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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

February 12, 2016

9:00 a.m.

Indian Pueblo Cultural Center

2401 12th Street, Northwest, Chaco Rooms I & II

Albuquerque, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

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

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A T T A C H M E N T S

- 1 Visitors Attending Meeting -- Sign-In
Sheets
- 2 Open Forum -- Sign-In Sheets

1 THE CHAIRMAN: Ladies and gentlemen, I have
2 nine o'clock. It is time to call this regular
3 meeting of the New Mexico Public Education Commission
4 into session.

5 Recorder, are you ready to go?

6 THE COURT REPORTER: Yes, sir.

7 THE CHAIRMAN: All right. Before I get
8 into that, I have two requests. One, I will ask you
9 to at least please mute your various electronic
10 devices; and two, if you wish to speak during our
11 open forum today, there is a sign-in sheet on the
12 back right table back there. Be sure you have signed
13 that sheet so that your name will be on there.

14 We will begin with a Roll Call.
15 Mr. Secretary, can we have a Roll Call, please?

16 COMMISSIONER PERALTA: Commissioner Pogna?

17 (No response.)

18 COMMISSIONER PERALTA: Commissioner
19 Toulouse?

20 COMMISSIONER TOULOUSE: Present.

21 COMMISSIONER PERALTA: Commissioner
22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Here.

24 COMMISSIONER PERALTA: Commissioner
25 Conyers?

1 COMMISSIONER CONYERS: Here.

2 COMMISSIONER PERALTA: Commissioner

3 Shearman?

4 COMMISSIONER SHEARMAN: Here.

5 COMMISSIONER PERALTA: Commissioner Chavez?

6 (No response.)

7 COMMISSIONER PERALTA: Commissioner Carr?

8 COMMISSIONER CARR: Here.

9 COMMISSIONER PERALTA: Commissioner Peralta

10 is here.

11 Commissioner Gipson?

12 COMMISSIONER GIPSON: Here.

13 COMMISSIONER PERALTA: Commissioner

14 Bergman?

15 THE CHAIRMAN: Here.

16 COMMISSIONER PERALTA: Mr. Chair, we have
17 eight members of the Commission present.

18 THE CHAIRMAN: Thank you, Mr. Secretary.

19 I will note officially we do have a quorum
20 today with eight members present, so we will proceed
21 with our business today. The next items on our
22 agenda are the Pledge of Allegiance, which I will
23 lead. And the Salute to the New Mexico Flag,
24 Commissioner Shearman, would you lead that, please?

25 COMMISSIONER SHEARMAN: I'll be happy to.

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

3 THE CHAIRMAN: Thank you for that. Thank
4 you, Commissioner Shearman.

5 The second item on our agenda today is the
6 approval of the agenda. Before we do a motion on
7 that, I will note for the record that we have one
8 item that we will move up later in our meeting
9 today. That will be Item No. 12.

10 How I intend to do that, we're going to
11 proceed with the agenda as it is now until we reach
12 10:00 or 10:15. Whenever we come to a convenient
13 stopping point, at that time, we will take a break,
14 probably a ten-minute break. And then after that,
15 we will then move to move that agenda item so we can
16 discuss it at that time. So that's how I wish to
17 proceed. Whoever makes the motion on this one,
18 please note that we do reserve the right to move
19 items, as we always do.

20 Commissioner Toulouse, do you have a
21 question?

22 COMMISSIONER TOULOUSE: Yes, Mr. Chair. I
23 have a question in that, at our last meeting where we
24 had the Bellwether Group on the agenda, they said
25 they would not be present then but they would be at

1 this meeting. And I note they are not on the agenda
2 this meeting. Do we have an explanation?

3 THE CHAIRMAN: We do have an explanation.
4 They could not come. They decided they could not be
5 present at this one. They have now told us that they
6 might be here in March. So unless I hear
7 differently, we'll probably put them on our March
8 agenda. We are diligently trying to get them to come
9 and speak to us.

10 COMMISSIONER TOULOUSE: Mr. Chair, I'm
11 aware of that, which is why I want the question and
12 answer on the record. Thank you. May I make the
13 motion?

14 THE CHAIRMAN: If you would, please.

15 COMMISSIONER TOULOUSE: Mr. Chair, I move
16 that we approve the agenda with the right to move
17 things around as we need to do to meet the needs of
18 our commission and the audience.

19 THE CHAIRMAN: We have a motion on the
20 floor. Do I have a second?

21 Commissioner Armbruster has seconded. So
22 we have a motion by Commissioner Toulouse, a second
23 by Commissioner Armbruster.

24 All in favor, say "Aye."

25 (Commissioners so indicate.)

1 THE CHAIRMAN: Any opposed?

2 (No response.)

3 THE CHAIRMAN: No.

4 That motion has passed unanimously.

5 (Commissioner Eleanor Chavez present.)

6 THE CHAIRMAN: And let the record show that
7 Commissioner Chavez has now arrived and is here, so
8 we now have nine members present.

9 The next item on our agenda is No. 3. That
10 is the approval of the minutes. There is --
11 actually, we will need to do three different motions
12 here. We have three sets of minutes. We have the
13 work session minutes for January 14th, the PEC
14 meeting minutes from January 15th, and also, we have
15 the summary minutes from our January 15th meeting.
16 So we'll proceed with those one at a time.

17 Are there any changes to the -- all these
18 minutes are in your workbook. Are there any changes
19 to the work session minutes for January 14th, 2016?

20 I'm looking. No one has any changes?

21 Commissioner Shearman.

22 COMMISSIONER SHEARMAN: Mr. Chair, I move
23 for approval of the minutes for the work session of
24 January 14, 2016.

25 THE CHAIRMAN: Thank you, Commissioner

1 Shearman. We have a motion for approval of those
2 minutes.

3 Do I have a second?

4 THE VICE CHAIR: Second.

5 THE CHAIRMAN: Commissioner Gipson has
6 seconded, so we have a motion by Commissioner
7 Shearman, a second by Commissioner Gipson.

8 All right. All in favor of approving
9 those minutes, please say "Aye."

10 (Commissioners so indicate.)

11 THE CHAIRMAN: Any opposed?

12 (No response.)

13 THE CHAIRMAN: That motion has passed
14 unanimously.

15 The second set of minutes is the meeting
16 transcript for January 15th. Are there any changes
17 to those minutes?

18 MS. POULOS: Chairman.

19 THE CHAIRMAN: Director.

20 MS. POULOS: I actually have some changes.

21 On Page 136, there is a statement that was attributed
22 to me, but I actually believe it was Commissioner
23 Armbruster who made the statement. So I just wanted
24 to correct that. Again, it's Page 136.

25 THE CHAIRMAN: Yeah, the way they're laid

1 out here, it's going to take us a second to find
2 Page 136.

3 MS. POULOS: Okay.

4 THE CHAIRMAN: Let's see. I'm looking
5 here.

6 MS. POULOS: And it's at the bottom of the
7 page on 136.

8 THE CHAIRMAN: Down there is, "How would I
9 know that?"

10 MS. POULOS: Correct.

11 THE CHAIRMAN: You believe that was
12 actually said by Commissioner Armbruster?

13 MS. POULOS: Correct. I believe that was a
14 continuation of her comments from above when the
15 Chair made that comment.

16 THE CHAIRMAN: All right. Let's make a
17 note of that, then, and whoever makes this motion
18 with the changes that we may be making here.

19 Anything else, Director?

20 MS. POULOS: That was the only one I found.
21 I will admit I haven't read them cover to cover, but
22 I did see that as I was working on something else.

23 THE CHAIRMAN: Were there any other changes
24 to those minutes?

25 I'm looking down each direction. I see no

1 hands.

2 Well, then I would entertain a motion that
3 we approve these minutes with that change. Who
4 would like to make the motion?

5 Commissioner Armbruster.

6 COMMISSIONER ARMBRUSTER: Yes, I move that
7 we accept these minutes with the change on Page 136
8 that that was my comment and not Ms. Poulos's.

9 THE CHAIRMAN: At our regular meeting
10 minutes.

11 COMMISSIONER ARMBRUSTER: At the regular
12 meeting minutes.

13 THE CHAIRMAN: I have a motion by
14 Commissioner Armbruster.

15 Do I have a second?

16 COMMISSIONER CARR: Second.

17 THE CHAIRMAN: Commissioner Carr has
18 seconded, so we have a motion and a second. All in
19 favor, say "Aye."

20 (Commissioners so indicate.)

21 THE CHAIRMAN: Any opposed?

22 (No response.)

23 THE CHAIRMAN: I see none. That motion has
24 passed unanimously.

25 The next set of minutes, then, is the

1 summary minutes. It is a relatively new part of our
2 process here. Are there any changes to those
3 summary minutes that anyone has noted?

4 (No response.)

5 THE CHAIRMAN: I see no hands raised. I
6 would then entertain a motion that we approve these
7 summary minutes for January 15th, 2016.

8 Would someone like to make that motion?

9 COMMISSIONER SHEARMAN: I so move.

10 THE CHAIRMAN: Commissioner Shearman has
11 moved we approve the summary minutes for
12 January 15th, 2016.

13 Do I have a second?

14 COMMISSIONER CHAVEZ: Second.

15 THE CHAIRMAN: Commissioner Chavez has
16 seconded. All in favor, say "Aye."

17 (Commissioners so indicate.)

18 THE CHAIRMAN: Any opposed?

19 (No response.)

20 THE CHAIRMAN: That motion has carried
21 unanimously.

22 We will then proceed, then, to Item No. 4,
23 and I believe this is an appropriate point for me to
24 introduce Mr. Dylan Lange. He is our new legal
25 counsel from the Attorney General's office. He has

1 already been of great assistance to me, and I'm
2 really looking forward to working with him.

3 Do you have any -- would you like to just
4 introduce yourself, Mr. Lange, or --

5 MR. LANGE: Yes. I am from the Attorney
6 General's office, representing the PEC.

7 THE CHAIRMAN: Thank you for that.
8 Actually, we're extremely glad to have you with us.

9 Item No. 4, he's going to discuss
10 discussion and possible action on our PEC rules of
11 order. This is actually something I believe we have
12 to do every year, so I'll turn it over to Mr. Lange.

13 MR. LANGE: Chairman Bergman, members of
14 the Commission, as you know, at this meeting, we'll
15 need to adopt the Rules of Order. They're in Agenda
16 Item No. 4. There are no changes from last year's
17 Rules of Order. We just need to adopt them here
18 today. Again, they are the policy and procedures the
19 Board has for itself when conducting meetings in
20 open.

21 So is there any discussion, I guess?

22 THE CHAIRMAN: For the newer Commissioners,
23 we actually did make some changes last year. We
24 actually shortened the document, is I think what we
25 did. I cannot think of anything that we need to

1 change.

2 Do any Commissioners have things that they
3 would like to see changed in our Rules of Order?

4 COMMISSIONER CARR: No.

5 THE CHAIRMAN: Seeing none, I would
6 entertain a motion, and I believe there is a sample
7 motion on the Executive Summary. I would entertain a
8 motion that we approve the PEC Rules of Order for
9 this year.

10 MS. FRIEDMAN: Chairman Bergman?

11 THE CHAIRMAN: Go ahead, Beverly.

12 MS. FRIEDMAN: We had discussed about the
13 tie-vote issue and that that is not addressed in the
14 Rules of Order and that that might be something that
15 you want to discuss.

16 THE CHAIRMAN: Thank you for reminding me.
17 You already reminded me once today. I'm getting old,
18 and I think we were not going to address that today.
19 But we have never -- we have discussed it many times
20 about what happens if we have a tie vote. We have
21 never formalized it, and I think it's probably time
22 that we formalized a procedure.

23 But we're going to -- we will handle that
24 in one of our near-future work sessions, and I've
25 been told we can always amend our Rules of Order

1 whenever we get that policy lined out. So we are --
2 others will remind me again that we need to be sure
3 we do that in a work session. So we are going to
4 talk about -- be thinking about how that might be
5 accomplished, and we'll, of course, ask Mr. Lange to
6 be thinking about that.

7 I know sometimes some groups use coin
8 tosses, and others use a deck of cards, and who
9 knows what else might be used. But we need
10 something in our Rules of Order to cover that. So
11 we will address that issue, and thank you, Beverly.

12 If there are no other suggestions, then I
13 would entertain a motion that we approve our PEC
14 Rules of Order.

15 COMMISSIONER CHAVEZ: So moved.

16 THE CHAIRMAN: Commissioner Chavez has
17 moved. Do I have a second?

18 Commissioner Peralta has seconded.

19 All right. I'm told we don't have to do a
20 Roll Call on this one, so all in favor, say "Aye."

21 (Commissioners so indicate.)

22 THE CHAIRMAN: Any opposed?

23 (No response.)

24 THE CHAIRMAN: I hear no opposition, so our
25 2016 Rules of Order have been adopted by the PEC.

1 That brings us to Item No. 5 on our
2 agenda, then. No. 5 on our agenda is discussion and
3 possible action on PEC Open Meetings Act resolution,
4 and again, this is something I believe we are
5 required to do the first part of every year. And
6 here again, I'm going to ask Mr. Lange to work with
7 that item.

8 MR. LANGE: Chairman Bergman, members of
9 the Commission, again, this meeting will need to
10 adopt the 2016 Open Meetings Act resolution. As you
11 may remember from years in the past, the Open
12 Meetings Act requires each body to yearly adopt a
13 resolution setting forth its notice requirements for
14 its meetings.

15 To summarize, the Commission will provide
16 ten days' notice for a regular meeting and a
17 three-day notice for a special meeting. The notice
18 will also include information about obtaining an
19 agenda. The agenda will be available and posted at
20 least 72 hours in advance of a regular or special
21 meeting.

22 THE CHAIRMAN: Thank you, Mr. Lange.
23 Are there any questions that we need to
24 address? Any further discussion?

25 (No response.)

1 THE CHAIRMAN: Seeing none, I would
2 entertain a motion. Here again, there's a motion on
3 the Executive Summary. Do I have a motion to approve
4 the Open Meetings Act for this year?

5 COMMISSIONER TOULOUSE: Mr. Chair?

6 THE CHAIRMAN: Commissioner Toulouse.

7 COMMISSIONER TOULOUSE: I move that the
8 Public Education Commission approve the PEC Open
9 Meetings Act resolution.

10 COMMISSIONER SHEARMAN: Second.

11 THE CHAIRMAN: I have a motion by
12 Commissioner Toulouse, a second by Commissioner
13 Shearman. All in favor, say "Aye."

14 (Commissioners so indicate.)

15 THE CHAIRMAN: Any opposed?

16 (No response.)

17 THE CHAIRMAN: I hear no opposition, so we
18 on the PEC have adopted the Open Meetings Act for
19 this year, of 2016.

20 We're now on to Item 6 on our agenda.
21 Mr. Spencer, if you would come to the front table.
22 We do have an update again on the Carl Perkins
23 program. It's always nice to see you, Mr. Spencer.
24 This time, you had to drive to see us.

25 Thank you, sir. Identify yourself and

1 proceed.

2 MR. ERIC SPENCER: Thank you, Chairman
3 Bergman, members of the Commission. I am Eric
4 Spencer, the Director of College and Career Readiness
5 Bureau for the Public Education Department,
6 administering the Carl D. Perkins grant. And so
7 today's agenda item is the formal approval of the
8 Consolidated Annual Report for the school year -- or
9 performance period, rather, beginning July 1, 2014,
10 and ending June 30th of 2015.

11 Back in December, I went ahead and
12 provided the Commission with the draft narrative
13 portion of this particular report. As you know, the
14 report contains three areas that the state must
15 report on an annual basis: One being the narrative
16 component and how the state utilized the nine
17 required uses and permissive uses of the Act; the
18 Financial Status Report, and the Performance Report.

19 And so with regard to the Narrative
20 Report, the nine required uses and permissive uses,
21 you all have had an opportunity to take a look at
22 that back in December, and it's just in the report
23 as a formality for the full approval.

24 When we take a look at the Financial
25 Status Report, there are two of them. There is an

1 Interim Financial Status Report and a Final Status
2 Report. The interim would be covering the
3 performance period of July 1, 2014, to June 30th,
4 2015. So that's the most recent school year.

5 The Final Status Report covers the
6 performance period July 1 of 2013 through
7 September 30 of 2015. So the Final Status Report
8 covers a 27-month performance period in accordance
9 with the guidelines of the grant and the Tydings
10 Amendment that provides for the 27 months.

11 Those particular financial reports would
12 begin on Page 26, and if you are looking at that
13 Page 26, I would draw your attention to the last
14 column in the financial report. And you will see
15 that the state fully liquidated every set-aside of
16 the Carl D. Perkins grant, with no reversions to the
17 Department of Education. And so you'll note that
18 that's a trend that we have had over the years, that
19 we do fully utilize the grant.

20 With regard to the interim report -- and
21 I'm sorry. On Page 27 was your final report that
22 demonstrates the full utilization and no reversions.

23 On Page 26, that would have been the
24 Interim Financial Status Report, and you can see
25 that, of the \$8,028,679 grant, it was approximately

1 \$1.3 million that went unused in the first 20 -- I'm
2 sorry, first 12 months of the 27-month period. So
3 we still have, technically, 15 months after
4 June 30th to liquidate the 1.3 million.

5 Applications for redistribution have been
6 released to the qualifying schools. So schools that
7 received a grant award in the prior year are
8 eligible to utilize these funds in the current year,
9 and so those applications were released back in
10 November. We received them from schools in
11 December. We have processed approvals of those
12 particular grants, and so we're well on our way to
13 assist schools in the expenditure of the 1.3 million
14 that's still sitting on the table, at least, to
15 June 30th of 2015.

16 The next component to this particular
17 report, I've previously reported to you all that we
18 were on track to meeting all of the performance
19 measures in both the secondary and the
20 post-secondary set-aside.

21 When you look at the secondary performance
22 measures, I just want to draw to your attention that
23 there are eight performance targets, and generally,
24 how do career technical education students perform
25 with regard to academic attainment and mathematics,

1 language arts, technical skill attainment, looking
2 at a GPA for CTE students versus non-CTE students:
3 Did they complete school, did they get to a point of
4 graduation, were they placed in either higher
5 education or workforce training opportunities or the
6 workforce?

7 And then also, the participation for
8 nontraditional engagement, meaning females
9 participating in male-dominated career paths and
10 occupations. And of course, what constitutes a
11 program or an occupation of nontraditional is that
12 75 percent of the income of that workforce would be
13 of a particular gender.

14 So when you take a look at those
15 performance measures, the state, during the
16 performance period of 2014 to June 30th of 2015, we
17 exceed six of the eight performance targets, and we
18 came into safe harbor on two of the performance
19 targets. And that is a significant improvement
20 across the board.

21 As in the prior performance period
22 beginning in 2013, the state missed three targets,
23 safe harboring two, and exceeded in only three. So
24 there were huge gains that were made by the schools
25 that constituted this performance report. So we're

1 very proud of the work that the schools have been
2 doing.

3 When you take a look at the post-secondary
4 performance data, what we take a look at there is
5 really technical skill attainment of students, and
6 that is those CTE concentrators that -- what is
7 their GPA, for example. Taking a look at our
8 students completing their post-secondary credential,
9 a certificate or a diploma, do we retain those
10 post-secondary students?

11 So for example, from high school, they
12 transition into perhaps the community college
13 setting. We take a look at those CTE concentrators,
14 enroll them in community college. Do they, upon
15 completion of their program, enroll in higher
16 education for a baccalaureate degree? Do they stay
17 at the community college and start earning another
18 industry credential in the related field? Or
19 perhaps maybe they have been placed into a
20 workforce. I'm sorry, not the workforce, just the
21 college component in 3P1, and so we look at those,
22 those aspects.

23 Then student placement in continuing
24 higher ed or in the workforce and then the
25 nontraditional participation and completion in like

1 manner of secondary schools. And what we reported
2 in this particular report is that the state
3 exceeded. There are six performance targets in the
4 post-secondary category. The state exceeded the
5 performance in three of the targets and came into
6 safe harbor in three. And so that was an
7 improvement over the prior year, where we exceeded
8 the target in two, and we met safe harbor in four.

9 And so again, just the work that is
10 happening at the post-secondary institutions and
11 aligning the data systems, really taking a look at
12 programmatic aspects, focusing on the needs of
13 career technical education students, and providing
14 those services are certainly beginning to pay off.

15 So that's included within this particular
16 report and giving you the narrative, the financial
17 status, and the performance and accountability
18 component concludes the report for the 2014/2015
19 performance period.

20 I'll stand for questions.

21 THE CHAIRMAN: Thank you, Mr. Spencer.

22 Do the Commissioners have any questions
23 for Mr. Spencer at this time?

24 Commissioner Armbruster.

25 COMMISSIONER ARMBRUSTER: It's great that

1 we are doing more on the nontraditional schools,
2 doing that. To what do you attribute that?

3 MR. ERIC SPENCER: Part of this is that,
4 when -- in the prior year, we actually missed the
5 performance target for nontraditional back in
6 performance period of 2013. And some of this was
7 really cleaning up the data set, because there is an
8 organization called NAPE that works with the U.S.
9 Department of Education and establishes what would be
10 the nontraditional occupations. And again, they have
11 to look at the workforce data and take a look at
12 75 percent of the incumbent workforce: Is that a
13 particular gender, et cetera.

14 So what we did on the back end about two,
15 three years ago was we started making sure that
16 courses that we have identified within the STARS
17 system, the secondary reporting actually had a tag
18 that, if it was a nontraditional CTE course, we
19 tagged it as such. And so now, we were very
20 transparent with the -- with the local institutions
21 about what courses were being counted as nontrad.

22 And then that gave the institutions an
23 affirmation, if you will, that they didn't have to
24 try and figure it out on their own, and then being
25 able to take a look at, okay, so what do those

1 counseling practices, what do those demonstration
2 processes look like, and then asking them from a
3 civil rights perspective the counseling and
4 admissions guidance services, are they
5 discriminating against students, are they counseling
6 students into another pathway because of a gender,
7 things of that sort. And really bringing those
8 issues to the table of secondary and post-secondary
9 institutions really kind of got the conversation
10 going and got people to really be thinking about
11 this.

12 And then in addition to that, just
13 cleaning up the data structures at both the state
14 and the local levels to be sure that we're getting
15 the cleanest data we could possibly get.

16 COMMISSIONER ARMBRUSTER: Well, good.

17 THE CHAIRMAN: Commissioner.

18 Any other? Commissioner Toulouse.

19 COMMISSIONER TOULOUSE: Mr. Chair, which
20 are the areas, specific areas, that we're doing well
21 in, and which are the ones that, while we're in a
22 safe harbor, need to be improved?

23 MR. ERIC SPENCER: You're talking about
24 with regard to the performance measures?

25 COMMISSIONER TOULOUSE: Right.

1 MR. ERIC SPENCER: Well, I'd have to look
2 that up, actually, and I had it on my -- on my phone
3 just a few minutes ago.

4 COMMISSIONER TOULOUSE: Okay. Sorry, I
5 didn't mean to --

6 MR. ERIC SPENCER: No, that's okay. I can
7 definitely provide that to you at the next PEC
8 meeting, but also, I want to draw to your attention
9 that, on the Public Education Department's website,
10 if you go to the A-to-Z directory, there's a little
11 button A to Z, and then go to "C" for College and
12 Career Readiness Bureau.

13 And so when you hit our bureau's website,
14 you're going to see a list of the programs that we
15 administer out of College and Career Readiness, and
16 you'll see a link for Perkins. So under that
17 Perkins link, we disclose to schools and to the
18 public the performance of these particular schools
19 in all of these areas.

20 You're going to see a mega Excel
21 spreadsheet that has all of the data for every
22 district and every high school in the state, whether
23 they receive Perkins dollars or not, and an
24 indicator as to whether those schools are meeting
25 the performance targets. And we've done that

1 since -- I think 2007 is the first data set, so you
2 can look at that historically.

3 We've also taken that data set and put
4 that into more of an interactive data dashboard
5 called Tableau. So right now, our schools are able
6 to -- thinking about continuous improvement, they're
7 able to take a look at other schools that might have
8 the same demographics, like size, like type
9 population, like type programs, and compare
10 themselves against others schools in the state just
11 by clicking some buttons.

12 All of the charter schools that deliver
13 education from a 912 perspective are also in there,
14 even if they have -- only if they have career
15 technical education courses, because the data gets
16 populated based on, do we have a CTE student
17 participating in the CTE course, and then do they
18 become a concentrator in career technical ed?

19 And I think just to Commissioner
20 Armbruster's question earlier, having that type of
21 data that you can look at by indicator, indicator by
22 indicator, provides that ability to analyze and then
23 figure out who's doing well, knock on the door,
24 share some of the best practices, et cetera.

25 The third component of what we have listed

1 there is called the performance targets that are
2 negotiated. And so if you take a look at that
3 spreadsheet -- and I know I provided the preliminary
4 spreadsheet back in December where we color-code
5 those particular indicators.

6 I do know that we're facing a little bit
7 of a challenge, for example, moving forward with
8 regard to potentially safe harbor, a potential miss,
9 just kind of depending on what the data looks like,
10 is with regard to the PARCC assessment scores for
11 reading and language arts. So we know across the
12 board we saw that, you know, the performance of the
13 state didn't have -- yield the same performance or
14 percentage that was yielded when we were in
15 standards-based assessment, because of course, it's
16 a different assessment and they have to reset.

17 So we know that we're going to have to
18 reset the performance targets to align to the PARCC
19 assessment as well. So that's an area that I think
20 we might have a potential -- a potential miss.

21 But when students are looking at the
22 secondary, they're really knocking it out of the
23 park when it comes to the technical skill
24 attainment. That's the GPA of CTE students.
25 They're really knocking it out of the park with the

1 secondary school completion, especially even in
2 graduation rates.

3 I believe that the report that we had most
4 recently released was that CTE students are
5 graduating at a rate of 89 percent, whereas the
6 whole-group population isn't necessarily performing
7 to that target. So they're really performing well
8 in that area.

9 I know our secondary placement is a hard
10 target to hit. That's one where we might be more in
11 a safe harbor zone, and that's only because we don't
12 have the P20 data system that goes from, you know,
13 kindergarten into post-secondary experiences. We
14 have a unique ID number at the high school and
15 secondary level. But we don't have the unique ID
16 number at the post-secondary level. They've got the
17 Social Security number.

18 And so until data folks, if you will,
19 bridge that gap, we're always going to have a hard
20 time truly finding where our students are placed.
21 Because when we think about it, there aren't too
22 many high school graduates not engaged in something
23 after high school, but yet we can't find them
24 because of the snafu in the data, if you will.
25 Nontraditional --

1 COMMISSIONER TOULOUSE: I remember that
2 discussion 15 years ago for the higher ed level of
3 trying to match the two up, and it hasn't progressed,
4 huh?

5 MR. ERIC SPENCER: Not necessarily. It's
6 still a challenge for us. And then with regard to
7 nontraditional participation, we're doing a really
8 good job in getting students exposed to the
9 nontraditional path. But where the challenge comes
10 in terms of where we might be in safe harbor is that
11 we're having a challenge in keeping the students
12 within the pathway that they began to participate in.

13 So that is, for example, you have females
14 being exposed to a welding program of study. And
15 they're able to get students into the welding
16 classroom, and then kids might finish that course.
17 But the female students don't see themselves
18 pursuing the pathway, so then they take something
19 else. And so therefore, we're not able to hit,
20 necessarily, that completion target to the degree
21 that we set performance targets for, but it's still
22 something to strive for.

23 But it's very interesting to hear the
24 solutions that schools provide. You know, some of
25 the teachers are saying, "You know, I never really

1 thought about why I keep losing my female students
2 in welding." This came right out of Albuquerque.

3 The individual came up to me during the
4 meeting with an iPad and said, "Can I buy this?"

5 And I said, "Well, what is that?"

6 And it was really a full-body leather suit
7 for a female that had -- it looked like a racing
8 stripe. It was pretty cool. It was very
9 attractive, and he says, "Can we do this?"

10 And I said, well, if you need the
11 equipment to serve your students, you also have a
12 safety issue. Putting a female in a male welding
13 jacket with all of the extra space and whatnot can
14 pose a hazard.

15 And just by ordering new attire for the
16 welding classroom that was attractive to the female
17 population, he was able to garner more participation
18 from the females, because they thought it was good.

19 And then also thinking about the research
20 shows that females make a better welder than males
21 because of their precision, their patience, their
22 sense for accuracy. And it's very interesting to
23 see what some of the data reveals when you're
24 thinking of nontraditional.

25 So, like, at the end of the day, it really

1 is cool to see how schools are creating those
2 opportunities, working toward eliminating the
3 barriers and just really trying to knock down the
4 walls and provide an opportunity so that, whether
5 students pursue a post-secondary pathway or whether
6 they pursue work placement after high school, the
7 notion is, is it doesn't matter, but they will all
8 be successful. And people are really hanging on to
9 that mission, and so very good news, I think, for
10 the state.

11 COMMISSIONER TOULOUSE: Thank you.

12 THE CHAIRMAN: Any further questions for
13 Mr. Spencer?

14 Well, I've got a couple, just brief ones.
15 I noticed on Page 44 that you mentioned some
16 improvement plans that were proposed on some of the
17 LEAs and some of the post-secondary. I just don't
18 remember seeing that language in the past. Is that
19 new, or have you been -- have they been doing
20 improvement plans in the past?

21 MR. ERIC SPENCER: So in accordance with
22 the law, when the state doesn't meet its levels of
23 performance, the state then is placed on a
24 performance improvement plan for a 12-month term.
25 And the law also specifies that, in like manner, a

1 school district that doesn't meet its levels of
2 performance must also be placed on a performance
3 improvement plan.

4 The performance improvement plans have
5 been occurring year in and year out. What's
6 interesting is sometimes there's a little bit of
7 change within the -- with the reporting system, if
8 you will, at the federal level, that sometimes
9 it's -- you know, new information populates and it's
10 there. So whatever we're putting into the federal
11 system, I'm providing to you here. And they did
12 ask, well, analyze the data and tell us to what
13 degree your schools are being placed on performance
14 improvement plans, and so we did that.

15 THE CHAIRMAN: I found that interesting,
16 because we are also wrestling, as a Commission,
17 with -- on improvement plans and with our charter
18 schools and that we will ask -- be asking them to
19 work with. And I just find that inter -- that we at
20 least have company in that.

21 And the other thing I was just going to
22 ask -- and you may not have an answer to this. What
23 are you hearing from the Feds going down the road
24 otherwise with the economic conditions in the
25 country and oil prices are down? That's affecting

1 everybody around the country, which may affect the
2 Feds. Are you hearing anything? Are you going to
3 have to cut your funding in the future for this?

4 MR. ERIC SPENCER: At this point in time,
5 I'm not aware of any particular budgetary cut that's
6 going to occur to Perkins. I mean, I would imagine
7 that, you know, if they implement sequestration or,
8 you know, they do a slice, you know, five percent
9 across the top of education programs or whatnot, that
10 Perkins would obviously be part of that. But at this
11 point in time, the information that I have is just to
12 go ahead and plan with level funding moving forward.

13 And I've shared information with you all
14 in the past in terms of the trajectory of where
15 we've been with the federal granting, and you know
16 that, you know, the purchasing power of the dollar
17 has declined, you know, since 2007. And we also
18 know that the state doesn't grow in its population.

19 And so this grant is based on five to 17
20 year olds in the State of New Mexico that reside in
21 the state and then how many of those are in poverty.
22 And so the population fluctuations in the state
23 don't shift so much that we see drastic increases
24 and decreases to our grant. In some cases, I mean,
25 we're only seeing, like, a \$20,000 shift in the

1 grant now.

2 It gets a little frustrating that you have
3 to redo all of the budgets and whatnot for 20,000.
4 You know, it affects schools by \$16 and whatnot, but
5 nonetheless, we're anticipating pretty level
6 funding. Pretty optimistic, though, that we might
7 be able to get a reauthorization of the law, because
8 as you know, that this particular Act expired in
9 2013. And so we're implementing on continuing
10 resolutions.

11 So as long as Perkins gets put within the
12 President's budget and Congress affirms that, that
13 we continue to get the funding that we have been
14 getting -- and that's been the case since 2013. It
15 appears that that'll continue to be the case until
16 they either reauthorize or say this Act is done.
17 But there's conversation kind of brewing at a
18 national level that we might see a bill out in the
19 next year. Hope so.

20 THE CHAIRMAN: Yeah, hope. That would be
21 nice, wouldn't it? Of all the things that our
22 federal government does for us and funds for us, I
23 have long felt that this program is one of the best
24 uses of our tax dollars that I've ever seen from our
25 federal government. So I hope that they keep that in

1 mind as they talk about that because of all the young
2 people that this particular program helped.

3 Is there any further questions or
4 discussions for Mr. Spencer?

5 COMMISSIONER TOULOUSE: Mr. Chair?

6 THE CHAIRMAN: Commissioner Toulouse.

7 COMMISSIONER TOULOUSE: I would just like
8 to make a comment on that. This is the month that
9 the Community College Association is doing its annual
10 meeting, legislative meeting in D.C. And one of the
11 items that they have done for over 20 years is
12 lobbying for Perkins.

13 And what you have is you have over --
14 somewhere between a thousand and 1500 people who hit
15 Capitol Hill the same day and hit every --
16 practically every -- well, all of the senators and
17 almost every one of the representatives with their
18 list with Perkins as one of the top ones. And I
19 know it still, because I still get all the
20 literature from the Association of Community College
21 Trustees. It's one of their top lists, again, what
22 they call their "green sheet," because they give you
23 one sheet of green paper that has all the things
24 you're to go in and talk about.

25 And it's been very, very effective,

1 because when you have that many people from that
2 many states seeing that many legislators, even when
3 there was a push under previous administration to
4 cut the program entirely, it didn't go anywhere.
5 And I think it -- we're pretty safe, at least with
6 it in the continuing resolution, because of those
7 however many, up to 1500 people that are going to be
8 there the same day.

9 THE CHAIRMAN: Thank you, Commissioner.
10 Anything else?

11 This is an action item today. Part of our
12 statutory duties do require us to have oversight in
13 some of these areas. There is a suggested motion on
14 the Executive Summary.

15 COMMISSIONER SHEARMAN: Mr. Chairman, this
16 is not listed for action on the agenda.

17 THE CHAIRMAN: Do you -- I was not aware
18 whether we had this --

19 MR. LANGE: It just says update. It just
20 says update.

21 THE VICE CHAIR: Yeah, it says update. It
22 doesn't say action item.

23 MR. ERIC SPENCER: We can bring the action
24 item to the next PEC meeting.

25 THE CHAIRMAN: Yeah, I think you're going

1 to have to, because it's not noticed like that. I
2 was not aware that this report was going to be a part
3 of it. I'm going to write on here March. I'm sorry,
4 it looks you're going to have to come back in March
5 also, March agenda for action.

6 THE VICE CHAIR: We'll be in Santa Fe.

7 THE CHAIRMAN: We will be in Santa Fe, yes.

8 MR. ERIC SPENCER: Mr. Chair, members of
9 the Commission, I hope in March I'll be able to bring
10 you the revisions in the state plan for the next year
11 and the funding so it'll all work out.

12 THE CHAIRMAN: All right. Good. Thank
13 you, Mr. Spencer. March agenda for action. Okay.
14 I'm going to underline that.

15 Anything else?

16 Once again, Mr. Spencer, thank you for all
17 your hard work in this area and for coming and
18 seeing us again.

19 MR. ERIC SPENCER: Thank you.

20 THE CHAIRMAN: We'll see you in March.

21 MR. ERIC SPENCER: Thank you.

22 COMMISSIONER SHEARMAN: Thank you.

23 THE CHAIRMAN: All right. We are up to
24 Item 7, which is discussion and possible action on
25 draft performance framework negotiation procedures.

1 This was one of the items that we worked on yesterday
2 in our work session, and I had asked Commissioner
3 Shearman if she would take the leadership on this,
4 which she had done. She made the draft. So I'm
5 going to turn it over to her to report to us what we
6 finally came up with yesterday.

7 Commissioner Shearman.

8 COMMISSIONER SHEARMAN: Thank you,
9 Mr. Chairman. Yesterday, we did talk through the
10 draft that I'd produced, and we made quite a few
11 changes to it. And then the group asked me to work
12 with Sue Fox of the Matthews Fox firm after the
13 meeting to come up with some additional wordsmithing.
14 And as we discussed this after the meeting, it became
15 pretty clear to me that there are several
16 considerations in here.

17 One of the things I had inadvertently done
18 when I wrote this was to include not just the
19 performance frameworks renegotiation, but got into
20 the issue of schools that are accredited by an
21 outside agency. And they really -- one does not
22 have anything necessarily to do with the other, so I
23 sort of muddied the water.

24 What I would like to do at this time is
25 recommend that this item be tabled until the April

1 meeting. We'll be less busy, hopefully, in April,
2 have gotten the negotiations and so forth behind us,
3 and give us time to come up with a cleaner document
4 that's more -- that we've had more time to share
5 with Commissioners, that they've had time to read it
6 and digest it a little bit more before asked to take
7 any action on it.

8 So Mr. Chairman, before the Commission,
9 I'd like to move that this item be tabled to the
10 April 2016 PEC Commission meeting.

11 COMMISSIONER CARR: Second.

12 THE CHAIRMAN: We have a motion and a
13 second, a motion from Commissioner Shearman and a
14 second from Commissioner Carr. I think we can
15 probably just do that on a voice vote.

16 All in favor of the -- is there any
17 discussion first?

18 All right. All in favor, please say
19 "Aye."

20 (Commissioners so indicate.)

21 THE CHAIRMAN: Any opposed?

22 (No response.)

23 THE CHAIRMAN: I hear none. That has
24 passed unanimously. We will table that, but we are
25 not done with it. And I have told Commissioner

1 Shearman however she wants to handle that, whether
2 she wants to bring in a few folks to work on that
3 with her, however she wishes to do that, she will be
4 taking care of that for us.

5 We then -- therefore, it looks like we are
6 now up to Item No. 8, which is discussion and
7 possible action on charter school amendments, and I
8 will defer to Director Katie Poulos for that. That
9 is under Item No. 8 in your books.

10 MS. POULOS: Commissioners, Chair, Item
11 No. 8A is a request from Coral Community Charter
12 School to change the grade levels served under their
13 contract. The school requests to amend which --
14 their instructional program, which currently
15 identifies the grades that they will serve as K
16 through 6, to include Grades 7 and 8. They are not
17 requesting a change to their grade level cap -- or
18 sorry, their enrollment cap, simply their grade
19 levels.

20 The charter school does have -- and we've
21 provided a lot of the data for you about their
22 enrollment, their subgroup percentages, but most
23 importantly, their performance on their letter grade
24 and their PARCC assessment. Because the school has
25 an average letter grade of C and a current year

1 letter grade of B, they have been demonstrating
2 improvement over a term for their letter grade. And
3 also, they have proficiency rates in math and
4 language arts that are higher than both APS and New
5 Mexico Public Schools as a whole. So we are
6 recommending the approval of this amendment request.

7 THE CHAIRMAN: Thank you, Director Poulos.
8 Are there any questions from Commissioners
9 on this amendment request?

10 COMMISSIONER ARMBRUSTER: Could you --

11 THE CHAIRMAN: Commissioner Conyers?

12 COMMISSIONER CONYERS: I just had one. Is
13 there --

14 COMMISSIONER SHEARMAN: Turn that on.

15 THE VICE CHAIR: There's a button.

16 COMMISSIONER SHEARMAN: Yeah.

17 THE VICE CHAIR: You have to hold it for a
18 couple seconds.

19 COMMISSIONER CARR: You have to hold it for
20 five seconds.

21 COMMISSIONER CONYERS: One, two, three,
22 four.

23 COMMISSIONER SHEARMAN: One Mississippi,
24 two Mississippi.

25 THE VICE CHAIR: I think it's on.

1 COMMISSIONER CONYERS: Hello?

2 THE VICE CHAIR: No.

3 COMMISSIONER CONYERS: No. High-tech.

4 Okay. Now, I forgot my question. Is
5 there any plan to expand beyond that, or is eighth
6 grade --

7 THE CHAIRMAN: Is there someone from Coral
8 Community here? Please come forward.

9 Please identify yourselves for the
10 recorder.

11 MS. TANIA TRIOLO: Tania, T-A-N-I-A,
12 Triolo, T-R-I-O-L-O. I'm the chair of the Governance
13 Council.

14 MS. DONNA ELDREDGE: Donna Eldredge, and
15 that's E-L-D-R-E-D-G-E. I'm the principal and
16 cofounder of the school.

17 MS. LORI BACHMAN: Lori Bachman, L-O-R-I,
18 B-A-C-H-M-A-N, assistant principal.

19 THE CHAIRMAN: Thank you. Actually, I
20 think I will ask you. I don't see any reason why --
21 give us a little bit of your rationale for why you're
22 doing this. I know we've got paperwork in front of
23 us. I like to hear it.

24 MS. DONNA ELDREDGE: Well, Chairman
25 Bergman, primarily, we have had our families -- our

1 community has really encouraged us to add these grade
2 levels. So that was really important to us, to pay
3 attention to their request.

4 And then, of course, we feel really
5 confident with our model and believe that it would
6 be a great opportunity for us to include those
7 grades and redesign the model for middle school. So
8 we're enthusiastic.

9 THE CHAIRMAN: Do you remember Mr. Conyers'
10 question, or do I need to ask him to ask it again?

11 MS. DONNA ELDREDGE: No, I do remember.

12 THE CHAIRMAN: Go ahead, then.

13 MS. DONNA ELDREDGE: We don't, at this
14 time, have any plans to increase after eighth grade.

15 COMMISSIONER CONYERS: Okay. Yeah, I know
16 the last school I worked in was a K through 8, and
17 it's a good kind of setup there, and you -- it's
18 almost like a family that you know so well. And so
19 that was my only question.

20 THE CHAIRMAN: Thank you.

21 Are there further questions?

22 Commissioner Chavez?

23 COMMISSIONER CHAVEZ: Yeah. Oh, shoot.

24 Can you hear me?

25 MS. DONNA ELDREDGE: Yes.

1 THE CHAIRMAN: Can the audience hear?

2 Okay.

3 COMMISSIONER CHAVEZ: And I'm not a
4 teacher. So I have a couple of questions. One, I
5 was interested in a bit more of a breakdown in terms
6 of your demographics racially and ethnically. I
7 don't see that in your -- do you have that off the
8 top of your head?

9 MS. DONNA ELDREDGE: I don't. We were just
10 talking about that. Our testing grades are there,
11 but we do have a very diverse population. We are a
12 Title I school. I don't -- I don't want to make a
13 guess, but we are very, very diverse.

14 COMMISSIONER CHAVEZ: And then the other
15 question that I have is you're not asking for an
16 increase in your enrollment cap, so how does
17 that -- you know, adding a couple of grades, I mean,
18 sort of, how does that sort of work out?

19 MS. DONNA ELDREDGE: Well, when we -- when
20 we add our grade level based on our facility, the
21 maximum that our facility will hold, it doesn't -- it
22 doesn't increa -- we don't need to request an
23 increase for enrollment. And we are very comfortable
24 with the -- staying within the confines of our
25 enrollment cap.

1 COMMISSIONER CHAVEZ: What are your class
2 sizes?

3 MS. DONNA ELDREDGE: It's an interesting
4 concept. We try to stay within 20, but because we
5 have -- every student has a personal education plan.
6 We do a lot -- we have a lot of movement among
7 classrooms. So we may have a classroom that perhaps
8 has 18 students, but then we may have one that will
9 go up to 22 because those students are a better fit
10 for that classroom. So we average about 20.

11 COMMISSIONER CHAVEZ: So do you have mixed
12 grades, then?

13 MS. DONNA ELDREDGE: Yes, we do.

14 COMMISSIONER CHAVEZ: And how do your ELL
15 students fit into those grades? What -- how do
16 you -- like, describe a plan that you might use for
17 them or that you're using for them.

18 MS. DONNA ELDREDGE: What we have right
19 now, we have -- we actually do have a very small
20 percentage of ELL students, but all of our students
21 have personal education plans. So within that
22 personal education plan, our students -- their
23 individual plan based upon their language needs would
24 be included in that plan.

25 However, we have online programs. We have

1 teachers who are trained specifically to work with
2 ELL students. So it would depend on the individual
3 student.

4 COMMISSIONER CHAVEZ: Thank you.

5 COMMISSIONER SHEARMAN: Go ahead.

6 THE CHAIRMAN: Are there further questions
7 or discussions?

8 THE VICE CHAIR: I was just going --

9 THE CHAIRMAN: Commissioner.

10 THE VICE CHAIR: You. Oh, I thought you
11 had your hand up.

12 COMMISSIONER TOULOUSE: I did, but I
13 thought you guys were before me.

14 THE CHAIRMAN: Commissioner Toulouse.

15 COMMISSIONER TOULOUSE: Mr. Chair, thank
16 you. Since I'm kind of isolated down here, I --

17 THE CHAIRMAN: I'm trying to lean forward
18 and look both ways.

19 COMMISSIONER TOULOUSE: You know, I realize
20 I'm coughing, but I'm not contagious, so when -- it's
21 asthma.

22 But have you had a change in enrollment or
23 decrease in enrollment because you moved to your new
24 facility?

25 MS. DONNA ELDREDGE: We actually had

1 anticipated a significant change; however, it -- when
2 we originally or first moved, we had 87 percent of
3 our families came with us.

4 COMMISSIONER TOULOUSE: Uh-huh. Wow.

5 MS. DONNA ELDREDGE: And since then, we've
6 had another five percent try to come back. So we
7 looked at a 92 percent rate, and that was very
8 exciting.

9 COMMISSIONER TOULOUSE: Do you have a
10 waiting list?

11 MS. DONNA ELDREDGE: Yes, we do.

12 COMMISSIONER TOULOUSE: That's always -- to
13 me, that's a good sign. Since now, you're over in my
14 neighborhood, I --

15 MS. DONNA ELDREDGE: Yes. Yes.

16 COMMISSIONER TOULOUSE: -- I kind of keep a
17 better eye on it than when you were over way on down
18 there. So I'm glad that you kept the students.

19 MS. DONNA ELDREDGE: Yes, we did.

20 COMMISSIONER TOULOUSE: And do you have
21 many students with disabilities?

22 MS. DONNA ELDREDGE: Our percentage of
23 students with disabilities is inching up. We're
24 close to 25 percent now.

25 COMMISSIONER TOULOUSE: Thank you.

1 THE CHAIRMAN: Commissioner Gipson.

2 THE VICE CHAIR: I just wanted to ask, has
3 your Governance Council voted to approve this?
4 Because we don't have the minutes.

5 THE CHAIRMAN: There's a document here, but
6 it does not say "Minutes," and it doesn't --

7 THE VICE CHAIR: Right.

8 THE CHAIRMAN: There's no votes recorded on
9 that document, so we're -- we will need that, and
10 what -- so whoever makes the motion when we get to
11 that point will make sure -- the condition is going
12 to be that the school furnish the minutes with that
13 Governing Council approval so they can be placed in
14 the file, and I -- any other questions?

15 COMMISSIONER SHEARMAN: Well, yeah, I --

16 THE CHAIRMAN: Commissioner Shearman.

17 COMMISSIONER SHEARMAN: First, I would like
18 to have an answer to Commissioner Gipson's question
19 on the record. So has the Governance Council voted
20 to approve this amendment?

21 MS. TANIA TRIOLO: Yes, we have voted to
22 approve. It was voted on in January, the last
23 Tuesday of the month, which I'm not sure of the date.
24 But we will provide those minutes. It did pass to
25 add the grades.

1 COMMISSIONER SHEARMAN: So official minutes
2 will be required.

3 MS. TANIA TRIOLO: Yes.

4 COMMISSIONER SHEARMAN: Just what is your
5 current enrollment? If you answered that, I'm sorry,
6 I didn't hear it.

7 MS. DONNA ELDREDGE: Currently, we have 183
8 students in K through -- our K through 6 program.

9 COMMISSIONER SHEARMAN: Well, it certainly
10 is there: 183 students. Okay. I'm listening, not
11 reading.

12 Your most recent audit that's been
13 released, is that -- what year is that for?

14 MS. DONNA ELDREDGE: Our financial --

15 COMMISSIONER SHEARMAN: Would you pull that
16 mike real close, please?

17 MS. DONNA ELDREDGE: I'm sorry. Our
18 financial audit was for the 2014/2015.

19 MS. TANIA TRIOLO: I would like to address
20 that as far as the financial audit. It has not yet
21 been released from the Attorney General's office.
22 They are -- last we checked last month, they still
23 had 2013 and '14 that they were holding. I'm not
24 sure if they've released it within the past couple
25 weeks, but --

1 COMMISSIONER SHEARMAN: So two years' worth
2 of audits.

3 MS. TANIA TRIOLO: Two years' worth of
4 audits they still have not released to us.

5 COMMISSIONER SHEARMAN: That's a tough way
6 to do business.

7 MS. POULOS: Madam Chair -- or sorry,
8 Chairman Bergman, just to clarify that she's -- you
9 indicated the Attorney General's office. It's
10 actually the Office of the State Auditor --

11 MS. TANIA TRIOLO: State Auditor, yes.

12 MS. POULOS: -- that has to certify those
13 audits, and all charter school audits are considered
14 a component unit of the PED audit. And that audit,
15 '14 and '15 definitely are not done, and I believe
16 she's correct that '13 is also awaiting release.

17 THE CHAIRMAN: Thank you for that.

18 Commissioner Shearman, I --

19 COMMISSIONER SHEARMAN: Thank you. That's
20 all I have, yes.

21 THE CHAIRMAN: I have been called a lot of
22 things, but I'll add that to my list. I have never
23 been called "madam" before.

24 MS. POULOS: I apologize. I'm getting out
25 of the old habit.

1 THE CHAIRMAN: It goes on the list.

2 Commissioner Armbruster.

3 COMMISSIONER ARMBRUSTER: I can do this
4 also without a microphone. I noticed that your cap
5 is 390, and you were mentioning that the enrollment
6 is 183 and that you have a waiting list. So if your
7 cap is 390 and you don't have 390, why do you have a
8 waiting list?

9 MS. DONNA ELDREDGE: It's the facility.

10 COMMISSIONER CARR: Facilities.

11 COMMISSIONER ARMBRUSTER: Oh, so you are
12 thinking that you would move to another one later, or
13 how will you ever get 390?

14 MS. DONNA ELDREDGE: It's not likely that
15 we'll get 390. So our facility, we're maxed at our
16 facility at this point --

17 COMMISSIONER ARMBRUSTER: I see.

18 MS. DONNA ELDREDGE: -- with the grades
19 that we have and then the seventh and eighth. But it
20 is a facility issue, so --

21 COMMISSIONER ARMBRUSTER: So what is the
22 max for that facility that it can accommodate with
23 the --

24 MS. DONNA ELDREDGE: 270 students.

25 COMMISSIONER ARMBRUSTER: So even with 270,

1 you still have a waiting list from the 183, so you
2 could take -- am I saying that correctly?

3 MS. DONNA ELDREDGE: Not at this time. Our
4 K through eight classes are full. Our kinder -- or
5 sorry, kindergarten through sixth grade classes are
6 full at this time.

7 COMMISSIONER ARMBRUSTER: Okay.

8 THE CHAIRMAN: Is that it, Commissioner
9 Armbruster?

10 COMMISSIONER ARMBRUSTER: Oh, I'm sorry.

11 THE CHAIRMAN: You're finished?

12 COMMISSIONER ARMBRUSTER: I'm finished.

13 THE CHAIRMAN: Thank you so much.

14 Further comments or questions?

15 I just have a -- Director Poulos, I do not
16 see our usual Charter Amendment Request Form in
17 these documents. It's not in my book, anyway. I
18 have your pages of stuff. We want the -- we find
19 those forms helpful.

20 MS. POULOS: Commissioner, I've -- this is
21 not working, so I don't really need it. I apologize.
22 That was an error in getting --

23 THE CHAIRMAN: Okay.

24 MS. POULOS: -- materials completed and
25 into the binder. I apologize for that error.

1 THE CHAIRMAN: That's fine. I just want to
2 be sure that --

3 COMMISSIONER SHEARMAN: Are they completed?
4 Are they signed?

5 MS. POULOS: Yes, Commissioner, they have
6 been, and again, I apologize. That was an error in
7 getting the materials. They were in one place, and
8 they didn't get into the binder.

9 THE CHAIRMAN: All right.

10 COMMISSIONER SHEARMAN: Can I just ask
11 that --

12 THE CHAIRMAN: Commissioner Shearman, go
13 ahead.

14 COMMISSIONER SHEARMAN: Mr. Chairman, may I
15 ask that we be provided with those documents?

16 Are you getting some more information?

17 MS. POULOS: No, I'm just making sure that
18 we know where they are. Do you want them now, or are
19 you asking for them at a later date?

20 COMMISSIONER SHEARMAN: In the next meeting
21 binder, --

22 MS. POULOS: Yes, absolutely.

23 COMMISSIONER SHEARMAN: -- could we have
24 those documents? Okay.

25 Is that sufficient, Mr. Chairman?

1 THE CHAIRMAN: Yeah, I'm just trying to --
2 I guess we have to make a note on the Amendment
3 Request Form.

4 Any other questions or comments at this
5 time?

6 All right. We've had -- I believe we are
7 at the point, then, there is, here again, a
8 suggested motion in the -- on the Executive Summary.
9 Please note, after you add the condition that the
10 school will provide approved minutes to the CSD at
11 their earliest convenience.

12 COMMISSIONER SHEARMAN: Mr. Chairman, I'd
13 be glad to make the motion.

14 THE CHAIRMAN: Go ahead, Commissioner
15 Shearman.

16 COMMISSIONER SHEARMAN: I move to approve
17 the amendment request presented by Coral Community
18 School requesting to amend its instructional program,
19 which currently houses Grades K-6 with an enrollment
20 cap of 390, to expand its grade levels to K-7 with an
21 enrollment cap at 390 in the 2016/'17 school year and
22 to expand its grade level to K through eight with an
23 enrollment cap of -- continuing an enrollment cap of
24 390 in the 2017/'18 school year, because the school
25 is demonstrating acceptable academic performance.

1 The school is to provide formal, signed
2 Governance Council minutes where the approval of
3 this amendment was discussed and voted on, and the
4 formal amendment request signed by the Governance
5 Council president is to be provided to the PEC at
6 their March meeting.

7 Did I miss anything?

8 THE VICE CHAIR: No.

9 THE CHAIRMAN: I believe you got it.

10 COMMISSIONER SHEARMAN: All right.

11 THE CHAIRMAN: We do have a motion on the
12 floor. Do I have a second?

13 Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Second.

15 THE CHAIRMAN: Commissioner Toulouse has
16 seconded. Is there further discussion on this
17 motion?

18 I have no further -- I see no hands
19 raised.

20 Mr. Secretary, can we have a roll-call
21 vote, please?

22 COMMISSIONER PERALTA: Commissioner Carr?

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER PERALTA: Commissioner Chavez?

3 COMMISSIONER CHAVEZ: Yes.

4 COMMISSIONER PERALTA: Commissioner

5 Shearman?

6 COMMISSIONER SHEARMAN: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Armbruster?

9 COMMISSIONER ARMBRUSTER: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER PERALTA: Commissioner Peralta

14 votes yes.

15 Commissioner Gipson?

16 THE VICE CHAIR: Yes.

17 COMMISSIONER PERALTA: Commissioner

18 Bergman?

19 THE CHAIRMAN: Yes.

20 COMMISSIONER PERALTA: Mr. Chair, that is

21 nine to zero in favor of the motion.

22 THE CHAIRMAN: Thank you, Mr. Secretary.

23 That motion has passed with a vote of nine

24 to zero. Congratulations, and --

25 MS. DONNA ELDREDGE: Thank you.

1 THE CHAIRMAN: -- continued good success.

2 MS. DONNA ELDREDGE: Thank you very much.

3 THE CHAIRMAN: Thank you for being here
4 today.

5 We are now to Item -- we are at Item 9.
6 Do we need a break, or can we go just a little
7 further? Maybe after Item 9.

8 COMMISSIONER SHEARMAN: Let's go further.

9 THE CHAIRMAN: Hopefully, that will go
10 fairly quickly.

11 Well, let's go forward with Item 9, then.
12 Item 9 on our agenda is discussion and possible
13 action on 2016 new application package and process,
14 and you'll remember this is what we worked on in our
15 work session a month ago.

16 Director Poulos, what have you got for us?

17 MS. POULOS: Chairman, Commissioners, in
18 Item 9, you'll find the materials that we're
19 presenting for your review today. At the meeting,
20 you had asked for both a track changes version and a
21 finalized version with the rubrics included back in.
22 Just to let you know, there were some challenges with
23 doing that. The technology doesn't always work the
24 way we want.

25 So in doing the track changes, I've

1 separated for Part C the prompts as well as the
2 rubrics. So there are separate track changes for
3 each of those. Even in that case, it didn't work
4 out perfectly, and it appears to indicate changes
5 that weren't necessarily made.

6 I have communicated in the materials there
7 to you that I am not recommending the approval of
8 the full package. I think that -- and this is based
9 on feedback from the review teams as well as from
10 applicants that the rubrics need some work, and I
11 think that, rather than moving forward, it's a good
12 idea to get those in a better place before we
13 establish those as our review criteria.

14 So I am making a recommendation that the
15 changes that were approved by the PEC to the prompts
16 at the last meeting as well as the materials that
17 you asked me to bring forward, which are those
18 changes to Part D, be approved and put forward to
19 our new applicants in that a work group come
20 together to work on those rubrics. CSD would be
21 happy to support you in that by doing the initial
22 work in bringing that forward for your
23 consideration.

24 We didn't want to do that without your
25 request, but we would -- we would be happy to do

1 that and start that work for you and then bring that
2 again forward for your consideration at a work
3 session, either with the whole Commission or with
4 the subcommittee, who could then bring forward a
5 finalized product to the Commission.

6 I think we would want to make sure that
7 happened before April, but we are certainly going
8 forward with providing our new applicants
9 high-quality training on expectations. We didn't --
10 have not been using those rubrics. We have been
11 using the prompts and letting them know the changes
12 to the prompts.

13 And then we've kind of been giving them
14 training on what would be excellent just as a
15 general concept, what would be sufficient as a
16 general concept. I haven't yet used the rubrics,
17 because again, based off of the review team's
18 feedback from the last cycle as well as the
19 applicants from that last cycle and the applicants
20 from this cycle, we do believe there's still work to
21 be done on those rubrics.

22 THE CHAIRMAN: Thank you, Director, and I
23 appreciate that suggestion, because at my age, I'm an
24 old-fashioned person, and I like to take this
25 document, and I want -- I'm going to lay it down

1 beside our currently existing document and go through
2 it just as we did in the work session, page by page,
3 to see if something jumps out at me that didn't jump
4 out at the work session. So yeah, I would be
5 amenable. I'd like to hear from fellow Commissioners
6 to -- there is a proposed motion language in the --
7 on the page.

8 COMMISSIONER SHEARMAN: No. No.

9 THE CHAIRMAN: I'm not to that stage yet,
10 but I'm just saying it's there for people to think
11 about. We're not done yet. And so let's talk about
12 what the Director has proposed.

13 Commissioner Shearman.

14 COMMISSIONER SHEARMAN: Okay. It's my
15 understanding that what Kate is referring to -- I
16 just opened my booklet, and I'm looking at Pages 49
17 and 50. And those are the ranking rubrics where the
18 explanation of what an applicant would need to do to
19 meet, exceeds -- meets, partially meets, or does not
20 meet. And I believe it's the wording within those
21 rubrics that Katie is referring to that she's
22 suggesting needs some work.

23 I am very, very reluctant to put anything
24 else on this Commission right now. We've worked on
25 this application a great deal. We've used these

1 rubrics in the past, and they have served us just
2 fine. Perhaps they do need some work. Anything can
3 be improved, of course. But it's time for this
4 application to be up on the website and for
5 applicants to be able to see exactly what they're
6 dealing with.

7 Again, I'm reluctant to put anything else
8 on this Commission. We've got two huge projects
9 going. We've got the complaint policy that's been
10 brought forward to us. We've got the improvement
11 plan that's been brought forward to us. Both of
12 those are enormous undertakings.

13 Yesterday, it was identified that we need
14 to identify and define what is significant progress
15 or significant improvement. A work group was
16 suggested on that, and nobody -- nobody volunteered
17 for it until Commissioner Gipson felt coerced and --
18 and finally said she'd do it. And then we decided
19 to put the idea of that work group off until we
20 could see how some other things came about.

21 I just think we're foolish if we put
22 another work -- if we try to put another work group
23 together, if we try to put another big project on
24 this Commission. We have negotiations coming up.
25 We have a lot of things coming up.

1 I think, to my mind, we have an
2 application kit that I believe is sufficient and
3 perfectly good and capable of getting the job done.
4 If we want to next year, or maybe starting in this
5 summer, sometime when we're not quite so busy with
6 other projects and procedures that we're trying to
7 deal with, then if we want to look at this and
8 possibly rewrite some of the language in that, in
9 those rubrics, I'd certainly agree to that. I'd
10 volunteer to help with it.

11 But I think this Commission's plate is
12 full, and I would not be at all interested in taking
13 on another job, one that I don't think is absolutely
14 pressing. Somebody may not like the wording in
15 these rubrics. I guarantee you, when we finish
16 working on them and making them better, somebody
17 won't like them.

18 COMMISSIONER CARR: That's true.

19 COMMISSIONER SHEARMAN: So I think they're
20 good. They've served us well. I recommend we keep
21 them until we can put together a reasonable group at
22 a reasonable time to work on them. If I get to make
23 the motion, it's going to be to accept this
24 application as it stands right now.

25 THE CHAIRMAN: All right. We've heard from

1 Commissioner Shearman. Who else would like to weigh
2 in on this issue?

3 COMMISSIONER CHAVEZ: Well, I guess --

4 COMMISSIONER ARMBRUSTER: We just --

5 THE CHAIRMAN: Okay. I see three hands.
6 Commissioner Chavez.

7 COMMISSIONER ARMBRUSTER: Didn't she make
8 the motion?

9 THE CHAIRMAN: Pardon?

10 THE VICE CHAIR: No.

11 COMMISSIONER ARMBRUSTER: Did you? Oh, you
12 didn't?

13 THE VICE CHAIR: No.

14 COMMISSIONER ARMBRUSTER: I'm sorry.

15 THE VICE CHAIR: She asked if there was a
16 motion, and I said no.

17 THE CHAIRMAN: No, there's not a motion
18 yet.

19 COMMISSIONER SHEARMAN: No, there was not a
20 motion.

21 THE CHAIRMAN: We're discussing it, what we
22 need to do.

23 COMMISSIONER CHAVEZ: Yeah. So yeah --

24 THE CHAIRMAN: Commissioner Chavez.

25 COMMISSIONER CHAVEZ: Yeah, thank you. I

1 just have some questions in terms of, sort of, the
2 time frames. You know, when is the absolute latest
3 time that we need to get this up? Because my -- and
4 maybe I'm not -- I'm incorrect, But isn't this for
5 next year?

6 THE VICE CHAIR: It's for the applications
7 that have just been taken, correct?

8 MS. POULOS: Commissioner, Chair, this is
9 the application kit for the 2016 --

10 THE VICE CHAIR: Yeah.

11 MS. POULOS: -- application cycle.

12 Ideally, I do think, in the future, it would be
13 complete and available to our applicants prior to
14 even the January notice of intent deadline. We are
15 not there.

16 So we have provided the applicants with
17 the revised prompts that were approved by this
18 Commission at the last meeting. What we haven't yet
19 provided them is prompts with evaluation rubrics
20 connected to those, because that has not yet been
21 approved by this Commission.

22 THE VICE CHAIR: Let me just -- this says
23 to be posted by April 9th, and --

24 MS. POULOS: That's a recommendation.

25 THE VICE CHAIR: Because I don't see how we

1 can do this by April 9th. We don't have a work
2 session in March.

3 COMMISSIONER CHAVEZ: Okay. That's my
4 question.

5 THE CHAIRMAN: Yeah, and their process
6 is -- the applicants are already working. They're
7 already working.

8 THE VICE CHAIR: Yeah.

9 THE CHAIRMAN: They're work -- I assume
10 they're using the current documents, but --

11 MS. POULOS: What -- what we've provided --

12 THE CHAIRMAN: Plus whatever you've
13 provided them additionally.

14 MS. POULOS: What -- what we've provided to
15 them. They know where the link is for the old. We
16 made clear that that is the old application. That is
17 not the application that's being used this year. We
18 have also provided them the revisions to the prompts
19 that this Commission approved at the last meeting.
20 We have provided them also some guidelines on what
21 would, as a general concept, be an excellent answer,
22 an acceptable answer, and then the two categories of
23 not acceptable answers.

24 But the reason that we have not used the
25 prompts -- and they have looked at them themselves,

1 and we have heard directly from those applicants
2 that the prompts in last year's application are not
3 clear to them, are not sufficient to them to provide
4 them guidance. So they are saying that as
5 applicants.

6 THE CHAIRMAN: Commissioner Toulouse.

7 COMMISSIONER TOULOUSE: Mr. Chair, I think
8 I agree with Commissioner Shearman. We have worked
9 and worked and worked on these things, and they may
10 need more revision. But I don't think we should wait
11 and put something up as late as April for people who
12 need to get us materials by the end of May.

13 And I -- you know, if some people think
14 it's unclear, well, last year, everybody seemed to
15 get through pretty well with what our prompts were
16 in there, and I just -- I mean, I'm willing to work
17 on a number of the things that we want. I was
18 willing to work, but not chair, on the -- you know,
19 what is significant progress.

20 And I think we've got way too much to do
21 for this huge amount of money we get for doing this
22 job, which may even be cut back. Who knows, with
23 what's going on with the state budget, you know.
24 And I just think we need to work on some things
25 going forward and not continue to revisit this this

1 year. Next year maybe, but this year, no.

2 THE CHAIRMAN: Thank you, Commissioner
3 Toulouse.

4 Other Commissioners?

5 Commission Armbruster.

6 COMMISSIONER ARMBRUSTER: I pretty much
7 agree with everything that's been said. My hope
8 would be that CSD would, sort of, develop what you
9 see from the information you're getting from the new
10 applicants just to give us an idea of what they're
11 looking at. And it's very hard to do that.

12 You know, I mean, I don't even know why
13 had "partially" or "does not meet," because if they
14 didn't do one or two, then they obviously didn't do
15 anything. But then they can see what they should
16 have done. But that's neither here nor there.

17 I think that seeing more what they want
18 and getting samples would be helpful to us just
19 because, if we want to change it, you know, we can
20 do that. But at the same time, we probably do need
21 to post something. And these poor applicants, right
22 now, are sort of in limbo, I guess.

23 And I don't know if we can change them
24 midstream, even though I totally understand what you
25 were saying, that they aren't very good. And so I'm

1 hoping that we can at least accept what we have that
2 we worked on last time and then get some suggestions
3 from CSD of what kinds of things you guys think this
4 would -- would help, and we can just look at those.
5 But I don't think we can change it right now, but it
6 will give us a head start when we do change it for
7 next year.

8 THE CHAIRMAN: Okay. Thank you.

9 THE VICE CHAIR: For the year after.

10 THE CHAIRMAN: Yeah, we don't -- yeah, we
11 don't change it midstream, just like you don't change
12 the rules of the baseball game in the ninth --

13 COMMISSIONER ARMBRUSTER: Right, and that's
14 why I'm saying that --

15 THE CHAIRMAN: -- eighth inning, so we
16 don't -- but I would note, Commissioner Armbruster,
17 that this that you're referring to, this comes right
18 from NACSA best practices. This is how -- this was
19 their best authorizing practice, and we borrowed it
20 and adapted it to fit the needs of New Mexico. But
21 this, if you look at their best practice pamphlet for
22 their rubrics, this is exactly what you would see.

23 COMMISSIONER ARMBRUSTER: What -- and I'm
24 suggesting that we do accept it for this year, and if
25 we -- if CSD comes up with something that's even

1 better, great. We can put it in between now and
2 December. Is that -- because we could change it.
3 Because you're talking about right now, these
4 applicants.

5 THE CHAIRMAN: Yeah, we evaluate all our
6 forms every year.

7 COMMISSIONER ARMBRUSTER: Yeah.

8 THE CHAIRMAN: Somebody does.

9 Any further comments? I'm looking.

10 I tend to agree. I believe we need to get
11 this on the website now that school -- or applicants
12 are already beginning their process. This document
13 has worked quite well in past years for us. I'm
14 sure every applicant may struggle with some areas of
15 it, but just about everything in this document comes
16 out of best practices from somewhere, --

17 COMMISSIONER ARMBRUSTER: I'm sure.

18 THE CHAIRMAN: -- including the prompts and
19 everything else.

20 So I kind of tend to agree. I think, if
21 we're going to have a motion today, it's that we
22 accept this as it exists now in our workbooks, and
23 that would -- have out -- we always evaluate to see
24 what we can do better in the future.

25 So here again, I'm not seeing any heads

1 shaking yea or nay or any -- are we to a point where
2 we are ready for someone to make a motion?

3 Then, Commissioner Shearman, if you would,
4 would you like to make that motion?

5 COMMISSIONER SHEARMAN: I would be happy
6 to.

7 THE CHAIRMAN: Because you did volunteer, I
8 believe.

9 COMMISSIONER SHEARMAN: You bet. I move --

10 THE CHAIRMAN: Unless someone else wants to
11 make the motion.

12 COMMISSIONER SHEARMAN: No, I would be
13 happy to. I move that the Public Education
14 Commission accept the 2016 new charter school
15 application kit, all parts, as has been presented in
16 our official notebooks today, and that we authorize
17 the Charter School Division, as our staff, to put
18 this application and all parts of it on the website
19 acti -- available to applicants as soon as possible.

20 THE CHAIRMAN: Thank you, Commissioner
21 Shearman.

22 COMMISSIONER SHEARMAN: That's my motion.

23 THE CHAIRMAN: I have a motion. Do I have
24 a second?

25 Commissioner Armbruster.

1 I have a motion and I have a second. Is
2 there any further discussion?

3 (No response.)

4 THE CHAIRMAN: Seeing none, Mr. Secretary,
5 may we have a roll-call vote, please?

6 COMMISSIONER PERALTA: Commissioner
7 Conyers?

8 COMMISSIONER CONYERS: Yes.

9 COMMISSIONER PERALTA: Commissioner Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Toulouse?

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER PERALTA: Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER PERALTA: Commissioner

17 Armbruster?

18 COMMISSIONER ARMBRUSTER: Yes.

19 COMMISSIONER PERALTA: Commissioner Peralta

20 votes yet.

21 Commissioner Shearman?

22 COMMISSIONER SHEARMAN: Yes.

23 COMMISSIONER PERALTA: Commissioner Gipson?

24 THE VICE CHAIR: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Bergman?

2 THE CHAIRMAN: Yes.

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

5 THE CHAIRMAN: Thank you, Mr. Secretary.
6 That motion has been passed by a nine-to-zero vote.
7 Based on my official time-keeping device here, I see
8 it's 10:14. Would everybody like to take a comfort
9 break at this time?

10 COMMISSIONER CARR: Sure.

11 COMMISSIONER SHEARMAN: Yes, sir.

12 THE CHAIRMAN: Let's be back promptly at
13 10:30, please. Take a 15-minute break.

14 (Recess from 10:13 a.m. to 10:29 a.m.)

15 THE CHAIRMAN: I'm going to call this
16 regular session of the Public Education Commission
17 back into session from our break.

18 At this time, I do want to entertain a
19 motion from someone on the Commission. I believe
20 this is the appropriate place to move Item 12 on our
21 agenda up. We're going to move the entire item up,
22 just as we always would. Is someone willing to make
23 the motion?

24 THE VICE CHAIR: I will.

25 THE CHAIRMAN: Commissioner Gipson.

1 THE VICE CHAIR: I move that the PEC move
2 Item No. 12 on the agenda to come before -- and
3 replace Item No. 10 in the agenda.

4 THE CHAIRMAN: I have a motion.

5 COMMISSIONER PERALTA: Second.

6 THE CHAIRMAN: Second by Commissioner
7 Peralta.

8 All in favor, please say "Aye."

9 (Commissioners so indicate.)

10 THE CHAIRMAN: Any opposed?

11 (No response.)

12 THE CHAIRMAN: I hear no opposition, so we
13 will move Item 12 up, and that is a report from
14 Options for Parents and the Charter School Division,
15 discussion and possible actions. Director Poulos
16 will do that, and we'll start with Item A.

17 MS. POULOS: Chairman Bergman,
18 Commissioners, as we've been doing for the past
19 several months on the schools of concern, we have
20 provided you, really, just the chart with the
21 information if there's any updates. There are no
22 updates on any of these items on the chart today.

23 I did want to identify on schools looking
24 for a facility, I'm not sure that it's appropriately
25 called schools of concern, but it's on that, kind

1 of, updated chart. And I just wanted to note there
2 are two additional schools beyond the ones that are
3 listed there that have notified CSD that they are
4 looking to change facilities. That's Explore
5 Academy and Dolores Huerta, have both provided that
6 notification.

7 THE CHAIRMAN: Any questions on Item A from
8 Commissioners?

9 (No response.)

10 THE CHAIRMAN: Seeing none, then let's
11 proceed to Item B, Director.

12 MS. POULOS: Chairman Bergman,
13 Commissioners, at the November PEC meeting, CSD was
14 directed to conduct an investigation into potential
15 statutory contractual violations that may have been
16 occurring at the Creative Education Preparatory
17 Institute, known as CEPI. Those were brought to our
18 attention through a multitude of communications from
19 parents, students, and as well as teachers.

20 CSD conducted a site visit. We were at
21 the school for about a day and a half on January 5th
22 and on January 11th, and we have provided those
23 findings to you in your materials today. In
24 addition, those materials reference serious
25 financial issues that we're aware of occurring at

1 CEPI, as well as an additional concern, which is
2 governance.

3 Since November, I believe, we have seen a
4 change in their Governing Council. At the November
5 meeting, there were four Governing Board members.
6 One was removed at that meeting for, I believe,
7 nonattendance. Two new members were added. Those
8 two new members resigned in January.

9 A Governing Board member who had been on
10 the Governing Board resigned, and that information
11 is not in your materials, because I just learned of
12 it, I think, within the last week. And they have
13 added several others. I note there are three new
14 Board members that are all parents. But at this
15 point, they are back down to four Board members, and
16 so there's been quite a number of changes and
17 concerns raised by that.

18 Just to go over the items of concern that
19 our investigation raised with some specificity, one
20 of the things that we looked into was the academic
21 program, specifically as required by law but also as
22 required in their contract. And they have a program
23 that has students at school four hours a day, Monday
24 through Thursday, and then about three hours every
25 other Friday.

1 Their contract indicates that they will
2 have students taking, kind of, their core curriculum
3 in an online platform, that those students will be
4 required to log in one hour outside of the school
5 day, and that they will have -- and this aligns with
6 what they submitted to school budget -- other hours,
7 such as service learning, dual enrollment, work
8 study, or kind of a work-learning environment.

9 The school was given the opportunity to
10 demonstrate that they were complying with those
11 terms; specifically, the term to provide 1,080
12 required hours of instruction annually for a high
13 school, as well as to meet and monitor its
14 state-required instructional hour requirements --
15 which is in the contract -- through a combination of
16 instructional approaches, each with its own
17 scheduling demands, to ensure that students engage
18 in meaningful post-secondary learning opportunities,
19 dual enrollment, trades education, internships,
20 other forms of service learning, to provide guided
21 computer-based studies for their core courses, and
22 to log on an hour a day.

23 We were unable to verify that they are
24 complying with that. The evidence that CSD reviewed
25 and verified indicates that, at most, there is about

1 630 instructional hours being provided. Again,
2 that's about 58 percent of the required 1,080
3 instructional hours, so a pretty substantial failure
4 to meet statutory requirements.

5 The next item that aligns with that is the
6 calendar. So what they submitted to the school
7 budget department for their instructional calendar
8 indicated that, five days a week for 181 days,
9 students would attend four hours a day. As I stated
10 just a minute ago, that was verified that that's not
11 occurring, and so they're not providing instruction
12 in alignment with that budget calendar.

13 One of the requirements for any school
14 that's not -- that wants to change its calendar is
15 that they must submit a request to the secretary,
16 and I don't believe that we've had that done. And
17 so they are operating a calendar, an instructional
18 calendar, that doesn't align with their approved
19 instructional calendar.

20 Another pretty major concern for us was,
21 as we looked at student attendance, we were told by
22 many teachers that attendance wasn't taken the first
23 two weeks. That was part of the complaint. We were
24 looking at attendance practices, and there were some
25 concerns raised about whether all teachers were

1 taking attendance, whether it was being reported
2 accurately or not.

3 But that also raised concerns with the
4 Compulsory Attendance Act and the regulations on the
5 Compulsory Attendance Act, because there were a lot
6 of students that were not in attendance. And when
7 we looked at their attendance records, a lot of
8 students who would meet the definition of a habitual
9 truant. There are some very specific requirements
10 of actions schools must take when a student meets
11 the definition of a habitual truant, and we were
12 unable to verify that the school is meeting those
13 requirements. And so we are pretty concerned.

14 Their STARS reporting indicates student
15 attendance that was, at the 40th day, about a
16 70 percent attendance rate; and then on the 80th
17 day, about a 75 percent attendance rate. When we
18 were there, it appeared to be a 68 percent
19 attendance rate. So some pretty substantial
20 concerns about student attendance.

21 We've already addressed those failures to
22 abide by the contractual material terms, including
23 the monitoring and meeting state-required
24 instructional hours. Just another note on the
25 computer-based studies, our understanding when we

1 read the contract term is that, you know, they're
2 engaging in core courses through computer-based
3 studies.

4 When you look at those core courses, that
5 really would be, kind of, those graduation
6 requirements. And in this current school year,
7 there's been a change only for one specific subject:
8 That's social studies, to move that away from the
9 traditional program that the school has had, with
10 that being offered as a computer-based study and,
11 instead, move that into a direct instruction or
12 classroom-based study.

13 The other thing that we found was some
14 concerns about the background check requirements.
15 And you can see that with more specificity in the
16 appendix, the concerns there. But there were some
17 files where we weren't able to verify that those
18 background checks had been appropriately obtained
19 and maintained in their files. And so that's on
20 Page 4 of the appendix, if you're looking for the
21 specificity there.

22 I just wanted to also highlight a couple
23 of other items that we thought were important as we
24 conducted this. One was a failure to comply with
25 federal and state accessibility requirements found

1 in the Americans with Disabilities Act.

2 The school received, on November 4th, a
3 letter from the Governor's Council -- or Commission
4 on Disability addressing bathroom stalls. And I
5 have personally been in the ladies' restroom at that
6 facility multiple times, and based on my reading of
7 the letter, there is a bathroom, when you go in, all
8 the way at the end, on the right-hand side, which
9 has a solid wood door, which is marked as a
10 handicapped bathroom for women, and it's referenced
11 specifically in that letter from the Governor's
12 Council -- or Commission, and it's been locked.

13 So it's been unlocked sometimes when we
14 initially come in the building and then locked
15 later, and so it appears that it's going back and
16 forth, and they're not following the Governor's
17 Commission's request to have that facility opened.

18 We also were unable to verify that English
19 language learners are appropriately being identified
20 and serviced, and again, that -- the specificity on
21 that, there's quite a bit of detail -- is on Page 5
22 of the appendix of that letter.

23 We also were unable to verify
24 implementation of the state's response to
25 intervention framework, which is also directly cited

1 in the PEC's contract. That requirement, again,
2 that's -- more detail is provided on Page 5 of the
3 appendix.

4 We also saw a failure to accurately report
5 special education students in STARS. So when we
6 were looking at the student files, what we
7 determined was that all of the IEPs indicate that
8 students should be at a B level, I believe. But
9 when we were looking at their reporting in STARS, it
10 indicated 14 B-level students, two C-level students,
11 and one D-level student. But again, the 15 -- or 19
12 student files, IEP files, that we've looked at
13 indicated that all students were B-level.

14 We also were unable to verify that all of
15 the services required in those IEPs are being
16 provided. As I said, so those were, kind of, our
17 programmatic findings as we did that investigative
18 visit.

19 Then I just want to give you, kind of, a
20 high-level picture of what we've learned about the
21 financial status of the school. For fiscal year '14
22 and '15 -- which, again, have not been released by
23 the Auditor General's offi -- or the Office of the
24 State Auditor. The audit exit conferences, however,
25 have indicated that CEPI will be issued disclaimed

1 audits for both of those two years.

2 And as a result of that and some other
3 information, on January 14th of this year, the
4 Public Education Department suspended the financial
5 authority of CEPI's governing body.

6 PED has learned that the school failed to
7 pay both federal and state income taxes for several
8 years and may have a tax liability of up to or
9 beyond about \$900,000. It further appears that, as
10 of February, the school has overspent their fiscal
11 year '16 budget by about, I believe, \$3,000.

12 So as of February 2nd, they have expended
13 and encumbered about \$3,000 more than their entire
14 budget for the year. However, it appears that the
15 school continues to receive invoices for payments
16 that haven't been encumbered, so that overage may be
17 even more than the \$3,000.

18 As a result of this, it appears that the
19 finance subcommittee has failed to meet its
20 statutory duties, and again, that whole financial
21 authority has been removed from that governing body.

22 Finally -- and I addressed this at the
23 beginning, but just again, that CSD has noted that
24 the governing body has experienced substantial
25 instability in turnover. And again, we attended a

1 PE -- or sorry, a governing body meeting in
2 November. A special meeting was being held prior --
3 one day prior to their regularly scheduled meeting.
4 At that special meeting, they removed one Board
5 member and voted on two new Board members. Then
6 they had another Board meeting the very next day.

7 Like I said, those two new Board members
8 that were added in November resigned in January. In
9 December, I believe it was two additional new Board
10 members were added. In January, another Board
11 member was added. In January, like I said, those
12 two that were added in November resigned, and I
13 believe, in the past week and a half, another Board
14 member has resigned. So they are back at only
15 having four Board members. So --

16 THE CHAIRMAN: Thank you, Director Poulos,
17 for that report.

18 Commissioners, you have heard the report
19 from Director Poulos. You have the letter that was
20 sent earlier this week to the charter school.
21 Before we jump into this, I want to note that, at
22 any time that there's potential revocation issues
23 with any charter school that falls under our
24 authority, there are extensive legal issues that
25 have to be adhered to. There's extensive legal

1 safeguards that have to be adhered to, and there is
2 a stipulated timeline within all those legal things
3 that must be followed.

4 What we are considering here today, based
5 on the information that has been placed before us,
6 is -- I'm going to read it directly out of the
7 letter -- that the CSD is recommending the PEC, as
8 authorizer of this charter school, take immediate
9 action to issue a notice of intent to revoke the
10 charter pursuant to NMSA 22-8B-12.

11 So today, that is the only issue that is
12 before this Commission: Do we wish -- is it the
13 will of this Commission that we begin the procedure
14 to draft that notice of intent, which I guess is in
15 letter form, and submit it to that school? Then
16 there would be -- and actually, there's other legal
17 things down the road. So keep that in mind. Let's
18 be very -- I'm not sure -- let's just be very
19 careful with how we proceed today.

20 COMMISSIONER SHEARMAN: I'd like to hear
21 from --

22 THE CHAIRMAN: My legal counsel said, is
23 there any discussion from Commissioners?

24 COMMISSIONER SHEARMAN: Yes, sir. I would
25 like to hear from --

1 THE CHAIRMAN: Commissioner Shearman.

2 COMMISSIONER SHEARMAN: Thank you, sir.

3 I'd like to hear from the school and their
4 representatives, if they have anything to say to us
5 today.

6 COMMISSIONER CARR: Okay.

7 THE CHAIRMAN: Mr. Lange.

8 MR. LANGE: Well, I guess see if there's
9 any further discussion.

10 THE CHAIRMAN: Okay. He's going to -- he's
11 going to speak here.

12 Commissioner Carr.

13 COMMISSIONER CARR: Well, I want to hear
14 from the school, too. I'm worried about that, but I
15 don't think I want to hear from -- is this on? I
16 don't want to hear from them today, because I'm
17 worried. I don't -- I don't want to ask them
18 anything. I don't want to -- I'm worried. I don't
19 want to say anything at this point because of
20 possible future legal proceedings, and that greatly
21 concerns me, as the Chair pointed out, when we first
22 started talking. He actually took a lot of words
23 that I was already going to say.

24 Thank you.

25 And so I have concerns about hearing from

1 the school today. That's -- if you decide you want
2 to, fine, but I will not ask them any -- I will not
3 say anything myself.

4 THE CHAIRMAN: Thank you, Commissioner
5 Carr. And I would just note that a hearing, a public
6 hearing, is a part of the process.

7 COMMISSIONER CARR: Yes.

8 THE CHAIRMAN: So they will definitely have
9 their opportunity.

10 COMMISSIONER CARR: They will have their
11 say, yes.

12 THE CHAIRMAN: Anything else from
13 Commissioners?

14 THE VICE CHAIR: I guess I would just --

15 THE CHAIRMAN: Commissioner Gipson.

16 THE VICE CHAIR: Oh, I'm sorry. Oh.

17 THE CHAIRMAN: No, I'm just -- Commissioner
18 Gipson.

19 COMMISSIONER GIPSON: I guess I would just
20 have to ask. I don't think we can stop CEPI, if they
21 wish to say something, to speak, correct?

22 MR. LANGE: Right now, we are just
23 discussing possible action right now. There --

24 THE VICE CHAIR: Okay. I'm just checking.

25 MR. LANGE: -- there is a public -- there

1 is a public --

2 THE VICE CHAIR: I know.

3 MR. LANGE: -- comments section still left.

4 There is a public comment --

5 THE VICE CHAIR: Right. Okay.

6 MR. LANGE: -- session, and if you signed

7 up, --

8 THE VICE CHAIR: Okay. Okay.

9 MR. LANGE: -- then you are free to speak.

10 THE VICE CHAIR: Okay. I was just

11 checking.

12 THE CHAIRMAN: Anything else?

13 (No response.)

14 THE CHAIRMAN: Now, Mr. Lange -- or

15 Commissioner Peralta.

16 COMMISSIONER PERALTA: Mr. Chair, I would
17 concur with Commissioner Carr. I think it would be
18 in the best interests of the Commission that we
19 attend to what's before us, and that is to make a
20 determination of whether we want to proceed with a
21 possible revocation hearing, and I think let's leave
22 it at that.

23 THE VICE CHAIR: Yeah.

24 COMMISSIONER PERALTA: Thank you.

25 THE CHAIRMAN: Thank you, Commissioner

1 Peralta.

2 Anyone else?

3 Mr. Lange, do you have any thoughts on
4 that?

5 MR. LANGE: No, I don't have any thoughts.
6 It's the will of the Commission to take any action
7 that the Commission wishes to. We have a
8 recommendation here in front of you, and your statute
9 allows you to timely notify a charter school for any
10 prospect of suspension, revocation, or nonrenewal,
11 and that vote is up to you all.

12 THE CHAIRMAN: Thank you. Thank you.

13 Then I believe -- then I'll restate it. I
14 believe the question before us today is solely, do
15 we wish to send -- start the process and send this
16 notice of intent of possible revocation?

17 THE VICE CHAIR: I'll make the motion.

18 THE CHAIRMAN: Well, let's -- is that --

19 THE VICE CHAIR: But we have -- we can't
20 vote on --

21 MR. LANGE: Just have a motion.

22 THE VICE CHAIR: Right. We have to have a
23 motion.

24 THE CHAIRMAN: But there's no dis -- is
25 that the -- am I getting the sense that that's the

1 will of the members of the Commission?

2 (No response.)

3 THE CHAIRMAN: I guess I'll find out that
4 if we have a vote.

5 COMMISSIONER TOULOUSE: Mr. Chair, I would
6 concur we probably need to have a hearing, but I am
7 concerned, as opposed to what Commissioner Carr and
8 Commissioner Peralta said, that we have one side of a
9 story here. And before we vote to go on to the next
10 step, I think, if there is a representative who wants
11 to speak, we ought to have some other side. I don't
12 like going into something that's just one-sided.

13 THE CHAIRMAN: Commissioner Shearman.

14 COMMISSIONER SHEARMAN: Mr. Chairman and
15 fellow Commissioners, I agree with Commissioner
16 Toulouse. It seems that we are dealing with one side
17 of the issue. We only have one side of the
18 information, but I think -- I look at this sort of
19 like a grand jury: That they come to us and they
20 present what information they have, the evidence they
21 do have, and it's our responsibility to decide if
22 there is enough to move forward to a full hearing,
23 where both sides fully present their evidence.

24 We're not making a judgment on the school
25 at all. We're simply saying, yes, there is evidence

1 here. I believe there's enough that we need to
2 fully vet this in a hearing. And so my thought is,
3 if that's the correct process and our attorney is
4 saying that this is not a discussion item for the
5 school, this is a discussion item for the
6 Commission, then my feeling would be there is
7 evidence here.

8 And I think fairest -- the most-fair
9 process, then, would be to move forward, issue the
10 notice of intent to revoke, which sets the process
11 in place to have the full-blown hearing, where both
12 sides are represented by their attorneys and all
13 evidence is brought to this Commission. I don't see
14 any more fair way to do it than that.

15 THE CHAIRMAN: Thank you, Commissioners.
16 That is -- as I say, ostensibly, this is just the
17 first step. They will be given every opportunity to
18 defend themselves in the appropriate time frame as
19 the process moves forward. And so really, that is
20 just, do we want to start the process? That is the
21 question. They will be allowed to defend themselves
22 at the appropriate time.

23 Commissioners, do we have -- do we have --
24 does someone want to make the motion?

25 THE VICE CHAIR: I will.

1 THE CHAIRMAN: Commissioner Gipson, would
2 you make the motion, please?

3 THE VICE CHAIR: Okay. I move that the PEC
4 issue a notice of intent to revoke the charter of
5 Creative Education Preparatory Institute pursuant to
6 NMSA 22-8B-12.

7 THE CHAIRMAN: Thank you.

8 COMMISSIONER SHEARMAN: Second.

9 THE CHAIRMAN: Okay. I am told that is a
10 good motion. Do I have a second?

11 COMMISSIONER SHEARMAN: Second.

12 COMMISSIONER CHAVEZ: Second.

13 THE CHAIRMAN: Commissioner Shearman has
14 seconded. We have a motion on the floor to send the
15 notice of intent. We have a second. Is there any
16 further discussion?

17 COMMISSIONER CARR: No.

18 THE CHAIRMAN: Seeing none, then I believe
19 we should proceed to a vote, Mr. Secretary.

20 COMMISSIONER PERALTA: Commissioner
21 Toulouse?

22 COMMISSIONER TOULOUSE: Yes, reluctantly.

23 COMMISSIONER PERALTA: Commissioner Chavez?

24 COMMISSIONER CHAVEZ: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Conyers?

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER PERALTA: Commissioner Peralta
4 votes yes.

5 Commissioner Armbruster?

6 COMMISSIONER ARMBRUSTER: Yes.

7 COMMISSIONER PERALTA: Commissioner Gipson?

8 THE VICE CHAIR: Yes.

9 COMMISSIONER PERALTA: Commissioner Carr?

10 COMMISSIONER CARR: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Shearman?

13 COMMISSIONER SHEARMAN: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Bergman?

16 THE CHAIRMAN: Yes.

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

19 THE CHAIRMAN: Thank you, Mr. Secretary.

20 Like I say, that has started a process
21 now.

22 Director Poulos.

23 MS. POULOS: Commissioners, I do believe
24 you may want to discuss a date for a hearing. The
25 notice would then lead to a hearing.

1 THE CHAIRMAN: I would need to know whether
2 that's a necessary part of the notice of intent, to
3 have that date in there.

4 MR. LANGE: Yeah. Well, I mean, it's -- I
5 guess what I would advise is we can work with all
6 parties in scheduling a hearing. We can determine
7 when you would want any possible action in the
8 future, but we have to prepare a reas -- we have to
9 let the charter school have a reasonable amount of
10 time to prepare for any action taken by the Board.
11 We can discuss a time now or work with all parties in
12 the future.

13 THE CHAIRMAN: Okay. Thank you.

14 My suggestion was going to be I was going
15 to ask Director Poulos, who authored the original
16 letter, and you, Mr. Lange, as our PEC -- work
17 together on drafting this notice of intent. And if
18 a Commissioner wanted to be a part of that
19 drafting -- like I say, as Commissioner Shearman has
20 noted, we're just buried. But if a Commissioner
21 wanted to be a part of that, I would open it up to
22 that possibility, unless you think that would be
23 unwise.

24 MR. LANGE: I would advise that, unless a
25 Commissioner wants to excuse themselves from the

1 process of being in front of the hearing, that it
2 should just be between myself and staff.

3 THE CHAIRMAN: You and staff.

4 Okay. Well, then I would ask Director
5 Poulos and Mr. Lange to immediately begin that work,
6 and you can hash out all those minute details and,
7 of course, keep us in the loop. And I do want to --
8 yeah, do we need to do anything else right now,
9 then?

10 MR. LANGE: I don't feel, if you all --
11 because you're all here, if you all want to plan out
12 a time or a couple dates, you may. But I feel like
13 our motion is -- and the process going forward is
14 set, and we will try to find a time that is
15 reasonable to --

16 THE CHAIRMAN: It will certainly need to
17 fit our schedules.

18 MR. LANGE: Absolutely.

19 THE CHAIRMAN: Our current schedules and
20 all that. And I'm going to just rehash that
21 everybody is going to get a chance to defend
22 themselves at the appropriate and proper time. This
23 is not -- this isn't a race. This is a -- this is a
24 marathon, and we just left the starting gate right
25 now. So everything will be addressed legally. So I

1 believe we have satisfied Point B on that Item 12.

2 Then I believe we are ready to proceed to
3 Item C on No. 12, which is an update on the planning
4 year checklist, Director.

5 MS. POULOS: Chair Bergman, Commissioners,
6 CSD has been working closely with the two new charter
7 schools that are in their planning year. We have
8 already conducted three full-day training sessions
9 with those school teams, and we're very excited to
10 continue our work with them.

11 The first planning year submission date
12 was January 31st. Those schools timely submitted
13 their materials. There's a list here of what those
14 materials included, but they really focused in a
15 couple of areas: The governing body, necessary
16 policies for initial operations, and a curriculum
17 development plan.

18 CSD is in the process of reviewing those
19 and identifying any deficiencies for the schools so
20 that they can make corrections or enhancements to
21 those materials. And we'll continue to work closely
22 with those schools to ensure a strong start.

23 Their next submission date, I believe, is
24 March 31st, so we'll, you know, continue to work
25 with them. I'm not sure if the Commission wants any

1 additional information or wants to see those
2 materials. I do think it would obviously be very
3 helpful for us to first have time to review and
4 provide feedback on those.

5 What I did want to note for the Commission
6 is that some of the items that are scheduled for
7 submissions have been delayed to a later date. You
8 know, we did make some changes to the checklist, but
9 we really were operating, kind of, in the dark of
10 what was best and where all of that information came
11 from.

12 And as we're working with the schools,
13 especially on the financial pieces, we're learning
14 that, in the past, there may have been a reason for
15 that early date, but the reality is those weren't
16 viable submissions at the January 31st date. And so
17 we're working with those schools to make sure they
18 are submitted timely. But we will be making
19 recommendations to the Commission based on what
20 we're learning from working with those schools and
21 the budget office and other departments in PED about
22 additional changes to the Commission.

23 Just on the financial piece, to note what
24 we did learn was, when charter schools start-up
25 grant -- the charter school program from the Feds --

1 was available in New Mexico, it made sense to have
2 those early dates on financial information, bank
3 accounts, because they had money flowing already.
4 Because that's not the case now, it doesn't make
5 sense. It's harder for them to get that done.

6 To set up a bank account this early would
7 result in some pretty hefty fees and fines, and so
8 we weren't, obviously, going to impose that and
9 already start our schools out with some challenges.
10 So that's why we have worked with them to delay
11 those dates, and we'll be making sure that
12 everything does get done, does get done timely in a
13 way that makes sense and will bring forward to you
14 those recommendations on changes based on lessons
15 learned.

16 THE CHAIRMAN: I knew you'd stop as soon as
17 I grabbed that bottle. I knew you -- thank you,
18 Director Poulos.

19 Are there any questions or comments on
20 Item C for the Director?

21 (No response.)

22 THE CHAIRMAN: I see none. That concludes,
23 then, Item No. 12 on our agenda.

24 We are now going back to Item 10 on the
25 agenda, which was discussion and possible action on

1 policy recommendation for investigations and
2 complaint policies, and I want to again -- once
3 again want to thank Commissioner Gipson for taking
4 on the oversight and for working so hard on that.
5 So I'm going to turn this over to her to let you
6 bring her up to date -- or bring you up to date on
7 where she's at with that.

8 THE VICE CHAIR: Okay. Thank you.

9 The task force met. We had a very
10 productive meeting, and we are very close to a final
11 product. Unfortunately, a number of people weren't
12 able to open documents, so they couldn't see
13 comments that had been added. And our newly
14 appointed legal counsel did not have an opportunity
15 to review the document either, so that what I'm
16 going to recommend now is that we table it for now,
17 the task force meet briefly one more time so that we
18 can look at a clean copy, have some input from our
19 legal counsel, and then we should be able to go
20 forward at the March meeting.

21 THE CHAIRMAN: Excellent. Are there any
22 questions for Commissioner Gipson? Comments?

23 Commissioner Shearman.

24 COMMISSIONER SHEARMAN: Could I just ask
25 one question -- thank you, Mr. Chairman -- for

1 clarification? On the copy that's in our notebooks
2 today, the items that are italicized and the items
3 that are underlined, what is that significance, and
4 were all changes or edits, wordsmithing that the
5 committee recommended, are they included in this
6 document?

7 MS. POULOS: Commissioners, so if you look
8 at this document, when you see the italicized and
9 underlined, that's part of the background and the
10 contractual provisions. That was just emphasis
11 added, and I didn't put a notation on that.

12 Really, where we get into the -- the
13 policy starts on Page 4 of the materials that you
14 were provided, and that is typical track changes.
15 You know, so an underline is an addition. A
16 cross-out is a deletion, and that's really all you
17 need to know about that.

18 And then in addition to the track changes
19 version, I believe there is, yes, starting on
20 Page 15, a version that does not have the track
21 changes in it but, instead, accepts all of those
22 changes just so that you can read clearly and easily
23 without trying to understand the track changes, but
24 then you can go back and look. And that track
25 changes is an indication of the difference between

1 where we started at the beginning of the work
2 session, a little work group, and what I sent to all
3 of the members of the work group.

4 It doesn't incorporate, as Commissioner
5 Gipson indicates, any of the feedback we got from
6 them after I sent this out, simply because, by the
7 time I needed to get the materials in the notebook,
8 that hadn't come to me yet. And so I agree with
9 Commissioner Gipson, Vice Chair Gipson, that we
10 certainly do need another -- a little bit of time to
11 finalize this.

12 COMMISSIONER SHEARMAN: So let me just
13 clarify that, Mr. Chairman.

14 Let me clarify what you said. The most
15 recent changes from the work groups meeting are not
16 in this document?

17 MS. POULOS: That's not correct.

18 COMMISSIONER SHEARMAN: Okay.

19 MS. POULOS: Because I was tasked with,
20 after the meeting, putting all of them in there. I
21 did. I sent it out for everyone in the work group to
22 make sure they agreed. We have not had a chance to
23 really communicate with each other to make sure that
24 this does incorporate what everyone came out of the
25 meeting understanding, and if there are some spots

1 where people maybe have disagreements or different
2 understandings, the opportunity to work those out.

3 COMMISSIONER SHEARMAN: Okay.

4 MS. POULOS: But this does reflect the work
5 that was done in the work group.

6 THE VICE CHAIR: Right.

7 COMMISSIONER SHEARMAN: Okay. Thank you.

8 THE VICE CHAIR: There are some minor
9 changes that need to be added to so that, when it was
10 sent out for comment, those comments are not
11 incorporated --

12 COMMISSIONER SHEARMAN: Okay.

13 THE VICE CHAIR: -- into this.

14 COMMISSIONER SHEARMAN: Okay. Okay.

15 THE CHAIRMAN: Finished?

16 THE VICE CHAIR: Yes.

17 THE CHAIRMAN: Thank you, Commissioner
18 Gipson.

19 THE VICE CHAIR: So I guess we need the
20 motion.

21 THE CHAIRMAN: Just a second.

22 I tend to agree. I think we do need to
23 table this one more time. I do -- I want to be very
24 certain that our new legal counsel has the
25 opportunity to look at it. I just want to be

1 absolutely certain that our new policy doesn't
2 trample on some other policy that's already in
3 place. I just want everything to be done, all the
4 T's crossed and the I's dotted.

5 So I would welcome a motion, if someone
6 wishes to make it, that we table this, and I'll make
7 sure that this gets back on our March agenda. Do I
8 have someone who will make the motion?

9 THE VICE CHAIR: I guess I will.

10 THE CHAIRMAN: Commissioner Gipson, you
11 were the boss on it.

12 THE VICE CHAIR: Okay. All right.
13 Mr. Chair, I move that the PEC table the possible
14 action on policy recommendations for investigation
15 and complaint policies to the March meeting for one
16 more review by the task force.

17 THE CHAIRMAN: Thank you, Commissioner
18 Gipson.

19 Do I have a second?

20 COMMISSIONER PERALTA: I'll second that.

21 THE CHAIRMAN: Commissioner Peralta has
22 seconded. So we have a motion and a second. All in
23 favor, please say "Aye."

24 (Commissioners so indicate.)

25 THE CHAIRMAN: Any opposed?

1 (No response.)

2 THE CHAIRMAN: I hear no opposition to that
3 motion. We will table Item 10 again until March, and
4 hopefully, we'll be able to move forward.

5 We are now to Item 11 on our agenda:
6 Discussion and possible action on policy
7 recommendations for governance changes.

8 Director Poulos.

9 MS. POULOS: Chairman Bergman,
10 Commissioners, based on a recommendation from CSD,
11 the PEC did ask us to bring forward a short policy on
12 governance changes, I think, just to make it clear
13 and transparent for our community on what they needed
14 to submit when/how. I think the materials presented
15 to you today just identify, if we take a look at
16 those, obviously, the background, to be clear on why
17 we're doing this, which is, when, in the Charter
18 Contract, it does require schools to notify the
19 authorizer within 30 days of a resignation or
20 designation of a new member and to sign the
21 appropriate forms to ensure that the governing body
22 continues to qualify as a Board of Finance, it also
23 requires schools to fill a vacancy on its governing
24 body no later than 45 days from the vacancy or seek
25 an extension. So this was intended to help clear up

1 exactly how all of that should happen.

2 We're recommending that it be divided into
3 a couple of main sections. The first is resignation
4 or removal. The second section would be designation
5 of a new member. And the third section would be
6 requests for extensions to fill a vacancy.

7 Within the resignation or removal of a
8 governing body, it requires, within 30 days, that
9 the governing body or its authorized
10 representative -- that would often be the head
11 administrator -- provide notice to CSD on the change
12 of membership form, which is available in your
13 materials today. If this were to be adopted, that
14 would be made available in the PEC's document
15 library.

16 The change of governance body membership
17 form would be required to be accompanied by
18 governing body minutes showing the vote to remove a
19 member or a member's signed and dated written
20 resignation at the next PEC meeting after the
21 receipt of that by CSD. CSD would notify the PEC of
22 the resignation or removal on that ongoing actions
23 and monitoring document. And the notice would
24 remain on the document until the vacancy was filled,
25 and that way, the Commission would have some

1 notification of whether that vacancy remained or was
2 filled.

3 And then if not filled within 45 days and
4 if the school hasn't been granted an extension, the
5 school would be added to the schools of concern list
6 for consideration of potential corrective action.
7 So that would make clear what steps would be taken
8 if they didn't meet the requirements of the
9 contract.

10 On designation of a new member, all of
11 this would actually be able to happen within the
12 same form, which is on Page 4 of your materials.
13 Within 30 days of that appointment, they would
14 provide that information on the form with an updated
15 statement of governing body to consult with PED,
16 signed by all current Governing Board members, and
17 an affidavit of Governing Board members signed by
18 the new governing body member and verified by a
19 notary public. That is -- those two forms are
20 already part of the Board of Finance application, so
21 it's just really identifying for them what are the
22 specific pieces of that application they would need
23 to submit.

24 And then again, after the next PEC
25 meeting, CSD would notify the PEC of the change on

1 that ongoing actions form. It would be connected
2 to, if there had been a removal, the filling of that
3 position and make it clear for the PEC that that
4 action had been taken and that the school had met
5 its requirements.

6 And then the last section of this proposed
7 policy identifies how requests for extensions would
8 be handled. I drafted this based off of the action
9 we took at the last meeting, where we did identify
10 that a school had requested a vacancy extension.
11 And so if they cannot fill within 45 days, they
12 would request that in writing to the Charter Schools
13 Division, and an extension would be granted.

14 And that goes out of the practicalities
15 of, if they request it and the next governing body
16 meeting isn't for 30 days, then they already got a
17 30-day extension. So it would be granted for
18 exactly 30 days, to end from the original 45 days.
19 So the 45 days that they have ends. Their extension
20 would only be for 30 days after that, and it must be
21 received prior to that 45 days.

22 And if they were not able to fill the
23 vacancy within that time, then it would again be
24 brought before the PEC for action or just a
25 discussion and let the school know that that's

1 pretty important.

2 So that's the proposed policy statement.
3 It's, as you'll note, Commissioner, just a page and
4 a half. And if I hadn't included the background, I
5 think it would have been on one page. But I think
6 that's important to include.

7 Then the next item on Page 4, as I said,
8 is the proposed form. I think it's really valuable
9 for our schools to know how to submit these things
10 and how to notify us, and so having that consistency
11 makes it easier for them as well as for us.

12 So this looks a lot like the Amendment
13 Request Form. It just identifies that they would
14 identify the Governing Board member, the action that
15 was taken, either -- and actually, here you don't
16 see it, but it's a pretty easy fill form. So
17 actually, under "Action," they would fill that in.
18 There are selections, so one would be resignation,
19 one would be removal, one would be designation, one
20 would be an extension.

21 Date of action, the action that the --
22 that it took. If it was a removal or resignation,
23 the reason. I think that's important for the
24 Commission to know. And the term of service, again,
25 I think that helps the Commission and also just

1 helps with some record-keeping. Their signatures,
2 and then it identifies the required attachments, so
3 if it's the notice of resignation or removal or if
4 it's the notice of designation, the two different
5 requirements.

6 And then those two forms are just provided
7 in your materials so that you're reminded that they
8 already exist and what they look like as far as the
9 statement of governing body and the affidavit of the
10 governing body member.

11 THE CHAIRMAN: Thank you, Director Poulos,
12 and I do thank you. It is concise. I personally
13 believe that any policy should be concise and easily
14 understandable for all parties. I did have one
15 question before I throw it open to the rest of them.
16 Right up under A1, why did you settle on 30, allowing
17 30 days for them to notify you? Because that already
18 has us two thirds of the way into that 45-day -- what
19 is your rationale there?

20 MS. POULOS: That's directly from the
21 contract.

22 THE CHAIRMAN: It's in the contract. There
23 you go. Solved that one, then.

24 All right. Commissioners, do you have any
25 discussion or any questions for the Director on this

1 policy? I like the look of it. Do you guys like
2 the look? Are we ready to put this one in place --

3 THE VICE CHAIR: Yeah. Yeah.

4 THE CHAIRMAN: -- and not have to kick it
5 down the road?

6 Well, let's do that, then. Would someone
7 make the motion, then?

8 COMMISSIONER ARMBRUSTER: I will.

9 THE CHAIRMAN: Commissioner Armbruster.

10 COMMISSIONER ARMBRUSTER: I move to adopt
11 the Charter School Governing Body changes, policy
12 statement, and form presented in today's materials.

13 THE CHAIRMAN: Thank you, Commissioner
14 Armbruster. Do we have a second?

15 Commissioner Toulouse.

16 COMMISSIONER TOULOUSE: Mr. Chair, I will
17 second that motion.

18 THE CHAIRMAN: We have a motion on the
19 floor and a second. Is there any further discussion
20 from Commissioners?

21 (No response.)

22 THE CHAIRMAN: Seeing none, Mr. Secretary,
23 can we have a roll-call vote, please?

24 COMMISSIONER PERALTA: Commissioner
25 Shearman?

1 COMMISSIONER SHEARMAN: Yes.

2 COMMISSIONER PERALTA: Commissioner

3 Conyers?

4 COMMISSIONER CONYERS: Yes.

5 COMMISSIONER PERALTA: Commissioner Gipson?

6 THE VICE CHAIR: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Toulouse?

9 COMMISSIONER TOULOUSE: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Armbruster?

12 COMMISSIONER ARMBRUSTER: Yes.

13 COMMISSIONER PERALTA: Commissioner Chavez?

14 COMMISSIONER CHAVEZ: Yes.

15 COMMISSIONER PERALTA: Commissioner Peralta

16 votes yes.

17 Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER PERALTA: Commissioner

20 Bergman?

21 THE CHAIRMAN: Commissioner Bergman votes

22 yes.

23 COMMISSIONER PERALTA: Mr. Chair, that is

24 nine to zero in favor of the motion.

25 THE CHAIRMAN: Thank you, Mr. Secretary.

1 That motion has passed by a vote of nine
2 to zero. We have already dispensed with Item 12 on
3 the agenda. We are now to Item 13 on the agenda,
4 the report from the Chair, and that has three parts.
5 The first part in A is the PEC liaison assignments
6 for this year. As a matter of just keeping
7 continuity at this time, I did not have time to work
8 on this. I will keep the list as -- I would like to
9 keep the list as it is for now.

10 What I would like to ask is if each
11 Commissioner, if you're satisfied with where you
12 are, please send me an e-mail and say so. If you
13 wish to be somewhere else, please send an e-mail and
14 send that, keeping in mind that, as we start
15 shuffling around, then we have to come to some kind
16 of a balance there. I will do that.

17 I do have a couple of announcements in
18 regard to that. I, as Chair, am going to add one
19 liaison assignment that we have not had in the past.
20 We have not had -- I already have had for many years
21 the LESC, but we have never put the LFC on our list.
22 And as we see from this report that was placed in
23 front of all of you, they are now venturing much
24 more deeply into charter school matters.

25 And I believe that we need to probably

1 start monitoring their meetings, as we have done
2 with the LESC. And Commissioner Shearman has agreed
3 to take on that responsibility, so we will need -- I
4 think I would like to be on the LFC one also. So I
5 think, perhaps, if there's two more Commissioners
6 that would like to be on the LFC -- the problem is
7 we can't always all go, and that's --

8 COMMISSIONER CARR: All right.

9 THE CHAIRMAN: I see Mr. Carr's hand up and
10 Commissioner Toulouse's hand up. That would give us
11 four. Beverly, would you make a note of that,
12 please?

13 MS. FRIEDMAN: Yes.

14 THE CHAIRMAN: Commissioner Shearman and
15 then myself and Commissioners Carr and Toulouse, and
16 so we will begin to -- and Commissioner Shearman, I
17 was going to ask you, at your earliest opportunity --
18 you know, the LESC always has those of us that are on
19 that list, they always notify us with a timely notice
20 of meeting. Would you ask to put us on the LFC
21 e-mail list also, please?

22 COMMISSIONER SHEARMAN: I will. I'll work
23 with Beverly. She is truly --

24 THE CHAIRMAN: However that's done, yeah.

25 COMMISSIONER SHEARMAN: -- knowledgeable

1 about those contact people.

2 THE VICE CHAIR: Yeah, and I actually get
3 the LFC, I guess, because I'm on the LESC. They send
4 me the LFC.

5 COMMISSIONER SHEARMAN: A lot of times, I
6 get them, too, --

7 THE VICE CHAIR: Yeah.

8 COMMISSIONER SHEARMAN: -- but not --

9 THE VICE CHAIR: Yeah. You're right.

10 THE CHAIRMAN: And by -- so by -- I'll put
11 that up. This will be on the March agenda for the --
12 Commissioner Shearman indicates she wants to drop off
13 the LESC group. So if someone is not currently on
14 that list, wants to add -- wants to be -- the problem
15 is you need to be able to attend the meetings when
16 they have them.

17 COMMISSIONER CARR: Right.

18 THE CHAIRMAN: In the past, we started
19 going to those meetings many years ago. Their timing
20 was always different than ours. This year, for some
21 reason, the new leadership unfortunately scheduled a
22 lot of their meetings conflicted with our meetings,
23 and so we were not able to attend as many. And I --
24 we have no say in that, but I wish they would go back
25 to the schedule they used to adhere to.

1 Is there anyone that wants to be on the
2 LESC group?

3 (No response.)

4 THE CHAIRMAN: Think about it. If you wish
5 to be added to that list -- and keep this in mind: I
6 think I'm going to remind all Commissioners that, on
7 these liaison things, if you go to a function,
8 whatever the function is in a liaison capacity, you
9 must be there on clear PEC business if you wish to be
10 reimbursed for your expenses. That's all I'm going
11 to say about it.

12 And I was trying to think what else I
13 might have on that. I had a note, and I think I've
14 covered it all. Like I say, please e-mail me
15 whether you're happy where you're at or whether you
16 want to go somewhere else, and we'll look at the
17 committee assignments also, the chairs of those.

18 Now, Mr. Conyers had shared some thoughts
19 with me. Mr. Conyers, would you like to share those
20 thoughts with the Commission?

21 COMMISSIONER CONYERS: Okay. Yes. I had
22 done this maybe a couple years ago, but it didn't
23 seem to take at that time, so I'll try it again. I'm
24 just curious on -- are these all viable Commission
25 roles and committees and so on? I mean, previously,

1 I was on a committee, and I'd said we never met, so
2 then I got taken off that committee.

3 But are these real, I guess? I know some
4 of them are, you know, because we hear from them.
5 We don't necessary get reports from the liaisons or
6 as to what's going on or if they've attended
7 meetings or what's going on. So that's all I'm
8 asking. Are these viable, or are they just -- are
9 we just doing them because we've always done them?
10 What's the deal here?

11 THE CHAIRMAN: Thank you for that,
12 Commissioner Conyers. Actually, we did trim the list
13 last year. We did remove several because, I think,
14 of what you said. It's a fairly short list, but I
15 will review it again, and I will probably ask those
16 that are involved with it, is it -- do you still
17 think it's viable? I think most of them are.
18 Commissioner Pogna, for instance, has already told me
19 she wishes to stay on that library Board one, and so
20 she feels that's viable, so -- and so --

21 COMMISSIONER SHEARMAN: I think it's the
22 NMPSIA one that she is --

23 THE CHAIRMAN: Well, whichever one she's
24 on, yeah. I thought it was the library.

25 COMMISSIONER SHEARMAN: Well, she's on two,

1 right.

2 COMMISSIONER CHAVEZ: Three.

3 COMMISSIONER SHEARMAN: She's on three,
4 actually.

5 THE CHAIRMAN: But she wants to be on
6 those, so I will entertain all your -- any input you
7 wish to give me in that area, and actually,
8 Mr. Conyers just raised a very valid point. We don't
9 normally report or anything on it. It may be
10 sometimes sideways, so I'm going to think about how
11 we might -- may be more expeditious. I mean, how do
12 you describe a three-day LESC meeting or a three-day
13 LFC meeting?

14 COMMISSIONER TOULOUSE: Well, Mr. Chair, I
15 have tried to describe the LESC meetings I've gone
16 to.

17 THE VICE CHAIR: But they're indescribable.

18 COMMISSIONER TOULOUSE: Well, I'm trying to
19 say that I tried.

20 THE CHAIRMAN: Well, let's give some
21 thought to that and --

22 THE VICE CHAIR: I could just -- let me
23 just add I can speak to the Coalition of School
24 Administrators. I've never heard from them, so I
25 have no idea if and when they met. I have never

1 gotten anything from them to let me know that they
2 are meeting, where they're meeting. You know, I
3 don't know if Commissioner Carr has.

4 COMMISSIONER CARR: Actually, I have. They
5 meet in July, and I did not go last year.

6 THE VICE CHAIR: So it's only once a year
7 they meet?

8 COMMISSIONER CARR: It's only once a year.

9 THE VICE CHAIR: Oh.

10 COMMISSIONER CARR: And it's in July, and I
11 spent all three days with them, I know, one time.
12 I'm just not -- you know, I'm not sure how worthwhile
13 it is for us to --

14 THE VICE CHAIR: Right. And like I said, I
15 never heard, so I didn't know --

16 COMMISSIONER CARR: Yeah.

17 THE VICE CHAIR: -- whether they actively
18 meet or not.

19 COMMISSIONER CARR: Absolutely.

20 THE CHAIRMAN: Well, why don't the two of
21 you, if you're on the list currently, --

22 COMMISSIONER CARR: Okay.

23 THE CHAIRMAN: -- discuss it, and if you --

24 THE VICE CHAIR: Okay.

25 THE CHAIRMAN: -- think it's viable, --

1 THE VICE CHAIR: Okay.

2 THE CHAIRMAN: -- send me an e-mail. If
3 you think we want to drop it, tell me that.

4 THE VICE CHAIR: Okay.

5 COMMISSIONER CARR: Okay.

6 THE CHAIRMAN: Let's do it -- will that be
7 suitable?

8 COMMISSIONER CARR: Sure.

9 THE CHAIRMAN: Because especially if you've
10 been there, you can judge best on that. So yes, we
11 will certainly look at that.

12 The next item, Item B -- is there anything
13 else on the liaison? I think I -- let's see what I
14 have up here. Okay. I want to be sure that I
15 wasn't missing something. Item 13, No. B, is the
16 LFC report on charter schools. That is in front of
17 you because I received an e-mail that told me there
18 were some things in there that we, as a Commission,
19 might be interested in.

20 So this is what it looks like. It's in a
21 gray -- the form I love, where I can make notes on
22 it. Please read it, because there are some things
23 in there coming out of PED that I believe will be of
24 great interest to this Commission that we probably
25 will be discussing in the future. So please read

1 the report. Take it and read it. And here again,
2 that's what kind of prompted us to start thinking
3 about the LFC and whether we should be there when
4 they discuss these things.

5 COMMISSIONER SHEARMAN: Can I just ask --

6 THE CHAIRMAN: Commissioner Shearman.

7 COMMISSIONER SHEARMAN: Can I just ask one
8 question? I've already read the report in its
9 entirety, and I would ask Katie if she would -- if
10 you have a copy of the report in front of you, on
11 Page 56, Appendix B, it's referred to in the body of
12 the document, of the report. But this particular
13 exhibit has information concerning PED identified
14 state and district charter schools identified for
15 replication.

16 And I know when we've asked about
17 replication in the past, we've been told that it was
18 just something that was being, perhaps, talked
19 about. This certainly gives a lot more body to the
20 idea that replication is going to happen. Do you
21 have any idea, any information on this?

22 MS. POULOS: Commissioner Shearman,
23 Commissioners, I don't. I don't know that this maybe
24 is identified appropriately. I know that there are
25 schools that have been meeting not just to discuss

1 replication but many things, and my understanding is
2 that, potentially, this is that list of schools that
3 have been meeting together to discuss not just,
4 again, replication, but I think other things in
5 regards to the charter school community.

6 COMMISSIONER SHEARMAN: Has there been
7 any -- has there been any movement or any action on
8 defining replication?

9 MS. POULOS: Again, I think that this was
10 something this Commission was doing for themselves.
11 I don't think that the PED is defining replication,
12 and I think, you know, again, this was a conversation
13 that this Commission was, at one point, engaging in,
14 and I -- and I think I recall conversation
15 potentially between Commissioner Toulouse and -- or
16 maybe, Commissioner Shearman, maybe it was you and
17 Matt Pahl. And he said absolutely you should
18 continue to engage in that conversation.

19 COMMISSIONER SHEARMAN: Yes, absolutely.
20 Mr. Chairman, Matt Pahl did say that. And I do also
21 recall, though, that there were places in the
22 proposed document that we were working on to define
23 high-performing schools that we felt like would be
24 part of the replication discussion, and we were going
25 to be getting some information in January from the

1 Charter Schools Division about SAM schools and
2 grading of other schools: You know, how many schools
3 fall into this grade; how many schools fall into this
4 grade; on a SAM school, what is a reasonable
5 percentage to look for for success, that indicates
6 success?

7 Have we gotten that information together
8 yet?

9 MS. POULOS: I don't believe so. I'll
10 follow back up and make sure that we're moving
11 forward on getting you some of that, like a
12 breakdown.

13 COMMISSIONER SHEARMAN: Okay. Thank you
14 very much.

15 THE CHAIRMAN: Thank you, Commissioner
16 Shearman. Anything else?

17 Commissioner Carr.

18 COMMISSIONER CARR: In reference to what
19 Commissioner Shearman brought up, a couple of things.
20 I spent the day at the leg -- I was going to talk
21 about this later, but since you opened this up --

22 COMMISSIONER SHEARMAN: Oh.

23 COMMISSIONER CARR: I spent the day at the
24 legislature yesterday, and I will tell you, under the
25 current climate, I -- and the anti-charter attitude

1 on a bipartisan level, actually, I doubt if we're
2 going to see any movement toward replication in
3 the -- you know, anywhere in the near future, and
4 especially with our budget concerns as well. It's
5 pretty scary in Santa Fe at this point with an
6 \$800 million shortfall.

7 And they are scrambling to find dollars
8 everywhere, and when you start doing that, they
9 don't always make great decisions on bills. And you
10 know, they're talking about 10 percent across the
11 board and there -- you know, there's lots of talk
12 about, you know, those charter schools. You know,
13 there's a lot of talk, and it doesn't look really
14 good for anybody right now, much less charter
15 schools.

16 And I'll tell -- you know, my school's on
17 this list, and they've been bothering, asking the
18 director there for years to work toward replication.
19 Well, she doesn't have time. Most of these schools
20 right here probably are in the same category. Where
21 are they going to find the time in the day to
22 actually work on replicating their schools unless
23 they're part of some big corporate model, you know,
24 or something?

25 So I think we've got some time to work on

1 this in the future just -- you know, just to add my
2 two cents in to what you brought up.

3 COMMISSIONER SHEARMAN: Thank you.

4 THE CHAIRMAN: Thank you, Commissioner
5 Carr.

6 Commissioner Toulouse.

7 COMMISSIONER TOULOUSE: Mr. Chair, I would
8 like to ask Ms. Poulos, did the Charter School
9 Division have any contact with the LFC while they
10 were doing this?

11 MS. POULOS: We provided information that
12 was requested through the PED, and so we followed the
13 PED process for providing information toward this
14 report and did participate in the exit conference
15 prior to the finalization of the report.

16 COMMISSIONER TOULOUSE: Because, Mr. Chair,
17 I think it's important that the PED received a copy
18 of this. None of us did. And the response was made
19 from PED without including at least the Chair of the
20 PEC, because there is a several-page response where
21 they point out certain things.

22 But just in going through it -- because
23 I've read this thing through from end to end, too.
24 There's one example that, to me, pops out of
25 inaccurate information right where it says, "New

1 Mexic" -- this is Page 37: "New Mexico charter
2 schools are rarely revoked before the end of their
3 terms." And it talks about supposedly three schools
4 that the PEC revoked and then the secretary
5 overturned.

6 I happen to have been involved in two of
7 those, and they were not overturned, and they were
8 closed. So right there, that's inaccurate
9 information. That's just an example that I know
10 from my personal experience. We did close Ralph
11 Bunche. We did close the Learning Center.

12 And it bothers me that those things were
13 not -- those inaccuracies were not pointed out in
14 this letter, and so how many others weren't? Again,
15 I could find several more, but that was my example
16 that, to me, was my personal involvement. So I am
17 concerned that the LFC -- and I know what was behind
18 this, but I won't go into that, what the LFC was
19 trying to do, which ties in with the budget problems
20 and all.

21 And one other point, and then I'll let
22 Katie talk. On this list of schools to replicate, I
23 know from, basically, my sources directly from a
24 couple of these schools, they withdrew from that
25 discussion group a long time ago. There are at

1 least two of these schools that are not a part of
2 this discussion group, did not want to be a part of
3 it and left it.

4 So I don't know how many others may or may
5 not have, but anyway, that's beside the point. But
6 I'm just very concerned that, with errors in there
7 that we didn't get to correct, this has gone out to
8 everybody, and that's wrong.

9 MS. POULOS: Commissioner Toulouse, just to
10 let you know, we had some pretty lengthy
11 conversations, so not everything that we did provide
12 them as feedback is contained in that letter, because
13 we provided it during the exit conference.

14 On the issue of those three revocations,
15 actually -- or nonrenewals, there was a -- actually,
16 a two vote. So the record is, first, that it was
17 voted overturned, and then that that school did get
18 a short-term contract and then was voted again. And
19 we did provide them that information specifically.

20 You know, the title and the author is
21 obviously the Legislative Finance Committee, and so
22 we provided the information that we had. We believe
23 we did a good job of addressing all of the areas.
24 We did read it thoroughly, and it wasn't just me,
25 and so we did express all of the information that we

1 had.

2 COMMISSIONER TOULOUSE: Yeah. Mr. Chair --
3 and I'm not criticizing the Charter School Division.
4 I just would like to know, if this kind of thing
5 happens again, when you're asked for information from
6 a legislative committee, if, after the fact, you let
7 us know also what they had requested from you so that
8 we can keep an eye on filing reports when they come
9 out. So thank you.

10 THE CHAIRMAN: Thank you, Director. Thank
11 you, Commissioner Toulouse.

12 Any other Commissioners wish to weigh in
13 on this?

14 (No response.)

15 THE CHAIRMAN: Then I do have something I
16 wish to say, because I am greatly disappointed that
17 PED continues to exclude us from this replication
18 process. They don't -- I guess they don't have to
19 include us, but they're going to have to include us
20 at some point, as we are the sole authorizer. They
21 do not have authorizing ability. I do not see how
22 they can authorize any replication without involving
23 the Commission. So I'm not -- it doesn't make sense
24 that they continue to exclude us from the
25 discussions.

1 And yes, there needs to be a definition of
2 the rep -- what is replication, and it sounds like
3 some people are being counted in the list that
4 aren't really there anymore. And I was a little
5 disappointed that we didn't hear about this LFC
6 thing until at the very last.

7 I know, Director Poulos, you're in a
8 difficult position, but you do serve as our staff.
9 I would think it would -- it would be appropriate
10 for you to keep us up-to-date on some of these
11 things. I know that -- I'm sure there's some fine
12 line you have to walk there, but there must be also
13 some fiduciary duty that you owe to this Commission
14 in keeping us informed on what's coming down the
15 road.

16 So that's all I will say on that. Any
17 other comments on that area? It just continues to
18 disappoint me.

19 Well, then we're Item 13, No. C, the New
20 Mexico Charter School Coalition. We're just going
21 to keep them on here and let them, if they wish to
22 address us each month, bring us up to date. Greta's
23 still here, so please come forward. Identify
24 yourself for the record, please.

25 MS. GRETA ROSKOM: Thank you, Mr. Chair and

1 members of the Commission. I would just like to say
2 first in response to the question that came up about
3 SAM schools that the Coalition is working with a
4 couple of consultants out of Colorado to really look
5 at the SAM school model in New Mexico and ways in
6 which we can improve upon it. And that's some work
7 that we're including several schools in, and we have
8 been keeping the PED abreast of that work.

9 When the session's over, we're going to
10 start really moving forward on that. So I hope that
11 we might be able to contribute something to the
12 discussion of a high-performing school that would be
13 inclusive of the schools that are focused on
14 high-needs and at-risk students.

15 And secondly, I just want to -- about the
16 LFC report, I was at the hearing where that report
17 was delivered, and in case you hadn't seen it, my
18 partner, Kelly Callahan, and I wrote a response, an
19 op-ed response that was published in the Journal to
20 that. There was also a response from the Journal
21 which was negative towards the LFC response.

22 I think, primarily, the message from both
23 our op-ed and the Journal was that the data was just
24 very limited. They looked at six schools out of a
25 hundred schools, so very difficult to draw what

1 anyone could really consider very accurate
2 conclusions from that. That was one of the main
3 points.

4 And then finally, Kelly and I had been
5 working, as you can imagine, the last couple weeks
6 up at the Roundhouse, and like Commissioner Carr
7 said, things look kind of grim up there. The
8 Coalition and the PED are together in opposition
9 against Senate Bill 141, which goes to the Senate --
10 I mean, excuse me, the House Education Committee on
11 Wednesday.

12 This bill -- I'm not sure if you're
13 familiar with it, but it would have a negative
14 impact on 40 -- 53 percent of the charter schools,
15 in addition to 24 of the districts based on the most
16 current numbers that we came -- that we saw come out
17 of the PED just last -- just a couple days ago.

18 So then the other bill that we're opposing
19 is Senate Bill 165, which changes the definition of
20 membership to the extent -- and Katie, I'm looking
21 at you in case I don't get this accurately. But it
22 would eliminate some of the growth that a charter
23 school would get for adding a grade or a program,
24 which could also be detrimental to a school.

25 And that is what we have been doing.

1 THE CHAIRMAN: Thank you so much, and thank
2 you as always.

3 Do Commissioners have any questions for
4 Greta?

5 THE VICE CHAIR: No, I would just like to
6 make a comment.

7 THE CHAIRMAN: Commissioner Gipson. Yeah.

8 THE VICE CHAIR: I want to thank the
9 Charter School Coalition for the legislative
10 breakfast that you hosted. It was quite nice and
11 informative.

12 MS. GRETA ROSKOM: I'd like to thank you
13 for coming.

14 THE CHAIRMAN: Thank you so much for being
15 here today.

16 MS. GRETA ROSKOM: Thank you.

17 THE CHAIRMAN: That concludes Item 13. We
18 now are going to move to Item 14, PEC comments.
19 Normally, I would, as Commissioner Shearman did
20 during her tenure, wait till last. But I do have
21 some housekeeping items that, unfortunately, didn't
22 fit anywhere else on our agenda, and I've been told I
23 can fit them on PEC comments.

24 First off, I want to talk about the
25 calendar briefly again. Part of our discussion

1 yesterday, the question was asked of me why we were
2 meeting in Albuquerque in April and June, and I once
3 again gave my explanation: I was booed soundly
4 and --

5 COMMISSIONER CHAVEZ: You were not.

6 THE CHAIRMAN: No, I wasn't. No, I'm
7 sorry. This is not -- I'm sorry. I couldn't resist.
8 But they convinced me.

9 THE VICE CHAIR: We'll own it.

10 THE CHAIRMAN: If it is the will of the
11 Commission, I would like to propose that -- we need a
12 new motion, I believe, that we move our April and
13 June meetings back to Santa Fe, where there's
14 suitable facilities. Is that the will of the
15 Commission? Would somebody make that motion?

16 Do we need to have a motion to change our
17 calendar?

18 Yeah, someone needs to make a motion,
19 please.

20 THE VICE CHAIR: I guess I'll make it,
21 because I was one of the boopers.

22 COMMISSIONER SHEARMAN: I'll second. I
23 didn't boo, but I'll second. I don't think I booed.

24 THE VICE CHAIR: I move that the PEC amend
25 its calendar to move the April and June meetings from

1 Albuquerque to Santa Fe.

2 COMMISSIONER SHEARMAN: Second.

3 THE CHAIRMAN: We have a motion and a
4 second, and I want to note for the record we're just
5 talking about our regular meetings. There's a
6 nego -- the part with the spring budget workshop
7 would still be in Albuquerque.

8 THE VICE CHAIR: Albuquerque.

9 THE CHAIRMAN: And so -- but I do have a
10 second, a motion and a second. Is there any
11 discussion?

12 (No response.)

13 THE CHAIRMAN: All in favor, say "Aye."

14 (Commissioners so indicate.)

15 THE CHAIRMAN: All opposed?

16 (No response.)

17 THE CHAIRMAN: No opposed. So that motion
18 is carried.

19 Beverly, I know I've just created a little
20 extra -- please change the calendars. Make sure
21 that everybody knows what's happening, and all of
22 you change your personal calendars.

23 Oh, and I knew there was something else
24 with the calendar. One of the things we did
25 yesterday, we added a work session now on April the

1 7th, which we just moved back to Santa Fe. What we
2 put in -- what we're going to do on that work
3 session on April the 7th, as was noted earlier
4 today, we did have an extensive discussion on the
5 improvement plans.

6 And as the discussion went forward, it
7 became apparent that, before we probably proceed
8 with the improvement plans, we really -- we had
9 talked about for months the definition of
10 "significant progress": What is the definition for
11 a school of whether they are making significant
12 progress or not.

13 And then we have to -- so it was
14 decided -- so that's going to be the first item on
15 that work session agenda. I encourage everybody to
16 be there, and I know we have a number of teachers on
17 this Commission. I encourage you, in some of your
18 spare time, if you have any, please sit down and ask
19 yourself that question. Remember back when you were
20 teaching in a school. What constituted significant
21 progress for your school?

22 We're not talking about for the individual
23 students. That will come through the goals. But
24 what constitutes significant progress? And I think
25 the answer is much more complex than a lot of people

1 think it is, and I think it's going to vary a little
2 bit from school to school. So we want to be fair to
3 the entire spectrum of charter schools.

4 But if you get some time, please try and
5 put onto paper something you could bring to that
6 work session or send to that work session on your
7 thoughts of what the definition of "significant
8 progress" for a school is. And I suspect we would
9 hear from the Charter School Coalition, perhaps,
10 on -- I think they've already been working on things
11 like that.

12 Once we nail down the "significant
13 progress" part, then we'll move directly on to the
14 improvement plan, and we'll have some further
15 discussions once we know what that definition is on
16 the improvement plan. So that will also be a part
17 of that work session.

18 And I was thinking something else was
19 suggested to me yesterday for that work session, and
20 unfortunately, I don't -- you people are going to
21 have to keep on top of me, because I --

22 COMMISSIONER SHEARMAN: I thought that was
23 it.

24 THE VICE CHAIR: I think that was it.

25 COMMISSIONER SHEARMAN: Those two things.

1 THE CHAIRMAN: Okay. So that's for now.
2 If we come up with something else -- and I try to
3 make notes for myself. I'll try to find it. So put
4 April 7th in Santa Fe down on your calendar, please.

5 Now, we're to the negotiation schedule. I
6 will tell the Commission that I have asked
7 Commissioner -- Vice Chair Gipson to take on the
8 leadership responsibility for this year for the
9 performance contract and the performance frame
10 negotiations. We had a little discussion: Are they
11 really renegotiations or not? And we're going to be
12 talking about that, too. But after two and a half
13 years, I'm stepping back from that, and I'm going to
14 let Commissioner Gipson bring some new eyes to that
15 process. So Commissioner Gipson.

16 And we do have March 8th, 9th, and 10th
17 are scheduled for negotiation sessions, and that's
18 in Santa Fe, I believe.

19 THE VICE CHAIR: No, March 8th and 9th are
20 in Albuquerque. March 10th is in Santa Fe.

21 THE CHAIRMAN: Oh, okay. And then we also
22 will have two negotiations, and which she'll talk
23 about at the end of the month. We're trying to get
24 all of them pretty much wrapped up in March.

25 So Commissioner Gipson, if you'll lay it

1 out for everybody, please.

2 THE VICE CHAIR: Okay. I guess I need a
3 little clarification, Katie. The only dates I have
4 are March 8th, 9th, 10th, and April 19th.

5 COMMISSIONER TOULOUSE: That's what I had.

6 MS. POULOS: So there were two other dates
7 in there, and that was March 28th and 29th here in
8 Albuquerque.

9 THE CHAIRMAN: That is the Monday and
10 Tuesday before the spring budget works out. That's
11 exactly what we did last year for the negotiations,
12 and then we went to the budget workshop.

13 THE VICE CHAIR: Okay. I just didn't copy
14 it onto this piece of paper correctly. And the
15 March 8th, 9th, 28th, 29th, and April 19th are all at
16 CES, correct?

17 MS. POULOS: Correct.

18 THE VICE CHAIR: Okay. That's what --
19 and --

20 MS. POULOS: I will send those when I have
21 them. I need to get them from my team.

22 THE VICE CHAIR: But am I presuming that
23 these are all full days?

24 MS. POULOS: Yes.

25 THE VICE CHAIR: Yeah.

1 THE CHAIRMAN: And do you have that format
2 that we used last year, that long sheet that listed
3 all the dates and the schools and -- and who was
4 come --

5 MS. POULOS: We do have that.

6 THE CHAIRMAN: Yeah, we need --

7 MS. POULOS: We don't have who's coming
8 yet, and we've been waiting for that.

9 THE CHAIRMAN: Okay. Yeah.

10 THE VICE CHAIR: Okay.

11 MS. POULOS: So we'll send it out and then
12 ask you to fill that in.

13 THE VICE CHAIR: Okay. So I'm going to ask
14 people to consider March 8th/9th Albuquerque,
15 March 10th in Santa Fe, March 28th and 29th in
16 Albuquerque, and April 19th in Albuquerque.

17 COMMISSIONER SHEARMAN: See, I -- you know,
18 I would volunteer for some of these, but I don't know
19 the times. The way we had sometimes scheduled it in
20 the past is --

21 THE VICE CHAIR: So you could come in the
22 morning.

23 COMMISSIONER SHEARMAN: You drive in in the
24 morning; you have the negotiation that afternoon.
25 Then the next morning, you have one at -- one

1 negotiation, and you drive home that afternoon.

2 MS. POULOS: They're all full days.

3 THE VICE CHAIR: Full days.

4 MS. POULOS: We've got enough that we
5 needed all. So there's somebody scheduled on the
6 10th. There's somebody scheduled in the morning and
7 in the afternoon on the 28th and 29th, and
8 April 19th, the same thing.

9 COMMISSIONER SHEARMAN: One? One in the
10 morning?

11 MS. POULOS: One in the morning, one in the
12 afternoon, so a full day: One in the morning for
13 four hours, one in the afternoon for four hours.

14 COMMISSIONER SHEARMAN: Are these new?

15 MS. POULOS: These are either renewals --

16 THE CHAIRMAN: See, those are mixed this
17 time, yeah.

18 MS. POULOS: -- or --

19 THE CHAIRMAN: Yeah, there's a mix.

20 MS. POULOS: -- or new charter schools. So
21 the 10th, 28th, and 29th are all renewal
22 negotiations. April 19th are the two new schools.

23 THE VICE CHAIR: Two new ones, right.

24 MS. POULOS: So that's the contract and the
25 performance framework. On the 8th and 9th, both of

1 those days, I think we have about three or four
2 schools, but those are just performance frameworks,
3 and those are just small changes to those. But
4 that's the 2015/'16 performance framework.

5 THE CHAIRMAN: And let me -- I will remind
6 you of the general guidelines we have followed with
7 these negotiations as to attendance.

8 THE VICE CHAIR: Right.

9 THE CHAIRMAN: I have always been
10 uncomfortable. I do not believe we should have more
11 than four Commissioners at these things. That's the
12 guidelines we always -- if you get to five, I think
13 we're getting too close to a quorum.

14 THE VICE CHAIR: I don't think there's
15 going to be that problem.

16 THE CHAIRMAN: You don't think -- you're
17 not anticipating that problem?

18 THE VICE CHAIR: I'm not anticipating
19 people --

20 THE CHAIRMAN: Okay.

21 THE VICE CHAIR: -- jumping up and fighting
22 over --

23 THE CHAIRMAN: Over that?

24 THE VICE CHAIR: -- who's not going to
25 come.

1 THE CHAIRMAN: Well, some of them,
2 everybody wants to go to, and some of them -- yeah,
3 some of them --

4 THE VICE CHAIR: I know. I know. I know.

5 THE CHAIRMAN: So your old guidelines of
6 work with Vice Chair Gipson, please.

7 Go ahead.

8 THE VICE CHAIR: Okay. So I'm going to ask
9 who is willing to come March 8th, 9th, or 10th?
10 March 10th is in -- basically, in replacement for a
11 work session.

12 COMMISSIONER SHEARMAN: I'll do the 10th.

13 COMMISSIONER ARMBRUSTER: And I can do the
14 10th.

15 THE VICE CHAIR: Okay. Commissioner
16 Shearman will do --

17 COMMISSIONER SHEARMAN: And I don't know --
18 I don't -- the 8th and 9th, I've got to wait and see.

19 THE CHAIRMAN: Commissioner Armbruster, was
20 that you?

21 COMMISSIONER ARMBRUSTER: It was I, yes.

22 THE CHAIRMAN: Yes.

23 COMMISSIONER ARMBRUSTER: For the 10th, for
24 sure, and I'm going to -- I've already written you
25 that I cannot come on the 19th of April.

1 THE VICE CHAIR: Correct.

2 COMMISSIONER ARMBRUSTER: Let me look at --
3 can I just e-mail you? I mean, if you get five
4 people here, it's okay, and I won't bother. But if
5 not --

6 THE VICE CHAIR: Right. You can, but I'd
7 like to --

8 COMMISSIONER ARMBRUSTER: I'm just not
9 sure.

10 THE VICE CHAIR: -- firm it up as soon as
11 possible, because --

12 COMMISSIONER ARMBRUSTER: I'm thinking the
13 8th and 9th are okay.

14 THE VICE CHAIR: -- I don't want to stand
15 alone.

16 MS. FRIEDMAN: Excuse me, Chairman Bergman.

17 THE CHAIRMAN: Yes, Beverly.

18 MS. FRIEDMAN: Commissioner Gipson, what we
19 can do is, since everyone may be just finding out
20 what these dates are now --

21 THE VICE CHAIR: The dates, you'll send
22 them out and --

23 MS. FRIEDMAN: If they want to --

24 THE VICE CHAIR: Okay.

25 MS. FRIEDMAN: -- think about it over the

1 weekend, and then I can send out another reminder
2 with the dates and possibly the times and names of
3 the schools. And then you'll have a little bit of
4 time to look at your home schedules and everything
5 like that, and then I can help you put that together.

6 THE VICE CHAIR: Okay. Thank you. I know
7 Commissioner Toulouse has already indicated that she
8 wants to be there absolutely on the 19th, so --

9 COMMISSIONER TOULOUSE: And Madam Vice
10 Chair, I can do the 8th and 9th if you need an extra
11 person, because it's just --

12 THE VICE CHAIR: Okay. All right.

13 COMMISSIONER TOULOUSE: It makes me get up,
14 but other than that --

15 THE VICE CHAIR: Yeah. Yeah.

16 COMMISSIONER SHEARMAN: Let me just do that
17 one.

18 THE VICE CHAIR: Yeah. Okay. So we'll --

19 THE CHAIRMAN: Yeah, that's -- that's a
20 great suggestion, Beverly.

21 COMMISSIONER TOULOUSE: So I'm available if
22 I'm needed on those.

23 THE VICE CHAIR: Okay. So if I, you
24 know --

25 COMMISSIONER ARMBRUSTER: Have on the 8th,

1 9th, and 10th. I mean, I'm already scheduled that I
2 would be somewhere, so I guess it's I'm being here.

3 THE VICE CHAIR: You just need to know
4 where.

5 COMMISSIONER ARMBRUSTER: Exactly.

6 THE VICE CHAIR: Okay. Thank you. I
7 appreciate your anticipated cooperation.

8 THE CHAIRMAN: And I will note I am
9 stepping back, but I am not -- I intend to be at some
10 negotiations, but I always felt compelled in the past
11 that I had to be there, because I was asked to be the
12 leader. And so I will be -- if you have a shortfall
13 or somebody --

14 THE VICE CHAIR: Okay. Thank you.

15 THE CHAIRMAN: -- has to cancel at the last
16 minute, you can always notify me, please.

17 Is that all you have?

18 THE VICE CHAIR: It is. Thank you.

19 THE CHAIRMAN: Okay. And thank you for
20 your cooperation. These negotiations and
21 renegotiations and performance work, they are
22 amongst -- everything we do is important, but they
23 are just so greatly important. As we've done these
24 improvement plan discussions, we started looking at
25 how do we fit all this into the contracts, and there

1 are so many questions now that have to be address on
2 this. It's very, very important.

3 THE VICE CHAIR: And I'd like to just --

4 THE CHAIRMAN: Go ahead.

5 THE VICE CHAIR: -- add that, for me, it's
6 a valuable tool to truly get to know the school.

7 THE CHAIRMAN: It is that, I can assure
8 you. And they get to know you, too, while you're
9 sitting there negotiating with them.

10 THE VICE CHAIR: Which is not sometimes so
11 good.

12 THE CHAIRMAN: All right. Now, let's
13 continue with PEC comments. I guess I'll start to my
14 right.

15 Okay. Commissioner Armbruster, let's
16 just --

17 COMMISSIONER ARMBRUSTER: No, fine.

18 THE CHAIRMAN: Commissioner Chavez?

19 COMMISSIONER CHAVEZ: I don't have
20 anything.

21 THE CHAIRMAN: Commissioner Carr?

22 COMMISSIONER CARR: Yeah, just quick. I
23 won't have to talk as long, because I already talked
24 a little bit. I attended the New Mexico School
25 Boards Association breakfast meeting yesterday, and I

1 lobbied with the School Board members all day
2 yesterday. The -- they have our -- the state School
3 Board amendment on there that Senator Soules is
4 putting forth, which probably will not make it out of
5 committee.

6 THE VICE CHAIR: Right.

7 COMMISSIONER CARR: And there are several
8 other bills there that are pertinent to the PEC. I
9 did speak at the meeting and took part all day. I
10 spent a lot of time with the Senate and went to a
11 couple of committee meetings, and like I said, it's
12 not -- it's not pretty. I hope it gets better.

13 THE CHAIRMAN: Thank you, Commissioner
14 Carr.

15 Commissioner Peralta.

16 COMMISSIONER PERALTA: I don't have
17 anything at this time, Mr. Chair.

18 THE CHAIRMAN: Commissioner Gipson?

19 THE VICE CHAIR: Nothing right now.

20 THE CHAIRMAN: Commissioner Shearman?

21 COMMISSIONER SHEARMAN: No, thank you, sir.

22 THE CHAIRMAN: Commissioner Conyers?

23 COMMISSIONER CONYERS: Just a thought here.

24 I wanted to add my welcome our new attorney, Dylan.

25 And I've been on the Commission three years and two

1 months, and I believe you're our fifth attorney, so
2 good luck to you.

3 THE CHAIRMAN: Well, and thank you for
4 that. Be very kind to him, please.

5 COMMISSIONER CARR: They're all still
6 alive.

7 THE CHAIRMAN: Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Mr. Chair, I think
9 I've said enough.

10 THE CHAIRMAN: Thank you, and I've made my
11 comments. We are now on to Item 15 of our agenda
12 today, which is open forum.

13 Yeah, I want to ask you a question.

14 Okay. Before we get into the open forum,
15 Mr. Lange wishes to say something.

16 MR. LANGE: I just -- Chairman Bergman,
17 members of the Commission, I just want to remind you
18 that, earlier today, we made action to start the
19 process for a suspension or revocation or some other
20 action against the charter school Creative Education
21 Preparatory Institute. I want to remind you all that
22 that's a legal proceeding, and now, a full proceeding
23 is going forward.

24 Your position has now changed regarding
25 that charter school, and so I encourage you not to

1 be able to hear any testimony or comments regarding
2 that charter school at this point in the open
3 session. I encourage anyone who signed up today to
4 speak about this, this charter school, Creative
5 Education Preparatory Institute, to not speak here
6 today, but to write your comments and send them to
7 either staff at NM PED or to myself. And we'll
8 include that testimony, to be given to the PED when
9 they present in that hearing.

10 And so that's just my advice to the
11 Commission at this point. Thank you.

12 THE CHAIRMAN: Thank you, Mr. Lange, for
13 that clarification.

14 And he is with the Attorney General's
15 office, so he can be reached at the Attorney
16 General's office.

17 Now, three of you have clearly signed up.
18 There's four names on the list from CEPI. The first
19 speaker didn't say that. Mr. Elliott, is that what
20 you -- who's --

21 MR. GENE ELLIOTT: No, I'm here to talk
22 about the policies and stuff today.

23 THE CHAIRMAN: Okay. Yes, Mr. Elliott.
24 Please come forward and identify yourself.

25 MR. GENE ELLIOTT: Certainly.

1 THE CHAIRMAN: Based on your agenda form,
2 it was pointed out to me that I believe you have -- I
3 lost my agenda form somewhere. I believe you have
4 four minutes, is what we have.

5 MR. GENE ELLIOTT: That's correct.

6 THE CHAIRMAN: That is at the discretion of
7 the Commission, but that -- today, that's what we --

8 COMMISSIONER SHEARMAN: Mr. Chair, could I
9 have clarification? I thought our attorney just said
10 people should not speak to that issue and, rather,
11 put it in writing.

12 THE CHAIRMAN: Well, he doesn't want to
13 talk about CEPI.

14 THE VICE CHAIR: He doesn't want to talk
15 about CEPI.

16 MR. GENE ELLIOTT: I'm not talking about --

17 COMMISSIONER SHEARMAN: Oh, pardon me. I
18 thought that's what he said he was going to speak
19 about.

20 MR. GENE ELLIOTT: My name is Gene Elliott,
21 G-E-N-E, and Elliott with two L's, two T's.

22 THE CHAIRMAN: Someone time him, please.

23 MR. GENE ELLIOTT: I am the -- I'll watch,
24 be very careful.

25 THE CHAIRMAN: Thank you.

1 MR. GENE ELLIOTT: I am the Governance
2 Council president and a cofounder of Alma d'Arte
3 Charter High School in Las Cruces, and I'm here today
4 to talk to you about the policies that you've already
5 discussed, some you -- one you took action on.
6 Others you have postponed. But I specifically want
7 to talk about the -- what's now labeled -- has had
8 several titles on the things that I've gotten, the
9 investigations and complaint policy. I first want to
10 know, how does that policy apply to locally
11 authorized charter schools?

12 THE CHAIRMAN: Yeah, we don't -- this is
13 not a question time.

14 THE VICE CHAIR: This is public comment.

15 THE CHAIRMAN: This is a speaking time.

16 MR. GENE ELLIOTT: Okay. All right. Well,
17 let me make the point, then, that I think it speaks
18 only to state-chartered charter schools, which we
19 are, and that it's, in that fact, kind of
20 discriminatory. Because the locally authorized
21 charter schools would appeal or make the complaints
22 go to their local School Board, if I'm correct in
23 that, and we need to come to y'all, or the
24 complainant needs to come to the state -- the Public
25 Education Commission.

1 I know, in the prologue that came with
2 that policy and in our contract, that the Governance
3 Councils are listed as the final determiner of any
4 complaint, other than those that might be of a legal
5 or a criminal nature that need to bring -- come on
6 to you. But I don't think that the policy, as it's
7 been drafted -- and I saw the draft that I think
8 the -- that was completed yesterday or the day
9 before says that clearly.

10 And matter of fact, I think the policy is
11 rather confusing in the process that's being used.
12 And I would say that the very first thing that needs
13 to be done is to determine whether or not the
14 complaint is valid or merit -- has merit or does not
15 have merit. Because I know people in New Mexico --
16 I've lived here all but the first five years of my
17 life.

18 And if someone often does not get the
19 answer they want with the level of authority that
20 they have appealed to most lastly, they tend to try
21 to find a politician or somebody else up the line
22 that will get them what they want. And I really
23 feel that the Governance Council, which, by the way,
24 is under Mrs. -- Commissioner Toulouse is on the
25 same pay scale as you.

1 I think -- I think the Governance Council
2 can and should be the final determiner of most
3 complaints about the school. Because if not, we
4 spend a lot of time, a lot of effort on something
5 that will end up the way we decided in the first
6 place. I just want to make that statement.

7 I think that, if the charter school has
8 the clear -- has clear policies about how to handle
9 complaints -- and we do -- then I think that we
10 should be trusted to come to the proper conclusion
11 about that school, or else you don't need us. I
12 mean, if the Commission or the PED or the CSD is
13 going to make -- be the final determiner at an early
14 stage, then why do you need the Governance Council
15 there?

16 That's my feeling about that. And by the
17 way, I'm speaking for myself, not as a -- not -- I'm
18 certainly representing the Council, but I did not
19 develop my thoughts based on consensus with them or
20 anything else.

21 Frankly, it's very unclear to us what
22 you-all's responsibilities are relative to the
23 school: What does the Commission take care of?
24 What does the CSD take care of? Because we get
25 directives from both places, and we really don't

1 know where to respond. It's not that clear. I
2 think a --

3 THE VICE CHAIR: Time.

4 MR. GENE ELLIOTT: -- statement about roles
5 and responsibilities clearly defined, sent to us,
6 would be of greatest order, would help us a lot.

7 THE CHAIRMAN: Thank you, Mr. Elliott.
8 Your time is up.

9 MR. GENE ELLIOTT: Thank you. I appreciate
10 it.

11 THE CHAIRMAN: Thank you for your comments
12 and your input.

13 As I said, there are three more names on
14 this list that have specifically identified CEPI. I
15 would repeat what our legal counsel has done. I
16 would ask you to put your comments into some kind of
17 form that you would send to our legal counsel,
18 Mr. Dylan Lange, at the Attorney General's office.

19 Is that --

20 MR. LANGE: Yeah, or -- or to --

21 THE CHAIRMAN: It's okay to send it to you?

22 Or you may send it -- actually, I would
23 want -- if you're going to send them to CSD, I would
24 also want you to copy Mr. Lange so he knows what you
25 sent to CSD.

1 MR. LANGE: And I'll be available after the
2 meeting if you would like to talk to me.

3 THE CHAIRMAN: Okay. Are there any other
4 comments, even though you're not on the list?

5 I see a hand up. Please --

6 MR. PHILIP ROWEN: I was on the list.

7 THE CHAIRMAN: Come forward.

8 MR. PHILIP ROWEN: I was on the list to
9 speak about CEPI. I won't. I'd like to address the
10 subject about the grievance and complaint policy.

11 THE CHAIRMAN: If you will restrict your
12 comments to that. Please sit down and identify
13 yourself for the record.

14 MR. PHILIP ROWEN: My name is Philip Rowen.
15 I'm a retired Air Force hospital administrator and a
16 husband of a CEPI teacher. I was here to talk about
17 that today. I have been asked not to by Chairman
18 Bergman. I would like to address just briefly the
19 complaint grievance policy. I did provide some in --

20 COMMISSIONER SHEARMAN: Pardon me for
21 interrupting. Would you move the microphone closer,
22 please?

23 MR. PHILIP ROWEN: Yes, ma'am.

24 COMMISSIONER SHEARMAN: Thank you.

25 MR. PHILIP ROWEN: I would like to talk

1 about the complaint grievance policy. I have
2 provided some input to Ms. Poulos -- Director Poulos,
3 excuse me, some months ago, and specifically, when
4 the problem that is being complained about is either
5 the administration or the Council itself, Governance
6 Council itself, if they are being totally
7 nonresponsive to any input from students, parents, or
8 teachers, the existing policy says you have to tell
9 the person who's the problem or perceived as the
10 problem what that problem is.

11 That's like asking the fox to go in and
12 count the chickens in the hen house. It's
13 self-defeating. And my only comment is, for that
14 policy to be effective, you have to address that
15 type of situation, unfortunately. That's my
16 comment, sir.

17 THE CHAIRMAN: Thank you, sir. I
18 appreciate you adding your input and comments.

19 I guess I'll make one last call. Is there
20 anyone else that wished to speak that's not on the
21 list?

22 (No response.)

23 THE CHAIRMAN: I see none, so I believe we
24 are finished with Item No. 15, open forum.

25 I'm looking at my list here. I'm -- I

1 want to be sure I didn't miss anything, notes that I
2 made to myself.

3 All right. We then would be coming to
4 Item 16, adjourn. Before we actually deal with
5 that, anything else from Commissioners?

6 COMMISSIONER SHEARMAN: I move we adjourn.

7 COMMISSIONER CARR: Second.

8 THE CHAIRMAN: Someone has moved, and
9 someone has second. All in favor, say "Aye."

10 (Commissioners so indicate.)

11 THE CHAIRMAN: All opposed, say "No."

12 (No response.)

13 THE CHAIRMAN: The PEC meeting is
14 adjourned.

15 (Proceedings adjourned at 12:02 p.m.)

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