

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

January 15, 2016

9:00 a.m.

Indian Pueblo Cultural Center

2401 12th Street, Northwest

Albuquerque, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

MS. KATIE POULOS, Director, Charter School Division
MS. ANNJENNETTE TORRES, PED Legislative Liaison
MS. SUSANNE ROUBIDOUX, Assistant Attorney General
Counsel to the PEC

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1 THE CHAIR: Ladies and gentlemen, I call
2 to order this regularly scheduled meeting of the
3 New Mexico Public Education Commission. I would ask
4 all Commissioners to please turn your microphones
5 on. There's a button on the very bottom of the
6 microphone. If you'll press it and hold it for five
7 seconds, the little red light should come on telling
8 you that the microphone is on.

9 MS. POULOS: Chairwoman, I do know we're
10 having technical difficulties, and Commissioner
11 Peralta is trying to call in. I do think it would
12 be wise to wait, because we're having those
13 technical difficulties.

14 THE CHAIR: Let's go ahead and let me read
15 to you -- Commissioner Peralta is not here today
16 because he's had surgery. He is planning to call in
17 and participate in this meeting by phone.

18 I would like to read to you the section of
19 the Rules of Order adopted February 13, 2015, by
20 this Commission, allowing a person to participate by
21 phone.

22 "Telephonic attendance must be requested
23 and approved by the Chairperson."

24 That was done during the conference call
25 to set this agenda.

1 "Telephonic attendance must comply with
2 the Open Meetings Act and shall only be permitted
3 when circumstances have occurred that would make
4 attendance in person difficult or impossible. Even
5 if permitted by the Chairperson, telephonic
6 attendance cannot be permitted, per the Open
7 Meetings Act, if each member participating by
8 conference telephone cannot be identified when
9 speaking, all other attending Commissioners are not
10 able to hear each other at the same time, and
11 members of the public attending the meeting are not
12 able to hear the Commissioners attending by phone.

13 "If technology malfunctions prevent all
14 members from hearing each other or from the public
15 hearing the telephonically attending member, then
16 the telephonically attending member must be
17 withdrawn from further participation until the
18 malfunction is corrected.

19 "The record of the Commission will reflect
20 these circumstances, if they occur."

21 So that is the circumstance under which
22 we're operating. Annjennette is attempting to
23 correct the malfunction. So I would ask that we
24 wait a few minutes.

25 MS. TORRES: All right. He's on the line,

1 Commissioner. All right. Can you hear us,
2 Commissioner Peralta?

3 THE CHAIR: Let's see if we can get this
4 going.

5 COMMISSIONER PERALTA: I can hear you,
6 yes.

7 MS. TORRES: Well, we can hear you, as
8 well. Are you able to hear him?

9 THE CHAIR: Commissioner Peralta, good
10 morning.

11 COMMISSIONER PERALTA: Good morning,
12 Commissioner Shearman.

13 THE CHAIR: We hope your surgery was
14 successful, and we are glad you can be with us.

15 COMMISSIONER PERALTA: Oh, thank you. I'm
16 feeling okay. I'm doing pretty good.

17 THE CHAIR: Can everyone hear Commissioner
18 Peralta?

19 Commissioners, can everyone hear?

20 (Commissioners respond affirmatively.)

21 THE CHAIR: Good. Then the next item on
22 our agenda is Roll Call. And I will ask
23 Commissioner Bergman to take over secretary duties,
24 since I think it would be very difficult for
25 Commissioner Peralta to do those duties today.

1 Commissioner Peralta, do you agree?

2 COMMISSIONER PERALTA: I totally agree.

3 THE CHAIR: Thank you very much.

4 Commissioner Bergman, please?

5 COMMISSIONER BERGMAN: Commissioner Carr.

6 COMMISSIONER CARR: Here.

7 COMMISSIONER BERGMAN: Commissioner Pogna?

8 COMMISSIONER POGNA: Here.

9 COMMISSIONER BERGMAN: Commissioner

10 Bergman is here.

11 Commissioner Shearman?

12 THE CHAIR: Here.

13 COMMISSIONER BERGMAN: Commissioner

14 Gipson?

15 COMMISSIONER GIPSON: Here.

16 COMMISSIONER PERALTA: Commissioner

17 Conyers?

18 COMMISSIONER CONYERS: Here.

19 COMMISSIONER BERGMAN: Commissioner

20 Toulouse?

21 COMMISSIONER TOULOUSE: Present.

22 COMMISSIONER BERGMAN: Commissioner

23 Chavez?

24 COMMISSIONER CHAVEZ: Here.

25 COMMISSIONER BERGMAN: Commissioner

1 Peralta --

2 COMMISSIONER PERALTA: Here.

3 COMMISSIONER BERGMAN: -- is here by

4 phone.

5 Madam Chair, that's only nine names.

6 Oh, Commissioner Armbruster?

7 COMMISSIONER ARMBRUSTER: I kept saying,

8 "Did you call my name?"

9 COMMISSIONER BERGMAN: Commissioner
10 Armbruster, I'm sorry. You're right at the top.

11 COMMISSIONER ARMBRUSTER: Oh, yes. Here.

12 COMMISSIONER BERGMAN: I was counting, and
13 I could only count nine.

14 Madam Chair, you have ten members present;
15 you have a quorum.

16 THE CHAIR: Thank you. We have a quorum
17 with all ten members present.

18 Next on the agenda is Pledge of Allegiance
19 by Commissioner Armbruster, Salute to the New Mexico
20 Flag by Commissioner Chavez.

21 (Pledge of Allegiance and Salute to
22 the New Mexico flag conducted.)

23 THE CHAIR: Thank you. Item No. 2 is
24 Election of Officers, PEC Officers for 2016.

25 As Chair, according to the Rules of

1 Procedure, I will conduct the election. Also, I
2 would like to note that officers take their offices
3 at the conclusion of this meeting today, okay?

4 If everyone is ready, the floor is open
5 for nominations for Chair.

6 COMMISSIONER TOULOUSE: Madam Chair?

7 THE CHAIR: Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Madam Chair, I
9 nominate Vince Bergman for Chair.

10 THE CHAIR: Commissioner Bergman has been
11 nominated for Chair.

12 Commissioner, do you accept the
13 nomination?

14 COMMISSIONER BERGMAN: I do.

15 THE CHAIR: Thank you very much. Are
16 there any other nominations for Chair? Commissioner
17 Carr.

18 COMMISSIONER CARR: I'd like to nominate
19 Commissioner Gipson.

20 THE CHAIR: Commissioner Gipson has been
21 nominated.

22 Commissioner Gipson, do you accept the
23 nomination?

24 COMMISSIONER GIPSON: I'm going to have to
25 respectfully decline.

1 THE CHAIR: Commissioner Gipson declines
2 the nomination for Chair.

3 Are there any other nominations? Are
4 there any other nominations for Chair?

5 Hearing none, the Chair would entertain a
6 motion for nominations to cease.

7 COMMISSIONER GIPSON: So moved. I move --
8 thank you.

9 I move the nomination to -- I move that
10 nominations be closed for PEC Chair and Commissioner
11 Bergman be elected as the P- -- by acclimation.

12 THE CHAIR: Thank you very much.

13 COMMISSIONER ARMBRUSTER: I second the
14 motion.

15 THE CHAIR: Motion by Commissioner Gipson.
16 We have a second by Karyl Ann --

17 COMMISSIONER ARMBRUSTER: I did it.

18 THE CHAIR: -- by Commissioner Armbruster.
19 Thank you very much. We have a motion that
20 nominations cease and that Commissioner Bergman be
21 elected by acclimation.

22 We will have a roll-call vote. I think we
23 have to have a roll-call vote.

24 All right. Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 THE CHAIR: Commissioner Conyers?
2 COMMISSIONER CONYERS: Yes.
3 THE CHAIR: Commissioner Gipson?
4 COMMISSIONER GIPSON: Yes.
5 THE CHAIR: Commissioner Chavez?
6 COMMISSIONER CHAVEZ: Yes.
7 THE CHAIR: Commissioner Ambruster?
8 COMMISSIONER ARMBRUSTER: Yes.
9 THE CHAIR: Commissioner Carr?
10 COMMISSIONER CARR: No.
11 THE CHAIR: Commissioner Pogna?
12 COMMISSIONER POGNA: Yes.
13 THE CHAIR: Commissioner Shearman votes
14 "Yes."
15 Commissioner Bergman?
16 COMMISSIONER BERGMAN: Yes.
17 THE CHAIR: By a vote of -- oh, I'm sorry.
18 Commissioner Peralta, your vote?
19 COMMISSIONER PERALTA: No. No.
20 THE CHAIR: No?
21 All right. By a vote of eight to two,
22 Commissioner Bergman is elected as the Chair of the
23 PEC for 2016.
24 The floor is now open for nominations for
25 vice chair. Commissioner Armbruster?

1 COMMISSIONER ARMBRUSTER: I nominate Patti
2 Gipson.

3 THE CHAIR: Patti Gipson. Did I hear you
4 correctly?

5 COMMISSIONER ARMBRUSTER: Yes.

6 THE CHAIR: Thank you. I don't hear well.

7 COMMISSIONER CARR: I second.

8 THE CHAIR: Commissioner Gipson is
9 nominated for Vice Chair. Are there other
10 nominations?

11 COMMISSIONER CARR: Oh, I was just going
12 to second that.

13 THE CHAIR: Oh, I'm sorry. Commissioner
14 Gipson, do you accept the nomination for Vice Chair?

15 COMMISSIONER GIPSON: Yes, yes.

16 THE CHAIR: Commissioner Gipson accepts.

17 Any other nominations? Hearing none, the
18 Chair would entertain a motion.

19 Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: Madam Chair, I
21 move that nominations be closed for the position of
22 Vice Chair of the Public Education Commission and
23 that Commissioner Patti Gipson be elected by
24 acclimation.

25 THE CHAIR: Thank you. Do we have a

1 second?

2 COMMISSIONER POGNA: I second.

3 THE CHAIR: I'm sorry? Second?

4 COMMISSIONER POGNA: Yes.

5 THE CHAIR: Motion by Commissioner

6 Toulouse, seconded by Commissioner Pogna, that

7 nominations cease and Commissioner Gipson be elected

8 by acclimation. We will have a roll-call vote.

9 Commissioner Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 THE CHAIR: Commissioner Armbruster?

12 COMMISSIONER ARMBRUSTER: Yes.

13 THE CHAIR: Commissioner Carr?

14 COMMISSIONER CARR: Yes.

15 THE CHAIR: Commissioner Pogna?

16 COMMISSIONER POGNA: Yes.

17 THE CHAIR: Commissioner Bergman?

18 COMMISSIONER BERGMAN: Yes.

19 THE CHAIR: Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 THE CHAIR: Commissioner Conyers?

22 COMMISSIONER CONYERS: Yes.

23 THE CHAIR: Commissioner Shearman votes

24 "Yes."

25 Commissioner Gipson?

1 COMMISSIONER GIPSON: Yes.

2 THE CHAIR: Thank you very much. And
3 Commissioner Peralta.

4 COMMISSIONER PERALTA: Yes.

5 COMMISSIONER GIPSON: "Yes." He said
6 "Yes."

7 COMMISSIONER PERALTA: Yes.

8 THE CHAIR: Yes.

9 Thank you very much. The vote is
10 unanimous to elect Commissioner Gipson as Vice
11 Chair. The floor is now open for nominations for
12 Secretary.

13 COMMISSIONER CARR: Madam --

14 THE CHAIR: Commissioner Carr?

15 COMMISSIONER CARR: I'd like to nominate
16 Commissioner Gilbert Peralta.

17 THE CHAIR: Commissioner Peralta, do you
18 accept the nomination?

19 COMMISSIONER PERALTA: Yes.

20 THE CHAIR: Please say that again.

21 COMMISSIONER PERALTA: I do.

22 THE CHAIR: Thank you very much.

23 Are there other nominations for Secretary?

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: Madam Chair, I

1 nominate Commissioner Toulouse.

2 THE CHAIR: Commissioner Toulouse, do you
3 accept the nomination?

4 COMMISSIONER TOULOUSE: Yes, I do.

5 THE CHAIR: Thank you. Are there other
6 nominations for the position of Secretary of the
7 Public Education Commission? Other nominations?

8 Hearing none, we will vote on the two
9 candidates for Secretary, Commissioner Peralta and
10 Commissioner Toulouse.

11 We will begin voting with Commissioner
12 Chavez.

13 For whom do you vote?

14 COMMISSIONER CHAVEZ: Gilbert Peralta.

15 THE CHAIR: Peralta.

16 Commissioner Ambruster?

17 COMMISSIONER ARMBRUSTER: Commissioner
18 Peralta.

19 THE CHAIR: Commissioner Peralta.

20 Commissioner Carr?

21 COMMISSIONER CARR: Commissioner Peralta.

22 THE CHAIR: Commissioner Pogna?

23 COMMISSIONER POGNA: Commissioner Peralta.

24 THE CHAIR: Commissioner Bergman?

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse.

2 THE CHAIR: Commissioner Gipson?

3 COMMISSIONER GIPSON: Commissioner

4 Toulouse.

5 THE CHAIR: Commissioner Conyers?

6 COMMISSIONER CONYERS: Commissioner

7 Peralta.

8 THE CHAIR: Commissioner Peralta, your
9 vote?

10 COMMISSIONER PERALTA: I vote for Peralta.

11 THE CHAIR: Thank you. And Commissioner
12 Shearman votes for Toulouse. Commissioner Toulouse?

13 COMMISSIONER TOULOUSE: I vote for
14 Toulouse.

15 THE CHAIR: Thank you very much. By a
16 vote of six to four, Commissioner Peralta is the
17 Secretary for 2016 of the Public Education
18 Commission.

19 Thank you, everyone. That concludes the
20 election of officers.

21 Let's move to the next item on the agenda,
22 which is approval of the agenda, reminding everyone
23 that we can move items on the agenda, but we may not
24 add items to the agenda.

25 Are there any comments?

1 COMMISSIONER CARR: I move we approve the
2 agenda.

3 THE CHAIR: Commissioner Carr has
4 approved -- has moved for approval of the agenda.

5 Is there a second?

6 COMMISSIONER POGNA: Second.

7 THE CHAIR: Commissioner Pogna? All those
8 in favor, please say "Aye."

9 (Commissioners so indicate.)

10 THE CHAIR: All those opposed, please say
11 "No."

12 (No response.)

13 THE CHAIR: The agenda is approved.

14 We move next to the approval of the
15 minutes, Item No. 4 in your notebooks. First is the
16 approval of the PEC meeting transcript of
17 December 10 and 11, 2015.

18 Are there corrections? Changes?
19 Qualifications?

20 COMMISSIONER GIPSON: You don't have any?

21 THE CHAIR: Well, remember, I was only
22 here for one day; so the day I read, though, was
23 perfect, as usual.

24 Hearing no corrections or changes to the
25 minutes of December 10, 11, of 2015, the Chair would

1 entertain a motion for approval.

2 Commissioner Ambruster?

3 COMMISSIONER ARMBRUSTER: I move that we
4 accept the minutes as written, or --

5 THE CHAIR: Is that your motion?

6 COMMISSIONER ARMBRUSTER: I'm looking at
7 the date.

8 THE CHAIR: It is. That would be a
9 correct motion.

10 COMMISSIONER ARMBRUSTER: So for January.

11 THE CHAIR: For December.

12 COMMISSIONER ARMBRUSTER: Oh. These are
13 December? December, okay, 2015.

14 THE CHAIR: December 10-11 of 2015.

15 COMMISSIONER ARMBRUSTER: December 10-11,
16 2015.

17 THE CHAIR: Commissioner Armbruster moves
18 to accept the minutes, as distributed, for
19 December 10-11, 2015.

20 COMMISSIONER CONYERS: Second.

21 THE CHAIR: Commissioner Conyers seconds.

22 All those in favor, please say "Aye."

23 (Commissioners so indicate.)

24 THE CHAIR: Any disapproving, please say
25 "No."

1 (No response.)

2 THE CHAIR: The motion carries.

3 Item B under No. 4 is approval of the PEC
4 Meeting Summary minutes for December 10-11, 2015.

5 COMMISSIONER TOULOUSE: Madam Chair?

6 THE CHAIR: Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: I move that we
8 approve the summary minutes of the PEC meeting
9 minutes for the meetings of December 10th and 11th,
10 2015.

11 THE CHAIR: Thank you. Do we have a
12 second?

13 COMMISSIONER GIPSON: Second.

14 THE CHAIR: Second by Commissioner Gipson.

15 All those in favor, please say "Aye."

16 (Commissioners so indicate.)

17 THE CHAIR: Opposed, please say "No."

18 (No response.)

19 THE CHAIR: The meeting summary minutes
20 are approved.

21 Item No. 5, Discussion and Possible Action
22 on Performance Frameworks and Contracts for the
23 Following Charter Schools.

24 Katie?

25 COMMISSIONER PERALTA: Madam Chair?

1 THE CHAIR: Oh, I'm sorry. Commissioner
2 Peralta?

3 COMMISSIONER PERALTA: I'm going to pass
4 being at the meeting now, if that's okay.

5 THE CHAIR: I believe I heard you say,
6 Commissioner Peralta, that you need to leave the
7 meeting now?

8 COMMISSIONER PERALTA: Yes. If I could be
9 excused, I'd appreciate that.

10 THE CHAIR: Okay. I believe everyone
11 heard that. Commissioner Peralta must leave the
12 meeting now. Thank you, and Godspeed on your
13 recovery.

14 COMMISSIONER PERALTA: I appreciate it.

15 THE CHAIR: Thank you. Let the minutes
16 reflect that Commissioner Peralta is no longer in
17 attendance.

18 All right. Item No. 5. Katie, whenever
19 you're ready.

20 MS. POULOS: Madam Chair, Commissioners,
21 before you today I believe we've got eight school
22 performance frameworks for the 2015-2016 school
23 year. This includes a combination of schools that
24 continued their goals from the prior year with no
25 renegotiation, as well as schools that renegotiated

1 their goals.

2 Additionally, it includes one school, the
3 Sandoval Academy of Bilingual Education, that needed
4 to revise its first year goals because of an issue
5 with obtaining the correct -- the benchmark
6 assessment that it sought to utilize.

7 So CSD has provided you motion language to
8 approve or deny those performance frameworks. In
9 each packet, I believe, you'll find the signed
10 performance framework, as well as the -- the
11 governing board minutes approving those frameworks.

12 THE CHAIR: Thank you, Katie. Please
13 notice those complete packets are in your notebooks.

14 Does anyone have questions or comments on
15 these schools?

16 If there are no questions or comments, the
17 Chair would entertain a motion on these performance
18 frameworks and contracts for the schools that are
19 listed in the official agenda.

20 COMMISSIONER GIPSON: Do we need to name
21 the schools, or can we just say, "For the schools
22 listed in the official agenda"?

23 (Ms. Roubidoux joins meeting.)

24 THE CHAIR: You arrived just in time.

25 Item No. 5.

1 (Commissioner Gipson consults with
2 Ms. Roubidoux.)

3 COMMISSIONER GIPSON: Okay.

4 THE CHAIR: Commissioner Gipson?

5 COMMISSIONER GIPSON: All right.

6 Madam Chair, I move that we approve the performance
7 frameworks for the schools listed in the official
8 agenda, Item 2, letters A through H.

9 THE CHAIR: You said Item 2 on the agenda?

10 COMMISSIONER GIPSON: Oh, I'm sorry. It's
11 listed in Item 5, Roman numeral II, letters A
12 through H.

13 THE CHAIR: And you said "frameworks"?

14 COMMISSIONER GIPSON: Performance
15 frameworks for the following.

16 THE CHAIR: Does it need to include "or
17 contracts"?

18 MS. POULOS: No. These are not contracts;
19 these are only performance frameworks.

20 THE CHAIR: Okay. The agenda says "And
21 Contracts."

22 We have a motion on the floor from
23 Commissioner Gipson to approve the 2015-'16
24 performance frameworks for the schools listed in
25 Item 5, A through H, on the official agenda.

1 Do we have a second?

2 COMMISSIONER ARMBRUSTER: Second. I do.

3 THE CHAIR: Commissioner Armbruster?

4 Any discussion?

5 Commissioner Carr?

6 COMMISSIONER CARR: Just that -- that I
7 need to recuse myself on --

8 THE CHAIR: From voting?

9 COMMISSIONER CARR: On one school.

10 THE CHAIR: Oh, okay. And since they're
11 all in one group, you'll need to --

12 COMMISSIONER CARR: Right. I mean -- so I
13 can just -- if -- if it's not -- if there's a
14 problem, and there's a close vote on a particular
15 school or something, then I'll just -- I'm --

16 THE CHAIR: They're being voted on as a
17 group.

18 COMMISSIONER CARR: Right. So I'll recuse
19 myself completely.

20 THE CHAIR: Please note Commissioner Carr
21 has asked to recuse himself from the vote.

22 Any further discussion?

23 Hearing none, Commissioner Bergman, may we
24 have a roll-call vote, please?

25 COMMISSIONER BERGMAN: Commissioner

1 Armbruster?

2 COMMISSIONER ARMBRUSTER: Yes.

3 COMMISSIONER BERGMAN: Commissioner Carr
4 has recused himself.

5 Commissioner Pogna?

6 COMMISSIONER POGNA: Yes.

7 COMMISSIONER BERGMAN: Commissioner
8 Bergman votes "Yes."

9 Commissioner Shearman?

10 THE CHAIR: Yes.

11 COMMISSIONER BERGMAN: Commissioner
12 Gipson?

13 COMMISSIONER GIPSON: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Toulouse?

19 COMMISSIONER TOULOUSE: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Chavez?

22 COMMISSIONER CHAVEZ: Yes.

23 COMMISSIONER BERGMAN: Madam Chair, that
24 is -- that is eight votes "Yes," one recused, and
25 Commissioner Peralta has left the meeting.

1 THE CHAIR: Thank you very much. The
2 motion passes by a vote of eight in the affirmative
3 and none in the negative.

4 We'll move to Item No. 6, Discussion,
5 Possible Action on Charter School Amendments.

6 Katie, please?

7 MS. POULOS: Madam Chair, Commissioners,
8 this is the amendment request from the International
9 School at Mesa Del Sol to change the grade levels
10 served to add tenth grade, expanding from their
11 current service of students in grades K through
12 nine.

13 The Commission considered this amendment
14 request at its December meeting and determined it
15 would wait to make a decision until this meeting.
16 The rationale was to wait and receive the
17 information about the school performance based on
18 the State assessment data for the 2014-'15 school
19 year. That information has been included in the
20 information provided to the Commission.

21 The school was also provided, in the
22 motion language -- and I did ask the school if they
23 wanted to provide any additional information. I was
24 informed that they would not be providing any
25 additional information, that they believed that we

1 would just incorporate the new letter grade of
2 information.

3 You will see that for the 2014-'15 school
4 year, the letter grade awarded was a C; however, I
5 have provided the information for the Commissioners
6 so that you understand, when bonus points are
7 removed -- that's about 2.54 points, I believe, this
8 school received in bonus points. When those are
9 removed, that school would go back to a D letter
10 grade.

11 So on student proficiency data, I don't
12 believe that this really supports expanding the
13 grade levels for those students.

14 And I'd be happy to answer any questions
15 that the Commission has; but I don't think any of
16 the information has really changed, as we
17 demonstrated in our -- in our analysis in December.
18 We do have severe concerns about student performance
19 data at that school.

20 THE CHAIR: Thank you very much. Do we
21 have anyone from the school here today?

22 Good morning.

23 DR. JOYCE: Good morning.

24 THE CHAIR: Move that microphone over or
25 whatever, just so we can be sure and hear you.

1 Whenever you're ready, we'd like to hear
2 what you have to say.

3 DR. JOYCE: Good morning, Madam Chair,
4 members of the Commission. My name is Sean,
5 S-E-A-N, Joyce. I am the Head of School at the
6 International School at Mesa Del Sol.

7 I want to begin my brief comments this
8 morning with a simple correction of the record and
9 an apology. During last meeting here before this
10 Commission in December, I stated that the
11 International School had not had a single visit from
12 anyone in the Charter School Division for more than
13 two years. I was incorrect. And I appreciate
14 Mr. Ed Woodd for correcting me. So for the record,
15 I want to correct my previous statement.

16 On April 21st, 2015, Mr. Woodd, our
17 liaison with the Charter School Division, did, in
18 fact, visit the International School and met with me
19 in my office to assist me in completing our
20 Web EPSS, which was due in June. His support of me
21 and our school in this process was both welcome and
22 significant, and I am grateful for it. Thank you
23 for allowing me to correct the record in my previous
24 error.

25 I'm here again today to ask the Commission

1 to once more allow us to grow our school in its
2 International Baccalaureate curriculum and program.
3 When last we met, this Commission decided to table
4 their decision about whether or not to table our
5 amendment request pending the results of our annual
6 school report card. This report card has now been
7 made public.

8 We did improve our overall score by
9 10 percent, raising our D to a C. We did, in fact,
10 raise the academic performance of both our highest
11 and lowest performing students. And that report
12 card displays that.

13 We have mentioned and maintained our
14 school performance where it has always historically
15 been high and exceeded the statewide performance,
16 again, in the opportunity to learn, and, as
17 mentioned previously by Ms. Poulos, the bonus
18 points.

19 We came before you last March in good
20 faith to ask for only one year's opportunity to
21 continue to grow our school and offer our community
22 the International Baccalaureate curriculum and
23 program, and to demonstrate to this Commission that
24 we are, in fact, improving our student academic
25 performance. While it may not always be comfortable

1 to appear before this Commission and plead our case
2 each year, we have always believed that, in good
3 faith, with this Commission, you should be able to
4 review our school performance and judge us each
5 year, if necessary, as we continue to grow and
6 improve our school.

7 In good faith, we took the risk to come
8 before this Commission last year, and now this year,
9 to show that we have, in fact, made progress; we
10 have, in fact, improved our program and support for
11 all students; and, in good faith, we ask that you
12 allow us, once more, again, to continue to grow our
13 IB program by offering the tenth grade, which is the
14 final year of the IB Middle Years Program to our
15 students; and, again, remind this Commission that we
16 will be back for reauthorization for our charter in
17 less than a year with another school -- a new school
18 report card that we believe will continue to
19 demonstrate our improvement in student academic
20 achievement in all areas.

21 Thank you.

22 THE CHAIR: Thank you, Dr. Joyce. Are
23 there comments or questions from Commissioners?

24 I hear no questions for either Dr. Joyce
25 or Ms. Poulos.

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, I
3 just want to make a comment that on bonus points --
4 bonus points are given for a reason. You have to
5 earn those bonus points the same way you do the
6 others.

7 So I don't like disregarding those when it
8 comes to the overall score. I feel this school has
9 made a good-faith effort to do what we asked them to
10 do a year ago. And I don't know what the rest of
11 you are going to probably decide to do; but I don't
12 have a problem letting them have their final year of
13 their program.

14 THE CHAIR: Thank you, Commissioner.

15 Other comments?

16 For my own -- my own evaluation of the
17 materials that have been presented to us, I look
18 very much at student retention and those particular
19 items. I think it's very telling when students
20 leave. What's the old saying? Families speak with
21 their feet? And I think the retention rates of this
22 school are very high.

23 I think there are some concerns with --
24 with scores. I'm looking on Pages 7 and 8 of the
25 materials. Their fall scores, in many cases, are

1 lower than their spring scores on the MAPs testing.
2 However, I know I opposed this increase last year;
3 and I'm rather opposed to it this year. But the
4 student retention numbers are swaying me that I
5 think to allow students to complete their last year
6 of this program in the school that they are
7 currently attending would be the right thing to do.

8 So I believe my intention is certainly --
9 at this point, is to -- to support.

10 Katie?

11 MS. POULOS: Madam Chair, I did want to
12 make sure -- and I wasn't sure if you had seen the
13 retention data on Page 2 and -- where we did
14 evaluate that. And it does show a reenrollment rate
15 of approximately 81 percent, which reflects
16 approximately 44 students who did not enroll.

17 And I do know that specifically with
18 regards to their eighth-grade class going into the
19 ninth-grade class, I can get the exact numbers; but
20 it was a substantial number of those students who
21 left, when you look at how many students there were
22 and how many returned to finish that program.

23 THE CHAIR: Okay. Thank you for that.

24 Any other comments? Or questions?

25 COMMISSIONER GIPSON: I guess I'll just do

1 a follow-up with that. I'm assuming that the
2 eighth-graders are leaving to go to a high school?
3 Or do you have any --

4 DR. JOYCE: Madam Chair, Commissioner
5 Gipson, with the -- yes, many of our eighth-graders
6 last year -- and we had an eighth-grade class of
7 about 14 students; we had six return. We had -- I
8 would say all of those did go to a four-year high
9 school program, some of whom were not in public
10 school district schools. They went to -- several of
11 them went to Menaul School, for instance, and things
12 like that.

13 We did have a student who -- two years
14 ago, who promoted from our eighth-grade program when
15 we did not have a ninth-grade program, went into an
16 APS high school -- she came back this fall to
17 reenroll as a second-year freshman, because she
18 wanted to return to a smaller school where she's
19 doing very well right now.

20 So, yes, those retention numbers dropped.
21 And I would say yes, that's a significant drop from
22 eighth grade to ninth grade. But we did not get our
23 amendment until late in March, and many of our
24 schools -- as you know, charter schools are out
25 recruiting in January and February; so people have

1 already made those decisions, as well as a four-year
2 program.

3 Thank you.

4 THE CHAIR: Commissioner Chavez?

5 COMMISSIONER CHAVEZ: Thank you. Yeah,
6 I -- on Pages 8 and 9, you know, one of the
7 things -- a couple of things that concern me is that
8 the report seems to indicate that student
9 performance is actually decreasing or declining.

10 COMMISSIONER BERGMAN: Turn your
11 microphone around, please.

12 COMMISSIONER CHAVEZ: Oh, sorry.

13 On Pages 6 and 7 -- or 7, 8, and 9, with
14 regard to reading and math, the report indicates
15 that. And my concern is that the students'
16 performance is actually declining over the years, as
17 opposed to increasing.

18 COMMISSIONER ARMBRUSTER: Can we take
19 one -- a second? Is this on?

20 DR. JOYCE: Madam Chair, members of the
21 Commission, with respect to which achievement
22 scores? Are we talking about the measures of
23 academic performance? Are we talking about NMSBA?

24 COMMISSIONER CHAVEZ: We're talking about
25 math, reading, and MAP's testing.

1 DR. JOYCE: Absolutely. The data that we
2 have on reading and math, as those assessments are
3 administered, we went to a completely electronic
4 delivery with those assessments. As you know, the
5 PARCC was done that way; the NMSBA is done that way.
6 We have had to change our curriculum and improve
7 test scores by teaching technology skills, computer
8 skills, keyboarding, and things like that.

9 I -- I -- my response to that data is that
10 there -- it is not unequivocal; it is not -- it is
11 ambiguous. And we have shown growth; we continue to
12 show growth. If you look at our retention in the
13 number of students that we have in the IB program,
14 which does not measure critical thinking skills and
15 things like that on those tests, but are -- if you
16 look at our DIBELS scores with respect to the way
17 we've managed our program last year, kinder to third
18 grade has had dramatic improvements, dramatic
19 increase with our students in reading, which is the
20 gatekeeper to math; so with the ability to finally
21 hire, after six years, a reading specialist, who in
22 the last 12 months, has changed our reading
23 program.

24 Those MAP's scores, which I -- with the
25 report from the Charter School Division, I was not

1 certain as to whether they were talking from '14 to
2 '15, when they -- when they listed those scores,
3 from spring to fall or fall to spring. So it's
4 difficult for me even to read their scores.

5 MS. POULOS: Madam Chair and
6 Commissioners, just to respond to that. You'll see
7 on those tables that it does indicate that those --
8 that information is from fall of fiscal year '15 to
9 spring of fiscal year '15, in each of those. And
10 that was the data that was provided by the school,
11 and those were specifically the NWEA output reports
12 that came from the program that demonstrated this
13 information.

14 THE CHAIR: Just a point of clarification.
15 Is "fiscal year" the same as "school year"?

16 MS. POULOS: Madam Chair, "fiscal year" is
17 July 1 through June 30. And so we are looking at
18 the same fiscal year, talking about the fall
19 being -- if we're talking about '15, that would be
20 the fall of 2014; and if we're talking about spring
21 of fiscal year '15, that would be the spring of '15.
22 So it's the same school year.

23 THE CHAIR: No.

24 COMMISSIONER GIPSON: Yeah.

25 MS. POULOS: Yes, Madam Chair. It goes --

1 when a student enrolls in school, they start in the
2 fall of '14; they finish that same school year in
3 the spring of '15. They start in the fall of '15
4 and they finish that same school year in the spring
5 of '16.

6 And, Madam Chair, we are currently in
7 fiscal year '16. But this information was from
8 fiscal year '15. That was the information that was
9 provided to us.

10 COMMISSIONER GIPSON: This is the school
11 year of -- all last school year.

12 THE CHAIR: But spring '15.

13 COMMISSIONER GIPSON: Was last -- from
14 January to May of '15.

15 THE CHAIR: So it's flipped.

16 MS. POULOS: No, Madam Chair. Data is
17 demonstrating that from the beginning of the school
18 year, the same school year to the end, student
19 achievement data dropped.

20 Additionally, on Page 10, you can see a
21 comparison to fall of 2015 to fall of 2016, because
22 we do not have spring of 2016 data. So we've
23 provided the most recent comparison we can. When
24 you look at that, it additionally shows that when
25 you compare fall to fall, those students, presumably

1 the students that they've been retaining are
2 actually starting out lower in the second year than
3 they did in the first year.

4 THE CHAIR: Okay. Thank you.

5 Any further questions? Comments?

6 I would note that there are proposed -- or
7 suggested or possible motions beginning on Page 14.

8 If there are no further questions, the
9 Chair would entertain a motion.

10 COMMISSIONER CARR: Madam Chair?

11 THE CHAIR: Commissioner Carr?

12 COMMISSIONER CARR: Since nobody else is
13 speaking up, I guess I will. I -- and I do this
14 with some -- well, with a great deal of hesitation.

15 But I move to deny the amendment request
16 presented by the International School at Mesa Del
17 Sol, requesting to amend its instructional program,
18 which currently houses Grades K through 9, with an
19 enrollment cap of 450, to expand its grade levels to
20 K-10, with an enrollment cap of 450, because the
21 school has not successfully demonstrated substantial
22 progress toward achievement of the Department's
23 standards of excellence or student performance
24 standards identified in the charter contract. With
25 apologies.

1 THE CHAIR: Thank you. We have a motion
2 by Commissioner Carr.

3 Do we have a second?

4 COMMISSIONER CHAVEZ: Second.

5 THE CHAIR: By Commissioner Chavez.

6 Any further discussion?

7 Commissioner Ambruster?

8 COMMISSIONER ARMBRUSTER: Much like
9 Commissioner Carr, I feel -- you know, I want this
10 to work. But when I look at the scores, I don't
11 want to just look at a grade of C, because I need to
12 see what that grade is made of.

13 And the scores that concern me the most is
14 that the lowest performing students are a D level.
15 And those are the ones, of course, that I've always
16 worked with. And that concerns me, in a school
17 that's small, that has an active community, that has
18 presumably good teachers, that this score is so low;
19 and even the highest performing students only got a
20 C.

21 So those are my concerns. NWEA, that's
22 always been on the computer, I think. But I
23 understand the PARCC thing; I've got that. But it's
24 just a relative score to everybody else's in there.

25 So that's -- that's my concern for this.

1 THE CHAIR: Thank you. Any other
2 comments? Any further discussion?

3 Hearing none, the Chair would call for a
4 vote. And I would remind you that a "Yes" vote is
5 to deny the amendment request.

6 Commissioner Bergman?

7 COMMISSIONER BERGMAN: Commissioner
8 Chavez?

9 COMMISSIONER CHAVEZ: Yes.

10 COMMISSIONER BERGMAN: Commissioner
11 Toulouse?

12 COMMISSIONER TOULOUSE: No.

13 COMMISSIONER BERGMAN: Commissioner
14 Conyers?

15 COMMISSIONER CONYERS: No.

16 COMMISSIONER BERGMAN: Commissioner
17 Gipson?

18 COMMISSIONER GIPSON: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Shearman?

21 THE CHAIR: No.

22 COMMISSIONER BERGMAN: Commissioner
23 Bergman votes "No."

24 Commissioner Pogna?

25 COMMISSIONER POGNA: No.

1 COMMISSIONER BERGMAN: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Ambruster?

5 COMMISSIONER ARMBRUSTER: Yes.

6 COMMISSIONER BERGMAN: Madam Chair, I
7 count 4 "Yes" votes and five "No" votes. I believe
8 that means that that motion has failed.

9 THE CHAIR: Thank you, Commissioner. You
10 are correct.

11 By a vote of five to four, the motion
12 fails.

13 COMMISSIONER CARR: I'm not sure you got
14 that count right.

15 COMMISSIONER BERGMAN: Commissioner
16 Ambruster, Commissioner Carr, Commissioner Gipson,
17 Commissioner Chavez voted "Yes."

18 COMMISSIONER CARR: Gilbert not being here
19 threw me off. Never mind.

20 THE CHAIR: There are nine of us.

21 Okay. Let me ask our attorney how we
22 proceed at this point. The motion failed.

23 COMMISSIONER CARR: You've got enough
24 votes to approve it now.

25 (The Chair consults with counsel.)

1 THE CHAIR: Okay. I'm being advised that
2 our options are to either table this motion to a
3 later meeting -- would you say it for me so it's
4 right. What are our options, please?

5 (The Chair consults with counsel.)

6 THE CHAIR: Okay. I'm being advised, too,
7 that I need to announce that I would entertain a
8 motion to approve this amendment or -- table it? --
9 okay -- or a motion to table, it requires.

10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Madam Chair, I
12 move that the Public Education Commission, having
13 refused to deny this motion, now vote to approve
14 this one-year extension of the -- the one-year grade
15 increase for this -- for the International School at
16 Mesa Del Sol.

17 THE CHAIR: Okay. Thank you.

18 We have a motion on the floor to now
19 approve the amendment.

20 Do we have a second?

21 COMMISSIONER CONYERS: Second.

22 THE CHAIR: Commissioner Conyers seconded.

23 Is there any discussion?

24 Hearing no discussion -- I'm sorry? I
25 thought I heard something -- Commissioner Bergman,

1 may we have a roll-call vote, please?

2 COMMISSIONER BERGMAN: This time a "Yes"

3 vote is to approve the motion and a "No" vote will

4 be to not approve the motion.

5 Commissioner Armbruster?

6 COMMISSIONER ARMBRUSTER: No.

7 COMMISSIONER BERGMAN: Commissioner Carr?

8 COMMISSIONER CARR: No.

9 COMMISSIONER BERGMAN: Commissioner Pogna?

10 COMMISSIONER POGNA: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Bergman votes "Yes."

13 Commissioner Shearman?

14 THE CHAIR: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Gipson?

17 COMMISSIONER GIPSON: No.

18 COMMISSIONER BERGMAN: Commissioner

19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER BERGMAN: Commissioner

22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER BERGMAN: Commissioner

25 Chavez?

1 COMMISSIONER CHAVEZ: No.

2 COMMISSIONER BERGMAN: Madam Chair, I
3 count five "Yes" votes in favor of the motion and
4 four "No" votes.

5 THE CHAIR: Thank you very much. By a
6 vote of five to four, the amendment passes for the
7 school at Mesa Del Sol.

8 DR. JOYCE: Thank you Madam Chair, and
9 members of the Commission.

10 THE CHAIR: Let's move to Item No. 7,
11 Discussion and Possible Action on Board of Finance
12 Applications for two schools.

13 Katie?

14 MS. POULOS: Madam Chair, Commissioners,
15 we do have two new charter schools that are going
16 through their planning year and that will be seeking
17 approval to commence operations in June. One of the
18 steps in that process is to seek designation as a
19 Board of Finance.

20 They have both submitted their
21 applications, and that information is provided here
22 in your notebooks.

23 THE CHAIR: I believe everyone's had an
24 opportunity to find that information under Item
25 No. 7.

1 Is there any discussion?

2 Hearing no discussion, the Chair would
3 entertain a motion.

4 COMMISSIONER ARMBRUSTER: Madam Chair?

5 THE CHAIR: Commissioner Armbruster?

6 COMMISSIONER ARMBRUSTER: I move to
7 approve the Board of Finance application submitted
8 by the Indigenous -- read them -- sorry -- Six
9 Directions Indigenous School and --

10 COMMISSIONER GIPSON: SAHQ Academy.

11 COMMISSIONER ARMBRUSTER: -- SAHQ. Thank
12 you.

13 THE CHAIR: Do we have a second?

14 COMMISSIONER GIPSON: Second.

15 THE CHAIR: Motion by Commissioner
16 Armbruster, seconded by Commissioner Gipson, to
17 approve the Board of Finance application submitted
18 by the two schools listed on the official agenda.

19 Is there further discussion?

20 Hearing none, Commissioner Bergman, may we
21 have a roll-call vote?

22 COMMISSIONER BERGMAN: Commissioner
23 Gipson?

24 COMMISSIONER GIPSON: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Conyers?

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Toulouse?

5 COMMISSIONER TOULOUSE: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Chavez?

8 COMMISSIONER CHAVEZ: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Armbruster?

11 COMMISSIONER ARMBRUSTER: Yes.

12 COMMISSIONER BERGMAN: Commissioner Carr?

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER BERGMAN: Commissioner Pogna?

15 COMMISSIONER POGNA: Yes.

16 COMMISSIONER BERGMAN: Commissioner

17 Bergman votes "Yes."

18 Commissioner Shearman?

19 THE CHAIR: Yes.

20 COMMISSIONER BERGMAN: Madam Chair, that

21 is nine votes in favor of that motion.

22 THE CHAIR: Thank you. The motion passes

23 unanimously to approve the Board of Finance

24 applications for the two schools that are listed.

25 Item No. 8 is report from the PED and CSD.

1 Katie?

2 MS. POULOS: Madam Chair, Commissioners,
3 CSD just wanted to raise two items for the
4 Commission today. One is the NACSA evaluation that
5 we've been talking about for some time. The
6 organization has offered to do that evaluation of
7 the authorizing practices. And the Executive
8 Committee, I believe -- or it may have been the
9 whole Commission -- asked me to work with them to
10 schedule that.

11 I'm bringing forth a couple of days for
12 the Commission to consider -- or, actually, I'll say
13 months, because it would be scheduled around the
14 Commission meeting during the months that the
15 Commission chose.

16 And the NACSA organization has indicated
17 that March or April would be a good time to do that
18 for them. And so I'm bringing that to the
19 Commission for guidance on which month would be
20 preferable.

21 THE CHAIR: Katie, could you remind us of
22 the -- of the amount of time that this Commission
23 would be devoting to it that you and your staff
24 would be needing to put into this evaluation?

25 MS. POULOS: So the process of the

1 evaluation first starts with a document review.
2 Most of those documents are already available to the
3 organization on -- on CSD's or the Commission's
4 website; so they would do that review.

5 If there are any other documents that they
6 needed to look at, they would ask for the support of
7 the CSD to provide those documents. And those would
8 be files, information that we have in hard copy, or
9 even electronic copy, in our files.

10 Then the next piece would be that they
11 would come and, again, organize it around the date
12 of a Commission meeting, so that they could come and
13 observe the Commission in practice.

14 Then they would ask during that time for
15 the opportunity -- I think they generally schedule
16 about an hour and a half to sit down with
17 Commissioners, maybe, in a couple of different
18 groups. And so it would be, for each Commissioner,
19 about an hour and a half of interview time.

20 And then they would also ask for some time
21 to interview my staff in CSD to understand the work
22 that they do.

23 THE CHAIR: Okay. Thank you. Any other
24 questions?

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: Madam Chair, I
2 would note, historically speaking, for those that
3 weren't around then, NACSA actually came and did one
4 of these evaluations in 2010, when we were still in
5 the early stages of putting everything in place.
6 And this was -- New Mexico was one of the first
7 states that they did these evaluations at.

8 And I would add to what Katie said. They
9 also -- we also had a work session. When they had
10 completed all their work and had formulated their
11 report, they actually -- the CEO and a couple of
12 others actually came back, and we had a full-day
13 work session with them and went over that report
14 page by page, just as we do with everything, line by
15 line.

16 And they explained what they felt like we
17 needed to do to improve our authorizing practices.
18 And now, they're -- this would be a follow-up.

19 And when I was in Denver in October, the
20 CEO noted, in his remarks, that they had done
21 approximately 40 of these now; so there are still a
22 lot of organizations that have not had the
23 opportunity to have this evaluation. And they do
24 want to come back and -- and they normally charge
25 for it; but they're going to do it for free for us.

1 So I certainly recommend it. And I would
2 actually note, she has suggested March or April.
3 We're going to -- at some point here, we're going to
4 discuss contracts, the new negotiation cycle again.
5 The suggested dates right now have a couple of
6 different periods in March. I wanted you to be
7 aware of that. It may be better to do a NACSA thing
8 in April.

9 But I leave that to the rest of the
10 Commission. I just wanted to throw that in.

11 Thank you, Madam Chair.

12 THE CHAIR: Thank you for that
13 information.

14 Other comments? Questions?

15 I think the first thing that we're being
16 asked is do we want to do this? Once we commit to
17 the evaluation, then we need to look at -- at
18 possible dates.

19 So I would first ask the Commission -- I
20 agree with Commissioner Bergman. It was a valuable
21 opportunity. The interaction with the people from
22 NACSA was valuable. We did get a good -- good
23 amount of feedback from them and thought it was
24 worthwhile.

25 So I would certainly like to see us do

1 this evaluation; but it's up to the Commission, as a
2 whole, whether or not we take advantage of this
3 opportunity.

4 Commissioner Carr?

5 COMMISSIONER CARR: I -- I agree. Last
6 time it was very -- it was very helpful. And I'm
7 sure it would be helpful to do it again. I -- I --
8 but I just -- you know, I just kind of question how
9 helpful. And I -- and I know it's not costing us
10 anything; but we're also very busy.

11 And at this point in our experience and
12 what we've done, we could probably teach them a few
13 things, which is what I told them the last time they
14 had a convention.

15 And, you know, I -- so I have mixed
16 feelings. If you guys want to do it, I'm fine,
17 whatever the Commission wants to do. But, you know,
18 I'm not that excited about it.

19 THE CHAIR: Thank you, Commissioner.

20 Anyone else?

21 Commissioner Gipson?

22 COMMISSIONER GIPSON: I think, as we're
23 wading through new -- fixing and reevaluating
24 policies and procedures that we're doing, I think it
25 might be beneficial to have the organization come in

1 and give us a good handle on what we're doing, what
2 we've done. And I think, especially for me, it
3 would be beneficial.

4 THE CHAIR: Thank you.

5 Anyone else? I'm not hearing any other
6 comments. I think at this point, we're ready for a
7 motion to either proceed with the evaluation or to
8 not.

9 Do we have a motion, please?

10 COMMISSIONER GIPSON: Sure.

11 THE CHAIR: Commissioner Gipson?

12 COMMISSIONER GIPSON: Madam Chair, I make
13 a motion that the Public Education Commission move
14 forward with the NACSA review.

15 THE CHAIR: Thank you very much. Do we
16 have a second?

17 COMMISSIONER ARMBRUSTER: Second.

18 THE CHAIR: Commissioner Armbruster
19 seconds.

20 Any further discussion?

21 (The Chair consults with counsel.)

22 THE CHAIR: Okay. I think we can try a
23 voice vote on this matter.

24 The motion is to approve the Public
25 Education Commission participating in the NACSA

1 evaluation.

2 All those in favor, please say "Aye."

3 (Commissioners so indicate.)

4 THE CHAIR: Any opposed, please say "No."

5 (No response.)

6 THE CHAIR: The motion passes unanimously.

7 Now, let's look at dates. March or April?

8 Does the Commission have a preference?

9 Commissioner?

10 COMMISSIONER GIPSON: I guess, in light of
11 what Commissioner Bergman said, April -- seems like
12 it would be more feasible to look at the April date,
13 if we are going to be in negotiations for
14 performance frameworks in March.

15 THE CHAIR: Would you like to put that in
16 the form of a motion?

17 COMMISSIONER GIPSON: Sure.

18 Madam Chair, I make a motion that the
19 Public Education Commission move forward with the
20 NACSA evaluation proposed for the month of April.

21 THE CHAIR: Thank you very much. Do we
22 have a second?

23 COMMISSIONER CHAVEZ: Second.

24 THE CHAIR: Commissioner Chavez? The
25 motion is to participate in the evaluation in the

1 month of April.

2 Further discussion?

3 COMMISSIONER TOULOUSE: Madam Chair?

4 THE CHAIR: Commissioner Toulouse?

5 COMMISSIONER TOULOUSE: Isn't April when
6 PED has their budget workshop, also?

7 COMMISSIONER BERGMAN: Actually, it's the
8 last couple of days of March.

9 COMMISSIONER TOULOUSE: Oh, okay.

10 COMMISSIONER BERGMAN: I left that out.
11 That's in March, too, at least two days of it are.

12 COMMISSIONER TOULOUSE: I thought it was
13 early in April.

14 THE CHAIR: March is pretty busy, it looks
15 like.

16 COMMISSIONER TOULOUSE: Okay.

17 THE CHAIR: Further questions?

18 COMMISSIONER ARMBRUSTER: I did.

19 THE CHAIR: Commissioner Armbruster?

20 COMMISSIONER ARMBRUSTER: So do they come
21 when it's convenient for us, or do we need to change
22 our schedule to make it when it's convenient for
23 them?

24 MS. POULOS: Madam Chair, Commissioners,
25 they are scheduling this around a PEC meeting.

1 COMMISSIONER ARMBRUSTER: Oh.

2 MS. POULOS: So it would work with the
3 schedule that the Commissioners are already
4 convened. And they wouldn't be asking for time
5 outside of that, you know, day to two-day period.

6 COMMISSIONER ARMBRUSTER: That's fine. I
7 just thought if we're going to do it, it appears
8 that -- unless I'm reading this incorrectly, that we
9 have a meeting on Friday, April 8th -- that we would
10 want it on the 7th?

11 COMMISSIONER BERGMAN: That's probably --
12 I'm sure -- I think -- yeah, I believe that date --
13 I'm trying to remember what --

14 COMMISSIONER ARMBRUSTER: I'm looking at
15 this.

16 COMMISSIONER BERGMAN: Didn't we move
17 that? I thought we moved that to April the 15th,
18 because that's right after the spring budget
19 workshop. I think we moved it back a week to the
20 15th because of that.

21 COMMISSIONER CARR: It was Tax Day.

22 COMMISSIONER BERGMAN: I mentioned Tax
23 Day. That's why I remember it. I was here last
24 year on that day -- or in Santa Fe, rather.

25 THE CHAIR: Further discussion? Hearing

1 none, all those in favor, please say "Aye."

2 (Commissioners so indicate.)

3 THE CHAIR: Any opposed, please say "No."

4 (No response.)

5 THE CHAIR: The motion passes unanimously;
6 so we have selected April, Katie. If you would let
7 them know, please?

8 COMMISSIONER BERGMAN: And if you hadn't
9 marked your calendars, which I hadn't, I think we're
10 meeting on April the 15th.

11 MS. POULOS: Madam Chair, Commissioners,
12 the other item that we had identified that I would
13 discuss under this item was -- and I believe we have
14 another agenda item to address some more of the
15 scheduling issues. But I did want to raise, for the
16 Commission, the issue that I encountered as I was
17 trying to finalize the performance frameworks for
18 2015-'16, as the Commission had asked that we reuse
19 the goals from the prior year for some schools.

20 We did that and provided that information
21 to those schools. And as I shared with the
22 Commission in an e-mail, we got a response from
23 several of those schools indicating a concern about
24 changes to the goals, most specifically about the
25 change in the letter grade scores, where, in the

1 past, an accreditation would be sufficient as
2 compared to an improvement plan.

3 So I just wanted to raise that as an issue
4 as to why we still do not have some of those
5 frameworks finalized. We discussed it yesterday at
6 the work session, and I believe we may be discussing
7 that in some more detail in one of the later agenda
8 items. But that was initially under here, just to
9 raise that concern.

10 THE CHAIR: So, Katie, let me be sure.
11 Are you asking for, first, approval of those dates
12 that you propose for the renegotiations?

13 MS. POULOS: At this point, I believe
14 we're discussing that; so that was not the issue
15 that I brought up right now. Right now, I was just
16 bringing up the issue that came to me about the
17 schools that did not want to approve their
18 performance frameworks because of the change to the
19 template.

20 THE CHAIR: Okay. And just for a little
21 added information, Commissioners, if you'll
22 remember, I believe it was last year -- I'm not sure
23 of the date -- we reviewed the frameworks. And one
24 of the suggested revisions that we made was to
25 delete -- if a school is accredited under an outside

1 agency, then that suffices in place of doing an
2 improvement plan. We -- we've removed that item,
3 because we did not think that an accreditation was
4 the same process as an improvement plan.

5 These schools, it's my understanding, do
6 have the accreditation and do not want to lose the
7 ability to use the accreditation instead of having
8 to do an improvement plan. I believe I've stated
9 that correctly.

10 So our issue, I think, before us, and was
11 before us yesterday during the work session, is how
12 do we want to handle that? And I believe those of
13 you who were there yesterday might want to speak to
14 that.

15 Commissioner Bergman?

16 COMMISSIONER BERGMAN: Madam Chair, for
17 the benefit of the two Commissioners that were not
18 here yesterday, Commissioner Shearman presented us
19 with a one-page document outlining the first draft
20 of a possible way to negotiate that.

21 Katie, does that -- did that happen to get
22 into these books, or do we need to get copies for
23 the Commissioners?

24 MS. POULOS: That was not provided to CSD
25 to put into the materials.

1 COMMISSIONER BERGMAN: We need to get
2 copies for Commissioner Carr and Commissioner Pogna
3 for that.

4 THE CHAIR: It's going to have to wait,
5 because it's not --

6 COMMISSIONER BERGMAN: And we're -- as of
7 right now, the intent is to put that document into
8 further discussion on our next agenda for February.
9 So it might be more appropriate to wait till then,
10 just so the two of you can study what Commissioner
11 Shearman proposed.

12 COMMISSIONER CARR: Yeah.

13 COMMISSIONER BERGMAN: We'll make sure you
14 get that document. It's just a one-page item; so --

15 THE CHAIR: But I don't think it's going
16 to solve the issue for this year. I think it would
17 be a process or procedure that we would use for next
18 academic year.

19 Right now, what we've got to decide is how
20 do we handle the schools that do not want to move
21 forward until this issue is resolved?

22 I asked yesterday, would they come forward
23 and meet us for negotiation? Would they sit at the
24 table with us for renegotiation?

25 And their attorney indicated she did not

1 think that that would be a possibility; so we're
2 sort of in "No Man's Land."

3 I suppose what this Commission could
4 decide to do, for this year, until we have time to
5 study this issue in more depth, is to rescind that
6 change we made to the frameworks.

7 And, Patti, if you'd like to come up, I
8 know these are schools that you represent. If the
9 Commission would like to rescind that one change
10 that we made to the frameworks, allowing this year
11 to continue to use accreditation in the place of
12 having to do an improvement plan, that might at
13 least buy us some time until we can have in-depth
14 and robust discussion on this issue.

15 Have I stated the issue correctly, as far
16 as your schools are concerned?

17 MS. MATTHEWS: Madam Chair, members of the
18 Commission, yes, that would be the primary change we
19 would be concerned about. The other two, I think we
20 can work around.

21 THE CHAIR: Okay. Commissioners, I would
22 ask for your consideration of that suggestion and
23 some discussion on that issue.

24 COMMISSIONER GIPSON: Madam Chair?

25 THE CHAIR: Commissioner Gipson?

1 COMMISSIONER GIPSON: I guess at this
2 point in time, we're halfway through the school
3 year -- more than halfway through the school year.
4 We might just as well rescind that at this point in
5 time and move forward and have the discussion.

6 MS. POULOS: Madam Chair, Commissioners, I
7 think the language concerns me a little bit, because
8 there are active frameworks, that that term was part
9 of the -- the framework when it was negotiated; so I
10 don't think you want to say that, wholesale, but
11 potentially limit it to these circumstances --

12 COMMISSIONER GIPSON: Okay.

13 MS. POULOS: -- of these schools that are
14 requesting that change; because I think the other
15 thing that you should note is the frameworks you
16 approved today included some of those schools who
17 accepted that and thought it was appropriate and did
18 not contest that issue.

19 (The Chair consults with attorney.)

20 THE CHAIR: I'm being advised that a
21 better course of action for us would be to table
22 this discussion to -- and action to the February
23 meeting. If you will notice on the agenda, this was
24 not listed as possible action on this item. And
25 since it does affect very specific schools, I

1 believe -- and certainly, our attorney is advising
2 us correctly -- that we put this item on the
3 February agenda for these very specific schools and
4 have that discussion at that time and make sure that
5 it's listed on the agenda correctly for action.

6 MS. MATTHEWS: And I agree with your
7 counsel, Madam Chair. But I did want to just, in
8 good faith, present to the Council -- because of the
9 discussion we had yesterday about the improvement
10 plan, I'm going to go back to these three schools
11 and talk to them about if there's something that
12 they would be willing to sit down at the table with
13 the Commission and resolve this through
14 negotiations, versus digging heels in sand. And
15 we'll be able to have that discussion between now
16 and February; so in good faith, I will do that.

17 THE CHAIR: Thank you very much. That
18 would be very helpful.

19 (The Chair consults with counsel.)

20 THE CHAIR: I'm being advised "table" -- I
21 used the wrong word; "table" is not the correct
22 word. If we want to have continued discussion on
23 this, if there is anything else that needs to be
24 said, fine. But let's continue this to the February
25 agenda, where it can be listed as an action item.

1 Anything else anyone cares to bring up?

2 Okay? Commissioner Bergman?

3 COMMISSIONER BERGMAN: I -- Director
4 Poulos, do you want to use Item 12 to discuss those
5 negotiation dates that you have proposed? Or do you
6 want to do that now?

7 MS. POULOS: Madam Chair, Commissioners,
8 that is under Item 12.

9 COMMISSIONER BERGMAN: It is. Okay.

10 COMMISSIONER ARMBRUSTER: Madam Chair?

11 THE CHAIR: Commissioner?

12 COMMISSIONER ARMBRUSTER: Because I --
13 Patti, just a quick question. Sorry. So when --
14 just because I don't understand this; so it's a
15 clarification.

16 When a school is accredited, and they're
17 feeling they do -- because they've been accredited,
18 they do not need to have a different improvement
19 plan imposed upon them by us, do they have an
20 improvement plan within the accreditation that they
21 would share with -- is that how it works?

22 MS. MATTHEWS: One moment.

23 COMMISSIONER ARMBRUSTER: I'm sorry. I
24 just don't know what's the --

25 MS. MATTHEWS: Madam Chair, Commissioner

1 Ambruster, Commissioners, I think your question is
2 do they have a plan to fix what is wrong with their
3 school and improve their grade. I can't speak
4 specifically to all three of the schools that are at
5 question.

6 I would just probably echo Ms. Callahan's
7 comment yesterday, which is if you are a head of a
8 school, and you have poor grades or poor performance
9 or something isn't quite right, you're always
10 working to improve, and you have some sort of a plan
11 in mind.

12 Now, I certainly would be more than
13 willing to go back to each of these schools and say,
14 "What are you doing to improve your grade, so that
15 you can give assurances to the Commission that
16 you're not just sitting back because you have this
17 accreditation to support yourself?"

18 So knowing the three schools, I would
19 guess that they absolutely do. So -- but I am more
20 than happy, like I said, to come back and have
21 discussions in the interim and give information to
22 either Ms. Poulos or Commissioner Shearman about
23 where they are in that process.

24 COMMISSIONER ARMBRUSTER: I think my
25 confusion was if you're accredited, does that

1 accreditation agency help you with improvement
2 plans? Is that how that works?

3 FROM THE FLOOR: Yes, yes.

4 COMMISSIONER ARMBRUSTER: Okay. Thank
5 you.

6 COMMISSIONER CARR: Madam Chair?

7 THE CHAIR: Commissioner Carr? I'm going
8 to ask Kelly Callahan to come up to the table.

9 COMMISSIONER CARR: I've been through
10 accreditation processes in schools. You either get
11 it, or you don't. They tell you -- whether you get
12 it or not, they give you -- they tell you what you
13 need to make improvements in. Of course, their
14 criteria is not identical to our criteria, you know.
15 And we don't know -- you know, I'd have to -- it's
16 been years since I looked at it; but I'd have to
17 look at their criteria to see if it was any -- in
18 any way equivalent to what we would want.

19 I'm sure some of it is, you know, at
20 least; but -- you know, so that's my experience with
21 it.

22 COMMISSIONER GIPSON: Madam Chair? I was
23 a Middle States evaluator.

24 COMMISSIONER CARR: Okay.

25 COMMISSIONER GIPSON: And I can speak to

1 that. I don't know what group is the accreditator
2 here, if that's a word. There are suggestions for
3 improvement that are made. But in my experience,
4 the school's not compelled in any way --

5 COMMISSIONER CARR: Right.

6 COMMISSIONER GIPSON: -- to work on it.
7 And there aren't specific improvement plans for
8 reading/math; so it's -- so I -- like I said, I
9 don't understand -- I don't know what agency we're
10 dealing with. But in my experience through the
11 accreditation process, it's a much broader
12 accreditation than it is looking at the deep roots
13 of, you know, reading, math, and skill levels.

14 COMMISSIONER ARMBRUSTER: And I wanted to
15 just clarify one thing, which was -- I was -- I
16 didn't want to suggest that I didn't think these
17 schools were going to do anything to improve
18 whatever areas needed to be improved, because they
19 were accredited; I wasn't making that suggestion at
20 all. I just didn't know who was in charge of the --
21 of the farm.

22 THE CHAIR: Thank you for that. Let me
23 suggest that Ms. Matthews and Ms. Callahan perhaps
24 work with Katie and -- to work through this issue
25 and perhaps bring us some better information and

1 some suggested avenues of approach, whatever, for
2 our next meeting.

3 I will not be Chair; Commissioner Bergman
4 will. You may want to work with Commissioner
5 Bergman. But I would suggest that that's a way we
6 go, and try to bring some resolution in our February
7 meeting.

8 MS. MATTHEWS: Madam Chair, members of the
9 Commission, just for clarification? So you would
10 like for -- and I don't know that Kelly needs to be
11 involved; but I will seek her counsel. But what I
12 would do is work with Ms. Poulos to try to come up
13 with an agreed-upon performance framework, maybe
14 modifying the language along the lines we've talked
15 about? Is that what you're asking us to do?

16 THE CHAIR: Is that? I'm not asking for a
17 vote, but, I think, a consensus. If you absolutely
18 disagree with that, say so now, if I've
19 misinterpreted what's been said.

20 COMMISSIONER GIPSON: I think that's
21 reasonable.

22 COMMISSIONER ARMBRUSTER: My
23 understanding -- I'm trying to make sure we're all
24 on the same line here -- is I was asking for what
25 they have in -- so that when I know what they have,

1 then we can evaluate that to make that decision.

2 THE CHAIR: I think my concern would be
3 when you say a "modified performance framework," my
4 personal response to would be that I would be
5 willing to look at a performance framework that
6 reinstates the accreditation issue. Changes beyond
7 that I think would be a bigger issue that would
8 require this Commission's approval, and I would
9 really not want to get too far into a change.

10 Is that what you had in mind?

11 MS. MATTHEWS: Madam Chair, members of the
12 Commission, what's spinning in my brain at this
13 time -- obviously I haven't had time to speak with
14 clients -- but I would think we would stick with the
15 performance frameworks that we agreed are in effect
16 as of 2014-'15. And then I would provide the
17 Council -- or Committee -- Commission -- yes, that
18 would be the correct word -- with sort of assurances
19 that something is being done around improvement,
20 which I think is the expressed concern here, rather
21 than having to modify the framework at all.

22 It's just, "Here's the information for you
23 so you know we're not just sitting back doing
24 nothing." If they do have a C and -- I think one of
25 the schools didn't have the accreditation; but it's

1 on the framework; I don't know if that's actually
2 true or not -- but to give you the information I
3 think you're looking for is these administrators are
4 carrying forward improvement plans. They're not
5 just sitting back. I think that's what you're
6 asking for anyway.

7 THE CHAIR: Just so long as everyone
8 understands the one-year fix and not -- not setting
9 a precedent for long-term future frameworks. That's
10 my thought, anyway.

11 Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: Madam Chair, I
13 think, from my standpoint, where I'm looking at it,
14 the question really is we changed the rules halfway
15 through the game, and that really isn't fair to
16 anybody. And so if we can come up with a compromise
17 that works for everybody, I certainly am in favor of
18 that next month, because I don't think it's fair to
19 change it absolutely on any of these schools, once
20 we already approve them, until the next contract.

21 So I think -- to me, that's the issue, is
22 that, you know, you can't expect anybody to be doing
23 something one way, and then say, "Oh, by the way, we
24 don't like that anymore," when you've agreed to it,
25 you know. And to me, if I was one of the schools,

1 that would be my issue. Not nearly as much as
2 having to do a corrective action plan is, "You
3 changed the rules on me after you had already
4 approved them, and I don't have any say in it."

5 THE CHAIR: Okay. Well, let's see what
6 you all can come up working with Katie and her
7 staff. If that's agreeable with everybody? Okay,
8 thank you. Thank you.

9 So that takes care of Item D, ladies and
10 gentlemen.

11 Is it time for a break, or do we want to
12 continue? It's a quarter after 10:00. Can we come
13 back at 10:30?

14 All right. Let's do it.

15 (Recess taken, 10:17 a.m. to 10:32 a.m.)

16 THE CHAIR: Can we come back into session,
17 please? Commissioners, would you take your seats?

18 Cindy, would you let the record reflect
19 that Commissioner Gipson is not back yet. She'll
20 join us in a minute, I'm sure.

21 We're to Item 9, which is Discussion and
22 Possible Action on Policy Recommendations for
23 Investigation and Complaint Policies.

24 We did discuss this yesterday quite at
25 length -- no, we didn't, not at length; but we did

1 discuss this yesterday in the work session and have
2 a recommendation for the Commission as a whole.

3 But, Katie, I'd like to give you the
4 opportunity to speak to this issue before we go any
5 further.

6 MS. POULOS: Madam Chair, Commissioners,
7 this item was brought forth to the Commission,
8 making a recommendation that the Commission does
9 need to implement a policy for how to handle the
10 circumstance when it comes to the attention of the
11 Commission, or to CSD on behalf of the Commission,
12 that there may be potential violations of the
13 contract or of regulations or statute occurring at a
14 charter school.

15 Specifically, how this came to our
16 attention is that was brought forward to us with a
17 multitude of parent complaints, student complaints
18 and staff complaints, about violations of the
19 regulations, the statutes, and the contract at a
20 particular charter school.

21 CSD felt it was appropriate to respond to
22 that at that time to immediately investigate and
23 ensure compliance or be able to bring forward to the
24 Commission any information about noncompliance.

25 The response from the school at that time

1 was, "We will not give you that information; and if
2 you want it, look at 8.11 of the contract, which
3 says complaints are handled by the charter school,
4 not by the PEC."

5 And the CSD made a recommendation to the
6 Commission that a policy be put forth; because
7 CSD -- to use blunt language -- found it quite
8 concerning that the Commission may have either been
9 led to approve language, or agreed to approve
10 language in their contract template that would
11 abdicate their responsibility to ensure compliance
12 with contracts and statutes, and, instead, allow the
13 charter school to be responsible for being their own
14 monitor.

15 So CSD brought forth this policy
16 recommending that it be clarified that that -- that
17 provision of the contract didn't, in fact, abdicate
18 the responsibilities of the PEC, but, instead,
19 addressed one circumstance, which is the one that
20 CSD -- and I know this PEC has no interest in
21 dealing with, which is when parents complain and
22 say, "I'm generally unhappy, my principal is mean,
23 they're yelling, they're -- they're rude, they don't
24 answer my questions," CSD doesn't want to get
25 involved in those complaint issues.

1 But there's a distinction between that
2 and, again, the Commission's responsibility in
3 statute, and throughout their contract, to ensure
4 the legal compliance and contractual compliance of
5 all of the charter schools authorized by the
6 Commission.

7 And that's the intent of this recommended
8 policy, not to change the law, not to change the
9 contract, but to clarify an unclear provision that
10 is being interpreted, at least by some schools, to
11 abdicate the power, the authority, and the
12 responsibility of this Commission to protect the
13 students of New Mexico and the public interest of
14 New Mexico.

15 THE CHAIR: Thank you, Katie. Please let
16 the record reflect Commissioner Gipson is here.

17 Commissioners, those of you who were at
18 the work session yesterday, you know there was
19 discussion on this. There were issues brought up
20 that there perhaps were some contract issues that
21 needed to be more thoroughly investigated before
22 this policy could go forward.

23 I don't think anyone disagreed with the
24 idea of the policy. We do agree that when -- when
25 complaints or when issues are brought that require

1 investigation, this Commission should have the
2 authority and the policy that allows CSD and the
3 Commission to move forward that way. We just want
4 to be absolutely certain that we're not going to end
5 up in court if we approve this policy.

6 So I would ask those of you who were there
7 yesterday to bring forward your ideas. And I
8 believe what we ended saying was we'd like for the
9 parties, legal representation for the schools, for
10 the Charter School Coalition, and for the Charter
11 School Division to work together and to bring us
12 back a recommendation on perhaps some modifications
13 to this policy that assure us that we're not getting
14 in trouble with contract violations.

15 But I would like for you all to speak for
16 yourselves, if you have something to say on this
17 issue.

18 THE CHAIR: Commissioner Chavez?

19 COMMISSIONER CHAVEZ: Madam Chair, I guess
20 I don't necessarily remember that we -- I think that
21 there was some conversation about that that's how it
22 had been done in the past; but I don't think that
23 we -- I don't remember that we agreed that that
24 would be a recommendation.

25 COMMISSIONER GIPSON: It's my recollection

1 that that's what we agreed to was that we would
2 create the subcommittee that would help to iron this
3 out, that that was the -- the best way to go with
4 all parties, because that way, we're hearing each
5 other, and we're coming out with something that we
6 can all agree upon.

7 As a contract enforcement person, your
8 preference always is to be able to fix the problem
9 at the lowest level. There's an acknowledgment that
10 there are certain things that jump to the top. But
11 I think if we have all parties involved in this, I
12 think we're going to come out with something that we
13 can -- that we can live with.

14 And that's my experience through
15 enforcement and negotiations.

16 COMMISSIONER CHAVEZ: It just seems to me
17 that we've asked for input; we've received input.
18 And I'm not sure how much more input we need. It
19 seems to me that we've done all of that.

20 I do remember the conversation about the
21 subcommittee; but I don't know that we all
22 necessarily agree -- I didn't -- agreed on it; so...

23 COMMISSIONER GIPSON: I know we asked for
24 input. But the input, heels are in at this point in
25 time; so that I think if we don't open the door and

1 engage in the conversation, this is going to end up
2 into a long, ugly process that isn't -- you know, I
3 think we can fix this easier by listening to
4 everyone, instead of all the paperwork that's come
5 through. And there's -- there's not an open
6 engagement right now. There isn't.

7 THE CHAIR: I -- and from my perspective,
8 yes, we've gotten -- we asked for feedback; we got
9 the feedback. There's a lot of it. Putting it all
10 together is a process that I don't think just one
11 person should do. I think it needs to be a group
12 from this Commission, perhaps, aided by the other
13 parties, that put this all together and then bring
14 it to the Commission for approval.

15 Certainly, we don't have one document that
16 incorporates even some of the changes that have
17 been -- all of the changes from all of the parties,
18 as have been suggested.

19 Katie?

20 MS. POULOS: Madam Chair, I just wanted to
21 address that, because, in fact, I did -- and that
22 was why I brought that second version forward, as
23 asked by the Commission in the last meeting, was
24 that I incorporated the feedback from the public.
25 And so it was considered; it was incorporated. And

1 there was a substantial amount of feedback that this
2 was reasonable, this made sense, and this was a good
3 policy.

4 So I did want to address that, because I
5 feel like it's being slightly misrepresented.

6 THE CHAIR: Okay. Commissioner Carr?

7 COMMISSIONER CARR: I tend to agree with
8 what Commissioner Gipson said, with the caveat that
9 I am concerned that we're already at impasse. But
10 based upon what Katie said, maybe we're not. Maybe
11 we have some movement to compromise.

12 I am concerned that -- and I don't want us
13 to give away the farm, and under duress or under
14 fear, you know. Was it Kennedy who said, "Never --
15 never fear to negotiate; but never negotiate out of
16 fear?" I may have not gotten that perfectly.

17 But I refuse to negotiate under duress or
18 fear. And I believe, you know, as long as we're
19 keeping that in mind, I -- and I -- again, like I
20 said at the last meeting, I -- the wheels are moving
21 kind of slow; and I would like to see them speed up
22 a little bit. And I know probably most of you
23 would, too. And I understand your concerns; but I
24 just wanted to express mine. Thank you.

25 THE CHAIR: Other comments or concerns?

1 Commissioner Ambruster?

2 COMMISSIONER ARMBRUSTER: From our lengthy
3 discussion yesterday, I think that we all saw a
4 different perspective on the issue, which was there
5 are some things that we don't want to hear about; I
6 don't want to hear about. "My teacher got -- my
7 child got the teacher that I didn't want." That's
8 not our business, and we don't care.

9 But when it involves something where the
10 buck stops with us, as authorizing these charter
11 schools, to allow something that's either against
12 the law or against what the charter school said it
13 was going to do is a bigger issue.

14 And that's why PEC should take that power
15 that we really have and look into it ourselves, in
16 whatever language. However, I'm not against doing
17 the language thing, because it's all about that; but
18 I believe that we saw a different side yesterday,
19 and it was more clear to us what we were looking
20 for.

21 We're not looking for every little -- you
22 know, "I didn't get a red crayon today." No, we
23 don't care.

24 It's about very important issues of
25 whether you're following not only the charter laws,

1 but the laws of the State of New Mexico; because in
2 the end, all of that is going to come to us, because
3 we approved this.

4 And so I agree, I think, that -- with
5 Commissioner Gipson about getting it together,
6 making sure that we have everything the way that we
7 really want it and then approving it. That's what I
8 took.

9 THE CHAIR: Commissioner Chavez?

10 COMMISSIONER CHAVEZ: You know, I think
11 that one of the other important pieces to that is
12 resetting some time frames around that; because what
13 I -- I mean, the possibility exists that this is
14 going to go on and on, right?

15 So I think we need to set some real direct
16 time frames to get this -- to make this written --
17 or to create a written document -- sorry -- and
18 really not let it languish in the subcommittee.

19 And I think if there -- you know, I agree
20 with Commissioner Carr. We don't want to give away
21 the farm. And I think that we need to recognize
22 that there's a point in time when we're not going to
23 get any further; right? And so, you know, time
24 frame, I think, is going to be really very
25 important, because there are some serious issues

1 that need to be addressed here.

2 THE CHAIR: Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, I
4 think that in a lot of ways -- nobody's going to
5 totally agree on this -- but we definitely must have
6 a policy, must have a procedure for the kinds of
7 complaints that are really substantive. And I think
8 one of the things we need to do is define what is --
9 the "My kid didn't get the red crayon" complaint is
10 not a complaint, but a comment of some parental
11 discussion item; while the other kinds of things, as
12 in the sexual harassment complaints or malfeasance
13 or a violation of a -- a material violation of the
14 contract, that those become the actual complaints
15 that then have to be investigated and have to be
16 reported on.

17 And I think the first step is to make that
18 a clear policy of what are the ones that go
19 immediately back to the school, and say, "Do you
20 have enough red crayons," or that start the
21 procedure of a form and investigation and a report
22 back to us at some point.

23 So I think we need further work. But I
24 agree, we need to get this done. I would like to
25 see it done within the next month, and that we have

1 something ready so that it's out there and for
2 people to know what they can do.

3 It isn't our job to do all the complaints.
4 It is our job to oversee. If this had been in
5 effect, I think, a few years back, it would have
6 been easier to work with the major situation we
7 still are sitting around waiting for FBI reports.

8 And so I think it's important not to let
9 that kind of thing happen again; although, I --
10 sincerely hope that everything is in place now to
11 make sure that won't happen again.

12 Thank you.

13 THE CHAIR: Other comments?

14 Commissioner Bergman?

15 COMMISSIONER BERGMAN: Maybe I would make
16 a suggestion for the Commissioners to consider.
17 We've already mentioned a subcommittee. Perhaps two
18 or three Commissioners would serve on that, and the
19 Commissioners would have the lead. We would not be
20 abdicating our authority. The Commission members
21 would have the lead.

22 I -- I would suggest we invite to the
23 table, of course, Director Poulos. I believe that
24 the Matthews Firm, someone from that firm should be
25 invited, because they're the ones that have raised

1 legal issues.

2 I would invite the Charter Coalition, if
3 they wanted to come and be a part of that.

4 And I would -- if -- even if Commission
5 members wanted to invite other people, school board
6 members, you know, from individual charter schools.
7 We don't want to have 40,000 people working on this,
8 obviously.

9 COMMISSIONER CHAVEZ: That's where it
10 sounds like we're going.

11 COMMISSIONER BERGMAN: But that would be
12 my suggestion. And I believe that if -- it's a
13 short time frame. We have about four weeks to our
14 next meeting, which is on February the 12th, I
15 believe. I think if the group got organized quickly
16 and sat down, could sit down, and they would bring
17 us a consensus document, a draft, that would try and
18 meet everyone's needs -- maybe we can't, as some of
19 the Commissioners have noted; but refine this a
20 little bit more. I think we can keep it on the
21 February agenda as an action item and perhaps put it
22 to rest, then, in February. That would be my
23 suggestion, Madam Chair.

24 THE CHAIR: Thank you.

25 Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: Madam Chair, I
2 think, whether it's appropriate or not, we have
3 Annjennette sitting over here helping us out this
4 time. And she certainly has the expertise, as she
5 pointed out yesterday, in handling constituent
6 complaints. She might become sort of an ex officio
7 reviewer of the policies that we set out, if it
8 would fit with her time and job, because she's been
9 handling them for a long time. And I think people
10 need to have some idea of how complaints come and go
11 and how they're handled, besides people who may
12 not -- I certainly had many complaints over the
13 years. But, you know, I've been retired for
14 16 years and very happy not to have to handle the
15 number of complaints I used to handle.

16 And while I have expertise, it would be
17 nice for other people, you know, to deal with that
18 and let me not have to do any more complaints.

19 Thank you.

20 THE CHAIR: Thank you. Commissioner
21 Ambruster?

22 Oh, sorry. Go ahead.

23 COMMISSIONER ARMBRUSTER: Am I first?

24 Okay.

25 Commissioner Bergman, I just wanted to

1 make sure. I'm thinking our -- our attorney should
2 probably be there, too? And you may have mentioned
3 it, and I didn't hear you; so I'm just --

4 COMMISSIONER BERGMAN: If our attorney was
5 willing to be there, yes. Our attorneys normally
6 have been there at those discussions in the past.
7 That would be up to our attorney to make that
8 determination.

9 COMMISSIONER ARMBRUSTER: Because that's
10 our advice, for us.

11 COMMISSIONER BERGMAN: It would be great,
12 yes; because, otherwise, we're without advice. Yes.

13 THE CHAIR: Commissioner Carr?

14 COMMISSIONER CARR: So adding to that, at
15 least we're going to have an attorney from the PED
16 there? Is that --

17 MS. POULOS: I doubt that would be true,
18 unless you're calling me an attorney. But again,
19 I'm only licensed in California.

20 COMMISSIONER CARR: I know. I always say
21 that, because you're not licensed here. And I
22 appreciate your expertise. But we need a practicing
23 attorney from the -- at least, if ours isn't
24 there -- from -- from the PED to be there.

25 MS. POULOS: I will see if that's

1 something that we can have available. I will work
2 with our General -- Office of General Counsel to see
3 if we could have someone available.

4 COMMISSIONER CARR: Good. Thank you.

5 THE CHAIR: Other comments? So I think
6 what I'm hearing is that the Commission agrees that
7 a subcommittee of this group needed to be put
8 together to work with the other identified parties
9 on this issue to come back in February, if at all
10 possible, with a proposed policy.

11 Have I pretty well got that correct?

12 COMMISSIONER GIPSON: Uh-huh.

13 THE CHAIR: Okay. I think a motion at
14 this point would be in order to accomplish that. I
15 think we also need to consider who might be the
16 Chair of that subcommittee. Or if you want it all
17 appointed, if you think it -- the members of the
18 subcommittee should be appointed, I would ask that
19 you allow Chair-Elect Bergman to do that, because
20 that work will be done under his chairmanship.

21 COMMISSIONER GIPSON: I would just like to
22 note I would much prefer volunteers.

23 COMMISSIONER ARMBRUSTER: I would like to
24 be on the committee.

25 COMMISSIONER CHAVEZ: Yeah.

1 COMMISSIONER GIPSON: I suggest you ask
2 for volunteers to serve on --

3 THE CHAIR: First, we need to identify
4 whether this subcommittee idea is what the
5 Commission wants to do.

6 So hearing no further discussion on that,
7 the Chair would entertain a motion.

8 COMMISSIONER TOULOUSE: Madam Chair, I
9 wanted to make one further comment, that I'm not
10 suer we want to call it a "subcommittee," as opposed
11 to a "working group"; because we're bringing in -- a
12 committee, to me, would be only members of the
13 Commission; whereas, a working group would include
14 all the constituents we're working to include.

15 THE CHAIR: That is a good suggestion.
16 Would you like to make that in the form of a motion?

17 COMMISSIONER TOULOUSE: Madam Chair, I
18 move that the PEC set up a working group composed of
19 several members of the PEC and various
20 representatives of the charter school community and
21 whatever legal help we are able to obtain to meet
22 and work on a complaint policy to be presented for
23 further discussion and a vote at our February
24 meeting.

25 THE CHAIR: Thank you. Do we have a

1 second to that motion?

2 COMMISSIONER GIPSON: Second.

3 THE CHAIR: Commissioner Gipson seconds.

4 You've heard the motion and the second by
5 Commissioner Gipson.

6 Is there further discussion?

7 COMMISSIONER ARMBRUSTER: Commissioner?
8 Could I have that read back to me, please? Could
9 Cindy read back that motion to -- I wasn't sure if I
10 heard everybody who was going to be on -- involved
11 in this.

12 COMMISSIONER GIPSON: It didn't say. Oh.

13 COMMISSIONER TOULOUSE: I didn't include
14 by detail. I said "constituents," which would --

15 COMMISSIONER ARMBRUSTER: But did you say
16 CSD?

17 THE CHAIR: Of course.

18 COMMISSIONER BERGMAN: I think she said
19 "interested parties" or something along those lines.
20 "The charter school community."

21 COMMISSIONER TOULOUSE: Yeah, which, to
22 me, includes --

23 COMMISSIONER ARMBRUSTER: I just didn't
24 hear it, and I thought, "Wait."

25 COMMISSIONER TOULOUSE: I was trying to be

1 broad enough so we could pull in everybody we needed
2 to pull in.

3 THE CHAIR: Do you still need the motion
4 read back?

5 COMMISSIONER ARMBRUSTER: No.

6 THE CHAIR: Further discussion?

7 Commissioner Bergman, may we have a
8 roll-call vote, please?

9 COMMISSIONER BERGMAN: Commissioner
10 Bergman votes "Yes."

11 Commissioner Shearman?

12 THE CHAIR: Yes.

13 COMMISSIONER BERGMAN: Commissioner
14 Gipson?

15 COMMISSIONER GIPSON: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Conyers?

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Toulouse?

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER GIPSON: Commissioner Chavez?

23 COMMISSIONER CHAVEZ: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Ambruster?

1 COMMISSIONER ARMBRUSTER: Yes.

2 COMMISSIONER BERGMAN: Commissioner Carr?

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER BERGMAN: Commissioner Pogna?

5 COMMISSIONER POGNA: Yes.

6 COMMISSIONER BERGMAN: Madam Chair, that
7 is a nine-to-zero vote in favor of that motion.

8 THE CHAIR: Thank you. The motion passes
9 unanimously.

10 Do we want to establish the membership of
11 that working group at this time?

12 COMMISSIONER BERGMAN: We have to, if they
13 want to be done in February.

14 THE CHAIR: And you asked for volunteers.

15 COMMISSIONER BERGMAN: I would suggest
16 volunteers, yes. Yeah, who wants to lead?

17 COMMISSIONER ARMBRUSTER: I volunteer.

18 THE CHAIR: We have Commissioner Gipson
19 volunteering.

20 COMMISSIONER GIPSON: Apparently.

21 COMMISSIONER BERGMAN: I'd say two or
22 three.

23 COMMISSIONER GIPSON: Karyl Ann is --

24 COMMISSIONER BERGMAN: It would be during
25 the workday, if you can get off. It would normally

1 be working hours, wouldn't it? That would be up --
2 Commissioner Gipson, what's your schedule?

3 COMMISSIONER GIPSON: That's my
4 preference.

5 THE CHAIR: I think it would almost have
6 to be.

7 COMMISSIONER CHAVEZ: Well, I'm putting my
8 hand up; but it's just going to depend.

9 THE CHAIR: I'm sorry. I can't hear.

10 COMMISSIONER CHAVEZ: Well, can you --
11 I'll volunteer; but we should probably have an
12 additional Commissioner, I think, just in case. So
13 if we have four Commissioners on the --

14 THE CHAIR: Are you volunteering as an
15 alternate?

16 COMMISSIONER CHAVEZ: Yeah. Well --

17 COMMISSIONER BERGMAN: Or attending, if
18 you can.

19 COMMISSIONER CHAVEZ: Yes, yes, yes.

20 COMMISSIONER BERGMAN: That's two.

21 COMMISSIONER CHAVEZ: That's three.

22 COMMISSIONER BERGMAN: Oh. Commissioner
23 Ambruster? And three could be sufficient, if no one
24 else wants to jump in there, I guess.

25 THE CHAIR: And so Commissioner Gipson is

1 going to be in charge.

2 COMMISSIONER BERGMAN: Do we need four,
3 just in case Commissioner Chavez doesn't make it, or
4 can't be --

5 COMMISSIONER CONYERS: I'm kind of like
6 Commissioner Chavez there. It depends when it is.
7 I mean, I -- I --

8 THE CHAIR: Conyers?

9 COMMISSIONER GIPSON: Hopefully, we can
10 iron that out today.

11 MS. MATTHEWS: We can work on it.

12 THE CHAIR: Okay. And your --
13 Commissioner Gipson is going to be the leader of
14 this work group.

15 COMMISSIONER GIPSON: Oh, thanks.

16 THE CHAIR: Is that agreeable?

17 COMMISSIONER GIPSON: Thanks.

18 COMMISSIONER BERGMAN: Commissioner
19 Gipson?

20 COMMISSIONER GIPSON: I missed that part
21 of it.

22 COMMISSIONER BERGMAN: Try to work with
23 the other interested parties you're thinking of
24 inviting. Make sure the dates work with them.

25 THE CHAIR: That's Item No. 9. I believe

1 we've completed that.

2 Let's move on to Item No. 10, which is
3 Discussion and Possible Action on Policy
4 Recommendation for Improvement Plan and Definition
5 of Substantial Progress.

6 Katie?

7 MS. POULOS: Madam Chair, Commissioners,
8 again, this is a recommendation made off of some --
9 some issues that CSD has identified.

10 As you're aware, your performance
11 framework does require schools to create a -- an
12 improvement plan if they have a letter grade of C,
13 D, or F. This past year, I asked the staff of CSD
14 to evaluate those improvement plans to report out to
15 the Commission.

16 There were -- they were unable to do that,
17 because there were no consistencies, there were no
18 standards, and there was no understanding of what
19 the Commission expected to see in an improvement
20 plan for schools that we know need to improve the
21 student performance of their student body.

22 As the Commission will note, the purpose
23 of the Charter Schools Act ends with the concluding
24 statement that, "The purpose of this Act is to
25 improve student achievement."

1 So CSD did present a -- a proposed
2 improvement plan, which I will not deny is a
3 substantial amount of work for those schools. But
4 it's meaningful, quality work.

5 I will tell you that I did not create
6 anything on my own. This is research-based. This
7 is a plan that has proven effective in Arizona. And
8 I will go ahead and claim that fully.

9 In Arizona, you will take a look at the
10 NWEA results, I hope, and notice that the charter
11 schools in that state are performing substantially
12 better than the traditional public schools in that
13 state. And this improvement plan and this structure
14 has been around for the charter schools in that
15 state for several years now, and it's had time to be
16 effective and show its effectiveness.

17 And we've had multitudes of schools come
18 up before the Arizona State Board of Charter Schools
19 and just describe how effective this is and how
20 grateful they were that that Commission, that board,
21 gave them that structure and set those expectations
22 and held them to it and gave them feedback so that
23 they could continue to improve; because many of them
24 didn't know where to go, didn't know what to do.

25 And that's where this work came from. And

1 that's why it was brought before this Commission. I
2 do believe that this Commission absolutely needs to
3 take movement on not just creating an improvement
4 plan, but creating one that's meaningful; but, even
5 more than that, starting out as that being their
6 starting point for defining substantial progress.

7 This Commission has indicated that they
8 believe it's important to hold schools accountable.
9 There was some discussion on even adopting the
10 vision that CSD has created for its work, which is
11 supporting excellent authorizing practices and
12 high-quality charter schools -- I don't think that's
13 the language. I believe the language is "quality,
14 innovative education in charter schools."

15 And in order to do that, the Commission
16 needs to be aware of the charter school statute that
17 says, "A charter school can be revoked or
18 non-renewed only if the charter school does not meet
19 the expectations or demonstrates substantial
20 progress toward those expectations."

21 Until that is defined by this Commission,
22 clearly and transparently and enforced by this
23 Commission, there will be no ability to non-renew or
24 revoke charter schools that continue to fail our
25 students on academic performance.

1 That was why this was brought forward to
2 this Commission. I hope this Commission will take
3 this recommendation and, I hope, improve it. I do
4 think it's at a quality starting point. And I hope
5 that you'll use that as a starting point for your
6 discussion on how you will define "substantial
7 progress," so that we can move forward with ensuring
8 that the charter schools in this state serve our
9 students and continue to improve.

10 THE CHAIR: Are there comments or
11 questions? Discussion about the proposed
12 improvement plan?

13 Commissioner Carr?

14 COMMISSIONER CARR: The only thing I can
15 add to that is I wholeheartedly agree. That's the
16 whole reason we -- charter schools were started.
17 And if charter schools want to continue to exist and
18 not have laws passed by the Legislature because
19 failing charter schools are allowed to continue to
20 exist, the charter movement in this state will be
21 slowly dead.

22 And there's an awful lot of good charter
23 schools in this state. And we need to make sure we
24 hold everybody's feet to the fire. That's one of
25 our most important -- most important jobs that we

1 have on this Commission.

2 We don't want to punish people. But you
3 know what? If you're not serving the kids, then,
4 you know, you need to move aside and let somebody in
5 there who can. And that's -- and that's very clear.
6 And I don't have a lot of patience for people who
7 aren't doing their utmost to serve children in this
8 state, in any capacity, not just education.

9 So I think this is a very important issue,
10 and I couldn't agree with Katie more on this.

11 Thank you.

12 THE CHAIR: Other comments?

13 Commissioner Ambruster?

14 COMMISSIONER ARMBRUSTER: Katie -- so on
15 this -- on this structure that you've presented, how
16 would CSD be helping the schools who have C, D, or
17 Fs know where to go; because they -- I do believe
18 they're all trying to do better. I mean, I do
19 believe that. So how would we be helping them?

20 MS. POULOS: Absolutely, Commissioner
21 Ambruster, Commissioners.

22 The intent of this would not simply be to
23 put this document out, say, "Go forth and good
24 luck." We would absolutely plan, as we have
25 dedicated two of our staff members almost

1 exclusively to training and early supports for our
2 charter schools. We've seen that in the work that
3 they did this week in beginning to train our new
4 applicants.

5 I believe we've had -- what is it? --
6 three other training sessions already in the past
7 two months to support our new charter schools, the
8 ones that were approved in September, and some
9 governing boards.

10 So there would be absolutely the intent to
11 continue that focus of those two team members on the
12 support on the training. And that would be a big
13 focus of even rolling this document out would be to
14 start with trainings, not just in person, but also
15 that were available as Webinars.

16 We obviously think it's very important to
17 do it in person so that they can get the feedback
18 and the support of CSD staff and also their
19 colleagues in the room at that time. And that's how
20 we've structured all of training so far, is they end
21 up being training and work sessions so that they
22 have that opportunity to get feedback. And we would
23 continue to do that.

24 And the other thing that we would want to
25 do -- and I think it's written into this plan -- is

1 that when a school submitted the plan, they would
2 get a very high quality evaluation of that plan and
3 feedback to say, "This is where it's strong; this is
4 where it's weak and needs improvement," so that they
5 could continue to improve that, rather than it,
6 again, being punitive; but really being focused on
7 helping them to grow and improve and be engaged in a
8 continuous improvement cycle.

9 COMMISSIONER ARMBRUSTER: So you would
10 like to be presenting for them -- first time is
11 always the hardest, the first goal -- that you would
12 almost help them write it, hold-their-hand type of
13 thing?

14 MS. POULOS: Absolutely.

15 COMMISSIONER ARMBRUSTER: Because I think
16 that -- my belief is that people don't know what to
17 do. It's not that they don't want to do it.

18 MS. POULOS: Absolutely. And I think the
19 very fine line that we have to be cautious of, and
20 the great thing about this plan is it actually
21 doesn't tell them exactly what to do. It tells them
22 what outputs we need, a system to utilize data to
23 drive decision-making in several areas.

24 And also, we -- we would have to walk that
25 very fine line of saying, "This is how you do it,"

1 versus saying, "These are ways you can do it, and
2 you need to find the way that works best for your
3 school," so that we can respect that autonomy of our
4 charter schools, but still ensure that they are
5 engaged in the continuous improvement cycle.

6 And that's all this is. It's a structure
7 to build a continuous improvement cycle.

8 COMMISSIONER ARMBRUSTER: Thank you.

9 THE CHAIR: Let me just say, we didn't
10 spend a great deal of time on this yesterday,
11 because my thought was this plan, as written, really
12 more rises to the level of a corrective action plan.

13 An improvement plan is the first step.
14 And we've always -- we have always viewed that as
15 not quite as serious. When you get to a corrective
16 action plan, you're in pretty big trouble.

17 Remember, this improvement plan comes into
18 effect if a school gets a C, D, or F grade on their
19 school report card. That's -- that's it. That's
20 the requirement for an improvement plan.

21 And I know we've all -- Commissioner Carr,
22 all of us -- have said, "We have some issues with
23 the school report card, how those grades are arrived
24 at, what the basis for it, how -- how you even know
25 what you did to get that grade." We're not sure

1 that we always agree with those grades.

2 The other thing that comes to my mind is a
3 school may get a C, D, or an F on their school
4 report card and still meet their academic indicators
5 in their performance frameworks that we negotiate.

6 So we have -- I don't think that's
7 something that happens a great deal; but we do have
8 those issues.

9 To throw a school into this level of work,
10 simply, and call it an improvement plan, I think
11 we're really getting a little carried away.

12 I think this is a corrective action plan.
13 I don't think this is an improvement plan. I think
14 it rises to the level of more than -- than we need
15 in an improvement plan.

16 I know the way we've been doing
17 improvement plans hasn't worked. Simply to say to
18 the school, "Write an improvement plan, tell us what
19 you're going to do," that hasn't worked. What we've
20 gotten has not been what we needed.

21 So I agree we need to put a plan in place;
22 but this is more than I expected, quite frankly, for
23 an improvement plan.

24 We said yesterday, "Let's put a group
25 together to study it and look at it, work with the

1 parties and come back with a recommendation."

2 That was simply the suggestion from
3 yesterday's work group. So let's -- let's continue
4 with that discussion and see what -- what
5 Commissioners want -- how we want to move forward on
6 this.

7 I agree with Katie. We need the policy.
8 There's no -- there's no question about that. I
9 just am concerned about this level of work for an
10 improvement plan.

11 COMMISSIONER ARMBRUSTER: Madam Chair,
12 could you just define one thing for me? What -- I
13 think I get "improvement plan." Could you tell me
14 what "corrective action" would behaviorally mean?

15 THE CHAIR: I'm not sure what you're
16 asking.

17 COMMISSIONER ARMBRUSTER: What I wrote
18 down that you said was, "This is more comprehensive
19 for an improvement plan, versus a corrective
20 action." And my question is, "I guess I don't know
21 what corrective action means."

22 THE CHAIR: In everything I've read,
23 everything I have learned being on this Commission,
24 an improvement plan is the first intervention. A
25 corrective action plan is the second intervention

1 for a more serious issue, or issues. That's my
2 interpretation.

3 COMMISSIONER ARMBRUSTER: Thank you. But
4 so if the school had two Fs over two years, or D's
5 and F's, is that a corrective action, or is that
6 still an improvement plan?

7 THE CHAIR: We have not defined that.

8 COMMISSIONER ARMBRUSTER: Oh, okay.

9 THE CHAIR: What we've said in the
10 performance framework is, "If you have a C, D, or an
11 F grade, you have to do an improvement plan."
12 That's all it says. So I --

13 COMMISSIONER ARMBRUSTER: Oh, okay.
14 Sorry.

15 THE CHAIR: And it could be the first time
16 you get a C, and you could be one point away from a
17 B and getting a C.

18 I mean, there's lots of parameters that --
19 that fit into this. I just think it's too much for
20 the first step.

21 I know you'd like to say something. Hold
22 on, okay?

23 COMMISSIONER ARMBRUSTER: That's fine.

24 MS. POULOS: Madam Chair, Commissioners, I
25 would actually propose this to you for some

1 thinking. You've actually only used an improvement
2 plan in the context of academics. And I believe
3 that's actually appropriate. Schools are -- all
4 schools aren't expected to be in a continuous
5 improvement cycle. That structure is actually
6 exactly that. It's not a, "You have to do X, Y, and
7 Z."

8 It is, "This is how you build a continuous
9 improvement plan cycle in your school."

10 Whereas, I would propose to you -- and I
11 think you should consider this -- a corrective
12 action is actually not about academics; it's about
13 those compliance issues.

14 So, for example, a corrective action plan
15 would be implemented when they had repeat findings
16 or material substantial findings on their audit.
17 You would then do a very quick corrective action.
18 It is finite; it is directed and specific, versus a
19 continuous improvement plan is really a cycle to
20 engage in that continuous improvement. And you do
21 that with academics.

22 But a corrective action would really be
23 focused on those areas where it's just a matter of
24 compliance; right? Audits, failure to do fire
25 drills, which we talked about yesterday, and other

1 concrete, very specific, "This is the -- the
2 noncompliance issue, and it needs to be corrected."

3 And I would put that out for you to
4 consider that. That's a model that you see in
5 most -- most states. And you see that being very
6 effective. And I think it really makes a lot of
7 sense.

8 THE CHAIR: Thank you.

9 Any other -- Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Madam Chair, my
11 concern is that in many of these cases, when we're
12 looking at the letter grades, we're looking at
13 statistics. We're looking at numbers, which from
14 individual charter schools are small enough numbers
15 they may or may not be significant statistically.

16 And Katie you can grin and shake your
17 head. But really and truly, statistics works as an
18 aggregate over a much larger area when you take some
19 of our smaller -- I'm not saying some of the
20 larger -- but some of our smaller schools, and you
21 only have a few students falling into each of these
22 categories, and then you try to make large numbers
23 out of it.

24 So that's why, to me, when we're using
25 statistics and numbers, we need to start with just

1 the corrective action and not go to anything more.
2 You know, I mean, we ask -- I want an improvement
3 plan before -- as corrective action before I want a
4 formal corrective action plan, which is a much more
5 intense thing and says, "We're in trouble; you know
6 we're in trouble, I know we're in trouble, and maybe
7 we can get out."

8 The improvement plan says, "I know we've
9 got work to do, and we're doing it."

10 And so before I look -- using just
11 statistics for those letter grades, I want to make
12 sure that those aren't something that are really
13 involved. It could be just one or two students that
14 can tilt the smaller schools back and forth.

15 And so that's why I like a shorter, more
16 effective, "Right now, let's fix it," you know,
17 improvement plan, before we get into a corrective
18 action that is a corrective action plan.

19 Thank you.

20 THE CHAIR: Thank you.

21 COMMISSIONER GIPSON: Madam Chair?

22 THE CHAIR: Commissioner Gipson?

23 COMMISSIONER GIPSON: Just briefly?

24 I agree that absolutely, a policy is -- is
25 necessary. And I appreciate all the work that was

1 done to do this. But I agree that I think it's just
2 too much -- knowing that so many of these schools
3 are minimally staffed, that this is very burdensome
4 to a school, I think, as a first step.

5 I do believe there's something that's
6 necessary, but I think there's something that can be
7 a little more reasonable and attainable by a school
8 to complete then a process that's as lengthy as
9 this.

10 THE CHAIR: Okay, thank you.

11 MS. POULOS: Madam Chair, Commissioners,
12 can -- I just wanted to let you know. This actually
13 very closely aligns -- and we've had this
14 discussion -- with exactly what is expected from all
15 schools -- not just charter schools -- all schools,
16 is that continuous improvement plan that's required
17 in their EPSS.

18 We've had the discussion -- charter
19 schools are no longer subject to that EPSS.
20 Instead, they're subject only to the performance
21 framework, which really doesn't address improvement
22 at all. All of our schools in this state, every
23 single one, is required to have a continuous
24 improvement cycle and to report on that through
25 their EPSS, except our charter schools. And that is

1 a very concerning issue.

2 And I again will just say -- because I
3 think it comes from a potential misunderstanding,
4 quick glance, misread of the document in front of
5 you. It is a continuous improvement cycle that all
6 schools are expected to have. And some of our
7 schools, especially our charter schools, don't
8 understand it, don't know how to implement a
9 continuous improvement cycle. And that's what that
10 is guiding them to do is how do you use data to make
11 decisions in each of those areas and understand your
12 weaknesses?

13 That's all it's intended to do is help
14 them build a continuous improvement cycle, which all
15 of our traditional public schools are required to do
16 through EPSS, and our charter schools are not
17 required to do, because their EPSS has been replaced
18 with the performance framework.

19 THE CHAIR: Katie, your comment raises a
20 question in my mind. Perhaps I am not understanding
21 this document as well as I should. Perhaps what
22 this Commission could benefit from is to spend some
23 time sitting down with you in a work session, where
24 you go through this document with us and tell us
25 exactly what a school would have to do to complete

1 this document. Then I would understand it better.
2 Maybe that would be helpful.

3 MS. POULOS: I've been hoping we could do
4 that for the last two work sessions. But I would
5 love for the Commission to give me the opportunity
6 to do that.

7 THE CHAIR: When we get into a work
8 session with five things on the agenda, something
9 doesn't get the attention it needs, and I'm afraid
10 that's what happened this time.

11 Commissioners, would that be helpful?
12 Could I suggest that we do that? Let's table this
13 item until the January -- the February meeting, and
14 we will put in a February work session on the 11th,
15 and it will be devoted exclusively to this
16 improvement plan. Can we do that?

17 COMMISSIONER GIPSON: Uh-huh.

18 THE CHAIR: Can I make that motion? Is
19 that legal?

20 COMMISSIONER BERGMAN: I would also make
21 the suggestion that we would then do just as we did
22 yesterday, and as we've done in the past. We go
23 through the document line by line, page by page.
24 And then at the end of that -- and, remember, this
25 is 93 pages; it's going to be a long session. But

1 that would be my suggestion, that we do that.

2 And let me throw this in. Actually,
3 originally, Katie had suggested a renegotiation on
4 the 11th. But she did announce yesterday that
5 that's apparently going to have to be canceled and
6 changed, because there was a conflict with someone's
7 date. So actually, right now, February 11th is
8 available to have our -- our meeting is on the 12th.
9 We could do a February 11th work session and
10 schedule it for all day; and then when we're done,
11 we're done.

12 THE CHAIR: And nothing else on that work
13 session, just this improvement plan, okay?

14 COMMISSIONER BERGMAN: Would that be
15 amenable to everyone?

16 COMMISSIONER ARMBRUSTER: Just let me
17 clarify. On the 12th, we're going to -- which is
18 the actual PEC meeting, talk about the other
19 subcommittee's results. And on the 11th, we're
20 going to look at this one? Am I just correct in
21 that?

22 THE CHAIR: Yes. And then this would -- I
23 would suggest the academic improvement plan would be
24 on the agenda for action on the 12th.

25 COMMISSIONER BERGMAN: Actually, I would

1 take my suggestion further. In our books, actually,
2 one of the proposed motions for this policy was to
3 convene a work group, a subcommittee. And I was
4 going to note that since we're into the second half
5 of the school year, that cannot be imposed on
6 schools this year, anyway, I believe.

7 I believe if we had a policy in place no
8 later than April or May, and then as we've done in
9 recent years, when we have reached a consensus and
10 have voted to approve what we like, then it's sent
11 to the charter school community for a couple of
12 weeks, and we ask for their input at that point.

13 And then we, very hopefully, would have a
14 consensus document that we could vote on in June
15 that would be, then, in place, ready for the next
16 coming school year. I throw that out for
17 consideration and comment.

18 COMMISSIONER CARR: Okay.

19 COMMISSIONER GIPSON: Uh-huh.

20 COMMISSIONER ARMBRUSTER: I like that. I
21 also have to say, since I read it, it was very long,
22 and it was very complicated. And one of the reasons
23 I suggested -- or agreed to having this meeting of a
24 work session is to get it down to a pretty easy
25 language; because clearly, I'm coming from a

1 different place than -- you know, each Commissioner
2 brings his or her background.

3 My background is in continuously rewriting
4 IEPs all the time and doing that. So I looked at
5 this as a -- in a different way. I looked at it as
6 a process for anyone to improve. Granted, I didn't
7 understand all of those nuances that were there.
8 But it seemed that it would be just something that
9 you were always doing and probably should be doing,
10 that it was research-based.

11 We saw -- they saw results in Arizona.
12 And I don't think their kids are all that much
13 different from ours; so it looked like a way to look
14 at things, and we would always be doing it.

15 So -- but I think we have to get the
16 language down, so that we all understand it. And I
17 like the fact that CSD was going to provide
18 direction; because I couldn't see how a school would
19 read this and get it. And that's why I asked that
20 question a few minutes ago.

21 So I agree with you on doing it for the
22 work session; but I just wanted to come from a
23 different place.

24 THE CHAIR: I would really rather not make
25 the motion to table this and put it on the work

1 session agenda for the 11th. I prefer someone else
2 made that motion, if you'd like to do it.

3 COMMISSIONER GIPSON: Okay. I will.

4 THE CHAIR: Okay. Please do.

5 Commissioner Gipson?

6 COMMISSIONER GIPSON: Madam Chair, I make
7 a motion that the PEC -- do I have to say "table" at
8 this point in time --

9 (Commission Gipson confers with counsel.)

10 COMMISSIONER GIPSON: -- table the action
11 on a possible action plan policy and move the
12 discussion to the work session scheduled for
13 February 11th. Correct?

14 THE CHAIR: (Indicates.)

15 Thank you. You've heard the motion. Do
16 we have a second?

17 COMMISSIONER CONYERS: (Indicates.)

18 THE CHAIR: Commissioner Conyers?

19 Further discussion?

20 COMMISSIONER BERGMAN: I would make one
21 more suggestion. I would suggest we not form a work
22 group today. I would let the work group that's
23 doing the very critical one get their work done by
24 February -- and some of those folks may also want to
25 be on the next work group -- and that we make that a

1 part of our discussion in our February meeting.
2 Then I would call for volunteers to serve on that
3 work group, here, again, if that is amenable to the
4 Commission.

5 THE CHAIR: If we need a work group.

6 COMMISSIONER BERGMAN: If it can be ironed
7 out in a work session and all the parties
8 participated, then maybe we could come up with a
9 policy to consider then; so...

10 THE CHAIR: Okay.

11 COMMISSIONER BERGMAN: I don't know if we
12 would vote on a policy, then. I still think we
13 would want to submit it to the charter school
14 community for that. So we can worry about it, yeah.

15 THE CHAIR: We'll work that out. Okay.

16 Okay. Further discussion?

17 Hearing none, you've heard the motion to
18 table action on the proposed improvement plan and
19 bring it up during the work session on February the
20 11th.

21 Commissioner Bergman, may we have a
22 roll-call vote, please?

23 COMMISSIONER BERGMAN: Commissioner
24 Gipson?

25 COMMISSIONER GIPSON: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Conyers?
3 COMMISSIONER CONYERS: Yes.
4 COMMISSIONER BERGMAN: Commissioner
5 Toulouse?
6 COMMISSIONER TOULOUSE: Yes.
7 COMMISSIONER BERGMAN: Commissioner
8 Chavez?
9 COMMISSIONER CHAVEZ: Yes.
10 COMMISSIONER BERGMAN: Commissioner
11 Ambruster?
12 COMMISSIONER ARMBRUSTER: Yes.
13 COMMISSIONER BERGMAN: Commissioner Carr?
14 COMMISSIONER CARR: Yes.
15 COMMISSIONER BERGMAN: Commissioner Pogna?
16 COMMISSIONER POGNA: Yes.
17 COMMISSIONER BERGMAN: Commissioner
18 Bergman votes "Yes."
19 Commissioner Shearman?
20 THE CHAIR: Yes.
21 COMMISSIONER BERGMAN: Madam Chair, I
22 believe that's nine votes in favor of that motion.
23 THE CHAIR: Thank you. The motion passes
24 unanimously.
25 Let's just be sure and everyone remember

1 we'll have a work session on the 11th.

2 COMMISSIONER BERGMAN: And I know you
3 will. But you'll make surely Beverly knows about
4 that?

5 MS. TORRES: I will. Thank you.

6 THE CHAIR: Ladies and gentlemen, it is
7 almost 11:30. The next item is Discussion and
8 Possible Action on the New Application Package. We
9 went through that line by line yesterday during the
10 work session. And I suggest that we probably will
11 need to do that again today, at least -- and maybe
12 in a modified version, to see if the Commission
13 wants to approve the changes that have been made to
14 that -- to that application.

15 Do we want to start that now, or do we
16 want to break for lunch and come back and start?

17 COMMISSIONER BERGMAN: Madam Chair, let me
18 throw this in. I wonder if we couldn't do Item 12
19 next? That's where we're going to talk about the
20 dates for the negotiation sessions. One or two of
21 our Commissioners may leave before we get to Item 12
22 if we do 11 first.

23 That would be my suggestion. I think they
24 should be aware of the dates as they --

25 THE CHAIR: 12.

1 COMMISSIONER BERGMAN: Yes. Do Item 12
2 next, if we're allowed to do that. I think we've
3 stated we can move things around.

4 THE CHAIR: Is that all right with
5 everybody?

6 Then let's move to Item 12, Discussion and
7 Possible Action on Performance Frameworks Regarding
8 the Renegotiation Process.

9 Katie?

10 MS. POULOS: Madam Chair, Commissioners,
11 in your materials today, you'll see, with a small
12 typo, some information about proposed dates that we
13 worked with Julia Barnes to develop the schedule.

14 One of those proposed dates is for three
15 of the current charter schools that do not currently
16 have in place a 2015-'16 performance framework.

17 Unfortunately, Ms. Barnes has identified
18 that that date is no longer convenient for her; and
19 so I think we will need to discuss a -- another date
20 that would work for that.

21 Additionally, based on the conversations
22 that we've had today with Ms. Matthews, I believe
23 she's representing three schools that also don't
24 have a performance framework in place that we may
25 need to come back to the table with those three

1 additional schools.

2 And I have also received an e-mail from
3 another school who missed the deadline that is, I
4 think, the second deadline they've had to identify
5 for us that they wanted to renegotiate; but they are
6 now asking also to renegotiate their goals.

7 So at this point, it looks like we now
8 have seven schools remaining that do not have
9 2015-'16 performance frameworks that will need to
10 renegotiate.

11 The other days that we've put forth on
12 these negotiations -- and these, starting on the
13 March 10th date, we've put forth three other dates:
14 March 10th, March 28th through 29th, and then
15 April 19th. And those would cover all of our
16 renewal schools, the six renewal schools and the two
17 new charter schools.

18 I would recommend, if those dates work for
19 the Commission, that we look at tacking on, prior to
20 March 10th, the -- the other -- the dates that were
21 planned for February 11th, which was three schools,
22 plus the other four that we know we need to make
23 motion with; and so, potentially, we would plan
24 maybe March 8th, 9th, 10th, for contract
25 negotiations, and the PEC meeting on the 11th.

1 THE CHAIR: Ooh.

2 COMMISSIONER BERGMAN: Well, I would note
3 we did that this last spring. It was tough. We had
4 a couple of sessions, like -- in fact, the March
5 28th and 29th dates that are suggested is exactly as
6 we did it last year. Those are the two -- that's
7 the Monday and Tuesday before the spring budget
8 workshop. And yes, it makes for an interesting and
9 long week.

10 I was tired at the end of the week; but I
11 made it through. And I appreciated the fact that
12 Katie did schedule whenever she could, as we did
13 last year, put them in front of meetings to keep our
14 travel down. That's one reason we do that is to cut
15 out trips. That helps with the expenses and
16 everything else; so --

17 MS. POULOS: And the other date [verbatim]
18 on the April 19th date was really actually because
19 those schools are in their planning year to, kind of
20 push it out as far as we can so that they kind of
21 have a more realistic view of everything before we
22 sit down with you to set those goals, but, also, to
23 allow you enough time to get that before the
24 Commission, the whole Commission, for approval by
25 the beginning of the fiscal year.

1 COMMISSIONER BERGMAN: And that is the one
2 date that is not scheduled around a meeting. We
3 actually scheduled a meeting on the 15th, which is a
4 Friday. That would be -- what? -- the following
5 Tuesday?

6 So some of us, whoever were involved,
7 would have to come back the following week for those
8 two schools. That's a valid point she makes about
9 the planning year.

10 MS. POULOS: Commissioner, I do have to go
11 back to the 15th. Now that I have my Outlook open
12 and working, I actually believe we agreed on the 8th
13 for this year. It's on my calendar. And the reason
14 for that, because I told the Commission, I will be
15 participating in the NACSA leaders program, and I
16 will be in Chicago on the 15th.

17 COMMISSIONER BERGMAN: Oh, well. Then is
18 my memory -- maybe we moved it from the 15th to the
19 8th, then. Yeah, okay. So it is April the 8th
20 then. Yeah, okay. Yeah, we're not going back on
21 you on that. That's my faulty memory. Sorry.

22 THE CHAIR: Okay. So the recommendation
23 is to delete the February 11th date, as far as
24 negotiations go, to add March 8th, 9th, 10th,
25 March 28th, 29th, April 19th. Do I have it correct?

1 Okay.

2 COMMISSIONER BERGMAN: Yeah. But I would
3 ask a question. You only had one day for the
4 February one, Katie. Why would we need two days in
5 the March? Why would we need both the 8th and 9th?

6 MS. POULOS: We would be talking about
7 four additional schools, the three Ms. Matthews
8 discussed with you yesterday and the one additional
9 I've got an e-mail from.

10 COMMISSIONER GIPSON: Give me the dates
11 again. 25? 26?

12 THE CHAIR: No, the April date is just the
13 19th.

14 COMMISSIONER GIPSON: Just the 19th.

15 COMMISSIONER BERGMAN: Just the 19th,
16 yeah. And we're meeting on the 8th. I was confused
17 on that.

18 THE CHAIR: Okay. Pardon me.
19 Commissioner?

20 COMMISSIONER ARMBRUSTER: And this is just
21 a question, Katie. So we couldn't do the 7th of
22 April, because that's a little too soon, you think,
23 for the new schools? Oh -- and because we had a
24 meeting on the 8th.

25 MS. POULOS: I --

1 COMMISSIONER ARMBRUSTER: That's the only
2 reason I asked.

3 MS. POULOS: I think it would give them
4 more time. And I -- now, my memory is betraying me,
5 because we did have those conversations with
6 Ms. Barnes. And I'm not sure why we selected the
7 19th; I'll be perfectly honest. There was a reason
8 we didn't want it on the 7th. And I can't recall
9 that. Do you?

10 COMMISSIONER BERGMAN: It may be because
11 the week before is the spring budget workshop, and
12 we're all going to have a long week that week.

13 MS. POULOS: It may have been that, that
14 we were trying to give you a little bit of a break.

15 COMMISSIONER ARMBRUSTER: That's fine. I
16 wanted to jus -- the meeting in April is when I
17 thought it was, which is what I just crossed off,
18 which is the 8th, and not the 15th. Got it. That's
19 what I was reading.

20 COMMISSIONER GIPSON: It's correct on
21 here, yeah.

22 THE CHAIR: Okay. Any other questions?

23 All right. You have the dates for
24 negotiations, renegotiations.

25 Any further discussion?

1 COMMISSIONER ARMBRUSTER: Do we know where
2 that's going to be? Those are -- what city and what
3 place in the city? More --

4 THE CHAIR: Has that been scheduled yet,
5 the location?

6 MS. POULOS: Madam Chair, it hasn't.
7 We've been waiting for verification on the dates, I
8 think, because -- for the ones that we would be
9 scheduling around the Commission meeting or another
10 meeting, we would do it in that same location. And
11 then potentially, for any that weren't, we could
12 decide on the most convenient location, which is
13 typically, Albuquerque.

14 COMMISSIONER BERGMAN: Last year, most of
15 them were in Albuquerque at the CES building. But
16 then we always have to check with them, make sure
17 it's available and all that.

18 THE CHAIR: But if it's around the PEC
19 meeting, we might --

20 COMMISSIONER BERGMAN: We did a few in
21 Santa Fe, I think.

22 THE CHAIR: Any other questions? Hearing
23 none, the Chair would entertain a motion to approve
24 these proposed dates.

25 Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: Madam Chair, I
2 move that we accept the proposed dates for
3 negotiations, which have now been discussed or
4 presented in our materials.

5 THE CHAIR: Thank you.

6 COMMISSIONER ARMBRUSTER: Second.

7 THE CHAIR: I hear the motion. Do we have
8 a second? Commissioner Armbruster?

9 Any further discussion?

10 Let's have a voice vote.

11 All those in favor, please say "Aye."

12 (Commissioners so indicate.)

13 THE CHAIR: Any opposed, please say "No."

14 (No response.)

15 THE CHAIR: The motion passes unanimously.

16 Okay. Commissioner Bergman?

17 COMMISSIONER BERGMAN: One final thought
18 on that. We'll need to decide in February at least
19 who's going to come to the March ones, at least. So
20 think of what will fit your personal schedules, if
21 you want to participate or not. We'll be asking you
22 then.

23 Thank you.

24 THE CHAIR: Now, then, Commissioners,
25 again, it's just a little after 11:30. Do we want

1 to move forward with something else, or do we want
2 to -- I really would hate to start that discussion
3 on the application package and everyone fall dead
4 because they're so hungry.

5 Do you want to cover some other items on
6 the agenda and come back to that --

7 MS. POULOS: Madam Chair?

8 THE CHAIR: -- or do we want to go ahead
9 and start the application?

10 MS. POULOS: Madam Chair and
11 Commissioners, you may want to address Item 14,
12 which -- oh, no, I'm sorry -- 13, which is Schools
13 of Concern. We don't have any specific schools; so
14 you just, again, have your materials. We do have
15 two schools on those notifications and requests
16 regarding governance changes that potentially are
17 action items. And again, we have the Letters of
18 Intent, and I don't know that there's an action on
19 that. So you may want to address that.

20 THE CHAIR: Why don't -- shall we do Items
21 13 and 14, and then break for lunch? Would that
22 work?

23 Okay. Let's go to Item 13 first, Katie,
24 please.

25 MS. POULOS: Madam Chair, Commissioners,

1 so, again, on Item 13-A, the Schools of Concern, we
2 do not have specific schools before you today. We
3 do have, again, that kind of ongoing monitoring list
4 that we provided you for the past several months
5 with any updates. We really don't have updates on
6 any of those of any substance.

7 And then -- and so if you have any
8 questions on that, I'd be happy to answer those for
9 you.

10 THE CHAIR: I see none.

11 MS. POULOS: So then the next item, Item
12 B, is Notifications and Requests Regarding
13 Governance Changes. This was an item we discussed
14 at the work session yesterday to make all
15 Commissioners aware of the item.

16 The Commission's contract with charter
17 schools does identify that charter schools must
18 notify the Commission within 30 days of a change to
19 their governance and must provide the Commission --
20 must complete the paperwork in order to -- I don't
21 have the exact wording -- but in order to continue
22 to comply with the requirement of being a Board of
23 Finance, and, if they cannot fill a position on
24 their governance council within 45 days, must
25 request an extension from the Commission.

1 Just for your knowledge, that's not a
2 statutory requirement; that is a contractual
3 requirement in the Commission's contract.

4 My understanding is that potentially,
5 nobody's asked for that in the past; but I do have a
6 pending request. I also did receive, from one
7 school that has made governance changes, an updated
8 Board of Finance application. Those are the two
9 items before you for a vote today on how you want to
10 handle that.

11 Additionally, in the work session
12 yesterday, we discussed ensuring that there's
13 transparency and clarity on what we expect from
14 schools; and so creating -- presenting a policy to
15 the Commission to make sure we can provide that
16 clarity. That was asked by the Commission for me to
17 do that and present something for you for your
18 consideration at a future meeting.

19 THE CHAIR: Thank you. Do we need a vote
20 on that, to ask CSD to provide us with a proposed
21 policy? Or shall it just be a request from the
22 Chair to CSD?

23 How do you want to handle that? Do you
24 have a preference on that?

25 Okay.

1 COMMISSIONER BERGMAN: Did we not agree
2 yesterday in the work session -- not agree -- did we
3 not discuss, was not Katie going to put together one
4 or two pages in this area?

5 MS. POULOS: That's correct. And that's
6 what I was just identifying, I think.

7 THE CHAIR: I'm just asking, does this
8 Commission need to vote on that request, or is it
9 sufficient that the Chair made the request?

10 I think the Chair has that authority to do
11 that. Anyone disagree?

12 All right. Then let's move on.

13 Katie is going to provide us with a
14 proposed policy for our consideration. But today,
15 we have these to vote on; correct?

16 MS. POULOS: So the first item, Item A is
17 the Board of Finance application submitted by
18 North Valley Academy. That wasn't included under
19 the Board of Finance for the other item, because
20 those were the Board of Finance for the two new
21 schools, and this is a change in governance.

22 Again, we weren't quite certain how the
23 Commission wanted us to handle that; so that's the
24 first item.

25 And the second item is a memo from Horizon

1 Academy West requesting an extension of the 45 days
2 to fill their vacant position on their governing
3 board.

4 THE CHAIR: Let's handle these one at a
5 time, why don't we?

6 Let's first consider the Board of Finance
7 request from North Valley Academy. Do you have that
8 information in your packet?

9 Katie, all the required documents are here
10 and signed appropriately and all of that; right?

11 MS. POULOS: I believe this is the extent
12 of those documents. That's, again, where we might
13 want to seek some clarity; but I think that's all
14 the Commission requires.

15 COMMISSIONER BERGMAN: All I see is an
16 affidavit of the governing body members. I assume
17 this is the new board person submitting that?

18 MS. POULOS: Correct, Commissioner. So
19 they have not submitted a full Board of Finance.

20 And, again, that's where there's the lack
21 of clarity on what exactly the Commission expects.
22 I'm not quite certain, in this circumstance, what it
23 is. And that's because that language in the
24 contract says not a full Board of Finance
25 application, but something a little more vague than

1 that. And that's where we're seeking this later.

2 COMMISSIONER BERGMAN: This is something
3 new. We've never faced that before. That's the
4 deal with those new contracts. They're bringing
5 things up we have not perhaps contemplated.

6 This is the first time we've ever been
7 notified of an actual board change; so, yeah, it is
8 a new -- we're in new territory. Again, I -- I'm
9 not sure -- I assume -- we have no authority to
10 disapprove a new board member. So I assume our only
11 option is, "Yeah, this is great. Thank you for
12 notifying us."

13 I don't know what else we can do.

14 THE CHAIR: So this is a notification that
15 does not require -- is that it? -- until we -- until
16 and unless we approve a policy that requires more.
17 Is that -- is that agreeable? Okay. So the
18 notification from North Valley Academy is received
19 and accepted.

20 Is that -- is that what we want to say?

21 COMMISSIONER CARR: Sure.

22 THE CHAIR: Okay. Let's do that. Let's
23 move on and --

24 COMMISSIONER TOULOUSE: Madam Chair?

25 THE CHAIR: Until we get a policy, and

1 we'll define, if we want more than that.

2 COMMISSIONER TOULOUSE: Madam Chair, on
3 that, to be considered Board of Finance, don't they
4 also have had to have had training?

5 COMMISSIONER CARR: No.

6 COMMISSIONER TOULOUSE: They don't? I
7 thought each person had to have actual training
8 before they could be certified.

9 THE CHAIR: I don't think so, not that I'm
10 aware of.

11 COMMISSIONER CARR: No, we've only
12 requested that they do that.

13 THE CHAIR: I think that's in that
14 requirement for training; but it's not specific to
15 Board of Finance.

16 Okay. Let's move on, then, to the request
17 from Horizon Academy West. And they have a board
18 vacancy. And they are requesting an extension of
19 time to fill this vacancy. They do not -- they
20 simply are asking for an extension. They don't --
21 they don't -- they don't add or specify the number
22 of days extension, just an extension.

23 COMMISSIONER BERGMAN: I would note, for
24 those that weren't here yesterday, as we discussed
25 this yesterday, the policy is apparently, we, as the

1 PEC, established is that they have 45 days to fill a
2 vacancy.

3 And I asked the question, "Is that not a
4 statutory requirement?"

5 Apparently, it is, for school boards; but
6 apparently, it has not been established for charter
7 schools. So I guess, then, we were in a position
8 where we could impose a deadline. And I guess
9 that's what -- I don't remember doing it; but I
10 guess we did do it at some point.

11 This, again, is a first. We've never had
12 anybody ask for an extension before, in my memory.

13 THE CHAIR: No, I don't believe so,
14 either. But I think it is appropriate that we know
15 it and that we agree to an extension; though I
16 wonder if an extension of a particular number of
17 days would not be more appropriate.

18 COMMISSIONER GIPSON: Well, I guess I have
19 a question on how many people does this leave on
20 their governance council? That's -- do we know?

21 MS. POULOS: Madam Chair, Commissioner, I
22 do believe that this is at that four/five number,
23 that they may be below the five. I actually am not
24 100 percent certain; but I do believe that's the
25 circumstance here.

1 And I think that may be why you
2 established that 45-day deadline. And what I'm
3 trying to do right now is just calculate for you --
4 so it'll take me a minute -- how long that vacancy
5 has been open.

6 It's been since October 20th.

7 COMMISSIONER GIPSON: It's close to
8 90 days.

9 MS. POULOS: I wanted to calculate it for
10 you so I could give you the exact number. So I will
11 do that, unless you need anything else from me.

12 COMMISSIONER GIPSON: It would be 85 days,
13 right? It should be at, like, 85 or 86 days.
14 Thirty-one days in December -- yeah. So it's long
15 beyond -- and I'm concerned if they've -- if they've
16 fallen into the number four on their governance
17 council.

18 COMMISSIONER CARR: Madam Chair?

19 THE CHAIR: Yes.

20 COMMISSIONER CARR: This is no longer --
21 yeah, it's on. I'm not sure if a -- falling down --
22 I just don't think that's a material violation. So
23 if they do fall below -- you know, I'm not sure, you
24 know, where we are -- and this is the definition of
25 a corrective action -- is, "Hey, hurry up and get

1 your number five," you know. That's a corrective
2 action and very specific.

3 And then, "Hey, let's do this."

4 And I'm -- I'm all for giving them another
5 30 or 45 days at this point. But at that point, you
6 know, I -- we need to see what our options are to
7 make sure that they get this done.

8 COMMISSIONER GIPSON: Uh-huh.

9 MS. POULOS: Madam Chair?

10 THE CHAIR: Yes.

11 MS. POULOS: Commissioners? Just to give
12 you the updated information -- so my staff -- thank
13 you, Becky -- did check, and they are down to four.
14 And as of December 4th, that was at 45 days.

15 Now, please do note they did request this
16 prior to that. I did bring this item to you on the
17 December meeting, letting you know we needed some
18 direction on what you wanted to do with that. So
19 they did request that timely on November 17th.

20 But we're now at 45 days, plus another --
21 what? -- 30 plus ten or 11. So we're now at about
22 45, 50 days. And so you may want to take that into
23 consideration when you make a motion here.

24 THE CHAIR: Thank you.

25 COMMISSIONER BERGMAN: There's not anybody

1 from this school here, by any chance, is there? No?

2 No, there's none.

3 MS. POULOS: I believe they were simply
4 awaiting my direction, which I did have
5 communication, acknowledged this, and said I would
6 be seeking guidance from the Commission.

7 THE CHAIR: Commissioners, what's your
8 pleasure?

9 COMMISSIONER BERGMAN: I just would say, I
10 understand -- is 30 days too much? Or would that be
11 about right, given the time that's already passed,
12 yeah. And whatever date we set, if they can't get a
13 board member, they can't get it. Remember, they're
14 looking for somebody that will volunteer. That's a
15 difficult choice, for those of you who work in
16 charter schools know.

17 THE CHAIR: I think 30 days -- to give
18 them 30 days, and then if they haven't filled it by
19 then, they really need to come and talk with us
20 about their issues. Maybe there are some other
21 underlying issues that we need to be aware of.

22 COMMISSIONER TOULOUSE: Madam Chair, their
23 request is dated November 17th. Do we know if
24 they've replaced anybody by now?

25 MS. POULOS: They have not. They have not

1 notified us of that. And so we just checked their
2 website. The same name of that resigned -- resigned
3 council member is on there. There's no update to
4 that.

5 And we've been in communication; so
6 although I don't have a confirmed "No, we don't have
7 one," I believe that's the correct answer. And they
8 are, again, awaiting your guidance and your
9 direction for this request that they submitted.

10 COMMISSIONER CARR: Madam Chair?

11 THE CHAIR: Commissioner Carr?

12 COMMISSIONER CARR: I'm ready to make a
13 motion.

14 THE CHAIR: Please go ahead.

15 COMMISSIONER CARR: And so I'll move that
16 we give Horizon Academy West 30 additional days to
17 find their fifth board member; and, if not -- and if
18 they do, report back to us. And if they don't,
19 report back to us. Sorry to belabor that.

20 THE CHAIR: Commissioner, would you
21 clarify when that 30 days begins?

22 COMMISSIONER CARR: Today.

23 THE CHAIR: Okay.

24 COMMISSIONER CARR: Immediately, yeah.

25 THE CHAIR: All right. You've heard the

1 motion.

2 Do we have a second?

3 COMMISSIONER POGNA: Second.

4 THE CHAIR: Motion by Commissioner Carr,
5 seconded by Commissioner Pogna, to give the Horizon
6 Academy West an additional 30 days to find their
7 fifth governance council member. And that 30 days
8 begins today.

9 Any additional discussion?

10 Commissioner Armbruster?

11 COMMISSIONER ARMBRUSTER: I am trying to
12 remember where I heard this, and I don't remember
13 where. But somewhere I remember that if your board
14 members went down, and after 45 days, that the
15 Secretary of Education, Skandera would do that.

16 THE CHAIR: I asked that yesterday. And
17 it was clarified that that's boards of education,
18 not governance councils.

19 MS. POULOS: How would I know that? I
20 just thought it had something to do with the
21 charters.

22 THE CHAIR: I don't make the rules.

23 COMMISSIONER ARMBRUSTER: Yeah. Too bad.

24 THE CHAIR: Okay. Any further discussion?

25 Roll call?

1 Roll-call vote, Mr. Secretary-Vice Chair.
2 COMMISSIONER BERGMAN: Commissioner
3 Bergman votes "Yes."
4 Commissioner Shearman?
5 THE CHAIR: Yes.
6 COMMISSIONER BERGMAN: Commissioner
7 Gipson?
8 COMMISSIONER GIPSON: Yes.
9 COMMISSIONER BERGMAN: Commissioner
10 Conyers?
11 COMMISSIONER CONYERS: Yes.
12 COMMISSIONER BERGMAN: Commissioner
13 Toulouse?
14 COMMISSIONER TOULOUSE: No.
15 THE CHAIR: No?
16 COMMISSIONER TOULOUSE: No.
17 THE CHAIR: Okay.
18 COMMISSIONER BERGMAN: Commissioner
19 Chavez?
20 COMMISSIONER CHAVEZ: Yes.
21 COMMISSIONER BERGMAN: Commissioner
22 Ambruster?
23 COMMISSIONER ARMBRUSTER: Yes, ma'am.
24 COMMISSIONER BERGMAN: Commissioner Carr?
25 Commissioner Carr?

1 COMMISSIONER CARR: Yes. Sorry.

2 COMMISSIONER BERGMAN: Commissioner Pogna?

3 COMMISSIONER POGNA: Yes.

4 COMMISSIONER BERGMAN: Madam Chair, that
5 is an eight-to-one vote in favor of that motion.

6 COMMISSIONER TOULOUSE: Madam Chair, may I
7 explain my "No" vote, please?

8 THE CHAIR: Please.

9 COMMISSIONER TOULOUSE: My feeling was by
10 default, based on the time of their letter, we had
11 already given them 30 days and more. And while I
12 understand, while we need to, because there are no
13 other rules, my feeling was they already had their
14 30 days, well before we voted today, and we're just
15 making it worse.

16 If they couldn't find one in this amount
17 of time, then there's a problem beyond that.

18 So that was my reason for my "No" vote.

19 Thank you.

20 THE CHAIR: Thank you for that.

21 Katie?

22 MS. POULOS: Madam Chair, Commissioners,
23 Item C is the Notices of Intent. There -- CSD
24 received 12 completed Notices of Intent for the 2016
25 new application cycle. Those notices have been

1 provided in your materials.

2 Just as an update, CSD provided the first
3 of the new application training sessions this past
4 Wednesday. We wanted to get these applicants
5 started quickly; and that's why we did that the day
6 after the notices.

7 Unfortunately, we did only have six of
8 those applicant teams attend. So I think we will be
9 looking at providing a second training date to
10 ensure that those other six applicants do have the
11 opportunity to receive the benefit of that training.

12 We focused on the Evidence of Support
13 section. We felt that was probably where they
14 needed to get started, mobilizing their communities
15 and ensuring that there is a need for their idea in
16 their community and support for that. And that's
17 where we started them on their training.

18 And we will be providing training sessions
19 each month from now until May. So May will be our
20 last training session prior to their submission on
21 June 1st.

22 And I think that's it.

23 THE CHAIR: Okay. Thank you.

24 Any questions of Katie on the notices?

25 COMMISSIONER BERGMAN: No questions. I

1 would just like to note we have a couple of
2 returnees, Columbus Academy and Desert Willow in
3 Silver City.

4 COMMISSIONER CARR: Old friends.

5 COMMISSIONER BERGMAN: And we add another
6 first, because I notice that a law firm actually
7 submitted the package for one of the applicants.
8 That's never happened before. So lawyers have
9 cropped up again. I just wanted to note that.

10 THE CHAIR: Which one is that?

11 COMMISSIONER BERGMAN: That's -- oh, it
12 was down past the middle. Oh, it's for Hozho,
13 H-O-Z-H-O, Academy, in Gallup.

14 MS. POULOS: And there are page numbers,
15 if you want to direct the other Commissioners.

16 COMMISSIONER BERGMAN: Oh. Page 36.
17 Okay.

18 THE CHAIR: Okay. All right.

19 Next item on the agenda is -- it's going
20 to be a short report from me on the Bellwether
21 Initiative.

22 Originally, we were going to ask -- or
23 were going to have the new Executive Director of the
24 new charter school group -- and I cannot for the
25 life of me think of the name of it -- that is being

1 formed in New Mexico. "Bellwether" is the entity
2 that actually did the executive search for this new
3 charter school group, charter coalition group.

4 Their new executive director is Scott
5 Hindman. I did speak with him on the phone the
6 other day -- I've spoken with him a couple of
7 times -- and he apologized that he could not be at
8 the meeting today. He had a prior commitment out of
9 the state.

10 He has started his new job as of the 1st
11 of January. He is in New Mexico. His base will be
12 Albuquerque. And he has assured me that he will
13 work with Beverly and the Executive Committee to be
14 in attendance at our February meeting.

15 So he sounds like a very nice young man.
16 He's very anxious to meet with us and to work with
17 us. And so I -- I give you that, that he will be
18 here in February. Okay?

19 Now, then, we have completed 13 and 14.
20 Do we want to move on, or do we want to take some
21 lunch now?

22 COMMISSIONER POGNA: Move on. Move on.

23 COMMISSIONER ARMBRUSTER: Well, what else
24 is short?

25 THE CHAIR: I'm sorry. Lunch?

1 COMMISSIONER POGNA: Move on.

2 THE CHAIR: I'm hearing a "Move on."

3 COMMISSIONER ARMBRUSTER: No. Lunch.

4 Which item are we moving to?

5 THE CHAIR: If we're going to stay here
6 and do some work, I would recommend that we go to
7 the new application package and give that our best
8 shot before we go to lunch.

9 COMMISSIONER ARMBRUSTER: What would you
10 estimate the time on that?

11 THE CHAIR: I would think an hour.

12 COMMISSIONER GIPSON: I would think at
13 least an hour.

14 COMMISSIONER ARMBRUSTER: So would I.

15 THE CHAIR: So we're going forward.
16 Is that all right with everybody?

17 COMMISSIONER TOULOUSE: Can we have
18 another comfort break, then, before we go on?

19 THE CHAIR: Do we want a break?

20 COMMISSIONER GIPSON: We could use a short
21 break.

22 THE CHAIR: Let's take about ten minutes.
23 It's -- by my handy-dandy little phone here, it is
24 11:55. Let's come back at five after 12:00.

25 (Recess taken, 11:55 a.m. to 12:10 p.m.)

1 THE CHAIR: Ladies and gentlemen, let's
2 get started again, please. Let's get started again.

3 We are on Item 11, Discussion and Possible
4 Action on the 2016 New Application Package and
5 Process.

6 Please note that Commissioner Carr is not
7 back yet; but he will be.

8 If everyone would get out your copy of the
9 proposed changes, if everyone's ready, we're going
10 to start with Part A, Page 1. Part A is labeled
11 Instruction -- "Introduction and Instructions."

12 Is everybody there? Okay.

13 There were no -- yes. There were some
14 wordsmithing on Page 1. Under the "CSD Vision,"
15 there was some word change; no content change.

16 On -- Page 2 begins with "An Overview of
17 the Review Process." Did we decide to keep that or
18 not?

19 COMMISSIONER GIPSON: No, we -- it's --

20 THE CHAIR: The Overview of the Review
21 Process has been deleted.

22 The next paragraph begins with the
23 "Administrative Review." The group in the work
24 session recommended that "Administrative" be changed
25 to "Staff" Review.

1 COMMISSIONER GIPSON: No, "Technical."

2 THE CHAIR: "Technical Review." I have
3 too many notes here. The word "Administrative"
4 changed to "Technical."

5 MS. POULOS: Madam Chair?

6 THE CHAIR: Yes.

7 MS. POULOS: I would actually like to,
8 having thought about this last night -- if we're not
9 going to do anything with that review, which I think
10 is where we came -- I'd rather not ask my staff to
11 do it, because I think that's a waste of time.

12 THE CHAIR: I thought of that; because if
13 you'll read through that, the administrative or
14 technical review was simply to determine whether all
15 parts were in the application, have been turned in.
16 And we're not using that process.

17 So, Katie, your recommendation would be
18 what? That entire paragraph be deleted?

19 MS. POULOS: Is that CSD not be -- not do
20 a technical review, or whatever it's called, that if
21 the Commission feels that we should accept and
22 evaluate incomplete applications, that that entire
23 section be eliminated, that CSD staff will not
24 identify whether applications are complete or not.
25 They'll just begin with substantive review.

1 THE CHAIR: So the paragraph and the four
2 items underneath it is what you're referring to?

3 MS. POULOS: I think that's correct.

4 COMMISSIONER BERGMAN: Including the very
5 top of Page 3? Does that run down all the way to
6 there?

7 THE CHAIR: No.

8 MS. POULOS: No, sir.

9 COMMISSIONER BERGMAN: I see the word
10 "technically" in that third paragraph.

11 THE CHAIR: But we're not to that. All
12 she's recommending is the paragraph and the four
13 numbered items.

14 COMMISSIONER BERGMAN: Okay.

15 MS. POULOS: No, no, no, no. I would also
16 be recommending -- because -- well, the paragraph
17 about "by January 1st of each year" potentially
18 needs to stay; although, we've had discussions about
19 that.

20 But I think the paragraph titled
21 "Administrative Review," and then Items 1, 2, 3, and
22 4 underneath that. Then the paragraph, "Failure to
23 meet the criteria above....," and the paragraph,
24 "Applicants will receive written notification..."
25 are all irrelevant.

1 COMMISSIONER ARMBRUSTER: Can we just talk
2 about this one -- I'm sorry that Commissioner Carr
3 is not here -- not here. But if someone turns in an
4 application, and it's not complete, when are they
5 going to complete it?

6 THE CHAIR: They aren't.

7 COMMISSIONER ARMBRUSTER: Okay. So
8 they're not going to complete it. Then why would we
9 want to go further with the application if we can't
10 approve it as a possible charter school because the
11 application is not complete?

12 COMMISSIONER GIPSON: I'm not sure what
13 you just said.

14 COMMISSIONER BERGMAN: The statute
15 requires that we accept and process all
16 applications, under the Charter School Act.

17 COMMISSIONER ARMBRUSTER: Oh.

18 COMMISSIONER BERGMAN: And I think we
19 discussed that that contemplated that since the
20 Charter School Act mandated that we have a public
21 hearing, we would certainly have to keep them till
22 that point. And then why would we reject them after
23 a public hearing, you know?

24 COMMISSIONER ARMBRUSTER: Yes.

25 COMMISSIONER BERGMAN: They're just in

1 danger of being denied if they don't complete it
2 fully.

3 COMMISSIONER ARMBRUSTER: It's almost not
4 "in danger of"; it will be denied if it's not
5 complete.

6 THE CHAIR: We can't make that
7 determination.

8 COMMISSIONER ARMBRUSTER: Why do we care
9 if it's complete? One of those 2:00 a.m. in the
10 morning thinking about -- so they can turn in an
11 incomplete application. We will review it. We'll
12 have the community input. Then we're going to talk
13 about it and decide whether or not we maintain it.

14 That's -- or CSD usually looks at the
15 application and says, "Well, they had 6 percent of
16 the answers complete," and then we don't accept it.

17 But I don't want to -- I'm not trying to
18 go against the law. It just sort of didn't make
19 sense to me. Do you understand what I'm saying?

20 THE CHAIR: I think we're following the
21 law by accepting and processing all applications
22 that are correctly filed.

23 COMMISSIONER ARMBRUSTER: So pretty much,
24 we don't really want to talk about at all, then,
25 whether they're complete or not.

1 THE CHAIR: The law doesn't really make
2 that provision.

3 COMMISSIONER ARMBRUSTER: Good thing we
4 didn't write the law.

5 COMMISSIONER CARR: No, we didn't.

6 (The Chair consults with counsel.)

7 THE CHAIR: Okay. So, Katie, let me be
8 certain again. This paragraph that begins,
9 "Administrative Review" and 1, 2, 3, and 4
10 underneath it, you're recommending be deleted.

11 MS. POULOS: As well as you can discuss
12 the paragraph that begins, "By January 1... ." But
13 I think the other two paragraphs relate back to that
14 requirement. And so, again, if we're not going to
15 do anything with that review, then those paragraphs
16 should be deleted.

17 THE CHAIR: Okay. Do we need to leave in
18 the sentence that says, "By January 1..." -- or we
19 talked about January 31st of each year, the PEC
20 approves and makes available in writing, blah, blah,
21 blah, the application.

22 Is that stated elsewhere, that the
23 application will be available and online?

24 MS. POULOS: I don't believe so. I think
25 the other thing that's valuable is this admonishes

1 applicants not to alter the templates or
2 attachments. So I think that's of value.

3 But then the -- must be fourth sentence in
4 that paragraph, again, talks about the completeness
5 as well as potential page limits. And I think that
6 would be something that you would also want to
7 eliminate.

8 COMMISSIONER BERGMAN: I would say I wish
9 I had thought about this yesterday. If we leave
10 that January 1st date in there, we, here again, have
11 used January and February if we needed to rewrite
12 our applications, or modify them in some way, shape,
13 or form, that having that January 1st date in there
14 will preclude anything we do after that. It would
15 have to go forward to the next year.

16 MS. POULOS: And, Commissioner Bergman, I
17 certainly would recommend that. I think this
18 Commission needs to think about that. Because
19 applicants put their notice in on the second Tuesday
20 of January every year. And at that point, I mean, I
21 think that can attribute -- be attributed to some of
22 the -- some of the lack of quality can be attributed
23 to the not knowing what their application needs to
24 be until several months after that.

25 And if we want quality applications, we

1 need to give them as much time as possible with
2 that. And I think this Commission should -- should
3 think about that and ensure that they are as timely
4 as possible, giving new applicants the package so
5 that they can spend as much time as possible on it.

6 THE CHAIR: We did change that yesterday,
7 suggesting January the 31st, rather than the 1st.

8 I would suggest we leave that paragraph in
9 there, change the word -- delete the word
10 "administratively incomplete," because the sentence
11 says, "An application package submitted for a new
12 charter may be deemed incomplete if it contains
13 modifications..." blah, blah, blah.

14 And that is one of the options that this
15 Commission has, to deny an application when we are
16 making a decision, is that the application is
17 incomplete.

18 So I think that feeds into the decision
19 that this Commission makes after we've had an
20 opportunity to review and hear comments and so
21 forth.

22 So I would recommend that paragraph stay
23 in there, changing "January 1st" to "January 31st,"
24 and deleting the word "administratively," and
25 completing the date on which this Commission

1 approved the application.

2 Any comments?

3 All right. Let's move on.

4 Then the next paragraph, the one that
5 says, "Failure to meet the criteria above...", Katie
6 is recommending that that entire paragraph be
7 deleted.

8 And I believe, Katie, you also recommended
9 deletion of the next paragraph that begins,
10 "Applicants will receive..."; correct?

11 MS. POULOS: That is correct.

12 THE CHAIR: Okay. Next, we are moving on
13 to Page 3.

14 Now, did we leave the word "subs-" --
15 "substantive" -- "substantive review"? We did;
16 because I had so much trouble saying it, I may have
17 questioned it.

18 All right. In the first line, the word
19 "administrative" became "technical"; but do we still
20 want that paragraph -- that sentence in there? Or
21 do we want the entire paragraph in there, knowing
22 what we've just deleted? Oh, it's got to be in
23 there.

24 COMMISSIONER GIPSON: They're still going
25 to look at it; correct?

1 THE CHAIR: Yeah. I think we could do --
2 we could delete the first part of that sentence and
3 begin the sentence with, "The application will be
4 evaluated and scored using the evaluation rubric";
5 and that would follow along with what else we've
6 already deleted. Do you agree?

7 COMMISSIONER GIPSON: Yeah.

8 THE CHAIR: All right. Is the rest of
9 that paragraph agreeable?

10 The next paragraph, we recommended no
11 changes to what is already being proposed?

12 The question I asked of the Commissioners
13 attending the work session yesterday is do -- does
14 this Commission want to begin allowing rewrites of
15 the application or any parts of the application; and
16 the consensus was that the Commissioners did not
17 want to allow rewrites. We've never allowed
18 rewrites, and they chose not to begin that process
19 now.

20 So all of the rest of the paragraphs
21 starting with, "A substantively complete
22 application....," all of that, down through the
23 paragraph that ends just before the heading,
24 "Capacity Interview," is all being recommended for
25 deletion, because it refers to rewrites.

1 MS. POULOS: Madam Chair?

2 THE CHAIR: Yes.

3 MS. POULOS: So I did want to address,
4 again -- and I think we had this discussion
5 yesterday -- the first paragraph you're referencing
6 there actually is not specifically in relation to
7 what you're calling "rewrites"; that is, again, CSD
8 is making the recommendation to this Commission and
9 provided this as a starting point that there does
10 need to be a standard for what a complete or
11 adequate application is.

12 There is currently no clear transparent
13 standard for that. This is certainly a -- a
14 starting point for discussion. I do think it's an
15 important discussion for this Commission to have and
16 take action on at some point, which is to establish,
17 for transparency's sake, for our applicants' sake,
18 what is considered adequate and what is considered
19 inadequate when it comes to an application. And
20 that is certainly the purpose of that paragraph.

21 The remaining paragraphs on that -- or I
22 won't say "the remaining" -- but the very next
23 paragraph that begins, "A substantively incomplete
24 preliminary application package....," was -- was a
25 recommendation. And I would hesitate to call it a

1 rewrite, but, actually, a recommendation that what
2 has happened, I believe, in the past, is that we
3 have seen -- and I know that from this past year --
4 applications that are inadequate, are missing
5 information, are not of the highest quality.

6 And applicants, if they had the
7 opportunity to receive that feedback timely, could
8 demonstrate their capacity for continuous
9 improvement, but also for operating a charter school
10 by demonstrating that they can take that feedback
11 and improve their application; so that what doesn't
12 happen is that potentially this -- this Commission
13 approves applications that they do believe are
14 inadequate, which did happen this year, and then say
15 to the applicant later, "You'll have to address all
16 of that in your planning year."

17 We are in a very precarious situation, I
18 think, with our new applicants this year trying to
19 figure out exactly what does it mean. Do they need
20 to rewrite the application? How can we make sure
21 they addressed all of those deficiencies that were
22 identified on the record and were required as part
23 of their planning year to be corrected.

24 And so I do want to put that out there
25 just for the Commission to understand why that

1 recommendation was made, so that they would have an
2 opportunity to do that in advance of being approved,
3 which would then allow the Commission to know
4 whether they had the capacity to make those
5 improvements or to address those concerns prior to
6 approval.

7 But, again, I certainly recommend -- or
8 understand the need for timeliness on that. You
9 wouldn't want to have, you know, gotten all the way
10 to two weeks before, five days before, whatever that
11 is, and have them hand you a new application.

12 That's why this was written in a way that
13 would set some pretty clear time lines. I don't
14 think the time lines that are here are the right
15 ones. And that, again, is just after some thought
16 and some changing to the dates. But I do still
17 think this is a valuable process. It may not be
18 something you're ready to consider this year; but I
19 do think it's something that you want to have
20 discussions on.

21 THE CHAIR: Katie, I appreciate your
22 concerns and your remarks. But I have two very
23 serious problems with those.

24 This Commission did not approve a
25 substantially incomplete application. We approved

1 an application -- I believe the one you're talking
2 about -- that had been recommended for approval by
3 CSD the year before. And the same application was
4 recommended not to be approved this year.

5 We could see ourselves very quickly in a
6 lawsuit situation over that. We thought the change
7 in the way they were evaluated played not to the
8 benefit of children; but, to be fair, if you're
9 recommended for approved unanimously with this
10 application one year, you ought to be recommended
11 for approval the next year. Or if you're not, you
12 ought to know in advance why you're not. So changes
13 were made that were not notified -- nobody was
14 notified.

15 The other thing is this is a rewrite of an
16 application. This Commission has never allowed
17 that. I don't think we want to allow that. I
18 always gave tests in my class. If you passed the
19 test, I was happy for you; if you didn't pass the
20 test, I certainly wanted to work with you to help
21 you learn the information that you did not know; but
22 I wasn't going to let you take the same test again
23 and replace that poor grade with a better grade.
24 That's not the way it works.

25 So if you have -- and I think it's this

1 Commission's job to look at the applications that
2 are turned in that meet the rules, turned in by the
3 deadline, then it's our job to decide if that
4 application is complete and accurate and does the
5 job. If it doesn't, we'll turn it down. But we're
6 not asking the staff to do that. I don't think
7 that's the staff's job.

8 So this whole section here is not one that
9 I can agree to. This is our job. We're going to do
10 it, and we're going to do it the best that we can.
11 And I think, frankly, we've done a darned good job
12 the years that I've been on this Commission, and I
13 don't want to change it.

14 So, Commissioners, do you have anything
15 else to say on that particular section?

16 Commissioner Carr?

17 COMMISSIONER CARR: So just to clarify
18 what you're saying is -- and it makes sense to me if
19 this is what you're trying to say -- we decide what
20 a complete application is.

21 THE CHAIR: I can't hear you.

22 COMMISSIONER CARR: Is this on? We decide
23 what a complete application is when we look at it;
24 right?

25 THE CHAIR: We always have.

1 COMMISSIONER CARR: Right. And we always
2 have done it that way.

3 THE CHAIR: Yes.

4 COMMISSIONER CARR: Of course, then, the
5 question -- and I'm fine with that; so -- but the
6 question is -- I guess, is -- you know, I guess it
7 hasn't gotten us in legal hot water in the past,
8 without maybe defining specifically what a complete
9 application is on paper.

10 But we look at each one and decide, and
11 that's -- that actually falls into what we think is
12 a complete application. Is that what you're saying?

13 I mean -- so -- well, here -- let me
14 just -- let me try to be more clear.

15 So do you think -- is it possible that we
16 need to look at the legalities in regards to how we
17 operate, even though we haven't been questioned up
18 to this point?

19 THE CHAIR: I'm looking at 22-8B-5.3:
20 "The chartering authority shall evaluate charter
21 applications." And it goes on from there.

22 COMMISSIONER CARR: Right. Okay.

23 THE CHAIR: I think we're following the
24 law. Now, if someone wants to interpret it
25 differently, I think we're doing it; but --

1 MS. POULOS: Madam Chairwoman?

2 THE CHAIR: -- but --

3 MS. POULOS: I guess I'm not -- I hope I
4 haven't expressed something incorrectly. But
5 certainly, I wasn't advocating that CSD would make
6 decisions or do any of that. What I was suggesting
7 in this -- I think the first piece I was suggesting,
8 that I do think the Commission needs to establish
9 for transparency's sake, clear standards on what is
10 not incomplete -- although, I think that would be
11 valuable, too -- but I'm saying an inadequate
12 application; because those are the two standards:
13 Incomplete or inadequate.

14 Second, what I was saying is I do think
15 it's valuable, because what we did have this year is
16 a motion to approve two schools that said, for all
17 the reasons on the record, "Those will need to be
18 corrected. All the deficiencies that were
19 identified on the record will need to be correct in
20 their planning year," when it's -- it could be of
21 value -- and I just put it out there for the
22 Commission's consideration -- that if those
23 applicants had been given that opportunity prior to
24 the final determination to address those
25 deficiencies identified in the initial or

1 preliminary evaluation, and present that in writing
2 as a correction to the application, then the
3 Commission wouldn't be approving applications that
4 had deficiencies identified on the record; but,
5 instead, would have allowed the applicants the
6 opportunity to demonstrate their capacity to
7 understand the deficiencies, correct the
8 deficiencies, prior to approval, so that the
9 Commission didn't have questions about whether they
10 would be able to do that or not during the planning
11 year. That was what I was proposing.

12 Again, I don't know whether this
13 Commission is ready for that now; but I do want that
14 to be part of the Commission's thoughts.

15 THE CHAIR: Okay. Commissioners, what
16 about those paragraphs that the group yesterday
17 recommended for deletion?

18 COMMISSIONER ARMBRUSTER: Can I just ask
19 one question here? So CSD is still going to
20 evaluate them, like, they answered 14 percent of the
21 questions and they did all that? They're still
22 going to do that for us?

23 THE CHAIR: They're going to do what
24 they've always done. They're going to do what they
25 did last year. This change is not any of that.

1 COMMISSIONER ARMBRUSTER: All right.

2 THE CHAIR: Any concerns on those
3 paragraphs?

4 Then let's move on to the paragraph that
5 begins, "Capacity Interview." Any concerns there?

6 Let's move on to Page 4. The first
7 paragraph there is an explanation of scoring and so
8 forth.

9 Next is the "Community Input Hearing;"
10 again, some wordsmithing.

11 COMMISSIONER BERGMAN: Madam Chair, on
12 that very first paragraph, they had -- the "See Part
13 D" has been lined out; and we actually -- or the
14 consensus was that it should stay there.

15 THE CHAIR: Okay. Thank you. I missed
16 that. Do you see what he's talking about, Part D?

17 Then the "Community Input Hearing," down
18 to the paragraph that begins, "CSD Recommendation."
19 The second line of that, the latter part of that
20 line begins, "...and revised application package (if
21 applicable)." We removed that, since we're not
22 allowing rewrites.

23 Down to the "PEC Considerations," and
24 there's a list of six items there. The working
25 group yesterday recommended adding a seventh item,

1 which is "Scoring Rubric," and an eighth item,
2 something to the effect of, "Clarifying information
3 submitted according to announced deadlines."

4 Has anybody thought of better wording than
5 that?

6 COMMISSIONER GIPSON: I just wrote in,
7 "Any clarifying statements provided by announced
8 deadlines."

9 THE CHAIR: Essentially, the same, yeah.
10 Yours is probably a little shorter. That might be
11 better.

12 COMMISSIONER GIPSON: Yeah.

13 THE CHAIR: So would you read that again,
14 please?

15 COMMISSIONER GIPSON: Sure. It's, "Any
16 clarifying statements provided by announced
17 deadlines."

18 THE CHAIR: Do you like that one better?
19 It's a little shorter. Is that sufficient?

20 COMMISSIONER CHAVEZ: Uh-huh.

21 THE CHAIR: Then below that is how to
22 contact the Charter School Division with questions.

23 Moving to Page 5, the first item is, "The
24 kit is made up of the following..." -- should be
25 "four" parts, A, B, C, and D. We discussed Part E,

1 the scoring sheets, and none of us had ever seen
2 them. So we don't think they exist; and so we
3 shouldn't list them as parts of the package.

4 If you'll look down to Part C, you'll
5 notice that there is a sentence taken out in Part C
6 and then some wordsmithing below that.

7 Is everyone all right with that?

8 COMMISSIONER BERGMAN: Well, I made myself
9 a note that we were going to keep that.

10 THE CHAIR: Oh. And I made myself --
11 thank you. Yes, we decided to keep that to "...use
12 the rubrics to guide your responses."

13 I'm sorry; I misspoke. Is that all right
14 with everybody?

15 Okay. If that's okay, then let's move on
16 to Page 6. At the top of Page 6 is continuing the
17 information on the capacity interview. You'll
18 notice the -- in the second line, a sentence begins,
19 "All applicants receive the same 10 questions (two
20 follow-up questions permitted for each) and five
21 individualized questions which are created" for
22 your -- "...by your applicant reviewers in response
23 to their review of your application."

24 The discussion we had yesterday had to do
25 with the numbers, more of the individualized

1 questions, if that was enough, too much.

2 MS. POULOS: Madam Chair?

3 THE CHAIR: Yes.

4 MS. POULOS: I believe the session
5 yesterday was that the CSD look at Part D and bring
6 forth recommendations to the Commission, and that if
7 we were going to do that, that we would actually
8 have the sentence read, "All applicants receive the
9 same questions and individualized questions....," and
10 then continue on. And that way, we could bring
11 forth to you something for your consideration on how
12 many, what those questions are, and how that would
13 work.

14 THE CHAIR: And I believe we talked about
15 inserting a note of some kind that clarification
16 would be put in here, or explanation, or --

17 COMMISSIONER ARMBRUSTER: And I thought we
18 said -- because I probably said it -- up to some
19 number so that someone didn't say, "Well, you asked
20 him five questions, and you only asked me three"; so
21 it could say "up to..." --

22 THE CHAIR: Yes.

23 COMMISSIONER ARMBRUSTER: Does that make
24 sense?

25 THE CHAIR: So everyone is agreeable to

1 that particular part coming out and a note being put
2 in that that will be clarified and provided to
3 everyone later, as soon as it comes to the PEC for
4 approval.

5 Okay. Down in the "Summary" section, the
6 second bullet, the items that were -- the words that
7 were added were "...based on the location the school
8 seeks to locate." We thought that might be a little
9 clearer to say, "...based on the school district
10 where the school seeks to locate." And we had some
11 discussion about possibly citing the statute that
12 that -- where that information comes from.

13 Would you like for that statute to be
14 cited there?

15 MS. POULOS: Madam Chair, I think just for
16 clarification for us, was it that we wanted to use
17 that language and then cite the statute? Or
18 actually, to use the statutory language, which I
19 think was what I understood it to be. So I want to
20 make sure I'm clear.

21 COMMISSIONER GIPSON: I think at the end,
22 we decided the statutory language.

23 COMMISSIONER BERGMAN: My note said, "Use
24 statutory language."

25 THE CHAIR: Okay. Okay.

1 COMMISSIONER BERGMAN: That's what I
2 remember.

3 THE CHAIR: So the sentence comes out, and
4 the statute replaces it; is that correct?

5 MS. POULOS: Just -- I'm not sure we want
6 the statute to replace it. But the part that -- the
7 part that's relevant statutory language, we would
8 use. So I think it would still say, "Demonstrated
9 understanding of the population that the school is
10 likely to serve," comma, "based on..." -- and then
11 that's where the statutory language would be;
12 because they have very specific language, and I
13 think it's, "the community and school district in
14 which the school intends to be located," or
15 something similar there.

16 COMMISSIONER BERGMAN: I would agree with
17 that. I don't want to fall into that cut-and-paste
18 trap that some others fall into.

19 THE CHAIR: But we want to be as clear as
20 we can.

21 COMMISSIONER BERGMAN: Yeah.

22 THE CHAIR: All right. That is Page 6.
23 Let's go to Page 7. "Instructions and Timeframe
24 [sic]."

25 Yesterday, during the working session,

1 I -- I asked about this e-mail address, and I asked
2 if that is complete without a person's name. And
3 Katie explained that the way her staff is
4 functioning, there is a person responsible for
5 receiving those e-mails, logging them in and then
6 directing them to the correct staff member for
7 action. So that took care of my question there.

8 Any others? Okay.

9 Then let's move on to Page 8. Again, it's
10 a box. First box is "Deadline: Charter
11 Application." We recommended deletion of the note
12 in that first box; we thought it was not needed.

13 Down to the "Technical Assistance
14 Workshops."

15 COMMISSIONER BERGMAN: There's a change in
16 the date in this one.

17 THE CHAIR: Yeah.

18 COMMISSIONER BERGMAN: Okay, yeah.

19 THE CHAIR: Deadline of April 22nd?

20 COMMISSIONER BERGMAN: Yeah.

21 THE CHAIR: There's some --

22 COMMISSIONER BERGMAN: Wordsmithing.

23 THE CHAIR: -- wordsmithing. Good word.

24 If you will look on the line -- the box
25 that says "Administrative Review Period," we changed

1 that to "Technical Review Period." Again, if we're
2 not going to make it part of the CSD's
3 responsibility to verify that the application
4 package is complete, do we need this particular box?

5 COMMISSIONER BERGMAN: What I -- here
6 again, the note I did, we just struck that last line
7 about, "The administratively complete application
8 package must adhere to a page limitation."

9 For the benefit of Mr. Carr and Ms. Pogna,
10 it was suggested that we may want to set page
11 limitations on applications, 100 pages, 150, so we
12 don't get a 500- -- we had some fairly lengthy ones
13 in this last -- but we decided we wanted to talk
14 about that this year.

15 So be thinking about that. What is a
16 suit- -- if we make it too short, do we open
17 ourselves up to the applicants saying, "Well, you
18 kept us to 100 pages; so we weren't allowed to
19 explain our..." -- it just -- you know, it's just
20 theoretically for thought process.

21 So there's probably some number, at some
22 point, this Commission may want to impose on
23 applications.

24 COMMISSIONER ARMBRUSTER: I remember this
25 discussion. I'm sorry. I had a hard time sleeping

1 last night.

2 But I liked Carmie's comment yesterday,
3 which is, you know, the more -- it's sometimes like
4 the more you write, finally, you'll get some of the
5 right words in. And if you have to choose your
6 words, it can be succinct and say what you want it
7 to say.

8 I'm not suggesting ten pages here or
9 something; but I really thought about that and
10 thought, yeah, if you -- you should be able to say
11 it; and the fact that we're leaving out tons of
12 stuff that, you know, we're eliminating from the
13 application. And we can even make it a generous
14 100 -- 150, even -- pages this year, to see how it
15 looked, because they're not going to have to do as
16 much.

17 THE CHAIR: But I don't think we're -- I
18 don't think we decided we wanted to set a page
19 limit.

20 COMMISSIONER ARMBRUSTER: We didn't; but
21 I'm saying how I woke up.

22 THE CHAIR: I agree with your comments;
23 but I don't think we're ready to do that just yet.

24 MS. POULOS: Madam Chair, just to clarify,
25 I think you have said that we would strike that

1 whole box. I think Mr. Bergman was saying we're not
2 sure. And I -- again, CSD would advocate that we
3 would; because, again, CSD is not going to ask its
4 staff to do work that's not meaningful. And since
5 the administrative review will not be meaningful,
6 CSD would not engage in this work, because there
7 would be no consequence for an application that
8 wasn't technically complete.

9 THE CHAIR: Right. So I think the entire
10 box is struck.

11 The review period sets out the dates for
12 the review, June the 6th through June the 24th.
13 Then the capacity interview, June 27 to August the
14 8th, we did recommend changing the word "geographic"
15 in the second line to "school district."

16 COMMISSIONER BERGMAN: We removed
17 "community," I thought, and substituted "school
18 district."

19 COMMISSIONER GIPSON: We removed
20 "geographic."

21 THE CHAIR: Just "geographic" is all I
22 have.

23 COMMISSIONER GIPSON: Yeah. Because it is
24 still a community; because that's how we refer to --

25 COMMISSIONER BERGMAN: We would have to

1 have the Columbus hearing in Columbus.

2 COMMISSIONER GIPSON: No, no, no. Because
3 "district" --

4 COMMISSIONER BERGMAN: Where is the word
5 "district" there? I don't see it.

6 COMMISSIONER GIPSON: We just put it in
7 instead of "geographic," on the second line.

8 COMMISSIONER BERGMAN: For some reason, I
9 didn't make that note. Okay. So you changed that
10 to "district."

11 THE CHAIR: School district.

12 COMMISSIONER BERGMAN: "School district."
13 All right. Thank you.

14 THE CHAIR: The very last item is
15 "Preliminary" -- "Preliminary" --

16 COMMISSIONER BERGMAN: "Analysis."

17 THE CHAIR: I don't see that word.

18 COMMISSIONER BERGMAN: It's at the top of
19 the next page. It continues over to the next page.

20 THE CHAIR: Oh, okay. All right. And we
21 talked yesterday about adding to that. It currently
22 says, "The review team's preliminary analysis
23 provided to the applicant and the PEC and contains a
24 copy of the complete scored application, a copy of
25 the complete scored capacity interview, and a report

1 on the applicant's attendance at the required
2 technical assistance workshops."

3 Is that all right?

4 Okay. Then we go to Page 9.

5 MS. POULOS: Madam Chair?

6 COMMISSIONER GIPSON: Don't we have to
7 remove "revised application," the -- am I in the
8 right place?

9 THE CHAIR: What page are you on.

10 COMMISSIONER GIPSON: 9; it's your 9.

11 THE CHAIR: We just got to 9.

12 COMMISSIONER GIPSON: I thought you were
13 moving on to --

14 MS. POULOS: Madam Chair? Madam Chair?

15 THE CHAIR: Nine. If you'll note at the
16 top of 9, it completes the box heading for
17 "Preliminary Analysis" and dates that at July 18th.

18 MS. POULOS: I would ask that potentially,
19 on this substantive review period, we actually
20 change the dates on that to June 3rd through
21 August 1st.

22 THE CHAIR: Substantive review.

23 MS. POULOS: And I apologize. July 1st.

24 THE CHAIR: Say that again? July 1st?

25 MS. POULOS: Correct. So June 3rd through

1 July 1st.

2 THE CHAIR: June 3rd through July 1st.

3 MS. POULOS: And then the capacity
4 interview dates would be July 1st through July 8th,
5 I believe.

6 THE CHAIR: Everybody got this? Okay.

7 Continuing on with Page 9, "Public Hearing
8 to Obtain Community Input," the dates July 21st
9 through July 29. Is that still going to work with
10 the changed dates?

11 COMMISSIONER BERGMAN: That was incorrect.
12 The dates that we put on our schedule that we
13 approved is July 18th through July 22nd.

14 THE CHAIR: I had it marked. I just
15 didn't -- okay. July 18 --

16 COMMISSIONER BERGMAN: Through the 22nd.

17 THE CHAIR: -- through the 22nd. I had it
18 marked. I just didn't put in what it was.

19 Okay. Then the "Revised Application
20 Package," that entire box, is deleted.

21 "CSD Recommendations," August 15; is that
22 still correct?

23 "PEC Decision-Making," September -- pardon
24 me -- August 31st through September 1st.

25 Then added to the box about concerning the

1 CSD final recommendation, we added the wording of
2 what it shall contain. "In addition to the
3 recommendation, all documents and score sheets
4 included with the preliminary analysis, any changes
5 or edits to these documents since the preliminary
6 analysis was issued must be identified and rationale
7 provided for the change."

8 Okay so far?

9 COMMISSIONER GIPSON: Uh-huh.

10 THE CHAIR: Okay. Then on to Page 10,
11 which begins the "Glossary of Terms." You'll see
12 some wordsmithing on Page 10.

13 On to Page 11. If you will notice,
14 underneath the sample indicators, "Instructional
15 Hours. Please notice there that, "As more
16 clarification has been given, hours in which regular
17 students are in school, in-school directed
18 instruction programs, exclusive of lunch and
19 breaks." I think that's an issue we've dealt with
20 before.

21 Anything else on that page?

22 Page 12? Remember this is Glossary of
23 Terms? Notice that an item is added to define
24 "Plan." The definition of "Policy" has been
25 expanded somewhat to be more inclusive, and the same

1 with "Procedure."

2 Moving on to Page 13, the first item is
3 "Scope and Sequence." And that's recommended for
4 removal.

5 Katie, would you like to speak to that
6 "Scope and Sequence"?

7 MS. POULOS: And I think this goes to a
8 bigger piece, which was a conversation where the
9 Commission indicated that they might actually ask
10 that CSD, after today, once this Commission has
11 voted on any changes, ensure that the definitions
12 that are included need to be, as in they're still
13 relevant to this application, and identify any
14 additional terms that may need to be defined that
15 maybe haven't been defined.

16 That one, we believe does -- based on the
17 recommendation later in the application, potentially
18 could be removed, depending on the Commission's
19 decision today. And so I think that goes to that
20 bigger issue of potentially cleaning the glossary up
21 a little bit more after the Commission has made its
22 decision today.

23 THE CHAIR: Thank you. Down at the
24 bottom, under "State and Federal Accountability
25 Systems," we're recommending that the last

1 paragraph, "The following performance indicator..., "
2 blah, blah, be deleted and that the box below that
3 be deleted. We thought that that was information
4 that had more to do with -- that really was not so
5 applicable to the application. Okay?

6 And then the next, Page 14 -- the rest of
7 that box is at the top of Page 14, and we recommend
8 that be deleted, as well, just completing the
9 deletion of that box.

10 COMMISSIONER BERGMAN: Did we decide to
11 remove that last sentence, or did we decide to leave
12 that sentence?

13 THE CHAIR: The "Understanding...?"

14 COMMISSIONER ARMBRUSTER: "Understanding."

15 THE CHAIR: I have it still there.

16 COMMISSIONER BERGMAN: Okay, okay.

17 COMMISSIONER ARMBRUSTER: Then you have it
18 moved over to the other --

19 THE CHAIR: I'm sorry?

20 COMMISSIONER ARMBRUSTER: After the
21 "Grading Systems"? Didn't we move, "Understanding
22 that the State's A to F grading system was
23 critical..., " blah, blah, blah, over to the --

24 THE CHAIR: Well, it will, when that other
25 is deleted.

1 Okay. The next section is Part B, and it
2 has -- it's the "Executive Summary" section. And
3 other than some wordsmithing -- and we did -- on the
4 second bullet, under "Executive Summary," we
5 replaced the word "targeted" with "anticipated
6 students," to make it match the first bullet, using
7 the word "anticipated students."

8 MS. POULOS: Madam Chair, I think the
9 other discussion was on that geographical issue.
10 And, again, we had the discussion to replace that
11 with the statutory language.

12 THE CHAIR: Which bullet are you looking
13 at?

14 MS. POULOS: On the first bullet.

15 COMMISSIONER BERGMAN: Right here.
16 (Indicates.)

17 THE CHAIR: First bullet? Okay.

18 COMMISSIONER BERGMAN: The word
19 "geographical" is there.

20 THE CHAIR: Okay. I don't have that
21 marked.

22 COMMISSIONER BERGMAN: Oh. And I see the
23 word "targeted" there. I think that needs to be
24 changed, too.

25 THE CHAIR: Is that the second bullet?

1 COMMISSIONER BERGMAN: No, it's in the
2 first bullet.

3 THE CHAIR: Right. That's "geographic
4 area." The other was talking about students.

5 COMMISSIONER BERGMAN: Okay.

6 THE CHAIR: So, Katie, are you proposing
7 to add the --

8 MS. POULOS: I believe that was the
9 discussion yesterday was that when it said
10 "geographic area," instead of stating that, we would
11 use the statutory language that states, "community
12 and school district."

13 COMMISSIONER BERGMAN: Okay.

14 MS. POULOS: I believe we kind of came to
15 that point.

16 COMMISSIONER BERGMAN: "Community and
17 school district."

18 MS. POULOS: Don't quote me on that
19 exactly. I would go to the statute and cut and
20 paste that piece.

21 THE CHAIR: Okay. That's fine. Okay.

22 Then the next section is Section 3, Part
23 C. I'll learn to talk tomorrow.

24 It begins with the page for School
25 Information, Contact Information; no changes on that

1 page.

2 The next page begins an Index. No change
3 there.

4 So we're looking at Page 3 --

5 MS. POULOS: Madam Chair?

6 THE CHAIR: -- of Part C?

7 MS. POULOS: Just for clarification, on
8 the Index, while there are no changes marked, we
9 would probably actually absolutely need to update
10 page numbers; so just to be clear that that would
11 align with the application.

12 THE CHAIR: Right. That, to my mind, is
13 just normal stuff.

14 I'm looking at Page 3 of Part C, under the
15 "Directions." The very -- next to the last line in
16 that paragraph, we recommend deleting the word
17 "proposal," "in your proposed charter school
18 proposal," just for ease to read. So take out
19 "proposal."

20 Then in the note below that, we are
21 recommending it stays, because we are -- those
22 questions are weighted. Those items in the
23 application are weighted, and we think it's
24 important that that note stay there concerning that,
25 okay?

1 Next page, on Page 4, Item C is
2 "Indicators." You'll see some wordsmithing there.
3 Almost in the middle of the page is a paragraph that
4 begins, "For instance, if a school's mission
5 focuses... ." The very last line of that, talking
6 about, "Indicators and goals are monitored on an
7 annual basis," then the words, "and then potentially
8 revised yearly," have been struck out.

9 We recommend those remain. We think
10 they're important, that the goals/indicators could
11 potentially be revised yearly.

12 That was the only recommendation we had on
13 that page, okay?

14 Page 5.

15 COMMISSIONER ARMBRUSTER: Madam Chair,
16 this is just a grammatical thing. Could we leave
17 out the word "then" and just leave -- somehow it
18 just bothers me.

19 COMMISSIONER BERGMAN: She wants to leave
20 out the word "then." Where is the word "then"?

21 COMMISSIONER ARMBRUSTER: "These
22 indicators," slash, "goals are monitored on an
23 annual basis... ." And what you have is, "...and
24 then potentially revised yearly."

25 I would just say, "Indicators/goals are

1 monitored on an annual basis and potentially
2 revised," because it --

3 THE CHAIR: So delete the word "then."

4 COMMISSIONER ARMBRUSTER: I was just going
5 to leave the word "then," but I don't think that
6 changed what the intent was.

7 THE CHAIR: No, I don't think so. Is
8 everybody all right?

9 All right. On Page 5, if you will look at
10 the box in approximately the middle of the page,
11 "Curriculum," the very last sentence in that gray
12 box says, "If approved, the PEC requires: Currently,
13 it requires one semester of curriculum to be fully
14 completed by the charter school during the planning
15 year," blah, blah, blah.

16 There was discussion if that was enough.
17 There was some discussion, should we require a full
18 year's curriculum to be fully completed by the
19 charter school during the planning year. It was
20 brought up that during the planning year, the school
21 has no funding, probably does not have staff, and
22 that this curriculum perhaps is being put together
23 by the head administrator -- or reduced staff, at
24 any rate -- and to ask for a full year's academic
25 curriculum might be unreasonable.

1 There was also discussion if we leave it
2 at a semester's curriculum, then to require a time
3 line be provided for development of the remaining
4 parts of the curriculum to make up the full academic
5 year.

6 And that was left to this group to decide
7 today.

8 COMMISSIONER CARR: I have a question.

9 THE CHAIR: Commissioner Carr?

10 COMMISSIONER CARR: So we're taking out --
11 I guess I'm confused as to why we took out -- it
12 says, "The proposed curriculum must be
13 research-based..." -- there's some pretty nice words
14 you took out. "Clear, comprehensive, cohesive," and
15 the most important one being "innovative," which
16 is -- which is a base need.

17 THE CHAIR: Let's ask Katie to respond to
18 that.

19 MS. POULOS: Madam Chair, Commissioners,
20 Commissioner Carr, I think that the reality is
21 while -- this goes to kind of, I think, Commissioner
22 Gipson's comment yesterday, which is we don't want
23 to see innovative budgeting.

24 I think here, my thought was when it comes
25 to the basics -- and this is really the basics of

1 what are your kids going to learn, not how they're
2 going to learn it -- that's where we see more of the
3 innovation. But the reality is they need to learn
4 the New Mexico State Standards, and then they need
5 to use, you know, the Common Core State Standards,
6 as adopted by New Mexico.

7 And so, really, I think that's kind of
8 where we were looking at trying to get away from
9 some of the problems we've seen on, "Our students
10 will write the curriculum by themselves as the year
11 goes on."

12 And some of those problems, where some of
13 the innovation comes in later in how the different
14 programs delivered, what the educational philosophy
15 is; so some of those pieces, I think, is where it's
16 more appropriate.

17 I do think on the "clear, comprehensive,
18 and cohesive," again, that was kind of -- in my
19 mind, part of these proposed changes are to take
20 away some of the things that we thought from the
21 Commissioners' comments were too much, too early,
22 and to leave this at the curriculum -- a curriculum
23 description. And potentially, those words should
24 stay in.

25 I'm not saying they shouldn't; but we were

1 trying to get more away from they have to give us
2 the curriculum as part of the new application and,
3 instead, are able to describe it and provide a plan
4 for how and when it will be developed. And I think
5 just to kind of piggyback -- and additionally, one
6 thing that isn't marked here would be right
7 underneath that, where it would say, "or time line,"
8 it would actually say, probably, "Description of and
9 Time Line for Development Process."

10 COMMISSIONER CARR: Okay, that makes sense
11 to me.

12 THE CHAIR: Any further questions?

13 All right. How do we want to word this?
14 As Katie just suggested, that's another option to
15 leave it as a semester's curriculum but with a
16 description and time line for a development of the
17 remainder of the academic year. Do we want to
18 change it to a full academic year? What's your
19 pleasure?

20 COMMISSIONER BERGMAN: Actually, if you'll
21 look at the -- she added some sentences just above
22 that. I think it says, "They must identify a time
23 line and a plan for the development of the entire
24 proposed curriculum."

25 So I think that answers that question,

1 doesn't it --

2 THE CHAIR: Perhaps --

3 COMMISSIONER BERGMAN: -- if you leave
4 that language in there.

5 MS. POULOS: And I think where I was
6 saying that I had not fully done what needed to be
7 done here is underneath the box, kind of the prompt
8 piece, it would say, instead of just, "Curriculum
9 Instructional Program, Student Performance Standards
10 or Time Line," it would say, "Description of
11 Curriculum and Time Line for Development Process."

12 THE CHAIR: Okay.

13 COMMISSIONER BERGMAN: Say that again.
14 "Description of..."?

15 MS. POULOS: I would just put,
16 "Description of" out front, "...and Development
17 Process." And I think, for me, the important thing
18 there is it would -- the prompt would align with
19 what that box says the prompt is.

20 THE CHAIR: Right. Okay. Is that
21 amenable to everyone?

22 COMMISSIONER CARR: Uh-huh.

23 COMMISSIONER GIPSON: Uh-huh.

24 THE CHAIR: Okay. Then let's move on to
25 Page 6. I will tell you, we had some pretty good

1 discussions on why some of these boxes are deleted
2 and came to the conclusion that this information may
3 be redundant; it's contained elsewhere. So that
4 was -- that was why we agreed to these proposed
5 changes on Page 6 and some of the other pages.

6 Anything else?

7 All right. Let's go on to Page 7. I
8 questioned the deletion of boxes G.(1)(d) through
9 G.(3)(e). And the consensus was these boxes really
10 asked for too much, too early. So -- and you're
11 right. We got pretty stock answers on a lot of
12 this. On staffing needs, you know, we'll contract
13 that, and so forth. So we agreed to delete those
14 items, okay?

15 Then on Page 8, we disagreed with none of
16 the changes.

17 Page 9 begins the "Organization." If you
18 will look down in the "Governing Body Training and
19 Evaluation" -- oh, I'm sorry. The box just above
20 that, "Selection of Members," the entire last line
21 is recommended for deletion. Some of it got left
22 just as an oversight; but the entire line should be
23 deleted.

24 Then in "Governing Body Training and
25 Evaluation," recommended for deletion are the words,

1 "including the Open Meetings Act."

2 And Katie explained that there is some
3 confusion what that means. Would you like to give
4 us a short rundown of that?

5 MS. POULOS: Certainly, Commissioners. It
6 was unclear to us why that -- that particular
7 training was highlighted. And so my thought was we
8 weren't actually saying that's a training that they
9 have to have; but, rather, that they had to write a
10 plan and, with clarity, demonstrate that their plan
11 for training wouldn't result in a violation of the
12 Open Meetings Act; because, for example, all of the
13 governing board members were at the same training
14 and happened to talk about business, so they had a
15 quorum that could violate the Open Meetings Act.

16 So that was the lack of clarity there.
17 And so if it was just to identify that that training
18 needed to be part of their plan, I think we know
19 that already. That's pretty important. And so I
20 didn't think that it was important to call that one
21 out over the others. And if it was that we did want
22 an assurance that the plan that they had for
23 training their board members wouldn't result in an
24 Open Meetings Act violation, we probably needed to
25 state that with clarity.

1 MS. ROUBIDOUX: May I comment?

2 THE CHAIR: Please do.

3 MS. ROUBIDOUX: I think -- Madam
4 Chairman, members of the PEC, it's not really clear
5 to me what is intended here; but I think -- by the
6 change. But I think it is important that governing
7 bodies be trained on the Open Meetings Act, because
8 their actions must be -- you know, any actions they
9 take must be done in compliance with the Open
10 Meetings Act. So I'm not clear what this change is
11 intended.

12 MS. POULOS: Again, the change is just
13 intended to -- so not to eliminate the need to do
14 that. But I will tell you that the answers that we
15 got all simply said this: "we will use the
16 Coalition's training to ensure we meet the five
17 hours, and that it will include Open Meetings Act
18 training."

19 So it wasn't providing us anything
20 substantial or that demonstrated capacity. It
21 became very pro forma. And that's why we don't
22 believe that it's really important.

23 We, really, I think, want to see this --
24 the applicants be more thoughtful about what is
25 actually your plan for training new governing board

1 members, continuing governing board members, to
2 ensure that they are also in a cycle of continuous
3 improvement, but also meeting their basic training
4 needs at first.

5 MS. ROUBIDOUX: May I?

6 THE CHAIR: Please.

7 MS. ROUBIDOUX: Madam Chairman, members of
8 the Commission, I guess as a person who's reading
9 this, without all of this other -- you know,
10 contracts and statements should be clear to folks
11 who are reading them, without having all sorts of
12 underlying background.

13 When I look at this, it looked to me like
14 governing board members would no longer be required
15 to have Open Meetings Act training. And if there's
16 an indication that that's what a -- a school could
17 read from this language, I would argue -- I would
18 recommend that that language, including the Open
19 Meetings Act, not be deleted from that sentence.

20 COMMISSIONER ARMBRUSTER: Is it important
21 for it to be in the application? Or is it just
22 important that they do it in the first year of
23 planning, or the -- where they go to all those
24 sessions with CSD?

25 MS. POULOS: Madam Chairwoman and

1 Commissioners, the reality is it's not actually a
2 current requirement, certainly, not in statute. I
3 don't believe the rule requires it, either.

4 This was, again, a lack of clarity on what
5 was being requested in the application as to a --
6 "provide a clear" -- "ongoing, clear, comprehensive,
7 and cohesive plan for governing body training that
8 complies with requirements, including the Open
9 Meetings Act," made it unclear; because that is not
10 a required training in statute, in the contract, or
11 in rule.

12 And so how it was being read is their plan
13 needed to ensure Open Meeting compliance, again,
14 that there would be no violations of the Open
15 Meetings Act when they did their training by having
16 a full quorum there and discussing business.

17 So, again, I think we need clarity on what
18 that -- that is looking for; because the Open
19 Meetings Act is not a written requirement in
20 anything right now.

21 MS. ROUBIDOUX: Well, as a representative
22 from the Office of the Attorney General, who is
23 responsible for enforcing the Open Meetings Act, I
24 think I do have a little bit more experience with
25 which to describe what the Open Meetings Act

1 requires. And I, personally, see, or,
2 professionally, see no downside to requiring that
3 governing board members undergo Open Meetings Act
4 training.

5 MS. POULOS: And I'm simply saying it's
6 not a requirement right now. So having it written
7 like this in the application is a misnomer. It is
8 inaccurate, because that is not currently a training
9 requirement, either in statute, in rule, or in a
10 contract for charter schools.

11 MS. ROUBIDOUX: Well, you are correct,
12 that there is no requirement that anybody undergo
13 Open Meetings Act training. As a practical matter,
14 though, this is how public bodies understand their
15 obligations under the Open Meetings Act, is to make
16 themselves take advantage of -- the Office of the
17 Attorney General frequently provides free training
18 in Open Meetings Act.

19 So I just -- I would -- ultimately, it's
20 the Commission's decision; but as I've stated
21 previously, I see absolutely no downside whatsoever
22 to requiring that the governing body of a charter
23 school annually undergo Open Meetings Act training.

24 THE CHAIR: It would seem to me -- I don't
25 know that necessarily, we're requiring that they

1 undergo the training; simply by asking them to
2 include it in their plan for governance body
3 training. But I do think it might -- by leaving
4 Open Meetings Act in there, it does stress how
5 important this Commission thinks that training is;
6 because, frankly, we do have lots of schools who get
7 in trouble because they violate the Open Meetings
8 Act and are not even aware of it.

9 So perhaps it would be better to leave it
10 in there and simply be sure that your training,
11 Katie, covers what is required by law, but what is
12 smart to do. So I would like to see us leave it in
13 there. Carmie?

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 absolutely agree with our legal counsel here.
16 Having spent too many years involved in -- on public
17 boards and Commissions, I think it needs to be in
18 there; because, as you say, Madam Chair, we get more
19 complaints on the violation of the Open Meetings Act
20 than we do any other complaints that come through to
21 us.

22 And I think from the very beginning, from
23 day one, governance councils, as they are set up and
24 move forward in their school, need to understand
25 that they are responsible to the public, that they

1 are part of a public school. And I've seen too many
2 of them, especially some of the older ones, that
3 started in -- when it was a lot looser on what they
4 did, who still don't have that concept that they are
5 a public body.

6 And I think it -- I'd like to leave it
7 there, because I think that needs to be stressed
8 from the very first day.

9 MS. POULOS: Madam Chairwoman,
10 Commissioners, could I recommend -- so it would now
11 read, "Governing body training that complies with
12 State requirements," comma, "meets your governing
13 body training needs," comma, "and includes training
14 on the Open Meetings Act," to provide that clarity.

15 Again, I don't disagree that it's a good
16 thing and that we should require it. I just
17 disagree that it's currently required. I think if
18 we were to write it that way, it would make it much
19 more clear on what we're asking the applicants to
20 do.

21 THE CHAIR: Is that all right with
22 everybody?

23 COMMISSIONER BERGMAN: Can you read it one
24 more time?

25 MS. POULOS: So after "...meets your

1 governing body training needs," comma, "and includes
2 training on the Open Meetings Act."

3 THE CHAIR: Okay. All right. Everything
4 else on that page is being recommended.

5 Everything on Page 10 is being
6 recommended, as it's written.

7 Page 11, I will -- let's go back to
8 Page 10, because Page 11 actually starts on the
9 bottom of Page 10. D.(3)(a) is being recommended
10 for removal in its entirety by the work group
11 yesterday, and to keep D.(3)(b).

12 MS. POULOS: Madam Chair, can I correct
13 that? Because I think what we agreed on yesterday
14 was (a) would retain -- would remain, and the piece
15 of (b) that said that aligns with the budget would
16 be incorporated into (a).

17 THE CHAIR: I have, "Remove the first one
18 and keep the second one."

19 Does anybody have anything different?

20 COMMISSIONER GIPSON: I don't have,
21 "Remove the first one."

22 COMMISSIONER BERGMAN: I made no notes
23 there.

24 THE CHAIR: So, Katie, say that again.

25 MS. POULOS: (a) would remain. The reason

1 (b) was being recommended for renewal was the two
2 were redundant, except that (b) said, "that aligns
3 with the budget."

4 So what we would do is keep (a) and add to
5 it the piece about clearly aligning with the budget.
6 And so it would say, "Provide a clear,
7 comprehensive, and cohesive staffing plan that
8 demonstrates an understanding of the proposed
9 school's staffing needs... ." I would say there,
10 "...and is reasonable and adequate to support
11 reasonable and effective and timely implementation
12 of the academic program curriculum..." -- and you
13 actually see that is included next -- "...and is
14 aligned with the budget and projected enrollment."

15 So that already incorporates the section
16 from (b) that was relevant and gives the Commission
17 the most information.

18 THE CHAIR: Is that okay? All right.
19 That was the only discussion we had on Page 11.

20 Page 12, there were no recommended
21 exceptions.

22 COMMISSIONER BERGMAN: And I might note
23 that there were a lot of boxes removed. And it was
24 that same thought process, that it was too much, too
25 soon, too early, for the applicants to --

1 THE CHAIR: Or redundant.

2 COMMISSIONER BERGMAN: Or redundant, yeah.

3 THE CHAIR: Okay. Page 13, down to the
4 section on "Waivers," we talked about this a great
5 deal, I think. Remember, there are nondiscretionary
6 waivers -- that's what these first ones are. The
7 second list on the top of Page 14, the citation is
8 to discretionary waivers that have to be requested
9 and may or may not be approved by the Secretary.

10 The first list are the waivers that must
11 be granted.

12 Now, my -- my question was, I was just
13 sure that I had read that there was to be a
14 discussion of how the waiver would support the
15 school's plan. Katie says there has been
16 legislation that says we should not even be asking
17 about these nondiscretionary waivers.

18 MS. POULOS: Madam Chair, can I clarify
19 that?

20 THE CHAIR: Did I say that right?

21 MS. POULOS: No, that's not correct. So
22 the -- the legislation regarding the application
23 requirements does, as we read to you, require a
24 description of how they'll use them. What I was
25 informing you on the nondiscretionary side is not a

1 change in legislation, but a change in practice,
2 where the PED is not asking for them to provide that
3 description, but, rather, simply asking for notice
4 that they're being used.

5 But so we, I think, ultimately ended here
6 with because the statutory language about new
7 applications requires the description, that that
8 would continue, because that is a requirement for
9 the new application. And that's 22-8B-8.

10 COMMISSIONER GIPSON: It took us a long
11 time to get there; but that's ultimately -- yes.

12 COMMISSIONER BERGMAN: And Mr. Carr might
13 be informed by this. What we finally decided, based
14 on her explanation, was a school can have a class
15 load of any class load they want, under that new
16 interpretation.

17 COMMISSIONER CARR: Right, right.

18 COMMISSIONER BERGMAN: So the statute says
19 you can only have 23 or 24, to me, at least charter
20 schools now --

21 MS. POULOS: There is an automatic waiver
22 of those requirements.

23 THE CHAIR: However, I think what you just
24 said is that we still may ask for a description of
25 how the waiver will support the school's plan.

1 MS. POULOS: Absolutely. Not even "may,"
2 but I believe --

3 THE CHAIR: Should.

4 MS. POULOS: -- "should," because of the
5 statute.

6 THE CHAIR: So this section needs to stay
7 in here --

8 MS. POULOS: Absolutely.

9 THE CHAIR: -- simply so we can have those
10 descriptions and understand which nondiscretionary
11 waivers they're asking for.

12 MS. POULOS: And then K.(2) is recommended
13 for removal, because this is the PEC's application,
14 and you're not doing district authorization. So
15 that's why K.(2) was recommended for removal.

16 COMMISSIONER CARR: And -- Madam Chair,
17 I'm getting tired, I guess. The -- and most charter
18 schools want lower class size.

19 THE CHAIR: Right.

20 COMMISSIONER CARR: And that's the way --

21 THE CHAIR: Not all of them, not all the
22 of them.

23 COMMISSIONER CARR: Not all of them, yes;
24 but most of them have been in the past. And it
25 was -- and somehow it was always my understanding

1 that that was what that waiver was all about, that
2 they wanted -- maybe, "Hey, we've got some schools
3 that want ten kids per class," or something of that
4 sort. And they had to describe how they're going to
5 utilize that.

6 If they're going to have a lecture class
7 with 150 students in a room this size, I would like
8 to have that explained as to how that is a great
9 part of their application. But it sounds like we
10 can't deny it based on that.

11 THE CHAIR: No, we never have been able
12 to. But we can at least ask for a description and
13 utilize that, I would think; and certainly, our
14 questions and -- you're right. Can we use that in
15 our decision to deny or approve?

16 COMMISSIONER CARR: And here is the other
17 thing is, we can't -- the rules in regards to
18 charter schools cannot be -- cannot be contrary to
19 State law.

20 MS. POULOS: And what we're discussing
21 here, again, is not even a recommendation to a
22 change to the application. I just want to be clear
23 on that, is I think the Commissioners didn't have
24 the clarity on the nondiscretionary waivers that are
25 included in 22-8B-5C.

1 COMMISSIONER CARR: Right.

2 MS. POULOS: And that that meant those
3 were nondiscretionary, that at that point, there is
4 no discretion to say, "No, you cannot waive that
5 section."

6 And those are laid out and do include
7 teaching loads and individual class loads.

8 THE CHAIR: But the question was, of
9 course, we have no say about the waiver itself. But
10 what about the description of how that waiver will
11 support the school's plan? What if we don't think
12 that is adequate?

13 MS. POULOS: Well, again, that goes to the
14 standards that the Commission has set on what is
15 adequate and what is inadequate. You don't have
16 the -- you don't have the criteria here, because,
17 again, we took it out for purposes of the
18 discussion, I think, one of the things we'll have to
19 talk about is the need to bring that criteria back
20 to ensure the Commission is comfortable with it.

21 We wouldn't, I don't think, make any -- I
22 don't anticipate we would recommend any substantial
23 changes to that, but some cleanup. But I believe
24 the criteria on this one, my understanding is they
25 either did or didn't provide a description; not that

1 you think it's a good one or not, but that it's
2 there or not.

3 THE CHAIR: So that's a matter for the
4 Commission to decide at some point. Okay.

5 COMMISSIONER CARR: All right.

6 THE CHAIR: So are we okay on
7 nondiscretionary waivers and discretionary waivers?

8 Okay. Then on Page 14, no discussion --
9 no changes were asked for.

10 Page 15 begins "Finance." No changes.

11 Page 16, we didn't recommend any changes.

12 Page 17, "Evidence of Support." The work
13 group didn't suggest any changes.

14 Please notice Item E, Letters of Support,
15 has been deleted. I suppose they could still hand
16 some in, if they wanted to; but, you know, really,
17 letters of support, it's like a letter of
18 recommendation for somebody looking for a job.
19 They're all going to say good things.

20 (The Chair consults with counsel.)

21 COMMISSIONER BERGMAN: Madam Chair?

22 THE CHAIR: Yes.

23 COMMISSIONER BERGMAN: I just noticed
24 something in C, under "Community Relationships,"
25 right at the very bottom, there is still language

1 there that says, "Letters detailing support
2 commitments." If we're going to eliminate that
3 above, we should probably eliminate that.

4 Katie, I thought we did eliminate
5 somewhere "Letters of Support." Is that okay to
6 remove that?

7 MS. POULOS: I think that's fine,
8 Commissioner.

9 THE CHAIR: Okay. Page 18 is the list of
10 appendices and attachments. The only thing that we
11 propose to change was H, concerning contract
12 agreement with partners. We propose to put the
13 words, "If applicable," comma, "proposed contract
14 offer agreement with partner or contractor," so that
15 it -- no one would be confused and think they all
16 had to do that.

17 MS. POULOS: Madam Chair?

18 THE CHAIR: Yes.

19 MS. POULOS: I think this was another area
20 where the discussion yesterday reflected that you
21 would want CSD to ensure that this is fully cleaned
22 up, that all of this is still relevant and nothing
23 is missing.

24 THE CHAIR: Then we also, of course,
25 suggested both L's be deleted. They speak to -- the

1 first L is a "Proposed Salary Schedule," and the
2 second is "Letters of Support."

3 Okay. And that is it. And we already
4 approved the Notice of Intent, and we approved the
5 Planning Year Checklist. So this is the complete
6 application.

7 MS. POULOS: Madam Chairwoman, actually,
8 to that point, I think there is a couple of other
9 pieces that are missing. Those are those budget
10 pieces.

11 I don't know if you'd like us to bring
12 those forward to you just -- again, just to make
13 sure those are the ones you want to move forward
14 with. The SEG and five-year budget plan worksheets
15 are not included in these materials. And that was
16 just an area we hadn't gotten to review.

17 And I don't know if you would want us to
18 bring forward those, because I do believe there were
19 some problems with those this past year, and I think
20 we want to ensure that there are no problems with
21 those worksheets this --

22 THE CHAIR: Are you talking about the 910
23 B5's?

24 MS. POULOS: The 910B5 -- let me check.
25 But I think there's two budget worksheets.

1 THE CHAIR: There's 910B5 and the
2 five-year budget plan itself.

3 MS. POULOS: We want to make sure that's
4 up-to-date and accurate and make sure that's the one
5 you want to adopt.

6 THE CHAIR: The one we've been using,
7 yeah. Yeah, definitely.

8 MS. POULOS: So would you want us to bring
9 that forward to, again, make sure that's the one you
10 want to be included in the application?

11 THE CHAIR: Do we need to look at it if
12 there are no proposed changes?

13 MS. POULOS: I'm not saying there aren't.
14 I'm saying at this point, we haven't even looked at
15 it. I want to make sure it's looked at.

16 THE CHAIR: Then, yes, you probably should
17 bring it forward.

18 COMMISSIONER CARR: Madam Chair, I hate to
19 go back. But I was wondering why -- why did we take
20 out the referral salary schedule for licensed staff?

21 MS. POULOS: That was another one where it
22 wasn't demonstrating any capacity. All we got was
23 cut-and-pastes. And so we had that discussion
24 yesterday, because we weren't getting anything.

25 COMMISSIONER CARR: Oh.

1 MS. POULOS: We weren't getting anything
2 from the applicants, other than a cut-and-paste from
3 statute, regs, wherever it was; so it wasn't
4 providing any valuable information.

5 COMMISSIONER CARR: Okay. Got you.

6 THE CHAIR: Any other comments? Concerns?
7 Questions?

8 If you're ready, we need a motion to
9 approve.

10 COMMISSIONER BERGMAN: Madam Chair, I want
11 to discuss that before we get to that point. The
12 two proposed motions here both contain language that
13 says, "We direct CSD to present evaluation
14 criteria." That language is in both. We have not
15 discussed that yet, to my knowledge.

16 MS. POULOS: Well, I think that came very
17 quick -- the discussion I just had, which is that
18 hasn't been there. So what we would do is then put
19 it back in.

20 (Commissioner Carr leaves meeting.)

21 MS. POULOS: Put those rubrics back in;
22 right? Because they were taken out for purposes of
23 discussion, not so we could focus on the questions,
24 and that we would make sure that any -- any of your
25 changes were reflected in those. It wouldn't be --

1 COMMISSIONER BERGMAN: We're not changing
2 the current rubrics.

3 MS. POULOS: No, except to clean them up;
4 because I think there is one where it didn't -- I
5 recall specifically it did not align. It was a
6 cut-and-paste from another rubric. It aligned with
7 another question, not the one being asked. So we
8 would again totally reflect any of those. It
9 wouldn't be changes; it would be cleanup to make
10 sure it aligns with the questions you've approved.

11 COMMISSIONER BERGMAN: The one statement I
12 would make to that is that anything you do change --

13 MS. POULOS: Would be tracked changes.

14 COMMISSIONER BERGMAN: -- please highlight
15 it, so we can tell. I want the original language
16 and what you propose.

17 MS. POULOS: It would be tracked
18 languages, so you could see that.

19 COMMISSIONER BERGMAN: Thank you for that.

20 THE CHAIR: Let's change "criteria" to
21 "rubric." And I think we'll all know what that
22 means. "Rubrics."

23 I'm not sure, on the proposed motion, why
24 then present it at the next meeting?

25 MS. POULOS: I would feel comfortable

1 presenting it at the next meeting so that you had
2 the chance to review it and ensure that it
3 accurately reflected all of the discussion today.

4 COMMISSIONER BERGMAN: So you'd be
5 proposing that we vote on it the next, February,
6 meeting?

7 MS. POULOS: I think --

8 COMMISSIONER BERGMAN: Or we vote today?

9 MS. POULOS: The final. I think today,
10 you would vote to adopt --

11 COMMISSIONER BERGMAN: So you could put it
12 on the website. See, we wait till February, it's
13 not going to be on the website. The old one is
14 already there.

15 MS. POULOS: Right. And I think we're
16 meeting with those applicants. We're informing
17 them. I do think it's important for the Commission
18 to have the whole thing to ensure it reflects the
19 discussion today, with the rubrics in there, to
20 ensure that they're comfortable with those and the
21 whole package, ready to go.

22 COMMISSIONER BERGMAN: I was going to
23 request that, anyway. I always like to see the new
24 document and compare it to the old document. So
25 thank you.

1 THE CHAIR: Are you ready to make that
2 motion?

3 COMMISSIONER BERGMAN: Do you want me to
4 make that motion?

5 THE CHAIR: It's the second one.

6 COMMISSIONER BERGMAN: Do we want to do
7 the second one or the first one?

8 MS. POULOS: The second one is intended to
9 address that there were changes discussed on the
10 record.

11 COMMISSIONER BERGMAN: Okay. Madam Chair,
12 I would move that the Public Education Commission
13 adopt the proposed new application process and
14 prompt revisions presented both in today's materials
15 and yesterday's work session, with the changes
16 discussed on the record today, and direct CSD to
17 present evaluation rubrics and a complete
18 application package to the PEC at the next meeting,
19 which would be the February meeting.

20 THE CHAIR: We actually didn't make any
21 changes yesterday.

22 COMMISSIONER BERGMAN: Yeah, I implied we
23 made changes -- I'll read it again. I withdraw --
24 do we have to have a vote if I withdraw that? There
25 was no second.

1 MS. ROUBIDOUX: Just withdraw it, yeah.

2 COMMISSIONER BERGMAN: Let me read it
3 again. Okay.

4 I move to adopt the proposed new
5 application process and prompt revisions presented
6 in today's materials, with the changes discussed on
7 the record today, and direct CSD to present
8 evaluation rubrics and a complete application
9 package to the PEC at the next meeting in February.

10 THE CHAIR: You've heard the motion. Do
11 we have a second?

12 COMMISSIONER GIPSON: Second.

13 THE CHAIR: Second by Commissioner Gipson.
14 Further discussion?

15 Hearing none, please let the record
16 reflect that Commissioner Carr has left the meeting.

17 May we have a roll-call vote?

18 Commissioner Bergman.

19 COMMISSIONER BERGMAN: Commissioner
20 Ambruster?

21 COMMISSIONER ARMBRUSTER: Yes.

22 COMMISSIONER BERGMAN: Commissioner Pogna?

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Bergman votes "Yes."

1 Commissioner Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Gipson?

5 COMMISSIONER GIPSON: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Conyers?

8 COMMISSIONER CONYERS: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Toulouse?

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Chavez?

14 COMMISSIONER CHAVEZ: Yes.

15 COMMISSIONER BERGMAN: Madam Chair, that

16 is an eight-to-zero vote in favor of that motion.

17 THE CHAIR: Thank you. The motion passes

18 unanimously.

19 Ladies and gentlemen, we only have a

20 couple of items left. Do you want to go ahead and

21 complete, before we topple over?

22 All right. We have completed 11, 12, 13

23 and 14.

24 Do we have a report from the Coalition?

25 MS. CALLAHAN: Yes, ma'am, a brief report.

1 THE CHAIR: A short one, huh?

2 MS. CALLAHAN: Madam Chair, members of the
3 Commission, I'm Kelly Callahan. I'm the
4 co-executive director of the New Mexico Coalition
5 for Charter Schools.

6 First of all, Madam Chair, I just would
7 like to thank you on behalf of the Coalition and the
8 charter schools that we represent for your service
9 as the chairperson of the Public Education
10 Commission. We've worked together for many years.
11 And your dedication to the quality of charter
12 schools in the State of New Mexico is greatly
13 appreciated.

14 THE CHAIR: I thank you for that. It's
15 been my pleasure.

16 MS. CALLAHAN: And congratulations to new
17 Chairperson Bergman. We've worked together also for
18 many years. And we look forward to continuing our
19 work relationship as the -- as the Coalition and the
20 charter schools that we work with.

21 And Commissioners Gipson and Peralta, we
22 look forward to the new administration and what that
23 looks like. So thank you for agreeing to do that.
24 It's a -- it's a very challenging job, and we'll do
25 everything we can to help and support the efforts of

1 the Public Education Commission.

2 COMMISSIONER BERGMAN: Thank you.

3 MS. CALLAHAN: Just a couple of items I
4 wanted to talk about.

5 Commissioner Shearman, I sent an
6 invitation. The Coalition is sponsoring a
7 Legislative Breakfast. And so I actually have hard
8 copies of the invitation that I'll hand out to
9 everybody. And I think Beverly forwarded that.

10 So it is on the 25th of January. And
11 during that week, January 24th through the 31st, is
12 actually the National School Choice week. And we
13 have been working with the Public Education
14 Department, Katie and her team, and Amy Barabe and
15 the Secretary to also put on a School Choice event
16 that is going to be on January 28th at the Capitol.

17 And, Katie, is it -- is it 1:00 to 5:00, I
18 think, is the final -- 1:00 to 5:00?

19 MS. POULOS: We're still trying to figure
20 out what the final is; but I believe it'll be a
21 1:00-to-3:00 --

22 MS. CALLAHAN: Okay.

23 MS. POULOS: -- event. But we are still
24 trying to finalize all of that.

25 MS. CALLAHAN: So in the afternoon on the

1 28th -- and Katie and the Secretary have invited
2 schools; and, Katie, just so you know, we have
3 14 schools that are asking for support for
4 transportation; so we're getting a good response.

5 MS. POULOS: And we have more that have
6 been RSVP'ing; so that may continue.

7 MS. CALLAHAN: So we're looking upwards of
8 20 schools, charter schools, representing school
9 choice, including charter schools, private schools,
10 home schools, and magnet schools. So it's not just
11 about charter schools. But I think if you put the
12 rallying cry out to do something where they can
13 showcase their kids, charter schools are usually the
14 first and ready to step up to the plate.

15 So they will be represented very well at
16 this School Choice event.

17 And then, also, just -- the last thing,
18 the Coalition, in March -- on March 2nd and 3rd, is
19 going to do their first spring conference. We are
20 actually going to do an education conference that is
21 focused on instruction and leadership. We are going
22 to do a strand of governing training, because there
23 still are quite a few governing boards that need to
24 be trained.

25 And so March 2nd and 3rd -- we will send

1 out formal invitations; but I would like to invite
2 you all, again, to attend. Great -- we have some
3 great sessions on some really dynamic, innovative
4 practices that are going to help schools with math
5 and reading, looking at social/emotional issues that
6 are going on, just some fascinating things, as well
7 as the governing side, that there will be a strand
8 available so we can ensure that governing boards get
9 their final training.

10 We are also -- just as a report, we are
11 also going to be doing regional governing trainings
12 to ensure that all governing boards have their
13 training by June 30th, which is the deadline that
14 the CSD has placed. And it's been very clear to
15 everybody; and so we want to ensure that -- that
16 quality training happens and is within the time
17 frame for the CSD to reconcile all of the records
18 that need to be kept.

19 And so we are very excited about the work
20 that's going on. Greta and I -- Greta Roskom is the
21 co-executive director -- and I will be on the job a
22 year. And it's been a very exciting transition.
23 And so we just appreciate working with the Public
24 Education Commission and as well as the other
25 authorizers and the charter schools.

1 Just so you know, the membership of the
2 Coalition is now sitting at 80 percent. And so we
3 have -- we have brought membership up from
4 62 percent last year to 80 percent. So we feel like
5 there's some really good things happening with the
6 Coalition. And working with CSD, the PEC, and other
7 authorizers, I think we will raise the level of
8 quality of charter schools.

9 And so, anyway, I -- thank you. And I'm
10 going to shut down my report, keep it very brief,
11 like I said, and -- and wish you all well in your
12 travels back.

13 THE CHAIR: Thank you. If you want to
14 hand those out, please feel free.

15 MS. CALLAHAN: Yes.

16 THE CHAIR: We always appreciate hearing
17 from you, Kelly.

18 MS. CALLAHAN: Thank you.

19 THE CHAIR: Next item on the agenda is PEC
20 Comments. Let's start with Commissioner Chavez.

21 COMMISSIONER CHAVEZ: I don't have any
22 comments.

23 THE CHAIR: Commissioner Ambruster?

24 COMMISSIONER ARMBRUSTER: I'm fine. I --
25 just one question.

1 THE CHAIR: Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, I
3 have one thing I'd like to say that came up, when I
4 was having lunch with someone else. It has to do
5 with the schools that are choosing to renew with us
6 and that they come in and they tell us their history
7 in their previous district; but we really don't
8 know.

9 And I would suggest that we at least
10 contact each of those districts and ask them for a
11 file on those schools so that we really can see what
12 their background is before we do the negotiation. I
13 mean, I can't tell -- say we have to; but I'm
14 suggesting that might be a good idea, and that
15 from now on, when we get new ones coming in, we
16 request that, so that when we renew their charter,
17 we have that information.

18 I also would like to suggest, if we have a
19 school that is leaving us to go under a district, we
20 at least offer our files from CSD to those
21 districts, so they have a picture of what they're
22 going into when it comes to renewals and
23 negotiations.

24 So that was just a suggestion.

25 COMMISSIONER BERGMAN: Well, I --

1 MS. POULOS: Can I let you -- we did do
2 that. My team requested all records, I believe,
3 that the authorizers had, the district authorizers
4 had, to be able to provide that information to you
5 as part of the renewal package. So that certainly
6 is part of our process.

7 And only if I failed on my duties did we
8 fail to provide that to Albuquerque, because I've
9 had those conversations. I will fully admit I'm not
10 totally sure I e-mailed it out. But we did gather
11 the information to provide to APS with regards to
12 the charter school that chose to apply for renewal
13 with them. So that is something we have as part of
14 our process.

15 COMMISSIONER TOULOUSE: I guess, then, my
16 request would be that maybe we make it come from
17 PEC, rather than from the Charter School Division,
18 which gives us a little more authority.

19 COMMISSIONER GIPSON: I think -- I agree
20 with you; but I think -- I found the problem to be
21 not that they didn't provide the information, but
22 that the information wasn't -- it was -- it was
23 appalling what was lacking from the school
24 districts. So I think that's where the problem --

25 COMMISSIONER TOULOUSE: I think that's as

1 important, though, to know, which is why, if you'll
2 remember that I suggested to the two that were
3 coming in that we might consider them as new schools
4 when they work with us, since they'd had no support,
5 than, as, you know, renewed schools.

6 COMMISSIONER GIPSON: Yeah. Yeah.

7 COMMISSIONER TOULOUSE: But I just wanted
8 to make sure that we know we're doing it, and they
9 know we're going to do it -- not the schools but the
10 district -- because I think it's very hard on those
11 schools that they're not getting anything, but then
12 they come under a much more strict approach from us
13 than the other way around.

14 If districts knew we were asking for that,
15 they might do a little more. But I don't know.
16 It's just an idea.

17 THE CHAIR: Thank you.

18 Commissioner Conyers?

19 COMMISSIONER CONYERS: I just want to say
20 I really enjoyed seeing everyone again. Happy New
21 Year and Happy Trails.

22 THE CHAIR: Thank you. Commissioner
23 Gipson?

24 COMMISSIONER GIPSON: Very briefly, I just
25 want to thank the Chair for helping guide me through

1 this first year. It's been interesting.

2 THE CHAIR: Hasn't it, though?

3 COMMISSIONER GIPSON: And we'll just move
4 forward. And thank the Commissioners for their
5 support, as well.

6 THE CHAIR: Thank you very much.

7 Commissioner Bergman?

8 COMMISSIONER BERGMAN: I would like to
9 note that Commissioner Shearman and I came on this
10 Commission together, seven years ago this month.
11 We've worked side by side. She came with the same
12 attitude -- or I adopted the same attitude from her
13 that I was going to participate in all the work of
14 this Commission; and she did, too. Because we were
15 both retirees, we had the time. And that's what
16 we've done.

17 It has been a privilege to work side by
18 side with her for seven years as we formulated this
19 process. And at 71, which is what my current age
20 is -- I'm not afraid to say what it is -- I have
21 rarely met anyone in any of my endeavors in those
22 many years that worked as hard as Commissioner
23 Shearman did. She cares about the kids, and she
24 showed it in her work ethic.

25 And I have already told her, she's not

1 retiring from this -- I'm going to count on her
2 continued counsel very much.

3 So thank you, Commissioner Shearman.

4 THE CHAIR: Well, you all are very kind.
5 I've enjoyed these three years of being Chair. Boy,
6 have I learned a lot. But it's been a wonderful
7 process. And to get to know all of the
8 Commissioners, both current and former, has been a
9 privilege. And I look forward to continuing to work
10 with you.

11 But I'm going to sit in a chair over there
12 somewhere. Anyway, I have enjoyed it, and I
13 appreciate it.

14 The next item on our agenda is Open Forum.
15 Annjennette, do we have anyone?

16 MS. TORRES: So, Madam Chair, I checked
17 the list. No one had signed in, and I don't know if
18 there was anybody that was interested; but there was
19 no one signed in.

20 THE CHAIR: I don't see anyone jumping up;
21 so I think we're okay.

22 If we've covered everything, I believe
23 we're to adjournment. I do particularly want to
24 thank Commissioner Conyers for being able to make
25 it, and Commissioner Pogna. I know she's been ill,

1 and it's her first day out in a good long while.
2 Her daughter brought her, and we were privileged to
3 get to meet her. We were just really glad you could
4 make it today.

5 Anything else?

6 MS. TORRES: Madam Chair, if I may just,
7 quickly, if you all have your orange folders that
8 you would like to send back to Beverly, please let
9 me know. And I do believe when the Director for
10 Charter School Division returns, she has some
11 documents that were brought down from Santa Fe that
12 I believe she needs some signatures on.

13 THE CHAIR: That's fine.

14 MS. TORRES: If you don't disperse
15 immediately, we'd appreciate it. Thank you.

16 THE CHAIR: Thank you very much. Thank
17 you, Annjennette. Thank you for filling in so
18 nicely.

19 Do I hear a motion that we adjourn?

20 COMMISSIONER ARMBRUSTER: I move that we
21 adjourn.

22 COMMISSIONER GIPSON: Second.

23 THE CHAIR: We are adjourned. Thank you,
24 all.

25 (Proceedings concluded at 1:48 p.m.)

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

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January 15, 2016

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Brennan Divett	SABE
Mark Tilly	NIS
Suzanne Lynne	La Tierra Montessori
Marcia Brenden	" "
BRUCE HESBURN, ED. D.	ACES
Stan Albrecht	La Montessori Elem.
ROBERT JESSEN	MONTIE DE SOL CHARTER SCHOOL
Sam Obenshain	Cottonwood Classical Prep School
Jacobs & White	NAS-NM-ABQ
FRED HINTZ	NAS NM ABQ
Paul Perez	NAS-NM ABQ
Kaila Ahrens	" "
KEVIN FARRIS	LESC
Mackenzie Webb	TVC
Pedro Velasco	SABE
Margaret Porter	NAS-LC
Raphael Martinez	AB Sign Language Academy
Traci Fuiss	Taos Academy
Kelly Callahan	NMCCS
Daniel A. Ives-Sato	In Accord
Blanca Lopez	HLHS
SUSANNE FOURBET	OAG School of Mds
Sean Joyce	The Fati School of Mds
Rob Gigante	TIS GC
Emma J. Annendais	Self
Dr. Abe Nijm Annendais	Anthony Charter School
Charlotte Aldrete Fragillo	CAE
many Jane Beaud	The Mont. Elem & Mid School

January 15, 2016

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