONYERS: Yes.
18 COMMISSIONER ARMBRUSTER: Commissioner
19 Johnston?
20 COMMISSIONER JOHNSTON: Yes.
21 COMMISSIONER ARMBRUSTER: Commissioner
22 Gipson?
23 THE CHAIR: Yes.
24 COMMISSIONER ARMBRUSTER: Commissioner
25 Crone?

1 COMMISSIONER CRONE: Yes.

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

4 So the motion passes eight, with one
5 abstention.

6 THE CHAIR: Thank you. The motion passes
7 with one abstention and eight -- seven affirmative.

8 COMMISSIONER ARMBRUSTER: Eight.

9 THE CHAIR: Eight, I'm sorry. You're
10 right.

11 COMMISSIONER ARMBRUSTER: Those are
12 numbers. You know how to do those.

13 THE CHAIR: Thank you. We are now on
14 to -- we don't really have anything for 12 at this
15 point in time, because we have the -- do we?

16 MS. POULOS: That is all day tomorrow.
17 No. 12 is all day tomorrow.

18 THE CHAIR: Right. So 12 will be covered
19 tomorrow with public comment.

20 So that's the presentation that will take
21 place tomorrow.

22 So there's nothing at this moment to do
23 with that. And we are on to -- oh, I'm sorry. I
24 skipped 11, which is my report.

25 And you will look and see letter A is the

1 tentative schedule for the Community Input Hearings,
2 that, right now, July 20th will be -- the morning
3 will be a Work Session, and we discussed that
4 earlier; and the afternoon, we will have a regular
5 PEC meeting.

6 And the agenda should be fairly short.
7 And I know there is -- there is a tentative, but I
8 don't want to give it out in case it didn't come
9 through, with Albuquerque Public Schools, one of
10 their -- one of their offices. Not in the main
11 building there, but down the road just a bit, they
12 have, I guess, auxiliary offices.

13 So it's in the same general area as where
14 we had our input hearing and where we've had
15 previous meetings. But their board meeting room is
16 not available on that day, so they've got someplace
17 right there in that general area that Beverly
18 believes is available. She's firming it up. She's
19 vacationing -- she's baby-sitting, so I don't know
20 if you call that "vacation" -- with a two and a
21 four-year-old. But we'll get that to you as soon as
22 possible.

23 And the next day will be the two public
24 input -- public -- Community Input Hearings for
25 those two schools.

1 COMMISSIONER JOHNSTON: Are those in the
2 morning? Or do they last all day? Or how do those
3 go?

4 THE CHAIR: We should be able to get
5 through those in the morning, starting at 9:00 --
6 it's -- it can take a while.

7 COMMISSIONER JOHNSTON: I was just -- but
8 it'll start in the morning.

9 THE CHAIR: It can take -- yes. We will
10 absolutely start in the morning, yes.

11 COMMISSIONER ARMBRUSTER: We usually start
12 8:30, 9:00. It's not, like, at 7:00.

13 THE CHAIR: No, no, no.

14 And the next item is the NACSA conference.
15 The NACSA conference, the dates are October 16th to
16 the 19th. And if I believe, correctly, when I
17 looked -- let me pull my calendar out --
18 October 16th, from the agenda that they have posted,
19 the only thing that is taking place on the 16th is
20 they're having a work session for new authorizers,
21 so that that doesn't really apply to us.

22 MS. POULOS: Some of you. I would say
23 some of you might -- might benefit.

24 THE CHAIR: It's a long session. But
25 depending on travel plans -- because this is the --

1 this is the question. If you intended to go on the
2 16th, you, in all likelihood, would have to come in
3 on Sunday, the 15th -- because I thought it started
4 at 1:30.

5 MS. POULOS: 10:00 a.m. It's a one-hour
6 flight from here.

7 THE CHAIR: The problem is, we don't make
8 the reservations ourselves. They're made for us,
9 and we're told when we're going.

10 COMMISSIONER JOHNSTON: By the PED.

11 THE CHAIR: Yes. So I don't know. But my
12 sense is to go on the 16th, to be there on the 16th,
13 whenever they tell me I can get there, because they
14 do make the arrangements.

15 And then the 19th is people are leaving.
16 And the only thing they really do on the 19th is
17 some busy work to keep the people there that
18 haven't -- their flights haven't left yet; so that
19 they really don't do anything of significance on
20 that last day. They do a couple of wrap-up things,
21 and it's people whose flights haven't left yet, so
22 if they're around in the morning.

23 So that, in general, you'd be leaving on
24 the 16th and coming back on the 19th. And you make
25 your hotel reservation on your own.

1 COMMISSIONER JOHNSTON: Oh, okay.

2 THE CHAIR: And at least what they did the
3 last time was, it was -- I just had to turn in my
4 confirmation of the -- of the hotel, and it was paid
5 for when I got there, so that I didn't have to pay
6 for it and ask for the reimbursement. The State had
7 already paid for it when I arrived, so that that was
8 taken care of.

9 COMMISSIONER ARMBRUSTER: And I think I
10 didn't stay there, and I just gave them the
11 receipts, and they paid me. Not a big deal, because
12 I was there for longer than that.

13 THE CHAIR: But it is significantly easier
14 to stay where they're holding the conference. I
15 will say -- I will tell you they do not have a
16 shuttle. It's only six miles from the airport; but
17 they do not have a shuttle from the airport to -- so
18 that you will have to make your own arrangements to
19 get from the airport to the hotel, because the hotel
20 does not provide a shuttle.

21 COMMISSIONER CABALLERO: So you're
22 spending for transportation and meals.

23 THE CHAIR: The transportation -- they
24 make the arrangements for you and pay for it. So
25 they just sent me the E-ticket. So the only thing I

1 had to physically write out as expenses was, yes,
2 the transfer -- the shuttle and meals.

3 And NACSA, if it's like the conference in
4 Denver, there was more food, so that the only thing
5 that you could possibly have to -- is dinner.
6 Breakfast is provided for, and lunch is provided
7 for.

8 And if you were really good, you had
9 enough for lunch that you could eat dinner. And
10 there were snacks all day.

11 MS. POULOS: And the vendors host pretty
12 good happy hours.

13 THE CHAIR: There were a couple of happy
14 hours. Not that anyone here drinks, but there were
15 happy hours. So the only thing I had to physically
16 write in for was my transfer from the hotel to the
17 airport. Yeah.

18 And there is a -- there is a shuttle
19 service that you can pay for. I think it was 16
20 bucks from the hotel -- from the airport to the
21 hotel. I think it was \$16 round-trip. So it's
22 not -- it's not exorbitant, and it is available.

23 So what I would say --

24 COMMISSIONER TOULOUSE: That's a
25 reimbursable expense.

1 THE CHAIR: It is. And I did. And we
2 were out in "Nowhere McLand" in Denver. It was out
3 in Nowhere Land. So that this is not; this is more
4 in -- it's in Tempe; so it's -- there's things
5 around.

6 But I would say that if you -- if you're
7 interested in going, you make your hotel
8 reservation; because you can cancel that up to
9 48 hours before. So that if you have -- and the
10 rooms will book quickly; so that if you're
11 interested in going, that you book the room. You
12 let Beverly know that you're interested, because it
13 takes a while for them to make -- through the State,
14 do the travel arrangements. So they need a
15 significant amount of time to make your flight. So
16 that I would strongly recommend you let her know by
17 the end of this month if it's your intention, so
18 that they can get all of those things in motion so
19 that it can be done.

20 And it can -- they also have an idea of --
21 because it has not been indicated to me that there's
22 any concern about limiting the number of people.
23 But it's just a matter of they need time to get this
24 all going, you know.

25 And if you have -- and it makes it a whole

1 lot easier if you have the hotel confirmation that
2 you can forward to Beverly, because then they'll
3 take care of that, as well. And that's done for
4 you, unless you're looking for it to be on your
5 credit card for points.

6 So -- but it looks like a -- this year's
7 agenda looks like there's more opportunity. One of
8 the reasons why I know I did not go to Atlanta last
9 year was because when I looked at the agenda, there
10 really didn't seem to be much that I thought was
11 going to be as significantly helpful. And it did
12 happen at the exact same time that the New Mexico
13 Charter Coalition conference was. And I felt that
14 there would be better opportunity here to stay here
15 for that conference.

16 So I would just ask you if you're thinking
17 about doing this to go on the NACSA website, because
18 there's links to the hotel right there on the
19 website, so that it's very easy to do. It's the --
20 I forget the name of it. But they do have a direct
21 link, so that you can make -- because there is a --
22 you know, they've made an arranged --

23 COMMISSIONER ARMBRUSTER: There's a link
24 that you can do on the one that Katie sent out.
25 There's one on that, too.

1 THE CHAIR: Okay. All right. So I would
2 just do that as quickly as possible if you're
3 interested in doing that. Like I said, I can't
4 speak to the plane reservations. In terms of if
5 you're iffy about it, I would check with Beverly to
6 see when you would have to tell her "no," so that
7 they haven't booked your flight, and then they can't
8 get it back.

9 The hotel is a different story, that you
10 can cancel that up to 48 hours prior. So -- okay.

11 We don't have anyone here from the Charter
12 Coalition; so -- and that's because one of them is
13 in Australia. So we're -- we're off of that.

14 We're on to PEC Comments.

15 Commissioner Ruiz?

16 COMMISSIONER RUIZ: No comment.

17 THE CHAIR: Commissioner Crone?

18 COMMISSIONER CRONE: No Comment.

19 THE CHAIR: Commissioner Johnston?

20 COMMISSIONER JOHNSTON: No comment.

21 THE CHAIR: Commissioner Armbruster?

22 COMMISSIONER ARMBRUSTER: No comment.

23 COMMISSIONER PERALTA: Not here.

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair,

1 nothing anybody would want to hear right now; so I'm
2 through for the day. Tomorrow.

3 THE CHAIR: Commissioner Conyers?

4 COMMISSIONER CONYERS: I'm good.

5 THE CHAIR: Commissioner Caballero?

6 COMMISSIONER CABALLERO: (Indicates.)

7 THE CHAIR: We are recessed until 9:00
8 tomorrow morning, when we will begin our discussion
9 with Public Impact.

10 MS. HETHERINGTON: Madam Chair, would
11 the -- would the Chair entertain, before you adjourn
12 today, or when you come out of recess tomorrow first
13 thing, reconsideration of the EVCA's request for an
14 increase in its enrollment, with the understanding
15 that I believe we now have information that reflects
16 what your -- what the May 11th letter in your packet
17 is tied to in the Charter School Code, and a way to
18 address Member Peralta's concerns about the fact
19 that there is not yet a building permit that has
20 been approved?

21 THE CHAIR: I'm going to say from -- from
22 my perspective and after talking with Commissioner
23 Peralta, who is our liaison with that body, that
24 he's comfortable, and I'm comfortable, with keeping
25 it as it is right now. I don't think we have -- I

1 don't think we have sufficient information at this
2 moment in time.

3 MS. HETHERINGTON: Okay. All right.

4 May I just say for the record that the
5 May 11th letter in your packet addresses what the
6 PEC can consider under the Charter School Code,
7 Section 22-8B-4.2C, which relates to whether a
8 school -- school's relocation in a facility will
9 comply with the statewide average and the condition
10 index?

11 THE CHAIR: Okay. Thank you.

12 MS. HETHERINGTON: Thank you.

13 THE CHAIR: We're recessed until tomorrow
14 at 9:00 a.m.

15 (Proceedings in recess at 5:08 p.m.)
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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on June 29, 2017.

Cynthia C. Chapman, RMR-CRR, NM CCR #219
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