

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
August 31, 2016
9:00 a.m.
300 Don Gaspar - Mabry Hall
Santa Fe, New Mexico

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<p>1 A P P E A R A N C E S</p> <p>2 COMMISSIONERS:</p> <p>3 MS. PATRICIA GIPSON, Chair</p> <p>4 MR. GILBERT PERALTA, Vice Chair</p> <p>5 MS. KARYL ANN ARMBRUSTER, Secretary</p> <p>6 MR. JEFF CARR, Member</p> <p>7 MS. ELEANOR CHAVEZ, Member (Telephonically)</p> <p>8 MS. MILLIE POGNA, Member</p> <p>9 MS. CAROLYN SHEARMAN, Member</p> <p>10 MS. CARMIE TOULOUSE, Member</p> <p>11</p> <p>12 STAFF:</p> <p>13</p> <p>14 MS. KATIE POULOS, Director, Charter School Division</p> <p>15</p> <p>16 MR. DYLAN LANGE, Assistant Attorney General</p> <p>17 MS. AUDREY K. MCKEE, Assistant Attorney General,</p> <p>18 Counsel to the PEC</p> <p>19</p> <p>20 MS. BEVERLY FRIEDMAN, PED Custodian of Record</p> <p>21 and Liaison to the PEC</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I N D E X T O P R O C E E D I N G S, Continued</p> <p>2 9 Report from the PED, Briefing on 2016 192</p> <p>3 A-F Letter Grades</p> <p>4</p> <p>5 10 Report from the Chair 234</p> <p>6</p> <p>7 11 PEC Comments 260</p> <p>8</p> <p>9 REPORTER'S CERTIFICATE 268</p> <p>10 ATTACHMENTS:</p> <p>11 1. Sign-In Attendance Sheets</p> <p>12 2. Memorandum - David Craig to Katherine Poulos, re</p> <p>13 J. Paul Taylor Budget Reporting Update, 8/29/16</p> <p>14</p> <p>15 3. AG Opinion Letter, Jennie Lusk, AAG, to</p> <p>16 Patricia Gipson, PEC Chair, 8/17/16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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1 Carr?
 2 COMMISSIONER CARR: Here.
 3 COMMISSIONER ARMBRUSTER: Commissioner
 4 Chavez?
 5 COMMISSIONER CHAVEZ: Here.
 6 COMMISSIONER ARMBRUSTER: There is a
 7 quorum. We have eight.
 8 THE CHAIR: Thank you.
 9 We will now have Commissioner Toulouse do
 10 the Pledge of Allegiance, and I will ask
 11 Commissioner Carr to lead us in the New Mexico
 12 Salute.
 13 (Pledge of Allegiance and Salute to
 14 the New Mexico Flag.)
 15 THE CHAIR: Thank you. On to No. 2, which
 16 is approval of the agenda.
 17 Before we go any further, I will remind
 18 people in the audience, if you wish to speak in the
 19 Public Forum section, you do need to sign in on the
 20 sheet that's at the back of the room. So I
 21 appreciate that. And if you would also -- I'll ask
 22 everyone to remember to silence your electronic
 23 devices. Thanks.
 24 All right. On to No. 2, Approval of the
 25 Agenda. If everyone's had an opportunity to look at

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1 it, I'll entertain a motion for approval of the
 2 agenda.
 3 COMMISSIONER CARR: So move.
 4 COMMISSIONER POGNA: Second.
 5 COMMISSIONER SHEARMAN: Second.
 6 THE CHAIR: Motion by Commissioner Carr,
 7 second by Commissioner Pogna.
 8 And on to No. 3, which is the introduction
 9 of the new PEC attorney.
 10 COMMISSIONER SHEARMAN: Don't we need to
 11 vote, Madam Chair?
 12 THE CHAIR: Oh, sorry. Can I have a --
 13 I've lost the term -- voice vote? Thank you. Can I
 14 have a voice vote for the agenda, please?
 15 All in favor.
 16 (Commissioners so indicate.)
 17 THE CHAIR: Opposed?
 18 (No response.)
 19 THE CHAIR: Thank you.
 20 Now, on to the introduction of new PEC
 21 attorney, Audrey McKee. And I will turn it over to
 22 Dylan.
 23 MR. LANGE: Madam Chair, members of the
 24 Commission, it's my great honor to introduce your
 25 new counsel, Audrey McKee. She has 25 years of

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1 litigation experience. There's not a better
 2 attorney that I know, personally. You're in good
 3 hands.
 4 She worked here at the PED, is familiar
 5 with the law; so you are in great hands with
 6 Ms. McKee.
 7 Additionally, I would just like to note
 8 and thank you. I've been representing the PEC since
 9 January. We've had to make some tough calls. It's
 10 been a pleasure to work with all of you. And I'm
 11 excited to see where you go.
 12 And also, I want to thank the PED, and
 13 Katie, particularly. We had to make some tough
 14 calls, as well. And it was -- it was -- it was a
 15 pleasure to work with you and your staff and you
 16 all. So thank you.
 17 And Audrey -- Audrey is great.
 18 MS. McKEE: Thank you, Mr. Lange. It is
 19 certainly a pleasure to be here. I am very
 20 interested in the Public Education Commission, as
 21 well as the Public Education Department and all
 22 issues involving education, and it is my pleasure to
 23 be here.
 24 THE CHAIR: Thank you.
 25 COMMISSIONER SHEARMAN: Thank you.

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1 THE CHAIR: And welcome.
 2 On to No. 4, which is pretty long, because
 3 we've got input hearings, as well, in there.
 4 So No. 4, letter A is approval of the PEC
 5 meeting transcript minutes for June 17, 2016.
 6 Do we have any corrections for those?
 7 Hearing no corrections, I will entertain a
 8 motion to approve the PEC meeting transcript
 9 minutes.
 10 COMMISSIONER SHEARMAN: (Indicates.)
 11 THE CHAIR: Motion by Commissioner
 12 Shearman.
 13 COMMISSIONER CARR: (Indicates.)
 14 THE CHAIR: Second by Commissioner Carr.
 15 All those in favor?
 16 (Commissioners so indicate.)
 17 THE CHAIR: Opposed?
 18 (No response.)
 19 THE CHAIR: Thank you.
 20 Letter B, approval of PEC summary minutes
 21 for June 17th, 2016.
 22 COMMISSIONER ARMBRUSTER: So move.
 23 THE CHAIR: Motion by Commissioner
 24 Armbruster.
 25 COMMISSIONER TOULOUSE: (Indicates.)

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1 THE CHAIR: Second by Commissioner
 2 Toulouse. All in favor?
 3 (Commissioners so indicate.)
 4 THE CHAIR: Opposed?
 5 (No response.)
 6 THE CHAIR: Where did that come from? Oh.
 7 All right.
 8 On to letter C -- all of a sudden I
 9 thought I heard this little -- I thought it was an
 10 echo. Approval of the PEC Community Input hearing
 11 transcripts from 1, Hozho Academy; 2, STAT Charter
 12 School; and 3, Albert Einstein Academy.
 13 Do I have any corrections on those?
 14 Seeing none, I will entertain a motion.
 15 COMMISSIONER SHEARMAN: Madam Chair, I
 16 move for approval.
 17 THE CHAIR: Motion by Commissioner
 18 Shearman. Second by --
 19 COMMISSIONER ARMBRUSTER: (Indicates.)
 20 THE CHAIR: -- Commissioner Armbruster.
 21 All in favor?
 22 (Commissioners so indicate.)
 23 THE CHAIR: Letter D, approval of the PEC
 24 meeting transcript minutes for July 20th, 2016. Do
 25 I have any corrections for that meeting?

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1 Hearing none, I will entertain a motion
 2 for approval.
 3 COMMISSIONER POGNA: So move.
 4 THE CHAIR: Motion by Commissioner Pogna.
 5 COMMISSIONER TOULOUSE: (Indicates.)
 6 THE CHAIR: Second by Commissioner
 7 Toulouse.
 8 All in favor?
 9 (Commissioners so indicate.)
 10 THE CHAIR: Letter E, approval of PEC
 11 summary minutes for July 20th, 2016. Do I have any
 12 corrections? Seeing none, I'll entertain a motion.
 13 COMMISSIONER PERALTA: So move,
 14 Madam Chair.
 15 THE CHAIR: Motion by Commissioner
 16 Peralta.
 17 COMMISSIONER CARR: (Indicates.)
 18 THE CHAIR: Second by Commissioner Carr.
 19 All in favor?
 20 (Commissioners so indicate.)
 21 THE CHAIR: Thank you.
 22 F, approval of PEC work session minutes
 23 for July 20th, 2016.
 24 Do I have any corrections?
 25 COMMISSIONER TOULOUSE: I move approval.

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1 THE CHAIR: Thank you. Motion by
 2 Commissioner Toulouse.
 3 COMMISSIONER POGNA: (Indicates.)
 4 THE CHAIR: Second by Commissioner Pogna.
 5 All in favor?
 6 (Commissioners so indicate.)
 7 THE CHAIR: Thank you.
 8 Item No. 5, approval or disapproval of new
 9 charter school applications. Letter A is Hozho
 10 Academy. So please come up.
 11 And just as a reminder, the Charter School
 12 Division has ten minutes, and then the school will
 13 have 15 minutes.
 14 MS. POULOS: Madam Chair, Commissioners, I
 15 don't believe I'll need my full ten minutes.
 16 THE CHAIR: Okay. Oh, darn.
 17 MS. POULOS: CSD has made a recommendation
 18 to approve this new application for Hozho Academy
 19 with the conditions that the school complete the
 20 Planning Year Checklist, obtain Board of Finance
 21 designation, meet PSFA certification of facilities
 22 requirements. And those are three requirements:
 23 E-Occupancy, the condition index, as well as either
 24 ownership or leasing of the facility. And to
 25 correct any deficiencies that are identified in the

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1 new application analysis that's provided -- has been
 2 provided. It's not in your materials today. We
 3 decided to save some paper. But you do have those
 4 materials, and have for quite some time.
 5 CSD believes that it's appropriate to
 6 approve this application because the school -- or --
 7 I apologize -- the applicant has been rated -- or --
 8 has received -- more than 70 percent of the
 9 responses have been rated "Meets" or "Exceeds," and
 10 fewer than three areas were rated "Partially Meets"
 11 and fewer than one area was rated "Does Not Meet" in
 12 each section of the application.
 13 And this is actually better than the
 14 applications we received last year that were
 15 approved with the scores that they had. And so we
 16 believe that the application has demonstrated that
 17 the applicant team does have the capacity to operate
 18 a high functioning charter school organizationally,
 19 financially, and academically, and has the support
 20 of the community, has been able to demonstrate the
 21 support of the community in the area where they
 22 intend to locate.
 23 And so that is our recommendation.
 24 MR. PATRICK MASON: Thank you.
 25 THE CHAIR: Good morning. If you could

1 introduce yourself for the record, I'd appreciate
2 it. And then you can begin.

3 MR. PATRICK MASON: Thank you,
4 Madam Chair.

5 THE CHAIR: You're welcome.

6 MR. PATRICK MASON: Thank you,
7 Madam Chair, Commissioners. It's good to be in
8 front of you again. My name is Patrick Mason. I'm
9 one of the founders of Hozho Academy, Osage Indian
10 on my mom's side, and Irish Catholic on my dad's
11 side; and clearly, I take more after my dad.

12 My wife is out in the hallway, another one
13 of our founders. Grandma couldn't watch the kids
14 today.

15 To my left is another founder who couldn't
16 be with you last time, Arita Yazzie, who is also
17 here with her nephew, Darius. Ms. Yazzie is a
18 Principal Trial Court Advocate at the Navajo
19 Department of Justice. My father started working
20 with her in the '80s. I've been working with her
21 for ten years.

22 I consider her one of my colleagues and
23 one of the best attorneys on the Navajo Nation.
24 She's in insurance division -- Department of
25 Insurance Services and works a lot with litigation

1 talking being a long-winded attorney, and since you
2 didn't get to hear from Ms. Yazzie last time. I
3 wanted her to speak a little about both the need in
4 the area, growing up on the Navajo Nation, being a
5 community member -- this is -- I think she just said
6 today, this was her first time in Santa Fe since
7 1983.

8 So Ms. Yazzie is -- she's very much
9 locally ingrained in the local community. She's one
10 of the most respected members of the community. So
11 I'm very happy to have her as one of our founders,
12 and I wanted her to actually have the chance to
13 speak today, especially since they told me not to
14 present anything now that we haven't already
15 presented.

16 So without further adieu, I want to turn
17 the floor over to Ms. Arita Yazzie.

18 THE CHAIR: You don't have to stand. He
19 stands, because he's a lawyer.

20 MS. ARITA YAZZIE: Oh.

21 COMMISSIONER ARMBRUSTER: But move the
22 microphone.

23 THE CHAIR: And you have to push the
24 button down and hold it.

25 MS. ARITA YAZZIE: Okay. Good morning. I

1 with the Navajo Nation.

2 She's also the federal -- FTCA liaison to
3 the federal government for the Navajo Nation; so she
4 works closely with the federal government on a lot
5 of those cases.

6 Commissioners, let's -- we're very happy
7 to be in front of you again today, and we thank the
8 PED for their recommendation. The input they
9 provided us and the training and the whole process
10 was very beneficial to us.

11 And I also want to thank you, the
12 Commissioners. The input you all provided us at our
13 public hearing was incredibly beneficial. We've
14 actually taken a very active -- very active efforts,
15 I would say -- in addressing a lot of those concerns
16 that you raised. And I think if we are approved
17 today, we will continue to address those over our
18 planning year.

19 In fact, already, next week, we have a big
20 meeting with the Tsayetoh Chapter to formalize an
21 official partnership for enrollment and other
22 things. So we have a lot of great things that we
23 hope that we'll be able to move forward on if we are
24 approved today.

25 Rather than taking up all your time of me

1 wish to say thank you. Thank you for giving us this
2 opportunity again to appear before you.

3 I grew up on the reservation. I come from
4 a large family. I'm one of those -- my grandpa
5 had -- nowadays people say -- maybe it was illegal
6 back then -- but my grandpa had three wives.

7 So I grew up with -- I had ten uncles, ten
8 aunts out of all those -- the three grandmothers
9 that I had. And under our Navajo custom and
10 tradition, we grew up to really respect one another.

11 And within the entire family, I was the
12 first in our generation to graduate from high school
13 in 1969. And this was from Gallup High.

14 Gallup High was a very big school, I
15 remember. I graduated. I had to walk in high heels
16 in a very hot gym, kind of swaying a little when I
17 came. But I was so proud that I was able to
18 accomplish something that nobody else could do
19 within my family setting.

20 And the thing about that, though, was I
21 was not prepared for college. I had nobody to
22 mentor me. I had nobody to lead me, because I came
23 from a strictly non-school-educated family.

24 And in the process, I missed six months of
25 my first year of college, if I had -- if I had gone

<p style="text-align: right;">Page 18</p> <p>1 into college. I ended up having an individual 2 putting me in the court reporting school. I went to 3 Chicago. And that was my first taste of really 4 looking at my own family setting, how important 5 education is.</p> <p>6 When I came back in 1983, Gallup had grown 7 even more. We have so many kids out there. And one 8 of the things I started realizing is that our 9 children are getting lost in the system. When I say 10 "lost," you're sort of not recognized as a student 11 by name. You have to be really a popular student to 12 be known.</p> <p>13 And with that, a lot of our children, I 14 notice, drop out of school. And I say this from 15 experience. I come from a big family. And quite a 16 number of my nephews and nieces had a tough time, 17 and they'd just drop out. And I started looking at 18 alternatives for them.</p> <p>19 When I had my child, I looked for a 20 private school. And I put my son at the St. Michael 21 Indian School. And because of my own experience 22 with the need for a good education, where you 23 actually can interact with the teaching, faculty 24 members, the administrative members, St. Michael 25 Indian School, a very small school, one class per</p>	<p style="text-align: right;">Page 20</p> <p>1 language classes, Navajo classes -- I do a lot of 2 presentations on the custom and traditions of the 3 Navajo people.</p> <p>4 And our students are really taken in by 5 this, because you apply the practice of who you are 6 out there to the modern teaching in these schools, 7 and they can really pick up. So I just wanted to 8 share that experience with you.</p> <p>9 And one of the things -- I talk about the 10 big school setting. This happened around -- I want 11 to say in the late '90s, I was called -- my 12 sister -- my oldest nephew -- called me. He was, I 13 believe, a freshman; had gone into high school. And 14 they had gotten a letter from the school for 15 allegedly behavior -- behavioral issues. So being 16 one of the first to have graduated, gone on to 17 school, my family looks to me. So I'm, like, their 18 spokesperson.</p> <p>19 And I went there. And before my sister 20 arrived, I was taken to a small room. While in that 21 small room, I noticed there were different people 22 coming in. And I'm thinking, "Am I in the wrong 23 room?"</p> <p>24 And I asked that question. And they said, 25 "Who are you here for?"</p>
<p style="text-align: right;">Page 19</p> <p>1 grade, was one of the best decisions I've made. 2 And I'm proud to sit here before you to 3 say that with that initiative that I took for my own 4 son, he graduated from the University of Notre Dame 5 in 2008. And we have -- through that experience, we 6 also started our recruiting. My son was involved 7 with the recruiting process from Notre Dame, as 8 well, because we believed in our children. We 9 believe in them.</p> <p>10 And it is difficult. It is -- I'll say 11 from experience -- difficult in some of these large 12 school settings.</p> <p>13 And I am just so excited to think that we 14 can have some charter schools; because we have a lot 15 of children in line, parents waiting in line to get 16 into smaller schools, so they can -- their children 17 can get a better education and get into what we 18 call, "Think outside the box."</p> <p>19 Don't -- you know, there are a lot of 20 opportunities out there in the world. And we -- on 21 that basis, I believe that with charter schools that 22 are being established, implemented, that a lot of 23 our children will have a big success in education. 24 The smaller school settings we envision for our 25 academy, like the various culture -- maybe even</p>	<p style="text-align: right;">Page 21</p> <p>1 And I named my nephew. 2 And they said, "Oh, yeah," they said. 3 "oh, yeah, that's" -- and a young man walked in, and 4 it was not my nephew.</p> <p>5 And I said, "I believe I'm in the wrong 6 room." 7 And they said, "No, this is him." 8 That's when I learned that we had another 9 young man by the name of the same -- my nephew. And 10 this young man has had a lot of problems in his 11 educational history. And the school did not have 12 the correct record for my nephew.</p> <p>13 I had to do a lot of moving around in the 14 school to make sure that they included my nephew's 15 middle name in every -- all the school documents. I 16 had to tell them to get a new Social Security card 17 or something with his middle name, because it 18 creates a problem.</p> <p>19 Maybe, like, a year later -- I don't 20 remember if it's in the same year; it's really not 21 the early -- the late '90s -- I'm sorry -- it's 22 probably like 2004 or '5, I -- my nephew then -- I'm 23 very close to my nephews; they're my babies, and 24 they're your sister's children -- he called me -- my 25 sister called me and told me that my nephew had been</p>

<p style="text-align: right;">Page 22</p> <p>1 beaten up in front of the high school. 2 And I went to the school to find out what 3 was going on. I was very concerned. And the fight 4 occurred right outside the administration building, 5 right there when you walk in; you have all the 6 offices there. And apparently, school had adjourned 7 for the day, and they had closed the door; but he 8 got jumped by a number of people. 9 And that made me do a reassessment once 10 again of my family. And my nephew was getting very 11 little money from the death of his dad; it was 12 through Social Security. And I went to St. Michael 13 again, and I asked if I could put my nephew over 14 there. 15 My nephew indicated that, "Auntie, you 16 don't have to worry. Whatever money I'm getting, 17 I'm going to pay towards my own tuition. I will do 18 it." 19 So I did that up to when he turned 18. 20 And we try to help them get into an education 21 setting that they like. And, to me, this is like 22 a -- an experience that then shifts your thinking to 23 we need schools where our children are known by 24 their name, where, you know, they're part of the 25 school community itself, the school development; and</p>	<p style="text-align: right;">Page 24</p> <p>1 really complicated. We hope to be one of those 2 pieces of that puzzle. 3 It's like me and Arita were talking about. 4 You can have 900 kids at St. Michael's Indian 5 School, and you'd still have 10,000 kids in 6 Gallup-McKinley County that might need a different 7 option, a different place. 8 We hope to be one of those options for our 9 community. Some will do better at Gallup High; some 10 will do better at a private school. We think kids 11 will do better at our school. We have already 80 12 people ready to enroll, as of our last count. So 13 we're really looking forward, if we're approved 14 today, to be moving forward. And we thank you once 15 again for this year and this input. 16 I think this has really shown me that 17 New Mexico has one of the strongest systems when it 18 comes to charter schools. You don't just let 19 anything through. You take it very seriously and 20 take it very rigorously, and we appreciate all the 21 feedback and all the assistance. And thank you, 22 once again, very much. 23 THE CHAIR: Thank you. 24 Commissioners? No questions? Oh, sorry. 25 Commissioner Toulouse?</p>
<p style="text-align: right;">Page 23</p> <p>1 also, you know, insuring that this happens with the 2 understanding of what Navajo lifestyle is all about. 3 We have a lot of our family who still live 4 without running water and electricity. And I say 5 that with what we're living with now. My nephew 6 that I'm talking about, my sisters, they still don't 7 have running water and electricity. 8 But we do the best we can. And they need 9 the computer setting, so with a small school, they 10 will have all of that available after school. We're 11 looking at providing a lot of opportunities for some 12 of our children who cannot have that opportunity at 13 home because of the lack of infrastructures. 14 MR. PATRICK MASON: The time is up. 15 MS. ARITA YAZZIE: So having said that, I 16 just want to, again, thank you, thank you, thank 17 you. And my primary language is the Navajo 18 language; so, thank you. 19 MR. PATRICK MASON: And thank you. 20 THE CHAIR: You've got two minutes left. 21 MR. PATRICK MASON: Thank you, 22 Commissioner. 23 Just to summarize, education is a 24 complicated puzzle. And especially in a place like 25 Gallup-McKinley County, that puzzle gets really,</p>	<p style="text-align: right;">Page 25</p> <p>1 And Commissioner Chavez, right after 2 Commissioner Toulouse. 3 COMMISSIONER CHAVEZ: Sure. Just let me 4 know. 5 COMMISSIONER TOULOUSE: Mr. Mason, are you 6 still planning to try to do kindergarten through 7 eighth grade in your first year? Because that is a 8 huge concern for me with new people starting a 9 school, with getting teachers, where you'd already 10 talked to us in the hearing about trying to get 11 teachers from some of the other schools. 12 I have a real concern; because we've never 13 authorized anybody yet to go more than a couple of 14 years at a time. 15 MR. PATRICK MASON: Yeah. Commissioner, 16 we did -- when we originally looked at this, we 17 looked at -- K through 5 was our original plan. But 18 what ended up happening was, is that we had such an 19 interest of sixth-, seventh-, and eighth-graders, 20 that we realized pretty quickly that we'd be able to 21 fill those classes. 22 We have actually been partnering with -- 23 addressing the concern of teachers, we actually now 24 have partnerships with five separate colleges 25 throughout the United States, where they all have</p>

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1 very strong teaching programs. And they have
2 invited all of us to do a presentation -- a private
3 presentation, not just, like, a job fair -- for
4 their students.

5 A lot of their students are very
6 interested in -- it's kind of like, you know, a
7 missionary-type work; it's like you want to go out
8 there and make a difference in the world after
9 college, like Teach for America, like my wife did.

10 So we do have a lot of interest in
11 teachers. We thought -- we realized that's a lot to
12 bite off, but at the same time, when we realized we
13 had the students for it and the sixth-, seventh-,
14 and eighth-graders we thought would be difficult to
15 get, students actually pretty much are there
16 already.

17 So that's why we're asking for K
18 through 8.

19 COMMISSIONER TOULOUSE: I can tell you
20 now, I can't support that many years at once. I
21 also am concerned, when you're looking at hiring
22 brand new people -- my niece is just in her third
23 year of teaching first grade. And she's only now --
24 she's in a difficult school. She's in Albuquerque,
25 but in a 100 percent Title I -- every student there

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1 classroom and make sure -- the biggest one she tells
2 me -- and I've only taught part-time -- the biggest
3 one she's told me is classroom management. That's a
4 skill that no matter how good of a teacher you are,
5 it takes years to learn good classroom management
6 skills.

7 We do plan on having that in place. I
8 know the K through 8 sounds like a lot to bite
9 off --

10 COMMISSIONER TOULOUSE: It is a lot.

11 MR. PATRICK MASON: I understand,
12 Commissioner. Thank you.

13 COMMISSIONER TOULOUSE: The other thing --
14 I just want to comment. We had at least one person
15 stand up from the tribe to complain about your name.
16 And with my background with the tribe, as well, I am
17 concerned that that name is considered by a number
18 of Navajo people I know as to be an inappropriate
19 name.

20 It's a spiritual concept that they were
21 uncomfortable being used for a school. And, you
22 know, several of these were Navajo educators who
23 told me this. So I have -- but that's an aside
24 comment.

25 I -- the other concern I have is that you

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1 is a Title I student.

2 And to bring in brand new people who don't
3 know your community, don't know the state -- you
4 have a new administration. You have people having
5 to learn each other, to plan together, a governance
6 council that's just learning. I -- there's
7 absolutely no way I could vote to do that much new
8 at once.

9 You need a mix of teachers. You need
10 teachers with experience, as well as your new
11 teachers. You need experienced administrators. And
12 you need to build that slowly. You know, in a law
13 practice, you don't want to go in and take a
14 \$1 million case when you're a brand new lawyer. You
15 want to start and do the traffic tickets and some
16 wills, and you want -- I know. My family's, you
17 know, a bunch of lawyers.

18 And this is what you're asking, I think,
19 the school to do this way.

20 MR. PATRICK MASON: I understand the
21 concern, Commissioner. And I think you're right;
22 the mix of teachers is important. I don't want to
23 say we're just going to hire new teachers. My wife,
24 being a new teacher, knows how important it is to
25 have that mentorship of teachers to monitor the

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1 have to learn to handle your budgets. As you said
2 yourself, you don't know budgets.

3 And are these schools you're looking at
4 for teachers like Hillsdale, which is a religious
5 school? And you know we had concerns about using a
6 curriculum from a religious school, because you
7 can't bring religion into the schools?

8 Anyway, yes.

9 MR. PATRICK MASON: Madam Commissioner,
10 just to address some of that, the curriculum isn't
11 actually from Hillsdale. It's from a Core Knowledge
12 program.

13 Hozho, I do notice -- and actually, it's a
14 good thing you reminded me --

15 COMMISSIONER TOULOUSE: I know. And it
16 needs the "h" in it.

17 MR. PATRICK MASON: It needs the "h" in
18 it. Just for the record, it needs the "h."

19 Hozho was actually approved with that
20 spelling, with the "h," with the Navajo Supreme
21 Court and counsel. Me and Arita use it daily in
22 briefs, in letters; this is a daily thing.

23 Maybe Arita could address the use of
24 "hozho" more appropriately.

25 MS. ARITA YAZZIE: I agree. The word

<p style="text-align: right;">Page 30</p> <p>1 "hozho" is not used loosely. And I come from a very 2 traditional family. My mother is a medicine woman. 3 My father is a -- my brother is a medicine man. 4 And "hozho" can be used in two different 5 ways: In our real traditional setting, it means 6 "harmony." It also goes -- you start on the healing 7 process. "Hozho" means beautiful. "Hozho" means 8 just respectful. It's a respect that creates 9 "hozho," and is really -- I think, when -- I'm going 10 to sit here before you and say I don't profess to be 11 a Navajo philosopher; I don't profess to be an 12 expert in what our whole people have taught us. 13 And on that basis, I know that at the 14 education level, people have a disagreement with the 15 word "hozho." But "hozho" is -- means "beautiful." 16 It's a good word for us to use in the Navajo 17 setting. 18 And in my family, anytime we're going to 19 do anything, (Navajo spoken) means, "with caution." 20 "Hozho." "Hozho" means "harmony." And from my 21 perspective and talking with my own family, it's a 22 beautiful name for a school. 23 And it's not just in the education setting 24 that we hear this. I was kind of looking around, 25 and I was seeing "Hozho Construction."</p>	<p style="text-align: right;">Page 32</p> <p>1 COMMISSIONER CHAVEZ: Yes. Well, I have 2 several questions. And the first question is -- 3 COMMISSIONER GIPSON: Commissioner? 4 COMMISSIONER CHAVEZ: Yes. 5 COMMISSIONER GIPSON: Could you -- they're 6 having difficulty hearing you. Is there any way you 7 could speak up a little bit more? Or maybe we could 8 move the speaker -- microphone -- closer to you. 9 Give us just a second. 10 MR. PATRICK MASON: I could tell it to -- 11 Arita is actually deaf in one ear; so I could tell 12 her. 13 THE CHAIR: We're going to see if we can 14 move the mic. 15 COMMISSIONER CHAVEZ: I will turn the 16 volume up on my phone; so -- I don't know if that 17 might help. 18 THE CHAIR: Beverly is moving a portable 19 mic a little closer. So just a second. 20 MS. FRIEDMAN: Okay, Eleanor. 21 COMMISSIONER CHAVEZ: Okay. All right. 22 Thanks. 23 So I have a question -- I have several 24 questions, probably three, I think. 25 But one of them is along the lines of the</p>
<p style="text-align: right;">Page 31</p> <p>1 It's a word that's used with different 2 terms. So it's an appropriate -- 3 COMMISSIONER TOULOUSE: I did have someone 4 come to me. I didn't ask about it. 5 And the final thing, and then I will shut 6 up on this, is since you are planning to look at 7 teaching language and culture, have you also then 8 taken into account the Indian Education Act and how 9 to use that in regard to what you're going to teach 10 your students? 11 MR. PATRICK MASON: Yes, we have. 12 We've -- there are strict requirements on that. And 13 my wife, teaching at a reservation school for many 14 years, is very familiar with them. And we have 15 looked at that in depth. And we are -- we plan to 16 not only comply with that; we plan to go that extra 17 step, especially in our extracurriculars; for 18 example, having silversmithing, pottery work, things 19 that aren't necessarily part of education, but 20 they'll be great extracurriculars for our students. 21 And we have looked at that. Thank you, 22 Commissioner. 23 COMMISSIONER TOULOUSE: Thank you. Thank 24 you, Madam Chair. 25 THE CHAIR: Commissioner Chavez?</p>	<p style="text-align: right;">Page 33</p> <p>1 previous conversation with regard to teachers. And 2 my question is, you know, what is your plan in terms 3 of recruiting teachers, especially in some of the 4 subject areas, where it's difficult to recruit 5 teachers, math and science? 6 And then part two is does your recruitment 7 plan for recruiting teachers and other staff -- will 8 it attempt to recruit so that your staff is also 9 culturally and ethnically diverse? 10 MR. PATRICK MASON: Yeah. I think those 11 are good questions. The teachers -- the teacher 12 recruitment -- like I said, we actually have 13 partnerships with a number of colleges, primarily, 14 actually, secular colleges -- University of 15 Chicago -- just mostly where I've had contacts that 16 have gone out and that have taught there, worked 17 there and other places. 18 And they have actually expressed a serious 19 interest in working with us, because they recognize 20 that in an area like ours, education is so 21 important. 22 We also are going to recruit locally. 23 There are -- have been a number of teachers that 24 have come up to us, already, in fact, interested in 25 teaching classical curriculum, which they find very,</p>

<p style="text-align: right;">Page 34</p> <p>1 I guess, rewarding as a teacher -- as a teaching 2 area, as well. 3 I think you're right. Cultural diversity 4 is very important. In fact, Arita's son's -- is it 5 "fiancee" or "girlfriend" or -- 6 MS. ARITA YAZZIE: "Fiancee." 7 MR. PATRICK MASON: Fiancee. Arita's 8 son's fiancee is actually a principal of a school in 9 Arizona, of St. Michael's, and has a lot of -- knows 10 a lot of Navajos in education and Indians in 11 education and others in education. 12 We actually have very extensive contacts 13 when it comes to the education world. And we're 14 going to utilize those to the best to both recruit 15 really good teachers, but also diverse teachers that 16 are capable of teaching the unique curriculum we 17 have. 18 We also are going to offer specific 19 trainings. You know, obviously, math and science is 20 important, that I think those are actually going to 21 be easier for us to get than, as some of the other 22 Commissioners brought up, Latin, some of these other 23 areas that might be more difficult to find. 24 But we do have -- again, with our 25 partnership with the Barney Charter School</p>	<p style="text-align: right;">Page 36</p> <p>1 made a comment that you were already working on some 2 of the -- I'll call them "areas of concern." 3 So can you tell me what you've done to 4 address this specific issue? 5 MR. PATRICK MASON: Yeah. And honestly, 6 Commissioner, I just looked towards the back of the 7 room. This is one that my wife would be better to 8 address that as far as the testing goes. 9 I know that she did especially look at the 10 testing requirements. I almost want to tag-team 11 her; but she's -- is that okay if I tag-team my wife 12 with that question, or -- 13 THE CHAIR: I think, yeah, because she was 14 part of the -- yes. 15 MR. PATRICK MASON: And she knows more 16 about the testing. It's kind of like I'm a fish out 17 of water with testing. So I'm going to tag-team. 18 MS. RACHEL MASON: Sorry. Could you 19 repeat that question? This is Rachel Mason. 20 COMMISSIONER CHAVEZ: What I wanted to 21 know is what you've done to identify the concern 22 that's raised under your Education Plan and Academic 23 Framework; and specifically, that is, you know, how 24 would you -- what have you done already to be more 25 specific in terms of how you're going to evaluate</p>
<p style="text-align: right;">Page 35</p> <p>1 Initiative, St. Johns in Santa Fe, some other places 2 that have actually expressed a lot of interest in 3 working with us to help get those teachers and get 4 them -- get them all trained in not just teaching a 5 classical curriculum, but teaching classical 6 curriculum well. I hope that -- does that answer 7 your question? 8 COMMISSIONER CHAVEZ: It does answer my 9 question. And I would also reiterate the concern in 10 terms of, you know, hiring locally and also not 11 bringing in a whole lot of folks from the outside, 12 because I think that will definitely impact -- 13 impact the program. 14 MR. PATRICK MASON: Thank you, 15 Commissioner. I think that is a good point. 16 COMMISSIONER CHAVEZ: Then my second 17 question is around your -- I'm looking at the Final 18 Analysis and the Education Plan and Academic 19 Framework. 20 One of the issues that's raised in that 21 section is the school's ability -- or -- yeah -- the 22 school's ability to provide for evaluating and 23 monitoring the progress of English Language 24 Learners. 25 In the beginning of your statement, you</p>	<p style="text-align: right;">Page 37</p> <p>1 and monitor the progress of English Language 2 Learners. 3 MS. RACHEL MASON: Yeah. I remember 4 that -- I was looking at that section on the 5 application. And I think one important thing is 6 that we're using all of those tests that all the 7 students are taking to evaluate the progress of 8 those English Language Learners. 9 And then on the schedule that we have -- 10 and I don't have it in front of me, and I can't 11 remember what I said -- but I think it goes 12 quarterly with the progress reports. We will -- the 13 teachers and the families of English Language 14 Learners will work together to look at their 15 academic progress and at their language progress, as 16 well, to decide, you know, what the best course of 17 action for that student is and how the student is 18 responding and interacting with the curriculum. 19 COMMISSIONER CHAVEZ: And do you have a 20 sense of what percentage of the students might be 21 English Language Learners? 22 MS. RACHEL MASON: You know what? Again, 23 I don't have the exact number in front of me. I 24 think it is in our application. I think our 25 district is over 70 percent.</p>

<p style="text-align: right;">Page 38</p> <p>1 COMMISSIONER CHAVEZ: Yeah. Okay. 2 MS. RACHEL MASON: And I don't know 3 exactly what the population will be at our school; 4 but I would assume that it would be close to that. 5 We are in -- we are a school that's in-town, versus 6 on the reservation. So it might be slightly lower. 7 When I was at David Skeet -- I'm sorry -- 8 when I was at the school I taught at at the 9 reservation, I think our English Learner population 10 was around 98 percent, or something like that. But 11 I imagine that we would be closer to 70. 12 COMMISSIONER CHAVEZ: All right. And then 13 my other question has to do with the organizational 14 plan going in. 15 THE CHAIR: Eleanor, we're losing you. 16 You need to speak up a little bit more. 17 COMMISSIONER CHAVEZ: Yeah. My next 18 question has to do with -- I'm going through -- I've 19 lost my place; hold on just a minute -- okay. I'm 20 sorry. It's under the Business Plan and Financial 21 Framework. 22 And in this section, there was a concern 23 about the governing body, how their governing body 24 would provide legal and financial oversight. 25 Have you all addressed that?</p>	<p style="text-align: right;">Page 40</p> <p>1 State Auditor has come in and audited a school and 2 found that there is problems, and has pointed it out 3 to lack of oversight, lack of financial control, all 4 of that kind of -- 5 MR. PATRICK MASON: Yeah. And I think 6 that's really important. I think that's an 7 incredibly important question. 8 And when I was talking about the 9 rigorousness of the PEC, that I appreciate it, I 10 just saw a report about charter schools, like, 11 closing down in other states after 80 days and 12 things like that. 13 We take that really seriously. And 14 knowing how difficult it is to actually find a 15 financial-type person in Gallup, I've actually 16 partnered with REDW. They have -- they're a big 17 accounting firm. They have offices in Phoenix, 18 Albuquerque, all over. They also are getting very 19 nationally known. 20 And they have a very strong presence on 21 the Navajo Nation. They audit, and they evaluate a 22 lot of the tribal enterprises for the Navajo Nation 23 that I work with. 24 So talking with them, we've actually -- 25 they've agreed to be our business manager. As soon</p>
<p style="text-align: right;">Page 39</p> <p>1 MS. RACHEL MASON: Yeah. That, I'll 2 actually defer back to my husband. He's the legal 3 part on that. 4 MR. PATRICK MASON: And I apologize, 5 Commissioners, for the tag-team effort. I'm sure, 6 being in education, you know what it's like to not 7 have a baby-sitter sometimes. 8 Yeah. So regarding -- so Commissioner, 9 regarding the legal and governance oversight -- 10 COMMISSIONER CHAVEZ: Yes. 11 MR. PATRICK MASON: -- again, I guess is 12 your specific question just how we're going to 13 handle that? 14 COMMISSIONER CHAVEZ: I think -- well, 15 basically, as I'm looking at the -- the Final 16 Analysis, there was concern in terms of how you 17 would provide legal and financial oversight. And I 18 wanted to ask if you all have, you know, looked at 19 that a little more and provided more detail in terms 20 of how you're going to -- 21 MR. PATRICK MASON: Accomplish that? 22 Yeah. 23 COMMISSIONER CHAVEZ: I guess one of the 24 reasons I am raising that is because there have been 25 a couple of cases lately where -- for example, the</p>	<p style="text-align: right;">Page 41</p> <p>1 as we're approved, they're actually going to start 2 working on adjusting and fixing all of my budgetary 3 mistakes and application mistakes. 4 I told them I did my best; but you guys 5 are the pros. And they are going to be monitoring 6 the financials very closely. And we are actually 7 going to be doing regular -- even more so than the 8 audits as required by the State, we plan on having 9 quarterly meetings with REDW to make sure that we're 10 all on track, that our budget is done properly, 11 having -- and they've actually gone further, to go 12 beyond the financial. 13 They -- and this is something that they 14 provide. One of my clients is the Navajo Times 15 Publishing Company; it's a newspaper for the Navajo 16 people. And they work closely with REDW. 17 And REDW does employee evaluations every 18 year. It's almost like an employee -- I don't know 19 what it's called -- but maybe like a retreat or a 20 seminar, where they bring out especially the 21 administrative and go through the administrative 22 processes. They've agreed to do the same kind of 23 thing. It's like almost a processes audit of our 24 administrative policies and working with our 25 administrators to ensure that they're doing</p>

<p style="text-align: right;">Page 42</p> <p>1 properly; but also working with the board and 2 ensuring that we're meeting our governance goals, as 3 set forward. 4 They've done this with other schools, both 5 in Arizona and New Mexico. So we are excited to be 6 working with them. 7 As far as the legal oversight goes, for 8 better or for worse -- most people would probably 9 say for worse -- you have two attorneys on the -- on 10 the board. And there's actually a third attorney 11 that's expressed interest in being involved. We 12 said that might be too many attorneys, if you get 13 three attorneys in one room together, who knows what 14 will happen. But we do take the legal oversight 15 very seriously. 16 I've -- and I think being so involved 17 in -- in legal issues, actually, that have affected 18 many other schools -- but public schools, private 19 schools, and charter schools -- I've worked closely 20 on those legal issues in all areas. And I think we 21 will be able to provide that legal oversight. 22 COMMISSIONER CHAVEZ: Okay. All right. 23 And then my last question is around your plan to 24 provide food services. Have you thought about that? 25 MR. PATRICK MASON: Yeah. So we've talked</p>	<p style="text-align: right;">Page 44</p> <p>1 And Arita knows how important it is. A 2 lot of those kids aren't getting the nutrition they 3 need at home. 4 In addition to lunch, we're going to have 5 the morning food, an afternoon snack. And we've 6 talked with them -- I think if -- we have two 7 options for buildings right now that are very 8 viable. One has an existing cafeteria, which makes 9 it all very easy; the other one does not. But 10 Aramark has told us what they could do is almost 11 like a boxed-meal type of thing, where we deliver 12 the boxes. 13 You can actually -- what they've talked 14 about with another school they've done, the students 15 eat in the classroom, which would be a disaster for 16 the teacher. That's not ideal. 17 There are different options. And Aramark 18 is working closely with us to make sure we have 19 that; and not just that we have it, but it's going 20 to work financially with the budget that we're going 21 to have. Yeah. 22 COMMISSIONER CHAVEZ: Okay. Thank you. 23 Those are all my questions. 24 THE CHAIR: Commissioner Carr? 25 COMMISSIONER CARR: I'm trying to decide</p>
<p style="text-align: right;">Page 43</p> <p>1 with Aramark, who is the provider for 2 Gallup-McKinley County Schools. Actually, we talked 3 with the Superintendent. He's actually willing to 4 just add us -- they have a contract; so all of the 5 food services for our school district are actually 6 provided by contract by a third party. 7 He's already agreed, and already talked 8 with them. They're just going to add us on as 9 another kind of entity underneath -- underneath 10 their -- underneath their current existing contract, 11 since it's probably a better contract than we could 12 negotiate on our own. And then we just reimburse 13 the school district for those expenses; plus, if 14 there's a little administrative, or whatever is into 15 it. 16 There's two options we're looking at right 17 now. It's really important, being that we are going 18 to have students there for a long period of time, we 19 have requested that we want snacks. You know, we 20 want an early morning -- my wife tells me how 21 important it is to have the -- I can't remember what 22 the name of it is. It's, like, the morning 23 breakfast program for students. She said that's 24 really important to have, because those kids go 25 crazy if they don't have food.</p>	<p style="text-align: right;">Page 45</p> <p>1 where to start here. 2 I'll ask the simple question first. 3 Do you plan on focusing on career 4 readiness for these students? 5 MR. PATRICK MASON: Yeah. You know -- and 6 we had a -- actually, our public hearing, we had a 7 number -- we had our city councilor, also a 8 businessman. And I'm actually the president of the 9 Chamber of Commerce. I'm also on the Gallup 10 Economic Development Corporation. 11 So one of the reasons I got involved in 12 this in the first place was if you look at why 13 companies don't want to come to Gallup, the number 14 one issue is the workforce. There is no -- and it's 15 education, the education of the workforce. 16 The number one career readiness goal that 17 we could accomplish would be being able to have our 18 kids, when they graduate, reading and writing and 19 communicating at grade level. If we had that 20 alone -- and speaking as a business owner in our 21 area, finding somebody with that alone in our area 22 can be -- can be very difficult. 23 So that's one aspect, just the general 24 education aspect of career readiness. But beyond 25 that, we are very -- we've partnered with the</p>

<p style="text-align: right;">Page 46</p> <p>1 Chamber; we've partnered with the Economic 2 Development Corporation. We've actually partnered 3 with UNM-Gallup about providing these types of 4 career readiness opportunities, beyond just -- what 5 we've always talked about is if our kids want to go 6 to college, we want to give them the best 7 opportunity, the best leg forward to get to college 8 that they can have. 9 But if our kids want to be a silversmith, 10 if our kids want to be a truck driver, if our kids 11 want to be a janitor, if our kids want to be a 12 farmer, if they want to raise sheep, go into rodeo, 13 whatever our kids want to do, we want to make sure 14 they have the high school education. But we want to 15 make sure they're ready for whatever they want to go 16 into. 17 So we've partnered with a local 18 construction firm, who's going to be building kind 19 of a mechanics and construction and architecture 20 type of extracurricular program for us. We've 21 talked with the UNM-Gallup, who actually does a lot 22 of health care, nursing, different things like that. 23 They've talked about coming in and -- and 24 this is obviously not going to be right away, these 25 programs. These are going to be more once we get</p>	<p style="text-align: right;">Page 48</p> <p>1 MR. PATRICK MASON: So there's actually 2 three parts to the curriculum: Core Knowledge is 3 our core curriculum, you know, history, reading, 4 that type of stuff. The math program is Singapore 5 Math. And then the phonics program is Riggs 6 Phonics. So those are the three curriculum sources 7 for our -- for our Core curriculum there. 8 Those are -- we are receiving support from 9 the Barney Charter School Initiative, who will train 10 us in implementing those curriculums. They're 11 actually going to come out for two weeks at the 12 beginning to train. And we also have reached out to 13 the programs themselves. 14 And I think they're very excited to -- 15 they're all very proud of their curriculum, and 16 they're very excited to try this curriculum, this 17 rigorous curriculum, in what is kind of an untested 18 environment. So they've actually reached out to 19 offer us their kind of support, as well, for low or 20 reduced, if not no, cost at all. 21 COMMISSIONER CARR: Okay. So my other 22 question is what is your connection with Hillsdale? 23 MR. PATRICK MASON: And we kind of talked 24 about this at the last Commission -- it's not 25 direct. What it was is, is we -- me and my wife,</p>
<p style="text-align: right;">Page 47</p> <p>1 our high school opened up, targeting the high school 2 kids as they prepare for their careers. 3 In the lower level, again, our biggest 4 focus is going to be on reading, writing, 5 communication; but we have partnered with a number 6 of groups to make sure that we provide the workforce 7 development that is currently lacking in that area. 8 COMMISSIONER CARR: Okay. And I'll make a 9 comment I've made here many times. With our Perkins 10 grant, for instance, the people who -- students who 11 have at least one class that they love -- and it 12 could be culinary arts, it could be silversmithing, 13 like you mentioned, or something like that, a reason 14 for them to get there -- they end up doing better in 15 their Core curriculum, reading, writing, 16 mathematics, and things like that. 17 And it's an amazing thing, especially for 18 Native Americans, you know. The numbers on there 19 were kind of staggering to me when I saw them, how 20 important that was, to keep them in school; because 21 if you don't keep them in school, you can't teach 22 them anything; right? They're going to learn 23 something else somewhere else that we may not like. 24 So my next question comes into you mention 25 the secular curriculum. Where is that coming from?</p>	<p style="text-align: right;">Page 49</p> <p>1 we've been thinking about this for two years. And 2 we got together, and we said, "Okay. What do we 3 want to see in a charter school? We want to see 4 Core Knowledge." 5 My sisters actually taught Core Knowledge 6 at a charter school in Phoenix, and they loved it; 7 so that's how we got to know Core Knowledge. So we 8 want to see Core Knowledge. 9 My wife has had experience with Riggs 10 Phonics. So you know what? This was what was 11 amazing to us. There's not a single school in 12 Gallup-McKinley County that has a phonics program, 13 not a single one. There's so much studies out there 14 about how important a phonics program is for 15 learning reading. 16 So, "You know what? Not only are we going 17 to do a phonics program, but the best, Riggs 18 Phonics. And we want to do Singapore Math." 19 So we searched the Internet. I told her, 20 "I guarantee some school out there has done Core 21 Knowledge, Riggs Phonics, and Singapore Math." 22 That's how we came across the Barney 23 Charter School Initiative, where, basically, a 24 wealthy donor left them a lot of money and said, "We 25 want you to have a foundation to help implement</p>

<p style="text-align: right;">Page 50</p> <p>1 charter schools that are going to do Core Knowledge, 2 Singapore Math, and Riggs Phonics. We want you to 3 train them to do that." 4 That's how we came across the Barney 5 Charter School Initiative. That's really -- it was 6 an Internet search, a Google search. 7 We don't have any direct connection with 8 them. I've told the Commission -- actually, that is 9 not the first -- being from my persuasion, that's 10 not the first place I would look for a partnership. 11 But being that's education, I will take help 12 wherever -- as long as it's -- wherever it's 13 reasonably offered. That's kind of how we got 14 involved with Hillsdale. 15 COMMISSIONER CARR: So in your curriculum, 16 you're going to offer a classical curriculum? 17 MR. PATRICK MASON: Yeah. 18 COMMISSIONER CARR: You know -- and 19 there's lots of buzz words in education today, you 20 know. And then when you mention Hillsdale, and you 21 mentioned classical education, classical education, 22 in the classic sense, I love. I am very much -- you 23 know, I study it. I'm a history teacher. I love 24 it. I think it's a wonderful thing. 25 MR. PATRICK MASON: Yeah.</p>	<p style="text-align: right;">Page 52</p> <p>1 politicos around the country, you know, harping on 2 things like that. 3 And while other people, you know, usually 4 reporters are going, "Oh," you know. And -- you 5 know. And it has a racist overtone. 6 And especially in a Navajo reservation, 7 it's, like, I -- you know, it brings me back -- as a 8 history teacher, it brings me back to the thoughts 9 of the Indian schools, where the -- where the Native 10 American children were forced into schools and 11 forced to cut their hair and strip them of their 12 culture and their language and things like that. 13 And it kind of -- you know, it kind of brings those 14 things back to me. 15 So it's kind of quizzical, in a way, that 16 we're teaching -- you know, I believe you should 17 learn all cultures, but that we're especially 18 teaching Navajo children the classical White 19 culture. 20 MR. PATRICK MASON: No. I'd love to 21 address that. That's actually something near and 22 dear to my heart, primarily -- not as an educator. 23 That's not necessarily -- and actually, it's funny. 24 I just had this conversation with my wife all the 25 way up here to Santa Fe. And we've had this</p>
<p style="text-align: right;">Page 51</p> <p>1 COMMISSIONER CARR: However, some 2 groups -- I guess that you're laughing, because 3 you're familiar with it, maybe -- certain right-wing 4 Christian groups use that as a device to get into -- 5 to sneak in some Judeo-Christian things and that 6 type -- and that sort of thing. So, you know -- 7 MR. PATRICK MASON: If I could address -- 8 COMMISSIONER CARR: I'll let you. Just a 9 second. 10 MR. PATRICK MASON: Sorry. 11 COMMISSIONER CARR: So it sends up red 12 flags, you know. And I look at those things; I hear 13 those things. And I'm like, "Huh, okay. Sounds 14 good. I want to hear more details." 15 Of course, the other quizzical thing about 16 it, though, is that besides what I just said, the 17 Judeo-Christian tradition, which is fine -- I'm a 18 Christian, you know -- it's -- you know. But it's 19 also been used to -- by White Supremacist groups, 20 you know, to prove that White culture is superior to 21 all others around the world. 22 It's just, like, "Look at all these 23 accomplishments of the Greeks and Romans," and -- 24 you know, and, "Look at what Europe has done," you 25 know that type of thing. And you still hear</p>	<p style="text-align: right;">Page 53</p> <p>1 conversation in depth. (Indicates.) 2 My -- I went to a classical college, much 3 like St. Johns in Santa Fe, which appreciates the 4 classical culture, but doesn't think that's the only 5 culture. And the idea being is that first and 6 foremost, a classical education means education of 7 the whole person. So it means not just math and 8 science and reading; it means art, literature, 9 poetry. 10 That's what we mean by "classical 11 curriculum." We mean everything: Music, art, 12 literature, rhetoric, grammar, logic. We don't 13 necessarily mean, "Look at how great these Greeks 14 are." In fact, we talked about that. 15 What we are intending to do is whenever 16 possible -- and why we have Arita -- and just to let 17 you know, Arita was taken from her home and put in 18 an Indian school. So she experienced that 19 firsthand. And that's something that's so essential 20 to our school, to make sure that that is not what 21 goes on here; because what we want is -- and this is 22 a great -- and we met with Hillsdale, and we were 23 very explicit about that. 24 "Look. I love American exceptionalism as 25 much as the next person. But the reality is America</p>

<p style="text-align: right;">Page 54</p> <p>1 is not the only culture. America is not the only 2 form of government. You know, it may not even be 3 the best form of government. It's a great form of 4 government, and we love it. But Thomas Jefferson is 5 not the savior, or whatever it is you think -- or 6 whatever it is." 7 And I'm being harsh on them; I don't think 8 they think that. I wanted to make it clear that our 9 idea is we have a unique culture in our area. And 10 when we teach courage, which is a classical -- kind 11 of a classical idea of ethics and morality, we're 12 going to teach courage. But the way we're going to 13 teach courage is, yeah, you're going to learn 14 about -- you're going to learn about Plato and 15 Aristotle and The Iliad and The Odyssey; but you're 16 also going to learn about Miyamura and the Navajo 17 code-talkers, these people -- Chief Manuelito. 18 You're going to learn about Chief Manuelito, learn 19 about these courageous Navajos. 20 The idea of courage, it doesn't matter if 21 you're White, if you're Navajo, if you're Hispanic, 22 if you're Black, whatever it is. Courage is 23 something central to all humanity. And we want to 24 inspire our kids in that and teach it in a 25 culturally appropriate way to our students. And</p>	<p style="text-align: right;">Page 56</p> <p>1 You know what? This is a cross-cultural divide. 2 And classical education doesn't have to be, "I'm 3 learning about the Greeks; I'm learning about the 4 Romans mansion; I'm learning about the Middle Ages." 5 That's part of it, and that's an important part it. 6 But it also means learning about the true, 7 the good, and the beautiful. And essentially, 8 that's what we're trying to teach. And that's why 9 "Hozho" is such an appropriate name to us, because 10 the "hozho" is almost the -- the Greek idea is the 11 true, the good, and the beautiful. The Navajo 12 version of that is "hozho." And that's why we like 13 to say that we're integrating the two together and 14 giving our kids something that will last them a 15 lifetime. 16 Does that help? 17 COMMISSIONER CARR: Oh, yeah. I'm 18 impressed -- the -- with that idea in the 19 curriculum, because that's how I taught history for 20 years myself. 21 Which brings me back to Commissioner 22 Toulouse's statement about having new teachers. 23 What you're describing to me is something that would 24 be very difficult for a new teacher to integrate 25 into the thinking, especially based on, probably,</p>
<p style="text-align: right;">Page 55</p> <p>1 that's why we're so serious about the cultural 2 integration of Navajo people and having Arita 3 involved. 4 There's one other thing you said that is 5 actually -- now, I'm -- it was a long thing, so I'm 6 trying to remember. But it's actually also near and 7 dear to me. 8 Oh, I know. I know what it was. My wife 9 told me, if I could work this story in, to tell it. 10 But this is an example of something that we're going 11 to teach. 12 So there's the story of Alexander the 13 Great, who went -- as he's bringing his armies off 14 to war, he sees a crow, which was a bad omen. And 15 he turned his entire Army around, because he had the 16 bad omen of the crow right that night before. 17 So we were about that, and we're working 18 on this together, and we're working on the 19 curriculum, and how we're going to integrate them. 20 And Arita, who's not necessarily had a classical 21 education -- she's, like, "That's amazing. That's 22 just like, for us, the owl. The owl is a bad omen. 23 If you saw an owl, you would turn your armies 24 around." 25 That's the thing we're looking at doing.</p>	<p style="text-align: right;">Page 57</p> <p>1 the education they received. 2 If I didn't further read after my master's 3 degree, I wouldn't know half the things I needed to 4 know to teach my children, because what I got was a 5 classical historical education in graduate school. 6 And -- and that goes above and beyond what you get 7 in most universities in the United States today. 8 And I -- and that required a great deal of 9 intense study on my own and studying other cultures 10 and doing all the things that my -- you know, my 11 primary formal education didn't provide for me. 12 The -- so, again, how important -- it's 13 extremely important that you bring in experienced 14 teachers. And that makes it difficult for me to -- 15 that fact, alone, makes it difficult for me to vote 16 for this. And so -- but that's what you said you 17 were going to do. 18 MR. PATRICK MASON: Yeah. So I think we 19 want to have a mix of new and experienced teachers. 20 We also have two specific positions within our 21 school that are designed to address some of those 22 concerns. 23 One is what we call -- I'm trying -- 24 "Specialist Coordinator," I think is the way it's 25 mentioned in the budget. But basically, he's a</p>

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1 teacher. So he's not an administrator; he's a
2 teacher, without assignment to a classroom, where
3 his job is to basically -- and I'm not saying he'll
4 be the only experienced teacher. We want all of our
5 teachers to have a wide variety of experience.

6 In fact, just yesterday, we had a
7 Level III teacher that approached us about coming to
8 teach at our school. So, you know, we are
9 looking -- we will take whichever teachers want to
10 come. If they're good teachers, we're excited about
11 them.

12 A lot of that is going to be on the
13 principal. He's the one that's going to make the
14 judgment call as to whether this teacher is going to
15 be the right fit and stuff. If the principal says
16 "We can't do this with any new teachers," we listen
17 to the principal. He's the one that hires and
18 fires.

19 With that being said, we also have the
20 position of "Cultural Adviser" and "Navajo Language
21 Teacher," who we are working closely with Arita to
22 identify the most appropriate individual for that.
23 Something that me and Arita have to do, annually and
24 especially when we became new lawyers, is we have to
25 go to classes on culture. I probably know more

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1 well, because they're going to have to go in and
2 say, "Hey, you know what? That crow is like the
3 Navajo owl." Or, "That story is a lot like the
4 story of Chief Manuelito."

5 So those are a lot of the things that
6 those two positions are specifically there to
7 address, in addition to, like you said, having a mix
8 of new and experienced teachers.

9 COMMISSIONER CARR: I'm finished.

10 THE CHAIR: Commissioner Armbruster?

11 COMMISSIONER ARMBRUSTER: Yes. I have
12 some few, just practical, questions that I hope are
13 short answers for you.

14 One is you're looking at 158 students,
15 which is about ten per class for K-to-8. And so
16 will you be -- if you have 30 third-graders but no
17 first-graders, that will still be okay with you,
18 where you have to kind of limit by your first-come
19 first-serve, and then your lottery; so that you
20 would have kindergarten -- you know, like, ten or
21 whatever number -- it's not exactly ten -- but that
22 type of thing?

23 MR. PATRICK MASON: Yeah. So we did have
24 to -- those numbers that we came up with, we worked
25 with them extensively, and we had to kind of address

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1 about Navajo culture and tradition than a lot of
2 Navajos know.

3 Arita has this great book, Diné Bahané,
4 which is we intend to have all our teachers read
5 Diné Bahané, and go through these cultural classes.
6 It's as simple as doing some of these things you do
7 and don't do.

8 My wife had no idea, going to teach in
9 David Skeet, about snakes and coyotes and stuff like
10 that. Me, growing up in Gallup, I knew that,
11 because that's my friends.

12 But she's out there, and she's talking
13 about something to her kids, and her little
14 first-graders are freaking out, and she has no idea
15 why they're freaking out; because it was just in
16 their book; it's in their regular curriculum.

17 Those are the things that our cultural
18 adviser is there full-time, to advise, monitor, and
19 make sure that that integration happens properly,
20 and our coordinator is there to help with the --
21 with the development of lesson plans and things and
22 say, "Hey, you know what?" And in the cultural --
23 the coordinator and the cultural adviser will have
24 to be local, or at least have very strong local
25 connections, and been local, you know, know the area

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1 that, what happens if you have the low end.

2 So what we tried to do, with the budget in
3 mind, is "Okay, here's a range of kids. As long as
4 we have 158, then we can do K-through-8, even if we
5 only have five kids in first grade that -- or five
6 kids in the eighth grade on the back end."

7 We're hopeful, based on the response we
8 got. Like I say, we already have 80 kids that have
9 put their names down as interested in enrolling,
10 once the opportunity is available. So we're
11 practically halfway there, you know, hopefully. Who
12 knows if they'll actually enroll?

13 But the idea being is we did take that,
14 like, kind of a worst-case scenario. Honestly, if
15 it gets down there -- and I know that Lane's charter
16 school, Six Directions, had that problem, where they
17 wanted 50 kids, and they ended up with, like, 25
18 maybe --

19 THE CHAIR: They've got -- I think -- I
20 believe they have in the 40s.

21 MR. PATRICK MASON: That's good. So they
22 got there.

23 THE CHAIR: There was a -- it was a budget
24 thing. And they didn't think they were going to get
25 the funding.

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1 MR. PATRICK MASON: So they got there,
 2 though. So that's good to know that they got there.
 3 And I think that's the issue is that we
 4 know there are some worst-case scenarios, and we
 5 might have to work it.
 6 But based off that, we have tried to make
 7 sure that whether or not there's five first-graders
 8 and 30 eighth-graders, or whatever it is, that we
 9 have that range built in there to accommodate that.
 10 COMMISSIONER ARMBRUSTER: And the other --
 11 just a comment I would have is I'm sure it's quite
 12 difficult to find Anglo students. I particularly
 13 don't like segregated schools. I didn't like Black
 14 segregated schools. I don't like White segregated
 15 schools. But I understand the area.
 16 So I hope that you -- it's more my
 17 comment; you don't necessarily have to answer it.
 18 But I hope you do reach out to Anglos in a special
 19 way, because I think it's always better for people
 20 to hear and learn about different cultures, rather
 21 than only know their own. But I also appreciate the
 22 difference there.
 23 But along with that, when I was reading
 24 one of the -- I think it was from the Capacity
 25 Hearing -- that you were doing something about

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1 recruitment and prizes -- and just those two words
 2 together bothered me. And I'll tell you why.
 3 Because I can see someone saying, "Oh, I
 4 get the prize if I sign up." But then in the end,
 5 when you're really looking at how many students you
 6 actually have, they thought, "I got the prize. I'm
 7 done."
 8 So I'd rather not see that.
 9 MR. PATRICK MASON: I understand that.
 10 And I think that was more in reference to something
 11 that one of the private schools had done, not
 12 necessarily that we were going to do it. I had seen
 13 one of the private schools do that successfully.
 14 But I think in regards to recruitment,
 15 just to address it, generally, we do have
 16 multiple -- and actually, something that was more
 17 surprising to me -- and less surprising to my wife,
 18 which is most things in life -- but -- is I thought
 19 that -- and it might actually be hard if we called
 20 it -- you know, if we have this strong Navajo
 21 influence, and we call it "Hozho Academy," are
 22 these -- are -- who's -- are we going to attract
 23 them or whatever?
 24 And to my surprise, a lot of -- a lot of
 25 parents are actually really interested in not just

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1 the rigorous curriculum, but the Core Knowledge and
 2 the Riggs Phonics and the Singapore Math that's on
 3 offer, they're interested in that; but they're also
 4 interested in, "Hey, I can send my kid somewhere to
 5 learn music. I can send my kid somewhere to learn
 6 art."
 7 And from my personal experience, I went to
 8 a school that had 13 kids in my graduating class in
 9 Gallup. Eleven of them were -- actually, so nine of
 10 them were Native American, two of them were
 11 Hispanic, and two of them were Anglo.
 12 I think that's something, in Gallup, you
 13 always put on your college applications you had no
 14 choice but to grow up in a diverse world in Gallup,
 15 New Mexico. That's the reality.
 16 We're going to have, like you said, a
 17 majority Native American. But where we're located
 18 is a heavy Hispanic neighborhood. We're also going
 19 to have a lot of Anglos, especially -- there's a
 20 large home-schooling -- I'd say "reluctantly
 21 home-schooling" community in Gallup, because they
 22 are home-schooling where they feel that's their only
 23 option.
 24 They actually showed up -- we didn't know
 25 they were going to show up. But they showed up at

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1 our community support hearing. That was the
 2 coordinator of their group. We were surprised in
 3 seeing they were interested in following us, as
 4 well.
 5 COMMISSIONER ARMBRUSTER: And the last
 6 thing I'm going to tell you, you really need to find
 7 a special ed teacher. Good luck. They are hard to
 8 find. They are hard. You're looking at a
 9 population who has numerous issues, from poverty to
 10 everything else.
 11 So I would say high on your list should be
 12 to find that special ed teacher soon.
 13 MR. PATRICK MASON: I'm writing it down.
 14 COMMISSIONER ARMBRUSTER: Jot that down.
 15 Thank you.
 16 THE CHAIR: Commissioner Shearman?
 17 COMMISSIONER SHEARMAN: Thank you. Before
 18 I ask any questions, I just want to clarify a couple
 19 of things. It's been the practice and the policy of
 20 this Commission, for all the years I've been on
 21 it -- and I understand the years prior to my being
 22 on this Commission -- that we have never approved an
 23 application to be rewritten or to be revised.
 24 Never.
 25 Now, we did last year, one exception,

<p style="text-align: right;">Page 66</p> <p>1 because of very unique circumstances. I believe all 2 Commissioners, as well as the Director, knew why we 3 approved that. But that is not the policy of this 4 Commission. 5 MR. PATRICK MASON: I understand. 6 COMMISSIONER SHEARMAN: As we said at the 7 Community Input Hearing, the day this application is 8 turned in, that's what we look at. It is final to 9 us. 10 This Commission even took a vote in 11 January and reaffirmed that position, if you all 12 will recall, when we were presented with possible 13 revisions to the application that allowed CSD to 14 help applicants rewrite their application. We 15 resoundingly said, "No." 16 So quite frankly, I'm very surprised that 17 the Director would bring us a recommendation for an 18 application with conditions that parts of it be 19 corrected, rewritten, revised, whatever the word is; 20 because we don't do that. 21 I also said pretty much that same thing at 22 the Community Input Hearing, not about the 23 recommendation -- because we didn't have it at that 24 time. So I'm surprised that we're looking at this 25 recommendation to begin with.</p>	<p style="text-align: right;">Page 68</p> <p>1 experience, \$34,000. And I know I said at the 2 hearing it was 32; but it's 34. 3 So that leaves \$312 to pay those teachers 4 to come in and work for three weeks and write the 5 curriculum. I somehow don't think it's going to 6 happen. 7 The other concern I expressed to you at 8 that time is that teachers are extremely hard to 9 find. I think there are not a handful of districts 10 in the State of New Mexico that have a full 11 complement of teachers right now for this school 12 year. 13 I'm from Artesia. Thank you, God, we do 14 have a full complement of teachers. But we're one 15 of the few, and we're a small school district. 16 So I think you're going to have an 17 extremely difficult time finding teachers. And if 18 you have a Level III teacher come to you and say 19 that she was interested in working for your school, 20 you can't afford her. You don't have the money, not 21 in this budget. 22 MR. PATRICK MASON: Yeah. And I 23 understand that. Like I said, I've been working 24 with REDW to -- what I did was I built in -- and 25 what they tell me -- is way too many soft points,</p>
<p style="text-align: right;">Page 67</p> <p>1 However, there are a couple of things I 2 did want to say about your application. I do want 3 anyone who may not have been at the Community Input 4 Hearing to hear my concerns -- and I expressed them 5 to you at the time -- to hear my concerns and why I 6 think this application is incomplete and 7 insufficient. And I told you at that time. 8 In your Part C of your application, on 9 Page 11, it says that the "Hillsdale Barney Charter 10 School Model will be used." 11 I also recall that you told us when we 12 were questioning you, about the teachers coming in 13 three weeks prior to the beginning of school to 14 write the curriculum, that you said the people from 15 Hillsdale would be the ones coming in to help them 16 write that curriculum. 17 MR. PATRICK MASON: Uh-huh. 18 COMMISSIONER SHEARMAN: So I am pretty 19 convinced that it's going to be Hillsdale's 20 curriculum. Hold on. 21 I'm also very concerned, as I said at the 22 Input Hearing, on brand-new teachers with no 23 experience; because that's all your budget allows 24 for. You've got \$34,312 as your salary for teachers 25 in Year 1. That's Level I, zero years of</p>	<p style="text-align: right;">Page 69</p> <p>1 that I should have put more of it toward the 2 salaries and taken less away from over here. 3 They've been working with us to revise 4 that to make it more realistic, especially as 5 salaries go. 6 I do want to address the curriculum issue. 7 You know, the curriculum, again, comes from -- the 8 so called Barney Charter School curriculum is Core 9 Knowledge, which is not affiliated with them; Riggs 10 Phonics, which is not affiliated with them; and 11 Singapore Math. That is the curriculum. That's the 12 curriculum we're using. 13 In fact, there's already a so-called 14 "Hillsdale" charter school in New Mexico, which is 15 Estancia Valley Classical Academy. And they 16 actually -- I believe, on their latest scores, some 17 of their classes are 89 percent "At or Exceeds Grade 18 Level" in some of their scores. 19 So I know this works. And I know that 20 this has been approved previously and that it works 21 for New Mexico. 22 And I -- and I don't think that there's 23 going to be any kind of -- I mean, having a -- 24 having this foundation come in for two weeks out of 25 the year to help train our teachers, I don't think</p>

<p style="text-align: right;">Page 70</p> <p>1 is going to be an undue influence on them. 2 COMMISSIONER SHEARMAN: Let me go on, 3 because you're answering things that weren't 4 questions. 5 MR. PATRICK MASON: Oh. They were just 6 comments? 7 COMMISSIONER SHEARMAN: You get to answer 8 questions. 9 MR. PATRICK MASON: Sorry. I thought it 10 was a question. 11 COMMISSIONER SHEARMAN: I'll get there. 12 MR. PATRICK MASON: Okay. 13 COMMISSIONER SHEARMAN: I noticed that 14 there's no professional development scheduled until 15 Year 2. You've got a lot of things in this 16 budget -- in this application that teachers are 17 going to do. Remember, your budget allows for brand 18 new, non-experienced teachers. And they're going to 19 be using all of these methods, all of these 20 techniques. And you don't have any -- any 21 professional development until Year 2. 22 I don't know when they're going to learn 23 that. 24 MR. PATRICK MASON: We actually have 25 professional development -- the two weeks prior to</p>	<p style="text-align: right;">Page 72</p> <p>1 facility you are looking at right now has a weighted 2 New Mexico Index of 98.33. And that's -- the 3 building must almost be falling down. I don't know. 4 But it must be in pretty bad shape. 5 So all I'm saying to you is you're not 6 ready. I remember what -- what Dr. Garcia used to 7 say when she was Secretary of Education. And it 8 was, "This plan is not ready for New Mexico kids and 9 New Mexico taxpayer dollars." 10 It doesn't mean it won't ever be ready; 11 but I don't believe it's ready this year. 12 MR. PATRICK MASON: Thank you. Is there 13 a -- could I address -- 14 COMMISSIONER SHEARMAN: Would it be all 15 right if he just responded? 16 THE CHAIR: That's fine. 17 MR. PATRICK MASON: So, just -- and I 18 won't go long. On the facilities issue, I've been 19 working with the Public School Facilities Authority. 20 What they told me is, is the way -- the rating of 21 the condition, in large part, came from the 22 overpopulation of the school; that's one of the 23 reasons it scored so low. 24 I think it's at, like, 750 kids right now. 25 And the building itself is capable of sustaining,</p>
<p style="text-align: right;">Page 71</p> <p>1 school is professional development, as well as 2 throughout the year, we have professional 3 development. 4 COMMISSIONER SHEARMAN: I didn't find it 5 in the budget. 6 MR. PATRICK MASON: I think it's in there; 7 but I could be wrong. 8 COMMISSIONER SHEARMAN: I did not find it. 9 Let me just say -- let me just say I think you have 10 a pretty good idea for a school. What is incomplete 11 and insufficient is the plan; because we look for a 12 complete plan, soup to nuts. And your plan is not 13 whole. It doesn't -- you couldn't start 14 implementing that plan tomorrow without a whole lot 15 of work. 16 And what we found, in my opinion, with a 17 school that we authorized last year that had issues, 18 and we had conditions on it, it didn't work; because 19 you're rewriting the plan while you're trying to 20 implement the plan. That doesn't make any sense. 21 So my personal opinion is -- and I guess I 22 don't need to -- oh. There's one more thing I 23 wanted to bring up, and that was facility. And you 24 said, at the Community Input Hearing, this is going 25 to be the biggest issue for your school; because the</p>	<p style="text-align: right;">Page 73</p> <p>1 like, 350 kids. So that was a big part of the -- of 2 the rating. 3 The only structural issues are the roof 4 and the air conditioning and the security fencing. 5 That would need to be improved. But even if that's 6 being said, we actually, thankfully, after the last 7 hearing, had a local business owner come to us and 8 offer us a 40,000 -- it's just a blank canvas right 9 now; would have to be retrofitted with classrooms -- 10 but a practically brand new building, 40,000 square 11 feet, as our backup plan. 12 We still think it's better to have a 13 school as the -- you know, something that's designed 14 to be a school, versus retrofitting a 15 40,000-square-foot space into a school. We think 16 it's better to have the school that's already there. 17 But we do have that as our backup plan, in case 18 things go wrong. 19 I do respect what you're saying about our 20 charter school. I do want to say that I read every 21 charter -- you have them all posted on your website. 22 When I was doing this, I read every single charter 23 school application, especially the ones that are 24 approved since -- going back -- I think 2009, I 25 think, is as far back as it goes, maybe a little</p>

<p style="text-align: right;">Page 74</p> <p>1 further, on your website. 2 And we did read those thoroughly. And 3 we -- I could be wrong; but I really felt that we 4 had addressed those concerns. 5 We're not asking for a rewrite of our 6 charter. What we're saying is we'll take all those 7 inputs that I think you've given us that I think are 8 incredibly valid, which is, "Put a special ed 9 teacher at the top of your list." 10 I think we will take those and make 11 sure -- and, you know, getting the -- REDW to do the 12 budget. 13 COMMISSIONER SHEARMAN: But, Mr. Mason, 14 what I am saying is we expected you to know that 15 when you were writing this application, not have us 16 have to tell you you have to have a special ed 17 teacher. 18 MR. PATRICK MASON: We have a special ed 19 teacher. 20 COMMISSIONER SHEARMAN: We expect you -- 21 if you say, "I can open a charter school," "Here's 22 A; here's Z; we got it all." 23 And you don't got it all. That's my 24 position. You can fix something after it's pointed 25 out that it's wrong. I want it to be right when it</p>	<p style="text-align: right;">Page 76</p> <p>1 long shot, 20. That's what some of the other 2 founders had thought they could do. Like I 3 addressed before, I don't think -- yeah, they're -- 4 that's a completely separate organization from us. 5 COMMISSIONER SHEARMAN: Thank you. 6 Thank you, Madam Chair. 7 THE CHAIR: Commissioner Peralta? 8 COMMISSIONER PERALTA: Thank you. So I'm 9 going to speak to a number of topics that have been 10 presented by my fellow Commissioners. But I just 11 kind of wanted to -- 12 THE CHAIR: Can I just ask you to 13 include -- if you hadn't planned it -- if you have 14 any information on that -- if the school rating is 15 affected by that overload -- 16 MR. PATRICK MASON: Oh, yeah. 17 THE CHAIR: -- if you -- if you can do 18 that. 19 COMMISSIONER PERALTA: Offhand, it doesn't 20 ring a bell to me. But what I can tell you is that 21 the average weighted index in New Mexico is around 22 18; so even then, you're way off the radar there. 23 So just -- yeah. 24 So I want to kind of jump on the 25 perspective of Commissioner Toulouse about the</p>
<p style="text-align: right;">Page 75</p> <p>1 comes to us -- 2 MR. PATRICK MASON: I understand. 3 COMMISSIONER SHEARMAN: -- so I have 4 absolute faith that you know what you're doing. 5 Can I ask you something else? 6 MR. PATRICK MASON: Yes. 7 COMMISSIONER SHEARMAN: Completely -- you 8 are a founder of an organization that I can't 9 remember what the name of it is. It's changed a 10 couple of times. 11 MR. PATRICK MASON: Excellent Schools 12 New Mexico. 13 COMMISSIONER SHEARMAN: Excellent Schools 14 New Mexico. Is this one of those 20 schools that 15 you all are going to open? 16 MR. PATRICK MASON: It has no connection. 17 In fact, I've been working on this for two years 18 before anybody ever approached me about Excellent 19 Schools New Mexico. 20 COMMISSIONER SHEARMAN: So it wouldn't be 21 one of the 20? 22 MR. PATRICK MASON: No, it would not. 23 COMMISSIONER SHEARMAN: So we're still 24 looking at 20 more? 25 MR. PATRICK MASON: I still think that's a</p>	<p style="text-align: right;">Page 77</p> <p>1 start-up approach, and -- you know, just speaking 2 for me, personally, my personal experience from one 3 of the charter schools that was one of the very 4 first charter schools in the State of New Mexico, 5 that it seemed like -- in my community -- is the -- 6 the phase-in model, and how we filled up -- start 7 small and work your way to big. 8 And, you know, they started K-3, went to 9 K-5, and eventually, K-8. They have been very 10 consistent; they've been very successful. 11 And so I really believe that what 12 Commissioner Toulouse is telling you about is that 13 K-8 may be a stretch, you know. So -- so I 14 definitely believe that maybe the phase-in approach 15 is a much better approach for you-all in starting up 16 a school. 17 As far as recruitment for teachers, from 18 an administrative experience, I can tell you, that's 19 a big, monumental task. We've had a new HR director 20 who came from in Arizona and has tried from all 21 surrounding neighboring states, you know, to try and 22 get teachers in, and we still have gaps to fill. 23 We have -- we have a pipeline this year of 24 one of the assistant special ed directors from APS 25 who is now our director at Socorro. And we tried</p>

<p style="text-align: right;">Page 78</p> <p>1 the pipeline right into APS and some of our fellow 2 colleagues and even adding -- even throwing out a 3 signing bonus. And we still have those positions 4 still to fill in some of our schools in the 5 District. 6 So, you know, it's going to be tough. I 7 mean -- so K-8 -- maybe going K-5, you might be able 8 to get a complete staff on board. So I just kind of 9 want to just give you my perspective on that. 10 MR. PATRICK MASON: Thank you, 11 Commissioner. 12 THE CHAIR: Okay. I'll try to make this 13 brief. 14 I'm going to simply address some of the 15 areas, quickly, that I did at the Input Hearing. 16 And it -- it reiterates what many others have said 17 today. 18 My concern with the K-8 rollout is 19 extraordinary. And it -- it wasn't alleviated 20 today; because if you get five in a sixth grade, it 21 was -- it was brought out, and you get 30 in a third 22 grade, it's going to have such an impact on your 23 budget to have to carry those small numbers, 24 potentially, in any of those grades. 25 I know the issue has been addressed about</p>	<p style="text-align: right;">Page 80</p> <p>1 you can adequately do that. And I don't think 2 you've got it budgeted to be able to do that, as 3 well. 4 And if you're just going to be handing 5 pre-made curriculum out to people and say, "Here, 6 this is what you're going to be teaching," that's 7 not sensitive to the community that you're -- that 8 you're teaching, as well. And that's what I'm kind 9 of gathering that you're doing. 10 I've got serious concerns. I don't know 11 why -- is it "Barkley"? 12 MR. PATRICK MASON: "Barney." 13 THE CHAIR: The charter organization is 14 "Barkley"? "Barney." 15 I have serious concerns as to why is 16 Barney coming in for two weeks out of a year? Why, 17 if you're not using any curriculum that's associated 18 with them? I don't know why they'd even be 19 interested in doing that. 20 And I do have -- I mentioned it at the 21 Input Hearing. I have a serious concern about the 22 connection with Hillsdale College. And I reiterate 23 Commissioner Carr's. It sounds good; but it's -- it 24 can also open the door -- I'll tell you, I -- I had 25 a cross burned in the empty lot next door to me. So</p>
<p style="text-align: right;">Page 79</p> <p>1 the budget and the professional development. I 2 don't remember if it was in the budget. I know, in 3 the narrative, you did say that the two weeks prior 4 to the school was for curriculum development. 5 And I think that that's truly an 6 impossible task, especially when you're looking at 7 the fact that you are, realistically, only going to 8 be able to hire first-year teachers. I think the 9 number of us that have sat on curriculum 10 committees -- you know, it took me ten years to be 11 able to open the door to be able to get into 12 curriculum work, because I wasn't considered 13 experienced enough to be able to do that. 14 And I tell people -- I think I cried every 15 night my first year of teaching, because it was so 16 overwhelming. So to ask new teachers to be able to 17 sit down and adequately provide curriculum for 18 that -- for what they're going into in two weeks, 19 it's -- it's unfair to the student population to ask 20 those individuals to then be writing that 21 curriculum. 22 In addition, you need to be providing 23 professional development for those teachers who 24 could potentially be from out of the area and the 25 culture. So I don't think you can -- I don't think</p>	<p style="text-align: right;">Page 81</p> <p>1 it's a -- it's an issue that I've got definite 2 concerns about that. 3 The final analysis said that there was 4 adequate culture placed into that application. And 5 I'll be honest with you -- and we mentioned it at 6 the Input Hearing -- I didn't see anything about 7 culture in that application; so I don't know where 8 that rating came from. 9 And I went back over the application, and 10 I didn't see any part of the Four Corners culture in 11 that application. And that was a concern, to start 12 with. 13 So I -- you know, I think -- I'm not going 14 to go to the "incomplete"; but I'm going to go to 15 the "insufficient." I think there's too many 16 questions that are out there, especially about the 17 curriculum and the adequate staffing, to provide 18 that education at this point in time. 19 Anyone else? Okay. I'll entertain a 20 motion. And I do believe -- let me find a page -- 21 COMMISSIONER SHEARMAN: Madam Chair, since 22 the motion to -- should the motion be to deny, it 23 needs to list the reasons for that denial, and they 24 must be legally correct. 25 Might I suggest that we take a few-minute</p>

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<p>1 break, and you consult with our attorneys to be sure 2 that we're -- whatever we do, we do it correctly? 3 MR. PATRICK MASON: Can I have one more 4 comment, Commissioner? 5 THE CHAIR: Certainly. 6 MR. PATRICK MASON: You know, reading 7 Lane's hearing last year, I did find one thing. 8 THE CHAIR: Okay. I'm -- I'm just going 9 to say this, and -- we're not looking back at other 10 applications. 11 MR. PATRICK MASON: It's just for this 12 one. 13 THE CHAIR: And I'm going to say for this 14 one, I don't look back at other applications. I 15 don't look back at other hearings; so I'm not -- and 16 I do not believe that any of the other Commissioners 17 look at other and make any connection to them. So I 18 would appreciate it -- 19 MR. PATRICK MASON: Fair enough. 20 Madam Chair. 21 THE CHAIR: Okay? So if we could take a 22 five-minute break, and we'll work out the wording of 23 the motion? Thank you. 24 (Recess held, 10:35 a.m. to 10:50 a.m.) 25 THE CHAIR: So, Commissioners, I will</p>	<p>1 "2. An educational program consistent with 2 the requirements and purposes of the Charter 3 Schools Act." 4 THE CHAIR: If I could just ask the 5 Commissioner to also amend that to include the name 6 of the school, which was not in the -- in the 7 wording. And I apologize. 8 COMMISSIONER CARR: I -- I should have 9 known. I should have said. And I'm amending this 10 to -- to deny Hozha [ph]. 11 MR. PATRICK MASON: "Hozho." 12 COMMISSIONER CARR: "Hozho." I knew I was 13 going to mess that up. Sorry. 14 COMMISSIONER SHEARMAN: I'll second. 15 THE CHAIR: Commissioner Armbruster, 16 roll-call vote, please? 17 COMMISSIONER ARMBRUSTER: Commissioner 18 Shearman? 19 COMMISSIONER SHEARMAN: A "yes" vote is to 20 deny. Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Peralta? 23 COMMISSIONER PERALTA: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Pogna?</p>
<p>1 entertain a motion at this time. 2 COMMISSIONER CARR: Do you have it? 3 THE CHAIR: I do. 4 COMMISSIONER CARR: I didn't say I was 5 going to do it. I was just asking if you had it. 6 And you get up and bring it over to me anyway. 7 (Chair consults with Commissioner Carr.) 8 COMMISSIONER CARR: I didn't have much to 9 do with putting this together; so I'll do the best I 10 can. 11 I am moving that we deny, based on, 12 overall, the application is either incomplete or 13 inadequate. The applicants did not sufficiently 14 demonstrate the experience, knowledge, and 15 competence to successfully open and operate a 16 charter school. 17 The Charter Schools Act, in paragraph (i) 18 of subsection L of Section 22-8B-6, NMSA 1978, 19 states that, "The chartering authority may approve, 20 approve with conditions, or deny an application. 21 The chartering authority may deny an application if 22 it's based, but not limited to, the following: 23 "1. The application is incomplete and 24 inadequate; i.e., curriculum development, staffing, 25 professional development, budget;</p>	<p>1 COMMISSIONER POGNA: No. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Toulouse? 4 COMMISSIONER TOULOUSE: Yes. 5 COMMISSIONER ARMBRUSTER: Commissioner 6 Gipson? 7 COMMISSIONER GIPSON: Yes. 8 COMMISSIONER ARMBRUSTER: Commissioner 9 Carr? 10 COMMISSIONER CARR: Yes. 11 COMMISSIONER ARMBRUSTER: Commissioner 12 Chavez? 13 COMMISSIONER CHAVEZ: Yes. 14 COMMISSIONER ARMBRUSTER: Commissioner 15 Armbruster votes "Yes" -- "No." I vote "No." 16 But the vote is one, two -- is six to two; 17 so it passes. 18 COMMISSIONER SHEARMAN: I'm sorry. You 19 voted "No," Commissioner Armbruster? Is that 20 correct? 21 COMMISSIONER ARMBRUSTER: I did. 22 THE CHAIR: Thank you. And thank you very 23 much. 24 MR. PATRICK MASON: Thank you, 25 Commissioners. I wish we had the opportunity to</p>

<p style="text-align: right;">Page 86</p> <p>1 help these kids. I think they could do great 2 things, like, be lawyers; but...</p> <p>3 COMMISSIONER TOULOUSE: May I remind you, 4 Mr. Mason, that we have many, many schools that it 5 takes two or three years to get approved --</p> <p>6 MR. PATRICK MASON: Yeah, I understand.</p> <p>7 COMMISSIONER TOULOUSE: If you fix it up, 8 I think you will have smooth sailing.</p> <p>9 MR. PATRICK MASON: I think we are going 10 to appeal. But thank you, Commissioner.</p> <p>11 COMMISSIONER SHEARMAN: Did you announce 12 the vote?</p> <p>13 COMMISSIONER ARMBRUSTER: I did.</p> <p>14 THE CHAIR: Sorry. That was a six-to-two 15 vote to deny the application.</p> <p>16 COMMISSIONER SHEARMAN: Thank you.</p> <p>17 THE CHAIR: Do we have anyone from Albert 18 Einstein here?</p> <p>19 COMMISSIONER CARR: Wow.</p> <p>20 THE CHAIR: Okay.</p> <p>21 MS. POULOS: Madam Chair, Commissioners, 22 before you is consideration for the application for 23 the Albert Einstein Academy. 24 The Charter Schools Division is 25 recommending the denial of this application for the</p>	<p style="text-align: right;">Page 88</p> <p>1 in 16 areas. Only two areas were scored "Meets or 2 Exceeds."</p> <p>3 In the Business Plan section, the 4 applicant review team rated more than one response 5 "Does Not Meet" and less than 70 percent of the 6 responses "Meets or Exceeds." The applicant scored 7 "Does Not Meet" in seven areas in the Business Plan 8 section, and no areas were scored "Meets or 9 Exceeds."</p> <p>10 In the Evidence of Support section, the 11 review team rated more than one response "Does Not 12 Meet" and less than 10 percent of responses "Meets 13 or Exceeds." The applicants were "Partially Meets" 14 in one area and "Does Not Meet" in four areas. No 15 areas were scored "Meets or Exceeds."</p> <p>16 As a result, CSD is recommending the 17 denial of this application.</p> <p>18 THE CHAIR: Commissioners, any questions? 19 Commissioner Carr?</p> <p>20 COMMISSIONER CARR: So, you know, maybe 21 it's not that big a deal to ask questions right now. 22 But I do have a question. 23 Is -- and this is for the Charter 24 Division. Is LeAnne Salazar-Montoya still 25 associated with this application?</p>
<p style="text-align: right;">Page 87</p> <p>1 following reasons: The application was complete. 2 The applicant fail- -- sorry -- incomplete because 3 the applicant failed to timely submit five of the 4 six required appendices, including the governing 5 body bylaws, head administrator job description, job 6 descriptions for certified, licensed, and other key 7 staff, PSFA-approved projected facility plan 8 documentation, and a five-year budget plan.</p> <p>9 The CSD also believes the application is 10 inadequate because, in the Academic Plan section, 11 the review team rated more than three responses 12 "Partially Meets," more than one response "Does Not 13 Meet," and less than 70 percent of the responses 14 "Meets or Exceeds."</p> <p>15 The applicant scored "Partially Meets" in 16 six areas and "Does Not Meet" in six areas of the 17 Academic Plan section. Three areas were scored as 18 "Meets or Exceeds."</p> <p>19 In the Organizational Plan section, the 20 review team rated more than three responses 21 "Partially Meets," more than one response "Does Not 22 Meet," and less than 70 percent of the responses 23 "Meets or Exceeds."</p> <p>24 In that section, the applicant scored 25 "Partially Meets" in six areas and "Does Not Meet"</p>	<p style="text-align: right;">Page 89</p> <p>1 MS. POULOS: Madam Chair, Mr. Carr, 2 Commissioner Carr, we have received no communication 3 from the school since that response, which was 4 forwarded to the Commission, was received, in which 5 Ms. Salazar-Montoya requested that the Commission 6 reconsider their position that the application was 7 incomplete.</p> <p>8 So we are not aware. We received no 9 communication from her or other applicants about 10 whether she would be in attendance today. She is 11 the only representative on the applicant team that 12 has an e-mail address that works. The other 13 representative, we get bounce-backs every time we 14 send an e-mail.</p> <p>15 COMMISSIONER CARR: The -- do any members 16 of the Commission or the Charter Division know if 17 she is still superintendent at Mora Public Schools?</p> <p>18 MS. POULOS: Madam Chairwoman, 19 Commissioner Carr, that is my understanding.</p> <p>20 COMMISSIONER CARR: That she --</p> <p>21 MS. POULOS: That she is the 22 superintendent of Mora Public Schools.</p> <p>23 COMMISSIONER CARR: That she is the 24 superintendent of Mora Public Schools? So I would 25 just like to state, for the record, that we -- that</p>

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<p>1 I have an issue that LeAnne Salazar-Montoya is 2 being -- you know, is going to be possibly in court 3 in regards to the alleged illegal firing of three 4 educators in her school district, and there are 5 other allegations, as well. 6 So just in case anybody was going to vote 7 for this school, I just wanted to make it -- state 8 it for the record, that this is something, in 9 addition to the application, that is very -- it's 10 concerning to me, that she may, you know, end up 11 bringing this school into the future, as well. 12 So I -- anyway, I have grave concerns 13 regarding the leadership of this particular 14 individual in regards to this school, based on 15 what's going on, which we'll probably find out more 16 in the next year. And that's all I've got to say. 17 THE CHAIR: Commissioners, any other 18 comments? Questions? If not, I will -- 19 COMMISSIONER SHEARMAN: May I just make a 20 comment? I'm sorry. 21 THE CHAIR: Sure. 22 COMMISSIONER SHEARMAN: Just for the 23 record, I would like to say that we -- those of us 24 who attended the Community Input Hearing on this 25 application pointed out very clearly that this</p>	<p>1 inadequate;" 2 And No. 2, "The application does not 3 propose to offer an educational program consistent 4 with the requirements and purposes of the Charter 5 School Act." 6 COMMISSIONER PERALTA: I second that. 7 THE CHAIR: Second by Commissioner 8 Peralta. 9 Roll-call vote, please? 10 COMMISSIONER ARMBRUSTER: Commissioner 11 Chavez? 12 COMMISSIONER CHAVEZ: Yes. 13 COMMISSIONER ARMBRUSTER: Commissioner 14 Pogna? 15 COMMISSIONER POGNA: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Carr? 18 COMMISSIONER CARR: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Toulouse? 21 COMMISSIONER TOULOUSE: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Shearman? 24 COMMISSIONER SHEARMAN: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>
<p>1 application, to our mind, was incomplete, because of 2 the five pieces of the application that were 3 missing. As a matter of fact, Chairwoman Gipson 4 even counted -- said, "There are five missing." 5 So I don't think there's any way we could 6 take any other action on this application other than 7 to deny it as incomplete and certainly inadequate. 8 I just wanted that on the record. 9 Thank you. 10 And I will make the motion, Madam Chair. 11 THE CHAIR: Thank you, Commissioner. 12 COMMISSIONER SHEARMAN: I move that the 13 application for the Albert Einstein Academy be 14 denied, as overall, the application is either 15 incomplete or inadequate. The application did not 16 sufficiently demonstrate the experience, knowledge, 17 and competence to successfully open and operate a 18 charter school. 19 The Charter School Act, in paragraph i of 20 section L of Section 22-8B-6 NMSA 1978, states that, 21 "A chartering authority may approve, approve with 22 conditions, or deny an application. A chartering 23 authority may deny an application if..." -- and we 24 believe this is the case with this application -- 25 No. 1, "The application is incomplete and</p>	<p>1 Armbruster votes "Yes." 2 Commissioner Gipson? 3 COMMISSIONER GIPSON: Yes. 4 COMMISSIONER ARMBRUSTER: Commissioner 5 Peralta? 6 COMMISSIONER PERALTA: Yes. 7 COMMISSIONER ARMBRUSTER: That is an 8 eight-to-zero vote. 9 THE CHAIR: That is an eight-to-zero vote 10 to deny the application. 11 COMMISSIONER ARMBRUSTER: To deny. 12 THE CHAIR: Thank you. 13 COMMISSIONER SHEARMAN: I'm sorry. Did 14 the motion need to state the reasons? Yes? 15 THE CHAIR: I think so; because 16 ultimately, they still have the ability to appeal 17 it, if they choose. So I believe the motion needed 18 to state the reasons. 19 COMMISSIONER SHEARMAN: So what do we do 20 now? New motion or amend the motion? 21 MS. McKEE: You can amend the motion. 22 COMMISSIONER GIPSON: But I thought you -- 23 COMMISSIONER SHEARMAN: But is that 24 sufficient? 25 MS. McKEE: Absolutely.</p>
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<p style="text-align: right;">Page 94</p> <p>1 COMMISSIONER SHEARMAN: That's enough? 2 COMMISSIONER CARR: Yeah. 3 COMMISSIONER SHEARMAN: We don't have to 4 state why we feel it's incomplete? 5 COMMISSIONER ARMBRUSTER: I thought you 6 did; because you said it did not include all the 7 appendices. 8 THE CHAIR: I think it's fine. I don't -- 9 okay? Are we okay? 10 MS. McKEE: (Indicates.) 11 THE CHAIR: All right. We are now on to 12 item No. 6, Discussion and Possible Action on 13 Charter School Amendments. 14 COMMISSIONER SHEARMAN: "Has moved," it 15 says, after the fact? 16 THE CHAIR: Yes. 17 Good morning. And if you could state your 18 name for the record, please? 19 MR. JUSTIN BAIARDO: My name is Justin 20 Baiardo. I'm the founder of Explore Academy. 21 MS. VICKY McCARTY: I'm Vicky McCarty, 22 Principal of Explore Academy. 23 MS. POULOS: Madam Chairwoman, 24 Commissioners, Explore Academy is requesting to 25 amend its charter to reflect that the school has</p>	<p style="text-align: right;">Page 96</p> <p>1 I ask -- may I ask a question? 2 THE CHAIR: Commissioner Toulouse? 3 Certainly. 4 COMMISSIONER TOULOUSE: Actually, I have 5 two. 6 Number one is why did you move without 7 letting us know? I know you knew you were supposed 8 to let us. 9 And secondly, how has it affected your 10 enrollment, when you went just about as far 11 diagonally across the city as you can go, and you 12 are in an area very different from the one you were 13 approved in? 14 MR. JUSTIN BAIARDO: Members of the 15 Commission, we were in negotiations to extend our 16 lease for another year at our -- what is now our 17 former location. And we were working toward that 18 end throughout the spring and into the summer. 19 As the Director had mentioned, we're 20 looking at a more permanent solution; and that's 21 obviously been a long-term project for us. 22 The -- when we realized in June that 23 the -- the extension of that lease was not going 24 to -- was not going to happen, we had to -- the 25 temporary facility, which we're now occupying, we</p>
<p style="text-align: right;">Page 95</p> <p>1 already moved from 3831 Midway Place, Albuquerque, 2 New Mexico, to a temporary location at 6900 3 Los Volcanes, Albuquerque, New Mexico. 4 This school has provided a rationale for 5 its request, in that the original lease expired. 6 And the school is working for a permanent facility 7 and is looking to do that and would bring back an 8 amendment request for that change in location. 9 I do, just at the outset, want to 10 recognize the excellent academic work that this 11 school has done over the past year. They increased 12 their letter grade from a D to an A; and I think 13 that's very commendable. So I absolutely want to 14 recognize them for that. 15 CSD has provided motion language, on the 16 last pages, to approve -- approve, or approve with 17 conditions, or deny. The Commission, I know, is 18 concerned about the fact that they have moved prior 19 to obtaining the approval. 20 And one of the conditions that's proposed 21 as a potential condition is that they ensure that 22 the request for any subsequent move is approved by 23 the Commission prior to that move. 24 THE CHAIR: Thank you. 25 COMMISSIONER TOULOUSE: Madam Chair? May</p>	<p style="text-align: right;">Page 97</p> <p>1 began to -- we had had discussions with this 2 facility owner prior to that, just as a backup. 3 But the facility was actually changing 4 ownership. It belonged to one church -- it is a 5 church facility, with an education wing to it, which 6 we're occupying. And it was being sold to another 7 church. And the transaction -- we had to wait for 8 that transaction to be complete before the new 9 ownership took over. The transaction was closed, 10 and then they could engage us in the execution of a 11 lease. 12 All of that timeliness pushed it through 13 into July. And then the moment that we had the -- 14 the ability to negotiate the lease with the new 15 ownership, we did. The lease was executed. Then we 16 sent the lease that same evening, as soon as we 17 possibly can. 18 That is a concern for us, as well. We 19 have not lost any students based on the relocation 20 to the westside. It is out of our central location, 21 which we -- the facilities that we are looking at -- 22 the one that we are finalizing, is right about -- 23 about 100 yards away from where we used to be, which 24 is right where our focused geographic location is; 25 so we're happy to get back to that.</p>

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1 And that will be in the coming months,
 2 when we come back for that request for the move --
 3 the second move, I should say.
 4 We -- you know, we've got a very strong,
 5 committed parent and student population, and we're
 6 thankful that they are as committed as they are;
 7 because with our bus transportation, some of the
 8 students are riding buses -- the bus ride is a
 9 little longer for them in the morning, especially
 10 for our eastside students. But we -- they followed
 11 us there, and we appreciate that.
 12 It is not our intention to stay in that
 13 location for longer than absolutely necessary, just
 14 to remain in operation.
 15 COMMISSIONER TOULOUSE: I am certainly
 16 pleased with your letter grade. But we have several
 17 schools that are looking, and we have them on the
 18 list. You don't have to tell us you are going to
 19 move until you're ready. But you needed to tell us
 20 as soon as you got into trouble and for future
 21 reference. And for your next move, just let us know
 22 that you're looking. It's important, because we are
 23 responsible, ultimately, for what you do at your
 24 school, if you do well, if you do badly. I know we
 25 get yelled at. You get praised; we get yelled at.

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1 So I just want to make sure you understand, "A"
 2 school or not, let us know when you're ready to do
 3 another lease. Thank you.
 4 MR. JUSTIN BAIARDO: Sure.
 5 MS. POULOS: Madam Chairwoman,
 6 Commissioner Toulouse, I do want to let you know
 7 that this school did make us aware that they were
 8 looking. That information is available in the
 9 materials.
 10 You'll see that in Item 7, in that update
 11 that's rolling, they did notify us on March 11th.
 12 What is at issue is not that they moved before
 13 notifying us, but that they moved before obtaining
 14 the approval of the amendment.
 15 THE CHAIR: My question is, when do we
 16 anticipate you would be able to move back into the
 17 location where you're hoping to permanently be?
 18 MR. JUSTIN BAIARDO: The time lines
 19 predicted as they are -- or unpredictable as they
 20 are, I should say -- we're looking at January 1st as
 21 our goal.
 22 THE CHAIR: Of 2017?
 23 MR. JUSTIN BAIARDO: Correct.
 24 COMMISSIONER GIPSON: This one-year lease,
 25 you don't anticipate that it's going to go beyond a

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1 year?
 2 MR. JUSTIN BAIARDO: Our current temporary
 3 lease takes us through January 1st at this point.
 4 THE CHAIR: Right.
 5 MR. JUSTIN BAIARDO: Right. And there's
 6 an option to extend; but we're not going to exercise
 7 that option if we can move back to that permanent
 8 facility that we're finalizing, if that makes sense.
 9 THE CHAIR: Okay. When -- when do you
 10 anticipate you'll be able to finalize?
 11 MR. JUSTIN BAIARDO: October 1st.
 12 THE CHAIR: October 1st.
 13 MR. JUSTIN BAIARDO: We have to have that
 14 element finalized before we can bring forth that
 15 official amendment request. That would be done
 16 right at that -- simultaneous, in other words.
 17 THE CHAIR: So you're planning on starting
 18 the new semester --
 19 MR. JUSTIN BAIARDO: Correct.
 20 THE CHAIR: -- back --
 21 MR. JUSTIN BAIARDO: Correct.
 22 THE CHAIR: Okay. All right.
 23 Commissioner Shearman?
 24 COMMISSIONER SHEARMAN: Just one. The new
 25 facility that you're hoping to be in by January,

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1 what is the student population count? What's the
 2 limit on student numbers that you can have in that
 3 facility?
 4 MR. JUSTIN BAIARDO: It's rated for
 5 500 students, which is our cap.
 6 COMMISSIONER SHEARMAN: Okay.
 7 MR. JUSTIN BAIARDO: Right now, I think
 8 we'll be at 230 this year, by the 40th day. So
 9 we're going into our -- this is our third year; so
 10 we feel like it gives us room to grow at a good
 11 location. So...
 12 THE CHAIR: And it has an E-Occupancy.
 13 MR. JUSTIN BAIARDO: It does not have the
 14 E-Occupancy. The NMCI rating is very favorable.
 15 But the E-Occupancy will have to be achieved with
 16 some modifications to be done to the building
 17 between now and when we occupy it. Right.
 18 THE CHAIR: Commissioner Peralta?
 19 COMMISSIONER PERALTA: The temporary site
 20 you're at now, to your knowledge, was this used by a
 21 former school?
 22 MR. JUSTIN BAIARDO: It was. It was used
 23 by a private Baptist school. There's an education
 24 wing. There's a gymnasium. It's got 26 classrooms.
 25 So it's a good fit for a school. It's just outside

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<p>1 of our -- kind of our geographic -- ideal geographic 2 area. So as a school, it works functionally very 3 well. It does have the E-Occupancy rating on it; 4 so...</p> <p>5 COMMISSIONER PERALTA: So when you made 6 your move, there wasn't notification to us. But did 7 you happen to at least make a phone call to PSFA to 8 say, "We're making a shift," to make an inspection, 9 all of that?</p> <p>10 MR. JUSTIN BAIARDO: We had the 11 inspections done last year, because we had had 12 this -- but we actually were interested -- we had 13 had this as a backup facility for a while. So we 14 did those inspections about 12 months ago, just to 15 have that.</p> <p>16 COMMISSIONER PERALTA: Just temporary. 17 MR. JUSTIN BAIARDO: Just temporary, 18 right.</p> <p>19 COMMISSIONER PERALTA: Okay. Thank you. 20 THE CHAIR: Commissioners, any other 21 questions? 22 Okay. I'll entertain a motion, which I 23 believe -- 24 COMMISSIONER SHEARMAN: Madam Chair? 25 THE CHAIR: Commissioner Shearman?</p>	<p>1 COMMISSIONER PERALTA: Yes. 2 COMMISSIONER ARMBRUSTER: Commissioner 3 Pogna? 4 COMMISSIONER POGNA: Yes. 5 COMMISSIONER ARMBRUSTER: Yes? 6 Commissioner Armbruster votes "Yes." 7 Commissioner Gipson? 8 THE CHAIR: Yes. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Shearman? 11 COMMISSIONER SHEARMAN: Yes. 12 COMMISSIONER ARMBRUSTER: That is an 13 eight-to-zero vote, and it passes, that we have 14 given them permission. 15 THE CHAIR: To be where they are. 16 COMMISSIONER ARMBRUSTER: To be where they 17 are. 18 MR. JUSTIN BAIARDO: Appreciate it. 19 THE CHAIR: And congratulations on your 20 school grade. I don't want this to overshadow your 21 great successes. And we look forward to hearing 22 from you soon before you move again. 23 MR. JUSTIN BAIARDO: Yes. Yes. 24 MS. VICKY McCARTY: Absolutely. 25 THE CHAIR: Have a great day.</p>
<p style="text-align: center;">Page 103</p> <p>1 COMMISSIONER SHEARMAN: Madam Chair, I 2 move that the Commission approve the relocation of 3 Explore Academy to the new temporary location at 4 6900 Los Volcanes, Albuquerque, with the caveat that 5 they -- the school come to us for an amendment 6 approval prior to any other move. 7 THE CHAIR: Second? 8 COMMISSIONER ARMBRUSTER: Second. 9 THE CHAIR: Second by Commissioner 10 Armbruster. 11 COMMISSIONER SHEARMAN: I tied you up on 12 that one, didn't I? 13 THE CHAIR: Commissioner Armbruster, 14 roll-call vote, please? 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Carr? 17 COMMISSIONER CARR: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Chavez? 20 COMMISSIONER CHAVEZ: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Toulouse? 23 COMMISSIONER TOULOUSE: Yes. 24 COMMISSIONER ARMBRUSTER: Commissioner 25 Peralta?</p>	<p style="text-align: center;">Page 105</p> <p>1 Okay. We are now on to No. 7, Report from 2 Options for Parents and the Charter School Division, 3 Discussion and Possible Actions. 4 MS. POULOS: Madam Chairwoman, 5 Commissioners, the Charter School Division Update. 6 There's no necessarily materials there for 7 you. This was an item based on the discussions that 8 we had. 9 I do just want to highlight for you those 10 ongoing actions are still provided in your 11 materials. That includes any status updates on 12 requests that the Commission has made about 13 monitoring certain schools, as well as any 14 Corrective Action Plans, and, additionally, schools 15 looking for a facility. 16 That list is ongoing, and I believe it's 17 currently up-to-date. When changes are approved for 18 a school that has notified you that they're looking 19 for a facility where an amendment has been approved, 20 they would be removed from that list as obviously 21 not looking any longer. 22 So I just wanted to kind of make sure you 23 knew that's provided in your materials every month. 24 We did want to just give you an update on 25 our staffing. CSD has posted three positions. We</p>

<p style="text-align: right;">Page 106</p> <p>1 have moved forward with what we've been discussing 2 for some time, which is that reorganization to have 3 a group of our staff that are dedicated to providing 4 the training, the technical assistance, and the 5 support, as well as having the group of staff 6 members that are really solely responsible for the 7 work that you see, the evaluations, the apps, the 8 site visits, the review of new applications, renewal 9 applications. 10 So one of the positions that we are 11 currently hiring for is currently advertised as the 12 "General Manager." We're actually going to be 13 changing that title to the "Authorizing Practices 14 Manager," just so that that's a little clarity on 15 what that person is responsible for. 16 We're also currently recruiting for the 17 Training Technical Assistance Support Supervisor; 18 and that person will be overseeing the team that 19 does that work with regards to supporting our 20 charter schools. And we're also hiring for another 21 team member for that group. 22 So we've got quite a few positions posted, 23 and we're continuing to be diligent about that 24 process. 25 We, just, to give you an update on the</p>	<p style="text-align: right;">Page 108</p> <p>1 entity. 2 So we're pretty excited that we've been 3 getting that great feedback, and we're going to be 4 continuing to offer those every month. They're 5 offered at no cost to the schools. They're in a 6 centralized Albuquerque location. And so it's, I 7 think, been a real benefit to a lot of our schools 8 who find it challenging on the governing board 9 training to foot some of that expense. 10 We have also been working on the governing 11 board training rule. We believe that it's 12 appropriate to make some revisions to that 13 regulation. And so we're floating out the draft to 14 a lot of different entities, and I'll be sending it 15 to the Commission for your feedback, because we'd 16 love to get your feedback on that potential rule to 17 govern what the governing body training needs to 18 look like. 19 In addition, the other side of the house 20 has been working very hard on getting our Web EPSS 21 information in and getting those evaluated. 22 Certainly, it's been a challenging process this 23 year. We have 62 schools from the last school year. 24 We were not able to get information from the two 25 that closed prior to their closure, so we won't have</p>
<p style="text-align: right;">Page 107</p> <p>1 work that we've been doing over the past couple of 2 months, I do want to give my team some recognition. 3 We have received amazing feedback about the 4 technical assistance and training that we've been 5 providing to our governing boards, quite frankly, 6 feedback that this is the best training they've ever 7 received. 8 So we're really pleased to be getting that 9 feedback. We're constantly asking them for more 10 constructive feedback, so we can meet their needs; 11 but we're doing a kind of basic programming about 12 kind of introduction to governing boards, so our 13 governing board members have a better understanding 14 of their basic responsibilities, as well as some 15 information that they need to be able to carry those 16 out; a good understanding of academic evaluations, 17 what the letter grades are, how they're evaluated, 18 how they're calculated, their fiscal 19 responsibilities, how they should be monitoring 20 these charter schools, what they should be looking 21 for; giving them the heads-up on some issues that 22 have come up so, hopefully, they're continuing to 23 get better at preventing those things that come up; 24 and then, also, some of the organizational pieces, 25 and then just the basics of operating as a public</p>	<p style="text-align: right;">Page 109</p> <p>1 a complete Web EPSS and Performance Framework for 2 those two schools. 3 In addition, one of the schools changed 4 authorizers; and so we also don't have a complete 5 Performance Framework for them last year. But we 6 are working on the Performance Frameworks for the 7 other 59 schools that you authorized last year. 8 We did ask those schools to submit 9 responses to any information that had been put in 10 their Web EPSS based on the site visit and other 11 information that we had gathered about compliance 12 and certain issues aligned with your performance 13 metrics. 14 And as of the 30th -- so yesterday -- 15 55 of our schools had completed the information. 16 Again, the deadline was the 15th; so we're still 17 working with those other four schools to get 18 complete submissions of the information we need to 19 be able to evaluate the Performance Frameworks and 20 provide those to you. 21 We have one school that has partially 22 submitted, but is not complete, and then three 23 schools that have not submitted at all. And so we 24 will be communicating with those schools. 25 As of the deadline on the 15th -- and this</p>

<p style="text-align: right;">Page 110</p> <p>1 is just to show you some of the challenges we 2 face -- only 19 of the schools had submitted the 3 materials needed into their Web EPSS. And so 4 certainly, there's some work that's been done over 5 the past couple of weeks to support and communicate 6 with those schools that did not submit in time to 7 get the information. And as I said, we're 8 continuing to work with those other schools. 9 And what the team will be then doing is 10 evaluating all of the submissions, as well as the 11 information we had previously, to determine what the 12 appropriate rating in the Performance Framework is. 13 And we'll get those to you as soon as we are able. 14 I think that we'll have a good conversation, I hope 15 later today, about some time lines on that for 16 future years. 17 The other thing that both team members 18 have been doing, which I think is really exciting 19 for us, is actually getting out to the governing 20 board meetings. We did notify the schools pretty 21 late that we would be doing that. They are public 22 meetings; so we weren't too concerned about that. 23 But we did want to give them a heads-up that we 24 would be visiting. 25 Our intent is to visit at least one</p>	<p style="text-align: right;">Page 112</p> <p>1 whether they've obtained a new director? 2 MS. POULOS: I do not have that 3 information. I will work on getting that to you. 4 If that's something you're interested in, I think 5 there's a couple of other schools that we may need 6 to update you on with regards to having a licensed 7 administrator as the director, also. 8 THE CHAIR: Right. I would appreciate 9 that. I was going through -- in addition, I was 10 going through and creating my own chart with all the 11 school grades; so I was -- I went through -- I did 12 notice that on our website, the list of charters, 13 Health Science is still on there. And even on the 14 State website, Roots and Wings and Cariños is still 15 listed through their district, so that there's not a 16 complete listing. It took me a while. And I think 17 I've got them all correct. 18 But if we could get that updated, so that 19 people -- and I know of some of those head 20 administrators that are listed there, in all 21 likelihood, are not there. 22 MS. POULOS: Chairwoman, yes, absolutely. 23 So that data is actually compiled at the 40th day, 24 maybe not the most convenient. But that's when we 25 have S.T.A.R.S. data that comes in; so they've at</p>
<p style="text-align: right;">Page 111</p> <p>1 governing board meeting for every school throughout 2 the year. We bring with us the checklist from the 3 Open Meeting Compliance Guide, just to kind of guide 4 us in that, and also look for some best practices. 5 And we're trying to give them some good feedback on 6 how they can improve their practices as a governing 7 board based on any concerns that we have with the 8 Open Meetings Act, as well as just best practices, 9 how well they are informed, and what information 10 they're getting. 11 So that's pretty exciting. And I think 12 we've already gone to four -- five or six, 13 actually -- over the past month. And so we've got a 14 lot to do. There are 62 schools that we want to get 15 out to. 16 So that is the work that we have primarily 17 been doing and we'll continue to do throughout the 18 year. 19 THE CHAIR: Thank you. I just have a 20 couple of questions. One, I know when Las Montañas 21 was up here last month over the concern, because 22 they had moved without notifying us, it was at that 23 time that we learned that they no longer had their 24 director. 25 Do we have any updated information as to</p>	<p style="text-align: right;">Page 113</p> <p>1 that point updated the information through 2 S.T.A.R.S. about their administrators. So that's 3 when all that other information comes in. 4 We can work on a protocol about how to 5 better do that at the beginning of the year, rather 6 than relying on that 40th-day data. 7 THE CHAIR: Thanks. I appreciate that. 8 MS. POULOS: My apologies. One of my team 9 members also asked if I would also update you. We 10 have been working with Student Athlete Headquarters 11 to get them through this second planning year. So 12 we've been meeting with them -- I think we've held 13 one meeting so far, and we've got two more scheduled 14 before -- 15 FROM THE FLOOR: We've held two. 16 MS. POULOS: We've held two. I'm sorry. 17 And we've got more scheduled throughout the next few 18 months. We're pretty hands-on in connecting them 19 with the right people and trying to support them 20 through this process. 21 THE CHAIR: Okay. Thank you. And before 22 we proceed, I do see that Deputy Secretary Aguilar 23 is here. I don't know if you're here as -- 24 MS. POULOS: He's here to be able to help 25 out with one of the next items.</p>

<p style="text-align: right;">Page 114</p> <p>1 THE CHAIR: Okay. I just wanted to make 2 sure you didn't want to add something else and give 3 you the opportunity to speak now, if you needed to. 4 DEP. SEC. AGUILAR: Thank you, 5 Madam Chair. I appreciate it. 6 COMMISSIONER CARR: Madam Chair? 7 THE CHAIR: Oh, I'm sorry. 8 Commissioner Carr? 9 COMMISSIONER CARR: I have a couple of 10 questions. 11 THE CHAIR: Oh, sure. 12 COMMISSIONER CARR: It's come to my -- my 13 attention that there's some -- and you may already 14 have gotten this -- from a parent, from a child 15 at -- of a child from Roots and Wings. And I'm not 16 going to go into any kind of details about what he 17 talked to me about for over a half an hour. 18 But it was enough of -- it brought up 19 enough of concerns for me that -- and he was -- the 20 gentleman was here. He may have left. 21 But I had hoped that you -- I think you 22 said he tried to call you. He filed a complaint 23 with the Attorney General's Office already. 24 So -- and then I -- based on their -- 25 their school grade, their points were cut in half.</p>	<p style="text-align: right;">Page 116</p> <p>1 going to new buildings, and we're talking about 2 people getting extra money so that that school can 3 provide a contract for a legislator's brother, 4 again, these are allegations. And I know they're 5 being investigated already by the Attorney General's 6 Office. 7 However, I think the Charter Division 8 should also investigate it, as well. 9 So just -- just concerns I wanted to bring 10 up, and -- you know, and -- so that you're fully 11 aware. Thank you. 12 MS. POULOS: Chairwoman and 13 Commissioner Carr, certainly, we -- as we've 14 discussed before, received complaints and concerns 15 on a daily basis. I do -- again, I think it's 16 important that we think about a protocol for that. 17 I know we don't have one in place yet. 18 And I think it's really important that any 19 authorizer has that in place for how those will be 20 handled. But certainly, when we receive those, we 21 do what is within our authority, and we rely on 22 other agencies to do what is within their authority. 23 And I hope that we are bringing more 24 information to you to make you aware of -- of what 25 we become aware of in the right time; certainly, not</p>
<p style="text-align: right;">Page 115</p> <p>1 They went from -- from a B to an F. It was from, 2 like, 74 to 37. It was a huge drop. That's -- and 3 that's concerning. 4 And so I hope -- I think this -- you know, 5 none of these allegations, they're allegations until 6 they're proven to be fact. But I think based on the 7 information -- there's enough of a red flag there -- 8 I hope we -- I think we -- this school needs to be 9 audited. I think you need to take a closer look at 10 this school. This was a school I supported when we 11 voted for it to become a State charter school. So 12 that's of concern to me. 13 And then another school that I have of 14 concern is ASK Academy. Now, it's not about their 15 academics. They have an "A" grade. And it's -- 16 it's in regards to a possible quid pro quo from a 17 legislator and a legislator's brother, who is an 18 architect at that school. 19 And it's hard to believe that people 20 didn't know what was going on. 21 So I -- these are some of the concerns 22 that we've always had, for years, in regards to 23 these leases, these contracts. I mean, we have it 24 with the public schools, as well. But with charter 25 schools, in particular, when they're talking about</p>	<p style="text-align: right;">Page 117</p> <p>1 too early. And so I think that's just to address 2 those things. 3 I did actually want to give you a preview 4 on the next couple of months. Certainly, we're 5 getting ready for the renewal season. But in 6 addition to that, we will be conducting early-year 7 site visits at our new school, as well as the 8 schools that are new to you, as an authorizer; so 9 those schools that did start as district schools but 10 were approved by you for renewal as PEC-authorized 11 schools. 12 And so we will be going out to those 13 schools very soon for an initial 14 beginning-of-the-year visit to flag any concerns and 15 give them an opportunity to address those and -- and 16 move forward. 17 THE CHAIR: Thank you. And I do have just 18 one more question. Do we have a final number on 19 renewals? 20 MS. POULOS: Madam Chairwoman, we're 21 getting it in just a second. 22 THE CHAIR: While we're doing that, I did 23 forward that concern to the director about ASK 24 Academy, because I do know it's -- I believe it's in 25 the hands of the Attorney General's Office.</p>

<p style="text-align: right;">Page 118</p> <p>1 COMMISSIONER CARR: Okay. 2 MS. POULOS: Madam Chairwoman? So we, for 3 sure, have 13 that we know are going to be applying 4 for renewal with the Commission. So actually, we've 5 had several that decided to apply for renewal with 6 their district. And we have one that has not given 7 us an answer. 8 We did ask for that, so we could do some 9 pre-planning. But they just did not commit at this 10 point. 11 THE CHAIR: Could I just request a list of 12 who we have and who we don't and -- yeah -- and who 13 has decided to go back to the district? 14 Thank you. I appreciate that. 15 COMMISSIONER ARMBRUSTER: I just have a 16 procedural question. If a Public Education 17 Commission State-chartered charter school does not 18 wish to re-up with us, they go to the local. And 19 can the local not accept them? 20 MS. POULOS: Madam Chairwoman, 21 Commissioners, and Commissioner Armbruster, they 22 can. And at that point, they have made their 23 decision. They would not be able to come back to 24 the PEC and apply for them to renew. So it would be 25 a one-shot deal.</p>	<p style="text-align: right;">Page 120</p> <p>1 report that identifies the areas of concern that 2 resulted in the decision by the Public Education 3 Department to suspend their Board of Finance. 4 THE CHAIR: I guess my -- one of my 5 questions is did this audit -- is this what is 6 routinely done as an audit with each of the charter 7 schools? 8 COMMISSIONER SHEARMAN: Let me ask -- 9 THE CHAIR: He's coming. 10 COMMISSIONER SHEARMAN: So I can hear him? 11 DEP. SEC. AGUILAR: Good morning, 12 Madam Chair. 13 THE CHAIR: Good morning. Thank you. 14 DEP. SEC. AGUILAR: How are you today? 15 THE CHAIR: I'm well. 16 DEP. SEC. AGUILAR: Good. So, 17 Madam Chair, we have, internally, the Public 18 Education Department, as part of its due diligence 19 responsibilities and the Secretary's oversight of 20 all public schools in the State of New Mexico, have 21 a responsibility to ensure that public funds are 22 being spent accordingly and appropriately. 23 We had the situation with the La Promesa, 24 where the altered invoice was submitted as part of a 25 reimbursement to the Public Education Department for</p>
<p style="text-align: right;">Page 119</p> <p>1 THE CHAIR: It's just like the two schools 2 that we took from districts last year. If we had 3 said "No," they were gone. Yeah. 4 COMMISSIONER ARMBRUSTER: Okay. 5 THE CHAIR: Anything else? All right. 6 Director, we can, I guess, move on now at this point 7 in time. 8 MS. POULOS: Thank you. So the next item 9 is La Promesa Audit and Board of Finance. 10 The PED conducted an investigation into 11 the La Promesa Early Learning Center concerning 12 activity related to a request for reimbursement for 13 the Executive Director. 14 PED's audit was not simply on that 15 reimbursement, but was expanded to include audit 16 requests for reimburs- -- to audit requests for 17 reimbursement from the charter school, for the K-3 18 Plus fund, as well as reimbursements to all 19 administrators. 20 In your materials, there is a letter that 21 was sent to the school, the school's governing 22 board, each of the board members, notifying them of 23 the suspension of their Board of Finance's 24 authority. That occurred on August 12th. 25 And also in your materials is the audit</p>	<p style="text-align: right;">Page 121</p> <p>1 K-3 Plus funding. As part of that, we have an 2 internal audit group that generally works on 3 situations such as this, reimbursement issues, 4 issues relating to the Funding Formula, to ensure 5 that school districts and charter schools are 6 appropriately reporting T&E, membership, special ed, 7 things of that nature. 8 And so when this came to us, we reported 9 it immediately to the State Auditor's Office, and 10 then I directed our internal audit group to begin 11 looking at some of the circumstances around it and 12 to be looking at not only the K-3 Plus 13 reimbursement, but, in that process of looking at 14 the K-3 Plus reimbursement, there was evidence that 15 there were other reimbursements to administrators 16 that were of interest. 17 And so we expanded it to look at, again, 18 just at -- it was a limited-scope examination of the 19 documents related to K-3 Plus and then the 20 reimbursements, the general reimbursements to 21 members of the administration. And so it's not 22 something we do to every charter school every year. 23 This isn't part of their annual audit. This was in 24 response to specific circumstances. 25 THE CHAIR: Okay. All right. Thank you.</p>

<p style="text-align: right;">Page 122</p> <p>1 I appreciate that. 2 Commissioners, any questions? 3 Commissioner Toulouse? 4 COMMISSIONER TOULOUSE: Madam Chair, 5 Deputy Secretary, I have some concerns, since this 6 is not the first school we've seen get themselves 7 into a lot of trouble lately, what can we do to see 8 that there's more oversight? We closed CEPi; we 9 have this; we have the J. Paul Taylor, which is a 10 small amount on it. But we have -- I think there's 11 a lot more out there than we know. 12 And I know that the law says that the 13 Charter School Division, you know, has budget 14 responsibilities. But if they don't have a budget 15 person assigned to them, who's watching these? What 16 do we know? Do you know what other problems we may 17 have out there just sitting there waiting to bite 18 all of us? 19 DEP. SEC. AGUILAR: Madam Chair, 20 Commissioner, yes, we do. So I'll get into the -- 21 the 2 percent discussion at some other point in 22 time. 23 COMMISSIONER TOULOUSE: I didn't ask that. 24 DEP. SEC. AGUILAR: I understand that. 25 But that's part of -- so, again, I'm bringing it up,</p>	<p style="text-align: right;">Page 124</p> <p>1 with some ideas on their budget and then a 2 discussion with their board, with my expectation 3 that those budget changes be implemented without 4 change. 5 And then they have the option, as a board, 6 to decide to follow that direction or not. And then 7 following that, then we would take appropriate 8 action. 9 But we can fix their budget; but then 10 they're going to have to execute it as it's fixed 11 and not deviate. And so, yes, we have folks that 12 are looking at that all the time. 13 Things that -- the CEPi situation -- if I 14 can go back to that for just a moment, because some 15 of these are extraordinary. 16 The CEPi situation, as an example, when 17 you looked into their accounting systems, the 18 payments to the IRS for those years -- and, of 19 course, this was back a few years; it wasn't 20 current -- showed up in the system as being entered. 21 They were just never -- the button was never pushed 22 that would then write the check and send it on. 23 And so those day-to-day situations are 24 very difficult for our folks to track, because as 25 they have access to the accounting systems, they can</p>
<p style="text-align: right;">Page 123</p> <p>1 but not for discussion today. 2 But part of the -- part of the 3 responsibility of the Department is to provide the 4 oversight to all of our charter schools and school 5 districts. And so the Charter Schools Division does 6 not have a budget person to look over that. 7 When you think of the 59, I think, or 8 60 State-chartered charter schools, one person 9 couldn't do that anyway. And so we have a bureau 10 within the Finance and Operations group, which I 11 oversee, which is the School Budget and Financial 12 Analysis unit. 13 And so each one of those analysts is 14 assigned a number of charter schools and/or 15 districts to oversee their budgets and to see the 16 operations of their budget, to flag situations like 17 J. Paul Taylor. 18 To that particular school, I've met with 19 that analyst and her supervisor three times in the 20 last couple of weeks, and also with the person that 21 is handling their books. We are -- I've asked them 22 to prepare a budget analysis for me in that example. 23 And I've also visited with Ms. Chavez, who 24 is doing the finances for that school. And I'll be 25 traveling to Las Cruces in the next couple of weeks</p>	<p style="text-align: right;">Page 125</p> <p>1 look at it and say, "Well, it looks like these are 2 scheduled for payment; so we're not worried about 3 it." 4 That's an extraordinary situation. 5 La Promesa, in general, we didn't have any 6 other indicators until this -- this thing came 7 forward. But we're also to a question that was 8 asked earlier -- I think to Commissioner Carr's 9 comment about Roots and Wings, as an example -- when 10 they talk about an audit, one of the things that we 11 do with our State-chartered charter schools is we do 12 meet with the auditor on a weekly basis to raise 13 issues and concerns with them as they're looking 14 into -- as they're auditing each school, and then 15 identified in there are certain areas that need to 16 be tested. 17 And so, obviously, La Promesa will be -- 18 in their annual audit, will be tested in a number of 19 areas that would only have been looked at with a 20 sample. With a small sample size, there's going to 21 be significant sampling done. And if there are 22 other issues, J. Paul Taylor is another one; we're 23 going to be looking at their internal controls and 24 at their expenditures to make sure those are covered 25 with.</p>

<p style="text-align: right;">Page 126</p> <p>1 So we do have a unit that looks at them, 2 and we're working hard to help them to be 3 successful. The Director has scheduled trainings 4 for governing board members, which I had the 5 pleasure of presenting this last week. And the lack 6 of sophistication from some of our governing board 7 members, that's more concerning to me, because as 8 they become more sophisticated, they then have the 9 tools to oversee the operations of their schools. 10 And the thing that was most breathtaking 11 to me, I think, is the lack of realization that 12 governing board members have of personal liability 13 in what happens at their schools. 14 And so as we had that discussion at this 15 last training, it became more and more evident that 16 they were very interested in that piece. And so I 17 think as we can improve the education process for 18 our governing board members, it will be a more 19 stable situation. 20 COMMISSIONER TOULOUSE: I've been 21 concerned we give them as little training as we do. 22 That's a separate piece. 23 I would like to see some kind of training 24 packet that gives them a half-hour training at each 25 of their governance council meetings on these</p>	<p style="text-align: right;">Page 128</p> <p>1 COMMISSIONER TOULOUSE: I remember having 2 been in State government years, where, by April, 3 they were sweeping everything in my budget from my 4 office into the overall for the State. And it 5 didn't work. I mean, I was told I couldn't order 6 toilet paper for a welfare office because it wasn't 7 a necessity. Every one of my workers every week 8 brought in two rolls of toilet paper; one, they kept 9 in their desk, and one, they supplied. 10 It's those kinds of thinking, I don't want 11 to get into, you know, that, "Okay. We can wait 12 until the end and then tell everybody, 'For the last 13 month or two, don't spend any money.'" 14 I think that happens, too, when people 15 haven't looked at their budget, their cash flow. 16 And I don't care what's been billed. I want to know 17 what's been paid out, you know. I don't want to 18 know what you've taken in without also knowing what 19 you expect to pay out. 20 And I think there's a big gap for people 21 who don't do budgets regularly, just like with CEPi 22 who say, "Okay, we've put it down here, so..." -- or 23 to look at a budget and say, "Okay, I have this much 24 money when I get my bank statement, and go ahead and 25 spend money even though it hasn't cleared through";</p>
<p style="text-align: right;">Page 127</p> <p>1 things. I don't know how long it took you in State 2 government; but it took me quite a while to figure 3 out all the ins-and-outs, just as to purchasing, 4 much less how budgets work. And I had all the 5 annual trainings and all of that. But I knew how 6 much we got out of that day. 7 I am concerned that we turn over to people 8 that don't even understand the ramifications of it, 9 because I really -- I still feel our schools get in 10 trouble -- it starts with the governance council. 11 And I want as strong a governance council as we can 12 get. But I really am concerned on fiscal issues, 13 with money as tight as it is. 14 So thank you. 15 DEP. SEC. AGUILAR: And Madam Chair and 16 Commissioner, I am, as well. And so we're -- I know 17 people don't like more oversight. But in tight 18 fiscal times, the itemization -- my last slide on my 19 presentation to the governing council members was 20 one of the basic tenets of charter education is 21 flexibility and -- I forget what the word was -- 22 flexibility and creativity. But it shouldn't be 23 applied to the financial piece. 24 And so that's -- I wanted to make that 25 clear to the governing board members.</p>	<p style="text-align: right;">Page 129</p> <p>1 because I see that happening, too. 2 Because they look, "Oh, okay, we have so 3 much money still in our account; I can spend it," 4 without looking that you bought furniture last 5 month, and it didn't show up. 6 That's why I think there needs to be an 7 ongoing training -- because we have churning 8 membership of governance councils, too -- that 9 there's just a little packet provided. Whether they 10 give it or not, we can't make them; but provided for 11 each governing council member to keep people up to 12 date on the basics; so, anyway -- 13 DEP. SEC. AGUILAR: And Madam Chair and 14 Commissioner, I'll work with the Director -- 15 COMMISSIONER TOULOUSE: Because I've been 16 thinking, having known my own problems with learning 17 budgets -- and I'm not bad with math, and I'm not 18 bad with budgets -- but how long it took me in State 19 government to feel totally comfortable with what I 20 had. 21 So, thank you. 22 THE CHAIR: I guess my concern with 23 La Promesa right now is the going forward and this 24 current school year in terms of what has been done, 25 or should be done, to assure that this isn't a</p>

<p style="text-align: right;">Page 130</p> <p>1 continuing problem and issue. 2 So I don't know if there's something that 3 you've done at this point in time -- or are there 4 recommendations for what should be done? In 5 addition, I guess I have -- and I guess it goes 6 along with the governance council -- I guess I have 7 some concerns with those individuals, not naming 8 anyone, who are doing the -- the books of the 9 schools, that there is -- appears to be perhaps some 10 lack of training for them. 11 DEP. SEC. AGUILAR: So, Madam Chair, thank 12 you for that question. 13 A couple of things. When we -- on the day 14 that we -- that the Secretary suspended the Board of 15 Finance, we met with the Head of School, who was not 16 the previous -- not one of the administrators 17 involved in any of this other -- any of this other 18 thing. He was very receptive to working with us to 19 help resolve the problems. And the school's been 20 cooperative. 21 There have been a couple of folks -- 22 obviously, the director and -- and the business -- 23 the business associate have been placed on 24 administrative leave. And we're beginning -- we're 25 beginning some licensure action against the business</p>	<p style="text-align: right;">Page 132</p> <p>1 The four administrators that were on the 2 payroll received their paycheck on that Friday; the 3 teachers did not. That's a function of a problem 4 not with the current administrator, but with this 5 business associate. 6 So we immediately ran payroll. We called 7 the business manager that's under contract, as well 8 as we've asked -- we've required them to hire a 9 second business manager that we've -- we've told 10 them they have to hire Michael Vigil & Associates. 11 He's presented in front of you. And we hand-cut 12 checks and delivered them the day after. 13 So payroll is being run. But we've 14 also -- the school's been notified that the water 15 bill hadn't been paid for months, and they were 16 going to shut it off. We've taken care of that 17 situation. 18 There are some invoices that continue to 19 be past due that had to be paid shortly. The most 20 concerning is that the ERB contributions for the 21 teachers have not been paid. That check is being 22 cut today and will be distributed tomorrow. 23 So there are a number of -- there are a 24 number of things that have -- they inherited. We're 25 helping them work through it. It's been less than a</p>
<p style="text-align: right;">Page 131</p> <p>1 associate, because we believe that that's part of 2 the problem. 3 THE CHAIR: Okay. 4 DEP. SEC. AGUILAR: I can't discuss -- 5 further than that, I can't discuss that. 6 THE CHAIR: Right. 7 DEP. SEC. AGUILAR: But it's indicative of 8 some problems that they inherited, that the Head of 9 School inherited, and he's working through. But 10 some things have happened since then. And so we're 11 trying to work through it. 12 And I'll give you just a real brief -- 13 because, again, I think they're working through it. 14 But, so, two days -- we showed up -- I showed up -- 15 and staff at the school on a Friday to -- to inform 16 them of what we were doing. We took possession of 17 their check stock. We contacted the bank, so that 18 now myself and our Director of School Budget are the 19 signatories on their -- so we took over full control 20 of their finances. 21 On that following Monday, we received a 22 complaint from a teacher that they had not -- that 23 they had not been paid. And so we went back and 24 said, "Well, hold on a minute. Your checks should 25 have been prepared well before we showed up."</p>	<p style="text-align: right;">Page 133</p> <p>1 month; it's only been a couple of weeks, and we're 2 already identifying problems and working through the 3 problems. And they're being -- the school's being 4 cooperative in helping us to get there. 5 So we're confident that by the end of 6 September, we should have everything paid up. 7 There -- it doesn't appear to us that their cash is 8 in jeopardy and that they're going to run out of 9 money. It's just they haven't taken care of the 10 day-to-day business, where that's being done by 11 their business manager, Mr. Vigil's group, under the 12 supervision of our School Budget staff. 13 And so we expect that by the end of 14 September, we'll be back on a good track on getting 15 things paid and getting -- the internal controls are 16 already in place; we made that happen on the first 17 day. And now we're going to move forward and try to 18 get them in a good position. 19 We've notified them that the expectation 20 to come off of suspended status is going to require 21 at least one clean audit with no significant 22 deficiencies. So obviously, that's not going to 23 happen for a year or so. But in the meantime, we'll 24 continue working forward with that. 25 THE CHAIR: Okay. Thank you. And I was</p>

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<p>1 going to ask -- 'cause I know there's someone from 2 La Promesa here -- 3 COMMISSIONER SHEARMAN: Can I just ask two 4 questions? 5 THE CHAIR: Certainly. 6 COMMISSIONER SHEARMAN: Thank you. First 7 of all, thank you for being here, because we 8 appreciate your information and your knowledge. You 9 said it's going to require a clean audit before they 10 can come off this status. But the audit didn't 11 catch any of this, did it? 12 DEP. SEC. AGUILAR: So, Madam Chair and 13 Commissioner, no, they didn't. And that's one of 14 the -- I don't know what word I want to use, what 15 descriptor. It's one of the -- it's one of the 16 results of the audit process. Auditors -- these are 17 not forensic audits that go on year after year after 18 year. 19 Pardon me. I just wanted to turn this off 20 here. 21 They're not forensic audits that take 22 place year after year. What auditors do is they do 23 a risk analysis. They visit with the people that 24 are running the school, with the business managers, 25 with anybody that sort of touches the money. They</p>	<p>1 they're going to look at who touched those different 2 pieces to see if -- the internal controls. 3 Without -- to be perfectly honest -- and I 4 can only be honest with you -- if that altered 5 invoice had not been sent to us, there wouldn't have 6 been something to specifically look at. It was, 7 "Oh, something's here. Now, we need to do a deeper 8 dive." 9 And so -- and so if they hadn't -- so 10 given all of the invoices a school like La Promesa 11 pays in a given year, if they hadn't -- say, we want 12 to sample 5 percent of this, and pull these pieces, 13 and they didn't happen to pull that one. Then they 14 may have never seen it. 15 And so that's the -- that's the difference 16 between sampling and doing 100 percent -- a 17 100 percent deal. 18 (Deputy Secretary Aguilar consults with 19 Ms. Poulos.) 20 COMMISSIONER SHEARMAN: Well -- and I 21 think my frustration is just exactly the same as 22 yours. 23 DEP. SEC. AGUILAR: Yes, ma'am. 24 COMMISSIONER SHEARMAN: But it seems like 25 to me every single school we've closed that I can</p>
<p>Page 135</p> <p>1 interview them. They try to identify any risk 2 factors. They look at the Public -- to the Public 3 Education Department for some guidance on issues 4 that may have arisen throughout the year for some 5 specific -- pardon me. Would you -- 6 COMMISSIONER SHEARMAN: They want you to 7 answer. And I understand that. 8 DEP. SEC. AGUILAR: Then they sample and 9 do those sorts of things. So when folks are -- when 10 you're not -- sometimes when you're not looking for 11 a specific thing, then you're sampling. And if it 12 doesn't come up in the sample -- so if you look at 13 the number -- I'll use La Promesa as an example, 14 since we're looking at it. 15 If you look at the one invoice that was 16 submitted, and if you read our review, you'll note 17 that there are four or five invoices that, in our 18 view, are suspect, and then there are some 19 reimbursements that we can't account for wherever 20 the stuff went. 21 But an auditor isn't going to be -- 22 they're going to be looking at was a purchase 23 requisition approved, was a P.O. issued timely, were 24 goods and services received -- were they ordered, 25 were they received, and were they paid for. And</p>	<p>Page 137</p> <p>1 think of, the audit did not reveal the financial 2 problems that eventually closed the school. 3 DEP. SEC. AGUILAR: Yes. 4 COMMISSIONER SHEARMAN: So it's -- you 5 know, surely there's a silver bullet out there. I 6 don't know what it is. 7 DEP. SEC. AGUILAR: I don't know what it 8 is. 9 Commissioner, if I may take this call? 10 It's the Secretary. We have an issue I need to deal 11 with, and I'll come right back. 12 THE CHAIR: Certainly. 13 DEP. SEC. AGUILAR: Thank you, 14 Madam Chair. 15 THE CHAIR: Do we have any other questions 16 or concerns about La Promesa at this point in time? 17 Oh, I'm sorry. I did -- I got 18 interrupted, and I wanted to recognize and allow you 19 an opportunity to speak. 20 MS. POULOS: Do you mind if we take a 21 little break while the Deputy Secretary is out. 22 THE CHAIR: Can we take a break? 23 MS. PATTI MATTHEWS: Sure. I'm happy 24 to -- I'd like for him to -- we absolutely, first of 25 all, want to say thank you to him. So I'd like for</p>

<p style="text-align: right;">Page 138</p> <p>1 him to hear that.</p> <p>2 THE CHAIR: Let's take a five-minute</p> <p>3 break, or however long it takes to herd cats back.</p> <p>4 So...</p> <p>5 (Recess taken, 11:50 a.m. to 12:05 p.m.)</p> <p>6 THE CHAIR: Before we hear from</p> <p>7 La Promesa, I just have one additional question for</p> <p>8 the Deputy Secretary before we -- and then we'll</p> <p>9 move on to J. Paul.</p> <p>10 In the minutes -- in our workbook, it</p> <p>11 indicates that there's potential fraud, which piques</p> <p>12 a different level of concern for us and would</p> <p>13 potentially put a school on notice for possible</p> <p>14 revocation, if fraud is the issue.</p> <p>15 When I read the audit report, I didn't --</p> <p>16 I don't remember seeing the word "fraud" in the</p> <p>17 audit report.</p> <p>18 So I would appreciate some kind of</p> <p>19 clarification, so that we have some idea of what</p> <p>20 direction we may have to take.</p> <p>21 DEP. SEC. AGUILAR: So, Madam Chair, thank</p> <p>22 you for the question.</p> <p>23 So actually, the word "fraud, waste, or</p> <p>24 potential abuse" shows up about eight or nine times</p> <p>25 in the audit report, when it talks about the</p>	<p style="text-align: right;">Page 140</p> <p>1 The -- and, again, I'm going off memory,</p> <p>2 so bear with me.</p> <p>3 THE CHAIR: Right.</p> <p>4 DEP. SEC. AGUILAR: The other concern that</p> <p>5 we have is that there is -- there were some</p> <p>6 purchases made on or about the holidays of a</p> <p>7 particular year charged to a business in Estancia,</p> <p>8 New Mexico. We couldn't find any business by that</p> <p>9 name in Estancia, New Mexico.</p> <p>10 It also turns out that those invoices were</p> <p>11 coming from an address in Albuquerque that is the</p> <p>12 same address as a contractor who's providing</p> <p>13 professional -- professional services to the -- to</p> <p>14 the -- and so we're still having to dive into that a</p> <p>15 little bit deeper. But it doesn't appear to us that</p> <p>16 there's a legitimate business that's doing those --</p> <p>17 that's providing those services there.</p> <p>18 So -- and there are a couple of more</p> <p>19 that -- there's one invoice that appears to be</p> <p>20 altered in the date the product was received and the</p> <p>21 date the approval was given.</p> <p>22 So when you -- when you talk about</p> <p>23 altering invoices, that is always an indication of</p> <p>24 potential fraud. And so as we submitted the report</p> <p>25 to the -- to the school and to the State Auditor, we</p>
<p style="text-align: right;">Page 139</p> <p>1 internal controls, when it talks about those pieces.</p> <p>2 But there are -- and I don't have the report in</p> <p>3 front of me, and you would go to sleep if I started</p> <p>4 thumbing through it.</p> <p>5 THE CHAIR: Well, I've got it in front of</p> <p>6 me.</p> <p>7 DEP. SEC. AGUILAR: So the big pieces of</p> <p>8 our concern -- and there could be many more. But</p> <p>9 the big pieces of our concern rely -- relay -- on --</p> <p>10 relate to -- pardon me -- the -- the -- obviously,</p> <p>11 the document that was altered and asked for</p> <p>12 services, for reimbursement for services rendered at</p> <p>13 the school, when the address that's on the invoice</p> <p>14 that was -- the underlying address was not, that's</p> <p>15 a -- that's an area of concern.</p> <p>16 The second area of concern is the -- I</p> <p>17 believe the high school -- the principal -- again,</p> <p>18 not the current principal, the former principal --</p> <p>19 purchased a significant amount of fencing materials</p> <p>20 without prior authorization. And we don't know</p> <p>21 where those fencing materials have been -- are at.</p> <p>22 The school is fenced; but by all</p> <p>23 indications that we have, it was fenced by a</p> <p>24 contractor. So we don't know where these materials</p> <p>25 ended up at all.</p>	<p style="text-align: right;">Page 141</p> <p>1 also submitted it to the District Attorney of the</p> <p>2 Second Judicial District, too, for their action or</p> <p>3 other direction to us.</p> <p>4 THE CHAIR: Okay. Thank you.</p> <p>5 Commissioner Armbruster?</p> <p>6 COMMISSIONER ARMBRUSTER: You're on the</p> <p>7 line again. I just wanted a clarification. We're</p> <p>8 looking to La Promesa for fiscal non-responsibility,</p> <p>9 I guess. And we did the same thing for CEPi. And</p> <p>10 for CEPi, we ended up closing that school. And they</p> <p>11 were a School of Concern and, you know, it went</p> <p>12 through that process.</p> <p>13 But this one is not? We're not looking at</p> <p>14 closure for fiscal irresponsibility?</p> <p>15 DEP. SEC. AGUILAR: So, Madam Chair and</p> <p>16 Commissioner, that would be a recommendation to come</p> <p>17 from Director Poulos' group. There were -- it</p> <p>18 appears that there is fiscal impropriety and a lack</p> <p>19 of attention to detail, and is, in this particular</p> <p>20 case, significant -- you know, the lack of making</p> <p>21 payroll, not paying bills, and things of that</p> <p>22 nature, and the potential fraud, waste, and abuse</p> <p>23 that's been identified. So those are significant</p> <p>24 issues.</p> <p>25 The school is operating. Teachers are</p>

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1 teaching and, by all accounts, they're doing a
2 pretty good job.

3 So from my chair -- from my office, there,
4 teaching is going on. Learning is taking place. If
5 we can get the finances fixed up, they should be in
6 pretty good shape.

7 If you remember, CEPI, there were --
8 learning may not have been taking place. There were
9 issues with the administrator. And then there was a
10 \$900,000 -- which actually was not the real
11 amount -- but it's about \$500,000 that they were
12 overdrawn on their accounts, and there was no way,
13 on the current method of funding schools in the
14 State, that we could ever get them back into fiscal
15 health while trying to attend to the learning
16 issues, as well.

17 COMMISSIONER ARMBRUSTER: But this one has
18 more hope, so to speak.

19 DEP. SEC. AGUILAR: Madam Chair and
20 Commissioner, I believe so; but, again, I would
21 defer to the Director at some point as the process
22 unfolds.

23 COMMISSIONER ARMBRUSTER: Got it. Thank
24 you.

25 DEP. SEC. AGUILAR: Thank you.

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1 MR. CHRIS JONES: Good afternoon. Is that
2 better? Should I speak loudly? Use my former
3 teacher voice? I'll attempt to do that.

4 Good afternoon, Madam Chair, members of
5 the Commission. My name is Chris Jones, and I'm the
6 Principal and Acting Director of La Promesa Early
7 Learning Center. So I wanted to introduce myself to
8 each of you.

9 MS. PATTI MATTHEWS: Commissioners,
10 Madam Chair, I'm Patricia Matthews from Matthews
11 Fox, and we're representing the charter school.

12 First of all, I wanted to thank Deputy
13 Secretary Aguilar for providing this matter to the
14 attention of the school. We're here today not to
15 try to rebut what Mr. Aguilar and his staff has
16 found, because we haven't frankly had the
17 opportunity to do so; and -- but we're taking the
18 concerns very seriously.

19 As Mr. Aguilar has already told you,
20 personnel who could possibly be responsible have
21 been put on administrative leave. There's an
22 ongoing investigation. The audit report was served
23 on the school in -- I think -- I'm not trying to be
24 critical -- but without notice to the school that it
25 was coming, of these concerns.

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1 THE CHAIR: And my question to the Deputy
2 Secretary was so that if we do believe that there is
3 a potential for fraud there, then I think the
4 direction of the PEC would be to place the school on
5 notice that they potentially face revocation,
6 pending the outcome of other investigations.

7 COMMISSIONER ARMBRUSTER: Sounds good.

8 THE CHAIR: Okay? Thank you.

9 So, Commissioners -- oh, I am sorry. I
10 have an addled brain. Please, for the second time,
11 and if you could, please identify yourself for the
12 record.

13 MR. CHRIS JONES: Good afternoon, Madam
14 Commissioner, members of the Commission. My name is
15 Chris Jones. I'm sorry. Is it on? Does that help?

16 MS. PATTI MATTHEWS: Can you hear,
17 Commissioner Shearman?

18 MR. CHRIS JONES: Just shut me off.

19 MS. FRIEDMAN: Patti?

20 COMMISSIONER ARMBRUSTER: Commissioner
21 Chavez, are you still there? Maybe not.

22 THE CHAIR: She probably ran out of
23 battery on her phone. Okay.

24 MR. CHRIS JONES: Good afternoon.

25 THE CHAIR: It's not on yet.

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1 And so, frankly, by surprise, this was
2 brought on to the school. The school took immediate
3 action. The audit report has a lot of information
4 in it that we're still trying to assimilate and make
5 sure that -- and just like every other audit that a
6 school gets, we intend to provide a management
7 response.

8 The documentation upon which the audit was
9 completed was in the auspices of the Department.
10 They were coming off of documents that they had
11 received through OBMS. So I've recently received
12 some of those this week from the PED.

13 So just -- I'm bringing you up-to-date
14 about where we are in the investigation, not in an
15 intent to deflect any responsibility for what we
16 ultimately can sift out to make sure we know;
17 because as you know, if personnel matters or
18 personnel action is taken, it is the school's burden
19 of proof to demonstrate that we have a case. And so
20 that's important for us to do and to do our legwork,
21 as well. Unfortunately, that takes time.

22 But in the interim, as Mr. Aguilar pointed
23 out, internal controls have been put in place.
24 Mr. Jones -- Mr. Jones and Mr. Jones and Mr. Jones
25 are cooperating, because he's it. And so it is

<p style="text-align: right;">Page 146</p> <p>1 taking time for him to work through some of these 2 things, along with my help, to the extent that I can 3 help him. 4 He does have a third-party business 5 manager that -- the Vigil Group -- did you mention 6 the Vigil Group? -- 7 DEP. SEC. AGUILAR: (Indicates.) 8 MS. PATTI MATTHEWS: -- has asked the 9 school to keep on to help facilitate making sure the 10 Department gets the information that they need in a 11 timely fashion. 12 So I -- on behalf of Chris -- and I did 13 want to bring to your attention that I will be 14 attending all governing council meetings going 15 forward, at least for the time being, and that they 16 have a new president on their board, who I 17 believe -- actually, Mr. Jones brought as a 18 recommendation. He's a former -- he's not a CPA, 19 nor a formal licensed auditor. But he has a 20 business degree, and he has been doing auditing as a 21 practice. 22 He worked for -- had worked for Taxation & 23 Revenue as an auditor there. So he's a great leader 24 on this new -- on the board. And we're looking make 25 sure that they are brought up to date and would</p>	<p style="text-align: right;">Page 148</p> <p>1 DEP. SEC. AGUILAR: Madam Chair, thank 2 you. At this point in time, we don't believe so. 3 There -- there -- well, I shouldn't say that. 4 The loss of federal funds, we don't 5 anticipate any loss. 6 THE CHAIR: Okay. 7 DEP. SEC. AGUILAR: The loss of State SEG 8 funds, we don't anticipate any loss. There may be a 9 loss of K-3 Plus funding, as we go through the 10 reimbursement process and find that things were 11 inappropriately submitted; for example, the altered 12 invoice -- it's \$300 -- the fencing, things of that 13 nature. Money could be withheld as being 14 inappropriate -- as dealing with inappropriate 15 expenditures. 16 But by and large, the large chunks of 17 money, the SEG and the federal funds, we don't 18 believe would be affected at this time. 19 THE CHAIR: That was a concern, that you 20 wouldn't be able to go through the school year 21 because you didn't have adequate funding. So, okay. 22 MR. CHRIS JONES: Absolutely. 23 THE CHAIR: Commissioners, any other 24 questions? Concerns? Okay. 25 MS. PATTI MATTHEWS: I would ask for a</p>
<p style="text-align: right;">Page 147</p> <p>1 welcome another opportunity to go to the training 2 that the PED is now offering on financial oversight. 3 So I'm here to -- or Chris is here, I'm 4 here if you want to have any more information, if I 5 can tell you, to the extent that I can, what we're 6 doing. 7 But I just wanted to give you assurances 8 that the school has taken immediate action to 9 address this audit and takes it very seriously. In 10 fact, just to be clear, that it was not the 11 August 12th audit that started the ball rolling. So 12 the letter from the State Auditor, that I'm sure you 13 were aware of, had been started at that point in 14 time. 15 So we had -- we had -- you know, we were 16 being made aware of concerns from that point going 17 forward. 18 THE CHAIR: I guess I have a concern, 19 because I do stand corrected. I did find the word 20 "fraud" in there. But there was a concern addressed 21 that there could be a potential loss of federal and 22 State fundings, based on some of the audit findings. 23 So I guess I have a concern whether you 24 have any indication that your budget this year is 25 potentially affected by any loss of fundings.</p>	<p style="text-align: right;">Page 149</p> <p>1 point of clarification. I believe at the end of 2 your comments, Madam Chair, that you said you 3 thought it would be important for the board to put 4 the school on notice of potential revocation. And 5 then you added, "until we have final confirmation of 6 something." 7 And I was trying to get some clarity 8 about, you know, what those specifics would look 9 like and if that's maybe an action for your next 10 meeting; and if so, I'll just leave it at that. 11 THE CHAIR: Right. I think at this point 12 in time, we don't have enough information. But I 13 believe that this will be an ongoing update; so that 14 I don't think it's the wish of the Commission at 15 this point in time to -- we're not adequately 16 informed, I don't believe, to do any kind of a 17 formal revocation. 18 So I think we're -- you know, I think the 19 school understands that there's that cloud following 20 that, that the potential is there. We hope not. 21 But -- Commissioner Toulouse? 22 COMMISSIONER TOULOUSE: Madam Chair, I 23 have a concern along those lines, that your school 24 grade was an "F" on the latest list. And I think 25 that puts a large pressure on you to get that up,</p>

<p style="text-align: right;">Page 150</p> <p>1 while at the same time dealing with all of the 2 finances.</p> <p>3 And I think you need all the help you can 4 get, because you know there's a tremendous amount of 5 pressure being put on us for "D" and "F" school 6 closures. And most of us have not been willing to 7 do that for "C's" and "D's"; but "F's," haven't 8 really come up yet. But I know at the LESC meetings 9 there's talk about it; I know there's others. I 10 know the school should be able to come up. I'm 11 familiar with it from in the past.</p> <p>12 I'm concerned that you put -- that, along 13 with the fiscal issues, it makes it more difficult 14 to keep it open. So I would hope that you also are 15 working on that grade.</p> <p>16 MR. CHRIS JONES: Yes. Commissioner 17 Toulouse, if I may address -- members of the 18 Commission, I did arrive back at La Promesa in April 19 of last year. I returned from Central Office at 20 APS. And immediately what we did is we analyzed our 21 instructional program.</p> <p>22 So I have taken actions to address some of 23 what I have noted as deficiencies in our academic 24 model. So we have changed some of what's gone on, 25 especially at the middle school. And we are taking</p>	<p style="text-align: right;">Page 152</p> <p>1 MR. CHRIS JONES: Sure.</p> <p>2 THE CHAIR: So -- and it's difficult to 3 focus on one when you've got this other big issue 4 that is following you, as well; so that it's -- I 5 wish you the best of luck through this school year 6 to try to plow through this, because it is -- you 7 know, it's -- it's overwhelming at times, I'm sure.</p> <p>8 MR. CHRIS JONES: Sure. And, Madam Chair, 9 may I also add, members of the Commission, that, you 10 know, one thing that has held steady for us is the 11 commitment from our families and students. We have 12 seen our waiting list increase.</p> <p>13 We -- you know, operationally, of course, 14 academically, we have some work to do. But we have 15 that family commitment. We have family involvement. 16 We have buy-in from teachers and staff. So there is 17 a process that we need to undergo; but we do have 18 the means to get this accomplished.</p> <p>19 So I'm really looking forward to working 20 with each of you to ensure that the work is done and 21 with the Charter School Division, as well as 22 Mr. Aguilar and his team.</p> <p>23 THE CHAIR: Thank you.</p> <p>24 COMMISSIONER SHEARMAN: Thank you.</p> <p>25 THE CHAIR: Did the Director wish to --</p>
<p style="text-align: right;">Page 151</p> <p>1 actions and working as a leadership committee 2 locally to make sure that we boost our levels of 3 performance.</p> <p>4 From an operational standpoint, I 5 understand that we have a lot of work to do. And I 6 want to assure you I am fully committed to working 7 through the process, with the Department, with 8 Mr. Aguilar and his team, to ensure that we get 9 things back on track.</p> <p>10 You are absolutely correct, Commissioner 11 Toulouse. There's a lot of work that we need to do, 12 that we need to accomplish. We need clarity. We 13 need to understand what we have to do to take 14 corrective action.</p> <p>15 But after that, we are fully committed to 16 this process and to improvement.</p> <p>17 COMMISSIONER TOULOUSE: Thank you.</p> <p>18 THE CHAIR: Thank you. It is a concern, 19 because it was a two-grade drop.</p> <p>20 MR. CHRIS JONES: Yes.</p> <p>21 THE CHAIR: So that's, you know, kind of 22 piques your interest. But also, there's a concern 23 because you've got this other overwhelming problem, 24 and you stand as a committee of one to trying to fix 25 this. It's -- it's an arduous task.</p>	<p style="text-align: right;">Page 153</p> <p>1 MS. POULOS: (Indicates.)</p> <p>2 THE CHAIR: Okay. Thank you.</p> <p>3 MS. PATTI MATTHEWS: Thank you.</p> <p>4 THE CHAIR: Next, J. Paul Taylor.</p> <p>5 COMMISSIONER SHEARMAN: We've lost him 6 again.</p> <p>7 MS. POULOS: Madam Chairwoman, 8 Commissioners? So the other item that's on the list 9 today is J. Paul Taylor's financial status. CSD did 10 want to give you an update. Just because we had 11 become aware of the information, through the PED's 12 Budget and Finance Department, it was a little late. 13 So you got it last night via e-mail. And then this 14 morning in your binder, there is a memorandum that 15 was prepared by David Craig, the Director of School 16 Budget and Finance.</p> <p>17 Unfortunately, he had to be with his wife 18 at a doctor's appointment today, so he was unable to 19 join us. Last time I was hoping he would join us, 20 he was hit by a car. So this time is better.</p> <p>21 COMMISSIONER SHEARMAN: He'll do anything 22 to --</p> <p>23 MS. POULOS: I asked him to make sure he 24 didn't get hit by a car; so he found another excuse 25 this time. We have been made aware. So I know the</p>

<p style="text-align: right;">Page 154</p> <p>1 school and their governing board president are both 2 here, that there were some challenges and 3 difficulties. And we knew that these existed last 4 year with their finances. 5 I think there were some that were 6 undiscovered until the point where they were trying 7 to close out the books for last fiscal year and open 8 the books for this fiscal year, which ultimately has 9 led to a -- a challenge with the current year budget 10 in trying to get that established and set up in a 11 way that's workable. 12 So I don't have quite the knowledge and 13 expertise to explain the whole situation to you. I 14 think the -- the memo from Director Craig is pretty 15 comprehensive and does a good job, and I certainly, 16 again, know that the school representatives are here 17 today. 18 THE CHAIR: Right. I know the Deputy 19 Secretary had to step out; but if -- when he comes 20 back in, he may want to weigh in a little bit. But, 21 please, ask J. Paul Taylor to come forward and -- 22 DEP. SEC. AGUILAR: Madam Chair, may I, 23 just one second? 24 THE CHAIR: Absolutely. 25 DEP. SEC. AGUILAR: I've been called away</p>	<p style="text-align: right;">Page 156</p> <p>1 was to FY '15, in the rollover of the cash carryover 2 from '15 to '16 really created a lot of the snowball 3 effect for a lot of the issues we had; so it really 4 inflated a lot of our cash we had last year and 5 didn't know that throughout the year. 6 That's an important piece. Certainly, 7 when you're in a tough position financially, and you 8 don't have a significant cash flow, you chase issues 9 and concerns trying to make sure that you're solvent 10 each month. So that has certainly led to some 11 challenges on our part. And a lot of the findings 12 were a result of not managing our money well when we 13 know we're very tight on cash flow. 14 And I was hoping perhaps Deputy Secretary 15 Aguilar could speak a little to the concern that 16 came in the memo, arrived very late in the day 17 Monday, to the school, and late to you guys. 18 There's a concern regarding FY '17. It is 19 my understanding that the concern for FY '17 has 20 been fixed with the work of our business manager, as 21 well as with the Director of the Finance Analysis 22 Bureau and Deputy Secretary Aguilar. 23 So I was hoping that he could speak to 24 that a little bit to make sure that that piece for 25 FY '17 is fixed. That's a high concern for us, in</p>
<p style="text-align: right;">Page 155</p> <p>1 to something else. If you need for me to come down 2 for J. Paul Taylor, ask the Director to just text 3 me, and I'll try to run down very quick. I 4 apologize I haven't been here more often; but it's 5 always a pleasure to be here with all of you. Have 6 a good day. 7 MR. ERIC AHNER: Madam Chair, members of 8 the Commission, thank you for the opportunity to 9 speak. I believe that Director -- 10 THE CHAIR: If you could just identify 11 yourself for the record? 12 MR. ERIC AHNER: Thank you. My name is 13 Eric Ahner. I'm the current director of J. Paul 14 Taylor Academy. 15 MR. RICK HERNANDEZ: Madam Chair, members 16 of the Commission, my name is Rick Hernandez. I am 17 the governance council chair. 18 MR. ERIC AHNER: Thank you. To continue, 19 Director Poulos' assessment, I think, is very 20 accurate. I believe that a lot of the concerns 21 actually go back to FY '15. In the process of 22 trying to close on our books for FY '16, and as the 23 audit began this year, our business manager was 24 trying to reconcile the books, couldn't do it. 25 And come to find out, in fact, the issue</p>	<p style="text-align: right;">Page 157</p> <p>1 that a lot of our issues are from FY '15. Some that 2 rolled into '16 certainly need to have -- and we're 3 working incredibly hard -- to have a very, very 4 clean year. 5 So -- and again, it was a cash flow issue 6 of where we borrow money internally, making sure 7 that we're borrowing from accounts that are 8 appropriate to do so. To -- 9 THE CHAIR: Could I just interrupt for you 10 a second? If the Director could even just text and 11 get a response back, via the text will be good. 12 MS. POULOS: Absolutely. 13 THE CHAIR: Thanks. 14 MR. ERIC AHNER: One of the pieces that's 15 important to me -- I do have seven years' experience 16 with Aldo Leopold Charter Schools. So I am new to 17 this school and hope to work with the current chair 18 and this board. We did have a turnover on this 19 board. Thankfully, Mr. Hernandez is not new to the 20 board; so we do have some veterans to look forward 21 and look to specific mechanisms to clean up internal 22 controls, a lot of discussions with our business 23 manager, in coordination with Deputy Secretary 24 Aguilar, to make sure we're on the up-and-up. 25 I would like to see us, as a school,</p>

<p style="text-align: right;">Page 158</p> <p>1 really take stronger control so that the PED is not 2 responsible for our finances, for obvious reasons, 3 and just to make sure that we're highly transparent 4 with the PED so that the assurances are there that 5 we're doing what we need to do to stay clean with 6 finances with the school. Their support has been 7 pretty instrumental.</p> <p>8 One of the strategies that we've 9 implemented to clean up the concerns that came at 10 the end of FY '15, which resulted in closing our 11 books late, was engaging the associate 12 superintendent, Terry Dean, from Las Cruces Public 13 Schools, who was very strong in finance.</p> <p>14 He came in to look specifically at why we 15 couldn't reconcile FY '16, that, in fact, did go 16 back to an issue in FY '15, firstly.</p> <p>17 And, secondly, when we were concerned 18 where did this money go, to look very critically, 19 are there concerns of fraud. While we continue to 20 look, we don't have any reason to believe there are 21 concerns of fraud or negligence. We feel more 22 confident about where that money wasn't and why it 23 wasn't there and where it is currently, again, 24 resulting from carryover from FY '15 and '16.</p> <p>25 There's also discussions about trying to</p>	<p style="text-align: right;">Page 160</p> <p>1 where our deficiencies came from as far as budget. 2 We -- '15 to '16 -- sorry -- '16-'17 budget year saw 3 a decrease in our budget of \$93,000. So we are not 4 a school that is spending money furiously. We had 5 to make a whole tremendous amount of cuts, as it is, 6 to get to a sound budget at the beginning of this 7 year.</p> <p>8 And, you know, a lot of the decrease in 9 our budget came from a decrease in our T&E that 10 accounted for essentially \$63,000 of our cuts. So 11 we were aware of that, as we went into hiring for 12 this coming year, to make sure that that clears up 13 and helps to increase our revenues for coming years, 14 even though the staff may cost us more in this year 15 before we see the benefit from that.</p> <p>16 So we are aware of where changes in the 17 future and this year need to be made to make sure 18 that our future budgets are stronger.</p> <p>19 THE CHAIR: Commissioner Shearman? 20 COMMISSIONER SHEARMAN: Thank you. Does 21 your school have a full-time business manager? 22 MR. ERIC AHNER: Madam Chair, Madam 23 Commissioner, we do not. We have a part-time 24 person, Vicki Chavez, with Southwest Regional 25 Education Center, providing the services. And that</p>
<p style="text-align: right;">Page 159</p> <p>1 further engage him as an outside person to help us 2 reexamine our practices and look at internal 3 controls to make sure that we're really moving 4 forward comprehensively to -- to really tighten 5 things up more, knowing that we're tight with 6 finances, which, in my mind, creates the opportunity 7 for more errors in our operations.</p> <p>8 If you have any comments? 9 MR. RICK HERNANDEZ: You know, after 10 Deputy Secretary Aguilar came to visit us at our 11 school last year and told us the actions we needed 12 to take, we took all those comments very seriously. 13 We revamped all of our budgeting process. We had a 14 very involved budgeting process this year that 15 included parents and staff, and it was a very open, 16 incredibly transparent process that we did to build 17 this year's budget.</p> <p>18 And unfortunately, the starting figure for 19 that wasn't -- because of the rollover issues, 20 wasn't when we needed it to be. So we are still 21 working on seeing where we're going to make those 22 cuts. And it sounds like Deputy Secretary Aguilar 23 is going to help us to get that back in line to 24 where we need to close out the year strong.</p> <p>25 But we are, as a board, hyper-aware of</p>	<p style="text-align: right;">Page 161</p> <p>1 certainly is a shift for me, not having a business 2 manager on site.</p> <p>3 I believe she is very good, and she's 4 helped us really clean up a lot of the concerns that 5 existed prior to her beginning last year, which is 6 very important for me to point out.</p> <p>7 COMMISSIONER SHEARMAN: That was going to 8 be my next question. So you had a different 9 business manager FY '15? 10 MR. ERIC AHNER: Yes, ma'am. 11 COMMISSIONER SHEARMAN: Was the board 12 aware that the books were not closed at the end of 13 that year? 14 MR. ERIC AHNER: Madam Commissioner -- 15 Chair and Madam Commissioner -- excuse me -- no, we 16 were not. We didn't realize that the books weren't 17 closed out. And when I say "closed out," I mean 18 specifically in AptaFund, the software. When you 19 don't close things out properly in AptaFund, how it 20 rolls over -- your cash carryover can get messed up 21 very easily; it, in fact, did.</p> <p>22 That goes back to a lot of the issues and 23 concerns that were in front of the Commission last 24 year at the time of our renewal. And, again, those 25 challenges continue to -- to plague us to a certain</p>

<p style="text-align: right;">Page 162</p> <p>1 degree.</p> <p>2 COMMISSIONER SHEARMAN: Because it does</p> <p>3 seem like to me -- I remember when we approved this</p> <p>4 school. There was a lot of hype. There were a lot</p> <p>5 of really high-profile people. And it was going to</p> <p>6 be a great school. And I thought it started off</p> <p>7 very well.</p> <p>8 And then the last couple of years, things</p> <p>9 have just seemed one stumble after another. And,</p> <p>10 again, it seems to me it goes back to money and how</p> <p>11 those dollars are handled.</p> <p>12 So I'm -- I'm a little concerned that with</p> <p>13 all the financial problems your school has had, why</p> <p>14 don't you get you a full-time business manager?</p> <p>15 MR. RICK HERNANDEZ: Well, it's not</p> <p>16 full-time or part-time. It's just a contracted</p> <p>17 business manager. And she came after our audit from</p> <p>18 Deputy Secretary Aguilar. He requested a list of</p> <p>19 people we were considering as business manager</p> <p>20 replacements. And when we mentioned this particular</p> <p>21 group and person, it got his okay; so he was happy</p> <p>22 that she was going to be taking over the business</p> <p>23 management services with the school. That came with</p> <p>24 that approval. And for the most part, you know, we</p> <p>25 have been well-pleased with the work that they did.</p>	<p style="text-align: right;">Page 164</p> <p>1 MS. POULOS: Madam Chair, Commissioner</p> <p>2 Shearman, the Deputy Secretary did indicate that --</p> <p>3 and these are direct words -- "The current school</p> <p>4 year is of grave concern," and that he is certainly</p> <p>5 going to be very involved in communicating with the</p> <p>6 school and working with the school.</p> <p>7 So it is still a concern for him.</p> <p>8 Absolutely.</p> <p>9 THE CHAIR: Can I just get a</p> <p>10 clarification --</p> <p>11 COMMISSIONER SHEARMAN: Please, go ahead.</p> <p>12 THE CHAIR: -- with the business</p> <p>13 administrator? I know there was a problem a year</p> <p>14 and a half ago with the previous, that she was not</p> <p>15 on site often, if at all.</p> <p>16 MR. RICK HERNANDEZ: Correct.</p> <p>17 THE CHAIR: Does this business</p> <p>18 administrator now come in at any regular interval so</p> <p>19 that they're on site for staff?</p> <p>20 MR. RICK HERNANDEZ: Absolutely. So the</p> <p>21 business management that we contract with does have</p> <p>22 an agent there in Las Cruces that visits our</p> <p>23 facility regularly for payroll and for any time we</p> <p>24 have questions, to attend our governance council</p> <p>25 meetings, to request clarification of any kind.</p>
<p style="text-align: right;">Page 163</p> <p>1 Now, unfortunately, they started in the</p> <p>2 three months after the school year had started is</p> <p>3 when they took over. So, yeah, there were some --</p> <p>4 kind of some issues that didn't get picked up, which</p> <p>5 would have -- we didn't detect, of course, until we</p> <p>6 tried to close out the books, the year.</p> <p>7 Going forward, they did close out this</p> <p>8 last school year. So going forward, it shouldn't be</p> <p>9 an issue; so what we are facing at the beginning of</p> <p>10 this year won't happen again.</p> <p>11 COMMISSIONER SHEARMAN: And you've got</p> <p>12 enough money for the year.</p> <p>13 MR. ERIC AHNER: Madam Chair, Madam</p> <p>14 Commissioner, that's a great question. We're tight.</p> <p>15 And, actually, similar to this letter coming out two</p> <p>16 days ago, a lot of these issues unfolded literally</p> <p>17 in the last two weeks, showing us that, in fact, we</p> <p>18 have less money in the budget than we thought.</p> <p>19 In the midst of discovering and trying to</p> <p>20 find out where we stand financially, we still have</p> <p>21 work to do to work on the budget. It sounds like</p> <p>22 we'll have some assistance with the Deputy</p> <p>23 Secretary.</p> <p>24 THE CHAIR: And I think the Deputy</p> <p>25 Secretary has --</p>	<p style="text-align: right;">Page 165</p> <p>1 They're available to -- to come down.</p> <p>2 THE CHAIR: But the services -- on</p> <p>3 "requested," there's not a given time that the</p> <p>4 business administrator is on site on a -- on a</p> <p>5 regular basis; it's just if requested. Is that the</p> <p>6 way it's working?</p> <p>7 I know even when it was requested</p> <p>8 before -- and that was a problem with the previous</p> <p>9 business administrator, that even when requested,</p> <p>10 she wasn't coming; so that was --</p> <p>11 MR. RICK HERNANDEZ: No. She doesn't have</p> <p>12 a dedicated office there at the facility. I'm sure</p> <p>13 they'd be open to having that, if we requested it.</p> <p>14 THE CHAIR: Okay. All right.</p> <p>15 COMMISSIONER SHEARMAN: You bring a</p> <p>16 question to my mind. I -- I'm on the school board</p> <p>17 in Artesia. I think everybody knows that. We're</p> <p>18 not a huge district; but we do have a full-time</p> <p>19 business manager.</p> <p>20 I don't know how you run a school without</p> <p>21 that business manager there. I -- there are</p> <p>22 hundreds of questions and issues, it seems like,</p> <p>23 come up that that expertise is needed to correctly</p> <p>24 deal with whatever issue is coming up.</p> <p>25 I -- I don't know how you operate without</p>

<p style="text-align: right;">Page 166</p> <p>1 at least having that person on site 20 hours a week 2 or some reasonable amount of time, just somebody 3 that drops by now and then. I'm not -- I just don't 4 see how that would work. I really don't. 5 MR. ERIC AHNER: Madam Chair, Madam 6 Commissioner, I would say -- we have the business 7 manager we contract with directly, and she's hired 8 an assistant business manager, if that title is 9 appropriate, someone who's on site, I would say, 10 probably 15 to 20 hours per week. And she is very 11 available by phone at any time during business 12 hours, as well as Vicki Chavez, the business 13 manager. So from that perspective, I think that 14 they're very reachable. 15 I also come from a school where I think we 16 had the luxury of having someone there what felt 17 like 24 hours a day, in many circumstances. So I 18 think that that was a benefit, and also, based on 19 how tight we are financially, the service that we're 20 receiving, I think, is financially advantageous. 21 COMMISSIONER SHEARMAN: Thank you. 22 THE CHAIR: Commissioners? 23 I just want to -- to say that this school 24 has, without a doubt, been very forthcoming with me 25 and proactive in looking for a fix for this. And I</p>	<p style="text-align: right;">Page 168</p> <p>1 That way, we'll get a monthly update so 2 that we -- 3 MS. POULOS: Madam Chairwoman and 4 Commissioner Shearman, absolutely. I think -- I've 5 kind of indicated a couple of times, I'm trying to 6 move away from that "Schools of Concern" phrase; but 7 I think that ongoing monitoring and keeping that 8 information up to date for you, I'm happy to do 9 that, yes. 10 THE CHAIR: Thank you. 11 MR. ERIC AHNER: Thank you, members of the 12 Commission. Thank you. 13 THE CHAIR: Safe travels home. 14 MR. ERIC AHNER: Thank you. 15 THE CHAIR: Letter D, School Governance 16 Changes. 17 MS. POULOS: We've certainly received 18 some. We have not -- just because of other 19 priorities, have not actually processed those; so 20 don't have any for you this month. But we'll make 21 sure that we have processed all that we have next 22 month. 23 THE CHAIR: Okay. Thank you. 24 Commissioners, I'll now ask you if you 25 wish to take a lunch break.</p>
<p style="text-align: right;">Page 167</p> <p>1 applaud Eric for getting in there, and not knowing 2 what he was getting into, but willing to dig in 3 there and stick with the school and try to see this 4 fixed. 5 This is -- this is a problem, 6 unfortunately, that has been ongoing for more than a 7 school year. And they -- they just keep inheriting 8 this problem that any number of people questioned 9 that there is a problem there. 10 So unfortunately, I think that this fix is 11 coming too late, that it -- it was easier to deal 12 with earlier, and no one wanted to listen that there 13 was a potential issue; and there obviously was. And 14 now, they're facing an even bigger problem than 15 needed be, because of this rollover. 16 So I wish you luck this year and hope you 17 make it through this year. I really do. Because 18 they're -- you know, they're supported by the 19 community, and they provide a service for the -- for 20 the community that is well appreciated. So thank -- 21 COMMISSIONER SHEARMAN: Madam Chair, could 22 I ask that J. Paul Taylor be added to the list of 23 Schools of Concern, particularly with the things 24 we've heard today and -- and Deputy Secretary 25 Aguilar's comment on finances for the year?</p>	<p style="text-align: right;">Page 169</p> <p>1 COMMISSIONER CARR: What kind of time 2 frame are we looking at? 3 THE CHAIR: Let's see. Is -- are you 4 aware, is the Deputy Secretary planning on coming 5 for 9? 6 MS. POULOS: Madam Chairwoman, 7 Commissioners, he is. And I can look at what time I 8 put that on my calendar and his. 9 He has flexibility in his schedule; but I 10 did hold from 2:00 to 4:00. So a lunch break might 11 be -- 12 THE CHAIR: I'm thinking it needs at least 13 an hour and a half; at least, I'm thinking. Don't 14 you? 15 All right. So we're now going to take a 16 break for lunch. 17 (Recess taken, 12:40 p.m. to 1:40 p.m.) 18 THE CHAIR: I will bring this meeting back 19 to order. And just for your information, 20 Commissioner Chavez was -- is in a place that's very 21 noisy now; so she is no longer with us. So if the 22 record could note that Commissioner Chavez is no 23 longer in attendance, I would appreciate that. 24 All right. We are on to No. 8, which is 25 Policy Recommendations from Options for Parents and</p>

<p style="text-align: right;">Page 170</p> <p>1 the Charter School Division, Discussion and Possible 2 Actions.</p> <p>3 And I'll just ask one thing. It seems 4 that we don't, at this moment in time, have -- have 5 any schools right now that will need a Planning Year 6 Checklist.</p> <p>7 I would like to be able to dig into it a 8 little bit deeper at a work session. So it doesn't 9 seem really important right now; so if we could just 10 move on past A?</p> <p>11 COMMISSIONER CARR: Sure.</p> <p>12 COMMISSIONER SHEARMAN: Can we table it? 13 Would that be a better thing to do?</p> <p>14 THE CHAIR: Would that be better? So 15 we're going to table A, "Planning Year Checklist 16 Recommended Revisions" --</p> <p>17 COMMISSIONER TOULOUSE: We need a motion, 18 okay?</p> <p>19 THE CHAIR: -- for a work session to be 20 determined later. So I will entertain a motion on 21 that.</p> <p>22 MS. POULOS: Madam Chair, may I just ask 23 one favor, is that we not wait until we imminently 24 have new charters, so we can make sure it's a -- 25 THE CHAIR: Absolutely. Part of my report</p>	<p style="text-align: right;">Page 172</p> <p>1 devote to it to understand it thoroughly enough to 2 vote either way on it. So I wonder if we might 3 could table it, also.</p> <p>4 THE CHAIR: I will also indicate that my 5 understanding was it was to be a time line, not a 6 whole rewriting of the process; because the process 7 that we had outlined was a self-assessment. And 8 this takes away the whole self-assessment concept.</p> <p>9 There's a printed copy if you -- I printed 10 it out, so I could -- so...</p> <p>11 MS. POULOS: Madam Chairwoman?</p> <p>12 THE CHAIR: Director?</p> <p>13 MS. POULOS: So I think -- I would 14 certainly think -- I would hope that the Commission 15 would be willing to discuss and learn about this 16 today. We did certainly take into account the 17 schools' feedback that we received during the 18 opportunity to listen to the schools. And there was 19 a variety of feelings on -- on the self-assessment, 20 necessarily.</p> <p>21 But I think, with some explanation, you 22 may see that that is a component that is here, in 23 that what we want to do is decrease the burdens on 24 the school, increase the sharing information within 25 PED, utilize the reporting deadlines and the</p>
<p style="text-align: right;">Page 171</p> <p>1 is asking to lay out a calendar of looking at the 2 work sessions and the work that's going to be ahead. 3 So yes, so noted.</p> <p>4 So I will entertain a motion. 5 Commissioner Toulouse?</p> <p>6 COMMISSIONER SHEARMAN: Second.</p> <p>7 COMMISSIONER TOULOUSE: So move, that we 8 table the Planning Year Checklist Recommendation 9 Revisions.</p> <p>10 THE CHAIR: Motion by Commissioner 11 Toulouse, seconded by Commissioner Shearman. 12 And I think I can take voice vote, can't 13 I, on this?</p> <p>14 MS. McKEE: Yeah.</p> <p>15 THE CHAIR: Okay. All in favor? 16 (Commissioners so indicate.)</p> <p>17 THE CHAIR: It's unanimous. 18 We will move on to B, Annual Performance 19 Framework Monitoring, Time Line and Process 20 Recommendation.</p> <p>21 COMMISSIONER SHEARMAN: Madam Chair, I'd 22 like to make the same recommendation on this 23 document. It is large. I thought we were going to 24 get into a time line thing. But this document is 25 very large; and I honestly have not had the time to</p>	<p style="text-align: right;">Page 173</p> <p>1 information that comes from PED and PED's own 2 internal analysis of the S.T.A.R.S. data to flag for 3 schools when they need to do a self-assessment on a 4 certain area, because it may be deficient or there 5 may be some red flags from the data that they're 6 reporting, so that instead of a one-time, one-shot, 7 "This is what we self-assess," it's really an 8 ongoing process throughout the year, which is what a 9 lot of the schools asked us for was to make this 10 formative so that they're getting feedback 11 throughout the year, having the opportunity to 12 understand where there may be concerns, address them 13 in realtime, keep that recorded.</p> <p>14 And then, at the end of the year, that 15 facilitates a much better summative assessment, 16 which would be the evaluated Performance Framework 17 that has more meaning both for the schools and the 18 Commission.</p> <p>19 THE CHAIR: From my perspective, this is 20 much more -- this is a significant change in the 21 discussion that we had through an entire work 22 session, and a PEC meeting the next day, about what 23 the improvement plan and what the self-assessment 24 was going to look like. Had this come forward at 25 that time, I think we could have entertained the</p>

<p style="text-align: right;">Page 174</p> <p>1 discussion through that work session and the 2 following meeting. 3 I think this -- as far as I'm concerned, 4 this is such a significant change from what we had 5 had any discussion on, that it requires a work 6 session and not digging into at this time, and I 7 think people need to look at it. 8 I have serious concerns about the 9 governance council attendance. I've reached out to 10 a number of people about that. I have serious 11 reservations about CSD going to governance council 12 meetings. 13 So that's something that I want to 14 continue looking at myself. I have a concern about 15 the statement that was in there that this provides 16 for a lot more, and as many as possible, touches by 17 CSD. 18 In the discussion that we had with the 19 improvement plan, the idea was fewer touches. So 20 that this opens that door -- it's an open door. And 21 I personally have reservations about it. 22 So I'm not comfortable looking at this at 23 this moment in time because of the significant 24 changes. The recommendation from the last meeting 25 that was turned down was the subcommittee by the</p>	<p style="text-align: right;">Page 176</p> <p>1 COMMISSIONER CARR: No. 2 THE CHAIR: So I will entertain a motion. 3 COMMISSIONER SHEARMAN: I will move that 4 the policy recommendation -- where am I? -- on 5 procedures -- pardon me -- Annual Performance 6 Framework monitoring time line and process 7 recommendations be tabled to a work session to be 8 identified in the future. 9 THE CHAIR: Second? 10 COMMISSIONER CARR: Second. 11 THE CHAIR: Second by Commissioner Carr. 12 All in favor? 13 (Commissioners so indicate.) 14 THE CHAIR: Opposed? 15 It is unanimous. 16 Moving on to C, Recommendation on 17 Procedures for Bulk Amendment Requests for the PEC. 18 MS. POULOS: Madam Chairwoman, 19 Commissioners, as the Commission is aware, DIBELS 20 has been replaced with Istation as the 21 State-required K-2 assessment. And there are some 22 schools that negotiated DIBELS goals into their 23 performance frameworks. Those schools are now 24 seeking guidance on what to do moving forward, 25 specifically in relation to those DIBELS goals.</p>
<p style="text-align: right;">Page 175</p> <p>1 Commission to take a look at this. And this is a 2 completely -- this is a completely new remake, and 3 I'm not comfortable with it. So I would like to 4 look at it at a later date at a work session where 5 we can really dig into it. 6 COMMISSIONER CARR: Okay. 7 COMMISSIONER ARMBRUSTER: I kind of 8 like -- I don't know if we could do it in ten 9 minutes or so, just to go over, so that I -- I had 10 trouble reading it on my computer, because it was 11 sideways, and I tried to print it, and it won't 12 come -- 13 THE CHAIR: I think if we're going to save 14 it for a work session, we're going to save all 15 questions; because then the questions come up at the 16 work session. 17 I said that in my report, we'll make an 18 outline. 19 COMMISSIONER ARMBRUSTER: Oh, definitely. 20 THE CHAIR: Right. Yeah. 21 COMMISSIONER SHEARMAN: Jeff, was that a 22 motion? 23 COMMISSIONER CARR: No, I was just 24 agreeing. 25 COMMISSIONER SHEARMAN: Oh, okay?</p>	<p style="text-align: right;">Page 177</p> <p>1 In addition, as the Commission is aware, 2 there has been some conversation that Discovery is 3 getting out of the short-cycle assessment game. And 4 as a result, there are many schools that have 5 Discovery short-cycle performance framework goals, 6 and those schools are also seeking guidance at this 7 time on how to move forward. 8 And so CSD is bringing that forward. I 9 think there's going to be a large number of these. 10 I don't believe that -- I would not recommend that 11 renegotiation is appropriate; I would recommend that 12 there's potentially the ability to -- because these 13 assessments are really supposed to assess the same 14 items, it's really the percentages should be 15 maintained from what their prior goals were. And 16 this is more about just getting them over to the 17 right language. 18 So that is certainly my recommendation is 19 that the kind of -- as long as the school agreed, 20 the language would be substituted for the new 21 assessment that they chose, as far as the Discovery 22 change as far as DIBELS. 23 We have a great relationship with the 24 company -- the Istation company. And I know that 25 they would be happy -- I think they've, in fact,</p>

<p style="text-align: right;">Page 178</p> <p>1 done some work already -- and I don't know, Deputy 2 Secretary, if you have a little more information 3 about that -- to crosswalk between DIBELS and 4 Istation.</p> <p>5 So there may be the room there to bring 6 forward some language to you at the next Commission 7 meeting, if you so choose to take this approach that 8 could just be substituted in maintaining the 9 percentages, which would save the Commission all the 10 time, the State a lot of money, and, I think, the 11 schools a lot of heartburn.</p> <p>12 So that's the recommendation that CSD 13 would like to make on handling those two items.</p> <p>14 The other item is the Performance 15 Framework template changes, where the Performance 16 Framework template included language that required 17 improvement plans or accreditation at one time, and 18 then that changed over to improvement plans for 19 schools that received a letter grade of "C" or 20 lower.</p> <p>21 I think the Commission had talked about 22 maybe getting amendment requests, maybe potentially 23 getting a letter. There was no real clarity on what 24 that was.</p> <p>25 Quite frankly, CSD, in this case,</p>	<p style="text-align: right;">Page 180</p> <p>1 it's -- the governance council then is aware that 2 that change has taken place, and they've recognized 3 it, and it gets populated into their contract, I 4 think that's the easiest fix for that.</p> <p>5 Commissioner Carr?</p> <p>6 COMMISSIONER CARR: So I do know it is 7 difficult to translate the scores from Discovery to 8 MAP. It can be done; but that -- just knowing that, 9 we need to make sure that we come up with some kind 10 of common way to do that, maybe with the help of the 11 PED, and so we can get as close of an approximation 12 as possible. You know, we had the same problem with 13 PARCC and SBA.</p> <p>14 And -- and DIBELS -- and I -- DIBELS, I 15 know about. Istation, I know a little bit about it 16 because my wife is doing it. But, you know, I -- I 17 like DIBELS, and I'm kind of sorry they're doing 18 that. I like MAP better than Discovery; so I liked 19 that change.</p> <p>20 THE CHAIR: So you win one; you lose one.</p> <p>21 COMMISSIONER CARR: I know. It's kind of 22 give-and-take there kind of thing. I'll see. 23 Istation, you know, there's got to be issues with it 24 as they implement it this year. As you implement 25 anything new, there's going to be issues. Same</p>
<p style="text-align: right;">Page 179</p> <p>1 recommends that actually, if we come to an 2 understanding, that the schools may be uncomfortable 3 with that; they may not. But I do want to be just 4 kind of cognizant of trying to be as unbureaucratic 5 as possible and not have to create paperwork simply 6 for the sake of creating paperwork.</p> <p>7 THE CHAIR: The Director and I had had a 8 conversation, going back to DIBELS and Istation, 9 that this could potentially be an issue. And it is. 10 DIBELS is an immediate issue, because Istation has 11 changed.</p> <p>12 But as the Director did mention, the -- 13 the language is basically the same between most of 14 these assessments; so I think that there can be, 15 just plugged in, a paragraph for common language for 16 replacing Istation and DIBELS.</p> <p>17 And I don't think we have as many schools 18 with DIBELS. I can't give you a number. But I -- 19 there's some, obviously. And through checking with 20 a number of people, I think we can easily get it 21 accomplished with the governance council voting to 22 accept that language change.</p> <p>23 And as long as they provide for us the -- 24 the -- and it gets populated into their contract, 25 that that vote, the minutes go in, and that the --</p>	<p style="text-align: right;">Page 181</p> <p>1 thing there: Translation of scores between Istation 2 and DIBELS, make sure we have some common way of 3 translating that so that we're getting as accurate 4 information on these schools and whether they're 5 improving or not as possible.</p> <p>6 And I think that's -- that's all I have. 7 Other than that, I'm fine with doing this.</p> <p>8 THE CHAIR: I will tell you, through the 9 negotiations process, there is a lot of conversation 10 that takes place with Discovery, and will be with 11 Istation, so that there is a common understanding of 12 what growth and proficiency will be.</p> <p>13 COMMISSIONER CARR: Good.</p> <p>14 THE CHAIR: So that I'm comfortable with 15 the fact that we can come to an easy fix on this and 16 make it as easy as we can on -- and that was our 17 goal, is to not have to have the schools come up 18 here and have to ask for an amendment.</p> <p>19 And we're certainly never entertaining the 20 thought of renegotiating. That's never on -- that 21 has never been on the table.</p> <p>22 COMMISSIONER CARR: Good.</p> <p>23 THE CHAIR: But the fact that we're trying 24 to do this as thoughtfully as we can for the 25 schools, seeing the fact that they're now in -- and</p>

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<p>1 Discovery won't happen until next year. So we've 2 got a little bit of time. 3 And, of course, schools -- we didn't have 4 any that used Discovery this past time around, 5 because schools were aware of the fact that they're 6 moving off of it. 7 So we'll have -- and we'll have a good 8 amount of schools coming up for renewal. So I think 9 it's an easier fix. 10 Commissioner Shearman? 11 COMMISSIONER SHEARMAN: Maybe I missed it 12 in the explanation. But how does this information 13 come to us, all these schools, whatever number, 14 changing from one short-cycle assessment to another? 15 Their boards approve it. How do we get that 16 information? 17 THE CHAIR: I think that could easily be 18 accomplished through the Director's Report, that 19 she's in receipt of the following schools, with the 20 notification that their governance councils have 21 voted. 22 MS. POULOS: Madam Chairwoman, 23 Commissioners, yeah, I would have an Excel sheet 24 printed out, explain it to you, make sure you didn't 25 have any questions, and let you know who had done</p>	<p>1 the schools to have their governance councils vote 2 and approve the change from DIBELS to Istation noted 3 in and a vote in their minutes, approved minutes, 4 and then forward it to CSD. 5 Everyone got that? 6 COMMISSIONER CARR: I'll do it. 7 THE CHAIR: Okay. Commissioner Carr? 8 COMMISSIONER CARR: I move that we approve 9 the recommendation by the Charter Division to -- on 10 the procedure, bulk amendment requests to the PEC in 11 regards to assessment changes in Discovery and 12 DIBELS, and Performance Framework template changes 13 regarding improvement plans to be noted in the 14 minutes on the individual governing councils and 15 then to be passed on to the PEC. 16 Does that work? 17 COMMISSIONER SHEARMAN: I'm not sure about 18 the second part of that, Jeff. We really haven't 19 talked about it, have we? 20 COMMISSIONER CARR: Oh. 21 COMMISSIONER SHEARMAN: Did I miss 22 something? 23 THE CHAIR: The recommendation from 24 Katie -- from the Director was for -- 25 COMMISSIONER SHEARMAN: Are we talking 1</p>
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<p>1 what. 2 COMMISSIONER SHEARMAN: As long as it 3 comes to us. 4 THE CHAIR: Is it -- I don't know how easy 5 it is to populate the schools that are currently 6 using DIBELS. Do we have a -- 7 MS. POULOS: It's a very small number. 8 And I -- 9 THE CHAIR: You knew it was small. 10 MS. POULOS: I know that it -- SABE is one 11 of them. And I think there may be, at most, two 12 others. So it's a really small number. 13 THE CHAIR: Right. Yeah. So once -- and 14 that, in addition. It's not a monumental task, 15 because it's just not a lot of schools that we deal 16 with that are using DIBELS, okay? 17 MS. POULOS: I think, just to clarify, 18 Madam Chairwoman, all of our schools that serve 19 grades K through 2 are required to utilize Istation. 20 THE CHAIR: But in the Performance 21 Framework, it's not. Yeah. Yeah. 22 COMMISSIONER CARR: Okay. 23 THE CHAIR: Any other discussion? Okay. 24 COMMISSIONER CARR: Do we need a motion? 25 THE CHAIR: So we need a motion to -- for</p>	<p>1 and 2, both? Or just 1? 2 THE CHAIR: I think we have to do 1 3 separately. 4 COMMISSIONER CARR: Well, 1 and 2 is 5 included in "C." 6 THE CHAIR: But 1 is different, because 1 7 has to be a vote from the governance council. 8 No. 2, we haven't discussed whether the governance 9 council needed to vote and approve, which I -- 10 COMMISSIONER SHEARMAN: It's a change in 11 our -- 12 THE CHAIR: It's a change in our policy. 13 COMMISSIONER CARR: Well, they have to 14 vote on the changes from the testing, too; because 15 it's part of the project. Even though they're being 16 made to do it, they still have to vote on that. 17 COMMISSIONER SHEARMAN: I'm just saying we 18 have not discussed that. 19 COMMISSIONER CARR: Oh. You want to talk 20 about it some more. So if you'd like, I'll rescind 21 my motion. 22 THE CHAIR: Okay. All right. 23 No. 2, I think there was just -- the 24 Director was recommending that -- 25 COMMISSIONER SHEARMAN: It's a wording</p>

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<p>1 change in that Performance Framework, the Academic 2 Performance Framework. And to tell you the truth. 3 I thought we already made those changes. 4 THE CHAIR: We did. The question is we 5 made the change; but there's schools that are 6 currently still under that contract, and that 7 language has changed. So now, do they have to 8 request an amendment of us to have that removed out 9 of their current contract? Because it still exists 10 in the -- the "C" is still written into their 11 contract. 12 COMMISSIONER SHEARMAN: I see. Okay. 13 THE CHAIR: So the question is, what do we 14 need -- what, if anything, do we need them to do so 15 that they're not, by contract language, still 16 obligated to do the improvement plan for the "C" 17 grade. 18 So we have a couple of choices. We can 19 just let it go. 20 COMMISSIONER SHEARMAN: And stay the way 21 it is? 22 THE CHAIR: And we won't hold them to the 23 "C." They won't have to do an improvement plan, and 24 just leave that language there, because it's in that 25 contract. We simply would not enforce that piece.</p>	<p>1 we've removed it from all future contracts? So any 2 school, as they're coming up, it's no longer in 3 their contract. 4 (Chair consults with counsel.) 5 THE CHAIR: I'm going to have to ask the 6 room to clear for a few minutes, please. 7 COMMISSIONER CARR: Are going to go into 8 Closed Session? 9 THE CHAIR: Yeah. 10 COMMISSIONER CARR: Well, then, we need to 11 vote on that before -- 12 THE CHAIR: Oh, I'm sorry. I'm sorry. I 13 have a motion to go into -- 14 COMMISSIONER CARR: We can't because it's 15 not on the agenda. 16 THE CHAIR: We can't, because it's not on 17 the agenda. Come on back. It's not on the agenda. 18 COMMISSIONER CARR: We needed some more 19 exercise. 20 THE CHAIR: So we're going to have to 21 table 2 -- 22 COMMISSIONER CARR: Okay. 23 THE CHAIR: -- until we get clarification. 24 COMMISSIONER SHEARMAN: That's fine with 25 me.</p>
<p>Page 187</p> <p>1 We could just let that go and ignore that it's in 2 there. That's a suggestion. That's a possible 3 suggestion. 4 We could ask them to submit a letter 5 instead of an amendment, just saying we're -- I 6 guess it would have to be voted on by the governance 7 council, noted in their minutes that they are taking 8 the opportunity to have the language removed from 9 their current contract. 10 COMMISSIONER CARR: Okay. 11 THE CHAIR: So that the governance council 12 was aware of the fact that that was no longer going 13 to be enforced in their contract. 14 COMMISSIONER CARR: Okay. 15 THE CHAIR: If that's a possible solution. 16 Or the third is that they'd have to ask -- every one 17 of them would have to ask for an amendment. 18 COMMISSIONER CARR: No. 19 THE CHAIR: So we're trying to do this as 20 legally and expeditiously -- 21 COMMISSIONER PERALTA: So what's the harm 22 in leaving it be, if there's no harm? 23 THE CHAIR: I have to ask legal counsel. 24 Is there harm in leaving it there, but an 25 understanding that we're not enforcing that, because</p>	<p>Page 189</p> <p>1 THE CHAIR: So I need a motion to table 2 C-2. 3 COMMISSIONER SHEARMAN: I so move. 4 COMMISSIONER CARR: Second. 5 COMMISSIONER SHEARMAN: 8-C-2. 6 COMMISSIONER PERALTA: What did you 7 rescind? 8 COMMISSIONER CARR: I rescinded it. There 9 was no second. 10 THE CHAIR: He rolled them both into -- 11 COMMISSIONER CARR: I'm not going to make 12 any more motions, because I haven't been able to 13 repeat myself. 14 COMMISSIONER SHEARMAN: Let's vote on 15 tabling. 16 THE CHAIR: All right. We're voting on 17 tabling 8-C-2. And there was a motion by 18 Commissioner Shearman. There was a second by 19 Commissioner Carr. 20 All in favor? 21 (Commissioners so indicate.) 22 THE CHAIR: Opposed? It's unanimous. 23 Okay. Let's go back to 8-C-1 now. So 24 we're dealing only with the assessment changes for 25 Discovery and DIBELS. And that was the motion that</p>

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<p>1 dealt with having the governance council vote, and 2 providing approved minutes with that vote noted in 3 it, providing that to CSD, and that would be 4 populated into their contract. 5 COMMISSIONER CARR: Okay. 6 COMMISSIONER SHEARMAN: Was that a motion, 7 Madam Chair? 8 THE CHAIR: That was a motion. I move. 9 COMMISSIONER SHEARMAN: I second. 10 THE CHAIR: All in favor? 11 (Commissioners so indicate.) 12 THE CHAIR: Motion passes. 13 COMMISSIONER CARR: I wasn't going to do 14 it again. 15 THE CHAIR: No. 9. 16 COMMISSIONER TOULOUSE: Do we need a roll 17 call on that one? 18 THE CHAIR: No, we didn't on the others. 19 COMMISSIONER TOULOUSE: But the others, we 20 were tabling. This one, we're making a change. 21 It's allowing people to amend. 22 THE CHAIR: It's not allowing people to 23 amend. 24 COMMISSIONER TOULOUSE: Yes, it is, in 25 practice. They move to take it out; that's amending</p>	<p>1 Toulouse? 2 COMMISSIONER TOULOUSE: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Armbruster votes "Yes." 5 Commissioner Carr? 6 COMMISSIONER CARR: Yes. 7 COMMISSIONER ARMBRUSTER: That is a 8 seven-to-zero vote. It passes to -- whatever -- for 9 the governing council to provide minutes on their 10 vote. 11 THE CHAIR: Thank you. That was a 7-0 for 12 governance councils providing approved minutes 13 noting the replacement of DIBELS with Istation. 14 We're on to No. 9, report from PED. 15 DEP. SEC. RUSZKOWSKI: Good afternoon. 16 Madam Chair. Good afternoon, Commissioners. Great 17 to be here. 18 Start over. Madam Chair, Commissioners, 19 very good to be here this afternoon. We had had 20 some discussion about myself and/or the Secretary 21 coming to the PEC meetings on a monthly basis and 22 providing some updates on some items that were -- 23 that were topical, that either those items could 24 either come from the PEC or could come from the PED. 25 So I hope, as we work our way through</p>
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<p>1 the contract. 2 THE CHAIR: No, they're not ta- -- oh, 3 they're replacing. 4 COMMISSIONER TOULOUSE: Well -- but that's 5 a change to the contract. 6 THE CHAIR: Okay. We'll do a roll-call 7 vote. 8 COMMISSIONER CARR: Better to be safe than 9 sorry. 10 THE CHAIR: This is 8-C-1. That's the 11 motion to have the governance councils provide the 12 letter. 13 COMMISSIONER ARMBRUSTER: Okay. 14 Commissioner Gipson? 15 THE CHAIR: Yes. 16 COMMISSIONER ARMBRUSTER: Commissioner 17 Shearman? 18 COMMISSIONER SHEARMAN: Yes. 19 COMMISSIONER ARMBRUSTER: Commissioner 20 Peralta? 21 COMMISSIONER PERALTA: Yes. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Pogna? 24 COMMISSIONER POGNA: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>	<p>1 conversation today, we're able to identify some 2 topics for future meetings. 3 I just jotted in my notes that perhaps a 4 conversation about Istation and the way that 5 Istation works -- that's our new statewide K-2 6 assessment, which you just discussed, which our 7 schools and districts are in the middle of 8 implementing for the first time, as you mentioned, 9 Commissioner Carr, as we speak. 10 So just as we go through today's talk and 11 discussion and back and forth, if there are other 12 topics for future meetings that you would like, 13 again, either myself or the Secretary to come and 14 speak to, we'd love to have this be part of the 15 normal routine. 16 At the same time, Madam Chair and 17 Commissioners, I hope not to take up too much of 18 your time today. I know you have other business, 19 both before lunch, and now, after lunch, as well. 20 Please let me know at any point, 21 Madam Chair and Commissioners, if we need to cut my 22 time, or slice back the time here in any way, shape, 23 or form. 24 The topic that we chose for today, because 25 I think it just has extreme relevance for all of our</p>

<p style="text-align: right;">Page 194</p> <p>1 schools around the State and notably, our charter 2 schools, as it pertains to this body, is school 3 grades. 4 And I'm sure you have followed the 5 coverage, and you've talked to schools and charter 6 directors and district leaders and other elected 7 officials as school grades became announced for the 8 fifth time last week. 9 And the headline, if you're following here 10 in the -- do they have the deck in front of them, as 11 well? 12 MS. POULOS: They do have -- 13 DEP. SEC. RUSZKOWSKI: A copy of the 14 presentation? 15 MS. POULOS: Yes. So they have the copy 16 of the briefing, not this presentation. 17 DEP. SEC. RUSZKOWSKI: Okay. Got it. 18 So you have the briefing, which has a lot 19 of this information. Again, there's a lot of good 20 news. There's a lot of progress for our educators 21 and students and families to be proud of. Kids are 22 learning more; their hard work is paying off. 23 And since 2012 -- and this is the number 24 the Secretary mentioned a couple of times last 25 week -- since 2012, 30,000 more New Mexico students</p>	<p style="text-align: right;">Page 196</p> <p>1 schools than ever are giving their students access 2 to college and career opportunities, dual credit, 3 advanced placement -- right? -- those types of 4 opportunities that schools earn points for as part 5 of school grades. 6 So our high schools, in particular, showed 7 a major trend upward in what we call the "college 8 and career readiness factor" this past year. 9 Here's the breakdown of percentage of "A" 10 schools, "B" schools, "C" schools, "D" schools and 11 "F" schools. 12 Then we look -- we had that breakdown at 13 the elementary and at the high-school level, as 14 well. As you can see, about 4 percent of schools 15 were A's, 118; and 207 B's; for a total of 325 "A" 16 and "B" schools across the state. 17 Now, we are in the middle of our two-week 18 appeals process right now. We've already had six 19 schools put forward an appeal, based on either what 20 they think is dated that has not been included, or 21 it's been miscalculated. Six schools have already 22 submitted appeals. 23 Usually, we get about 30 in a given year. 24 And during that appeals process, grades cannot go 25 down. They can only go up, okay?</p>
<p style="text-align: right;">Page 195</p> <p>1 are in "A" and "B" schools than they were in 2012. 2 So we know that 30,000 more kids and families and 3 parents are experiencing an educational -- 4 educational opportunities within "A" and "B" 5 schools. There's 30,000 more kids in 2016 than 6 there were in 2012. And our schools should be proud 7 of that. 8 We're very proud of that. As I'm sure 9 you're driving across the state, you've seen schools 10 that have now put up their placards that have said, 11 you know, "We're an A school." 12 And I certainly drive by Gonzales every 13 day as I drive home. "In 2014, we were a D; in 14 2013, we were a C; in 2016, we're a B." 15 So there's a lot of celebration, and we've 16 been traveling the state to celebrate with some of 17 those schools. 18 We have more "A" and "B" schools than last 19 year, and we have less "D" and "F" schools than last 20 year. So that as a state, we're seeing that schools 21 that are embracing our reforms, embracing new 22 opportunities for their kids, are seeing a lot of 23 success. 24 And particularly at the high school level, 25 one of the big trends this year was that more high</p>	<p style="text-align: right;">Page 197</p> <p>1 So -- so as we look at those, we could 2 probably have more "A" and "B" schools by the end of 3 the appeals window. 4 Here's, again, a comparison of you combine 5 "A" and "B", you look at "C," you look at "D" and 6 "F," over the last two years, you have your 2015 7 schools -- and I have a little bit of a color -- I 8 think that's red. 9 MS. FRIEDMAN: Yes. 10 DEP. SEC. RUSZKOWSKI: Okay. Thank you. 11 And next to it is, like, a baby blue. 12 MS. FRIEDMAN: Yes. 13 DEP. SEC. RUSZKOWSKI: A dark red and a 14 baby blue is what I'm seeing. And you'll see the 15 trends there, 21 more "A" and "B" schools statewide 16 this year, and about 7 less "D" and "F" schools this 17 year, statewide. 18 One of the schools the Secretary 19 celebrated, I believe on Monday, was the Desert View 20 elementary in -- in Las Cruces, which was the one 21 school statewide that went from an "F" to an "A." 22 And so that, obviously, they had a lot to celebrate 23 down there at Desert View. 24 THE CHAIR: It's fiesta time. 25 DEP. SEC. RUSZKOWSKI: It's fiesta time at</p>

<p style="text-align: right;">Page 198</p> <p>1 Desert View.</p> <p>2 Here's a couple of factors. We're getting</p> <p>3 a lot of questions, and we do every year, about</p> <p>4 interpretation of the school grade; right? Someone</p> <p>5 calls us and says, "What does this mean? Why did we</p> <p>6 go from an 'A' to a 'C'? Why did we go from a 'D'</p> <p>7 to a 'C'? What's happening? How come our PARCC</p> <p>8 results went up, but our school grade remained the</p> <p>9 same, and vice versa?"</p> <p>10 We get a lot of these questions.</p> <p>11 Just a couple of factors as you look at a</p> <p>12 school grade -- and I think we're going to look at</p> <p>13 two examples here this afternoon.</p> <p>14 So one is that the school grades include</p> <p>15 multiple assessments, PARCC; NMAPA, the special</p> <p>16 education assessment for the students in the</p> <p>17 1 percent; DIBELS, which you just talked about,</p> <p>18 which will now be Istation moving forward; and also</p> <p>19 the Spanish language arts SBA.</p> <p>20 And so you could have a school that, you</p> <p>21 know, went up in PARCC, but when you combine all</p> <p>22 these assessments, they actually were flat; right?</p> <p>23 Or they went down in PARCC; but when you combine all</p> <p>24 these assessments, they actually went up.</p> <p>25 Particularly for elementary schools,</p>	<p style="text-align: right;">Page 200</p> <p>1 the percentage of kids that were proficient in the</p> <p>2 PARCC was worth 15 out of 100 points. This year,</p> <p>3 PARCC proficiency was worth 20 out of 100 points.</p> <p>4 And next year, PARCC proficiency is worth 25 out of</p> <p>5 100 points.</p> <p>6 That was the PED's efforts to be</p> <p>7 responsive to that, as we made the transition to</p> <p>8 PARCC, that the weight of proficiency should be</p> <p>9 slowly reestablished at 25 points.</p> <p>10 Even on our -- some of our top performing</p> <p>11 schools in the state are about 60 percent,</p> <p>12 70 percent proficient on PARCC. And our</p> <p>13 top-performing districts, our "A" districts, are 60,</p> <p>14 55 percent proficient on PARCC.</p> <p>15 We're seeing those numbers go up; right?</p> <p>16 We were up about 3 percent in math and 2 percent on</p> <p>17 reading this year on PARCC, as a state. But that</p> <p>18 transition is still in effect, which means that</p> <p>19 especially for elementary schools, the weight of</p> <p>20 growth is high.</p> <p>21 It's worth about 70 out of the 100 points</p> <p>22 for elementary schools. It's based on growth. And</p> <p>23 for high schools, about 45 out of 100 points is</p> <p>24 based on growth.</p> <p>25 So understanding how the PED calculates</p>
<p style="text-align: right;">Page 199</p> <p>1 right? If you're a K-5, about half of your kids</p> <p>2 took DIBELS and about half took PARCC.</p> <p>3 So you'll see that play out in the school</p> <p>4 grade, that it includes all those assessments, not</p> <p>5 just PARCC.</p> <p>6 And that was a little bit -- I think that</p> <p>7 was something the folks were wrestling with, because</p> <p>8 we did the PARCC announcement the week before, and</p> <p>9 then we did the school grade announcements the</p> <p>10 following week.</p> <p>11 Another thing to keep in mind --</p> <p>12 Commissioner Carr, do I see you have a question,</p> <p>13 perhaps?</p> <p>14 COMMISSIONER CARR: Yeah, real quick.</p> <p>15 Are the EOCs not figured in this mix?</p> <p>16 DEP. SEC. RUSZKOWSKI: Excellent question.</p> <p>17 The EOCs are not included in school grades.</p> <p>18 COMMISSIONER CARR: Only evaluations.</p> <p>19 DEP. SEC. RUSZKOWSKI: Only for issues of</p> <p>20 student promotion or student grades and for educator</p> <p>21 evaluation.</p> <p>22 COMMISSIONER CARR: Very good. Okay.</p> <p>23 DEP. SEC. RUSZKOWSKI: Excellent question.</p> <p>24 Also, the PARCC transition -- so take an</p> <p>25 elementary school. Last year, PARCC proficiency,</p>	<p style="text-align: right;">Page 201</p> <p>1 growth becomes very important for our schools, and,</p> <p>2 I think, not always easy to understand how that</p> <p>3 growth is calculated.</p> <p>4 Actually, Madam Chair and Commissioners,</p> <p>5 I'll pause there for questions. Are there any</p> <p>6 initial questions on school grades?</p> <p>7 THE CHAIR: Well, the only one I had --</p> <p>8 and I -- I don't remember if it's on this slide --</p> <p>9 and I know you've mentioned looking at the</p> <p>10 graduation rate and how it's graded; because I know</p> <p>11 I've got a school in my area that has a 100 percent</p> <p>12 graduation rate; but they got an "F" in graduation.</p> <p>13 So I'm not figuring out -- unless it's</p> <p>14 because they hadn't improved --</p> <p>15 COMMISSIONER CARR: Yeah.</p> <p>16 THE CHAIR: -- you know, which -- and I</p> <p>17 know you've mentioned looking at how that's -- so</p> <p>18 I'm just -- if you could just elaborate a little</p> <p>19 bit?</p> <p>20 DEP. SEC. RUSZKOWSKI: So, Madam Chair,</p> <p>21 Commissioners, if that's the case, right, then that</p> <p>22 school should be contacting Dr. Cindy Gregory and</p> <p>23 our assessment team for an appeal.</p> <p>24 The -- I guess just drawing upon what I</p> <p>25 know, it could be -- that shouldn't be happening;</p>

<p style="text-align: right;">Page 202</p> <p>1 right? It could be because where the cohort is, or 2 was it 100 percent this year, but it was 50 percent 3 two years ago? Because we do look at -- there is a 4 one-year lag. 5 THE CHAIR: Right. 6 DEP. SEC. RUSZKOWSKI: And we do look at 7 it over time. But graduation -- the graduation rate 8 is worth -- or graduation is worth 17 out of 9 100 points, for high schools, okay? That's what the 10 graduation rate is worth. 11 Of the 17, the four-year graduation rate 12 is worth 8; the five-year graduation rate is worth 13 3; the six-year graduation rate is worth 2; and I 14 should -- I'll double-check these numbers for you. 15 And then the graduation growth over time is worth 4. 16 So there's actually four different 17 categories within those 17 points. 18 Now, the 8 points, the biggest one, is the 19 four-year graduation rate. And then, on top of 20 that, it's calculated on a one-year lag; right? So 21 it's not this year. It's -- and it's looking over a 22 cohort of kids. 23 So, again, not to get too technical, if 24 that is the case with that school, you should 25 definitely flag myself and to Katie and --</p>	<p style="text-align: right;">Page 204</p> <p>1 you know, it matters. But in a small school, one 2 kid can put you under the 95 percent. 3 So I'm also interested in a follow-up, how 4 many of the charter schools' grades were dropped a 5 letter, because they didn't have the 95 percent 6 participation. 7 I just feel this kind of stuff is great 8 for large numbers; but it doesn't -- statistics like 9 this don't do well when you have small numbers. 10 So, thank you. 11 DEP. SEC. RUSZKOWSKI: Madam Chair, 12 Commissioner Toulouse, it's a excellent question. I 13 can get you that list here today. I don't know 14 if -- Katie, if you already have that list. 15 There were 26 schools statewide whose 16 grade went down by one grade -- that's the -- that's 17 the penalty that we have in place, by one grade -- 18 because of being below the 95 percent participation 19 rate on the -- on the federally required exams -- 20 right? -- PARCC and NMAPA and SBA, those three 21 combined. So only 26 schools statewide. 22 I think only a handful of those 26 were 23 charters. We can get you who those were. I will 24 say that in talking to Dr. Gregory, I had the same 25 concern that you did, Commissioner Toulouse. There</p>
<p style="text-align: right;">Page 203</p> <p>1 THE CHAIR: And I did indicate that to 2 them, because they were very upset that -- so I did 3 tell them to please reach out, that -- to see if 4 there was an error made or was -- and I -- honestly, 5 I don't have -- I think they had a fairly consistent 6 graduation rate; but it's -- I'll tell them again to 7 please reach out. 8 DEP. SEC. RUSZKOWSKI: Yes, they 9 absolutely should, Madam Chair. 10 COMMISSIONER TOULOUSE: Madam Chair? 11 THE CHAIR: Oh. Commissioner Toulouse? 12 COMMISSIONER TOULOUSE: Mr. Deputy 13 Secretary, this is nice having all of this. But 14 what about the charter schools separately? We don't 15 have any of that in this that you've given us. 16 I got the numbers, because I asked 17 Ms. Poulos for them earlier in the week, and she 18 very kindly sent me the grades of all of the charter 19 schools; because I don't have access to the Internet 20 in any way I can download them. 21 I'm concerned at looking at our schools, 22 because I'm also concerned that some of them dropped 23 because, in some cases, it may have been kids not 24 taking, and the school went under the 95 percent on 25 the PARCC; for instance, where in a large school,</p>	<p style="text-align: right;">Page 205</p> <p>1 is a minimum N count -- right? -- for that -- for 2 that calculation. 3 I don't want to give the number, because I 4 want to be sure I have the appropriate number. But 5 there's a minimum count. 6 If the school is exceptionally small, in 7 some ways, they cannot be penalized in that regard. 8 So there are 26 schools; we can provide those 9 26 schools to the Commission, and we can get 10 those -- I think we can get those schools very 11 quickly. 12 THE CHAIR: Thank you. I'll appreciate 13 that. I'll just add -- because I was going to add 14 this earlier -- I created my own chart of all the 15 charters, the 2015 grade, the 2016 grade, their 16 three-year average, their this year's 75 percent and 17 25 percent, that breakdown, and whether they 18 increased, decreased. 19 So if I could get that number, as well, I 20 could put an asterisk by it to note that the grade 21 change may have been affected by that, and I will 22 gladly send it out, once I get that information; 23 because I did go through all the charters and have 24 a -- a listing of all of them. 25 COMMISSIONER ARMBRUSTER: Just to add on</p>

<p style="text-align: right;">Page 206</p> <p>1 or clarify, so if there was a school that only had 2 20 children, they will not be on our list of 26 3 whose grade went down, because somebody didn't take 4 the test. So these are ones that are larger 5 schools; right? 6 DEP. SEC. RUSZKOWSKI: Madam Chair, 7 Commissioner Armbruster, absolutely. Yes, that is 8 correct. That is that minimum count. 9 THE CHAIR: Thank you. Anyone else? 10 Commissioner Carr? 11 COMMISSIONER CARR: I don't know if this 12 is the right time or not; but I have a lot. 13 DEP. SEC. RUSZKOWSKI: Madam Chair, I 14 know. I did put -- well, because Commissioner 15 Toulouse had gone -- had sort of said, "What about 16 the charters," here's the charter school breakdown. 17 All charters, State charters, District charters. I 18 wanted to put up that slide as we went into some 19 specific questions. 20 COMMISSIONER TOULOUSE: It isn't in what 21 we have. 22 MS. POULOS: That's correct. I can get 23 those materials for you. 24 COMMISSIONER PERALTA: This PowerPoint, we 25 can get?</p>	<p style="text-align: right;">Page 208</p> <p>1 and then all charters in the state, the overall 2 performance of all charters taken together, if you 3 put them all into one, you know, district, if you 4 will, the overall performance is they're slightly 5 underperforming. There's more "D's" -- right? -- 6 more "D" charters as a percentage. 7 There's about the same number of "A's"; 8 there's slightly less "B's"; right? There's more 9 "C's" and "D's" than there is. 10 So, thus, the overall performance of the 11 entire charter sector is slight- -- they're slightly 12 underperforming all schools. That's the overall 13 picture. 14 Now, you have to look at -- get a little 15 more deep into the data -- right? -- to look at the 16 individual schools and how they're doing. 17 COMMISSIONER SHEARMAN: Sure. 18 DEP. SEC. RUSZKOWSKI: Commissioner Carr, 19 I know you said you had a couple of questions. 20 COMMISSIONER CARR: Is this a good time 21 for me? 22 DEP. SEC. RUSZKOWSKI: Sure. 23 COMMISSIONER CARR: So we've had many 24 discussions here about, you know, validity of these 25 A-through-F grades, and the transition -- and</p>
<p style="text-align: right;">Page 207</p> <p>1 MS. POULOS: Yes. 2 COMMISSIONER PERALTA: Thank you. 3 THE CHAIR: So those are different 4 numbers. 5 COMMISSIONER CARR: It would be nice to 6 see a comparison with the public schools on the -- 7 the traditional public schools. I don't see that up 8 there. 9 MS. POULOS: We don't have those two 10 charts beside each, sorry. But if you were to look 11 at both slides next to each other. But they are -- 12 DEP. SEC. RUSZKOWSKI: Yeah. So we could 13 go here, right? So there's all schools. 14, 24, 14 25, 24, 13 -- percents; right? And then in the 15 charters -- right? -- 15, 19, 23, 28, 14. So the -- 16 Commissioner Carr, the overall skew of performance 17 for the charter sector, the charter sector is 18 slightly underperforming all schools. 19 COMMISSIONER CARR: Uh-huh. Okay. 20 COMMISSIONER SHEARMAN: Let me ask you to 21 say that again. Did you say all charters, or 22 certain charters? 23 DEP. SEC. RUSZKOWSKI: So, Madam Chair, 24 Commissioner Shearman, when you look at the overall 25 performance breakdown of all schools in the state,</p>	<p style="text-align: right;">Page 209</p> <p>1 here's -- you know, and the validity of PARCC, as we 2 switch from SBA to that particular test. 3 And then we're -- we're actually 4 increasing the emphasis on it year by year lends to 5 the argument of a lack of validity. As we learn the 6 test, and as we learn the -- the schools learn how 7 to do well on it, what it takes to do well on it, 8 and practice it, and they get and better. 9 And all standardized tests have a -- have 10 an issue. I've always had an issue with the SBA, as 11 well, with their validity. I'm not just picking on 12 the PARCC. 13 The -- not taking into account the EOCs, 14 when students can take -- cannot pass a portion of 15 the PARCC and take an EOC and then graduate, they 16 performed on that test. But that test is not taken 17 into consideration for the school grade, even though 18 that student that failed that part of the PARCC is 19 included in that overall evaluation of the school. 20 So that's an issue, you know. And I'll -- 21 the schools that are doing extremely well -- I mean, 22 you take a school from the upper east side of 23 Albuquerque and their particular demographic, they 24 may not have to do anything special. 25 I taught AP for years, you know. I hope I</p>

<p style="text-align: right;">Page 210</p> <p>1 brought them up from here to here; but usually, it 2 was here to here. (Indicates.) 3 And I took other students up from maybe 4 from here to here. (Indicates.) 5 But you can't judge me on -- that my AP 6 students versus my regular students are -- if I got 7 all AP and honor students, and somebody else -- you 8 know. And I know that doesn't -- that goes off the 9 track a little bit here; but it's the same type of 10 thing. 11 We know from all studies that poverty is a 12 key indicator in how children do in school. And yet 13 that is never taken into consideration. And it's 14 hardly ever mentioned by the administration. 15 Actually, poverty I don't think, is ever mentioned 16 by the administration. And we have one of the worst 17 poverty rates -- we have, I think, one of the worst 18 poverty rates for children in the country. And we 19 don't address that. But it needs to be addressed. 20 I also heard math scores were down, but 21 reading scores were up. But I didn't hear that in 22 your presentation. 23 DEP. SEC. RUSZKOWSKI: Madam Chair, 24 Commissioner Carr, looking just at the PARCC 25 assessments -- right? -- for Grades 3 through 11,</p>	<p style="text-align: right;">Page 212</p> <p>1 it valid, to me, that's why teacher tests are the 2 most valid, because the teachers know. 3 Multi-national corporations do not, you know. 4 And so -- I know I'm kind of getting into 5 some other issues. But this goes to the issue of 6 our issue -- Commissioner Toulouse and I, you know, 7 we've gone back and forth. Well, she doesn't trust 8 the grades. Well, I don't, either. 9 But guess what? That's the only thing 10 I've got to go by. Do I want to close a school 11 based on a "D," or an F if it's possibly not valid? 12 But we judge our public schools based on these 13 grades. 14 THE CHAIR: But we don't get to close 15 them. 16 COMMISSIONER CARR: But we don't get to 17 close them, no. But they could be potentially taken 18 over by the State. That's something that's allowed. 19 So, you know, I'm just -- I'm not trying 20 to come down -- you know. And I know -- I know you 21 have to put a positive light on every -- on what 22 you're doing. I understand it. That's part of the 23 political thing. Democrats and Republicans both do 24 that. You know, so I understand that. 25 So it's my job, though, to kind of dig at</p>
<p style="text-align: right;">Page 211</p> <p>1 statewide math scores were up more than -- more than 2 reading scores were. 3 COMMISSIONER CARR: Okay. So that was 4 misreported? 5 DEP. SEC. RUSZKOWSKI: So, Commissioner, 6 not knowing the source of the report, math scores in 7 Grades 3 through 11, just looking at math 8 proficiency on the PARCC, was up about 3 percent 9 statewide; reading proficiency, about 1.75 -- 1.5 to 10 2 points statewide. Both were up, just considering 11 proficiency. 12 COMMISSIONER CARR: And our graduation 13 rates are still abysmal. Did they get worse? 14 Weren't they worse? 15 Anybody? 16 DEP. SEC. RUSZKOWSKI: Madam Chair, 17 Commissioner Carr, my understanding is in the last 18 year, it went down -- our graduation rate went down 19 about a point. 20 COMMISSIONER CARR: So, you know, we've 21 got an awful lot of issues. And I'm always 22 concerned -- as a teacher, I do not want to give an 23 invalid test to my students. If I hadn't taught 24 that area, if I hadn't completely covered it, you 25 know, if I haven't done everything I could to make</p>	<p style="text-align: right;">Page 213</p> <p>1 that a little bit, I think, okay? So I'm playing 2 the advocate here, too. 3 So the -- so I think, although, you know, 4 maybe we see some improvements: We have more A-B 5 schools than we have D and F schools; well, okay. 6 But I think we got a long way to go here. You know, 7 I think we have to look at things completely 8 different than how we've been looking at them. 9 These tests -- you say they're federally 10 mandated. I've read the law. I don't agree. 11 And -- and I don't think we're going to lose near as 12 much money if we don't do this. 13 But -- and that's another issue. And 14 we've spent an awful lot of money on these tests. 15 And we have hardly any money. I went to the LFC 16 meeting in Red River. We're having really bad 17 budget problems. And I think we're spending a lot 18 of money in areas that we don't need to be spending 19 that needs to be spent in the classroom. 20 Overall, I think we're see- -- and I'll 21 stop my rant here in just a second. I promise. 22 The -- over the past 20 years, since we've 23 been doing standardized tests nationwide, our 24 students have actually -- don't know as much as they 25 did 20 years ago. The scores have actually been</p>

<p style="text-align: right;">Page 214</p> <p>1 going down. Ever since No Child Left Behind, we've 2 all been left behind. And it's a -- and it's a 3 major issue. And this is a major philosophical 4 difference I have with this whole system. And I -- 5 before this administration even came into the -- 6 into power.</p> <p>7 So as a teacher, as a member of the PEC, I 8 still think we're failing our kids. And I think we 9 need to do a lot better. We're not standing up for 10 them like we should. We're also not spending money 11 on them like we should. We've been underfunding 12 education for over 20 years.</p> <p>13 And we had a -- a -- we had a committee 14 that was bipartisan that studied it in depth. And 15 it wasn't a political thing. But we've ignored it. 16 There's a lawsuit coming up that we're not spending 17 enough money. That may come out in the fall. If 18 they win that lawsuit, where are we going to find 19 the money to do that? And we're not doing that.</p> <p>20 This state has money, but we're not 21 getting it, okay? And so that's a major issue of 22 mine. And I'm sorry I talked so long about it, and 23 I'm sorry if I got off-topic. But I just wanted 24 to -- to bring that point out.</p> <p>25 And thank you, sir. That was not</p>	<p style="text-align: right;">Page 216</p> <p>1 is baked into -- essentially, into the graduation 2 rate; because, as you know, we're only -- only about 3 one in four of our kids is proficient in math and 4 reading at the high-school level. But our 5 graduation rate is not 25 percent. Our graduation 6 rate is in the 60s; right?</p> <p>7 So those Eves are often used as those 8 alternative demonstrations of competency. So that's 9 one way that it's in the school grade.</p> <p>10 COMMISSIONER CARR: Okay.</p> <p>11 DEP. SEC. RUSZKOWSKI: Other, just, 12 pieces: You referred to No Child Left Behind. 13 Having worked in a couple of different states over 14 the last five years, I've seen states try, 15 painstakingly, to not have a school's performance be 16 solely about proficiency, which is a difficult 17 proposition.</p> <p>18 If the decisions that we were to make at 19 the PED, or as the PEC, were based strictly on 20 student proficiency, what percentage of kids get -- 21 in the case of PARCC, what percentage of kids get a 22 4 or a 5 on PARCC -- is the bar for just pure 23 proficiency -- which is what No Child Left Behind, 24 envisioned -- right? -- President Bush saying, "By 25 2014, every student will be proficient in reading</p>
<p style="text-align: right;">Page 215</p> <p>1 personal; but thank you.</p> <p>2 DEP. SEC. RUSZKOWSKI: Madam Chair, 3 Commissioner Carr? So just a couple of quick pieces 4 of historical context. I think you're certainly 5 right, Commissioner Carr, that we could spend the 6 next several days around the table here on the 7 philosophical bent -- right? -- of -- of these 8 approaches. And there's no question that, as policy 9 makers at the Public Education Department, as policy 10 makers and implementers on the Public Education 11 Commission -- right? -- you're oftentimes making 12 decisions, and you want more information or 13 different information to make those decisions.</p> <p>14 And, you know, is going and spending a day 15 or two at a school a more valid way to assess how 16 it's going there than looking at their math and 17 reading? We could debate that sort of ad nauseam.</p> <p>18 A couple of just technical points. One is 19 that the EOCs are an important piece of school 20 grades, insofar as -- and I just sort of had this 21 thought as we were exchanging ideas here -- insofar 22 as the EOCs are often used as an alternative 23 demonstration of competency that leads to high 24 school graduation; right?</p> <p>25 And so I did want to note that that is --</p>	<p style="text-align: right;">Page 217</p> <p>1 and math." That was the central thrust of NCLB. 2 So in the last five years, you have seen 3 states -- and New Mexico included, it is part of why 4 I think our school rating system is a good system -- 5 to try and look at it a different way, to have in 6 this case proficiency only worth, by next year, 25 7 out of 100 points, and then to look at other ways to 8 measure academic progress -- right? -- whether 9 that's graduation rate or college and career 10 readiness or student growth.</p> <p>11 Now, the student growth piece, I think, is 12 particularly interesting, because you talked about 13 moving your kids from here to here versus from here 14 to here. (Indicates.)</p> <p>15 And we've really tried with our student 16 growth model -- and I think our model does 17 capture -- you know, if you take a group of academic 18 peers -- right? -- and how did they do versus this 19 similar group of academic peers over here, that's 20 how we're looking at growth, is by these academic 21 peer groups which oftentimes capture things like 22 starting place, ZIP code, socioeconomic, et cetera.</p> <p>23 That's the intent of the growth model is 24 to try to capture some of that other data about 25 where our students come from and where they start</p>

<p style="text-align: right;">Page 218</p> <p>1 and then sort of have a fair fight in comparing. 2 And it is why some of our schools that have high 3 degrees of poverty in places like Gadsden and 4 Las Cruces are "A" and "B" schools -- right? -- 5 because they are showing growth that is outclassing, 6 if you will, their academic peers that start in the 7 same place. 8 So that's just -- you know, I think the 9 philosophical side, I'm trying to avoid that and 10 just stay on the evolution of this -- right? -- from 11 being based strictly on proficiency, to now being 12 based on proficiency, growth, surveys, attendance, 13 CCR, grad rates; multiple measures, as you often 14 hear -- multiple measures -- versus just strictly 15 based on proficiency. 16 I think that's a positive evolution; but I 17 think, to your point, there is still work to do, 18 Commissioner Carr. 19 COMMISSIONER CARR: I apologize to the 20 Commission. 21 DEP. SEC. RUSZKOWSKI: No, excellent 22 questions. No. Very good questions. Thank you. 23 THE CHAIR: If I can just ask one quick 24 question about the chart. If they're in pink, that 25 means the grade was affected. If they're not in</p>	<p style="text-align: right;">Page 220</p> <p>1 DEP. SEC. RUSZKOWSKI: The reason the 2 "F" schools were highlighted is because they 3 couldn't drop any further than where they were, 4 yeah. 5 THE CHAIR: Okay. All right. 6 MS. FRIEDMAN: Madam Chair, do you want me 7 to run off the 2015? 8 THE CHAIR: I don't believe so; because -- 9 no, I think we're -- we're good. But as I said, I 10 will put this with a notation on that chart. And if 11 you would like that chart, I'll gladly forward that 12 to you; because it has as up-to-date information as 13 I could find on contact information for each of the 14 schools. 15 It was just a handy tool for me, so that I 16 don't have to go digging through. And I was curious 17 about the school grades with the schools. So 18 it's -- it's a good look, and I appreciate this. 19 Any other questions or comments about 20 that? 21 DEP. SEC. RUSZKOWSKI: And, Madam Chair, 22 just in closing, I'm happy to take any further 23 questions. 24 So if you look here, here's the overall 25 charter sector from 2015 to 2016. So you see four</p>
<p style="text-align: right;">Page 219</p> <p>1 pink, the grade wasn't affected by the number of 2 students taking the test; correct? 3 No, this is -- this is -- they're two 4 different years. The longer piece of paper was for 5 2015, and the shorter piece of paper is 2016; 6 because that's -- I was looking at what was 7 e-mailed. And that was -- 8 DEP. SEC. RUSZKOWSKI: No. These are both 9 2016. They're the same schools, are they not? 10 MS. POULOS: There should be a 2015 list, 11 which has N=41, and a 2016 -- 12 MS. FRIEDMAN: She ran them both. 13 THE CHAIR: In the e-mail came 2015. 14 MS. POULOS: 2015 was the one where 15 41 schools had their letter grade impacted by having 16 participation rate lower than 95 percent. In 2016, 17 that number decreased to 26. 18 I would say that I have no clue what the 19 pink means. I don't think it means anything. 20 COMMISSIONER TOULOUSE: They're "F" 21 schools. 22 MS. POULOS: They're "F" schools; that's 23 what it means. Thank you. 24 THE CHAIR: Those are schools that were 25 affected this year with their school grade.</p>	<p style="text-align: right;">Page 221</p> <p>1 fewer "A" and "B" schools, the exact same number of 2 "C" schools, and nine more "D" and "F" schools. So 3 that's the -- that's the overall picture. 4 MS. POULOS: Sorry. I'll jump in. This 5 is actually State charters, not overall. 6 DEP. SEC. RUSZKOWSKI: State charters, 7 yes. 8 MS. POULOS: So only PEC-authorized 9 charter schools. But one of the discussions the 10 Deputy Secretary and I had, the numbers are 11 different. The total number in 2015 and 2016 is 12 different, obviously, because you authorized a 13 number of schools; but most notably, and concerning, 14 that the "D" and "F" schools, what fed into the 15 increase, at least for three of the nine, is your 16 three new charter schools actually all three earned 17 "D" letter grades. 18 And so certainly, getting off to that 19 challenging start, and definitely, I think, a 20 reflection on insuring the need for ensuring that 21 those schools are ready to start. 22 COMMISSIONER TOULOUSE: Madam Chair, I 23 think that's partially a part of the formula; 24 because there's not enough data to make comparisons 25 over the years.</p>

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1 MS. POULOS: And we can have our
2 Assessment people come in. But actually, it's
3 not -- it's not an effect. So there's no natural
4 effect of not having three years of data.

5 COMMISSIONER TOULOUSE: Madam Chair?
6 Katie, I have seen this in all of our new schools.
7 They start out at "D" or "F," and by the third year,
8 most of them are up to "C's," "B's," or in some
9 cases, an "A." For instance, MAS is one of those.
10 And I have seen that in enough of them, there is
11 something that is starting that new one low, and
12 they move up.

13 DEP. SEC. RUSZKOWSKI: Madam Chair,
14 Commissioner Toulouse, I think -- so we do have
15 enough -- we could look at this; right? We could
16 have a deeper look at this. We have enough data --
17 we have other new schools; right? We have other new
18 schools that are non-PEC-authorized that are either
19 district-charter-authorized or that are just brand
20 new schools -- right? -- that have been built or
21 have just started?

22 So we could do that analysis of schools
23 that are in their first year, whether
24 State-authorized, district-authorized, or just plain
25 old, brand new district schools, to see if that

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1 DEP. SEC. RUSZKOWSKI: Sure. Sure.

2 THE CHAIR: Anything else?

3 DEP. SEC. RUSZKOWSKI: So, Madam Chair, we
4 did provide -- just as, by way of comparison, we did
5 bring -- and I think Katie did distribute two
6 examples of a charter school that earned -- a
7 State-authorized, PEC-authorized charter school that
8 earned a "B," and a State-authorized charter school
9 that earned a "D."

10 And, you know, just to go a little bit
11 deeper, just to provide two examples to go more
12 deeply into the data, looking at how did these two
13 schools compare in current standing, how did they
14 compare in school growth, how did they compare in
15 student growth of their highest performing students,
16 how did they compare in student growth in their
17 lowest performing students, how did they compare in
18 opportunity to learn, which looks at surveys and
19 attendance, how did they compare in their graduation
20 rate?

21 As you can see, both schools actually
22 earned an "F" in the graduation rate indicator.

23 THE CHAIR: And I'll actually tell you
24 that's one of the schools that had 100 percent
25 graduate in 2015.

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1 plays out. I actually think it's a good analysis
2 for us to run.

3 THE CHAIR: I think, unfortunately, the --
4 a new district school is significantly different,
5 because the support that goes to all of the
6 additional personnel that a new school, if you're a
7 traditional district school, could tap into, is
8 significantly different than any of even -- a
9 State-authorized or a district auth- -- and
10 Albuquerque is different because Albuquerque's
11 charters are able to tap into the resources of
12 Albuquerque Public Schools; whereas, the State
13 charters don't have that opportunity.

14 So it leaves them as an island unto their
15 own, often during that -- especially during that
16 initial year.

17 But I would appreciate being able to look
18 it, because I think it's a good discussion. But I
19 don't know how well they compare with each other.

20 COMMISSIONER TOULOUSE: And, Madam Chair,
21 APS has authorized only one new school in seven
22 years; and that's the one they just did this spring.
23 So they've had -- they've not authorized any for
24 that long, because they discouraged applications in
25 APS.

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1 DEP. SEC. RUSZKOWSKI: So this is one that
2 we can be expecting an appeal from.

3 And then the college and career readiness
4 indicator, as well. I think when you look at it,
5 each one is, you know, six pages and has all the
6 detailed data.

7 So I just wanted to, I guess, put these
8 two in front of you to see if there were any
9 questions from the PEC about the way in which these
10 things were calculated, how they earned points.

11 Again, we're open -- these questions don't
12 have to be today. They can be, you know, in the
13 months ahead. But it's been -- you know, for me,
14 having gone through about 50 of these at this point,
15 to really look and see, "Huh, you know, how does
16 this particular charter school earn 15.57 out of
17 30 points," and really getting into the details on
18 how those points are earned.

19 And so, again, I'm happy to -- again, not
20 just today, but in the future -- provide whatever
21 guidance is necessary to understand, you know, to
22 get into the details of how those points are
23 generated.

24 COMMISSIONER ARMBRUSTER: I would think
25 that's a whole day conversation; because I can tell

<p style="text-align: right;">Page 226</p> <p>1 you that I once looked at it, and I thought, 2 "Really?"</p> <p>3 And so it's above my level, my pay grade, 4 for sure, which is zero. So I would like to know 5 that.</p> <p>6 But I don't know that it's -- today is the 7 time to do that. How are these -- you know, how you 8 do get these scores would be an interesting thing, 9 particularly.</p> <p>10 THE CHAIR: I think some of the schools 11 are also having that same conversation.</p> <p>12 COMMISSIONER ARMBRUSTER: So I think it's 13 good to know, because then you can evaluate it with 14 some degree of knowledge as opposed to saying, "Huh, 15 look at all these numbers."</p> <p>16 DEP. SEC. RUSZKOWSKI: Absolutely, 17 Madam Chair, Commissioner Armbruster, I did about 18 six conference calls last week. One, I did a 19 conference call with about 17 teachers -- right? -- 20 statewide, part of the Secretary's Teacher Advisory. 21 They were all sitting there with their school grades 22 in front of them and asking me questions. 23 "How did we go from a B to a C in school 24 growth? How did that that happen?" 25 I said, "Well, you know, it's 10 points</p>	<p style="text-align: right;">Page 228</p> <p>1 need to do to make the educational experience 2 better.</p> <p>3 MS. POULOS: Madam Chair, just -- I want 4 to share this with you. I was meeting with the 5 president of Cottonwood Classical's governing board 6 yesterday. And they were pleased that we're going 7 out to governing board meetings and looked forward 8 to seeing us.</p> <p>9 But they also were very specific that they 10 noticed the drop from the "A" to a "B," and did not 11 find it acceptable, and were -- that was on their 12 next agenda, and they were going to be talking about 13 it and taking action on that.</p> <p>14 And so I think, you know, that's one 15 heartening example. I think, certainly, we have 16 gone to, as I said, a couple of governing board 17 meetings over the last couple of weeks, and after 18 letter grades had been issued. And there are 19 governing boards that are not talking about this.</p> <p>20 And that's why we're doing the training, 21 getting out there and explaining this to them, and 22 helping them understand when it's available and how 23 to get access to it, and giving them that feedback 24 so that they know that's something that they should 25 be considering and taking a look at.</p>
<p style="text-align: right;">Page 227</p> <p>1 for school growth; 5 are for reading, 5 are for 2 math."</p> <p>3 Then we went to the next of detail, and 4 then we went to the next level. To your point, 5 there are several levels of detail. In most of the 6 categories, if it's worth 30 points, it's usually 15 7 for math, 15 for reading. And that's the case with 8 the first one, two, three, four -- categories.</p> <p>9 Opportunity to learn: 5 for surveys, 3 10 for attendance; right?</p> <p>11 So that's one level down.</p> <p>12 Then you can go several more levels down 13 in terms of how it's calculated and what's the 14 denominator and all those things, as well.</p> <p>15 THE CHAIR: Well, I also hope it's a 16 conversation that governance councils are having, 17 that they're digging into these school report cards 18 and having a quality discussion with their members 19 and the staff so that they can better understand and 20 create a plan for -- you know, in those areas where 21 their short-cycle assessments are also indicating 22 that it's not just the PARCC score, but the -- you 23 know, cumulative scores in short-cycle assessments, 24 that they've dipped, that there's got to be a 25 conversation that's taking place as to what do we</p>	<p style="text-align: right;">Page 229</p> <p>1 DEP. SEC. RUSZKOWSKI: And -- Madam Chair? 2 And to Katie's points, Commissioner Carr, you talked 3 about the practitioner experience here; right? And 4 I think our Priority Schools Bureau works with 5 84 schools that have been historically 6 low-performing; traditional, public, non-charter.</p> <p>7 And the best conversations I've heard in 8 the last week have been the principal calls -- 9 right? -- calls the Priority School Bureau. They sit 10 down. They spend about an hour going through the 11 data. And at the end, they say, "And here's the 12 three strategies for the coming year."</p> <p>13 I mean, that's at the core of this; right? 14 You use the data to decide on your three strategies, 15 and then you go to work.</p> <p>16 And I think those are the kind of really 17 positive conversations that we're hearing. But that 18 is not always the norm, you know; so -- but that's, 19 I think, at the core of what, you know, the 20 practitioners were doing is what are the three 21 strategies that we can put into play, instructional 22 strategies for our children?</p> <p>23 THE CHAIR: Right. And I think that 24 guess, as well, to -- we've talked about it a number 25 of times -- for those charters that have been doing</p>

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1 well, those charters that -- you know, like Explore
 2 Academy, that increased by two grades -- and part of
 3 it was because they lost a grade last time, because
 4 they didn't have enough kids take the test.
 5 But, you know, that they share this with
 6 other charters, so that they can -- they can help
 7 each other. There's strategies that they're
 8 doing -- the charter community was created to
 9 challenge the norm, try things different and act as
 10 a laboratory for, you know, better practices.
 11 And I think they're losing it some in
 12 terms of the sharing part of it. And maybe they
 13 didn't think that they needed to share their good
 14 stuff. But I think there's -- you know, there's
 15 just some great things that are going on out there
 16 that people don't know that's happening. And
 17 schools can benefit from it, just if they take away
 18 one little piece that they can try; that it's not,
 19 "I'm doing this. I want you to do it exactly like I
 20 did it." But they can modify to the best needs of
 21 their -- their own students.
 22 But it can give them an alternative for
 23 something that they can do. And I think we really
 24 need to move forward on that and try to help these
 25 schools have those conversations.

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1 COMMISSIONER ARMBRUSTER: I'd like to add
 2 to that, though. I think not only should charter
 3 schools do a lot of sharing, and I think the
 4 Coalition is working on some of those kinds of
 5 things. But the original Shakers' thing is they
 6 would have these lab schools, and they would help
 7 traditional schools. Because why would we help
 8 7 percent and not the 93? Because, clearly, our
 9 schools need a lot of help, and, you know, if you've
 10 gotten something that's successful, do it with
 11 everyone.
 12 But the other thing I wanted to say --
 13 because I know you have nothing else to do, Chris --
 14 is when you're thinking about explaining all of
 15 this, if you could somehow -- I don't know -- put it
 16 on a CD -- somehow have it so you could read it
 17 again? Because when you're not -- this isn't about
 18 me and having taught special ed -- is that the first
 19 time you hear it, you think, "Got it. I've got it."
 20 You go home, and you say, "What did he
 21 say?"
 22 So I find that I have to read it again
 23 several times and then look at it.
 24 But I understand that I'm asking for a
 25 lot, and I don't want you to take that as you'd

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1 better do that or not. But I think it's -- it would
 2 be good for all school districts to have this --
 3 you're talking about just us charter people; but
 4 it's no different from a non-charter school, really.
 5 I mean, it's the same stuff.
 6 So I think that that would help the image
 7 of PED, for one thing, because people might
 8 understand it, and they can read it again, and they
 9 can say, "Oh, I might not agree with this; but I see
 10 where they're going, or how they've done that."
 11 That's my suggestion.
 12 DEP. SEC. RUSZKOWSKI: Madam Chair,
 13 Commissioners, that's an excellent suggestion. It's
 14 something we actually have in the works for next
 15 summer. It's how do we -- whether it's from YouTube
 16 video, or a Prezi, or some type of thing that you
 17 can return to that gives that explanation of how the
 18 system works, particularly for our parents and
 19 families; right?
 20 The practitioners, they spend so much time
 21 looking at these that eventually they kind of figure
 22 out the gist. But the parents and families who are
 23 making decisions about where to send their kids to
 24 school, we've gotten a lot of calls in the last
 25 week. They say, "My kid is in an 'F' school. I

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1 want them out."
 2 But all they're seeing is just -- you
 3 know, just the label. And so how do we explain a
 4 little bit more about what that means in a way that,
 5 you know, folks can return to? I think it's an
 6 excellent, excellent suggestion.
 7 COMMISSIONER ARMBRUSTER: And in addition,
 8 you know, when you are a high-performing school,
 9 like -- what's it called? -- Cottonwood Classical,
 10 you know, when you are at the 85th percentile, it is
 11 extremely difficult to go higher when you're an "A"
 12 school, because you've made a lot of growth.
 13 When you're at the 40th percentile, you
 14 can keep growing a lot. I don't think people
 15 understand that. When you hit that ceiling, the
 16 closer you get to the ceiling, the more difficult it
 17 will be. And the people left at the bottom quartile
 18 are -- they may be in the 50th percentile. And that
 19 may be at the top of somebody else's 75 percentile.
 20 There's just a lot of things. That's why people
 21 don't understand it.
 22 DEP. SEC. RUSZKOWSKI: And Madam Chair,
 23 Commissioner Armbruster, what we hear from those two
 24 groups of schools is if you're closer to the top,
 25 make proficiency worth more; right? If you're

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1 closer to the bottom, make growth worth more. And
2 so we're constantly trying to find that sweet spot,
3 as well, so that both schools can have that space to
4 continue to grow.

5 COMMISSIONER ARMBRUSTER: It's not an easy
6 thing. That's your job, not mine.

7 THE CHAIR: Thank you. And I actually
8 listened in on the call with the superintendents.
9 And I will say that it -- it was almost like
10 middle-school cafeteria duty.

11 COMMISSIONER CARR: It's true.

12 THE CHAIR: It was -- trying to get people
13 just to mute their telephone. It's -- it was -- I
14 appreciated your patience. If there's nothing else,
15 I appreciate this. Thank you.

16 DEP. SEC. RUSZKOWSKI: Thank you,
17 Madam Chair. Thank you, Commissioners. And please
18 keep in mind other topics you'd like for future
19 months and pass those along to myself and to Katie.

20 THE CHAIR: Okay. Thank you.

21 Okay. I'm going to try to make Item 9 --
22 not -- Item 10 shorter than I originally was,
23 because we're getting very late.

24 So I will simply note that I did receive a
25 letter and an e-mail of the letter from the Attorney

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1 remember, Commissioner Carr, that was some two years
2 ago that we had this discussion and decided to ask
3 for the Attorney General's opinion. We asked that
4 CSD do that notification for us.

5 COMMISSIONER CARR: Right, I remember
6 that.

7 COMMISSIONER SHEARMAN: And they said,
8 "No."

9 COMMISSIONER CARR: Okay. Well, we can do
10 a press release.

11 THE CHAIR: We could. We could. But
12 we'll have to -- we'll have to --

13 COMMISSIONER CARR: Let's talk about that
14 some more.

15 THE CHAIR: Right. We'll have to look at
16 it to see how we'd do that, because, of course, it
17 wouldn't mean that the individual newspapers would
18 necessarily cover it.

19 COMMISSIONER CARR: No. But --

20 THE CHAIR: But I think it wouldn't
21 prevent us, in our individual districts, from having
22 a conversation with the school districts and saying,
23 "You know" -- just contacting them and saying, "I
24 just would like you to be aware that there is a
25 virtual school that's applied, and it could have a

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1 General's Office for a decision on something that
2 actually then Chair Shearman asked; and that was
3 related to whether we have to notify every
4 district -- whether an applicant has to notify every
5 district -- if they are a virtual school, if they
6 have to notify every district in the state, because
7 they are a virtual school.

8 And the Attorney General's Office did
9 offer a decision, and it is, "No."

10 COMMISSIONER CARR: Wow.

11 THE CHAIR: That they only have to notify
12 in the -- in the district that their address is.

13 COMMISSIONER CARR: Okay.

14 THE CHAIR: So I wanted to let everyone
15 know that, that -- so as we approach the spring and
16 new applicants, we have an answer for that at this
17 point in time.

18 COMMISSIONER CARR: I would add to that --
19 I mean, I don't know whether I agree with it or not;
20 but the -- I would like for us -- I would like for
21 us to notify them.

22 If they don't have to, we can. And even
23 though they don't have to, we can do it. And we
24 could do it, quite easily.

25 COMMISSIONER SHEARMAN: If you will

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1 potential effect on your district."

2 I don't think we would be prevented from
3 passing that information on.

4 COMMISSIONER SHEARMAN: Madam Chair, if I
5 might just say, if you will remember that year,
6 also, the -- the Commission authorized me to share
7 that information with the New Mexico School Board
8 Association. And I did. And they notified their
9 members.

10 THE CHAIR: Okay. Well, that's --

11 COMMISSIONER SHEARMAN: And they were very
12 glad to do it; so I think that might be a way.

13 COMMISSIONER CARR: There is. That's
14 good. That's good.

15 MS. FRIEDMAN: Madam Chair, I'd like to
16 mention that when you do have your community input
17 hearings, that there is a release, a public notice,
18 that is posted on the PED Web page. And it's sent
19 out to all the media in the state to announce that.

20 And that's what you all receive, also.

21 And that announces what's -- what areas, what
22 cities. And then you can go to the website and
23 actually see the applications of the schools and
24 everything.

25 So everything is already posted on the PED

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1 Web page. It's just a matter of, you know, the
2 superintendent or the school districts kind of
3 monitoring that around the summertime.

4 THE CHAIR: Right. But I think the school
5 board -- because I don't know -- I don't know
6 whether it's on the radar for superintendents to
7 look at that in the springtime to be aware -- you
8 know, to be aware of that.

9 But I think through the school board,
10 they -- it would probably -- they'd probably look at
11 an e-mail.

12 MS. FRIEDMAN: Superintendents receive
13 that notice, too.

14 THE CHAIR: Right. But it would only be
15 in the school district that the address is. It
16 wouldn't go out to every superintendent in the
17 entire state.

18 MS. FRIEDMAN: The public notice that I
19 send out goes to every superintendent in the state.

20 COMMISSIONER CARR: Oh, my gosh.

21 THE CHAIR: Oh, okay. I thought it just
22 went to the superintendents in the district that
23 were impacted by that school.

24 MS. FRIEDMAN: No. What we send out to
25 those superintendents are personal e-mails and

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1 quickly, between now and November -- because
2 December, we've got the renewals. It's a three-day
3 process to start with. So we're not looking at a
4 work session in December.

5 So we've got -- no -- we've got September,
6 October, and November. Why aren't we -- we're not
7 having --

8 COMMISSIONER TOULOUSE: Early October,
9 October 7th.

10 COMMISSIONER ARMBRUSTER: I have down just
11 October 7th, I want to say, and November; because we
12 were going to have tomorrow's meeting, which we
13 canceled.

14 THE CHAIR: You're right. I'm sorry. I
15 looked quickly at my calendar. So we have October
16 and November for work sessions; 'cause we do not
17 have a formal -- yeah. We should have met
18 September 1st, as well. So that took care of
19 September.

20 So we've got October. And it's the --
21 October 6th would be the work session; October 7th
22 is the regular session. October 6th is the work
23 session.

24 And then we have -- why don't I have it on
25 my calendar? Is it November 17th?

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1 personal letters to let them know, specifically.
2 But everyone else gets the public notice.

3 THE CHAIR: Oh, all right. Well,
4 that's -- that's good to know. I didn't realize
5 that. I thought the notice just went out to the
6 individual superintendents in the districts that
7 were impacted.

8 Okay. All right. Well, that -- but I
9 still think, as a double, to go through the school
10 board, as well, it's better safe than sorry.

11 Okay. I won't go into detail with the
12 chart that I made. I will send the copy to Beverly,
13 and she can send it out to you. It shows the letter
14 grade changes that have taken place with the
15 schools, plus, minus, and so on, 2015, 2016. So I
16 will gladly share that with you.

17 And I will say that, you know, it is
18 disconcerting, the "F" schools. So I think we
19 need -- you know, we're going to have to have a
20 conversation about these "F" schools.

21 So I think that we should put that on part
22 of the agenda for our work session for next month is
23 to, you know, take a look at it, develop a plan,
24 what are we going to do, and move forward with that.
25 So I will -- I would like to take a look at, very

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1 COMMISSIONER ARMBRUSTER: We don't have
2 October 6 scheduled yet. You're thinking about
3 scheduling a work session?

4 THE CHAIR: Correct. I'm looking for
5 dates on when the work session would be. Our
6 November meeting is set for --

7 MS. FRIEDMAN: November 4th.

8 THE CHAIR: Why is it the first weekend in
9 November?

10 COMMISSIONER TOULOUSE: Madam Chair, I
11 know Vince did this. I think it was because we were
12 doing earlier October and earlier November, to avoid
13 the holidays at the end of the month. And then we
14 do kind of the middle of December to avoid holidays.
15 I think that's what he did when we put it together.

16 COMMISSIONER CARR: That's four days
17 before the election.

18 COMMISSIONER ARMBRUSTER: Elections are
19 the 8th; right?

20 THE CHAIR: I would ask the Commission to
21 entertain looking at November 10th and 11th, as
22 opposed to November 3rd and 4th.

23 COMMISSIONER TOULOUSE: Madam Chair, isn't
24 the 11th a holiday?

25 MS. FRIEDMAN: Yes, that's why.

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1 THE CHAIR: Could we do November 9th and
2 10th? I know it's -- it's the day after Election
3 Day; but it's --

4 COMMISSIONER CARR: I'll have a hangover;
5 but that's --

6 THE CHAIR: Wednesdays, Commissioner
7 Conyers can't do work sessions any longer. But that
8 would just be the work session. I'm just trying to
9 figure out other -- because we don't want to do
10 November -- well, we can't do November 24th. That's
11 Thanksgiving.

12 COMMISSIONER SHEARMAN: I thought we were
13 trying to schedule two work sessions.

14 THE CHAIR: We're not. We're trying to --
15 I am. But right now, we're just looking at November
16 and looking to see if we can change the November
17 dates for meeting. And that would include two days,
18 a Thursday work session and a Friday meeting.

19 COMMISSIONER SHEARMAN: But we've already
20 got a work session in October, on the 6th?

21 THE CHAIR: Yes.

22 COMMISSIONER SHEARMAN: So we're looking
23 at two work sessions.

24 THE CHAIR: Correct. Correct.

25 The only concern that's going to be is if

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1 COMMISSIONER TOULOUSE: We can always
2 change the --

3 COMMISSIONER GIPSON: We added dates to
4 the December, because we didn't think we could get
5 all the schools done in the two days. We added the
6 day.

7 COMMISSIONER SHEARMAN: We need to see if
8 Mabry Hall is available on the days we're thinking
9 about, too.

10 MS. FRIEDMAN: Right.

11 COMMISSIONER TOULOUSE: As long as our
12 changes are done before we have to do the official
13 notification, I think we're fine.

14 MS. FRIEDMAN: Madam Chair, we've already
15 got the 3rd and the 4th of November. But if --
16 depending if you all want to keep those days. As
17 far as 10th and 11th, I'm not sure.

18 COMMISSIONER ARMBRUSTER: Or even the 17th
19 and 18th is a possibility. Isn't Thanksgiving the
20 24th?

21 THE CHAIR: How about the 17-18?

22 COMMISSIONER PERALTA: Shouldn't we be on
23 10/8?

24 THE CHAIR: Well, I was trying -- I know.
25 I said in my report I was going to talk about

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1 we're going to be able to have a quorum here for
2 November 3rd and/or 4th, because it's before the
3 election, and people aren't going to be here because
4 they're working on campaigns; so that I think we
5 face the possibility -- and I'm being perfectly
6 honest with you; I being one of them -- I don't --
7 I'm hard-pressed to be away at that point. I really
8 am.

9 COMMISSIONER SHEARMAN: And did we talk
10 about the 10th and 11th?

11 THE CHAIR: The 11th is Veteran's Day.

12 COMMISSIONER ARMBRUSTER: Is it really on
13 Veteran's Day this year?

14 COMMISSIONER TOULOUSE: That's why we were
15 talking the 9th and 10th.

16 COMMISSIONER SHEARMAN: The 9th and 10th.

17 THE CHAIR: Commissioner Conyers cannot
18 make Wednesdays, I'm sure. And I know Commissioner
19 Chavez has difficulties for a regular meeting not
20 being on a Friday.

21 COMMISSIONER CARR: I do, too.

22 THE CHAIR: You know. So --

23 COMMISSIONER PERALTA: Put it on the
24 agenda for the next meeting. I don't think we can
25 change --

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1 outlining the work session. And I was trying to see
2 if we could get ourselves to -- to those two days,
3 so we could -- so we could establish --

4 COMMISSIONER SHEARMAN: I wonder about the
5 14th and 15th of November. I just -- we're getting
6 to the 17th and 18th, which is so close to
7 Thanksgiving, I wonder if people might be out of
8 town or planning to travel or cook.

9 (A discussion was held off the record.)

10 THE CHAIR: I could possibly do the 14th.

11 I have to reschedule a doctor's appointment; but I
12 could probably.

13 COMMISSIONER SHEARMAN: I just threw it
14 out there.

15 THE CHAIR: I could possibly do that; but
16 I don't know if the 14-15 would work better, of
17 November.

18 COMMISSIONER POGNA: Is it a Friday?

19 THE CHAIR: No, it's a Monday-Tuesday.
20 Commissioner Carr?

21 COMMISSIONER CARR: Don't base it on me.
22 I'm -- I'm going to say don't -- I'm not going to
23 have any input. Go ahead.

24 THE CHAIR: But if we do 3-4, you're not
25 going to be here.

<p style="text-align: right;">Page 246</p> <p>1 COMMISSIONER ARMBRUSTER: It's better 2 after the election, for sure. 3 COMMISSIONER CARR: Yeah. I -- 4 COMMISSIONER TOULOUSE: Madam Chair, I'll 5 work with whatever we can work with. I'll be here, 6 as long as, Madam Chair, I have my ride. 7 On the other hand, I can drive this far; 8 but -- 9 THE CHAIR: Beverly, can you do me a favor 10 and see if Mabry Hall is available on the 14th or 11 15th, and we could just move on right now to quickly 12 doing a rough outline as to what -- we'll have two 13 work sessions, one in October and one in November, 14 and we can outline quickly what we want to do with 15 the work session in October and what we want to do 16 with the work session in November. 17 And then we can look at the -- 'cause the 18 calendar is actually not on the agenda. 19 COMMISSIONER SHEARMAN: Madam Chair, I 20 would feel very comfortable in having the Executive 21 Committee lay out the agenda for our work sessions. 22 THE CHAIR: Okay. And we're actually not 23 going to be able to move on the change in the 24 calendar at this point in time, anyway, because it's 25 not on the agenda. So we'll have to --</p>	<p style="text-align: right;">Page 248</p> <p>1 vice chair did do. So I will gladly pass that on 2 to -- I missed that opportunity. Darn. So -- 3 MS. FRIEDMAN: Okay. Can I add that to 4 the next agenda then? 5 THE CHAIR: Correct. Yes. I would just 6 ask, for my own -- if we could try to be consistent 7 with the second or the third week? In my addled 8 brain, it's just easier for me to know that we're 9 meeting fairly regularly. 10 This calendar go-round, it was difficult, 11 because I kind of penciled out, you know, the -- the 12 second week. And then it's, like -- it's not; it's 13 the first week this time. 14 And it's just -- I'd like to be as -- and 15 I think it's easier for many in the -- with the 16 schools and everything, that we have a consistent 17 time frame that we usually meet at. 18 I know that up here, we do have to be a 19 little aware of Spanish Market and Indian Market; so 20 that there may be times that way. But -- 21 COMMISSIONER TOULOUSE: Well -- and, 22 Madam Chair, in January and February, we need to not 23 look at meeting in Santa Fe, either, because of 24 hotel rooms and parking. 25 THE CHAIR: Right. I'll -- I somewhat</p>
<p style="text-align: right;">Page 247</p> <p>1 MS. FRIEDMAN: Madam Chair? 2 THE CHAIR: So -- so we can't do an 3 October 6 work session. 4 COMMISSIONER TOULOUSE: Madam Chair, we've 5 often added work sessions that aren't on the 6 calendars. 7 THE CHAIR: Because we aren't voting, 8 correct. So we can actually -- so we're fine with 9 October 6th. And then in October, we can put it on 10 the agenda if we have to change. But if Beverly 11 would look, we would know. 12 MS. FRIEDMAN: I will. I will. And, 13 Madam Chair, if I may mention -- I was going to 14 mention a little later -- last year, we did the 15 calendar for 2017. We started putting dates 16 together in October. And I believe in -- as the 17 Chair took that on, and, you know, designated those 18 dates and brought that to the Commission, I'm 19 wondering if you want to do that, or if you want to 20 put some dates -- 21 THE CHAIR: Actually, Vince, as the vice 22 chair, did that. 23 MS. FRIEDMAN: Okay. Oh, you did? All 24 right. I didn't know you had -- 25 THE CHAIR: That was one of the things the</p>	<p style="text-align: right;">Page 249</p> <p>1 disagree with that. 2 COMMISSIONER CARR: I do, too. 3 THE CHAIR: Because I think it's not bad 4 for us. And I'll be honest with you. Anytime I've 5 ever had to come for the Legislature, I've never had 6 an issue with getting a hotel room. And you get a 7 much better rate at that time period. 8 So I've never had an issue with -- I know 9 people come up. But I don't think as many people 10 come up for the enjoyment of watching the 11 Legislature as people think. 12 COMMISSIONER TOULOUSE: But, Madam Chair, 13 I know from my first year -- and I think Millie 14 knows, too -- the ones of us who cannot walk cannot 15 get parking up here. 16 THE CHAIR: I understand parking is an 17 issue. 18 COMMISSIONER POGNA: I don't have a 19 problem with a hotel room. I do with a \$500 parking 20 ticket. 21 THE CHAIR: I know. Hopefully, that'll be 22 resolved by January. 23 COMMISSIONER ARMBRUSTER: Please note that 24 I am reminding everybody that -- and I actually even 25 heard that at the LESC, that, "We're going to put</p>

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1 that down, that you get to keep the 2 percent, and
 2 get you a staff and parking."
 3 I said, "Okay."
 4 THE CHAIR: I think out of all of that,
 5 parking is the easiest; so maybe -- so okay.
 6 COMMISSIONER SHEARMAN: It's getting late.
 7 THE CHAIR: We digress. So we'll send out
 8 some kind of agenda for -- for the work sessions.
 9 All right? I'm comfortable with that.
 10 All right. I think I'm done. I hope.
 11 We've got to move on; but -- update from the
 12 Coalition?
 13 MS. ROSKOM: Madam Chair, members of the
 14 Commission, can you hear me? I never know. Do I
 15 have this on? Yes?
 16 We wanted to start by just updating you on
 17 the committee work that we've been doing over the
 18 summer. And a relevant place to start, having just
 19 heard that discussion about the report cards, I just
 20 wanted to point out that of -- of the 99 charter
 21 schools that were included, 15 of them are SAM
 22 schools. Do you recall that we have had
 23 conversations about SAM schools in the past?
 24 And of those 15 SAM schools, nine of them
 25 got either a "D" or an "F."

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1 The point of this, I think it just
 2 indicates, again, the need for us to continue to
 3 work for an accountability system for these schools
 4 that does not penalize them for working with
 5 dropouts.
 6 And we've been working very closely and
 7 collaboratively with the PED on coming up with some
 8 language to hopefully formulate a new accountability
 9 system for them that doesn't continually put them in
 10 the "D" or "F" ranks. And so I think that
 11 ultimately, you might see many of your charter
 12 schools that -- and 15 out of the -- there are
 13 34 SAM schools in the state; 15 of them are charter
 14 schools. So you're approaching 50 percent of the
 15 SAM schools are charter schools, which I think shows
 16 you that they really are targeting kind of a
 17 high-risk population, adding much higher percentage.
 18 Mr. Ruskowski just figured out the
 19 percentages for me. We think it was more like
 20 3 percent -- when you look at district schools,
 21 3 percent, maybe, of the total number of district
 22 schools are SAM schools. So it's important to
 23 understand that as we talk about accountability and
 24 the report card grade for our SAM schools -- for our
 25 charter schools.

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1 We continue to work on funding. We're
 2 anticipating that we'll be encountering, again, a --
 3 a challenge with -- in the Legislature, particularly
 4 now that it looks like our -- our deficit is going
 5 to be so enormous around the small-school-size
 6 funding. So we're working with our funding
 7 committee to see what kinds of concessions we can
 8 make to protect our charter schools who are
 9 dependent on that small-school-size funding to
 10 whatever degree we can.
 11 And our third committee is the facilities
 12 committee. And the exciting work that we're doing
 13 there is a very proactive partnership with APS. So
 14 this is for the APS schools. Not just APS -- not
 15 just APS-authorized schools, but State schools, as
 16 well.
 17 There are 58 schools, charter schools,
 18 within the APS boundaries. More than half of those
 19 are your schools. We are creating an opportunity
 20 collaboratively with the district for them to pull
 21 their HB 33 funds that they'll be starting to
 22 receive in November to try to get them into public
 23 facilities. And we're working -- we have a
 24 committee that's working on all of the details, the
 25 financial details, the legal details, the

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1 construction details, how do you prioritize the
 2 projects and so on with the district?
 3 We think that that could really be a model
 4 for the State to help get schools into public
 5 facilities.
 6 And speaking of the district, one other
 7 thing I wanted to bring up with you, and then I will
 8 turn this over to Kelly, many of you saw and have
 9 met Joseph Escobedo. He was here this morning.
 10 He's our new liaison for the charter schools for
 11 APS. We are very excited to be working
 12 collaboratively with him. There are a lot of
 13 projects that -- since he started on July 5th, that
 14 he's already initiated.
 15 He's very interested in the -- all of the
 16 alternative accountability work that we're doing.
 17 He's attending all of our committee meetings.
 18 He's -- we're talking about lots of collaborative
 19 trainings on all of these issues you've been
 20 discussing today for charter schools in the areas of
 21 finance, governance, and doing it collaboratively
 22 and it being a two-way street.
 23 He's already started with some special ed
 24 training, Commissioner Armbruster, you'll be happy
 25 to hear. And we're going to keep that as an

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1 ongoing, regular thing. And we are very interested,
 2 and so is he, in pushing the agenda that charter
 3 schools, many of -- many charter schools have become
 4 experts in many areas and have a lot to teach the
 5 districts, as well.
 6 So we're hoping that the training is going
 7 both ways, back and forth, and that we're able to
 8 set up a number of cohort groups for business
 9 managers and governance council people, for
 10 S.T.A.R.S. coordinators, for teachers, for special
 11 ed coordinators, all the different role groups,
 12 working collaboratively with them. I feel as if we
 13 are on the brink of a very, very productive
 14 partnership with APS.
 15 So I just wanted to report that bit of
 16 good news to you. Thanks.
 17 THE CHAIR: Can I just ask, before we move
 18 on, is there a listing of the SAM schools? Or is it
 19 on their report card?
 20 MS. ROSKOM: I can send it to you.
 21 THE CHAIR: Please. Because I will also
 22 put that notation on the chart that I created so
 23 that people can see that's -- that school is, in
 24 fact, a SAM school, when they look at the school
 25 grade, as well. I think that's an important piece.

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1 MS. ROSKOM: And I just want to finish my
 2 table. I want to get all of the grades that are
 3 below the overall grade. I suspect this year,
 4 again, probably all of them have "F's" in graduation
 5 rate, which I think is very telling, and tells you
 6 also that the first place we need to work on
 7 improving the system is in the area of the
 8 graduation rate.
 9 So as soon as I get this completed, I will
 10 send it to you, Madam Chair, to do with as you need.
 11 THE CHAIR: And if I send you my chart,
 12 which has the graduation rate, you can probably just
 13 pull it right up. I did put the graduation rate on
 14 my chart; but I left out a designation for SAM
 15 schools. So you can probably pull it right --
 16 MS. ROSKOM: Perfect. It sounds like
 17 between the two of us, we can probably get this done
 18 early next week.
 19 MS. CALLAHAN: Madam Chair, Commissioners,
 20 thank you again for the opportunity. Greta covered
 21 most everything that -- the initiatives that we're
 22 working on at the Coalition. And I think one of the
 23 things that we're very, very focused on right now is
 24 seeing the results of what's happening with schools
 25 in terms of business operations, governance, all of

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1 those things. And we are working really hard to
 2 develop training and technical support for schools
 3 that are part of the Coalition and those that aren't
 4 part of the Coalition, incorporating and integrating
 5 that into our conference.
 6 I've already talked about that we're
 7 really looking at a higher level GC training at our
 8 conference, that it's going to be very -- these
 9 kinds of things are exactly what the governing
 10 boards need to hear. And they need to get, you
 11 know, very concerned about what's happening.
 12 And I know that the CSD and Katie and her
 13 team are going to be working really hard with the
 14 schools. And we want to make sure that our training
 15 is -- is really developing strong standards for
 16 those governing boards and those administrators and
 17 those business managers, so that the alignment is
 18 there between what the expectation is of the -- of
 19 the authorizers, the CSD, and the other authorizers,
 20 and ensure that that training is really in line and
 21 appropriate.
 22 So we're -- we're very much on top of
 23 that. We see the concerns that are happening. We,
 24 too, are very concerned and want to work with the
 25 charter schools, and, from the ground up, that they

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1 have to take this very seriously, and you need to
 2 provide those tools that are going to make it
 3 possible for them to be better at the work that
 4 they're doing, because ultimately, it's about our
 5 kids. And so we want to make sure that we're doing
 6 that.
 7 Again, the conference is the 27th and 28th
 8 of October. I did send out information to all the
 9 Commissioners about registering. We hope that
 10 you'll be able to join us and if you have any
 11 questions about what's going on.
 12 But we will be getting the topics out to
 13 the website so you guys can see sort of the topics
 14 that are coming through and what it is.
 15 And we would like to invite the members of
 16 the PEC that do attend the conference -- I'm going
 17 to put you to work to pay for the -- pay for the
 18 conference; right? Not really.
 19 We are asking authorizers to actually do a
 20 session with governing boards, and talking to them,
 21 a panel, that -- getting to them what authorizers
 22 expect.
 23 I think one of the things that came out
 24 very clearly in some of the conversations that we've
 25 had over the last years is that the schools want to

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1 interact with the Commissioners and the authorizers.
2 And I think that's an important aspect.

3 So we invite you -- and I will be -- I
4 will be bothering you as we get closer to the
5 conference about committing to do that. And I hope
6 that you will join us at least for part of the
7 conference, if at all possible, and help us with
8 this panel.

9 I think it's becoming very critical that
10 we all raise the level of our performances, the
11 schools, the authorizers, support organizations,
12 everybody; that's becoming very evident, that we
13 have to pay attention very closely.

14 So, anyway, thank for you this
15 opportunity. We appreciate it. We will get off the
16 stage and let you guys get on your way. So thank
17 you.

18 THE CHAIR: Thank you.

19 COMMISSIONER SHEARMAN: Thank you.

20 THE CHAIR: And I know I will be there.
21 I've already responded "Yes." And I think
22 Commissioner Armbruster and I actually co-opted
23 Patti Matthews' session last year, because when they
24 found out there were two in the audience, they just
25 started addressing questions to us, instead of to

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1 a couple of other committees that are there -- I
2 don't know whether they meet or not. The Native
3 American Committee, and I think there's a Library
4 Liaison.

5 COMMISSIONER CARR: They do. Millie's on
6 that one. She's not going to want to --

7 THE CHAIR: I know. I know. But
8 outside -- if that's a committee that you do attend,
9 and if it's a committee that you wish to continue
10 on. And we'll make that easier. And then we can
11 look at it in October to see if there's any changes
12 that need to be made. Okay?

13 No. 11, PEC comments.

14 COMMISSIONER CARR: I'm -- I have
15 comments. I'll be real quick.

16 The -- well, one was I was concerned about
17 are we getting Vince's plaque?

18 COMMISSIONER ARMBRUSTER: We've decided.
19 I've done it; but we probably won't have it -- I
20 probably will do it in December.

21 COMMISSIONER CARR: December? Good, at
22 this point, I guess.

23 And the other one, LFC meeting, real
24 quick. Executive summary is I went especially for
25 the items related to schools. The insurance is

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1 Patti, because it was an opportunity for them to
2 speak with us.

3 So I appreciate that opportunity to be
4 able to --

5 MS. CALLAHAN: Now, you're going to be
6 spotlighted; so...

7 COMMISSIONER TOULOUSE: Madam Chair, I
8 think I got involved in that discussion, too.

9 MS. CALLAHAN: And those informal things
10 are also as important as anything else; so...

11 THE CHAIR: Yes, absolutely. Yeah. Yeah.

12 MS. CALLAHAN: We appreciate that; so
13 thank you.

14 THE CHAIR: I need to go back. In your
15 packet was a listing of the committee reports.

16 COMMISSIONER CARR: We can't go --

17 THE CHAIR: This is what I'm going to ask
18 you to do, not anything here today. The committee
19 reports are there. What I'm going to ask you to do
20 is to send me an e-mail, I guess, via Beverly --

21 COMMISSIONER CARR: I think I sent you one
22 already.

23 THE CHAIR: -- letting me know if that --
24 number one, if that committee that you serve on --
25 and if it's the LFC, I know they meet. But there's

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1 going to get increased by 8 percent. And, of
2 course, that's not only going to impact the
3 teachers; that's going to impact all of our schools
4 as well, because they have to pay 60 to 70 to
5 80 percent of that.

6 The other one, you know, that -- I have a
7 lot of assurances that they were not going to cut
8 schools. You know, of course, that's yet to be
9 seen. If the budget gets worse, they will, of
10 course.

11 So I -- except for -- and I asked one
12 representative -- and I won't name him. I said,
13 "What about the Small School Funding Formula?"

14 It was really quick.

15 "It's dead." That's what he told me.

16 So, okay. That's all he said. "It's
17 dead."

18 That will, of course -- I'm talking about
19 for charter schools. That will cause, we know,
20 probably some charter schools, especially in
21 Albuquerque, probably, a few have to close for
22 financial reasons.

23 I don't know how many. I've heard really
24 high numbers on that; so that's -- that's another
25 thing that I found out.

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1 I did have the best conversation I ever
2 had with Senator John Arthur Smith for an extended
3 period of time. And he seemed more willing to look
4 for revenue than he had ever before. Of course,
5 he's got to get that past the administration.

6 But the fact that he is supporting it made
7 me feel some warmth in my heart for him. So I
8 thought I'd throw that out, as well.

9 But, you know, it doesn't look good. It's
10 doom and gloom, worse than we've seen in a long
11 time.

12 THE CHAIR: Commissioner Armbruster?

13 COMMISSIONER ARMBRUSTER: No. I'm fine.

14 THE CHAIR: Commissioner Peralta?

15 COMMISSIONER PERALTA: I'm good.

16 THE CHAIR: Commissioner Shearman?

17 COMMISSIONER SHEARMAN: I'm good.

18 THE CHAIR: Commissioner Toulouse?

19 COMMISSIONER TOULOUSE: Madam Chair, I
20 will be brief. But I did want to bring up that we
21 also impact other committees. I got a text message
22 yesterday from the Indian Affairs Committee, asking
23 me for information on the schools in Jemez, as you
24 remember, where they wanted to combine, and they
25 didn't know exactly what had happened.

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1 I did a real quick text back, "Here's what
2 it is. If you'd like to meet with any of us, we'll
3 be glad to explain it, back to the committee."

4 So we impact other committees. I have
5 telephone numbers of legislators, which is double.
6 They come back at me, as well as me texting them.

7 So just for our information. Many, of the
8 committees we don't necessarily think about, we
9 impact, too.

10 THE CHAIR: Right. And I'll just mention,
11 as I have, the LESC has been keeping us on the
12 agenda. I was up last -- two weeks ago with NACSA,
13 with the report and for questions.

14 So it's -- it's a topic of conversation
15 with the LESC throughout this interim time period.

16 So, you know, nothing new, except, you
17 know, the budget. That's just a huge issue. And
18 unfortunately, the prognosis is not positive. It
19 isn't. So I think the session this year is going to
20 be very difficult, trying to figure this out.

21 MS. FRIEDMAN: Madam Chair, may I --
22 speaking of budget, may I just make one comment,
23 that when you -- when you stay in a hotel, if you
24 could ask for the government rate, it would be a
25 little bit less.

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1 I had somebody staying -- two people
2 staying in the same hotel, and one got a rate of
3 \$98, and the other one got a rate of \$130.

4 And so it's the same hotel; but it was the
5 government rate. And so --

6 THE CHAIR: I'll just add that oftentimes,
7 you have to actually physically call the hotel and
8 talk to the reservations; because if you go online,
9 it doesn't have a drop-down always for a government
10 rate.

11 COMMISSIONER CARR: Right.

12 THE CHAIR: But if you call -- and I know,
13 I'm fortunate here. The hotel gives me a rate
14 better than the government rate, because I'm here
15 often enough, so that they --

16 COMMISSIONER CARR: The legislative rate
17 is another rate.

18 THE CHAIR: If they're in session, then
19 you can get a legislative rate.

20 COMMISSIONER CARR: Sometimes.

21 THE CHAIR: But oftentimes, if you use
22 Expedia or Booking.com, you often can't get that
23 government rate with some of the hotels that you
24 actually have to make that physical call.

25 COMMISSIONER ARMBRUSTER: I remember one

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1 time when we were in Albuquerque, and Pattie was
2 staying at the Marriott. And I said, "Well, I got a
3 government rate," and you said, "I didn't." But you
4 went back.

5 THE CHAIR: I went back down to the desk.
6 Because I asked them, and they said they didn't have
7 a government rate.

8 COMMISSIONER ARMBRUSTER: But I had gotten
9 it.

10 THE CHAIR: Commissioner Armbruster got
11 one. I went down to the front desk, and I said, "I
12 don't understand this."

13 And he said, "I'll change that right
14 away."

15 And I got a free breakfast out of it, too.

16 MS. FRIEDMAN: I don't want them coming
17 back and saying, "Cut the Commissioners' budget for
18 travel," and that kind of stuff; so...

19 THE CHAIR: And we are, hopefully, as
20 thoughtful as we can be in terms of trying to get
21 the best rate.

22 COMMISSIONER ARMBRUSTER: And sometimes
23 the higher rate you have gets a free breakfast.

24 THE CHAIR: I actually got a free night at
25 Isleta when I went for the LESC, because I didn't

1 have any hot water. So they gave me --
 2 COMMISSIONER TOULOUSE: And, Madam Chair,
 3 I'd like to bring up again something that people
 4 have brought up in the past. It would be a lot
 5 easier to do that if we actually had an ID. I use
 6 the business card. But if we actually had an ID,
 7 like all the other public folks have, it would be
 8 helpful.
 9 THE CHAIR: I have had a couple of hotels
 10 question just the card, you know, that it doesn't
 11 look like it's an official ID, you know, even though
 12 my picture --
 13 COMMISSIONER ARMBRUSTER: Tell them to go
 14 on the website.
 15 COMMISSIONER CARR: We're second-class
 16 citizens.
 17 THE CHAIR: Your point is well-taken. You
 18 don't have a --
 19 COMMISSIONER TOULOUSE: I have no ID. I
 20 just have my card.
 21 THE CHAIR: Is that all? Then I'll
 22 entertain a motion to adjourn.
 23 COMMISSIONER TOULOUSE: Madam Chair, I
 24 assume there's no public comment?
 25 THE CHAIR: Actually, the one person I

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 2 STATE OF NEW MEXICO
 3
 4
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 6
 7 REPORTER'S CERTIFICATE
 8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
 9 Court Reporter in the State of New Mexico, do hereby
 10 certify that the foregoing pages constitute a true
 11 transcript of proceedings had before the said
 12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
 13 State of New Mexico, County of Santa Fe, in the
 14 matter therein stated.
 15 In testimony whereof, I have hereunto set my
 16 hand on September 12, 2016.
 17
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 24
 25 Job No.: 6340L (CC)

1 believe that signed up --
 2 COMMISSIONER TOULOUSE: He left.
 3 MS. FRIEDMAN: There were two; but they
 4 crossed both their names out.
 5 THE CHAIR: Okay. See? You have to do
 6 this.
 7 COMMISSIONER TOULOUSE: I move we adjourn.
 8 THE CHAIR: Okay.
 9 COMMISSIONER SHEARMAN: Second, third,
 10 fourth.
 11 THE CHAIR: All in favor?
 12 (Commissioners so indicate.)
 13 THE CHAIR: Leave.
 14 (Proceedings in recess at 3:42 p.m.)
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1 RECEIPT
 2 JOB NUMBER: 6340L (CC) Date: 8/31/16
 3 PROCEEDINGS: PUBLIC MEETING
 4 CASE CAPTION: In re: Public Meeting of the Public
 5 Education Commission
 6 *****
 7 ATTORNEY: MS. BEVERLY FRIEDMAN - PED
 8 DOCUMENT: Transcript / Exhibits / Disks / Other ____
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