

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

April 8, 2016

9:00 a.m.

Mabry Hall, Jerry Apodaca Education Building

300 Don Gaspar

Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
Bean & Associates, Inc.
Professional Court Reporting Service
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

JOB NO.: 5320L (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349

**BEAN
& ASSOCIATES, Inc.**
PROFESSIONAL COURT
REPORTING SERVICE

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

A P P E A R A N C E S

COMMISSIONERS:

MR. VINCE BERGMAN, Chair
MS. PATRICIA GIPSON, Vice Chair
MR. GILBERT PERALTA, Secretary
MS. KARYL ANN ARMBRUSTER
MR. JEFF CARR
MS. ELEANOR CHAVEZ
MR. JAMES CONYERS
MS. MILLIE POGNA
MS. CAROLYN SHEARMAN
MS. CARMIE TOULOUSE

STAFF:

MS. KATIE POULOS, Director, Charter School Division
MR. DYLAN LANGE, Assistant Attorney General
Counsel to the PEC
MS. BEVERLY FRIEDMAN, PED Custodian of Record
and Liaison to the PEC

1	I N D E X T O P R O C E E D I N G S	
2	1	Call to Order, Roll Call, Pledge of Allegiance and Salute to the New Mexico Flag 5
3		
4	2	Approval of Agenda 7
5	3	Approval of Minutes and Transcript 7
6	4	Discussion and Possible Action on the Carl Perkins Grant 11
7		
8	5	Discussion and Action on the Revocation Decision and Order to Close Creative Education Preparatory Institute (CEPi) 17
9		
10	6	Discussion and Possible Action on Charter School Amendments 21
11	A	School of Dreams Academy 21
12	B	Sage Montessori Charter School 125
13	7	Report From Options For Parents and The Charter School Division - Discussion and Possible Action 145
14		
15	A	Schools of Concern 145
16	B	Update on Southwest Learning Centers 145
17	C	School Governance Changes 160
18	8	Discussion and Possible Action on Charter School Improvement Plans 203
19		
20	9	Discussion and Possible Action on a Position Paper Regarding Negotiations with Charter Schools 203
21		
22	10	Report from the Chair 204
23	11	PEC Comments 206
24	12	Open Forum 207
25	13	Adjourn 214

REPORTER'S CERTIFICATE 215

1. Visitor Sign-In Sheets
2. Open Forum Sign-In Sheet

1 THE CHAIR: I'm going to call this regular
2 session of the New Mexico Public Education
3 Commission into session. I will note, before we get
4 started, yes, it's cold in here. The heating system
5 in this part of the building apparently is not
6 functioning. So we're going to have to make do
7 today with that.

8 If anyone wishes to speak during the
9 public comment portion later on in the agenda, there
10 should be a sign-up sheet out there in the foyer --
11 or the foyer -- however you pronounce it. Please
12 sign that. I would also ask at this time that you
13 either turn off or mute your electronic devices,
14 please.

15 I believe we are ready to get going.
16 Mr. Secretary -- Mr. Secretary, can you call the
17 roll, please?

18 COMMISSIONER PERALTA: Commissioner Pogna?

19 COMMISSIONER POGNA: Here.

20 COMMISSIONER PERALTA: Commissioner
21 Toulouse?

22 COMMISSIONER TOULOUSE: Present.

23 COMMISSIONER PERALTA: Commissioner
24 Ambruster?

25 COMMISSIONER ARMBRUSTER: Present.

1 COMMISSIONER PERALTA: Commissioner
2 Conyers?
3 COMMISSIONER CONYERS: Here.
4 COMMISSIONER PERALTA: Commissioner
5 Shearman?
6 COMMISSIONER SHEARMAN: Here.
7 COMMISSIONER PERALTA: Commissioner Carr?
8 COMMISSIONER CARR: Here.
9 COMMISSIONER PERALTA: Commissioner
10 Chavez?
11 COMMISSIONER ARMBRUSTER: I got a message
12 from her that she'll be about an hour late.
13 COMMISSIONER PERALTA: Thank you.
14 Commissioner Gipson?
15 COMMISSIONER GIPSON: Here.
16 COMMISSIONER PERALTA: Commissioner
17 Bergman?
18 THE CHAIR: Here.
19 COMMISSIONER PERALTA: Mr. Chair, you now
20 have nine members present at this meeting.
21 THE CHAIR: Thank you, Mr. Secretary. We
22 do have nine members present here today. We do have
23 a quorum to conduct our business.
24 I believe it is time for the Pledge of
25 Allegiance.

1 Commissioner Conyers, would you lead that?
2 And the Salute to the New Mexico Flag,
3 Commissioner Peralta.

4 (Pledge of Allegiance and Salute to the
5 New Mexico Flag conducted.)

6 THE CHAIR: Thank you so much for that.

7 Next item of our agenda is the approval of
8 our agenda. I have no changes that I would like to
9 suggest to the agenda at this time.

10 Does anyone else have any changes they
11 would like to suggest?

12 Seeing none, can we have a motion to
13 approve our agenda?

14 COMMISSIONER GIPSON: So moved.

15 COMMISSIONER SHEARMAN: Second.

16 THE CHAIR: I have a motion by
17 Commissioner Gipson, a second by Commissioner
18 Shearman.

19 All in favor, say "Aye."

20 (Commissioners so indicate.)

21 THE CHAIR: Any opposed?

22 (No response.)

23 THE CHAIR: No opposition. The agenda is
24 approved.

25 Item 3 on our agenda today is the approval

1 of the various minutes.

2 Item A on that list is the approval of the
3 PEC meeting transcript for March 11, 2016. Does
4 anyone have any suggested changes to those minutes?

5 COMMISSIONER POGNA: Mr. Chairman?

6 THE CHAIR: Commissioner Pogna?

7 COMMISSIONER POGNA: Yes, sir. On
8 Page 181 of the minutes, line 14, it's stated that I
9 had received a \$50 parking ticket. No. It was a
10 \$500 parking ticket. I thought you should know the
11 correct amount.

12 Thank you.

13 THE CHAIR: Thank you for that. Are there
14 any other changes to those minutes?

15 COMMISSIONER GIPSON: \$500?

16 THE CHAIR: I see no other changes
17 suggested. I would entertain a motion that we
18 entertain those minutes with the correction, as
19 noted.

20 COMMISSIONER SHEARMAN: Mr. Chairman, I
21 move for the approval of the minutes, as corrected.

22 THE CHAIR: For the --

23 COMMISSIONER SHEARMAN: For the March 11,
24 2016, meeting.

25 THE CHAIR: Thank you, Commissioner

1 Shearman.

2 Do I have a second?

3 COMMISSIONER PERALTA: Second.

4 THE CHAIR: Commissioner Peralta has
5 seconded.

6 We have a motion and a second. All in
7 favor of approving the minutes for March 11th, say
8 "Aye."

9 (Commissioners so indicate.)

10 THE CHAIR: Any opposition?

11 (No response.)

12 THE CHAIR: Seeing no opposition, the
13 motion to approve those minutes has passed
14 unanimously.

15 The next minutes are the minutes that were
16 passed out to us just a few minutes ago. They are,
17 as Item B, the approval of the PEC meeting summary
18 minutes for March 11th, 2016.

19 Has anyone noted, since they've been given
20 to us, any changes to those minutes?

21 Seeing none, I would entertain a motion
22 for approval of the PEC meeting summary minutes for
23 March 11, 2016.

24 COMMISSIONER ARMBRUSTER: I so move.

25 THE CHAIR: I heard a voice to my right.

1 Commissioner Ambruster?

2 COMMISSIONER ARMBRUSTER: Yes.

3 THE CHAIR: Commissioner Conyers, would
4 you second, then?

5 COMMISSIONER CONYERS: Second.

6 THE CHAIR: Commissioner Conyers has
7 seconded.

8 I have a motion and a second.

9 All in favor to approve those minutes, say
10 "Aye."

11 (Commissioners so indicate.)

12 THE CHAIR: Any opposition?

13 (No response.)

14 THE CHAIR: No opposition. The summary
15 minutes for March 11, 2016, are approved.

16 The third item on that list, Item C, is
17 approval of the PEC revocation hearing transcript
18 for CEPi, which took place on March 22nd, 2016.

19 Does anyone have any changes to those
20 minutes?

21 I noted none, and I guess no one else did,
22 either.

23 I would then entertain a motion we approve
24 the minutes for that revocation hearing. Do I have
25 a motion?

1 COMMISSIONER TOULOUSE: Mr. Chair, so
2 move.

3 THE CHAIR: Commissioner Toulouse has
4 moved that we approve those minutes.

5 Do I have a second?

6 COMMISSIONER POGNA: (Indicates.)

7 THE CHAIR: Commissioner Pogna has
8 seconded.

9 We have a motion, and we have a second,
10 that we approve the PEC revocation minutes for CEPi
11 on March 22nd, 2016.

12 All in favor of that motion, say "Aye."
13 (Commissioners so indicate.)

14 THE CHAIR: Any opposition?

15 (No response.)

16 THE CHAIR: Hearing no opposition, those
17 minutes have been approved unanimously. Thank you.

18 Item 4 on our agenda -- and I think we
19 have a problem. He came in when I wasn't looking.
20 There he is.

21 Item 4 on this agenda is the Discussion
22 and Possible Action on the Carl Perkins Grant.

23 And Dr. Spencer is here with us again
24 today. So please identify yourself and proceed.

25 MR. SPENCER: Good morning, Mr. Chair,

1 members of the Commission. My name is Eric Spencer,
2 the Director of the College and Career Readiness
3 Bureau. It's good to be here with you today.

4 Today's agenda item is a follow-up from
5 the previous PEC meeting, where I presented to you
6 the final components of the Consolidated Annual
7 Report for the Carl Perkins Career Technical
8 Education Act for the reporting period of July 1,
9 2014, through June 30th of 2015.

10 Since the last PEC meeting, there were a
11 couple of anomalies there we had identified in the
12 Consolidated Annual Report that required a
13 correction that had taken place. So I want to point
14 a few of those corrections out to you.

15 In the original report, the financial
16 status reports, we provided to you an interim
17 financial status report in a final status report.

18 In both of the cases of the data that was
19 included in the financial status reports, there was
20 a clerical error, I should say, in the presentation
21 of the information. The federal grant under the
22 provision of the reserve set-aside with regard to
23 the federal reporting template, if you will, has a
24 line for secondary school expenditures and a
25 separate line for post-secondary school

1 expenditures.

2 We had inadvertently reported the
3 expenditures for the reserve set-aside in the
4 post-secondary line of the template, rather than the
5 secondary school line of the template.

6 So none of the financial information had
7 changed; it was just a matter of on the Excel
8 spreadsheet, if you will, the data was entered on
9 the wrong row. And we corrected that in both the
10 interim financial status report and also the
11 financial status report. But, again, none of the
12 financial information changed, other than just
13 placement on the form.

14 The other item that we found that needed a
15 correction would have been on the original reports
16 of Page 28 with regard to the performance and
17 accountability section. And it was the tally of the
18 career technical education student participants.
19 And in that data report, we provide to you the
20 participants that are enrolled in those CTE programs
21 pursuant to the definition, in the Act, for
22 secondary and post-secondary schools.

23 What we found was a report error. Again,
24 it was a clerical error in the reporting of the
25 secondary student participants.

1 The number that was presented to you in
2 the -- in the original Consolidated Annual Report
3 was overstated by 19,087 students. And, therefore,
4 we needed to make a correction; and so there is a
5 downward number, if you will, in the number of
6 participants.

7 The cause for the error is that it was
8 essentially a transfer error from one file to
9 another. The file that was -- that was used to
10 populate the data had a column that identified the
11 number of high school students in Grades 9 through
12 12 that, at any time during their high school
13 experience, took a career technical education
14 course. And that was the number that was reported
15 within that data set for participants.

16 But the requirement is that it's how many
17 students took a career technical education course
18 within the reporting period, not if ever. So that
19 was the reason for the adjustment, and it was just
20 populating off the wrong column of data template or
21 the data sheet. So that's the explanation for the
22 reason for a shift in the participant pool.

23 We had submitted these particular
24 revisions to the U.S. Department of Education, and
25 they've accepted the revisions in the report. So as

1 far as we know, the federal report has been fully
2 accepted by the U.S. Department of Education. And
3 today, I'm just seeking the formal approval of the
4 PEC to accept the report, as well.

5 THE CHAIR: Thank you, Director Spencer.
6 Are there any questions for the director today?

7 Seeing none, thank you for taking the
8 time.

9 As he just stated, he does need -- he's
10 seeking the full approval of the Public Education
11 Commission for the School Year 2014-2015
12 Consolidated Annual Report.

13 There is a proposed motion on your
14 Executive Summary there. It's a very short motion.

15 So would someone care to make that motion?
16 Commissioner Conyers?

17 COMMISSIONER CONYERS: I move that we
18 approve the 2014-2015 Consolidated Annual Report.

19 THE CHAIR: We have a motion by
20 Commissioner Conyers.

21 Do I have a second?

22 COMMISSIONER TOULOUSE: Second.

23 THE CHAIR: Commissioner Toulouse has
24 seconded that motion.

25 Is there any further discussion on that

1 motion?

2 Seeing none, Mr. Secretary, can we have a

3 roll-call vote, please?

4 COMMISSIONER PERALTA: Commissioner Carr?

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER PERALTA: Commissioner Pogna?

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Shearman?

10 COMMISSIONER SHEARMAN: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Toulouse?

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Ambruster?

16 COMMISSIONER ARMBRUSTER: Yes.

17 COMMISSIONER PERALTA: Commissioner

18 Peralta votes "Yes."

19 Commissioner Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Gipson?

23 COMMISSIONER GIPSON: Yes.

24 COMMISSIONER PERALTA: Commissioner

25 Bergman?

1 THE CHAIR: Yes.

2 COMMISSIONER PERALTA: Mr. Chair, that is
3 nine to zero in favor of the motion.

4 THE CHAIR: Thank you, Mr. Secretary.
5 That motion to approve your 2014-2015 consolidated
6 report has been approved. Thank you, Dr. -- or
7 Director Spencer, for being here today.

8 MR. SPENCER: Thank you very much. It's
9 always a pleasure.

10 COMMISSIONER SHEARMAN: Thank you.

11 THE CHAIR: Item No. 5 is Discussion and
12 Action on the Revocation Decision and Order to Close
13 Creative Education Preparatory Institute.

14 It's not in our book; but our legal
15 counsel did send a copy to all of you. I hope
16 everyone took the opportunity to read that decision.
17 I thought it was a very concise, very
18 straightforward document that made the case as was
19 presented during that hearing.

20 Mr. Lange, did you have anything you
21 wanted to offer on this document?

22 MR. LANGE: Mr. Chair, members of the
23 Commission, not necessarily to add any, but just to
24 make a full record.

25 After the presentation on March 22nd,

1 2016, of the evidence in the revocation hearing, the
2 PEC voted unanimously to revoke the charter of
3 Creative Education Preparatory Institute. Both the
4 Charter Schools Act and the Uniform Licensing Act
5 requires the PEC to state in writing its reasons for
6 revocation.

7 And that's what the vote is here in front
8 of you is to, after reviewing the entire record,
9 vote to adopt the Proposed Findings of Fact and
10 Conclusions of Law and to issue the final decision
11 and order.

12 THE CHAIR: Thank you, Mr. Lange. Is
13 there any further discussion on this decision?
14 Should it be approved today, then the process takes
15 another step and goes forward and will be delivered
16 to the school. And I -- yeah. And so then the
17 process clock starts counting again on the next step
18 in the process.

19 So any further discussion?

20 Commissioner Conyers?

21 COMMISSIONER CONYERS: Mr. Chair, just
22 procedural. I was not at the hearing. Is it still
23 appropriate for me to vote on this?

24 MR. LANGE: Mr. Chair, Commissioner
25 Conyers, yes. So even though you were not here, if

1 you familiarized yourself with the record, that's
2 the only requirement. You were given the Proposed
3 Findings of Fact and Conclusions of Law. And now
4 you can vote to adopt it.

5 THE CHAIR: Any other discussion or any
6 other questions?

7 Seeing none, I believe we're ready to
8 proceed with a vote then. Here, again, there is a
9 proposed motion on your Executive Summary. If
10 someone would care to make that motion, please?

11 Commissioner Shearman?

12 COMMISSIONER SHEARMAN: I move the PEC
13 adopt the Proposed Findings of Fact and Conclusions
14 of Law regarding the revocation of CEPi's charter
15 and to issue the final decision and order in
16 accordance with the Uniform Licensing and the
17 Charter Schools Act.

18 THE CHAIR: Thank you, Commissioner
19 Shearman. We have a motion.

20 Do I have a second?

21 COMMISSIONER GIPSON: Second.

22 THE CHAIR: Commissioner Gipson has
23 seconded.

24 We, therefore, have a motion; we have a
25 second.

1 Mr. Secretary, can we have a roll-call
2 vote, please?

3 COMMISSIONER PERALTA: Commissioner
4 Conyers?

5 COMMISSIONER CONYERS: Yes.

6 COMMISSIONER PERALTA: Commissioner Pogna?

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER PERALTA: Commissioner Carr?

9 COMMISSIONER CARR: Yes.

10 COMMISSIONER PERALTA: Commissioner
11 Shearman?

12 COMMISSIONER SHEARMAN: Yes.

13 COMMISSIONER PERALTA: Commissioner
14 Peralta votes "Yes."

15 Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Yes.

17 COMMISSIONER PERALTA: Commissioner
18 Armbruster?

19 COMMISSIONER ARMBRUSTER: Yes.

20 COMMISSIONER PERALTA: Commissioner
21 Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER PERALTA: Commissioner
24 Bergman?

25 THE CHAIR: Yes.

1 COMMISSIONER PERALTA: Mr. Chair, that is
2 nine to zero in favor of the motion.

3 THE CHAIR: Thank you, Mr. Secretary.
4 That motion and second has been approved by a
5 nine-to-zero vote on the decision and order to close
6 Creative Education Preparatory Institute, also known
7 as "CEPi."

8 Thank you. So that action is now
9 approved.

10 We now move to Item 6 in our agenda today,
11 Part A. We will begin there.

12 This is discussion and possible action on
13 charter school amendments. And I will ask Director
14 Poulos to share that one with us, please.

15 MS. POULOS: Chairman Bergman and
16 Commissioners, Item 6A, there are three amendment
17 requests. The first amendment request is to move
18 the facility of the School of Dreams Academy.
19 Again, we, on facilities, as long as they can
20 demonstrate that it meets the facility requirements
21 in statute, believe that that should be approved.
22 And so there is a motion on the first page for the
23 approval of that amendment request.

24 COMMISSIONER SHEARMAN: Mr. Chairman?

25 THE CHAIR: Commissioner Shearman?

1 COMMISSIONER SHEARMAN: Commissioners,
2 before we begin any discussion, I would ask that
3 everyone turn in your materials on the school to a
4 letter dated April 1, 2016, from the School of
5 Dreams, to Katie Poulos, Director of Options for
6 Parents. And I will give you a minute to find that
7 document.

8 MS. POULOS: Commissioner Bergman?

9 THE CHAIR: Yes, Director.

10 MS. POULOS: I would encourage the
11 Commission -- this is different from the materials
12 Commissioner Shearman is directing you to. Those
13 are two other agenda items. And I would recommend
14 that you consider this one first and then move on to
15 the next.

16 THE CHAIR: Thank for you that. Let me --
17 I want to find the letter first.

18 COMMISSIONER GIPSON: It's -- it's the
19 last piece before the pink page. There you go.

20 THE CHAIR: Huh. All right. That
21 presents -- has everyone found the letter in
22 question?

23 COMMISSIONER ARMBRUSTER: Yeah. We're
24 reading.

25 THE CHAIR: Okay. I'll give you just a

1 moment to read. And then I think we need to discuss
2 whether it's appropriate to look at this letter
3 before we do this first amendment. And I'll give
4 you just a moment to read that.

5 Everyone read it now?

6 Okay. I'll start with Commissioner
7 Shearman. Is there a reason why you raised this
8 issue at this time?

9 COMMISSIONER SHEARMAN: It has to do with
10 the amendment request from this school.

11 THE CHAIR: Do you think it has to do with
12 all of them, or --

13 COMMISSIONER SHEARMAN: Well, the question
14 in my mind is the amendment request for a new
15 location depended on the passage of the amendment
16 request for additional grades and an enrollment cap
17 increase.

18 And I don't know if we realistically
19 should consider the location change first, if it's
20 dependent on the other two. That's just a sort of a
21 procedural question.

22 May he answer that?

23 THE CHAIR: I'm not sure we're to that
24 point yet. But let me -- why don't you guys go
25 ahead and identify yourselves so that you are on the

1 record? And then go ahead. I will allow you to
2 answer that.

3 MR. MICHAEL OGAS: Yes, Commissioners --
4 Bergman, my name is Michael Ogas. I am the founder
5 and principal of School of Dreams Academy. I have
6 with me here Ms. Tomasita Oshiro. She is our art
7 teacher and also works with our data collection and
8 response to PED issues.

9 Behind me I have Mr. Kenneth Griego. He's
10 been with us since the beginning, was our governing
11 council president for a number of years and is now
12 an administrator at the school, helping us in
13 education and accountability.

14 THE CHAIR: Thank you for that. Would you
15 like to address what Commissioner Shearman has
16 said -- I -- that they are all apparently tied
17 together?

18 MR. MICHAEL OGAS: Commissioner Bergman,
19 Commissioner Shearman, Commissioners, the move
20 actually is something that is going to occur
21 regardless of whether or not the cap increase is
22 going to be awarded.

23 COMMISSIONER SHEARMAN: Thank you for that
24 information.

25 THE CHAIR: Any questions along those

1 lines? Or is that sufficient explanation for
2 Commissioners?

3 I'm looking in either direction. I see
4 nothing.

5 Commissioner Peralta?

6 COMMISSIONER PERALTA: I can confirm,
7 sitting on the PSCOC, that I have had affirmation
8 from Martica Casias that School of Dreams has
9 satisfied all the conditions to make the possible
10 move. And they've been working in conjunction with
11 Martica Casias, and she has not given any indication
12 that there was anything that might delay or stop the
13 move to the facility.

14 THE CHAIR: Thank you, Commissioner
15 Peralta, for adding that to our knowledge of what's
16 going on here.

17 COMMISSIONER SHEARMAN: If you're -- if
18 the Commission would prefer to consider the
19 amendment request for a new location first and then
20 consider this letter, that's fine with me.

21 THE CHAIR: All right. Any other thoughts
22 on that?

23 COMMISSIONER ARMBRUSTER: I think one
24 depends on the other.

25 THE CHAIR: They are, to me, kind of all

1 tied together.

2 COMMISSIONER ARMBRUSTER: So it seems like
3 we're backwards.

4 COMMISSIONER SHEARMAN: So would you
5 rather deal with the letter? Is that what's being
6 said? I'm not hearing you.

7 THE CHAIR: Should we change the order of
8 how we're addressing these? Should the facility
9 move be the last thing we consider? Is that -- I'm
10 seeing Commissioner Toulouse.

11 COMMISSIONER TOULOUSE: Mr. Chair, I can
12 only say that it says they want to move from a
13 temporary facility to a permanent facility.
14 Therefore, I would think that's why we need to
15 consider this, regardless of what grades are in it,
16 if this is now becoming their permanent home. And
17 so I think that's what overrides the other, in just
18 looking at the request.

19 THE CHAIR: Let's go ahead and dispense
20 with the moving of the facility, with the
21 understanding -- I assume -- even if the others
22 were -- you're moving, as you just said.
23 Irregardless.

24 Okay. Let's keep it in this order. Let's
25 do the facility move first. And then we may talk

1 about that letter a little later, Commissioner.

2 Everyone in agreement with that?

3 I see no -- I see no -- so then why don't
4 you just tell us a little bit about your new
5 facility, then? I know we've got some information
6 here.

7 MS. TOMASITA OSHIRO: Can you hear him?

8 MR. MICHAEL OGAS: I'm not sure this is
9 on.

10 MS. FRIEDMAN: You have to turn the
11 button.

12 MR. MICHAEL OGAS: Testing.

13 THE CHAIR: You're just going to have to
14 use the old-fashioned one.

15 MR. MICHAEL OGAS: Use the -- okay.

16 Commissioners, members of the Commission,
17 we -- last time I was here, I spoke to you during
18 our reauthorization and mentioned to you that we
19 were actively involved in trying to find a permanent
20 facility.

21 Since then, we've gone down two or three
22 different roads -- can you hear me -- we've gone
23 down two or three different roads. About eight
24 months ago, we were approached by some developers
25 and working in conjunction with the Village of

1 Los Lunas on a redevelopment of a blighted area that
2 they've just designated blighted, which is a 20-acre
3 site, literally in the heart of Los Lunas, 200 feet
4 from the Rail Runner.

5 We've been working with the Village for
6 about four or five months now to try to set up a
7 deal.

8 They recently, two weeks ago, approved the
9 acquisition of that building, and they approved a
10 bond sale to be able to move us into a portable
11 village, which will end up eventually being a
12 permanent facility on us. So, basically, we have
13 tremendous support from our Village in terms of them
14 using their bonding capacity and their ability to
15 build in order to get us into a facility.

16 We will be entering portables beginning
17 August. We will be leasing the facility from them,
18 with the immediately moving toward a lease-purchase
19 type of deal. So School of Dreams Academy is going
20 to have a permanent home from here on.

21 We're also working with architects on a
22 buildout of our "big room" concepts that will be our
23 first major build on this, on top of the actual
24 purchase of the land and the portable facility, that
25 will include our art, dance, music, digital

1 filmmaking, robotics, and all of our programs that
2 are, you know, along with our STEAM mission.

3 We are all excited. The Village is
4 excited; the community is excited for us. It's a --
5 it's been a great win-win for everybody.

6 We are currently -- we've been working
7 with Albuquerque Public Schools and Ms. Casias from
8 the Facilities Authority for a number of months now.
9 I was just on the phone with her on the way up here.
10 She had found us three more portables outside of
11 Clovis and wanted to know if we wanted them; so
12 she's been extremely helpful.

13 They have allowed us to utilize their
14 kitchen portable facility, which is a single-wide
15 kitchen with a double-wide cafeteria area. And we
16 will be moving that down in the next month or so.

17 I don't know what else you'd like me to
18 say about it; but it's a fantastic project, and we
19 are extremely grateful to the Village for their
20 support, as well as, you know, proud to be a part of
21 the community. We've been a viable part of our
22 community since the beginning, with partnerships
23 with UNM-Valencia.

24 And I don't know how much you want me to
25 talk about the other stuff; but that's just the

1 facility.

2 THE CHAIR: Let's stick to the facility
3 for now. That's what you've done. So it will be
4 portables at the beginning.

5 MR. MICHAEL OGAS: Initially, yes,
6 Commissioner.

7 THE CHAIR: And Ms. Casias is already on
8 board with that.

9 MR. MICHAEL OGAS: They are. We have met
10 twice with them. They are waiting for the final
11 layout from Greer Stafford, our architects. Jaynes
12 Corporation is going to be doing the actual move and
13 the buildout of that facility. It's an old mobile
14 home trailer park that had hundreds of sites; and
15 they had -- the Village had to go through -- the
16 reason it's a little late is the Village had to go
17 through the process of making it a blighted area, do
18 all the public hearings for that, and then come back
19 and work on the lease with us. And initially,
20 they've awarded a \$4.4 million buildout for us.

21 THE CHAIR: Excellent.

22 Commissioners, do you have questions for
23 Mr. Ogas? I'm looking in various direction.

24 Commissioner Shearman?

25 COMMISSIONER SHEARMAN: The only question

1 I have is what is going to be the -- I can't think
2 of the word -- how many students is the -- are those
3 portables -- when you start school next year, what
4 would be the student enrollment cap for those
5 buildings?

6 MR. MICHAEL OGAS: Currently, our -- yes,
7 ma'am. Currently, our charter cap is 525. Our
8 current enrollment is 380. I imagine that we will
9 grow a little bit. And then depending on the result
10 of the other, we had plans -- one of the urgencies
11 was to decide, when we move in the portables, if the
12 elementary -- beginnings of the elementary, as we
13 have it planned to phase it in, were allowed, we
14 would house them; and it would probably be another
15 135 students more.

16 COMMISSIONER SHEARMAN: But my question is
17 what is the approved capacity of those buildings?

18 MR. MICHAEL OGAS: Of those buildings?

19 COMMISSIONER SHEARMAN: Yes.

20 MR. MICHAEL OGAS: Probably -- I don't
21 know exactly. It was well beyond the 525, though.
22 But our cap -- our charter cap is 525.

23 COMMISSIONER SHEARMAN: Okay. Has PSFA
24 had -- they've approved. But I'm just asking about
25 the capacity. Gilbert, do you know? Has PSFA said

1 what the capacity of their facilities would be,
2 student-wise?

3 COMMISSIONER PERALTA: In regards to the
4 portables?

5 COMMISSIONER SHEARMAN: Uh-huh.

6 COMMISSIONER PERALTA: I have not gotten
7 the information on that.

8 COMMISSIONER SHEARMAN: That would be my
9 only question, to make sure you have legal capacity
10 for those portables.

11 MR. MICHAEL OGAS: Absolutely, yes.
12 Ms. Casias did say to relate to you that we've been
13 proactive and worked with them. And she is moving
14 forward with our architect to, you know, develop the
15 appropriate letter that you need.

16 COMMISSIONER SHEARMAN: But you don't
17 think that the facility would be -- would have the
18 capacity for 820 students?

19 MR. MICHAEL OGAS: Not initially. That's
20 why we had a phase-in over three years moving into
21 our next reauthorization. So when we build out the
22 big rooms, we're going to be able to move many of
23 our big programs in there. It's going to free up
24 probably six double-wides immediately. And by then,
25 we will have the capacity for all the grade levels.

1 We've thought that through, yes, ma'am.

2 COMMISSIONER SHEARMAN: Thank you.

3 THE CHAIR: Does that satisfy --

4 COMMISSIONER SHEARMAN: Yes. Thank you.

5 THE CHAIR: Are there any further
6 questions? Any discussion?

7 Seeing none, I believe we're to the
8 position where we could use a vote on this
9 particular amendment. Once again, I would suggest
10 that, on the Executive Summary for this first
11 amendment, there is a suggested motion.

12 Would someone care to read that motion --
13 make that motion?

14 Commissioner Peralta?

15 COMMISSIONER PERALTA: I would move to
16 approve the amendment presented by School of Dreams
17 Academy to move from its current facility, to
18 906 Juan Perea Road, Los Lunas, New Mexico, with the
19 condition that the facility must meet all facility
20 requirements.

21 COMMISSIONER POGNA: Second.

22 THE CHAIR: We have a motion by
23 Commissioner Peralta to move to approve; a second by
24 Commissioner Pogna.

25 Is there any further discussion on this

1 motion?

2 Mr. Secretary, may we have a roll-call

3 vote, please?

4 COMMISSIONER PERALTA: Commissioner

5 Peralta will vote "Yes."

6 Commissioner Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Ambruster?

10 COMMISSIONER ARMBRUSTER: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Toulouse?

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER PERALTA: Commissioner Pogna?

15 COMMISSIONER POGNA: Yes.

16 COMMISSIONER PERALTA: Commissioner Carr?

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER PERALTA: Commissioner

19 Shearman?

20 COMMISSIONER SHEARMAN: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Gipson?

23 COMMISSIONER GIPSON: Yes.

24 COMMISSIONER PERALTA: And Commissioner

25 Bergman?

1 THE CHAIR: Yes.

2 COMMISSIONER PERALTA: It's, Mr. Chair, a
3 nine-to-zero vote in favor of the motion.

4 THE CHAIR: Mr. Secretary, thank you for
5 that. I will note for the record that that
6 amendment to move to that new facility has been
7 approved by a unanimous vote of nine to zero. So we
8 have satisfied the first part of 6, A.

9 The second part which would be B, which
10 would be the enrollment cap increase. That would be
11 the next thing behind the pink page there.

12 Now, I think at this point, perhaps, the
13 letter that Commissioner Shearman wants to discuss
14 might come into play on these other two items. Is
15 that --

16 COMMISSIONER SHEARMAN: Yes, sir.

17 THE CHAIR: -- the feeling of the
18 Commission, then?

19 Then I'm going to allow Commissioner
20 Shearman, wherever you're wanting to go with this.

21 COMMISSIONER SHEARMAN: Thank you.
22 Commissioners, I'm looking at that April 1st letter.
23 Again, it's from the School of Dreams. It's signed
24 by Michael Ogas who is here with us today. It is
25 addressed to Katie Poulos, as Director of Options

1 for Parents.

2 I ask that you look at the last paragraph
3 on the first page. And if you would indulge me,
4 I'll read it, please.

5 "Regarding..." -- quotation here --
6 "Regarding a submission of an improvement plan,
7 unfortunately, this is the first time we've been
8 asked about the plan and been told it is a
9 consideration of CSD making a recommendation for
10 approval of our amendments. Therefore, thank you
11 for the guidance documents.

12 "However, preparing an improvement plan
13 using the lengthy improvement plan template and the
14 improvement plan guide for charter schools takes
15 time, stakeholder input, and cannot be met in this
16 short time frame."

17 My question is, is CSD utilizing the
18 improvement plan that they presented to this
19 Commission that has neither been accepted nor
20 approved?

21 MS. POULOS: No, ma'am, we're not.

22 COMMISSIONER SHEARMAN: What is it?

23 MS. POULOS: We have -- I'd actually like
24 us -- I think we actually need to go through this
25 line of communication. First, I'd like to say that

1 we do give that opportunity to schools. My staff
2 has been telling schools that we have that, if they
3 would like to use it; because CSD feels it is a
4 valuable tool.

5 We are not requiring it. We are not
6 saying it's been approved. We are saying CSD
7 believes this is a valuable tool for improving
8 school achievement and giving it to the schools as
9 an option, if they would like to use that, as CSD's
10 statutory role to provide support to charter
11 schools.

12 Next, I would like to direct you to the
13 communication two or three pages before that, dated
14 October --

15 COMMISSIONER SHEARMAN: May I interrupt
16 you for just a minute? I'd like to discuss this
17 some more, before we get away from it.

18 I'm not aware of, at any time, that this
19 Commission has authorized CSD to develop any kind of
20 template or plan for use with the schools that we
21 authorized.

22 MS. POULOS: Madam Chairwoman, can I
23 respond to that?

24 COMMISSIONER SHEARMAN: We have not
25 authorized it; nor have we approved it, ever.

1 MS. POULOS: CSD has a statutory authority
2 and mission to provide support to charter schools.
3 It is in 22-8B, the Charter School Code. And that
4 is one of the responsibilities of the Charter School
5 Division.

6 THE CHAIR: That may be a responsibility
7 of the Charter School Division; but to do that
8 responsibility, you need to use documents that have
9 been discussed and approved by this Commission. And
10 trying to go around that by making it optional for
11 the schools, if they do choose that option, they're
12 using a document that has not been approved by this
13 Commission.

14 MS. POULOS: Chairwoman?

15 THE CHAIR: It has not been approved to
16 this date by this Commission, because the Commission
17 did not agree with the total makeup of that
18 document, and it's --

19 MS. POULOS: Chair Bergman?

20 THE CHAIR: I'll get to you when I'm done.

21 MS. POULOS: Okay.

22 THE CHAIR: So I believe Commissioner
23 Shearman has raised a very important point here.
24 And I think it's at this time we need to offer some
25 guidance to the Charter School Division as to

1 whether they should cease offering this document to
2 other people until this Commission has approved said
3 document.

4 The support that they offer to the charter
5 schools is with the express permission of this
6 Commission. Every document that is in use by this
7 Commission has been approved by this Commission
8 after a great deal of study in work sessions and
9 everything else.

10 The -- I do not believe the Charter School
11 Division has the authority to try and go around that
12 process.

13 Commissioners, I'm now going to ask you to
14 weigh in on this.

15 Commissioner Carr?

16 COMMISSIONER CARR: Okay.

17 MS. POULOS: Can -- sorry. I do think I
18 have a very important piece of information that I
19 would like to share with this Commission in response
20 to that. And I ask that opportunity.

21 THE CHAIR: Commissioner, do you want to
22 let her go, or do you want to bring your input in
23 first?

24 COMMISSIONER CARR: No, go ahead.

25 THE CHAIR: All right. I will call on the

1 Director. Go ahead.

2 MS. POULOS: I would ask all of the
3 Commission to look at 22-8B-17.

4 COMMISSIONER CARR: And do we have it?

5 MS. POULOS: In 22-8B-17, the Legislature
6 established the Charter Schools Division as a part
7 of the Public Education Department.

8 It states: The Division shall do four
9 things: One is to provide staff support to the
10 Commission. That is the support that a staff would
11 provide.

12 The next item: Without mention to the
13 Commission or without mention to direction from the
14 Commission, it states, "To provide technical support
15 to all charter schools."

16 The third item is, "To review and approve
17 State-chartered charter school budget matters..., "
18 which the -- which the CSD works with the Budget and
19 Finance Department of the Public Education
20 Department to do.

21 The last item again mentions the
22 Commission. I will note two of those items do not
23 mention the Commission.

24 The next item mentions the Commission and
25 says, "To make recommendations to the Commission

1 regarding the approval, denial, suspension, or
2 revocation of..." State -- "...the charter of
3 State-chartered charter schools."

4 I do believe that CSD is tasked by the
5 Public Education Department with providing support
6 to charter schools. We have provided that template,
7 not under the authority of the Commission, not under
8 the approval of the Commission; and we have never
9 made that representation. We have provided it to
10 schools who say, "We have to do an improvement plan.
11 Can you provide us support?"

12 Or say, "We have to do an improvement
13 plan. What is that?"

14 And we have been clear there is no
15 requirement for the improvement plan.

16 I have asked this Commission for that
17 direction. I have not received it.

18 And so I have provided what I do have,
19 which is a recommendation and a tool that I have
20 access to that I believe supports charter schools in
21 improving their academic performance. That is why
22 we have done this work, and that is the work that we
23 have done. We have never once stated that this
24 Commission approved it or that this Commission
25 requires it.

1 In my communication with Mr. Ogas, we did
2 communicate, on October 1st, about what we would
3 like to see to be able to support you, the
4 Commission, in making a quality, informed
5 recommendation. We asked that they demonstrate the
6 substantial progress that they are making with their
7 students, both by showing what they have had in
8 place as an improvement plan.

9 We asked them for specific things that we
10 hoped we would see. We also asked them for data to
11 show that their improvement efforts have been
12 effective in improving student achievement.

13 THE CHAIR: Thank you, Director. We will
14 note that. I will just note that where it says,
15 "provide technical support," it does not say that
16 the CSD may provide technical support that has not
17 been approved by this Commission. The CSD and the
18 Public Education Department are not the authorizer
19 for State-authorized charter schools. The Public
20 Education Commission is the authorizer, and we,
21 therefore, have the authority, not only on what is
22 done on our behalf, but what documents are used on
23 our behalf.

24 And we have not approved that improvement
25 plan yet because the members of the Commission did

1 not agree with its makeup, as we have done in at
2 least two work sessions.

3 And so it was still under review.

4 So now, Commissioner Carr, did you still
5 wish to speak?

6 COMMISSIONER CARR: Yes. So I think, you
7 know -- I appreciate the law and the -- I think
8 we're faced with a situation where if a school
9 fulfills an improvement plan that we have not
10 approved, and they come before us and they say,
11 "Well, you know, we've done all this. CSD -- we did
12 all of this. We fulfilled this improvement plan";
13 but it wasn't one that we approved, then, to me,
14 that may put the school in a bad place.

15 It may also put us in a bad place; because
16 while they did what the CSD asked -- and there is
17 some gray area in the law -- you know, we're -- you
18 know, the law is not great. We know that --
19 right? -- in regards to charter schools; it needs a
20 lot of improvement.

21 I -- I appreciate, Katie, what you are
22 doing; but I also see some potential issues with it
23 in regards to the school fulfills it; they come
24 before us, and they say, "You know what? We didn't
25 approve this, and we still don't think you're where

1 you should be. And here's a new improvement plan."

2 Or, "Guess what? We're closing you."

3 Well, whatever the situation may bring.

4 And I think -- and then let's say we do
5 close them, or -- and then they appeal, and then
6 they bring out the -- the differences and the
7 problems between what CSD is doing and what we would
8 like to have done, I think it's a -- it's not a -- I
9 don't think it's a very good situation.

10 Again, I'll say I do appreciate what
11 you're doing; but I think I see some problems down
12 the road if we continue in that way.

13 I think we need to approve the improvement
14 plan beforehand to make sure it's clear for the
15 schools and CSD and for us, so that we're all on the
16 same page, and there -- and it doesn't cause any
17 snags or legal problems down the road.

18 I would be confused. You know, if I was a
19 student and one teacher says, "I want you to write
20 your essay this way." And then -- but then it has
21 to be approved by another teacher, and they said,
22 "Well, the other teacher said this is fine; she gave
23 me an A."

24 "Well, I'm sorry; you're getting a C."

25 You see the problem. I think that's kind

1 of where we are. And I think we really -- we need
2 to approve those plans.

3 And although, again, I'll say for the
4 third time, I appreciate what you're trying to do,
5 and I -- but I just want to point out what I think
6 the possible problems are.

7 THE CHAIR: Thank you, Commissioner Carr.
8 And we will approve an improvement plan when we can
9 get everybody on board with that plan, and it's
10 suitable for the purpose we have.

11 Before I call for any other Commissioners
12 to comment, I will also note if we follow the
13 Director's line of reasoning, she may impose any
14 document she wishes to impose. She may impose any
15 protocol she wishes to impose. She may impose any
16 process she wants to impose, as long as she makes it
17 optional for the schools.

18 And as Commissioner Carr just noted, in
19 very short order, we will have chaos --

20 MS. POULOS: (Indicates.)

21 THE CHAIR: You've had your chance. I'm
22 going to ask other Commissioners.

23 Any other Commissioners want to weigh on
24 this before we go back to the Director?

25 Commissioner Gipson?

1 COMMISSIONER GIPSON: I'd like to give an
2 opportunity for Mr. Ogas to speak to the -- the part
3 of the letter that says that the improvement plan
4 was a condition of the approval for the
5 recommendation for the amendment that you do the
6 improvement plan.

7 So can you just speak to that? Because I
8 have a serious concern about if that was, in fact, a
9 condition.

10 THE CHAIR: Go ahead, Mr. Ogas, yeah.

11 MR. MICHAEL OGAS: Commissioner Gipson,
12 Commissioners, when we were doing that discussion,
13 and we had been given several different documents to
14 look at filling out, we had a call on a Friday
15 afternoon -- actually, it was the Friday afternoon
16 that the Charter School Division had just convened
17 their on-site review of us, about 4:00 in the
18 afternoon.

19 And we had a conversation -- Ms. Poulos
20 and myself -- Mr. Griego was in the room -- where
21 that came up.

22 And her position was that she couldn't
23 move forward with any kind of recommendation because
24 we hadn't submitted to her any documentation that
25 she had requested.

1 I asked at that time if that
2 documentation, the improvement plan and those kinds
3 of things, were coming from the Public Ed
4 Commission; had they been approved by the Public Ed
5 Commission. Was that the process that they had
6 approved?

7 And I was told at that time that there was
8 no process from the Public Ed Commission.

9 So that was when we decided at that time
10 that we were not going to -- I mean, we will take
11 our direction from you, and we will gladly do
12 whatever you want us to do to improve our school.
13 We have a good school. We know we need to improve,
14 and we're sure not above, you know, not wanting to
15 improve. So we will follow whatever process our
16 authorizer tells us to do.

17 So we left it at that. And then I
18 received correspondence the following week from
19 Director Poulos.

20 THE CHAIR: All right. Thank you. Before
21 you go further, I would like to note for the record
22 that Commissioner Chavez has entered the room. And
23 perhaps most of us already know this. But I would
24 note with a great deal of sadness that after a long
25 battle against severe health issues, Commissioner

1 Chavez' husband did pass away recently.

2 And she certainly does have our
3 condolences. I know it's a difficult time for you,
4 and thank you for coming to be a part of this today.

5 Thank you, Commissioner Chavez.

6 COMMISSIONER CHAVEZ: Thank you.

7 THE CHAIR: All right. Commissioner
8 Gipson, does that -- did that satisfy your -- or do
9 you have further --

10 COMMISSIONER GIPSON: I'm still not sure.
11 Was the sentiment actually that the submission of
12 the improvement plan was a condition of support for
13 the amendment?

14 MR. MICHAEL OGAS: Commissioner, that was
15 our impression, yes, ma'am. We had seen several
16 different types of documents from more than one
17 person at the CSD.

18 MS. POULOS: Commissioner, may I please
19 respond?

20 THE CHAIR: I'm thinking here for just a
21 second. I want to be sure I process this.

22 Are you finished, Commissioner Gipson?

23 I really would like to have other --
24 you've spoken a couple of times. I would really
25 like to have some of the other Commissioners to have

1 their opportunity to have their say.

2 MS. POULOS: Can I please address the
3 conversation?

4 COMMISSIONER TOULOUSE: Point of order,
5 Mr. Chair. This is our meeting, not the Director's
6 meeting. And she can have her turn. But I think we
7 all need to have a turn, also, before it becomes a
8 debate back and forth.

9 COMMISSIONER SHEARMAN: I agree.

10 THE CHAIR: Is that -- Commissioner
11 Chavez?

12 COMMISSIONER CHAVEZ: Yeah. You know, I
13 realize I just entered the room. But I would -- I
14 would actually appreciate hearing from the Director.

15 THE CHAIR: She's actually spoken several
16 times already before you got here.

17 COMMISSIONER CHAVEZ: Okay.

18 THE CHAIR: And a lot of Commissioners
19 haven't spoken yet.

20 COMMISSIONER CHAVEZ: At some point, I
21 think that a response is appropriate from her.

22 THE CHAIR: You might show her the letter,
23 what we're discussing -- if you've got one laying
24 there -- what led to this. There's a letter that
25 we're discussing.

1 While we're doing that, why don't I let
2 the Director have one more opportunity. Then we're
3 going to go to the Commissioners.

4 Director Poulos, go ahead.

5 MS. POULOS: During the conversation, we
6 did not indicate that the written improvement plan
7 was a requirement. What we asked the school was for
8 their documentation to demonstrate the improvement
9 plan they have implemented. We asked for specific
10 things to give them direction: Do they show -- can
11 they show us how they're using, collecting and
12 analyzing data; but we did not say -- we have never
13 said -- that the submission of that improvement plan
14 template is required.

15 We also asked for other data to show us
16 that their student achievement is improving. We
17 believe that is important. And it was not in order
18 for this amendment request to come before this
19 Commission.

20 We were very clear. If a school has a
21 letter grade of D, we, as the CSD, cannot make a
22 recommendation to you to approve that expansion.
23 And so we were giving the school an opportunity to
24 show us that some other recommendation was
25 appropriate. And we asked them to show how they had

1 tried to improve student achievement and whether
2 that had been effective or not with student
3 achievement data.

4 THE CHAIR: Thank you, Director. I will
5 note -- I'm looking at the October 1st, 2015,
6 document, that the Director has referenced earlier.
7 And I will note that in there, it states, in the
8 second paragraph, "The school must provide a
9 statement that describes... ." That sounds to me
10 like -- "must" means they have to do it, that it is
11 a requirement. I'll just throw that into the --

12 COMMISSIONER GIPSON: I'm sorry. Which
13 document are you looking at?

14 COMMISSIONER SHEARMAN: October --

15 THE CHAIR: This one. (Indicates.) It
16 was a few pages in front of the letter that
17 Commissioner --

18 MS. POULOS: I would ask that you read the
19 sentence before that, that says, "CSD requests the
20 school provide a statement of progress." And then
21 the "must" was defining how we would be looking at
22 progress. So the statement was not required; it was
23 requested, again, to support this Commission in
24 making informed decisions.

25 THE CHAIR: Okay. Here, again, I would

1 note the very last sentence before your signature
2 there says, "Please include this statement of
3 progress."

4 They can't include it if they don't do it.

5 MS. POULOS: That's absolutely true.

6 THE CHAIR: It's mandatory if they have to
7 include it.

8 MS. POULOS: It was requested.

9 THE CHAIR: Okay. Now, I'll deal with
10 Commissioner Toulouse's point of order. I believe
11 it's now time for us to hear from Commissioners.
12 The Director will then have another opportunity.

13 So who would like to speak next?

14 COMMISSIONER SHEARMAN: I know I've
15 already spoken once; so I'll wait if others want to
16 go first.

17 THE CHAIR: Commissioner Toulouse, did you
18 have something to offer?

19 COMMISSIONER TOULOUSE: I just wanted to
20 say this is one of those situations where I think,
21 not due to us, but due to changes in staffing, we've
22 changed the game plan on people in the middle of a
23 game with no rules being given to us or the other
24 side. And I think there needs to be a very
25 different kind of discussion between this Commission

1 and the entire Charter School staff on what our
2 expectations are, what they think they need to do;
3 and I think this is all part of it.

4 I know that Ms. Poulos is very involved in
5 this. But I also do not particularly like the
6 lecturing tone, what is being given to all of us
7 here. And I feel an anger in her that none of us
8 can afford.

9 You know, I'm here to do a job that I'm
10 not getting paid for that I got elected to do, just
11 as every one of us has. And we're all here because
12 there are students sitting out here in the schools.
13 And I know this particular school has its
14 ups-and-downs, like every school does.

15 But I also think when you don't get your
16 school grades until so late in the year, it's hard
17 to make improvements on that.

18 But I just think we have not had this kind
19 of expectation of schools when they come to request
20 changes in caps or changes in grades in the past;
21 and it's probably not fair to impose it now, without
22 advance notice to everybody.

23 Thank you.

24 THE CHAIR: Any other Commissioners that
25 want to weigh in on this? This is your opportunity.

1 Commissioner Peralta?

2 COMMISSIONER PERALTA: You know, I just
3 think it's important -- I just wanted to make a
4 statement -- that -- for all the charter schools
5 throughout the state -- that -- that there's
6 consistency, and that it's fair to everyone, that
7 everyone is looking at the same document, the same
8 guidelines and requests from those particular
9 documents.

10 And the only document we had existing was
11 the one that the PEC has -- has authorized. And so
12 to have options or various -- a variety of
13 frameworks or guidelines or what-have-you puts
14 schools in a bind, I think.

15 I think it's important that we stay with
16 consistency. I think it's important.

17 THE CHAIR: Thank you, Commissioner
18 Peralta.

19 Commissioner Ambruster?

20 COMMISSIONER ARMBRUSTER: My concern is
21 when a school is asking for -- to add more students,
22 to add more grades, and their lowest performing
23 students in this last test, 1.79 out of 10 points,
24 and the highest performing students had 2.5 points
25 out of 10, that's of grave concern.

1 And also there was that issue about the
2 night school students, which I didn't see -- I
3 didn't know that that's part of their original
4 material terms. And if they are having night
5 school, they're not getting 1,080 credit -- or hours
6 of instruction.

7 So for me, it would have been better for
8 the school to say -- why, I should say, okay, expand
9 the school, when the schools surrounding it are
10 doing better, in whatever form?

11 And I may be missing it -- may I say that,
12 and someone can direct me to it -- any sort of
13 improvement plan; because regardless -- and I agree;
14 we've talked about these PARCC scores -- but if I
15 were going down, I would certainly have some idea of
16 an improvement plan on some piece of paper, of
17 whatever piece of paper. And I don't think we have
18 one. Do we?

19 THE CHAIR: I think we're maybe ahead of
20 ourselves. We're not discussing the amendment
21 request yet. We're discussing this letter. We're
22 discussing this letter.

23 COMMISSIONER ARMBRUSTER: Oh, okay.
24 Sorry.

25 THE CHAIR: That's what we're discussing.

1 COMMISSIONER GIPSON: I'd like to just
2 address the -- the concern about receiving the
3 direct student information from -- from MAPs. I
4 have a concern over whether CSD -- or anyone else --
5 has the ability to receive that information with
6 student names, outside of the individual school
7 being able to access that.

8 MS. POULOS: Commissioner, can I answer
9 that?

10 THE CHAIR: No, we're letting
11 Commissioners talk right now.

12 MS. POULOS: I'd like to be able --

13 COMMISSIONER GIPSON: Commissioner
14 Shearman has asked that I read that piece of the
15 letter so that people understand what I'm referring
16 to.

17 THE CHAIR: Okay. Go ahead and read that
18 part of the letter, then.

19 COMMISSIONER GIPSON: "Finally, we are
20 very concerned that you are requesting that SODA
21 make arrangements to have our assessment data, NWEA
22 MAP, ACT, Early College Grade Performance, provided
23 to you directly from the assessment vendor and
24 university. Hopefully, we are reading this
25 incorrectly, as we do not believe there is any

1 justification for your request and implies a lack of
2 trust and integrity. We have worked hard with CSD
3 to present our data, and we pride ourselves on being
4 professional and honest, presenting our results to
5 the PEC."

6 So, Mr. Ogas, if you would like to speak
7 to that, I'll --

8 MR. MICHAEL OGAS: If you'd like me to.

9 THE CHAIR: Go ahead, please. Yeah.

10 MR. MICHAEL OGAS: I could. We have been
11 looking at our data, even before the grade came out,
12 as part -- it stemmed as part of us becoming an
13 Early College High School a little -- almost two
14 years ago.

15 We began looking at our format and how we
16 could improve, especially in the area of -- of
17 mathematics. So we have data -- I think I told this
18 Commission earlier on that we -- ACT -- paid for an
19 ACT test for each one of our high school students
20 from ninth grade all the way through every year; we
21 have that data.

22 And we just thought that, you know, we
23 compiled the data; we know how they're doing. I
24 don't know how you can compare averages of nine
25 through twelfth-graders as compared to the rest of

1 the state; even though if you look at our averages,
2 they are comparable, if not in some areas, higher.

3 So there is -- I don't know if it's time
4 that I might be able to speak to the discrepancy
5 that I see. It doesn't -- you know, we accept the
6 grade with -- for what it is. But it's not an
7 accurate representation of our school, because we
8 have -- you know, part of my presentation is to talk
9 about the number of college credit hours we've taken
10 over the last couple of years, graded by college
11 professors, with an 85 percent pass -- over
12 2,400 hours in two years.

13 And our ACT scores are very, very good.
14 And then they increase every year from the time
15 they're ninth-graders all the way to the time that
16 they're in -- a senior in high school.

17 The Early College model has worked well
18 for us, you know. And I did take exception to that.
19 And I asked -- I checked around -- first of all, the
20 time frame we were given, like, from a Monday or a
21 Friday, to have all that compiled by the next
22 Friday, was impossible to do. I wouldn't even know
23 how to go about asking NWEA MAP to be able to send
24 us a format to be at the CS -- I've never been asked
25 that before. So it would have taken days just to

1 kind of figure that out, much less analyze it.

2 Sorry.

3 THE CHAIR: Okay. Commissioner Gipson?

4 COMMISSIONER GIPSON: I'm good.

5 THE CHAIR: Director Poulos?

6 MS. POULOS: The request -- and I
7 apologize that that was not clear. The request was
8 not to have NWEA or ACT send us the reports. It was
9 to see the reports. We find that very valuable in
10 doing some of the data analysis. One of the
11 examples I can point to is for the contract
12 negotiations, Cariños De Los Niños provided those
13 reports. And it was very helpful to be able to sit
14 and work at and work with the data.

15 To the question of whether or not CSD has
16 the authority to see that information, FERPA does
17 allow the -- the dissemination of that data, as long
18 as it is being used for educational purposes, which
19 this is.

20 We were not trying to imply that we don't
21 believe that. What we were asking for is the data
22 reports that the school looks at -- they log in;
23 they print them out -- because we find that valuable
24 in helping us understand and utilize the data.

25 And I apologize that that was unclear.

1 Clearly, you know, we should have used clearer
2 language in that --

3 THE CHAIR: All right. Because
4 apparently, they misunderstood what you were
5 stating, or -- anything else, Commissioners?

6 Commissioner Shearman?

7 COMMISSIONER SHEARMAN: Last time, I
8 promise.

9 My whole concern, the reason I brought
10 this letter up -- my whole concern is while CSD
11 never stated, "PEC wants this," "PEC requires that
12 you do this," the implication is always there.

13 Why in the world would PEC be asking for
14 any data, any information, any report, if it is not
15 to eventually come to this Commission? [Verbatim.]

16 So I can't think there's a charter school
17 in this state that we authorized that would not
18 understand, in their own minds, that if CSD is
19 asking for something, it's asking for it for PEC.
20 So, by implication, I think we all understand that
21 that's what's going on.

22 This is not on the agenda; so there cannot
23 be a vote. But I ask that the Chair direct the CSD
24 Director not to use any -- any unauthorized
25 documents that have not been first fully vetted by

1 this Commission and approved; none, no documents
2 that ask for a plan, anything like that, that this
3 Commission has not approved.

4 THE CHAIR: All right. I just made myself
5 a note. This issue will be on our agenda in the
6 May meeting, when we -- for discussion and possible
7 action.

8 She has asked for guidance. We will give
9 her guidance as to whether -- I agree with
10 Commissioner Carr in everything that's been said.
11 For the CSD to be able to use just anything they
12 wish that has not been approved by this Commission
13 puts us in a bind, I believe, and will lead to
14 chaos. We cannot have multiple documents out there
15 floating around.

16 It has always been the policy of this
17 Commission, going back the entire eight years I have
18 been on it -- seven-and-a-half years -- that only
19 approved PEC documents, protocols, processes,
20 whatever you want to call it, are used by the
21 Charter School Division in providing that technical
22 support that is mentioned in the Charter School Act.

23 So it will be on our next agenda.
24 Obviously, everybody on this Commission needs to be
25 thinking about this issue. Come prepared next month

1 to discuss this.

2 I believe, unless I hear something
3 different from my fellow Commissioners, Director
4 Poulos, you may take Commissioner Shearman's words
5 just now as the will of this Commission at this
6 time, till we either give you express approval or
7 not approval. Making it optional, I still believe
8 goes around our ability, as the authorizer, to get
9 things done.

10 Is that the will of the Commission, what I
11 just said to Director Poulos? Or can I ask that?

12 It's not on the agenda.

13 (The Chair consults with PEC counsel.)

14 THE CHAIR: Let me -- Commissioner Chavez
15 has not weighed in yet. Commissioner Chavez?

16 COMMISSIONER CHAVEZ: I guess, you know,
17 one concern that I would have is, you know, when you
18 talk about every single document, you know, how much
19 are we getting into micromanaging? So I think we
20 really need to think about what it is we're looking
21 at or what it is we're considering; because I
22 certainly don't want to micromanage.

23 THE CHAIR: Excellent, valid point. But
24 there could be a perception that the Director is
25 micromanaging every single charter school by some of

1 these impositions. And it needs to be approved by
2 this Commission.

3 So that's the sense I'm getting from some
4 of the Commissioners, anyway.

5 Commissioner Ambruster?

6 COMMISSIONER ARMBRUSTER: I'm unsure what
7 forms we have that would help CSD do what they
8 perceive is their job, which is -- is, in a sense,
9 to do the work that we aren't going to do, as in
10 visiting schools, checking on these grades, checking
11 on the growth plans. It's really not something each
12 of us is going to a school and looking at.

13 So if we do not have exact documents --
14 and I don't know that we do -- then I don't --
15 somehow, there's a disconnect between what CSD is
16 expected to do and how they're expected to do that,
17 if we don't have the right forms or whatever to get
18 it done.

19 THE CHAIR: So noted. However, we have
20 forms for virtually everything. Sometimes the
21 Director does not agree with our forms; and so --
22 but until we approve a new form, which is what we're
23 doing with the -- that's what we've been doing with
24 this complaint policy and everything else.

25 But until we come to a consensus where

1 this Commission and the Director will agree to a
2 document, we can't do that. And until that happens,
3 I am instructing the Director, for at least this
4 next month, please abide by our wishes. We will
5 discuss this thoroughly. Come prepared to that
6 May meeting to discuss this issue. And hopefully,
7 by then --

8 COMMISSIONER SHEARMAN: April or May?

9 THE CHAIR: This is April; the next
10 meeting is in May.

11 COMMISSIONER SHEARMAN: I've lost it,
12 haven't I? Pardon me. Pardon me.

13 THE CHAIR: Unless I'm confused.

14 Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Mr. Chair, I would
16 like to suggest again that we just schedule a work
17 session that's nothing but communication between us
18 and all of the Charter School staff so they can talk
19 to us, too, about what they see and the problems
20 they have and what they would like from us, as well
21 as we can sit down and say, "This is our
22 expectations"; so that it's everybody in the group
23 talking it out, and nobody -- because we're -- we're
24 doing it to help each other.

25 We're not going to be confrontational.

1 We're going to be working together as a group. I
2 mean, again, this is about the kids. And the
3 tension that's in this room right now, not any of us
4 need to take out of here with us; because all of us,
5 the Director, each one of us, everybody out here,
6 wants to see we get the best education to the kids.

7 And I think by making that communication
8 open and clear and everybody's expectation --
9 because I think they have expectations of us that
10 we're probably not meeting, either. I'd like to see
11 us do that soon.

12 THE CHAIR: Thank you, Commissioner
13 Toulouse. I don't have a calendar. What is the
14 date scheduled for our May meeting?

15 COMMISSIONER CHAVEZ: The 13th.

16 THE CHAIR: What date?

17 COMMISSIONER CHAVEZ: It's the 13th.

18 THE CHAIR: Then I would suggest this
19 Commission should convene the work session that
20 Commissioner Toulouse has suggested on the 12th.
21 And I know some of you work and have been unable to
22 attend those sessions; but that sounds like a
23 session in which every Commissioner -- I would
24 encourage every Commissioner, try and clear your
25 calendar; be here on the 12th, then. We will have a

1 work session for that topic. And we will ask the
2 Director that all her staff be there so they may
3 freely speak, also.

4 So let's -- let's try and open up those
5 lines of communication then. Because there probably
6 is -- there's a blockage in those lines somewhere.

7 And is that amenable to my fellow
8 Commissioners? I'm seeing heads shaking. I know
9 Cindy can't hear those heads shaking; but there
10 appears to be a consensus.

11 COMMISSIONER GIPSON: I think mine is
12 rattling.

13 THE CHAIR: So we will -- there will be a
14 work session on May the 12th. As Beverly -- see if
15 we can have this room.

16 MS. FRIEDMAN: It's reserved.

17 THE CHAIR: Thank you for that. We will
18 have our meeting. And actually, there will be a
19 discussion and possible action item. Let's give the
20 Director some more guidance on what we can do. And
21 let's keep in mind, we have not dug in our heels on
22 the complaint policy and the improvement plan. It's
23 just right now, we can't get everybody on board as
24 to what constitutes those documents.

25 We have always done it in the past.

1 Sometimes it takes us a while to get to that point.
2 So that's a part of being a bureaucracy. We have to
3 get everybody on board.

4 So we're going to do -- we will have that
5 new improvement plan template someday. We will have
6 a different template for the complaint policy in
7 place. It's just going to take time and everybody
8 willing to work together to get it done.

9 Commissioner Ambruster, were you raising
10 your hand?

11 COMMISSIONER ARMBRUSTER: Yes. With our
12 non-budget amount, I'm sorry that yesterday --
13 because we had such a really good discussion about
14 progress and how we would define it and measure it
15 and all those things. And it seems like the same
16 thing would be true on the next meeting.

17 So I don't know where we get money. I
18 don't -- I don't know how that is. But I wished
19 that Cindy had been here yesterday to take down all
20 that fabulous conversation, which I cannot remember
21 all of. And I think it might be equally valuable to
22 do it, given the topic of the next work session.

23 THE CHAIR: Thank you, Commissioner
24 Ambruster. We have asked for that in the past. I
25 believe it's actually vitally important that the

1 work sessions be transcribed to help us with our
2 memories later on, so we can go back and look at
3 what -- it would have been very helpful for
4 Commissioner Chavez and Commissioner Carr to have
5 those minutes to look at, since they were not able
6 to be here yesterday.

7 Unfortunately, the Public Education
8 Department considers that a costly, unnecessary
9 expense. I will ask again that they approve that.
10 They probably will not; but we will ask for it
11 again. Because I believe I agree with you. It is
12 vitally important that we have those sessions
13 transcribed.

14 COMMISSIONER ARMBRUSTER: I think that
15 sometimes the topic is not as urgent or important to
16 transcribe; but other times it is. I think that
17 yesterday would have been one; and the next one will
18 be. And -- but sometimes it's not. And so maybe we
19 could pick and choose, when we know -- because we
20 know what we're going to discuss during the work
21 session. I'll donate my salary.

22 THE CHAIR: Thank you. I will make that
23 request to Ms. Friedman. She will see whether she
24 can push it forward or not. Perhaps the Director
25 can weigh in one way or the other, also.

1 I agree it should be on the record
2 sometimes. And so let's take that under advisement.

3 Anything else on this particular issue at
4 this time? We have actually gotten away from why
5 these folks are sitting down here.

6 COMMISSIONER SHEARMAN: Thank you.

7 THE CHAIR: Now, we are ready to discuss,
8 I believe, this second amendment request.

9 I apologize that you were caught in the
10 middle of this. And -- but it also affects you and
11 every other charter school in this state. So that's
12 why we have to get this ironed out.

13 Now, please, would you like to present
14 your next amendment request, which is the enrollment
15 cap increase?

16 MR. MICHAEL OGAS: Thank you, Commissioner
17 Bergman, members of the Commission. I have a few
18 things that I'd just like to say with respect to our
19 school. And then if you would like, I would like to
20 address the night-school issue that has been brought
21 about.

22 At School of Dreams Academy, we believe
23 that charter schools are about offering a choice.
24 Since 2009, SODA has been a vibrant and viable
25 choice for the people in Valencia County.

1 In 2014, we were reauthorized; and at that
2 time, we were seriously contemplating adding grade
3 levels to our charter. We knew, though, that we
4 needed to have a place and a plan to put those
5 children in; so we deferred to a later date on our
6 request for that.

7 Even prior to that, almost immediately,
8 around 2009, we had submitted a letter to the
9 Charter Schools Division to create a separate
10 elementary charter school. And at the very good
11 advice from the Charter Schools Division at that
12 time, we were told, "Wait for your reauthorization,"
13 you know, because the feeling was to kind of be a
14 feeder to SODA. And as you know, two separate
15 charter schools can't operate in that way. So we
16 heeded that advice.

17 If allowed to add the grade levels and to
18 add the cap, we would bring our STEAM model to the
19 elementary grades. We have been in discussion with
20 Explora over these past few months to partner with
21 us in building a hands-on, interactive learning
22 environment, rich in STEAM and individualized in
23 nature with a language component.

24 Through the years, we have proven
25 ourselves to be a positive force in our community.

1 We are a good school. Our graduates have done very
2 well. Last year's class of approximately
3 60 students received over \$800,000 worth of
4 scholarships last year.

5 In three years, we have graduated 20
6 students from our night-school program who would
7 otherwise have never had a chance to graduate. Many
8 of those students were the first ever in their
9 families to receive a high school diploma; and we
10 celebrated those -- every Thursday night before
11 graduation, we hold an awards event, and we
12 celebrate those accomplishments.

13 In the past two years, three of our
14 graduates have been awarded the prestigious Daniels
15 Fund scholarship. Last year one of our graduates
16 was a Gates Millennial Scholar. In 2014, we became
17 an Early College High School. One of our female
18 students who graduated in 2015, she graduated high
19 school with two associate's degrees and entered a
20 prestigious engineering school outside of Boston as
21 a junior. She's attending that now. Several more
22 this year will graduate with associate's degrees.

23 In the past two-and-a-half years our
24 students have taken close to 2,400 credit hours at
25 UNM-Valencia with an 85 percent pass rate. Our

1 STEAM model is working. We have award-winning
2 programs in robotics, dance, band, guitar, art, and
3 digital arts.

4 Keep in mind, we're a SAM school. We're
5 still trying to know exactly what that means; but we
6 have been designated a SAM school almost since the
7 beginning.

8 We take all kids and have diverse and
9 vibrant representation of students, that we're the
10 ethnic and socioeconomic diversity of our community.
11 We have tremendous support from the community.
12 UNM-Valencia has been a partner with us since the
13 beginning, as has Youth Development, Incorporated.

14 The Village of Los Lunas, I explained
15 earlier, has offered their support, and they firmly
16 believe in what we're doing, by using their
17 agreement to use their bonding capacity to buy a
18 20-acre parcel of land and move us into a portable
19 village, opening the door for us to open a permanent
20 facility in downtown Los Lunas just 200 feet from
21 the Rail Runner station. This initial \$4.4 million
22 investment is a strong testimony to the support our
23 school has from our local government.

24 We respect the school grading process; but
25 I'm not sure what more I can say about it at this

1 time. But if you ask me, I might.

2 In preparation for this current year, the
3 one we're about ready to end, we articulated our
4 programs from top to bottom, with UNM-Valencia as
5 part of our STEAM model. And as part of our early
6 college initiative, we utilized grant monies to
7 allow our staff and UNM-Valencia staff to work, over
8 the course of a year, articulating their programs
9 from top to bottom.

10 We particularly paid attention to
11 mathematics, because we know that's a weakness in
12 our area, as it is around the state. So we were
13 very well aware of that, even before the grade came
14 out.

15 Last summer, we held math camp for about
16 six weeks, where college professors helped our staff
17 teach them. And we since have adopted the same math
18 curriculum, the ALEKS program, as well as our
19 individualized structure and tutoring.

20 Our academic program is rigorous. School
21 of Dreams Academy is a good school, you know. And
22 I'd like to offer an invitation to all Commissioners
23 and the Charter School Division staff to come visit
24 us, to hold a meeting on our campus.

25 We offer almost daily student-led tours of

1 our campus where people can go around and hear from
2 students what their school is about. And it's
3 really become a landmark of our -- of our culture
4 there at SODA.

5 I don't know at what point you'd like me
6 to address the night-school issue. I'm more than
7 happy to do that at any time. But I just want to
8 let you know. We came into this process knowing,
9 from years ago, that we were eventually going to ask
10 for an elementary school and pre-K through 6. I
11 feel bad that it happened at this time.

12 You know, everything is for a reason; so
13 maybe I don't feel that bad. But at the same time,
14 we're here requesting a grade increase, because we
15 know we have a model that's working. We want to
16 offer that educational choice to the -- to our
17 community that we've been offering within our, you
18 know, high-school and middle-school level.

19 You know, there was -- there was a
20 statement earlier -- and I can see how that was read
21 in this document -- but it's a little bit off.

22 We are not a lower performing school than
23 the other schools around us. This past year, the
24 grades -- the other middle schools across our valley
25 received Fs. All other high schools, with the

1 exception of one high school, received Ds. All high
2 school averages, currently, including ours, are C,
3 the overall average, you know.

4 So I'm not one to compare, because our
5 program is different. We have a different mission,
6 a different model. You know, we see viability, and
7 we're a good neighbor with all of the schools around
8 us. We offer something that's different, as
9 evidenced by the support of our community, our
10 parents, you know, and our staff and our kids.

11 The kids love us; the community loves us.
12 And, you know, they'll tell you about us without us
13 having to tell you. It's easy when you hear it from
14 me; but when you hear it from them, it's much more
15 powerful.

16 And at any time, I'll address the
17 night-school issue.

18 THE CHAIR: Thank you. I will note,
19 Commissioners, here, again, in your packet, there's
20 a lengthy document from the Charter School Division
21 addressing this particular issue. It highlights a
22 number of things. There are some compliance
23 concerns mentioned in there. I'm sure we're going
24 to address those here in just a minute with
25 questions.

1 Thank you for your presentation. We are
2 now discussing this amendment request. So feel free
3 to weigh in on that. Who would like to get the ball
4 rolling on this one?

5 COMMISSIONER GIPSON: Before we go, can we
6 have him address the night-school issue? Because
7 that is addressed in the concern, and he hasn't
8 spoken to the night-school issue yet.

9 THE CHAIR: Okay. That -- all right. If
10 that's where you all want to start, let's go -- all
11 right. It was noted that the CSD cannot find an
12 amendment request from you folks. That is a
13 material change in what you were offering at your
14 school.

15 And I have no memory of you guys coming
16 and asking us for a night school; but my memory is
17 fading. I'm getting along in years.

18 So please address that. Did you do an
19 amendment request for that?

20 MR. MICHAEL OGAS: Let me go back to the
21 beginning of how night school came about. There was
22 a program years ago, at the end of Governor
23 Richardson's tenure, called, "Graduate New Mexico,
24 It's Everybody's Business."

25 The notion there -- under the Reinvestment

1 Act, I think they allocated almost \$9 million
2 statewide. And the notion was to try to bring back
3 10,000 graduates -- 10,000 individuals -- to come
4 back to get -- to graduate. At that time, I had --
5 and I had spent the first year as director, as
6 principal at SODA. The second year was '10-'11. So
7 in the spring of '11, I wrote a start-up grant to
8 Graduate New Mexico asking for some money to help
9 something get started in terms of a credit recovery
10 program.

11 What we did was we -- I spoke with the
12 current -- at that time, the Charter Schools
13 Division -- about the notion of, "Do I need to do
14 anything different? Was this program okay under our
15 current charter?" There was discussion about that.

16 The decision I remember was that that we
17 were okay within our charter because we offered
18 individualized learning. We offered, you know,
19 programs through Youth Development for at-risk
20 students. There was never any mention -- there was
21 even some mention that maybe should we do an
22 amendment or not. They told me at that time that
23 was not necessary.

24 So we continued with our night school. We
25 tried building that out. You know, we were serving

1 individual students. We have since then gone
2 through annual reviews. We've gone through a
3 reauthorization, another couple of annual reviews.

4 And the first time that the night school
5 has ever been raised as an issue was last Monday,
6 when I received the letter from Director Poulos.
7 That's where we're at with night school.

8 We are more than happy to comply and make
9 sure that we are, you know, in accordance with
10 whatever we need to be with the Commission. But
11 that is a program that has seen tremendous
12 successes.

13 You know, we could tell you some stories
14 about the kids that have come to that school that
15 would make you cry, you know. And I wouldn't change
16 any of that for anything in the world.

17 But at the same time, you know, no, sir,
18 we did not do an amendment request. We put it out
19 there. We have not had that program hidden in any
20 way, shape, or form. It has been there. It's a
21 viable part of who we are in our community. And
22 we -- because of that, I believe -- and I'm just
23 speculating, because I don't know this for a fact --
24 I believe our night-school program may be one of the
25 last things still standing from that Graduate

1 New Mexico initiative. And that was a huge
2 investment of dollars.

3 THE CHAIR: Thank you. I remember the
4 publicity with that issue. And sadly, I would say
5 you probably received some bad advice from someone;
6 but that train has left the station, and here we
7 are. I will note that.

8 COMMISSIONER GIPSON: It's done several
9 round-trips.

10 THE CHAIR: I will note that it was noted
11 within the documents that actually, the night school
12 adversely affected their graduation rate because so
13 many of those people don't graduate. But I also saw
14 in there that they had 15 graduates out of that
15 program. That sounds to me like 15 people, that
16 might not have ever graduated, did. So keep that in
17 mind as you think about that issue.

18 Does that answer --

19 COMMISSIONER GIPSON: Do you keep --

20 THE CHAIR: Are there questions about the
21 night school?

22 COMMISSIONER GIPSON: I do.

23 THE CHAIR: Commissioner Gipson?

24 COMMISSIONER GIPSON: Do you keep a
25 separate calendar for the night-school program? Or

1 where is it reflected in your -- that's, I guess --

2 MR. MICHAEL OGAS: It's a separate time
3 frame. And the kind of credit recovery program I'm
4 familiar with is more of a mastery program, where
5 students, you know -- many of them come from
6 different -- would have been graduation years. So
7 we try to figure out what they need and how they --
8 so our counselor works through a next-step plan on
9 steroids, if you will, to be able to kind of keep
10 track of all those things.

11 It's a tremendous amount of work to sort
12 through getting other transcripts and that kind of
13 stuff and then put it into a way that we think can
14 help the students get their credits.

15 So it's not really -- I have asked. And
16 I'll be honest with you. And you can speak to the
17 other divisions. How -- there was a part where we
18 used to be able to call them "Graduate New Mexico"
19 kids on the reporting. That has been taken away,
20 you know.

21 And I've always believed maybe they should
22 be counted differently. I've always thought that
23 students, you know, shouldn't be allowed to drop out
24 of school twice. And to Commissioner Bergman's
25 statement, it's true. You know, we could be very

1 well-served, you know, numbers-wise, if we didn't
2 have a night school. Our graduation could be up
3 here with everybody else's.

4 We made that commitment to the community,
5 and we're going to stick by it. There was a young
6 couple last year who would bring their infant child
7 to school with them every night. And they would
8 take turns caring for the baby and work on their
9 credits. They both graduated. They both walked the
10 line, you know.

11 Those are the kinds of things that we're
12 in it for. And if we missed something
13 compliance-wise, we're more than happy to fix it,
14 you know. And -- and that is not the problem for
15 us. We never, though, have been said that it was a
16 material violation of our charter, which is huge.
17 It's a big -- you know, I understand that. When I
18 saw those words I thought, "Uh-oh," you know.

19 But I also knew the history of it, and I
20 didn't think too many people did, because most of
21 the people that were involved in that are now gone.

22 COMMISSIONER GIPSON: Well, I guess it's a
23 lesson learned with keeping a paper trail for
24 yourself.

25 MR. MICHAEL OGAS: I do have the grant. I

1 almost brought that, the one that we wrote initially
2 in 2010.

3 THE CHAIR: At the appropriate time, I'm
4 going to have a suggestion. Did you have your hand
5 up, Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: I just wanted to
7 remind people again. We had this same problem with
8 grades with The GREAT Academy, because they also
9 have a night school. And it pulls their grade way
10 down.

11 And I do think that, as a Commission at
12 some point down the road -- because although it's
13 important to the schools that have it, we need to
14 take on finding a way to separate the night-school
15 parts of a grade out of the others when we're
16 addressing a school; because every single person who
17 gets through a night school, I agree, is a success.

18 But I also wanted to ask, are you working
19 with the Isleta Pueblo on some of that?

20 MR. MICHAEL OGAS: We do have students
21 from Isleta. They have the choice to go to three
22 separate areas. We are receiving more and more
23 students. I believe we're going to -- us being in
24 closer proximity to the Rail Runner is going to
25 increase that.

1 COMMISSIONER TOULOUSE: I also wondered
2 if, for some of your students who -- you may be an
3 Early College Academy -- but who are not necessarily
4 degree-oriented, are you working with CNM? Because
5 I know at the South Valley, they have their
6 veterinary tech program; they have their huge
7 cosmetology. They have a number of ones there that
8 it's not that far up.

9 MR. MICHAEL OGAS: Our Early College
10 agreement -- we have an existing agreement with CNM.
11 We are sending students up there. We have one young
12 lady now -- she's phenomenal; we can't get her to
13 stop. She normally would be a sophomore. She's
14 going to graduate high school with two associate's
15 degrees. She's taking 10 hours at CNM on top of
16 that. To look at her, she's the calmest person
17 alive. She's about that big. (Indicates.) She's
18 really cool.

19 Yes, we do. In fact, part of our
20 build-out is we're working on the long-range plan to
21 turn that into more of an educational park.
22 UNM-Valencia is considering going in there.

23 I was just at a meeting with New Mexico
24 Tech, and we have a budding relationship with them
25 because of our STEAM model. We have a number of

1 kids on scholarship there in their engineering
2 department right now.

3 COMMISSIONER TOULOUSE: I know CNM has a
4 matriculation agreement with New Mexico Tech, too,
5 that you might be able to piggyback off of.

6 MR. MICHAEL OGAS: They were there, yes.
7 We all had a chance to kind of mingle.

8 COMMISSIONER TOULOUSE: Okay. Thank you.
9 That's what I had.

10 THE CHAIR: I want to go -- I see a whole
11 forest of hands. We have probably gone past the
12 point of a break here. I believe we probably need a
13 comfort break.

14 When we come back I will start with
15 Commissioner Carr. Is that amenable?

16 COMMISSIONER CARR: Sure.

17 THE CHAIR: Please, ten minutes. Be back
18 in your seats in ten minutes, please. Let's get --
19 so we can keep this going. We will take a ten
20 minute break here. Thank you.

21 (Recess taken, 10:29 a.m. to 10:39 a.m.)

22 THE CHAIR: I'm going to call us back from
23 our break. I will note for the record that Director
24 Poulos is not here at this moment. I'm sure she'll
25 be back.

1 I will also note that Commissioner
2 Toulouse is not here, and I'm sure she will be back
3 momentarily.

4 Let's begin. And we will pick up -- if we
5 all remember what we were discussing, we'll pick up
6 with Commissioner Carr. Go ahead, please.

7 COMMISSIONER CARR: I just wanted to make
8 a statement that no matter how great the program is,
9 we have to make sure that our schools know that they
10 have to go through this amendment process, you know,
11 as the old saying about, you know, "Go ahead and
12 apologize later instead of asking for permission,"
13 you know. And if everything works out okay, well,
14 you get a pat on the back, saying, "Well, that's
15 okay, just don't do that again."

16 But if it didn't work -- if your program
17 fell on its face and it was a horrible program,
18 and -- you know, and you had horrible problems with
19 it, we'd be -- we'd be talking a whole different
20 story today. We'd be saying, "Well, you never asked
21 for permission for that. You know what? This is a
22 major thing."

23 So it's a dangerous road to walk down when
24 you do that. And I think it's important that all
25 the other schools realize that -- that, you know, be

1 sure you're following the guidelines properly and
2 asking for those amendments and all that.

3 And that's what you've got to -- sounds
4 like you've got a great program. Again, that's kind
5 of beside the point. But I'm glad you've got a
6 great program. And there's a whole bunch of those
7 programs around the state, you know. Not enough,
8 you know.

9 And I do remember when Governor Richardson
10 came out with that. So I just want to make that
11 point. And -- 'cause I think we've kind of missed
12 it. And I just -- you know, so somehow, we need to
13 make sure that everybody else gets it, that we need
14 those amendments. We need those amendment requests
15 before you make major changes to your program.

16 THE CHAIR: Thank you, Commissioner Carr.
17 Very valid point. I do think they asked and got
18 some bad advice. There's a proce- --

19 COMMISSIONER CARR: Oh, right.

20 THE CHAIR: -- the CSD -- so we have --
21 that's -- we need to discuss that in our
22 communication meeting, too, also, that -- that --
23 that the schools -- there's a delicate issue
24 involved in that one, too, unfortunately. So I
25 think, Commissioner Shearman, did you have your hand

1 up next?

2 COMMISSIONER SHEARMAN: Yes, sir, I did.

3 That's right. You were going to start with

4 Commissioner Carr.

5 I'd like to speak to the actual amendment
6 to raise the enrollment cap from 525 to 820. Am I
7 on the right one now?

8 Commissioner Peralta, if you will help me,
9 because you are our liaison to the PSFA and PSCOC,
10 were we not told at some point that the requirement
11 is your enrollment cap -- your building, your
12 facility, must have a capacity for all of the
13 students that are in your enrollment cap; so if
14 every student showed up, you would have a place for
15 them? Is that correct?

16 COMMISSIONER PERALTA: The enrollment cap
17 number is the number used to calculate the area
18 required to service those students.

19 COMMISSIONER SHEARMAN: Right. I realize
20 you say this enrollment phase would be phased in
21 over a three-year period.

22 I would personally prefer to see -- I hate
23 to ask people to come back over a period of time;
24 but I would rather see a proposal to increase your
25 enrollment cap exponentially one year at a time,

1 each amendment request brought to us individually,
2 because I cannot, in good conscience, agree to even
3 a phased-in enrollment increase that I don't see the
4 capacity for in your facility. That's my opinion.

5 THE CHAIR: Thank for you that.
6 Unfortunately, I'm looking for the actual amendment
7 for this one; and I can't find it in my paperwork
8 here.

9 COMMISSIONER CARR: Was that a question?

10 COMMISSIONER SHEARMAN: This one?

11 THE CHAIR: Was there a question? Was
12 that a question? Did you want them to respond? Or
13 did you make a statement.

14 COMMISSIONER SHEARMAN: No, it was a
15 statement.

16 THE CHAIR: When I started on your
17 statement, I went to looking. And I don't see the
18 actual amendment for that particular one.

19 MR. MICHAEL OGAS: Commissioner Bergman?

20 THE CHAIR: I have the one for the address
21 change, and I have a third one.

22 COMMISSIONER SHEARMAN: Way in the back of
23 that section.

24 THE CHAIR: I found the third one.

25 MR. MICHAEL OGAS: I'd like to respond to

1 that, if you need me to.

2 THE CHAIR: Since it wasn't a question --
3 it was a statement. Does someone want to ask a
4 question at some point, since we were talking about
5 the night school?

6 Before we depart from that one, there was
7 a note in there -- in the Compliance section, a very
8 valid question about the hours, whether they were
9 doing the suitable hours.

10 Before we go too much further on the cap
11 increase, I think we should -- if someone wants to
12 ask about that, hours, because there's a good
13 discussion in here about that. Or is everyone
14 satisfied with what they saw on our documents?

15 COMMISSIONER ARMBRUSTER: I have a
16 question.

17 THE CHAIR: And you mentioned it
18 specifically earlier, would you -- now, Commissioner
19 Armbruster, do you have something you would like to
20 say or ask?

21 COMMISSIONER ARMBRUSTER: When students
22 enroll in the night school -- which I want to tell
23 you that's admirable; there's nothing wrong with
24 that in any way -- I want to ask whether they have a
25 certain number of credits, hours, already, and

1 that's why they don't have to have the 1,080, as
2 opposed to a freshman coming in who just came in
3 from eighth grade who has to have that 1,080.

4 Are these students -- I'm not even sure
5 how to ask this -- coming in with some credit
6 already?

7 MR. MICHAEL OGAS: Yes. Commissioner
8 Armbruster, members of the Commission, most of the
9 students, if not most all of the students, are older
10 and have had some high school experience, from 19,
11 all the way up into their -- you know, 30s, some of
12 them, you know. So they have had that.

13 And with respect to the 1,080 hours, I've
14 never -- and maybe it's my misgiving [verbatim]; but
15 I've never known of a credit recovery program that
16 worked on a mastery-based, in terms of trying to
17 pretest kids where they are in terms of trying to
18 help them regain their credits, to have to try and
19 comply with that number.

20 So I don't know of any mastery-based
21 program, credit recovery program, that does do the
22 full hours. What they do in night school is we will
23 come in and assess their individual situation; we'll
24 do a transcript review. And then depending on their
25 time frame -- because some of them work -- we then

1 work out, as part of our individualized learning
2 plan -- we work out an ILP for them that can include
3 the use of Edgenuity and probably doing some testing
4 with that to try to find out how much they know, and
5 then deferring part of that program out and then
6 letting them finish that.

7 They also do project-based learning, where
8 for every credit that they earn, they are required
9 to complete a project and do a presentation to a
10 committee of staff or the community. So that's how
11 we operate that program. It's an individualized
12 kind of -- kind of deal.

13 COMMISSIONER ARMBRUSTER: And do they take
14 MAP's tests, Discovery tests, some sort of thing to
15 evaluate their reading and math?

16 MR. MICHAEL OGAS: We do MAP-test them.
17 They do take SBA. They take PARCC, EOCs; yes, the
18 whole thing.

19 COMMISSIONER TOULOUSE: Mr. Chair?

20 THE CHAIR: Commissioner Armbruster, were
21 you finished?

22 COMMISSIONER ARMBRUSTER: For a minute.

23 COMMISSIONER TOULOUSE: I just wanted to
24 respond to that. To my knowledge, most night-school
25 classes are not operated as full-time programs.

1 They're a part-time program. They're not subject to
2 the 1,080. It's however long it takes that person
3 to get through; and usually, you're dealing with
4 adults. And so that's why they're not under any of
5 the laws that require all of the specific hours.
6 It's a credit-based --

7 MR. MICHAEL OGAS: That's correct.

8 COMMISSIONER TOULOUSE: Thank you.

9 THE CHAIR: Thank you for that. Anything
10 else?

11 COMMISSIONER ARMBRUSTER: I have a general
12 question. And anyone can answer this. So if a
13 school is a SAM school, what does that mean in terms
14 of grading, or in terms of how we look at them
15 differently? And in addition to that is if you
16 started an elementary school and those children
17 clearly are not SAM's children, because they're
18 sixth, how does that change the designation of the
19 school?

20 COMMISSIONER GIPSON: I'm not sure what
21 that second part was.

22 COMMISSIONER ARMBRUSTER: Well, if they're
23 a SAM school -- and I'm not going to say I'm totally
24 understanding. I kind of get who those people are.
25 My one question was, does that change how they're

1 evaluated? And, number two was, if you then include
2 an elementary part of your school from K to
3 whatever, 6 or something, then are you still a SAM
4 school?

5 COMMISSIONER GIPSON: This is just my
6 understanding, is there aren't that many SAM's
7 elementary school designations. So I don't think it
8 would automatically -- because they have the SAM's
9 designation, I don't know if it would automatically
10 would transfer all the way down to those.

11 But I'm just -- that's just me speaking.
12 I'm not speaking from any authority on that. But I
13 know that SAM's schools are categorized out
14 separately when looking at certain data.

15 COMMISSIONER ARMBRUSTER: Right.

16 COMMISSIONER GIPSON: And there is data
17 that judges them solely as SAM's schools and
18 compares them with other SAM's schools. I don't
19 know if, in a SAM's school, if the school grade is
20 affect- -- the school grade isn't affected in terms
21 of any kind of bonus points or anything like that as
22 a SAM's school, I do not believe.

23 COMMISSIONER ARMBRUSTER: It's quite
24 confusing. I mean, I can understand.

25 COMMISSIONER GIPSON: I asked how you get

1 to be a SAM's school, and there wasn't an answer.

2 There wasn't --

3 MR. MICHAEL OGAS: We did, too.

4 COMMISSIONER GIPSON: I know. I know.

5 So -- and I know schools have asked to become SAM's
6 schools and have -- and some schools haven't, but
7 were designated; correct? And other schools have
8 asked to become SAM's schools. So somehow you can
9 ask, and I don't know how or who.

10 COMMISSIONER ARMBRUSTER: Quite clear.

11 Thank you.

12 THE CHAIR: Commissioner Carr, did you
13 have anything you could add on that?

14 COMMISSIONER CARR: I was just going to
15 address that. Most of the school districts, you
16 know, have a high-risk program or something that
17 they call -- and Taos had one that they just
18 combined with the regular high school this past
19 school year.

20 And there's no -- I mean, no let-up. If
21 you're -- that's one of the problems with the
22 grading system, one of the problems with the
23 evaluation system, is that it doesn't take into
24 account -- you know, it's a no-excuse type of thing.

25 And that brings up that point, is that if

1 they are special ed, if they are -- you know, if
2 they came from a home where they didn't have any
3 food and, they are hungry all the time, or they're
4 living on the street, that doesn't make any
5 difference.

6 It makes a difference to me; but it
7 doesn't make a difference to the evaluation and the
8 grading program.

9 So that brings out that point. And then I
10 think we, as a Commission, when we're looking at
11 school grades and things of that sort, and you're a
12 SAM's school, I think we take that into
13 consideration, because we can. But it doesn't
14 necessarily mean that the PED does.

15 THE CHAIR: Thank for you that.

16 MR. MICHAEL OGAS: May I respond to that?

17 THE CHAIR: Commissioner Shearman?

18 COMMISSIONER SHEARMAN: In the section
19 where the school report cards are listed, if you'll
20 look on Page 4 of 6, at the top of page, it says,
21 "Graduation," in kind of a gray box, talking about,
22 "Students are expected to graduate in four years."

23 Then the third line says, "SAM schools are
24 a subset of schools that target returning dropouts
25 or students with disabilities. These schools

1 receive an additional rate that reflects their
2 ability to graduate any student, not just cohort
3 members, in any given year."

4 COMMISSIONER CARR: Right.

5 COMMISSIONER SHEARMAN: That's what it
6 says.

7 THE CHAIR: Okay. Any further discussion?
8 I'll note for the record that Director
9 Poulos is back with us now.

10 We've been -- a question was asked about
11 SAM schools. I think we may have answered it. So I
12 think we probably got enough insight on that.

13 Anything else from Commissioners?

14 COMMISSIONER SHEARMAN: What are we
15 discussing? Where are we?

16 THE CHAIR: We're still discussing the
17 enrollment cap increase, as far as I know. And I
18 have not weighed in yet. I'm waiting to see if
19 everyone else has asked their questions, made their
20 comments.

21 COMMISSIONER ARMBRUSTER: I just --

22 THE CHAIR: Commissioner Armbruster?

23 COMMISSIONER ARMBRUSTER: This is actually
24 just in general, and not about you in particular.
25 My understanding is when the State gives money to

1 build a school, it's based on the amount of students
2 that you have at that moment, and not how many you
3 might have in "X" amount of years, which -- Gilbert?

4 COMMISSIONER PERALTA: I don't have much
5 to say on that, because I don't want to give you any
6 speculation about -- I don't have any really
7 firsthand knowledge about that particular question.
8 I don't want to speculate. So I'll have to get back
9 to you with that.

10 COMMISSIONER ARMBRUSTER: I just thought
11 that was true, because of some things that were
12 happening in Los Alamos for how large they built the
13 school. They said, "But we're expecting this many
14 more"; but they said, "We're only building it for
15 this amount of kids."

16 So that is why if you're building, that
17 it's a big issue.

18 THE CHAIR: Okay. Thank you.

19 Anything else from other Commissioners?

20 All right. I'm going to note, right at
21 the top here, that these two amendments, I believe,
22 are tied together. You have to have -- if -- if we
23 don't give them the enrollment cap, I suspect that
24 takes care of the grade-level expansion, too. So
25 everybody keep that in mind as we go forward.

1 What I have noted -- and I wanted to
2 note -- is that it seems like an extremely ambitious
3 request, both for the enrollment cap and the
4 grade-level expansion. And I'm just thinking too
5 fast, too soon.

6 Now, Mr. Ogas, how would you respond to
7 that?

8 MR. MICHAEL OGAS: Thank you, Commissioner
9 Bergman. Just to talk about the facilities a little
10 bit, we have plans to move in somewhere in the area
11 of 50 classrooms; where currently, we're probably
12 utilizing at this point 30. But we have some
13 teachers doubled up. So we anticipate having enough
14 room to begin the phase-in of pre-K through second
15 grade immediately the first year, if we're approved.

16 And then once we build, we will phase
17 in -- phase out the big rooms, the robotics, and all
18 those kinds of rooms, into those other areas and
19 phase in classrooms. That's why part of our
20 justification had been to phase that in over the
21 next, I believe, two additional years after -- after
22 that. So we have thought that through.

23 The -- in response, if I could, to
24 Commissioner Ambruster and the notion of a SAM
25 school, the reason that, in our narrative,

1 Ms. Oshiro put a survey that we had conducted with
2 students was to try to give the Commission an idea
3 of the types of students that we do serve. That
4 doesn't necessarily come on a S.T.A.R.S. report, you
5 know.

6 And we did ask specific questions like,
7 "Did you eat breakfast this morning," "Are you
8 living at home with your family," those kinds of
9 things; because our student population, like I said,
10 is representative of our community. And our
11 community has some significant needs. And we wanted
12 that to be clear that, you know, that's who we are,
13 you know, and we're serving the kids.

14 THE CHAIR: Thank for you that. Now, as
15 to my comments that it seems to be a little
16 ambitious and quite a leap in a fairly short amount
17 of time, and given the fact that there's concerns
18 about the grade, whether you disagree with the grade
19 or not and the comparison and all that, why so much
20 so soon? Share -- help me with that one.

21 MR. MICHAEL OGAS: When we started -- part
22 of it is the time frame. We have been working on
23 this, like I said, for a number of years. We
24 were -- thought that phasing in younger grades was
25 not going to be that big of an effort -- I mean, it

1 was going to be an effort, absolutely. But we -- it
2 was something we could manage.

3 And we even had an area designated in the
4 master plan of that portable village to make that
5 happen. And so that's still a possibility. Whether
6 we move it out a year, that's okay, too, you know.

7 But the thing about it is we were
8 responding to the community. The reason that we
9 began talking in September and October was to try to
10 meet that time frame. Hopefully, we would have
11 liked to have been sitting here before you in
12 November. That didn't work out, for a number of
13 reasons. But here we are -- here we are now.

14 Well, Ms. Oshiro wanted me to make sure
15 you know what "STEAM" stands for. And I think you
16 probably do. We do science; we do technology; we do
17 engineering; we're big in the arts; and we also do
18 mathematics. Our programs reiterate that. And
19 there is not a model like that that filters all the
20 way down to the elementary grades.

21 Like I said, we're the only charter school
22 in Valencia County. We believe we're a viable
23 choice, and we'd like to bring that choice at the
24 elementary grades.

25 If the Commission would like us to step

1 back and maybe phase it in a little slower, we don't
2 have a problem doing that. We could very easily
3 start with pre-K and kindergarten and first grade.

4 There is a need there. We had done a
5 survey in the fall of parents of people coming to
6 our -- we have 500, 700 people come to our fall
7 festival. And it was an overwhelming support for us
8 to add an elementary school. And we're actually
9 responding to the community in doing this, not
10 necessarily anything -- I'm a high-school person,
11 you know; so I'm -- but we can make sure that -- you
12 know, we've got plenty of good people that can make
13 it work.

14 I'm not concerned about it, Commissioner.
15 We can make it work.

16 THE CHAIR: Thank you for that
17 clarification. I know we're always all positive --

18 MR. MICHAEL OGAS: So one more thing.
19 We're not looking at filling our cap of 840 students
20 the first year. At a maximum, we would be -- we're
21 at 308 right now. If we add another 135 students,
22 total, which would include the elementary grade,
23 that's probably where we're thinking right now. And
24 when we built next year's budget on the 40-day, we
25 were actually asked to put that number as a holding

1 place there as a projection.

2 And so it's there. If it gets approved,
3 it'll be added into our projected budget and then
4 adjusted on the 40-day. If it's not approved, it'll
5 just be taken out. But it's been there since the
6 40-day, since October.

7 THE CHAIR: I will note, in the past,
8 other schools, when they have done this -- you're
9 not the first one that wanted to increase their cap
10 and add grades. But my memory of what other schools
11 have done is that the grades are phased in one year
12 at a time to assure some continuity and to make it
13 easy to assimilate the new students and the new
14 teachers and the new grades and everything. And I
15 don't see that kind of plan here; maybe I'm
16 overlooking it.

17 MR. MICHAEL OGAS: Yes, sir. The only
18 reason we bunched them together is we were working
19 within the time frame of our renewal. I would feel
20 better actually phasing them in one year at a time;
21 but it would run over our next renewal, which I
22 don't know if that's a major issue or not. But we
23 were just trying to make it a part of our current
24 charter to show that we could make this happen
25 before the next renewal.

1 THE CHAIR: Okay. Now, I -- I saw two
2 hands. I saw Commissioner Toulouse's first.

3 COMMISSIONER TOULOUSE: Mr. Chair, two
4 comments: Number one, I don't think the pre-K is
5 under our purview or under our funding.

6 COMMISSIONER SHEARMAN: And it also is not
7 part of the enrollment cap.

8 COMMISSIONER TOULOUSE: And it's not. So
9 that's a completely separate issue that you do. But
10 the K on up would be.

11 The other thing is we -- we have seen -- I
12 think, we did approve, if you remember, two years
13 ago, the Mission Achievement and Success to go back
14 and add the K-through -- and they started K-1, and
15 now they've added the 2. And I think that would be
16 all I would look at here is if you get the approval
17 you only -- you may want to start with the two
18 years; but after that it's one year at a time,
19 regardless -- that would be how I'd want to look at
20 it, including at the time of renewal.

21 I don't expect all these kids to be in
22 there. If it was up to me on a renewal of your
23 charter, it would just be part of the ongoing part
24 of the charter, in my estimation.

25 MR. MICHAEL OGAS: I didn't know that; but

1 that does make a lot of sense. Yes, ma'am.

2 THE CHAIR: Commissioner Shearman?

3 COMMISSIONER SHEARMAN: Thank you. As I
4 said earlier, big jumps in enrollment cap, I don't
5 deal with those very well. Personally, what I would
6 recommend is that this Commission consider approving
7 something like a 100-student increase for year one;
8 also, perhaps approving K -- pre-K through first
9 grade, year one, and then let the school come back
10 to us after that and show us what they've done, and
11 when they're ready, to ask for an increase in
12 enrollment cap and also the grade levels.

13 Because I am concerned about the
14 fluctuating grades on your school report cards.
15 Currently, it's a D. It's been a C; it's been an A;
16 it's been a B. And I would like to see --
17 personally, I would like to see that D come up. And
18 I think you're a school that can do it. But I think
19 you need to focus on it. And if you get too many
20 other things going on, perhaps you can't focus as
21 much as you might need to.

22 So I would like to see us consider a
23 100-student increase in the enrollment cap, and then
24 perhaps consider pre-K through first for the grade
25 increase.

1 THE CHAIR: Well, before I ask,
2 Commissioners, then, given what has just been said,
3 given your preference, would you prefer to start at
4 the first-grade level on that suggestion, if that
5 was -- or would you prefer to start with the sixth
6 grade?

7 MR. MICHAEL OGAS: We'd prefer to start
8 with the younger children.

9 THE CHAIR: You'd like to start with the
10 younger and build forward. I asked that, in case
11 anyone wanted to weigh in on that.

12 MR. MICHAEL OGAS: Just for clarification,
13 would that be kindergarten-first grade? Was that
14 what Commissioner Shearman --

15 THE CHAIR: If we don't have anything to
16 do with pre-K, we can include that.

17 MS. POULOS: I think it would probably be
18 wise to include the pre-K; because my understanding
19 is you're going to fund that through the pre-K
20 program that the Public Education Department funds.

21 MR. MICHAEL OGAS: That's correct. And
22 we'll also write a pre-K grant through the
23 Department of Health.

24 MS. POULOS: If -- we have some other
25 schools in a situation now, where they're serving

1 pre-K students in a tuition-based program, which is
2 actually pretty problematic; so they're not
3 authorized to serve those pre-K students, or as a
4 public school, to charge tuition.

5 So I do think that this Commission, while
6 it's not under the traditional structure of that
7 Student Equalization Grant funding, it is funding
8 that's coming from the Public Education Department.
9 It is a Public Education Department program, meaning
10 it's a public school program; so I do think you
11 would want to have that expressly in a contract.

12 THE CHAIR: Thank you for that.

13 Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: I, would also,
15 though, like to suggest if we're going to have them
16 come back to us with a new request, I would like it
17 to be K through -- or pre-K through second grade,
18 where they would only bring it in through first; so
19 that when they come back to us next year to get an
20 extension, we're not going to have families saying,
21 "Well, I put them in there for first grade; but what
22 if they don't give me second grade?"

23 So what I'm saying is if they have one
24 more year to move into while we're approving that
25 other one, they would not start with all those

1 grades. But they would have one more grade they
2 could add while they're requesting the additional.
3 We're going to have people say, "I don't want to put
4 my child there, because they only have approval
5 through first grade."

6 THE CHAIR: I don't think we're going to
7 ask them to come back. We're going to amend
8 whatever they've asked for today and give them the
9 approval or the denial later. Is that what you
10 meant? Or do you want them to come back?

11 COMMISSIONER SHEARMAN: No, I don't want
12 them to come back for the original. I'm sorry. I
13 would ask you to come back next year and the year
14 after.

15 MR. MICHAEL OGAS: Of course. Okay.

16 COMMISSIONER SHEARMAN: I don't think we
17 can give approvals to say, "Year one, you do this;
18 year two, you do this; year three, you do this."

19 What we can say is right now, we would
20 approve a 100-student increase to your cap -- that's
21 what I'm recommending -- and approve pre-K through
22 second for your grades. And then after this school
23 year is started, if you feel you're still wanting to
24 move forward with increasing the enrollment and the
25 grades, then you come back to us.

1 MR. MICHAEL OGAS: Okay.

2 COMMISSIONER SHEARMAN: But I think we do
3 it incrementally.

4 THE CHAIR: But that's what you're saying.
5 You want to amend their amendment request today and
6 take a vote on a smaller cap increase and --

7 COMMISSIONER TOULOUSE: Mr. Chair, can we
8 do that? Because I don't remember doing that in the
9 past. I remember sending people back and having
10 them come back with their own change.

11 COMMISSIONER SHEARMAN: We've done it
12 before. It may be before your time; but we've done
13 it.

14 (The Chair consults with PEC counsel.)

15 THE CHAIR: Okay. Yeah. Our legal
16 counsel has pointed out that what's in the Charter
17 School Act says an amendment request would have to
18 also be approved by their governing council. So we
19 cannot amend this request. They are going to have
20 to come back with a new request for those -- on that
21 basis. Does that sound --

22 COMMISSIONER CARR: That's true.

23 COMMISSIONER TOULOUSE: That's what I
24 remember.

25 THE CHAIR: So right now, we just have to

1 deal with the increases that are before us. And I
2 will note that -- that I did find a proposed motion,
3 and that the Director and her staff had -- at this
4 time, their recommendation was they cannot recommend
5 the approval of this amendment request.

6 Director, did you have anything more -- we
7 have all your 11 pages or whatever it was. Do you
8 have anything additional you would like to add along
9 those lines? Or does that say it all?

10 MS. POULOS: I believe in the written
11 analysis I gave you on Sunday, which I believe and
12 hope you've all had time to evaluate and review, I
13 provided a very substantial analysis of the data and
14 information, and I don't have anything to add.

15 THE CHAIR: Thank you very much. I'm
16 going to note that, here again, we have a combo
17 motion. And this Commission does not like combo
18 motions. We're going to do two different motions,
19 one on the enrollment cap increase and then one on
20 the grade-level increase.

21 Now, I see -- did someone have some --
22 Commissioner Ambruster?

23 COMMISSIONER ARMBRUSTER: Eleanor has a
24 question.

25 THE CHAIR: Oh, Commissioner Chavez. I

1 thought I saw a hand somewhere.

2 COMMISSIONER CHAVEZ: Yeah. And I was
3 basically wanting to respond to the discussion
4 about, you know, making the amendment to, you know,
5 reflect the lower grades. But, you know, I think
6 one of the things that -- that we're not -- or, you
7 know, that I would like folks to really consider is,
8 you know, I think we need to deal with the fact
9 that, you know, this is a D school, and we need to,
10 you know, have some documentation from them or some
11 conversation with them about how they expect to
12 improve their school before adding additional
13 grades.

14 The other piece is that they're not at --
15 as I understand it, at their full enrollment cap
16 right now. So I'm not sure, you know, why that is.
17 But I, you know, am real concerned about, you know,
18 moving forward with a school that's a D school.

19 THE CHAIR: Thank you, Commissioner
20 Chavez. Was there -- Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Mr. Chair, I think
22 in the past, too, we've allowed the school to
23 withdraw their amendment request to return with a
24 renew- -- with a different amendment request so that
25 we don't even have to take a vote, and they would

1 come back next time with the new amendment request
2 and with their governance council's approval. I
3 think that's what we've done with most of the
4 schools.

5 THE CHAIR: I believe your memory is
6 correct. Before I ask the school that important
7 question, is there anyone else who wishes to weigh
8 in?

9 Commissioner Ambruster?

10 COMMISSIONER GIPSON: I think Mr. Ogas
11 wanted to speak to the improvement issue, I believe,
12 that Commissioner Chavez --

13 COMMISSIONER ARMBRUSTER: Either way.

14 THE CHAIR: Was that a statement or a
15 question?

16 COMMISSIONER CHAVEZ: It was a statement;
17 it wasn't a question.

18 COMMISSIONER SHEARMAN: Okay. Wasn't a
19 question. No response.

20 THE CHAIR: However, I'm going to give you
21 an opportunity to say something here in a minute.
22 So you might slip something in then.

23 Was there anyone else?

24 Commissioner Ambruster?

25 COMMISSIONER ARMBRUSTER: Tagging onto

1 Commissioner Chavez, I thought the cap was 525, and
2 you're at 378, which already gives you close to 150,
3 a little bit less than that, to improve.

4 What I would feel most comfortable with is
5 taking more kids in the grades that you already
6 have, looking at MAPs or Discover or what -- I don't
7 remember which ones you use -- to see how those
8 scores are going up with the students that you have,
9 as well as the night-school students.

10 And I do understand where they are; but at
11 the same time -- and we were discussing this
12 yesterday -- even if they graduate, they still need
13 to be at a certain reading level. And I'm not
14 expecting necessarily eleventh or twelfth grade; I'm
15 really not. But we should see growth in their MAP
16 scores, or whatever scores. And I would like you to
17 take more of students perhaps in those grades and
18 show that improvement before we look at why would we
19 increase the number of grades, when we haven't seen
20 the growth in the other ones. So it's -- that's
21 just where I am.

22 THE CHAIR: Is that a question, or is that
23 a statement?

24 COMMISSIONER ARMBRUSTER: You were going
25 to ask the question.

1 THE CHAIR: Would you like to respond to
2 that?

3 MR. MICHAEL OGAS: Yes, I would.
4 Commissioners, Chavez and Armbruster, and
5 Commissioners, with respect to the cap or the 525,
6 we do not have the physical space to add any more
7 than where we're at right now. That's the main
8 reason we have not grown to our cap.

9 So with that, that is why we are looking
10 forward to moving into a facility that will allow us
11 to grow into our cap and expand grade levels.

12 With respect to the -- very well. Also,
13 we want to grow our STEAM model. Also, with respect
14 to our grade, we had been studying this before the
15 grade even came out, because we wanted to know what
16 the impact of our STEAM model and our Early College
17 model would be on the overall thing.

18 So we surveyed our older kids that are
19 taking college classes -- and doing very well in the
20 college classes, by the way -- and if the -- and I'm
21 not going to get into a philosophical deal of PARCC
22 and "College and Career Ready" and all that kind of
23 stuff -- but we're doing really well at the college
24 level -- the notion is those kids, just like any
25 other child, if they're not provided that

1 information that they're being asked on the test --
2 so there was some things on the PARCC test that they
3 didn't know, even though they're already, you know,
4 making As and Bs in their college courses.

5 So part of that, through our survey and
6 through our knowledge, impacted that. So that, in
7 and of itself, has created a need for us to take a
8 look at how do we get our kids PARCC-ready, I guess
9 when they're already college-ready?

10 So I'm not trying to be facetious about
11 that. But at the same time, that's what we've
12 looked at extremely closely, you know. And our
13 lower performing students, we have offered -- and we
14 continue to offer -- daily tutoring and -- and other
15 areas that we look through our Individualized
16 Learning Plan. We have a daily advisement program
17 that has students look at their scores, and we're
18 continuing to work with them on that -- on that
19 area.

20 We were -- I believe the State was told to
21 expect a drop in scores, naturally, from transition
22 from SBA to PARCC. And I still have not been able
23 to understand the correlation or the transfer in
24 terms of scores from one to the other and how that
25 created our particular situation; although we have

1 hired a statistician to help with that.

2 THE CHAIR: Commissioner Peralta?

3 COMMISSIONER PERALTA: The Commission just
4 touched on a point that I wanted to make in looking
5 at -- in regards to school grade. The school has a
6 three-year average of a C. And, again, the
7 expectation is that the first year of PARCC, results
8 coming in, was that all schools were going to take a
9 dip, you know, in this first school year of PARCC.

10 So I think we need to kind of take that
11 into account when we're taking -- looking at this
12 school as a "D" school. I don't think that's a true
13 accurate picture of the school. So I just wanted to
14 make that note.

15 THE CHAIR: Thank you for making that
16 note.

17 I'm looking to my left now. Anything
18 else? Well, I have something to say, but I'll make
19 it when everyone else is done.

20 COMMISSIONER SHEARMAN: No, I don't.

21 THE CHAIR: It's going to be a
22 summarization.

23 COMMISSIONER SHEARMAN: That's fine.

24 THE CHAIR: Everyone else is done. I'm
25 going to make several summarizations here. But now

1 I'm going to ask the school: You've heard a
2 suggestion that you withdraw these amendments, come
3 back next month -- I've already made a little note
4 on my pad here. You've heard a discussion how this
5 Commission might be a little more comfortable with
6 some other numbers; or, we can go forward and vote
7 on these amendments today, as you have presented
8 them, with the recommendation that we have from the
9 CSD.

10 And I'm also going to throw in that you're
11 going to need to come back next month, anyway. I'm
12 going to strongly suggest -- I assume I'll have
13 support from my fellow Commissioners -- that you
14 bring us an amendment request on your night school.
15 We need to make that legal.

16 And with that request, you need to provide
17 a substantial amount of data. I think I would ask
18 you to answer the question about the instructional
19 hours in whatever you present, prove the
20 instructional hours that -- and so I'm going to
21 strongly suggest -- that's all I can do. I can't
22 make you do anything. That's your choice. You have
23 autonomy. I'm going to strongly suggest that that's
24 probably what this Commission would be comfortable
25 with.

1 MS. POULOS: As you speak about the night
2 program, I did want to make sure that everyone knew,
3 at the -- and I don't believe any of the
4 Commissioners were at the spring budget session.
5 But on Friday, during the charter school section,
6 both Deputy Secretary Aguilar and I addressed this
7 issue.

8 He was very clear that any program must
9 meet the minimum instructional hours. And so -- and
10 he was very clear that that does include night
11 programs, as well. And so I just wanted to make
12 sure that was -- everyone was aware of that.

13 THE CHAIR: Thank you for that
14 clarification. And you just heard what she said.
15 So come with a whole -- bury us in paperwork, if you
16 have to do it. We don't like paperwork. Nobody
17 does. This is the age we live in.

18 Are you amenable to me making that strong
19 suggestion, Commissioner?

20 COMMISSIONER ARMBRUSTER: And I'm fine
21 with that. I just wanted to say one thing, because
22 the Director wasn't here when I asked this question
23 of the school, which was, "If students are coming
24 already with high school credits, do they have to
25 have the 1,080 if they're already coming, and they

1 only need -- I don't know -- five -- I'm just making
2 this up -- but five classes to graduate, do they
3 need the 1,080?

4 And we didn't know, because it was
5 different for -- am I correct? -- different for kids
6 coming back who are already out of the age range?

7 MS. POULOS: So that's a pretty technical
8 question. Again -- and so to answer it in a
9 technical form, the program must be 1,080 hours. A
10 student is a qualified student -- and there's lots
11 of things -- and so that goes to the funding piece,
12 where they are enrolled for at least half of the --
13 and I'm not -- I don't have the statutory language
14 memorized, so I'm not going to try that.

15 But the way it's been explained is if, for
16 example, you're a senior, and you only need six
17 credit hours left to graduate, then you must be
18 enrolled in -- in half of that. And so then that
19 would be three per semester; right? But the reality
20 is what we're talking about, big picture, is the
21 program being offered.

22 And these schools tend to be offering two
23 programs: One is a day program; one is a night
24 program. And it's that the program that's being
25 offered must be -- must meet the minimum

1 instructional hours for that grade level.
2 Typically, those night programs are for high school;
3 and so that's 1,080 hours. And so that program
4 needs to be documented and have evidence and support
5 for that 1,080 hours.

6 COMMISSIONER ARMBRUSTER: That's why I
7 asked it, because I can sort of see both sides. I
8 can certainly see the school's side. When kids are
9 coming back and they need that six units, they're
10 not going to have -- it's very confusing. It's just
11 very confusing.

12 THE CHAIR: That leads me to tell the two
13 Commissioners that were not here yesterday, the
14 director offered to have the Assessment Bureau head,
15 whatever their titles are in the various bureaus,
16 come and talk about the testing a little bit.
17 That's going to be on our May agenda. I wonder if
18 we shouldn't extend that a little bit to -- is there
19 a SAM's director, or a --

20 MS. POULOS: That is our -- the individual
21 who deals with that -- because it's really not even
22 a -- the issue with SAMs is how they're graded.
23 It's called Supplemental Accountability Measures.
24 And that's really to the heart of it. That means
25 that their letter grades are calculated slightly

1 differently. That's what the difference is for
2 SAM's schools. There are no other differences for
3 SAM's schools. And so Cindy Gregory would be able
4 to address that, also.

5 If you would also want me to ask Deputy
6 Secretary Aguilar if he's available to discuss some
7 of these instructional hour issues, I'd be happy to
8 do that, also.

9 THE CHAIR: I see some heads shaking.
10 Make that part of that presentation then, Director,
11 if you would. The Deputy Secretary and the
12 Secretary are always welcome to come see us. We've
13 always had an open invitation in that area. So --
14 but, yes, if you'd ask them to talk a little bit
15 about the SAMs, if you would just help us, because
16 that is a complex issue, I believe.

17 MS. POULOS: Absolutely.

18 THE CHAIR: Thank you for that. Anything
19 else?

20 Now, I will ask you again. Would you
21 rather we move forward with these amendment
22 requests -- and I will say we're going to do them as
23 separate amendments, even though the recommendation
24 was for both of them. This Commission has not, in
25 the past done, what I call a "combo."

1 So we would vote first on the increase
2 from 525 to 820. And then we would then vote on
3 adding the grades.

4 Or do we want to do the adding of the
5 grades first?

6 COMMISSIONER SHEARMAN: Let's see if they
7 want to withdraw first.

8 THE CHAIR: What do you want to do? Do
9 you want us to go forward with these amendments?

10 MR. MICHAEL OGAS: I am a little confused.
11 If you don't mind --

12 COMMISSIONER GIPSON: Join the club.

13 MR. MICHAEL OGAS: So you're contemplating
14 voting the amendments as they're written solely, not
15 with an addition to the -- okay. So that can't
16 work. Okay. I get that.

17 COMMISSIONER SHEARMAN: We cannot change
18 your amendment.

19 COMMISSIONER GIPSON: We cannot amend
20 without a governance council vote from you; so we
21 can't amend your amendment.

22 THE CHAIR: We have to go with what you
23 presented today.

24 MR. MICHAEL OGAS: What we can do, then,
25 is we can request that they be withdrawn.

1 THE CHAIR: Withdrawn.

2 MR. MICHAEL OGAS: And come back in the
3 next meeting with a modified amendment that might
4 include, say, a recommendation, or a request for a
5 pre-K through second grade, and 100 -- an increase
6 of 100, with the notion of maybe revisiting it year
7 by year. Is that --

8 COMMISSIONER SHEARMAN: You always have
9 that option.

10 MR. MICHAEL OGAS: Okay. Okay.

11 THE CHAIR: That would address my concerns
12 about the implementation of the grades.

13 MR. MICHAEL OGAS: First of all, I
14 appreciate all the time you've spent on this. I
15 mean, it means a lot to us. So we will go ahead and
16 withdraw those two -- as long as you let us move to
17 Juan Perea Road.

18 THE CHAIR: That's approved. That's why
19 we did that one first.

20 MR. MICHAEL OGAS: We've got portables on
21 the road. And we will come back with a modified
22 amendment this next -- well, currently, we could go
23 to -- we could still go to 525 on our current of our
24 seventh through twelfth grade. That's not the
25 issue.

1 So the amendment would request to be a 625
2 cap, then, I suppose, to be able to add those --
3 they would be two separate amendments.

4 THE CHAIR: Pre-K through second.

5 MR. MICHAEL OGAS: Pre-K through second,
6 and add 100 to the enrollment cap to 625.

7 COMMISSIONER SHEARMAN: Two separate
8 amendments, just like you did this time.

9 THE CHAIR: And perhaps a third amendment,
10 yes.

11 MR. MICHAEL OGAS: And the night-school
12 amendment, we will sort through that. The only
13 thing I would like is some technical assistance,
14 maybe through the Charter Schools Division on the
15 1,080, and maybe we may request a legal opinion on
16 how that works, as we develop that amendment for the
17 night school and credit recovery.

18 THE CHAIR: I'm not going to speak for the
19 Director. But my experience has always been CSD has
20 been very accommodating. As was noted here earlier
21 today, they're here to provide technical support to
22 the charter schools.

23 MR. MICHAEL OGAS: We'll ask some
24 direction as we build this out. But I appreciate
25 that, too. And I appreciate you allowing the

1 discussion on how night school came about; because I
2 think that was important to have on the record. So
3 I appreciate that.

4 So we'll withdraw our request.

5 THE CHAIR: Do we have to vote on these?

6 MR. LANGE: No.

7 THE CHAIR: That's just done. We're on to
8 the next.

9 Commissioner Carr was absolutely correct
10 when he reminded all the charter school community
11 that those issues must come before this Commission.
12 If you have any questions, which you did -- you went
13 to the Charter School Division and perhaps got some
14 bad advice, I would suggest, in the future, if
15 you're thinking about things like that, you must go
16 to the Charter School Division and ask for their
17 advice; and hopefully, it will be given.

18 So the school has asked to withdraw these
19 two amendments. So they will be back. We will see
20 them in May. I've already got notes for our agenda
21 in May. We will see them then.

22 So I believe finally, finally, we -- you
23 can -- thank you again for your patience and being
24 here today, and we will see you again, I hope, in
25 May.

1 MR. MICHAEL OGAS: We'll be back.

2 THE CHAIR: All right. Thank you.

3 COMMISSIONER SHEARMAN: Thank you very
4 much.

5 THE CHAIR: We're still in Item 6. We're
6 now down to B, Sage Montessori Charter School.

7 COMMISSIONER TOULOUSE: Mr. Chair, can I
8 suggest we keep the materials that the Director
9 provided us on this school so that they don't have
10 to be duplicated again?

11 THE CHAIR: I keep everything; but --

12 COMMISSIONER TOULOUSE: But I'm saying we
13 may want to leave them in and have them left in the
14 notebook. Beverly, would that work? So we don't
15 have -- because we don't want to duplicate these
16 again.

17 MS. FRIEDMAN: Madam -- Mr. Chair, Madam
18 Commissioner, it's easier, because they're all
19 electronically filed. And so when we put together
20 the notebook, they'll all be electronic again.

21 COMMISSIONER TOULOUSE: So we're going
22 waste all this paper.

23 MS. FRIEDMAN: You can take it home and
24 use the back sides.

25 COMMISSIONER TOULOUSE: Mr. Chair, that's

1 still wasting the paper. I read it again, and then
2 I recycle it. But it just seems to me, with budgets
3 that are supposed to be tight, there ought to be a
4 way for us to, when we're going to look at the exact
5 same school with the exact same issues --

6 COMMISSIONER SHEARMAN: Well, I would say,
7 Commissioner Toulouse, when you look at some of the
8 documentation, it's got dates on it, like the
9 governance council -- that wouldn't be correct.

10 COMMISSIONER TOULOUSE: I wouldn't keep
11 those parts. But the information on the school
12 itself, all the material that the Director provided
13 us.

14 THE CHAIR: Thank you, Commissioner
15 Toulouse. And I'm sure there's a lot of trees that
16 appreciate your thought.

17 So that's -- but let's move forward with
18 the Sage Montessori. They actually have two. We'll
19 start with the facility move.

20 Please identify yourself, and go ahead and
21 give us a quick synopsis of what you've got going
22 here.

23 MR. FELIX GARCIA: Good morning. My name
24 is Felix Garcia, and I'm the Head of School at Sage
25 Montessori Charter School. And our request is for

1 wanting to move facilities. Initially, we had two
2 lots, where we're at right now, at -- and -- at
3 the -- in October, the landlord pulled one of the
4 lots, and he's building a warehouse there.

5 So the building is no longer suitable for
6 a school. We don't have -- they've taken our
7 playground, and they've taken our pickup and
8 drop-off area. So they've agreed to let us out of
9 the lease the end of this year. So we've already
10 found another place that's down the street from
11 where we're at; another school is there right now.
12 And PSFA has already looked at the facility. So
13 we're requesting that we be allowed to move into
14 that new facility.

15 THE CHAIR: Thank you. Director, I know
16 you've provided some thoughts on this. Do you have
17 anything further you'd like to add?

18 MS. POULOS: I don't.

19 COMMISSIONER SHEARMAN: Mr. Chairman, do
20 we have E-Occupancy on this new facility yet?

21 MR. FELIX GARCIA: We haven't received
22 anything from PSFA yet; but they've done their
23 inspection, and they've indicated to us informally
24 that it's a good facility. But we haven't received
25 anything formally from them. So we're waiting to

1 get the --

2 COMMISSIONER SHEARMAN: And when do you
3 plan to move?

4 MR. FELIX GARCIA: The move would take
5 place sometime in June; June and July.

6 COMMISSIONER SHEARMAN: Okay. Thank you.

7 THE CHAIR: Okay. I'm actually looking at
8 your minutes. I'm trying to see where the board
9 approved this request. Haven't found it yet. Okay.
10 "Resolved that they approve the real estate
11 contract."

12 Is that -- with Lawrence Rieder? Is
13 that --

14 MR. FELIX GARCIA: Yes.

15 THE CHAIR: So the board did act on that.

16 MR. FELIX GARCIA: Yes.

17 THE CHAIR: Okay. Your governing council.
18 All right. Okay. I'm looking here.

19 Well, you'd have to read it; so if your
20 interpretation is that they have approved --

21 COMMISSIONER SHEARMAN: Perhaps our
22 attorney would be the better person to ask about
23 that.

24 THE CHAIR: It says, "Motion to approve
25 Resolution 2016-11," and stated that, "shall approve

1 the real estate contract..." with the gentleman to
2 lease the property at 3831 Midway, Northeast.

3 So there was a motion to approve a
4 resolution. There was a second. The motion to
5 approve the resolution passed unanimously, six to
6 zero. Does that answer your --

7 MR. LANGE: Is that for the sale, or for
8 the amendment? I guess I don't know if --

9 THE CHAIR: Okay. So you're asking --
10 that approved your real estate contract. Okay.
11 What was the next one?

12 MS. POULOS: Can I interrupt?

13 COMMISSIONER SHEARMAN: Page 8.

14 MS. POULOS: If you look at the
15 resolution, the third paragraph that starts,
16 "Further resolved..., " states about kind of signing
17 all documents that are necessary. I believe that
18 would likely include the amendment request. But you
19 may be looking for something more specific.

20 THE CHAIR: I would have to rely on legal
21 counsel. Has anyone else found the word "amendment"
22 down there? I still don't see the word "amendment"
23 in there, unfortunately.

24 MR. LANGE: So they can -- we can just --

25 THE CHAIR: We can -- as we've done

1 previously, we can approve with the stipulation that
2 the governing council shall, I guess, send the
3 necessary documents. I'm not seeing it. Is anyone
4 else seeing something I'm not?

5 COMMISSIONER CARR: I thought it was
6 there.

7 (The Chair consults with PEC counsel.)

8 THE CHAIR: Commissioner Carr?

9 COMMISSIONER CARR: I think we should just
10 go ahead and approve it, and then ask for -- ask for
11 clarification. I mean, I get your point.
12 They're -- they have to move; right?

13 So, I mean, we just -- we need to let
14 them -- we need to let them get things in motion.
15 And then if there's any T's that need to be crossed
16 or I's that need to be dotted, we can do that.

17 THE CHAIR: That's similar to the previous
18 one, yes. If they're going to move, they're going
19 to move.

20 Commissioner Ambruster?

21 COMMISSIONER ARMBRUSTER: I have a
22 question. Is this move, which I see is necessary,
23 is this a permanent place that you think you're
24 going to continue -- and the reason I'm asking is
25 the taxpayers, I guess, are paying to fix up and pay

1 to fix up where you are now, and through unknown
2 circumstances, you need to move.

3 So is this new place going to be a
4 permanent location? Or is this going to be fixed
5 up, and then we're going to go to another one?

6 MR. FELIX GARCIA: Right. We are -- our
7 negotiation with the landlord, it's an opportunity
8 of a lease to purchase; so that's what we're hoping
9 for.

10 COMMISSIONER ARMBRUSTER: Okay.

11 THE CHAIR: Other questions? Any other
12 thoughts? Questions?

13 I have none.

14 Then I would suggest, there is a proposed
15 amendment -- or a motion -- here that we just add
16 the words, as we have done recently, that, "At your
17 next governing council meeting, that there is a
18 specific resolution and motion on your minutes that
19 says they -- your governing council approved."

20 MR. LANGE: We don't need that. I think
21 it's in here.

22 THE CHAIR: Our legal counsel says he
23 thinks that wording is okay. So forget that.
24 Forget that.

25 MR. FELIX GARCIA: Okay.

1 THE CHAIR: We just want to be sure all
2 the -- everything is legal. We don't want anybody
3 to be able to come back later and question if this
4 was done. Now we're at the stage, then, I believe,
5 no further discussion or questions.

6 Would someone care to make the motion,
7 then?

8 Commissioner Ambruster, if you would do
9 that?

10 COMMISSIONER ARMBRUSTER: I move the Sage
11 Montessori Charter School's move from its current
12 facility to 3831 Midway Place, Northeast, in
13 Albuquerque, be approved, with the condition that
14 the school must meet all facility requirements.

15 COMMISSIONER CARR: Second.

16 THE CHAIR: Thank you, Commissioner. We
17 have a second from Commissioner Carr. We have a
18 motion to approve and a second for this move.

19 Mr. Secretary, may we have -- is there any
20 further discussion? Mr. Secretary, may we have a
21 roll-call vote?

22 COMMISSIONER PERALTA: Commissioner
23 Chavez?

24 COMMISSIONER CHAVEZ: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER PERALTA: Commissioner Pogna?

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Shearman?

7 COMMISSIONER SHEARMAN: Yes.

8 COMMISSIONER PERALTA: Commissioner Carr?

9 COMMISSIONER CARR: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Armbruster?

12 COMMISSIONER ARMBRUSTER: Yes.

13 COMMISSIONER PERALTA: Commissioner

14 Conyers?

15 COMMISSIONER CONYERS: Yes.

16 COMMISSIONER PERALTA: Commissioner

17 Peralta votes "Yes."

18 Commissioner Gipson?

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER PERALTA: Commissioner

21 Bergman?

22 THE CHAIR: Commissioner Bergman votes

23 "Yes."

24 COMMISSIONER PERALTA: Mr. Chair, that is

25 ten to zero in favor of the motion.

1 THE CHAIR: Thank you, Mr. Secretary. The
2 motion to approve this motion has been approved by a
3 unanimous ten-to-zero vote.

4 There is a second request that's also in
5 our documents. Would you go ahead? That would
6 be -- actually, everybody, this is the new one,
7 decreasing grade levels. I believe that is a first;
8 I could be wrong.

9 But if you would explain what's going on
10 there, please, sir?

11 MR. FELIX GARCIA: Currently, our program
12 is a K-8 program. Initially, when the founder wrote
13 the charter, our intentions were that our program,
14 our K-through-6 program would feed into the seventh
15 and eighth program. And that has not been the case.
16 A lot of times our sixth-graders are going to
17 another school after they reach sixth grade, and we
18 get students from outside that have not been through
19 the Montessori program, have never been through a
20 Montessori program; so all of a sudden, the students
21 that are coming in are struggling to learn the
22 Montessori program in the short period of time that
23 they have.

24 And what the big problem that it's created
25 is lack of enrollment at that level. In the last

1 two years -- we've had 15 students last year. This
2 year, we have 10 students, seventh and eighth grades
3 together. It's not feasible for us to pay for a
4 staff member -- for one staff member. Seventh and
5 eighth grade should probably have more than one
6 staff member to have a -- a really good program for
7 them. So we feel right now that we are not
8 providing that for them.

9 The other thing is we're working with
10 Charter School on our action plan; because we do
11 have a low score. And that is an intervention that
12 we want to focus on our K-6 program to bring up our
13 scores for next year. So that's our thinking behind
14 this.

15 THE CHAIR: Thank you, sir.

16 Questions? Or observations or statements?

17 Seems fairly straightforward to me.

18 Anything?

19 Commissioner Gipson?

20 COMMISSIONER GIPSON: I have a question.

21 It doesn't have to do with the amendment request.

22 But I have a -- in reading the governance council
23 minutes, is this Michael Ogas that's in the minutes
24 of the governance council, is that Mr. Ogas from
25 the -- from SODA?

1 MR. FELIX GARCIA: Yes, he is. He was at
2 our last board meeting that we had, yes. We're
3 looking at doing some work with him.

4 COMMISSIONER GIPSON: Okay. And is there
5 a concern about a conflict of interest? Is that
6 what I'm seeing here? I'm not sure whether I'm
7 reading the minutes correctly.

8 MR. FELIX GARCIA: I think one of the
9 board members brought up a question to Mr. Ogas;
10 because he's working on some -- or we were asking
11 for him to work on some things with us. One of them
12 is to apply for our nonprofit designation. And the
13 board member that we have was asking that if it
14 wasn't a conflict of interest for him working with
15 his school. And he clarified that he had gotten it
16 approved by his board that he could work with our
17 school. So that was -- that was what was on the
18 minutes.

19 The question was, "Would it be a conflict
20 of interest for you to be working with our school?"

21 COMMISSIONER GIPSON: Is it as a paid --
22 is it volunteer, or is he being paid as a consultant
23 to do this?

24 MR. FELIX GARCIA: As a consultant.

25 COMMISSIONER GIPSON: You know, I guess I

1 just have a concern about that. I'm not -- you
2 know, I don't know whether -- but I have a -- I have
3 a concern about this. I don't know whether I'm --

4 COMMISSIONER CARR: I agree.

5 COMMISSIONER GIPSON: -- I'm going down
6 the right path; but it piqued my interest when I saw
7 that.

8 COMMISSIONER CHAVEZ: Yeah. Yeah.

9 THE CHAIR: I see.

10 COMMISSIONER GIPSON: So I just raise that
11 question to everyone.

12 THE CHAIR: There seems to be several
13 concerns. It's not really part of this amendment
14 request.

15 COMMISSIONER GIPSON: I know; but it was
16 there, and I --

17 THE CHAIR: I'm trying to figure out how
18 we might go forward, because we really didn't have
19 that on our agenda.

20 COMMISSIONER CARR: Our next meeting.

21 THE CHAIR: Someone will need to remember
22 that, then.

23 COMMISSIONER CHAVEZ: But is it something
24 that we want to flag before the next meeting. I
25 mean, do we want to flag it to the school? Is there

1 something that we want to do?

2 COMMISSIONER CARR: I think we just did.

3 COMMISSIONER CHAVEZ: But Michael Ogas
4 isn't here for the conversation.

5 THE CHAIR: Right. Director, do you -- is
6 this a common practice, or --

7 MS. POULOS: I believe this is a very
8 common practice in New Mexico amongst charter school
9 leaders and a couple of consultants who have worked
10 at CSD in the past. Fairly common.

11 THE CHAIR: Our legal counsel at this time
12 does not have anything he wishes to offer on this
13 issue.

14 COMMISSIONER GIPSON: Okay.

15 THE CHAIR: So --

16 COMMISSIONER TOULOUSE: Mr. Chair, I would
17 think that if his governance council has given him
18 permission to do it, and it's -- both governance
19 councils are aware of it, I don't see there's a -- a
20 conflict. You know, the appearance may or may not
21 be different from the legality; but I think the
22 legality is clear there.

23 THE CHAIR: Again, the word "autonomy" is
24 used all the time. These schools are supposed to
25 have autonomy.

1 COMMISSIONER SHEARMAN: We've seen
2 governance councils give school administration
3 approval to break laws, too. So we don't want to
4 get into that situation.

5 THE CHAIR: Right now, I think that's
6 internal to you -- I believe it needs it be
7 resolved.

8 MR. FELIX GARCIA: I was just going to say
9 that we did seek counsel, and we did run it by --
10 and she is here today -- before we actually looked
11 at it; so...

12 COMMISSIONER GIPSON: All right. Okay.

13 THE CHAIR: Satisfied?

14 COMMISSIONER GIPSON: Yeah.

15 THE CHAIR: Yeah?

16 Okay. Anything else?

17 COMMISSIONER SHEARMAN: I do have one.

18 THE CHAIR: Commissioner Shearman?

19 COMMISSIONER SHEARMAN: I notice we've
20 already approved one amendment. But my copy of
21 these minutes say they are draft minutes. And we
22 have to have final governance council minutes. Do I
23 have the right stuff?

24 COMMISSIONER GIPSON: It does say "Draft."

25 THE CHAIR: Where does the word "Draft"

1 appear?

2 COMMISSIONER GIPSON: In tiny little
3 letters at the top. It says, "Draft for review."

4 THE CHAIR: Here, again, the caveat would
5 be, as we've done in the past, we would ask you to
6 submit non-draft, or original, copies to the Charter
7 School Division when they're available, probably the
8 earliest possible moment that will fit your
9 schedule. Because "Draft" does mean "Draft,"
10 unfortunately. It could be changed.

11 Okay. Here again, if someone would care
12 to make this motion, there is a motion in the
13 Executive Summary that we will actually approve this
14 decrease -- okay. Just make sure you note that with
15 the submission of --

16 COMMISSIONER TOULOUSE: I know how to do
17 that. We do it frequently, sir.

18 THE CHAIR: Was there any other discussion
19 before we go to the motion. I notice there's no
20 word of the cap, and you're not talking about the
21 cap. I'm assuming you're going to keep the same cap
22 with less grades.

23 MR. FELIX GARCIA: We do have -- our
24 charter was written for 800 students; so we're way
25 below the -- and we do have -- the new facility has

1 plenty of room for us to grow and do that; so...

2 THE CHAIR: What's your current
3 enrollment?

4 MR. FELIX GARCIA: We've got about
5 185 students; so...

6 THE CHAIR: So you have room to grow,
7 then.

8 Okay. That's a non-issue.

9 All right. Any other discussion or
10 questions?

11 Then I would entertain a motion, then,
12 please. Commissioner Toulouse?

13 COMMISSIONER TOULOUSE: Mr. Chair, I move
14 to approve the amendment presented by Sage
15 Montessori Charter School to amend its instructional
16 program, which currently houses Grade K through 8,
17 to decrease its grade level to K through 6, pending
18 our receipt of the approved governing council
19 minutes for this action.

20 THE CHAIR: Thank you, Commissioner
21 Toulouse. There is a motion.

22 Do I have a second?

23 COMMISSIONER PERALTA: Second.

24 THE CHAIR: Commissioner Peralta has
25 seconded. So we have a motion and a second.

1 Is there any further discussion?

2 Seeing none, Mr. Secretary, may we have a

3 roll-call vote, please?

4 COMMISSIONER PERALTA: Commissioner

5 Gipson?

6 COMMISSIONER GIPSON: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Peralta votes "Yes."

9 Commissioner Pogna?

10 COMMISSIONER POGNA: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Toulouse?

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Armbruster?

16 COMMISSIONER ARMBRUSTER: Yes.

17 COMMISSIONER PERALTA: Commissioner

18 Conyers?

19 COMMISSIONER CONYERS: Yes.

20 COMMISSIONER PERALTA: Commissioner

21 Shearman?

22 COMMISSIONER SHEARMAN: Yes.

23 COMMISSIONER PERALTA: Commissioner

24 Chavez?

25 COMMISSIONER CHAVEZ: Yes.

1 COMMISSIONER PERALTA: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER PERALTA: Commissioner
4 Bergman?

5 THE CHAIR: Yes.

6 COMMISSIONER PERALTA: Mr. Chair, that is
7 ten to zero in favor of the motion.

8 THE CHAIR: The motion to approve a
9 decrease in the grade levels was approved by this
10 Commission with a ten-to-zero vote.

11 We are now to Item 7 on our agenda. I
12 note it is a quarter to 12:00. I was hoping we
13 would be done by now. That did not materialize. We
14 have some work left.

15 I do note there was something not on our
16 agenda that was going to happen later, too.
17 Representatives from NACSA were here this week, had
18 meetings with those that were available yesterday.
19 They've been meeting with the CSD staff. They're
20 going to issue a preliminary report on their visit
21 here today.

22 That was scheduled for 1:00. Obviously,
23 that's not going to happen at 1:00. It won't happen
24 till we're done with our business.

25 MS. POULOS: They actually must leave for

1 Albuquerque at 1:30; so we will need to make sure
2 that can happen.

3 THE CHAIR: Do they have to give us the
4 preliminary report?

5 MS. POULOS: They don't have to give them
6 to you. Again, that was per your discussion
7 yesterday. I think they do need to have an
8 opportunity to download; so they would ask that
9 somebody is available for that.

10 But they do have to absolutely leave by
11 1:30 to make their flights in Albuquerque.

12 THE CHAIR: Then I'm going have to ask our
13 legal counsel, can we leave this agenda in the
14 middle of it and do a non-agenda item? Or does it
15 have to be when we're done? I'm --

16 MR. LANGE: So the issue is we can do as
17 much as we can, and we can end the meeting. That's
18 what we can do. When is this -- when did you want
19 to do this?

20 THE CHAIR: Well, if they've got to go
21 catch an airplane at some point -- and that's --
22 they have to talk to us.

23 MS. POULOS: I believe their schedule said
24 at 1:00 p.m. That's when they would do it.

25 MR. LANGE: So let's see how much we can

1 do by 1:00.

2 THE CHAIR: All right, then. Do we want
3 to forego lunch hour then and go forward?

4 COMMISSIONER CHAVEZ: Okay. I have a
5 Snickers I'll share.

6 COMMISSIONER GIPSON: I think I have an
7 old Almond Joy in my pocket.

8 THE CHAIR: So far, I haven't heard anyone
9 say they want a lunch hour. Let's move forward
10 then.

11 Let's go to Item 7, Report from Options
12 for Parents and the Charter School Division. Let's
13 begin with Item A, Schools of Concern.

14 Director Poulos?

15 MS. POULOS: These materials were provided
16 in advance with updates on any schools that the
17 Commission has asked for. Updates on that are part
18 of the revocation process.

19 If the Commission has a request for any
20 additional information, I'd be happy to share that;
21 but otherwise, I do not have any additional
22 information.

23 THE CHAIR: Thank for you that. So next
24 item on Item 7 was B, an Update on Southwest
25 Learning Centers. Do we have -- I see -- okay.

1 Southwest Learning Centers is here. So as -- why
2 don't we wait until the director has handed out
3 whatever she's handing out?

4 MS. POULOS: The school provided
5 additional information today, in addition to the
6 information you were previously provided.

7 THE CHAIR: Okay. Thank you. While she's
8 finishing up with that, why don't you go ahead and
9 identify yourself, please?

10 MR. KIRK HARTOM: Good morning, almost
11 afternoon, everyone. I'm Kirk Hartom, the head
12 administrator with the Southwest Learning Centers.
13 So I'm here to give an update of our -- all of the
14 things that we've been doing as far as corrective
15 action.

16 So one of the things that I was told to go
17 ahead and prepare for was how we were coming along
18 with consolidation. So I'm going to quickly go
19 ahead and read through what our -- what we are
20 calling our "pre-plan" for consolidation.

21 So the Learning Center governing bodies
22 and administration involved with potential
23 consolidation of Southwest Intermediate are
24 developing a plan for the plan to pursue
25 consolidation.

1 So Step 1, the financial team comprised
2 the Vigil Group. The Southwest Learning Center
3 business managers, and administration are preparing
4 various financial models which will indicate
5 projected budgets for the three schools named in the
6 SLC charter contract and performance framework
7 regarding consolidation.

8 And so the supplemental material that
9 you've received is actually the first model that
10 we're presenting. And that is -- would be a
11 consolidation of our primary and our intermediate
12 schools.

13 And the Vigil Group, along with myself,
14 went ahead and looked at that, you know, with what
15 we have presently in our schools in regards to all
16 of the financial areas and what that impact might
17 be.

18 So in the SLC charter contract, Section
19 302, the school will pursue consolidation between
20 SLC and SSLC or SPLC. And within the SLC
21 performance framework, it speaks to Section 6 -- to
22 6B, "Analysis of consolidation of the Southwest
23 Intermediate with the Southwest Primary or Southwest
24 Secondary Learning Center."

25 These projected budgets are based on

1 current contracts and projected consolidated
2 contracts.

3 Step 2. For strategic planning purposes,
4 the governing bodies of the schools will meet in
5 joint session with the financial team, the
6 administration, and the staff to discuss,
7 understand, and become aware and assess potential
8 impacts from the proposed consolidation.

9 The three key areas of impact to be
10 assessed are academic, operational, and financial.
11 The intent and purpose of this joint governing body
12 meeting is to strategically propose the best
13 solution possible, based on the data and potential
14 impact to the areas assessed, in order for the joint
15 governing body to strategically propose, in detail,
16 the best path forward regarding consolidation and
17 for our stakeholders.

18 Step 3. The Learning Centers will
19 develop, with the governing body, review materials
20 required for the following consolidation
21 informational meeting.

22 And then Step 4. The governing bodies for
23 the schools, which are determined, and strategically
24 propose from Step 1 [verbatim], will then hold a
25 consolidation informational meeting with all our

1 stakeholders potentially impacted from this change.
2 Members of the PEC are encouraged to attend this
3 meeting to assist in addressing the stakeholder
4 concerns or questions.

5 The intent and purpose of the stakeholder
6 meeting is to inform, propose, and detail a
7 potential path forward, obtain feedback, and to
8 obtain enrollment concerns and projection for the
9 proposed schools.

10 Step 5 is the detailed plan to propose
11 consolidation that will then be shared with or by
12 the head administrator, with the PEC in a scheduled
13 follow-up meeting.

14 So what you have in the way of putting
15 this budget together is you will see, in operational
16 funds, what it would do is as we would combine --
17 and just in operational funding, we would lose about
18 \$120,000 in operational funding. And this is, of
19 course, going to be due to the fact that once we
20 consolidate, we would only receive one set, if you
21 would, of small school funding, which would mean a
22 \$400,000 decrease for that particular school.

23 So right now, each school receives its own
24 small school funding.

25 So that's just the original analysis. You

1 know, we've just put this together in the last
2 couple of days; and so we're taking a look at this.
3 And, of course, this has been a topic for several
4 months with all of our boards. And so this is the
5 plan of action going forward. And we will move the
6 plan forward in this month, with all -- with all
7 four boards in all their board meetings.

8 So at this time, if you have questions?

9 THE CHAIR: Thank you for your update and
10 your information.

11 Are there questions?

12 COMMISSIONER ARMBRUSTER: Yeah.

13 THE CHAIR: Commissioner Armbruster.

14 COMMISSIONER ARMBRUSTER: I'm sorry. I'm
15 sure I should know this; but I don't. So you have
16 currently four schools, and they're in one building.

17 MR. KIRK HARTOM: Yes. Currently, we have
18 four schools. We have three of the schools, the
19 primary, the intermediate and the secondary, and
20 they are all housed in one facility. I call those
21 the "East Side Schools." They're up on Candelaria.

22 Then we have the aeronautical school,
23 SAMS, which is its own school, facility-wise. And
24 it is based on the West Side, out by the Double
25 Eagle Airport.

1 COMMISSIONER ARMBRUSTER: So I'm not all
2 that familiar with Albuquerque; but so I'm -- I hear
3 you're concerned about the small school funding.
4 But if three schools are together, and they're each
5 getting small school funding, and they're only using
6 one building, why would you need small school
7 funding? I don't know. I mean --

8 COMMISSIONER GIPSON: I think that's why
9 we're visiting this.

10 COMMISSIONER ARMBRUSTER: So where is all
11 that money going, if it's not going to facilities?

12 MR. KIRK HARTOM: Well, I think you could
13 take a look at the budget. And again, I'm not here
14 to defend or not defend what it is. You know, our
15 job was to go ahead and pursue that and to do the
16 consolidation.

17 So, you know, I'm going to throw this your
18 way, because, you know, a lot of schools -- and I'm
19 just going to put my two cents out there. You know,
20 in regards to the schools, I think, you know, if you
21 were to look at it, this school was a C school last
22 year and now is an A school, then there are some
23 achievement ramifications to that. If you were to
24 decrease that by -- you know, the funding by
25 \$120,000 in operational, then you are looking at,

1 you know, releasing maybe teachers and all that.
2 You're going to lose resources somewhere to do that.

3 And then the Primary also made an increase
4 from a C-level school to a B-level school. And so
5 the resources are embedded there.

6 And in my estimation -- this all goes back
7 to when the schools were originally approved -- and
8 maybe it was to go ahead and latch onto that small
9 school funding. But I can say within the budget
10 now, especially under financial corrective action,
11 we know where all those dollars are going. And most
12 of those dollars go directly back to those
13 classrooms.

14 COMMISSIONER ARMBRUSTER: So they're going
15 back to the classroom in the form of either smaller
16 class size or more teachers in a classroom or
17 remedial teachers?

18 MR. KIRK HARTOM: I want to say all of it.
19 I want to say that I would say -- when you talk
20 about operational, what you're talking about most of
21 the time is, you know, it's that nest egg you never
22 want to touch as far as funding, in the sense that
23 that's what pays your teachers; that's what pays
24 support staff. So 85, 90 percent of that, that's
25 where that operational money is going.

1 I'd also like to add, as well, is that
2 when you're looking at A and B schools in the
3 state -- well, I'll put it this way: When I arrived
4 at the schools, you know -- and I had been in, you
5 know, some at-risk districts. And what I noticed
6 right away is that, you know, when -- when you're
7 not with that at-risk index, you also don't receive
8 as much of all of those federal funds, as well.

9 So our schools -- the way that I've
10 analyzed it is that we don't get a lot of
11 supplementals that many other districts or charter
12 schools may get, just because of -- of the at-risk
13 index.

14 So what I'm saying is we don't pull in the
15 Title II money for professional development. We
16 don't pull in as much -- we don't pull in -- well, a
17 fraction of Impact Aid; so we don't have a lot of
18 that supplemental. And also, you know, if you look
19 at the targeted funding for the State, which the
20 Secretary released last week in the Spring Budget
21 Workshop, because we're A and B schools, most of
22 that targeted funding is for the schools that are --
23 that are -- that are trying to increase their grades
24 from, you know, a D or an F.

25 And so -- so, basically, you know, we

1 run -- we run the whole show at each school
2 primarily just on operational; so -- which, in my
3 mind, knowing -- knowing what all the other
4 supplemental revenues are out there for -- for other
5 schools, that's pretty good that we can do that.

6 So -- but I would -- back to your original
7 question, I would say 85 percent of that is direct
8 resource, which is really salaries, pretty much, for
9 either -- for either the teachers or the support --
10 well, educational assistants and other support
11 staff.

12 THE CHAIR: I think we're getting away
13 from the purpose of what -- we just wanted an update
14 of where they were. We've talked about the money
15 many times before, and where it was going and all
16 that. I don't want us to get sidetracked here.

17 COMMISSIONER ARMBRUSTER: That's fine.

18 THE CHAIR: Commissioner Toulouse, did you
19 have your hand up?

20 COMMISSIONER TOULOUSE: I just wanted to
21 point out for the record that when -- it's been two
22 years now since we instructed this group to make
23 this transition. And I am concerned that we are now
24 only getting a pre-plan for the plan.

25 You know, small school adjustment size or

1 not, that's going to go away at some point. The
2 Legislature comes closer every single year to taking
3 it away or phasing it out. So all of the schools
4 who use it have got to come up with different ways,
5 over time, to budget for that.

6 But it concerns me that we have the grades
7 that are in the middle school being taught in other
8 locations in the school in either the higher grades
9 or the lower grades, so that we have one school that
10 duplicates the other grades.

11 The delivery has been different. But our
12 feeling two years ago, when we gave this
13 instruction -- and I'm doing this to explain to
14 Karyl Ann, as well as to our Director here, who
15 wasn't there at the time -- was that there was
16 absolutely no reason, because this school tells us
17 how flexible it tries to be with its students, that
18 they can't deliver all of those services only once
19 for mid-school kids. And that was the purpose.

20 And -- but I -- but my point is that I'm
21 concerned that it's taken two years to get us to a
22 pre-plan.

23 Thank you.

24 THE CHAIR: That certainly is a valid
25 concern. Anything else, Commissioner Shearman?

1 COMMISSIONER SHEARMAN: Yeah. I -- is
2 there a possibility of dates on these steps in this
3 pre-plan?

4 MR. KIRK HARTOM: I think what's going to
5 occur, you know, after the -- you know, the joint
6 meeting, you know, is to go ahead -- because I --
7 you know, first, you have to have the informational
8 meeting in regards to, "Why consolidate?" I think
9 our stakeholders will want to know what are all the
10 things that are behind that.

11 COMMISSIONER SHEARMAN: And that Step 2 --
12 pardon me for interrupting. I just want to know
13 where we are. Step 2.

14 MR. KIRK HARTOM: That is Step 2, along
15 with, I would say surveying and actually getting
16 data for all of you to say, "This is where our
17 stakeholders are with this particular move."

18 COMMISSIONER SHEARMAN: And do you have a
19 date for Step 2?

20 MR. KIRK HARTOM: We -- I have not set a
21 date -- well, I'll know this month when they're
22 going to set that joint meeting just that concerns
23 consolidation. But we could set up the -- well, I
24 won't call it a "town hall" -- but the parent
25 meeting within the next month. That's -- that would

1 not be an issue.

2 COMMISSIONER SHEARMAN: Because my concern
3 is the same as Commissioner Toulouse. The schools
4 were given a three-year renewal.

5 MR. KIRK HARTOM: Yes.

6 COMMISSIONER SHEARMAN: And if it's taken
7 two years to get this, I wonder if this will have a
8 chance of being completed by the time the renewal
9 contract ends.

10 MR. KIRK HARTOM: Well -- and this was
11 something that -- this is something that said when
12 this consolidation occurs, that the most optimal
13 time -- because all of our schools, for whatever
14 reason -- because they were all given different
15 renewal dates, if upper -- if you will. But what
16 happened was is that next year, in the spring, all
17 of the schools are going to be renewed, believe it
18 or not, in one -- in one shot.

19 So in my mind, when consolidation occurs,
20 then the most optimal time to do that is when that
21 renewal comes; so actually to do that.

22 COMMISSIONER SHEARMAN: But renewal was
23 one of the conditions of -- consolidation was one of
24 the conditions of the renewal of the three schools.

25 MR. KIRK HARTOM: That's true. That's

1 true; so when you get to renewal, then you would not
2 be renewing -- you would not be renewing, say, the
3 Intermediate school, because, as you would renew,
4 they would be consolidated.

5 COMMISSIONER SHEARMAN: I see. I see.
6 Instead of asking for renewal of three schools, you
7 would be asking renewal of two schools, the combined
8 school and whatever the other one is.

9 MR. KIRK HARTOM: I see it as the -- one
10 of the schools is combined; so we'd be -- yes, you
11 got it. I'm sorry.

12 COMMISSIONER SHEARMAN: And my last
13 question is, is PED still handling your finances, or
14 has that been returned to the schools?

15 MR. KIRK HARTOM: It has not. But there
16 has been -- I've met just recently with -- with
17 Deputy Aguilar, and there is new deputy director,
18 Mr. Craig. They were encouraged by all the
19 improvements that we've made this year. And
20 everything -- you know, business is moving a lot
21 better than it did.

22 So they have talked about handing the
23 boards of finance back to us. But I think we all --
24 along with the Vigil Group, along with PED -- I
25 think they're going to parcel some of those -- you

1 know, some of those things back through the Vigil
2 Group.

3 But I think we're at least a year away
4 from turning, you know, turning -- giving things
5 totally back over to us.

6 COMMISSIONER SHEARMAN: Thank you very
7 much.

8 MR. KIRK HARTOM: You're welcome.

9 THE CHAIR: Well, as you've heard, the
10 clock is ticking. There is concern on this
11 Commission about the slowness of the pace, and,
12 yeah, there's another renewal. I'm not going to
13 speculate on what might happen in the future. None
14 of us have that ability, unless you're a psychic, I
15 guess.

16 So I'm not going to speculate on that.
17 But the clock is ticking; it is. There has been
18 some concern -- is there anything else,
19 Commissioners?

20 You have the latest report. If there's
21 nothing else, then I appreciate your update and
22 taking the time to be here today. This was not an
23 action item; so I believe thank you for being here
24 today.

25 MR. KIRK HARTOM: Thank you, Commissioner

1 Bergman. I did say that I did attend the meeting
2 with NACSA yesterday. It was very good, because I
3 do know Katie Piehl, who is -- you know, some of you
4 will meet. But I worked with her as we developed
5 the performance frameworks in Hawaii. So it was a
6 good meeting and a great chance for the charter
7 leaders to go ahead and express, you know, concerns,
8 as well as some very good things, too.

9 And so I'll let you go. I know we're on
10 the clock right now, too. And I do want to -- and I
11 pardon myself. But I do want to express, I, hope
12 along with everyone else, to Commissioner Chavez,
13 our condolences that we are thinking of you in your
14 time of loss.

15 Thank you.

16 THE CHAIR: The next item on this -- now,
17 my agenda has -- the agenda form that we're going --
18 is actually in a different order than what's on the
19 Executive Summary. I'm going to follow the agenda.

20 Item C on our agenda is the School
21 Governance Changes. There's two listed there, CEPi
22 and Cesar Chavez.

23 Director, what's -- I'm a little confused
24 why CEPi is on there; but I guess you're going to
25 tell us?

1 MS. POULOS: Well, as the Commission
2 passed the policy and forms to make sure the
3 Commission is up-to-date on who is on the governance
4 board of each school and to ensure that they
5 continue to be approved boards of finance, I have
6 provided the materials that I have received up to
7 this date. Those are from CEPi and from Cesar
8 Chavez Community School.

9 THE CHAIR: Okay. I don't see anything
10 about CEPi. Do I have the documents here from Cesar
11 Chavez? So I'm looking --

12 MS. POULOS: The first pages, right after
13 the Item D, School Governance Changes, is CEPi.

14 THE CHAIR: Okay. That's fine.

15 MS. POULOS: When you get to the page
16 marked "28," that's where the materials for Cesar
17 Chavez begin. And as I handed you this morning, we
18 did receive forms from Cesar Chavez; and so those
19 were the materials that I handed you this morning.

20 THE CHAIR: Excellent. Okay. This is not
21 an action item. Are there any questions or comments
22 on these? We have been notified, as we've asked to
23 be notified.

24 COMMISSIONER GIPSON: I guess my only --

25 THE CHAIR: Commissioner Gipson?

1 COMMISSIONER GIPSON: My only question is
2 with Cesar Chavez, do we know the number that they
3 have on their governance council now?

4 MS. POULOS: I don't have that
5 information.

6 COMMISSIONER TOULOUSE: My understanding
7 from my visit this week is they're a seven-member
8 board. They've lost two; so they still have the
9 right number. And they are recruiting actively
10 right now for -- in fact, they're looking for a
11 person with background in CPA work or finance or
12 budget.

13 COMMISSIONER GIPSON: Okay.

14 THE CHAIR: Anything else on governance
15 changes?

16 COMMISSIONER GIPSON: No.

17 THE CHAIR: I'm looking; I see none.

18 Thank you, Director.

19 Now, we're down to what is on the agenda,
20 Item D, which is the McCurdy Charter School. And
21 they have made a request; so if they would come
22 forward, please. We have not seen them in a little
23 while.

24 MS. BENNETT ANDERSON: It'll be exciting.
25 If we may, can we pass a handout to everyone? Is

1 that all right?

2 THE CHAIR: You go ahead and identify
3 yourself while she's handing those out.

4 MS. JANETTE ARCHULETA: Good afternoon,
5 Mr. Chairman, members of the Commission. I'm
6 Janette Archuleta, the director of McCurdy Charter
7 School. This is a K-12 charter school located in
8 Española, New Mexico. And we serve -- and this is
9 our fourth year of operation.

10 MS. BENNETT ANDERSON: And I'm Deborah
11 Bennett Anderson. I'm the chairperson for the
12 governance board. And in the sake of brevity, we
13 will try to be as rapid as we possibly can.

14 We had asked to be on the agenda for three
15 different reasons, the first being that we wanted to
16 be able to -- on the recommendation of Deputy
17 Secretary Aguilar, to share with you that our Board
18 of Finance has been reinstated. After 27 months,
19 we're very proud to have the board back, the Board
20 of Finance.

21 During that process, PED had provided
22 financial support through the efforts of Ms. Deanna
23 Gomez, a financial consultant. And she has since
24 become our business manager, starting this school
25 year.

1 So it's going very well. But what it
2 means for us is that we're in a very sound financial
3 position. Our practices and our policies are in
4 place to make sure that we're -- we maintain
5 ourselves in a sound financial position.

6 The second piece has to do with financing
7 for the school. As you may recall some 18 months
8 ago, we came to this board and asked for an
9 extension. And you graciously accepted that
10 extension. [Verbatim.]

11 But what has happened in that 18-month
12 period is we've spent a great deal of time talking
13 with financial institutions. As you may recall, we
14 had spent almost nine months before we had come to
15 you asking for the extension with a task force
16 between McCurdy Schools Northern New Mexico, who is
17 prepared to donate two buildings and over
18 six-and-a-half acres of land, plus a cash donation.
19 And that task force included them, plus their
20 501(c)(25), McCurdy School Property, Inc., plus the
21 members -- certain members of the school.

22 And so we had been doing a lot of work in
23 trying to get the financing. They hired -- MSPI
24 hired financial consultants, Mr. Leo Valdez -- Leo
25 is right there -- and they had also paid for

1 starting the architectural feasibility study, which
2 was being performed by Mr. Sanjay Engineer with FBT
3 Architects. Pardon?

4 (Ms. Bennett Anderson consults
5 with Ms. Archuleta.)

6 MS. BENNETT ANDERSON: And they also
7 funded the start of the financial feasibility study
8 with venture capital.

9 And through all of that process, we have
10 come to find out that it's extremely difficult for a
11 school to find financing for a new building, one,
12 because we're not allowed by law to do that; so we
13 always have to work through another organization.
14 But we have gone through probably 24 different
15 iterations of pro formas. 24 iterations of term
16 sheets.

17 We've talked with organizations such as
18 Raza, Capital Impact, Rural Development of the
19 Department of Agriculture; there's a whole list in
20 your packet of all the people we've talked to.
21 People's Bank, Los Alamos National Bank,
22 Wells Fargo. And invariably, it tended to be a case
23 of either the interest rate was too high, and we
24 couldn't afford it, or the loan-to-value was not
25 correct, so that we could borrow enough money. Or

1 we did not meet their missional goals, as such.

2 In the past few months, our financial
3 adviser -- or the financial adviser for MSPI --
4 found that there were New Markets Tax Credits
5 available through the New Mexico Finance Authority.
6 And an application was sent on, for Round 20.

7 And the result of that is that there is
8 a -- we've been put on their prioritized list with
9 New Mexico Tax Credits [verbatim], in cooperation
10 with two financial partners, one being Clearinghouse
11 CDFI, who would be basically the lender. And the
12 borrower would be Charter School Development
13 Corporation. And we have the senior vice president
14 with us, Laura Feimann, right here.

15 It's moved very rapidly. But because the
16 financial structure is being put into place as we
17 talk right now, we wanted to be able to assure you
18 that not only is our financial basis sound; but
19 there is also an academic basis that is sound, as we
20 move forward.

21 So I'm going to let Janette speak to that
22 for just one moment, please.

23 MS. JANETTE ARCHULETA: Would you like a
24 moment for -- regarding any questions in what we've
25 shared so far?

1 MS. BENNETT ANDERSON: They'll ask.

2 MS. JANETTE ARCHULETA: They'll let us
3 know.

4 THE CHAIR: Go ahead.

5 MS. JANETTE ARCHULETA: Okay. Just to
6 give you some background about McCurdy Charter
7 School, and also to update you as far as how we're
8 doing in fulfilling our charter and our academic
9 goals, currently, we have an enrollment of 525,
10 which is 90 percent of our capacity of 584.

11 In June of 2015, we received our
12 accreditation through the North Central Association
13 Commission on Accreditation and School Improvement.

14 We are the largest of all K-12 charter
15 schools in New Mexico. And we're the fourth largest
16 of all charter schools in New Mexico.

17 We have 92 percent of our student body
18 returning to us every year. The retention rate for
19 our staff is 89 percent, and all but one of our
20 staff members are fully licensed in the area that
21 they teach. And, at that, that's a part-time
22 teacher.

23 Our hard-to-fill positions, such as our
24 secondary science, math teachers' positions, are
25 filled by licensed -- by licensed teachers. Our

1 special education positions are filled by licensed
2 teachers. We have a graduation rate, which we're
3 very proud of, of 82 percent, with the State
4 graduation rate, I believe, at 68 percent. The
5 local school district has a graduation of
6 55 percent.

7 We have our attendance rate for our
8 students for the last three years of 92 percent,
9 93 percent, and 95 percent. We have 90 additional
10 hours of instruction beyond the State requirement.

11 Our -- our graduation requirements are for
12 26 credit hours, as opposed to the required 24
13 credit hours. We've done a survey of the students
14 that have graduated from McCurdy Charter School for
15 2015, and we've documented that 88 percent of those
16 students are enrolled in colleges or in community
17 colleges. We're very pleased about that.

18 Our grades, as far as, you know, as being
19 a fourth-year school, first year, our grade was a --
20 in the State grading system, was a B; the second
21 year, a C; just this last year, with the
22 implementation of PARCC, we received a C.

23 And just a little bit of comparison, we
24 have the highest school grade for those city schools
25 in Española. Española has about 14 schools. But

1 those that service the Valley of Española are five;
2 and so their scores are Ds or Fs. So our score is a
3 C.

4 And beyond that, we have an incredible
5 athletic program, which is run completely on
6 volunteers. So we have parents and community
7 members and students that are donating at least
8 48,000 hours to have our athletic program continue.

9 And besides all that, I would just say our
10 students are outstanding, and our staff is
11 committed. And -- and we truly believe that we have
12 an important place in the City of Española in
13 helping Española to become a quality place to live.

14 Any questions on that?

15 THE CHAIR: Before we get to that point,
16 thank you. Have you got anything else to offer?

17 MS. BENNETT ANDERSON: One more.

18 THE CHAIR: Go ahead.

19 MS. BENNETT ANDERSON: So we've been able
20 to try to demonstrate to you that we have financial
21 stability. Janette has been able to show you that
22 we have academic performance. We have people who
23 have -- institutions who have committed to funding a
24 new building. We're associated with New Markets Tax
25 Credit.

1 So we are asking if this board -- or this
2 Commission, excuse me -- would please extend the
3 construction period for basically 12 to 15 months
4 past ground-breaking.

5 I know that the last time we had talked,
6 we had hoped that, you know, this would all be done
7 and completed; and unfortunately, that did not
8 happen. I assure you that finding funding is
9 incredibly difficult. But we have the funding
10 mechanisms, the commitment, and we are asking the
11 Commission to grant a 12- to 15-month extension past
12 the moment that we break ground.

13 And we will invite all of you. I don't
14 know if this will be a gold shovel; but we will
15 invite all of you.

16 THE CHAIR: I will just note, we actually
17 have several Commissioners -- this began some time
18 ago. It actually predates several of our
19 Commissioners being on this Commission. We've
20 granted at least one extension, if my memory serves
21 me.

22 COMMISSIONER SHEARMAN: Three.

23 MS. BENNETT ANDERSON: You've granted two
24 extensions. We submitted our original 18-month
25 plan, which got us to a date for meeting the

1 weighted New Mexico Condition Index, of mid-February
2 of '14. We came for our first extension for
3 12 months, because there were concerns about title
4 ownership. And our second one was for 24 months.
5 And that got us to the mid-February of '17 time
6 frame for when the building was intended to be
7 completed.

8 THE CHAIR: Okay. Thank you. And as she
9 said, there were title issues. They couldn't get a
10 clear title. And there were entities "Back East"
11 that were involved in this. And it was a very
12 complex situation. And that's what they're asking
13 now.

14 I have not had a chance to read everything
15 you've handed us. But there are ongoing
16 negotiations, or will be, between, I guess,
17 New Mexico Finance Authority -- is that what that
18 is? -- and a couple of other lending organizations.
19 Is that what they are?

20 MS. BENNETT ANDERSON: Well, I was going
21 to ask if Ms. Feimann could speak to that issue in
22 terms of New Mexico -- New Markets Tax Credit,
23 New Mexico Finance Authority. What did I say? I'm
24 sorry. Laura?

25 COMMISSIONER SHEARMAN: Mr. Chairman --

1 MS. FIEMANN: I will keep it quick. I
2 promise.

3 THE CHAIR: Okay. Yeah, because we've got
4 some time constraints here.

5 Before you start, Commissioner Shearman?

6 COMMISSIONER SHEARMAN: Let me just say I
7 was here when this school was first authorized by
8 PEC. It came over from a district charter. That
9 was 2012. And at that time, you asked and submitted
10 an 18-month plan, which is provided for in the law.
11 Your facilities were not adequate. We granted that
12 18-month plan.

13 Then, as you said, that was not enough
14 time. You requested a 12-month extension. We gave
15 that.

16 The last time you came before this
17 Commission, you brought a lot of people with you,
18 and I was assured -- when I voted for that 24-month
19 extension, I was assured, in my mind, by what you
20 said and the people who were with you, what they
21 said, that the funding was in place, the plans were
22 drawn, everything was ready to go, and it would be
23 done in 24 months.

24 Now, I'm hearing it wasn't; but now you're
25 going to have everything done again if we'll give

1 you another extension. I'm not convinced. I'm
2 sorry. I don't know what is -- if the funding is so
3 difficult, what -- what the problem is. But it just
4 seems like, to me, it's not working; it's just not
5 working. And I'm not willing to go any longer,
6 having children in school in a facility that does
7 not meet at least the minimum requirements of this
8 state.

9 I would wonder if you all have considered
10 perhaps portables or another means to house your
11 students that doesn't require expensive
12 construction. Have you given any thought to another
13 plan?

14 THE CHAIR: That is a question. So we'll
15 go ahead -- if you want to incorporate the funding
16 questions, what's the problem with the funding and
17 why we're back at this point again. Go ahead,
18 please.

19 MS. BENNETT ANDERSON: All right. At the
20 time that we had met with the Commission requesting
21 the 24-month extension, I believe that we came to
22 you saying that applications were being submitted to
23 Raza, Capital Impact, and Rural Development, and
24 that we had the initial architectural feasibility
25 done, study done, and we had the financial

1 feasibility study had been started, but that we
2 needed some concurrence from you so that we could
3 get the appraisal complete, because MSPI was
4 reluctant to move forward unless there was some
5 concurrence that we would have an extension.

6 With Rural Development, there have been
7 several issues in terms of whether it was going to
8 be put out to bid, if it was going to be a
9 design-build issue; there have been pre-applications
10 submitted to Rural Development. We've had numerous
11 discussions with Rural Development. And that is not
12 going to work. The MSPI application was withdrawn
13 just a few weeks ago.

14 With regard to Raza, they felt that what
15 we wanted to do was not within their mission
16 framework; so that one went away.

17 With Capital Impact, there was a concern
18 in terms of MSPI being able to back the note. And
19 so that basically fell through.

20 So in the meantime, what we've done is
21 worked to find any other financial institutions that
22 are willing to take on this project. And we have
23 talked with New Mexico Finance Authority on several
24 different occasions; but they didn't have an
25 allocation for New Markets Tax Credits that we

1 qualified for. And it's only been recently, late
2 this fall, that we found out that there were some
3 tax credits that we did qualify for.

4 So I could give you a month-to-month date
5 of everything that has happened within the past
6 24 months. And all I can tell you is that between
7 all of the plans that you've got to be able to put
8 together, all of the applications, they all require
9 anywhere from 30 to 50 pieces of different
10 information.

11 And it's extremely difficult to put
12 applications together, especially when you're not
13 the applicant. You do everything that you can to
14 support the agency that -- or the institution that
15 is submitting the request, trying to borrow the
16 money.

17 And all I can say is that at this point,
18 the only thing that's out there -- and Leo -- Leo
19 was with us when we thought that we were applying
20 for the 24-month period. And we believed that one
21 of those three applications was absolutely going to
22 work. And all three of those have just totally gone
23 away.

24 COMMISSIONER SHEARMAN: Again, my
25 question, though, is have you considered an

1 alternative means of providing school facilities,
2 like portables?

3 MS. BENNETT ANDERSON: We have not
4 considered a set of portables, as such. We've
5 considered adding a certain amount of portables.
6 But we have to be able to vacate the two
7 buildings -- or the two of the buildings that we're
8 currently in right now: The high school building,
9 what's called "Cole"; and the other one, which is
10 called "Hovermale." And we have to vacate those
11 buildings.

12 So whatever we do, we have to be able to
13 start afresh to be able to house our 525 kids. They
14 do meet educational, you know, adequacy standards.
15 They are not the best buildings. But, you know, we
16 would never put any of our kids into harm's way.
17 That's never been the intention.

18 COMMISSIONER SHEARMAN: Do they have
19 E-Occupancy certification?

20 MS. BENNETT ANDERSON: Yes, ma'am. Yes,
21 ma'am. Yes, ma'am.

22 COMMISSIONER SHEARMAN: Thank you.

23 THE CHAIR: Commissioner Peralta, do you
24 have anything -- do you have any conditional
25 knowledge on that?

1 COMMISSIONER PERALTA: I don't -- the
2 way -- the way -- Mr. Gant was differently when he
3 was here. But the way I coordinate with Martica
4 about facilities is that when we set the agenda, if
5 there are schools that come up with amendments for
6 moving to new facilities or anything like that, I
7 submit those schools to Martica, and she'll just go
8 over them.

9 If there are any red flags or any concerns
10 or anything like that, she will forward information
11 about schools and facilities. And if not, then --
12 then I'm to understand that things are okay.

13 Being that all I saw was McCurdy Charter
14 School; thus, I did not submit this school's name to
15 Martica.

16 MS. BENNETT ANDERSON: If I may?

17 THE CHAIR: Go ahead.

18 MS. BENNETT ANDERSON: Actually, what has
19 happened is, through Sanjay Engineer and FBT
20 Architects, we have gone through the first three
21 stages of design work with Martica. And in fact,
22 she wrote me a letter yesterday that basically said
23 that with the expectation that we would submit the
24 10 percent design drawings, which is what we're
25 anticipating around the first of May, that she would

1 anticipate that -- that her review would be
2 completed some two weeks after that.

3 So we -- I mean, we've got the equivalent
4 of 100 percent design drawings in hand. They're
5 getting ready to go in in another month. But all of
6 the other three levels of design work have already
7 been completed.

8 And I know that Martica would tell you
9 that -- you know, that the drawings and so forth
10 have been more than reviewed by her and more in
11 compliance with what is necessary.

12 THE CHAIR: Okay. You just said you have
13 to vacate two buildings. When are you vacating
14 those two buildings? Now, or at the end of this
15 school year?

16 MS. BENNETT ANDERSON: I'm sorry. We have
17 to vacate two buildings so that the other parent
18 organization can do what they want to do. But
19 they're not going to kick us out until we have
20 someplace to put them in.

21 THE CHAIR: That was my -- if you don't
22 have a new facility by the summer of 2017, where are
23 you going to put them?

24 MS. BENNETT ANDERSON: That's a very good
25 point. I did want to go back to Commissioner

1 Shearman's comments. We did look at other places to
2 potentially put the building. And we have a letter
3 from Sultemeier Realty, to where she had gone back
4 and looked at all of the available properties,
5 whether it was vacant land and/or existing
6 facilities, and she could find nothing that would be
7 suitable for having a school of the size that we
8 would need to be able to have.

9 So I do have letters to that effect -- or
10 a letter to that effect.

11 THE CHAIR: So I understand Commissioner
12 Shearman's concern. But I guess if they have
13 E-Occupancy, I can't imagine PSFA would put an
14 E-Occupancy on buildings that are not suitable.
15 Even if they're old and tired, we have old and tired
16 facilities in Roswell. The newest facility in
17 Roswell was built in 1965. So -- but it's not just
18 charter schools that face this issue. But I think
19 maybe the district schools have more money to keep
20 the buildings more up-to-date.

21 So if you have something that we haven't
22 already said or discussed -- go ahead.

23 MR. LEO VALDEZ: Mr. Chairman, members of
24 the board, my name is Leo Valdez. For the record,
25 I'm with the investment banking firm of Hutchinson

1 Shockey Erley; and I've been the financial adviser
2 with regard to this matter.

3 Rather than going back in time, I'd like
4 to explain where we are today.

5 THE CHAIR: Please.

6 MR. LEO VALDEZ: We do have plans and
7 specs. We have a commitment from a company called
8 "Clearinghouse," that's willing to provide a loan --
9 it's called a "leverage loan" -- to Charter School
10 Development Corporation.

11 Charter School Development Corporation
12 will be the owner, developer, and the landlord to
13 McCurdy Charter Schools.

14 We have been in discussions for over two
15 months now; and recently, as of yesterday, we're
16 getting prepared to go before the Financial
17 Authority, now, in April, to get approval to fund
18 this project. We have circled all the dollars we
19 need. We know we're in place. The major
20 consideration is do we have enough time if we start
21 building this project in July of this year in order
22 to get completed by February of 2017.

23 Before I go any further, I'd like to
24 introduce Laura Feimann, who is -- represents the
25 Charter School Development Corporation. She can

1 tell you more about who they are, what they're
2 doing, why they're doing it, and further, what our
3 expectation is and why we're here to ask for an
4 extension.

5 THE CHAIR: Go ahead.

6 MS. LAURA FIEMANN: Thank you very much.
7 Commissioners.

8 THE CHAIR: Identify yourself for the
9 record, please.

10 MS. LAURA FIEMANN: Laura Fiemann, Charter
11 Schools Development Corporation. I live in Arizona.

12 So Charter Schools Development
13 Corporation, we are about a 22-year-old 501(c)(3)
14 nonprofit, whose sole mission it is to serve
15 high-needs charter schools with their facilities.
16 It's all we do. All we do is build buildings,
17 figure out strategies for facilities, and provide
18 financing or provide other financial support to
19 deserving charter schools.

20 We have served about 320 schools since
21 inception, and we are pleased and thrilled to be
22 able to provide support to McCurdy Charter School.

23 The support that we anticipate providing
24 is not only taking onto our balance sheet
25 \$8-and-a-half million, but supporting those almost

1 600 kids that really deserve to go to a quality
2 school in a community like Española.

3 We are on the agenda for the New Markets
4 Tax Credit authorization and approval on April 28th.
5 There have been over \$300,000 spent on design,
6 engineering, and other work on the site; so that,
7 indeed, when we close on that financing on or about
8 July 15th, we will literally have a shovel in the
9 ground the very next day.

10 Our concern is just -- it's purely a
11 timing thing, and it's also a weather thing. My
12 contractors have told me that it's a ten-month
13 project from the time they put the shovel in the
14 ground. When I do the math, February is really
15 close; if we really tried, we could maybe get the
16 schedule shortened up a little bit. But that
17 February deadline being in the middle of the winter
18 is just something that the contractors simply cannot
19 guarantee.

20 So we're asking a 12- to 15-month
21 extension for the facilities requirement beyond the
22 day that we break ground -- which, again is,
23 anticipated to be mid-July -- so that we can be sure
24 that everything is done and that all the criteria of
25 this Commission are satisfied, as well as all the

1 criteria required by PSFA.

2 Again, our contractors are telling us ten
3 months. We'd like a little bit of a buffer there in
4 the event that there's a major snowstorm or
5 something like that occurs next winter.

6 Lastly, I would just -- I would offer up
7 that -- that McCurdy came to us in September or
8 October, and we have been diligently underwriting
9 and working through this process since then; so that
10 we are not -- we are not new to this. We have been
11 working on this for a very, very long time. And we
12 have gotten to the point where this extension,
13 hand-in-hand with the approval of the New Mexico
14 Finance Authority for the tax credits at the end of
15 this month, is quite imperative.

16 THE CHAIR: Okay. I would have a
17 question, then. I'm not comfortable with saying
18 late summer 2017. I cannot suggest a date to you;
19 so you need to suggest a date when you anticipate --
20 based on what she just said, what date should we do
21 a motion.

22 What date do you wish to put in that
23 motion?

24 MS. BENNETT ANDERSON: Can we confer for
25 just one second?

1 MR. LANGE: Yeah, you can confer.

2 Mr. Chair, members of the Commission, I
3 just would like to talk generally about this action
4 item. I don't believe that the Commission has
5 adequately noticed any sort of action on granting or
6 not granting this issue. So asking them to come up
7 with a date can be good going forward. But today,
8 we can't vote on whether to grant or not grant, as
9 is put in the agenda. We can include it in the next
10 meeting, call a special meeting; but...

11 THE CHAIR: See, this issue was not known
12 to us when we set the agenda. We did not know it.
13 They've used the date April 28th as when the
14 financial -- there's, I suspect, no way that we can
15 have a --

16 MS. FOX: It's on as a "possible action."

17 MR. LANGE: Under the -- Mr. Chair,
18 members of the Commission, under the Open Meetings
19 Act, the agenda must contain a list of specific
20 items of business to be discussed or transacted,
21 under 10-15-1F. I don't feel like we've met that
22 requirement under the agenda, and my advice is not
23 to take a vote on it.

24 THE CHAIR: Then what do we do now, then?

25 COMMISSIONER CARR: That's it.

1 COMMISSIONER PERALTA: They're done with
2 their report.

3 THE CHAIR: Okay. The earliest they can
4 come back to us is May the 12th.

5 MS. POULOS: Chair Bergman?

6 THE CHAIR: I heard a voice.

7 SPEAKER: That was me trying to -- I did
8 believe -- and I apologize if I was incorrect -- I
9 did believe that this was an action item, because
10 Item 7 is listed as, "Discussion and Possible
11 Action." That's why I advised the school I wasn't
12 quite sure what action it was that the Commission
13 would want to take.

14 I did advise the school this was an action
15 item, because the way we've noticed that, and
16 because of the way the Commission has acted with
17 regards to items that are included under Item 7,
18 Report, with that notation, "Discussion and Possible
19 Actions."

20 THE CHAIR: Okay. Then I would note that
21 based on the advice of our legal counsel, we're
22 going have to be a little more descriptive in the
23 future then. We've learned another lesson today.

24 Commissioner Carr?

25 COMMISSIONER CARR: And just to add on,

1 I -- I don't think we've had enough time to digest
2 all this and really study it. I would -- I would
3 probably suggest that we table it anyway.

4 COMMISSIONER SHEARMAN: So if we can't
5 vote on it, then we invite them to come back in May,
6 and that's it; is that correct?

7 THE CHAIR: Sadly, that is my
8 understanding based on the -- I believe we're going
9 to have to go with the advice of our legal counsel.
10 That's why we have him.

11 MS. BENNETT ANDERSON: If I may, I
12 understand, you know, what is being said. The sad
13 part is that we needed that piece of information to
14 be able to go to the New Mexico Finance Authority
15 and assure them that there was at least concurrence
16 on the part of the PEC that if things were going to
17 work out and the funding was going to be there and
18 everything, that you would be willing to consider an
19 extension. And --

20 THE CHAIR: Why can you not go to the
21 Finance Authority after May the 12th?

22 MS. BENNETT ANDERSON: It's a chicken and
23 an egg. You guys want to know -- I'm sorry. The
24 Commission wants to know that the funding is in
25 place; and the people who've got the funding want to

1 know that the Commission is willing to consider the
2 extension. So it's kind of a chicken and an egg.

3 THE CHAIR: Yeah, I understand all the
4 complexities that you've discussed.

5 Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Mr. Chair, our
7 board material that was in our board packet and sent
8 out to us, says that -- on this Page 15 here, this
9 section, you know, "Request that PEC grant an
10 extension for facility construction, completion to
11 late September 2017."

12 And that's what, because I read this
13 material before the meeting, I thought we would be
14 voting on, because we were notified of that.

15 THE CHAIR: Is that not suitable?

16 (The Chair consults with PEC counsel.)

17 THE CHAIR: Our legal counsel says he has
18 given us his opinion. Would you like to expand as
19 to why you -- Mr. Lange?

20 MR. LANGE: Mr. Chair, members of the
21 Commission, I've given you my read of the Open
22 Meetings Act. And I've given you my opinion. You
23 can listen to it, or you cannot. You can call a
24 special meeting, and we'll probably notice that
25 special meeting, and we can discuss this further, if

1 that's something you want to do.

2 But that's the deal. The deal is the
3 agenda does not meet the requirement of specificity,
4 in my read of the Open Meetings Act. We might have
5 been provided additional information; but this is a
6 requirement of the agenda.

7 THE CHAIR: I agree. We have legal
8 advice. I believe we need to -- otherwise, why do
9 we have a legal counsel?

10 MS. BENNETT ANDERSON: Can we request a
11 special meeting before the New Mexico Finance
12 Authority Board meets?

13 THE CHAIR: When do they meet?

14 MS. BENNETT ANDERSON: On the 28th of
15 April.

16 THE CHAIR: I believe we have at least a
17 ten-day notice for an agenda, don't we?

18 MR. LANGE: We have some additional notice
19 requirements. It doesn't necessarily have to be ten
20 days. But this would be a -- we would need a quorum
21 of the members to want to come to a special meeting
22 to discuss, it would seem, just this issue.

23 THE CHAIR: Well, even as a volunteer, I'm
24 not going to solely determine something like that.

25 What is the will of the board? I'm

1 guessing, then, we would need a special meeting.

2 COMMISSIONER SHEARMAN: We've got six --
3 no -- how many negotiations this month? Five days
4 of negotiations?

5 THE CHAIR: We have a very full month
6 already, unfortunately.

7 COMMISSIONER GIPSON: We've got
8 negotiations next week and the week after that.

9 COMMISSIONER TOULOUSE: Could we work a
10 special meeting in around those negotiations? I
11 don't think this would take more than an hour.

12 THE CHAIR: When would you anticipate?
13 We've got notice requirements.

14 COMMISSIONER TOULOUSE: I know. But can
15 we do it as an emergency meeting?

16 THE CHAIR: What date are you suggesting?
17 It's not an emergency meeting.

18 MR. LANGE: Mr. Chair, members of the
19 Commission, it would not be an emergency. It would
20 be a special meeting. The requirements, I believe,
21 are three days.

22 COMMISSIONER TOULOUSE: I just think that
23 somewhere, someone on our side of the aisle messed
24 up, if this is not a vote on the agenda. They
25 requested the vote.

1 So I would like to find a way for us to
2 fix it; because I don't want to feel responsible for
3 a school that, in a number of various versions, has
4 been in the Española Valley for many, many years,
5 being in a position they may not be able to continue
6 if this -- which sounds to me like it's the last
7 chance at financing -- goes on. So I would like to
8 see if we can find some way --

9 THE CHAIR: Commissioner Gipson, I believe
10 you have negotiations scheduled for next week on the
11 13th and the 14th; is that correct?

12 COMMISSIONER GIPSON: Correct. And the
13 LESC is meeting here in Santa Fe on Friday.

14 THE CHAIR: Is there a possibility that,
15 then, on the 13th, you could fit -- we could fit in
16 a special meeting?

17 COMMISSIONER GIPSON: We've got two.

18 THE CHAIR: Do we have to do it on the
19 12th, if we have a special meeting?

20 COMMISSIONER GIPSON: We've got two
21 negotiations on the 13th. And I cannot feasibly see
22 that -- I don't know when we would -- you're looking
23 at meeting here? We're in Albuquerque.

24 THE CHAIR: Oh.

25 COMMISSIONER GIPSON: You know, I hate to

1 say that we'll be done with -- you know, I don't
2 want to close the schools down during negotiations
3 and say, "We've got to go off to a special meeting."

4 I think it's fair to those schools that
5 have spent the time with negotiations to give them
6 the time that they're due.

7 So either the 15th -- I think, given the
8 time, we could probably leave the LESC and --

9 THE CHAIR: Commissioner Peralta, did you
10 have something?

11 COMMISSIONER PERALTA: I'm just -- I just
12 don't see that request for the extension in my -- in
13 my packet here. That's why I'm saying --

14 THE CHAIR: Yeah, I think we have no
15 choice. We cannot do it today. As much as I would
16 love to do it today, as much as I want to be fair
17 today -- so our task is to find a time when we can
18 have a special meeting that meets their deadline,
19 and it has to be a time when six members of this
20 Commission can be present; because it will have to
21 be a quorum.

22 Now, I'm still wondering -- I wanted to
23 ask Commissioner Gipson. Could you not do something
24 on the -- either on the late afternoon on the 14th
25 or in the morning on the 15th and then drive up to

1 Santa Fe?

2 COMMISSIONER SHEARMAN: No, not on the
3 15th.

4 COMMISSIONER GIPSON: Well, how late in
5 the afternoon are we talking on the -- we don't
6 start till 1:00 on the 14th. Our second session
7 starts at 1:00. So I'm just questioning how late
8 are you talking -- you know, once again, I hate to
9 tell a charter, when they're coming in for these
10 negotiations, I'm only going to give you
11 two-and-a-half hours, or -- you know, because we've
12 got one off. I'm trying to be fair to the charters.

13 I would -- I would ask if we could do it
14 the after -- late afternoon on the 12th -- I'll have
15 to come in on the 12th to meet at 8:00 on the 13th;
16 so it would be feasible to do late afternoon on the
17 12th without any time constraints.

18 But I truly hesitate to not be fair to the
19 charters who have put this in their schedules.

20 THE CHAIR: See, I will note for you
21 folks, we do not have quorums at these negotiations.
22 We're not allowed to have a quorum. So normally, we
23 have three members, probably, occasionally, four,
24 sometimes, only two. So this meeting requires a
25 quorum of six people.

1 I've now heard maybe we could do something
2 late in the afternoon on the 12th. I've got to hear
3 from six Commissioners that could do something. It
4 will probably be in Albuquerque. That's where the
5 Commissioners are going to be that afternoon.

6 COMMISSIONER CHAVEZ: Is the 12th enough
7 time for notice?

8 MR. LANGE: For a special meeting, it's
9 72 hours.

10 THE CHAIR: So if we decide to set a
11 special meeting today, we can get the notice sent
12 out.

13 MR. LANGE: 72 hours.

14 THE CHAIR: So I'm going to propose
15 something along the lines of maybe 3:00 on the 12th.

16 Do I have six Commissioners that could be
17 at a meeting in Albuquerque on the 12th at 3:00? Is
18 that -- Patti, would you be able to arrive by 3:00?

19 COMMISSIONER GIPSON: Oh, sure, yeah.

20 THE CHAIR: Commissioner Shearman, are you
21 coming up? Would you be --

22 COMMISSIONER SHEARMAN: Yes.

23 COMMISSIONER TOULOUSE: I could do it if I
24 could leave by 4:30. If we start at 3:00, we have
25 to leave by 4:30.

1 THE CHAIR: I think this could be
2 dispensed with quicker than -- are you folks
3 available in Albuquerque on the 12th, if we can
4 accommodate you?

5 MS. BENNETT ANDERSON: Yes, sir, we will
6 definitely be there.

7 THE CHAIR: How many did I have,
8 Commissioner -- one, two, three, four. Commissioner
9 Pogna? I know your health gives you issues. That's
10 five. So I would need a sixth Commissioner.

11 COMMISSIONER CHAVEZ: I'm out of town.

12 COMMISSIONER PERALTA: Yeah, I've been on
13 12-week medical leave. I'm pretty sure I'm back to
14 work Monday the 11th. So my time is --

15 THE CHAIR: You can't be there.

16 COMMISSIONER PERALTA: I'm going back to
17 work Monday after 12 weeks off.

18 COMMISSIONER CONYERS: I could probably do
19 that.

20 COMMISSIONER TOULOUSE: If it's this
21 Tuesday, I have to be in Window Rock. I'm sorry.
22 I'm sorry. I have a meeting for something else with
23 the president of the Navajo Tribe; so I don't think
24 I can --

25 THE CHAIR: Right now, it seems like we

1 have trouble getting six. I've been on the road
2 four weeks already. I'm subbing for Commissioner
3 Peralta on the 22nd at a PSCOC meeting; so I've got
4 to travel that week. So if it's necessary for me to
5 be up the 12th -- I wasn't coming to these
6 negotiations. That's why I turned it over to
7 Commissioner Gipson. That's her baby right now.

8 COMMISSIONER CARR: So could one of us be
9 present by phone?

10 COMMISSIONER GIPSON: Telephonically?

11 MR. LANGE: Yeah.

12 THE CHAIR: If it's in Albuquerque, will
13 you be in a place where you can do a phone? Here,
14 we know we can do them here. We did them for
15 Commissioner Chavez.

16 COMMISSIONER GIPSON: Can you do phone by
17 car?

18 COMMISSIONER TOULOUSE: I'm not in my car.

19 MR. LANGE: We passed an Open Meetings Act
20 resolution to allow for telephonic conferences, for
21 people to appear telephonically if it's otherwise
22 impossible or difficult for them to attend a
23 meeting.

24 COMMISSIONER SHEARMAN: And we have to
25 receive it, wherever we are. And we don't know.

1 COMMISSIONER CARR: I'm saying I could do
2 it by phone; but I'm not -- going to miss a whole
3 day of school.

4 THE CHAIR: One, two, three, four, five --
5 Commissioner Conyers, do you think you could clear
6 your schedule?

7 COMMISSIONER CONYERS: Yes.

8 MS. BENNETT ANDERSON: If I may,
9 Commissioner Bergman, we can provide a call-in
10 number in Albuquerque.

11 THE CHAIR: Would that work? You'd have
12 to give Commissioner Carr notice on that so he can
13 make the call.

14 MS. BENNETT ANDERSON: Of course.

15 THE CHAIR: Now, that's six. If one of
16 you can't do it, then we, as a Commission, have a
17 problem.

18 COMMISSIONER CARR: All right.

19 THE CHAIR: So I'm saying we will have
20 six.

21 So does 3:00 sound reasonable? Will that
22 fit your schedule, Commissioner Conyers?

23 So I'm going to suggest there will be a
24 special meeting of the Public Education Commission
25 on April the 12th, at 3:00 p.m. in the afternoon.

1 It will take place in Albuquerque at a location I
2 guess we're not aware of yet.

3 Where are you having those negotiations?

4 COMMISSIONER GIPSON: CES.

5 THE CHAIR: Would it be possible --

6 MS. BENNETT ANDERSON: We would be able to
7 do it at FBT Architects. Sanjay Engineer. We can
8 meet right there.

9 THE CHAIR: I don't know who they are.
10 Are they in Albuquerque?

11 MS. BENNETT ANDERSON: Yes, they're in
12 Albuquerque. I'm sorry.

13 Maybe even Martica would allow us to meet
14 there.

15 COMMISSIONER GIPSON: I think I'd be more
16 comfortable in a public building. I don't know.

17 MR. LANGE: However you want to organize
18 it.

19 COMMISSIONER GIPSON: I would be more
20 comfortable, I think, at CES.

21 THE CHAIR: Our legal counsel says it is
22 okay; but if you can arrange -- remember, CES has
23 other things going on, too.

24 COMMISSIONER ARMBRUSTER: Where is this?

25 MS. BENNETT ANDERSON: What about

1 Martica's office? That's a public building.

2 THE CHAIR: Is she in Albuquerque? I
3 thought she was in Santa Fe. I'd hate to promise
4 her, when we don't know what her schedule is.

5 COMMISSIONER GIPSON: We don't know if
6 it's available.

7 THE CHAIR: Why don't we try CES first.
8 Beverly, would you look into that for us? I would
9 also like to know that information -- and if CES is
10 not available, you're going to -- those of you,
11 Commissioner Gipson, I guess, as Vice Chair, are
12 going to --

13 COMMISSIONER GIPSON: We'll meet in the
14 parking lot.

15 THE CHAIR: If CES is not available,
16 you're going to have to go to another location.

17 Commissioner Carr can phone in --

18 COMMISSIONER POGNA: What day is that?

19 THE CHAIR: It's a Tuesday, apparently.

20 COMMISSIONER GIPSON: Beverly has got a
21 comment.

22 MS. FRIEDMAN: Mr. Chair, can you let me
23 know which are the six Commissioners who have
24 committed?

25 THE CHAIR: Commissioner Conyers,

1 Commissioner Shearman, Commissioner Gipson,
2 Commissioner Ambruster, Commissioner Carr, and
3 Commissioner Pogna; Commissioner Carr by phone.

4 MS. FRIEDMAN: And I'd also like to ask --
5 I will check with CES; but I'd also like to have the
6 information of your facility that you're asking
7 about.

8 MS. BENNETT ANDERSON: And I have no
9 problem with, you know, asking Ms. Casias if she
10 would be willing to host, you know, a meeting of the
11 PEC.

12 THE CHAIR: I'll leave that up to
13 Commissioner Gipson, if she'd like to do that.

14 COMMISSIONER GIPSON: If CES isn't
15 available, we have no other choice outside of
16 meeting in a van somewhere in a parking lot.

17 MS. FRIEDMAN: Mr. Chair, if it's all
18 right with you, if I can work with them on a
19 location?

20 THE CHAIR: Please. And let us know. And
21 include me on the phone number list.

22 MS. BENNETT ANDERSON: Absolutely.

23 THE CHAIR: In an emergency, I'll be able
24 to call in if someone gets sick or can't come. I'll
25 make myself available by phone, also.

1 MS. BENNETT ANDERSON: Should we send the
2 information to the Director? Or do you want me to
3 send it to you individually?

4 THE CHAIR: Give it to Beverly, and she
5 will notify us with that information.

6 So have we got that resolved now? Here,
7 again, we just -- it's a learning experience,
8 unfortunately. And we continue to learn, and that's
9 what worked in the past isn't going to work in the
10 future.

11 MS. FRIEDMAN: Mr. Chair, may I also ask
12 that the Commissioners who are going to be
13 attending, that you take those particular pages out
14 of your notebook for the meeting?

15 THE CHAIR: Save a tree, please. Save a
16 tree. We can, I'm sure, do that, yes. We will do
17 that.

18 MS. BENNETT ANDERSON: Mr. Chair?

19 THE CHAIR: Okay.

20 MS. BENNETT ANDERSON: I was just going to
21 ask, is there any additional information that we can
22 provide that would, you know --

23 THE CHAIR: Thank for you that. We've had
24 enough discussions.

25 COMMISSIONER ARMBRUSTER: Can I ask a

1 quick question? Because I see it's almost 1:00,
2 also. I just need to understand, because I'm --
3 wasn't there for all this original stuff.

4 So McCurdy private school; it's still run
5 by -- the ministry is still there and provides the
6 free lunches and whatever with you -- in the
7 building -- are you in the building that you were in
8 before?

9 MS. BENNETT ANDERSON: Okay. All right.
10 What happened is that -- you were asking about
11 McCurdy Schools of Northern New Mexico -- all
12 right -- and what happened with that.

13 McCurdy Schools of Northern New Mexico has
14 a 44-acre campus; all right? We are -- McCurdy
15 Charter School is on that campus. We are leasing
16 certain buildings from McCurdy Ministries, or
17 McCurdy Schools of Northern New Mexico; it's the
18 tradename, all right? But we're entirely separate.
19 They have nothing to do with the school other than
20 being the landlord. That's the only -- that's the
21 only thing.

22 And, in fact, McCurdy Schools of Northern
23 New Mexico terminated its K-12 program when McCurdy
24 Charter School started. So when we started in
25 August of 2012, in May of 2012, that was their last

1 year of a K-12 school.

2 COMMISSIONER ARMBRUSTER: And so are you
3 in the building that the McCurdy private school --

4 MS. BENNETT ANDERSON: We are on the
5 44-acre campus. We've got certain buildings that
6 are leased to us; so we're at the same area. We're
7 on that same property. But we only have certain
8 buildings that we're leasing.

9 COMMISSIONER ARMBRUSTER: And they're too
10 small for what you need.

11 MS. BENNETT ANDERSON: They're not
12 updated, and they do not meet the New Mexico
13 weighted Condition Index. And that was the
14 rationale for having to go and, you know, having a
15 new building.

16 THE CHAIR: Okay. I'm going to ask, if
17 you have additional data, send it -- send it to
18 Beverly so she can then e-mail it on to the
19 Commission, if you have something in addition to
20 what you've presented here today.

21 We've set the special meeting. We'll do
22 the notice. We'll talk together again on April the
23 12th, I guess, at 3:00, for those that will be
24 there. Hopefully, then, we'll have the proper
25 notice and everything else and still meet your

1 deadlines.

2 MS. BENNETT ANDERSON: Thank you very
3 much. We appreciate it.

4 THE CHAIR: We're going to try and
5 accelerate this here. I have Item 8 on the agenda,
6 Discussion on Charter School Improvement Plans.

7 There is no discussion. We have nothing
8 further to add. We debated that this morning
9 somewhat on improvement plans.

10 So I have nothing to add on Item 8 at this
11 time, other than to say we are working on that. It
12 is not abandoned; but it's going to take everybody
13 coming to the table to agree on a plan that this
14 Commission will approve.

15 Item 9 was Discussion and Possible Action
16 on a Position Paper Regarding Negotiations with
17 Charter Schools.

18 This is in your book, I believe. It's a
19 little two-page document.

20 Commissioner Shearman, do you have
21 something to suggest on Item 9?

22 COMMISSIONER SHEARMAN: I am perfectly
23 willing to table this or to ask that it be tabled
24 until our May meeting, if everyone wants to hear the
25 preliminary report from NACSA. Is that what you --

1 does that suit everyone?

2 THE CHAIR: Are you willing to table this
3 at this time and put it on May, put Item 9 on May?
4 The list for May is getting long; but that's okay.
5 Item 9 is now on -- we have tabled that.

6 Item 10.

7 MR. LANGE: We need votes; not a roll
8 call. Just a motion, second, "All in favor."

9 THE CHAIR: I need a motion to table
10 Item 9.

11 COMMISSIONER CARR: So moved.

12 COMMISSIONER SHEARMAN: Second.

13 THE CHAIR: I hear a motion by
14 Commissioner Carr, a second by Commissioner
15 Shearman.

16 All in favor, say "Aye."

17 (Commissioners so indicate.)

18 THE CHAIR: Opposed?

19 (No response.)

20 THE CHAIR: I hear none. I said there was
21 no new business to offer at Item 8. Does that
22 satisfy?

23 Okay. Item 10 report from the Chair,
24 Update on the Charter School Negotiations.

25 Commissioner Gipson, just very quickly,

1 give us those dates, please.

2 COMMISSIONER GIPSON: Actually, the dates
3 are in your books. So I'm just going to ask you to
4 refer to the chart that's in the books and ask you
5 to please let me know what negotiations you can
6 attend. And I anticipate and look forward to your
7 continued cooperation in this effort, as Mr. Carr
8 smirks.

9 COMMISSIONER TOULOUSE: Mr. Chair, very,
10 very quickly --

11 COMMISSIONER GIPSON: This is an excellent
12 opportunity to get to meet and talk with the schools
13 and get to know the schools. These are the people
14 that we're working for and working with; so that it
15 is -- and it is only with the help of the Commission
16 that we can get this done. So I appreciate your
17 help.

18 THE CHAIR: Please e-mail Commissioner
19 Gipson at the earliest possible moment, because,
20 remember, they are next week.

21 COMMISSIONER TOULOUSE: Mr. Chair, may I
22 make a quick request?

23 THE CHAIR: Very quick, please.

24 COMMISSIONER TOULOUSE: It has to do with
25 this. You know, in the past, there have been

1 liaisons for the charter schools that have been
2 present through negotiations and helped with
3 information, both with us and with them. I'm
4 assuming that these materials that we're getting
5 were also prepared by Charter School employees. And
6 I would like to request that any of them who worked
7 on any of these be available for the same kind of
8 information sharing as the liaisons that no longer
9 exist used to do.

10 THE CHAIR: So noted. If they've been
11 available in the past, you've made the request to
12 Director Poulos?

13 MS. POULOS: I'm making it through you,
14 Mr. Chair.

15 THE CHAIR: Thank you. The next item,
16 then on the agenda would be the New Mexico Charter
17 School Coalition.

18 Kelly, briefly, please?

19 MS. CALLAHAN: Mr. Chair, Commissioners,
20 we will defer our report until May.

21 THE CHAIR: Okay. Thank you very much.
22 Appreciate that.

23 Item 11 on our agenda is PEC Comments.

24 Does anyone have anything in addition to
25 comment on at this time that we have not already

1 said today?

2 COMMISSIONER CARR: Can I make a -- just
3 really quick -- I just -- my wife hardly ever gets
4 to come here, Cindy Carr. I wanted to recognize
5 her. She's one of the few teachers that have been
6 rated "Exemplary" in the State. She's in the middle
7 of her national board certification. Just wanted to
8 recognize that she was here.

9 THE CHAIR: Thank you for that. And
10 outstanding. Welcome. We're glad you're here.
11 Congratulations on that designation.

12 MS. CINDY CARR: Thank you, sir.

13 THE CHAIR: Any other PEC comments today?
14 I'm doing this rapidly, because our counsel said we
15 cannot stop this meeting. We must finish this
16 meeting. If we stop it, we have to do it on another
17 day; we have to finish on another day.

18 We're not going to finish on another day.
19 We're going to do it today.

20 Open Forum. Did anybody sign up on Open
21 Forum?

22 MS. FRIEDMAN: You've got the sheet right
23 there.

24 THE CHAIR: All right. Actually, I see
25 two names: Octavio Casillas and Meredith Machen.

1 Please be brief, Mr. Casillas.

2 MR. OCTAVIO CASILLAS: Definitely. Thank
3 for you hearing me out. I just have a few concerns
4 that I want to share with the Commissioners.

5 First of all, I want to thank you for the
6 meeting we had with NACSA yesterday. It was very,
7 very productive. I'm grateful for the opportunity
8 to talk to somebody that's going to bring us
9 together and be able to find a way to work together.

10 I am telling you that I'm afraid of
11 retaliation by the Charter School Director,
12 Ms. Katie Poulos. I don't feel that we have a good
13 working relationship. I have tried to establish a
14 good working relationship. Yesterday, I asked her
15 for the school improvement plan that she's
16 suggesting we use. She was going to e-mail it -- or
17 I was going to get it from this young lady, Tina, I
18 believe, is her name. I still have not received it.
19 She could have given it to me when I was in her
20 office yesterday. She wouldn't give it to me.

21 So she said, "I'm going to e-mail it to
22 you."

23 I didn't get it. And I do -- I'm afraid
24 that she's going to retaliate. I can tell you I
25 agreed to a performance contract that the board, at

1 first, declined. Then I met with Ms. Katie Poulos
2 about it. And she told me -- and I notified my
3 board -- "You're one of three schools that did not
4 approve that with without complaining about it."

5 And so then I told my board. And I told
6 my board that she told me you guys, that the Public
7 Education Commission, was voting -- that you were
8 going to approve the standard contracts for our
9 charter schools.

10 So I told my governing council. And in
11 order for us to work with the PEC, we approved it;
12 but we approved it because I believe that I was
13 misinformed.

14 So our current contract, right now, I
15 don't believe is valid. I am requesting that I meet
16 with the Charter School Division and negotiate the
17 contract, because I was tricked into signing it.

18 COMMISSIONER CHAVEZ: This is ridiculous.

19 MR. OCTAVIO CASILLAS: I have a bunch of
20 concerns. And I know that we're on a time
21 constraint; so I'm just going to -- I'm going to go.
22 But I do want you guys to be aware it's not a good
23 working relationship right now with the Charter
24 School Division; it's very difficult.

25 We're being ruled with an iron fist, and

1 we cannot perform as charter schools with the
2 expectations we have for ourselves and for our kids
3 if we don't have support.

4 Earlier, Ms. Poulos said that they are --
5 the Charter School Division is there to support
6 charter schools. There's no such thing right now as
7 support from the Charter School Division.

8 COMMISSIONER CARR: Mr. Chair?

9 Could I just ask that you could put all
10 that in writing, please --

11 MR. OCTAVIO CASILLAS: Definitely.

12 COMMISSIONER CARR: -- so we can take a
13 good look at it?

14 THE CHAIR: Send it to Ms. Friedman,
15 please. And thank you for your concerns. I
16 understand -- now, you would not negotiate a
17 contract with CSD. They do not negotiate contracts.
18 That would have to be with the PEC.

19 And I'm going to allow to you respond
20 briefly, please.

21 MS. POULOS: I would just like to respond.
22 Actually, the conversation was around the time
23 when -- and it has nothing to -- do with the
24 contract; it's the performance framework, where
25 several schools did not want to sign the performance

1 frameworks, which I did do what the Commission asked
2 me to do, which was use the same goals and put it in
3 the performance framework template that the
4 Commission has. That is that change that requires,
5 instead of accreditation, the improvement plan.

6 I did have a conversation with
7 Mr. Casillas, and I said, "If the schools are not,
8 the Commission is going to require..." -- because at
9 that time, it was my understanding that those
10 schools who would not sign that performance
11 framework come to a negotiation. That is what I
12 said.

13 I did not say, "They must do this."

14 I did not say, "They are going to have to
15 negotiate with us."

16 I did not say anything like that. And I
17 want that to be very clear.

18 I am sorry if that miscommunication -- I
19 apologize. I have been having medical issues. I
20 did leave the office yesterday afternoon. I'm sorry
21 I cannot immediately turn things around at all
22 times. We are trying to be responsive.

23 And I don't expect from you an immediate
24 response; and I would not expect you to expect me to
25 immediately do that.

1 I did not say yesterday in my office that
2 I would not provide it to him at that time. I
3 believe what Ms. Mora [ph] said was, "We can send it
4 to you in electronic format, because that makes more
5 sense than having it in a paper format."

6 THE CHAIR: Thank for you that
7 clarification. And thank you -- actually, send it
8 to -- as we suggested, please. Put it in writing as
9 Commissioner Carr has asked.

10 I'm going to call her Meredith Machen.
11 And a three-minute time limit, please.

12 MS. MEREDITH MACHEN: Commissioner
13 Bergman, fellow Commissioners. I'm Meredith Machen,
14 and I am the State President of League of Women
15 Voters of New Mexico, and I'm head of the League's
16 Charter School Study Committee.

17 And with all due respect to the Public
18 Education Commission, monitoring and oversight of
19 all public schools is, by law, the responsibility of
20 the Public Education Department staff.

21 These are paid employees, and the public
22 expects PED to hold all schools accountable for
23 taxpayer dollars and for student achievement.

24 PED is required by the U.S. Department of
25 Education to provide guidance and technical

1 assistance to all schools in order for them to
2 receive state and federal dollars.

3 I'm very, very pleased that PEC and PED
4 are going to be working on the improvement plan
5 instruments. Obviously, many other states are far
6 ahead of New Mexico, and there are excellent models
7 from Massachusetts, North Carolina, and so on, that
8 I am encouraging you to look at.

9 And I just -- I'm feeling the tension in
10 the room here. But I do think PED staff has to be
11 able to provide the technical assistance to make
12 sure that our schools are delivering results. And
13 taxpayers expect the Charter School Division to do
14 its job and to make sure that the schools are
15 accountable in improving student achievement, and
16 that they are spending taxpayer dollars wisely on
17 instruction, management, facilities, and so on.

18 THE CHAIR: One more minute.

19 MS. MEREDITH MACHEN: We have to look at
20 this. Thank you very much.

21 THE CHAIR: Thank you so much. In this
22 case, they serve as our staff, and, therefore,
23 follow our guidance; but that's -- all right. That
24 takes care of Item 12, Open Forum.

25 Item 13 happens to say "Adjourn."

1 Are we ready to say, "Adjourn"?

2 COMMISSIONER CARR: So move.

3 COMMISSIONER SHEARMAN: Second.

4 THE CHAIR: We have a motion in favor.

5 All those in favor, say "Aye."

6 (Commissioners so indicate.)

7 THE CHAIR: All opposed?

8 (No response.)

9 THE CHAIR: Okay. We're done.

10 (Proceedings concluded at 1:11 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



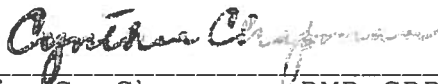
MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

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 April 18, 2016.



Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 5320L (CC)

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

**BEAN
& ASSOCIATES, Inc.**
PROFESSIONAL COURT
REPORTING SERVICE

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

[illegible]

