

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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10 TRANSCRIPT OF PROCEEDINGS

11 PUBLIC HEARING

12 March 11, 2016

13 9:00 a.m.

14 Mabry Hall, Jerry Apodaca Education Building

15 300 Don Gaspar

16 Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

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1 THE CHAIR: By my official clock, I have
2 9:00; so I am going to call this regular meeting of
3 the New Mexico Public Education Commission into
4 session.

5 Mr. Secretary, can we have a roll call,
6 please?

7 COMMISSIONER PERALTA: Commissioner Pogna?

8 COMMISSIONER POGNA: Here.

9 COMMISSIONER PERALTA: Commissioner
10 Toulouse?

11 COMMISSIONER TOULOUSE: Present.

12 COMMISSIONER PERALTA: Commissioner
13 Ambruster?

14 COMMISSIONER ARMBRUSTER: Present.

15 COMMISSIONER PERALTA: Commissioner
16 Conyers?

17 COMMISSIONER CONYERS: Here.

18 COMMISSIONER PERALTA: Commissioner
19 Shearman?

20 COMMISSIONER SHEARMAN: Here.

21 COMMISSIONER PERALTA: Commissioner

22 Chavez?

23 COMMISSIONER CHAVEZ: Here.

24 THE CHAIR: She's here telephonically.

25 COMMISSIONER PERALTA: All right.

1 Commissioner Carr?

2 (No response.)

3 COMMISSIONER PERALTA: Commissioner

4 Peralta is here.

5 Commissioner Gipson?

6 COMMISSIONER GIPSON: Here.

7 COMMISSIONER PERALTA: Commissioner

8 Bergman?

9 THE CHAIR: Commissioner Bergman is here.

10 COMMISSIONER PERALTA: Mr. Chair, you have
11 nine members of the Commissioners present.

12 THE CHAIR: I will note for the record
13 that eight of us are present; one is on the phone.

14 Thank you. And before we go any further,
15 please mute your electronic devices so they don't
16 interrupt our proceedings today. I think I have
17 mine muted.

18 Let's have the Pledge of Allegiance,
19 Millie Pogna, Commissioner, would you lead that?

20 And Commissioner Shearman, would you lead
21 the Salute to the New Mexico Flag?

22 (Pledge of Allegiance and Salute to the
23 New Mexico Flag.)

24 THE CHAIR: Thank you. Our next item on
25 the agenda is No. 2, and that will be the approval

1 of the agenda.

2 Do you have the agenda in your workbooks?
3 Are there any changes to make in the agenda this
4 time?

5 I see none.

6 I would note for the record that we always
7 do reserve the right to move items around, if
8 needed, if something pressing comes up.

9 I would welcome a motion to approve the
10 agenda.

11 COMMISSIONER POGNA: So move.

12 THE CHAIR: Motion by Commissioner Pogna.
13 Do I have a second?

14 COMMISSIONER ARMBRUSTER: Second.

15 THE CHAIR: Commissioner Ambruster
16 seconds.

17 All in favor, say "Aye."

18 (Commissioners so indicate.)

19 THE CHAIR: Any opposed?

20 (No response.)

21 THE CHAIR: It is a unanimous "Aye"; the
22 agenda is approved.

23 We're now to Item No. 3A, the approval of
24 the PEC work session minutes for February 11th,
25 2016.

1 Are they in our book? Yes, I see them in
2 our book.

3 Are there any changes to those minutes? I
4 see no hands up.

5 If there are no changes to the work
6 session minutes, I would -- I'd like to have a
7 motion to approve those minutes.

8 COMMISSIONER SHEARMAN: I so move.

9 THE CHAIR: Commissioner Shearman.

10 Do I have a second?

11 COMMISSIONER PERALTA: Second.

12 THE CHAIR: Commissioner Peralta? I have
13 a motion and a second, all in favor to approve the
14 PEC work session minutes for February 11, 2016, say
15 "Aye."

16 (Commissioners so indicate.)

17 THE CHAIR: Any opposed?

18 (No response.)

19 THE CHAIR: No opposed? That is a
20 unanimous vote to approve those minutes.

21 Next item on the agenda is 3B, approval of
22 the PEC meeting transcript for February 12th, 2016.
23 They're also in our book.

24 Are there any changes to those minutes?
25 Did anyone note any changes? I did not see any.

1 I would then entertain a motion to approve
2 those minutes.

3 COMMISSIONER GIPSON: So moved.

4 THE CHAIR: Commissioner Gipson has moved.
5 Do I have a second.

6 COMMISSIONER SHEARMAN: Second.

7 THE CHAIR: Commissioner Shearman has
8 seconded.

9 All in favor of approving those meeting
10 transcripts for February 12, 2016, say "Aye."

11 (Commissioners so indicate.)

12 THE CHAIR: Any opposed?

13 (No response.)

14 THE CHAIR: I hear no opposition. So that
15 motion is approved unanimously.

16 Item 3C is the approval of the PEC meeting
17 summary minutes for February 12th, 2016. And I
18 suspect those are in the back. There they are.
19 They are in your book, also.

20 Are there any changes to the summary
21 minutes?

22 I see no hands up. Apparently, there are
23 no changes to the summary minutes.

24 I would entertain a motion that we approve
25 those minutes.

1 COMMISSIONER ARMBRUSTER: (Indicates.)

2 THE CHAIR: Commissioner Armbruster has a
3 motion. Do I have a second?

4 COMMISSIONER POGNA: (Indicates.)

5 THE CHAIR: Commissioner Pogna has
6 seconded?

7 Any other discussion? All in favor of
8 approving the PEC meeting summary minutes for
9 February 12th, 2016, say "Aye."

10 (Commissioners so indicate.)

11 THE CHAIR: Any opposed?

12 (No response.)

13 THE CHAIR: No opposition. That has
14 passed unanimously. Those minutes are approved. So
15 we have dispensed with Item No. 3 on our agenda.

16 So we are now to Item No. 4, which is a
17 Report on Excellent Schools in New Mexico, to be
18 presented by Mr. Scott Hindman, who is the Executive
19 Director. Mr. Hindman, are you here?

20 MR. HINDMAN: I am.

21 THE CHAIR: Would you come forward,
22 please? Please use the microphone. Identify
23 yourself and your organization. Then you may
24 proceed. Thank you for --

25 COMMISSIONER GIPSON: Vince, there's a

1 hand.

2 COMMISSIONER TOULOUSE: Mr. Chair, before
3 Mr. Hindman starts, I'd just like to question that
4 there are time limits on this sheet in here; because
5 I don't think we can limit us to five minutes of
6 questions. And I don't think that we can
7 necessarily, on a brand new arrangement, limit them
8 to a shorter presentation, if it needs to take
9 longer.

10 So I want to object to having time limits
11 on that. Since they weren't officially in the
12 agenda itself, I didn't object then; but I'm
13 objecting to this Executive Summary.

14 THE CHAIR: Thank you for doing that;
15 because when I didn't see it on the agenda, I
16 thought it had been removed. I will note we will
17 not be limited on the time for our questions --

18 MR. HINDMAN: Okay. Yeah.

19 THE CHAIR: -- as long as you understand
20 that.

21 MR. HINDMAN: That's fine. I just wanted
22 to make sure I respected your time.

23 THE CHAIR: Okay. Yeah. Thank you. So
24 here, again, thank you, Commissioner Toulouse.

25 Please identify yourself and your

1 organization. Then you may proceed.

2 MR. HINDMAN: Great. My name is Scott
3 Hindman, and I am the Executive Director of
4 Excellent Schools New Mexico.

5 So I basically wanted to come here just to
6 talk a little bit about my organization and just to
7 let you all know what I am doing, and then to
8 discuss potential ways in which we can work
9 together.

10 So I'll start by just doing the "why" and
11 the "what." So the "why" is we want to build on the
12 foundation of great public education in the state
13 that's been set by you all and by districts like APS
14 and Santa Fe. And the "what" that goes along with
15 that is facilitating the growth of high performing
16 school seats within the State of New Mexico.

17 So for facilitating the growth of the
18 seats, how do we do that? So first and foremost, we
19 want to support the growth of New Mexico schools
20 that are already existing that have proven results.
21 So these schools serve students and families well
22 already. There's demand for them to serve more
23 students. We're interested in doing that, and we're
24 interested in supporting that.

25 The second is we want to support select

1 folks who want to open new schools within the state.

2 The third is we want to support talent
3 pipelines. So, I mean, as you all know, to have
4 great schools, you need great principals and great
5 teachers. So we would like to explore, are there
6 programs within the state of New Mexico doing
7 work -- doing really good work in that type of
8 preparation and how can we grow that?

9 And then the final piece is just education
10 and advocacy.

11 I can tell you what we don't want to do,
12 as well, because I think that's just as important.
13 So we don't want to operate schools; we will not be
14 an operator of any schools. You know, I've heard,
15 just from speaking with folks, that there was talk
16 that we wanted to potentially be an authorizer. And
17 you all are the authorizer; so we're not doing that.
18 We don't want to act like one. We basically act as
19 a support system.

20 I'll give you a little bit about my
21 background. So before I arrived in New Mexico, I
22 was in Memphis. And I helped found, grow, and run a
23 network of high performing charter schools within
24 that state.

25 My background. My background in the

1 private, public, and nonprofit sectors, and then
2 within school systems: I've worked for a district;
3 I've worked for a charter school; I've actually
4 worked for state government, as well.

5 Why am I in New Mexico? So, I think, two
6 big reasons:

7 The first is I lived in Arizona for four
8 years. And I said if I could ever get back to the
9 Southwest, I would be there in a second. And I
10 think, just as important, my girlfriend is from
11 Albuquerque, my long-time girlfriend. And -- yeah,
12 so big leverage point.

13 She's actually an assistant principal.
14 Her family still lives in Albuquerque. So she will
15 be moving back with me at the end of -- at the end
16 of the school year in May. And this is somewhere
17 that we plan to be forever.

18 So organization background -- and I think
19 this is really important, because I know there's
20 been confusion about that:

21 A lot of that was before I was hired. But
22 I will take, you know, full responsibility. I'm
23 leading this now; so I'm the one who has to answer
24 to that, and I understand that.

25 So the seed funding for this organization

1 came from the Daniels Fund. What the Daniels Fund
2 did was they hired Bellwether. Bellwether is a
3 consulting organization, and they do executive
4 search. So, like, those are the two main functions
5 of -- of Bellwether.

6 They hired Bellwether to create a
7 feasibility plan and a strategic plan. So they
8 basically said, like, "Can we -- can we do this?"

9 And then they had them put together the
10 framework to hire an executive director. Those are
11 the two things that they did. And that's -- that's
12 it. So, like, they're not involved in any way
13 beyond that.

14 So, you know, I know that some folks have
15 said this is an out-of-state organization.
16 Everything about this organization is local. So I'm
17 local; I'm here for -- for good. My board is
18 entirely local. I think all but one might be -- or
19 everyone lives in New Mexico. All but one, I think,
20 are born and raised New Mexicans.

21 All of our funding so far has been local.
22 Our 501(c)(3) is local. It's been approved by the
23 State of New Mexico, and we're just looking for
24 federal approval at this point.

25 And then everything we support will all be

1 organizations that are operating within the state;
2 so all of that is local, as well.

3 You know, so next steps on my end: I've
4 been here for eight weeks. So this is clearly,
5 like, very new. We don't have -- I was telling
6 someone before I came in, we're working on, like, a
7 logo and website. We're really at that point.

8 For the past eight weeks, I've really just
9 been going out and meeting with folks to say, you
10 know, we have this consulting plan, which is always
11 great. But it has to be actionable. And that has
12 to include input from a variety of stakeholders.
13 And, basically, all I've been doing is just going
14 out and meeting people and saying, "What do you
15 think, and how can we improve this?"

16 I think where I would be interested beyond
17 this, in just speaking with you all, is just
18 figuring out one, how we can work together; two,
19 your definitions of what "high quality" mean; and
20 then, just your aims in terms of supporting charters
21 and making sure that they're high performing
22 schools.

23 So that's what I have.

24 THE CHAIR: That's it?

25 MR. HINDMAN: Yes.

1 THE CHAIR: Okay. All right. We've
2 certainly answered a couple of my questions already.
3 I think -- are you prepared to answer some questions
4 then?

5 MR. HINDMAN: Yes, sir.

6 THE CHAIR: Do we have questions?
7 Commissioner Peralta?

8 COMMISSIONER PERALTA: Yeah. Welcome to
9 New Mexico.

10 MR. HINDMAN: Thank you.

11 COMMISSIONER PERALTA: Finally glad to see
12 that we got you here, because there was a lot of
13 stuff floating around in the air. And then some
14 questions that were going through my mind, you
15 mentioned the board. Can you tell me a little bit
16 about the -- who makes up that board, a little
17 background of the people that are on your board?

18 And the other, it sounds like you're just
19 getting the ball rolling, just getting started. Can
20 you talk a little bit about any needs survey, any
21 results of your needs survey, going around and
22 talking and finding out what you're finding out.

23 MR. HINDMAN: Yeah. Yeah. And I
24 appreciate that. So yes. So board -- so I'll even
25 back up a step, because to become an official board,

1 we actually need to get our 501(c)(3); right? So we
2 started as a -- we call it a "steering committee,"
3 because it's basically advisers on -- at this point.

4 At this point, I think we have -- so we're
5 converting folks who are on the steering committee
6 to becoming board members. We are basically saying
7 "Hey. You helped with this. Do you have enough
8 time to ultimately serve on the full board?"

9 I would hope that most do; but I
10 understand that some probably don't.

11 Composition: It's probably equally split
12 between Santa Fe and Albuquerque. And we have
13 someone in Gallup who's an attorney. We have a pair
14 of attorneys. We have someone who is the president
15 of an insurance agency, someone who runs a -- like,
16 a supplier business, someone who's involved in
17 education work nationally, but lives in -- in
18 Santa Fe and is from Taos.

19 But, yeah, that's -- that's mainly it at
20 this point. I think, like, what I've done, we want
21 to grow that board further. And we're trying to
22 figure out, you know, what -- you know, what the
23 appropriate number of spots is, and then who will be
24 filling those spots.

25 But I'd say, like, we could still double

1 in size at this point from where we are right now.

2 COMMISSIONER PERALTA: So is there an
3 exact number in your head that you feel is going to
4 be --

5 MR. HINDMAN: I would want it to be 15,
6 with probably a smaller executive committee. But
7 we'll have to do fundraising. So I think, you know,
8 having a larger board would potentially help with
9 that --

10 COMMISSIONER PERALTA: Okay.

11 MR. HINDMAN: -- in terms of what I'm
12 hearing, a lot of things.

13 So I think there are folks who are
14 operating schools right now who are excited about,
15 you know, just having the potential to grow and
16 serve more. I think where our niche is actually is
17 that we provide start-up capital, which isn't
18 provided by federal and state government anymore.
19 So for schools that wanted to expand -- so my
20 school, for example, in Memphis, we had federal
21 funds to be able to do that. And those have all
22 expired.

23 So, like, where our, you know, really kind
24 of sweet spot is is that we can provide that to get
25 folks to grow; because if you are expanding a

1 school, like, you need a planning year; right? You
2 have to hire a principal. You have to purchase
3 curriculum. You have to get somebody, you know,
4 who's managing operations. And all of that costs
5 money. And if you're not getting "per pupil" for
6 that, because you haven't opened a school, that's
7 tough to fund unless you have someone supplying
8 that.

9 You know, I think folks -- I've talked a
10 lot about accountability and just getting more
11 certainty around that, saying -- you know, everyone
12 from individuals who are funding facilities, for
13 example, saying, "I really would want to understand,
14 like, what the tenure of a charter is and what the
15 metrics are, you know, to -- to get approved and to
16 get renewed, so I could understand, like, how I can
17 finance my debt or my bonds."

18 You know -- so to -- those -- those have
19 really been the big ones at this point, the
20 conversations I've had, you know. And I think,
21 like, the other thing that I keep hearing is just
22 talent. So, you know, how can we support more great
23 teachers in the state? I think that everybody knows
24 that districts have had issues with shortages of
25 teachers, and, you know, there are few public

1 universities in the state relative to -- to other
2 states around the country that have teacher prep
3 programs.

4 So I think a lot of folks here just
5 understand that need and are interested in learning
6 more about, like, how that work can proceed.

7 COMMISSIONER PERALTA: So geographically,
8 your conversation has been basically around
9 Albuquerque?

10 MR. HINDMAN: They've mainly been focused
11 in Albuquerque and Santa Fe; but that doesn't mean
12 that those are the only two areas in which we're
13 focused. It's just that that's where most of the
14 population is and most of the schools are.

15 COMMISSIONER PERALTA: Thank you,
16 Mr. Chair.

17 THE CHAIR: Thank you.
18 Commissioner Toulouse?

19 COMMISSIONER TOULOUSE: Thank you,
20 Mr. Chair.

21 Mr. Hindman, I don't want you to think
22 that this is addressed to you. Your organizers have
23 set up an antagonistic relationship with us by doing
24 it so quietly and behind our backs, we were shut
25 off. We had to go to third and fourth parties and

1 all to find out what's going. That has already set
2 a bad situation here.

3 So I think you're going to have to work
4 very hard and get your people who are on your board
5 to work -- we are still the authorizers of
6 State-authorized schools. And that's not going to
7 change at this point, because I don't think you get
8 enough people in the Legislature to do that.

9 So we're the folks you've got to come to
10 if you're not going to individual school boards.
11 And I'm not sure that probably the people who did
12 this either didn't care, or did not understand the
13 antagonism they've built up with many of us and with
14 many of the schools out there that were hearing
15 things.

16 We want and need high performing schools,
17 and we support them and want them. But there's also
18 room here in a state like this for schools that
19 handle the kids who are never going to be your high
20 performing kids, but are educating them and getting
21 them back out there into the job force. And I think
22 those people are feeling that they are being
23 bypassed.

24 This state already has a larger percentage
25 of students in charter schools, and many, many other

1 states, and I think there's a money issue. So I
2 think you have a bridge to build, both with existing
3 schools that are not the very top tier -- and,
4 again, some of us don't necessarily buy that top
5 tier based on just the school grades -- but I think
6 you're here today and have been asked to be here
7 because we're open to working with anybody who wants
8 to work with our children.

9 But we also don't want to see our charter
10 school coalition replaced. We want them to be
11 worked with, too. We work with them. It's a very
12 successful deal. So I would like us to go forward
13 now, if you can take us back to your folks in a
14 partnership basis, because we still say "yes" or
15 "no"; so thank you.

16 So it was just a statement so you
17 understood what you were facing here. But it is not
18 you. You're new; you're excited; you want to be
19 here. That's a positive. You're not here to build
20 a resume, I'm assuming, or whatever. Hopefully, you
21 and the girlfriend will stay together. If you
22 don't, I hope your roots are still here.

23 MR. HINDMAN: There's pressure. Yeah.

24 COMMISSIONER TOULOUSE: I've got grown
25 children. I know how those things go.

1 Thank you very much, Mr. Chair.

2 THE CHAIR: Additional questions?

3 COMMISSIONER GIPSON: I do.

4 THE CHAIR: Commissioner Gipson?

5 COMMISSIONER GIPSON: I just want to
6 expand a little bit on the board question that
7 Commissioner Peralta had. How did you get the board
8 members?

9 MR. HINDMAN: Yeah. So we have -- I guess
10 he's based in Santa Fe -- someone who's very, just
11 interested in this issue. And he did a lot of that
12 initial recruiting.

13 And then when Bellwether was -- was
14 working on their plan and folks had either heard of
15 it through them or through, you know, one of my
16 board members, like, it just grew in that way. I
17 think that's also, in part, why we only have, you
18 know, I think, committed, five or six folks at this
19 point; because it hasn't been something -- I mean,
20 it's going to be my focus in the next year or so to
21 actually build that out.

22 But at this point, it was -- it's a -- it
23 was a small group of folks who -- you know, I'd say
24 the first three or four kind of know each other; and
25 then it'll expand from there, basically.

1 COMMISSIONER GIPSON: Okay. And one more.
2 You mentioned that you've been talking with people,
3 community, about education. Who have you reached
4 out to, and how are you reaching out to get your
5 answers about the state of education here?

6 MR. HINDMAN: Yeah. So, I mean, I can
7 give you -- because Kelly's in the audience today.
8 So I had breakfast with them yesterday. You know, I
9 think it's not hard to find who's doing good work
10 here. It's a small state. There's information out
11 there.

12 I'm not afraid to cold-call folks just to
13 say, "Hey, I've heard you're doing great things. I
14 would just love to sit down and speak with you."

15 And that's how I've done a lot of that.
16 My girlfriend's father, for example, met with Tony
17 Monfiletto. I said we were going to be here today
18 and he said, "You should go and meet Tony. He's
19 doing great things." We went and had breakfast
20 together.

21 There are folks at Bellwether who I've met
22 who are operating great schools. And, I mean, you
23 even see it in national rankings. And -- "Hey, you
24 know, can I sit down with you and just talk about
25 what you're doing?"

1 And I find that that's how I start the
2 conversation with folks, that, "I'm just interested
3 in hearing more about what you're doing, and I'll
4 buy you breakfast." You know, I don't get turned
5 down too much.

6 But, yeah, I mean, expand from everybody
7 from folks in the private sector who are interested
8 to individuals running charter schools. You know --
9 and I should say one more thing that I didn't
10 mention this. One of the reasons why I'm calling
11 the organization "Excellent Schools New Mexico" is
12 that I think that we think about the first schools
13 that are going to grow and that want to grow like,
14 they'll very likely be charter schools.

15 But I come from a public school
16 background, a district background. Like, I don't
17 necessarily think that it should be limited to just
18 that.

19 So folks at APS, at Santa Fe. I've spoken
20 with folks at APS. I haven't spoken with anybody at
21 Santa Fe yet. But, like, that's on my list, as
22 well, because I think the districts are doing a lot
23 of really innovative, good things, and I want to
24 learn more about that. And I just don't want this
25 to be -- you know, this has to be a charter school

1 organization; like, I'm not a believer in that at
2 this point.

3 And I think that there is opportunity just
4 to learn more about what's going on beyond, you
5 know, the 10 to 15 percent or so of kids that are
6 served by charters in the state.

7 COMMISSIONER GIPSON: So just as a
8 follow-up, you see that there's a potential that
9 some of your foundation money will go to more
10 traditional public schools, as well, not just into
11 start-up fees for charters.

12 MR. HINDMAN: Yeah. I would like to
13 explore that. And I think the example that I'll
14 give -- so when I was in Memphis, the district
15 actually had created their own -- they called it an
16 "I" zone. And it was very similar to the
17 organization that I was working for, in that they
18 basically ran their schools like charters within the
19 district. And those were heavily funded by
20 foundations.

21 So I'm -- like I said, I'm not that far in
22 at this point; but I think it's definitely worth
23 speaking with people and saying, "Hey, what are you
24 working on that you think is innovative," because I
25 know, at least at APS, there is a group that deals

1 with just innovation work.

2 And I think it's definitely worth reaching
3 out to those folks, you know, to -- to see what
4 they're up to and to determine whether there would
5 be any interest.

6 I think the other big thing where there
7 could be a partnership is talent affects everybody,
8 not just traditional schools or charter schools.
9 So, I mean, when I think about, like, a win
10 [verbatim] or a partnership with a district, I mean,
11 that's a district that all folks, you know, no
12 matter what the governance of the school is around
13 the state, like, they're all looking at that and
14 realizing that something has to be done differently.

15 COMMISSIONER GIPSON: Okay. I'll do one
16 more.

17 THE CHAIR: Oh.

18 COMMISSIONER GIPSON: When you're looking
19 at -- or when you're looking at seed money for a
20 start-up, and you're looking at helping to establish
21 that school and curriculum support and so on, do you
22 have a model for curriculum as an example that
23 you're looking to support? Or is --

24 MR. HINDMAN: No. I mean -- so it would
25 have to be aligned with State standards. But I'm a

1 believer in -- I mean, you -- you know what the
2 standard is; and then you can get there in the way
3 that you can get there.

4 I think what I'm -- what I would be most
5 concerned with is, you know, whether a school
6 understands why they've been successful thus far and
7 whether they would be able to continue to do that.

8 So the curriculum, to me, isn't
9 necessarily, like, the most important thing; but it
10 does have to -- I should say the folks who are
11 running the schools --

12 COMMISSIONER GIPSON: You're talking to
13 someone who taught. I don't think that's the best
14 comment to make, you know.

15 MR. HINDMAN: When I think of curriculum,
16 for example -- so it could be if you're using
17 Common Core, for example -- so, like, we used Engage
18 New York; but, like, there are, like, a number of
19 other curriculums that you could use besides Engage
20 New York, if you're looking to -- if you're aiming
21 towards Common Core standards, for example.

22 Or you know, schools that are more focused
23 on job placement -- right? -- like, they're using a
24 different curriculum than one that's running a STEM
25 program. That's what I mean by that. I think,

1 like, what I would want to see is do you know how to
2 use that to get to the results that you need to get
3 to?

4 COMMISSIONER GIPSON: Okay.

5 MR. HINDMAN: Yeah.

6 THE CHAIR: Commissioner? Commissioner
7 Chavez, if you can hear me, do you have any
8 questions or comments?

9 COMMISSIONER CHAVEZ: Yeah, I do. I do.
10 Thank you.

11 THE CHAIR: Go ahead, please.

12 COMMISSIONER CHAVEZ: Yeah. So I have,
13 actually, several questions.

14 My first question is around the issue of
15 the steering committee, slash, board members.
16 You've talked, you know, a little bit about that.
17 But I don't hear you mentioning any names. I'd like
18 to know who is on your steering committee.

19 MR. HINDMAN: Yeah. So I can spell it if
20 you want to. Pat McDonough, who's based in
21 Santa Fe. Joe Lujan is in Albuquerque. Alan Bell
22 is in Albuquerque. Amanda Kocon is in Santa Fe.
23 Patrick Mason is in Gallup. Kirk Sommer is in
24 Santa Fe.

25 COMMISSIONER CHAVEZ: And are any of

1 them -- are any of them on the board?

2 MR. HINDMAN: Yeah. So what we're doing
3 right now is we're getting those -- like I've told
4 those folks, I've said, you know, "Here's what the
5 board commitment is going to be."

6 We're drafting our board docs right now so
7 that we know what the expectations are for our board
8 members and how often we'll have meetings and what
9 else will be required of them. And then once that's
10 finished, those folks will have the option to say
11 "yay" or "nay."

12 But the ones that I've mentioned are
13 all -- they're fairly committed to this.

14 COMMISSIONER CHAVEZ: Okay. And then you
15 talked a little bit about funding. You said that
16 the Daniels Foundation has provided you money to do
17 the feasibility plan -- right? -- and hire an
18 executive director. And who is -- who's committed
19 to continuing to fund Excellent Schools in
20 New Mexico?

21 MR. HINDMAN: So the Daniels Fund provided
22 that seed funding, and then they provided additional
23 funding beyond that. The seed grant was strictly
24 for the Bellwether work; that was it. That was all
25 it could be used for.

1 COMMISSIONER CHAVEZ: Uh-huh.

2 MR. HINDMAN: I mean, beyond that, we'll
3 have to fundraise. That's why, you know, forming a
4 board is a big part of that.

5 COMMISSIONER CHAVEZ: Okay. And then also
6 you talked a little bit about money for startups.
7 There's federal money, I heard you mention. And
8 then beyond that, once the federal money runs out,
9 are you anticipating also raising money from
10 foundations?

11 MR. HINDMAN: No, no. So there isn't any
12 federal money. There used to be some federal money
13 with Race to the Top, i3, certain grants like that.
14 But, no, like, they're -- I mean, there might be
15 federal money in the future; but at present, if
16 someone wanted to go start a school and asked the
17 federal government for money, I think that would be
18 pretty difficult to do.

19 COMMISSIONER CHAVEZ: Uh-huh. Okay. And
20 then you talked also a little bit about demand in
21 New Mexico. Can you -- can you define that a little
22 bit better? What do you mean when you say there's
23 demand in New Mexico?

24 MR. HINDMAN: Yes. I mean there's demand
25 among -- so certain charter schools that have gotten

1 good results and whose families and students think
2 that they're serving them well, there is demand for
3 those schools to serve more students, whether
4 that's, you know, creating a new school, whether
5 that's going -- they're K-6, and they add a 7th or
6 an 8th.

7 But just sort of speaking of most of these
8 schools, a lot of them have wait lists that are
9 fairly substantial. That's what I mean by "demand."

10 COMMISSIONER CHAVEZ: And do you know, off
11 the top of your head, which schools they are and how
12 long their waiting lists are?

13 MR. HINDMAN: I've seen wait lists -- I've
14 heard someone say the other day for 50 spots, they
15 had 500 kids apply, for a school located --

16 COMMISSIONER CHAVEZ: Which school is
17 that?

18 MR. HINDMAN: Alice King.

19 COMMISSIONER CHAVEZ: Okay. Let's see. I
20 have a couple more questions. One, curriculum. Are
21 there any specific curriculum companies that you've
22 used?

23 MR. HINDMAN: That I have personally used?

24 COMMISSIONER CHAVEZ: Or that Bellwether
25 uses?

1 MR. HINDMAN: So Bellwether doesn't --
2 doesn't run schools; so Bellwether doesn't -- like,
3 they don't -- they don't use curriculum for
4 anything.

5 COMMISSIONER CHAVEZ: Uh-huh. Are there
6 any specific curriculum companies that the schools
7 that you've been involved with, in Tennessee, for
8 example, use?

9 MR. HINDMAN: Yeah, we used Engage
10 New York.

11 COMMISSIONER CHAVEZ: Engage New York?

12 MR. HINDMAN: Yeah, which was free.

13 COMMISSIONER CHAVEZ: Who paid for it?

14 MR. HINDMAN: It was free. It's online.

15 COMMISSIONER CHAVEZ: Yeah. Nothing is
16 free. Okay.

17 And then the other question that I have is
18 in terms of, you know, you said that you were, you
19 know, talking to folks. So are you sort of
20 creating -- are you bringing on charter schools into
21 the organization that might be interested in your
22 philosophy? I guess what -- I'm trying to figure
23 out how this works. You have a board -- are you
24 going to have a board? And then is the board only
25 specific to -- let's see. I'm not saying it right.

1 Yeah. So, you know, what does it mean for
2 folks to be associated with you? What does that
3 mean? What kind of criteria? What kinds of -- you
4 know, what do you offer to them? Those kinds of
5 things.

6 MR. HINDMAN: Yeah. So that makes sense.
7 So we're not, like -- we're not a membership
8 organization, like the Coalition is, for example.
9 So, like, we won't have charter members as part of
10 our organization. What we will do is just support
11 specific schools, you know, who are interested in
12 expanding and growing.

13 I think the criteria around that, you
14 know, for a school, I think number one, is academic
15 performance. And I think that means both absolute
16 performance and -- and growth.

17 And I'll just bring a -- you know, I'll go
18 back to what Commissioner Toulouse said. So, like,
19 I totally -- totally hear what you're saying on
20 students -- or on schools serving, you know, highly
21 disadvantaged students. So when I was in Memphis, I
22 mean, we worked in the absolute poorest neighborhood
23 in the poorest city in the country. Per capita for
24 the neighborhood we were working in was \$6,100. And
25 we served about 1,800 students over five schools

1 99 percent Title I. I hear you on that. I very
2 much understand what you're saying and what those
3 challenges are, because I just spent the past three
4 years working on that.

5 So I think growth is a big piece of that.
6 I think, you know, governance and financial
7 compliance is obviously huge, just given, you know,
8 some of the issues I've heard about since being
9 here.

10 So, you know, that's obviously a big
11 criteria of who we're going to work with. Like, you
12 have to have your books in order and you have to be
13 compliant with what you need to be compliant with.

14 And I think a third piece of that is just
15 how you align with the mission of your school. So,
16 like, if the mission of your school is to prepare
17 kids for a career right after high school, like, how
18 many of those kids are actually going into career.
19 If your mission is, you know, you're a dual language
20 school, like, how many of your students are
21 proficient in English and Spanish, for example?

22 You know, at my last organization we used
23 teacher -- teacher and parent surveys to determine
24 quality, community surveys to determine quality. So
25 when I think about who I want to work with, it's

1 just not straight, like I'm going to look at your
2 school report card and determine it based off that.
3 I think there are a whole bunch of factors that
4 aren't necessarily, you know, super-rigid.

5 COMMISSIONER CHAVEZ: Uh-huh. And so do
6 you all advocate any, you know, certain kind of
7 philosophy, I guess, or approach to education?
8 Like, for example, some schools have a -- what's
9 called a "no excuses" or "no tolerance" approach?

10 MR. HINDMAN: No, definitely not.

11 COMMISSIONER CHAVEZ: Okay. All right.
12 Thank you.

13 MR. HINDMAN: Thank you.

14 THE CHAIR: Thank you, Commissioner.
15 Commissioner Shearman?

16 COMMISSIONER SHEARMAN: Thank you very
17 much.

18 Scott, I wanted to welcome you to the
19 meeting. As the Commission knows, you and I, while
20 I was still Chair, talked several times trying to
21 put this together; so I'm happy that it's finally
22 come about.

23 A couple of questions I wanted to ask.
24 You said you all want to facilitate the growth of
25 high performing schools. Do you have a definition

1 of "high performing schools"?

2 MR. HINDMAN: Yeah. So it's kind of just
3 like what I -- what I just spoke about.

4 So I'm going to form that more concretely.
5 But to me, high performing -- the function of a
6 school is for kids to learn. So, like, the number
7 one thing would be our kids learning while they're
8 at your school.

9 COMMISSIONER SHEARMAN: Well, this
10 Commission has, for several months now, been working
11 on the -- the criteria and the definition for "high
12 performing schools." I just happen to have it right
13 here.

14 MR. HINDMAN: Perfect.

15 COMMISSIONER SHEARMAN: We're waiting on
16 CSD to provide us some data. The last time we
17 looked at this was I believe in November of 2015.
18 And we were putting together some data so that SAM
19 schools could be realistically considered for high
20 performing schools.

21 MR. HINDMAN: What type of schools?

22 COMMISSIONER SHEARMAN: All right.

23 Somebody help me. SAMs is --

24 MS. POULOS: "Supplemental Accountability
25 Measures." Those are schools that have -- right

1 now, I believe they're all high schools that have a
2 very high percentage of students with disabilities
3 or over-age students.

4 MR. HINDMAN: Thanks.

5 COMMISSIONER SHEARMAN: The students that
6 Carmie, Commissioner Toulouse, was really talking
7 about.

8 And so in the section for SAM schools, we
9 wanted to put in realistic percentages. So we had
10 asked CSD to -- when the grade came out, to help us
11 with those numbers. We haven't had that brought to
12 us yet. But I'm going to ask that this "high
13 performing schools" definition be put on the agenda
14 for April. And I'm sure by then, we can get that
15 information from CSD.

16 And we'd be happy to work with you and
17 your group so that we're all on the same page, that
18 a high performing school for your purposes is a high
19 performing school for ours.

20 And PED has also agreed that this was ours
21 to draft. We were asked to go ahead and do this.
22 So I think we'd all be well to be on the same page
23 for this.

24 MR. HINDMAN: Agreed. Yeah. Appreciate
25 it.

1 COMMISSIONER SHEARMAN: Just that
2 information.

3 The other thing I wanted to ask you, on
4 start-up funds, are you talking about start-up funds
5 that would begin after an application has been
6 approved as a new charter school? Or would your
7 group have any -- any involvement with writing those
8 applications for new charter schools?

9 MR. HINDMAN: Yeah. So I do think we
10 would assist before or during the writing, if, you
11 know, that was a person or an organization that we
12 felt comfortable with. So I think that's, like, a
13 case-by-case basis, in my mind.

14 I think for some, yes; and for some, no.
15 But, you know, the big intent of that is just to
16 help folks get off the ground, just knowing --
17 having done it myself, what the costs are and
18 that -- I'd say the one to two years before you're
19 actually operating, like, that's -- that's the main
20 focus.

21 But to your point, I think -- I think it
22 depends on the case, to be honest with you. Does
23 that -- did I not fully answer that? I'm happy --

24 COMMISSIONER SHEARMAN: Oh, it fully
25 answers it. The questions that are flying around in

1 my mind are several of them.

2 I believe I recall reading in the
3 announcement that was the job announcement for the
4 position you now have that this new organization's
5 aim was to put in place -- was it 20 or 30 new
6 charter schools?

7 MR. HINDMAN: It was 30, yeah.

8 COMMISSIONER SHEARMAN: Within ten years,
9 was it? Whatever the time period is. Is that still
10 the focus of your group?

11 MR. HINDMAN: So I think -- I think 30
12 would be a really, really difficult number to get to
13 in five years. So, no. Like, I would say that to
14 get to 30 schools in five years --

15 COMMISSIONER SHEARMAN: Then give us a
16 more realistic number.

17 MR. HINDMAN: Frankly, that's what I'm
18 working on right now. That depends on a couple of
19 different factors. So one, what's the interest? So
20 if I showed up and everybody said, "Well I'm, not
21 interested in doing that," well, then the answer
22 would be zero, right? That hasn't been the case.

23 I think, too, it depends on funding. And
24 we are looking to do fundraising at this point. So
25 a lot of that is contingent on, you know, how much

1 money do we think we need to raise and how much
2 growth can that support?

3 And then I think the third piece around
4 that is when we talk about, like, talent investments
5 or just other pieces of creating a better system,
6 like, what does that have to look like and what's
7 the cost of that?

8 So I'm -- like, that's exactly what I'm
9 doing, and that's exactly what I'm going out and
10 trying to speak with folks just to understand, like,
11 who's interested and willing and ready to do this,
12 and what do we think we can fund?

13 And then we're going to come to a number
14 after that. But I think to get to 30 -- I mean, the
15 other thing, that that Bellwether job description, I
16 think, was out for probably a year to 15 -- I mean,
17 it was out for a long time. And it took a while for
18 me to get on board after that.

19 So I'd say the other thing to remember is,
20 as well, is that that time line is now probably
21 15 months behind, which affects quite a bit.

22 COMMISSIONER SHEARMAN: Okay. Thank you.

23 THE CHAIR: Just a second. Is there
24 anyone who hasn't spoken yet that wanted to ask a
25 question or make a comment?

1 Commissioner Ambruster?

2 COMMISSIONER ARMBRUSTER: You mentioned
3 that one of the goals was to support good teachers
4 and principals, administrators, and their
5 preparation. So what would you do with that and how
6 would you find those people?

7 And you would be paying for traditional
8 schools, as well as charter schools to do that?

9 MR. HINDMAN: So I'd say an example would
10 be -- and this is -- this is something that I
11 haven't, like, spent a whole lot of time with since
12 I've been here, just to be upfront about it.

13 So are there -- are there good programs
14 within the State of New Mexico, either through the
15 universities or through something else, through a
16 nonprofit -- I don't know -- that are doing a good
17 job of training and preparing teachers and
18 principals?

19 Usually, those organizations have limited
20 funding and scope and staff. But let's say they
21 wanted to say, you know, "We prepare, you know, ten
22 teachers a year, and we want to do 50. How can we
23 do that?"

24 Like, that would be something that I would
25 be really interested in. I don't know if that

1 exists yet at this point. But, like, when I think
2 about the larger system, if you're going to improve
3 schools, like, you need really good folks in there.
4 And that's a big piece of it. But that would be an
5 example of it. Like, it wouldn't be, like,
6 supporting a school doing that, for example.

7 COMMISSIONER ARMBRUSTER: Am I saying this
8 correctly, that your -- most of the money would be
9 going to help charter schools start up and to give
10 them money, more than helping traditional schools?

11 MR. HINDMAN: I would say not necessarily.
12 So I would say at the beginning, yes, for sure, just
13 because there's less kind of restriction around
14 moving quickly on opening a charter, for example.
15 And you know that.

16 But in the future, I'd say -- you know,
17 that's why I spoke about wanting to make those
18 connections within districts, because, like, they're
19 also doing a lot of very good, innovative work. And
20 if the aim is to improve -- the aim is for excellent
21 schools, New Mexico; it doesn't necessarily mean
22 excellent charter schools, New Mexico.

23 COMMISSIONER ARMBRUSTER: So that sounds
24 like the original intent of charter schools was to
25 try different and new, innovative teaching

1 techniques or products.

2 MR. HINDMAN: Yeah.

3 COMMISSIONER ARMBRUSTER: And then to
4 share those with traditional schools so that
5 everyone would benefit. So it sounds like, if I'm
6 hearing this correctly, that your group will be kind
7 of taking best practices from charters that are
8 doing well, as well as traditional schools that are
9 doing well, and share those with other people?

10 MR. HINDMAN: I mean, that would be the
11 hope, yes. That would be the hope.

12 COMMISSIONER ARMBRUSTER: Good. Thank
13 you.

14 THE CHAIR: Is that all?

15 COMMISSIONER ARMBRUSTER: I'm sorry.
16 Thanks.

17 THE CHAIR: Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Mr. Chair, I just
19 want to make one comment on waiting lists, having
20 grandchildren in charter schools in Albuquerque, two
21 of them at Alice King. I think when you get the
22 whole big number, most of those kids are the ones
23 that want the entry-level year; in Alice King's
24 case, kindergarten. However, there are openings at
25 Alice King in almost all the other grades, going up.

1 Like all schools, they want to keep their
2 student count; and so they're filling. So if
3 somebody has -- and this is where I think people
4 need to work, too, is to let parents know. If you
5 wanted your kid there in kindergarten, they didn't
6 make it, put them back on for first grade, second
7 grade; because there are -- in my grandson's
8 first-grade class, there have already been two kids
9 who have left just since this spring semester
10 started, and two left in the fall.

11 So right there, that's four openings in
12 first grade. So you have to kind of look at what
13 grade are they on the list for? If it's a high
14 school, are they on there for ninth grade, or are
15 they willing to go at tenth and eleventh grade?

16 I think we all, including us, would like
17 breakdowns of what is that waiting list, really? Is
18 it just kids that wanted to go that first year, or
19 they want to come in later?

20 So thank you.

21 THE CHAIR: Thank you. Anyone else?

22 COMMISSIONER GIPSON: I just have one
23 more.

24 COMMISSIONER CHAVEZ: Yeah, I have one
25 more question.

1 THE CHAIR: Oh. Commissioner Chavez, go
2 ahead. A voice.

3 COMMISSIONER CHAVEZ: I -- Bellwether
4 Education Partners is traded on the stock market;
5 correct?

6 MR. HINDMAN: No, they're not -- they're a
7 501(c)(3).

8 COMMISSIONER CHAVEZ: Okay. So they're
9 not traded on the stock market?

10 MR. HINDMAN: No. If you Google "990
11 Finder," you can look up Bellwether Education
12 Partners and find their 990.

13 COMMISSIONER CHAVEZ: Okay. So can you
14 tell me which, if any, of the for-profit charters
15 around the country you have a relationship with or
16 work with?

17 MR. HINDMAN: None.

18 COMMISSIONER CHAVEZ: All right. Thank
19 you.

20 THE CHAIR: Thank you.

21 Commissioner Gipson?

22 COMMISSIONER GIPSON: I just was
23 wondering, now that your time line has been kind of
24 done away with, when are you anticipating you could
25 possibly start to offer seed money, or whatever

1 support, for applications for new applicants?

2 MR. HINDMAN: Yeah. So we can -- we can
3 start with that work right now. In terms of having
4 a huge scope of it, I mean, that's obviously, you
5 know, more -- more limited. But getting a few folks
6 off the ground, like, we could definitely start that
7 work this year.

8 COMMISSIONER GIPSON: You've got seed
9 money.

10 MR. HINDMAN: Yeah. For this year, yes,
11 definitely.

12 COMMISSIONER GIPSON: So how many
13 schools -- of course, the application process is
14 closed for this --

15 MR. HINDMAN: Yeah, exactly.

16 COMMISSIONER GIPSON: -- for this -- how
17 many schools do you -- would you feel comfortable
18 with being able to support?

19 MR. HINDMAN: That's a good question. And
20 what I'm doing is I'm meeting with -- so what I
21 really need an understanding of -- and this is
22 something that wasn't in the Bellwether report -- I
23 have a fairly good idea of it -- but it's just
24 what -- what are the costs for what these schools
25 would need; right?

1 So is it a facility? Is it a six-month
2 hire for a principal? Like, that's the type of
3 information that I'm actually gathering right now,
4 so I could determine what those costs are. The way
5 that it's been framed in other -- you know, so there
6 are 15 or so kind of similar organizations that are
7 doing similar type of work, and they always frame it
8 in a dollars-per-student number.

9 But, like, that, to me, doesn't seem to
10 work all that well; because, you know, a higher --
11 cost for personnel, for example, is very different
12 than the cost of facilities. So, yeah. So I'm
13 happy to speak more about that, like, when I have
14 that information. But that's exactly what I'm doing
15 right now is figuring out, you know, can I determine
16 kind of what an average cost looks like, and then,
17 you know, see what we need for funding, see what we
18 have for funding, and then that's what determines
19 the seat numbers.

20 COMMISSIONER GIPSON: Okay.

21 MR. HINDMAN: Yeah.

22 COMMISSIONER TOULOUSE: Mr. Chair, one
23 final question, and then I'm through.

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Do you think you

1 might be involved with any of the applications we
2 received this January?

3 MR. HINDMAN: No, I haven't spoken with
4 anybody who's --

5 COMMISSIONER TOULOUSE: Not even the
6 Masons in Gallup?

7 MR. HINDMAN: Patrick's on my board; so
8 we're definitely not, like --

9 COMMISSIONER TOULOUSE: Okay. Because
10 they, you know, have applied for a school. You're
11 not involved in that one?

12 MR. HINDMAN: No. No. That would be a
13 conflict of interest. And I don't want to be
14 involved in it.

15 COMMISSIONER TOULOUSE: Thank you.

16 THE CHAIR: Anything else? Because I have
17 some stuff, if everyone else --

18 COMMISSIONER PERALTA: Go ahead.

19 THE CHAIR: I have a couple of questions;
20 but then you said something in one of your answers.
21 You've assured us twice now that Bellwether doesn't
22 have anything to do with this. But in one of your
23 answers, you mentioned someone that's with
24 Bellwether that's an operator of a charter school.
25 That's what you said. When you said that, I got a

1 twinge.

2 MR. HINDMAN: No, sorry. So Bellwether
3 does -- it's a -- it's like a McKenzie. I guess
4 that would be the best known consulting firm. So
5 they do consulting for education. Then if someone
6 hires them to look for an ED, they do that.

7 THE CHAIR: Okay. Thank you for
8 clarifying that, because I think you'll remember,
9 I'm one of them that raised the issue of an
10 out-of-state group with you --

11 MR. HINDMAN: Yeah, exactly.

12 THE CHAIR: -- when I had a conversation
13 with you. And I am concerned about that; because
14 somebody from some -- back East coming in and
15 telling us folks out here how we've got to slice the
16 pie and everything -- we've got a pretty good grip
17 on it, we think. But anyway -- so I was one of
18 those that was concerned about that.

19 Now to my questions. You mentioned
20 support a couple of times. But define your
21 definition of how you're going to actually support
22 either applicants or existing schools. Can you do
23 that for me?

24 MR. HINDMAN: Yeah. Good question. So
25 financial support, and then technical support in

1 terms of whether the application writing, whether it
2 would be -- you know, my background is in finance
3 and operations; so, like, in how do you grow an
4 organization, in those respects. And then when I
5 think about who I would need to hire or who I would
6 at least need to have consult, you know, it would be
7 folks with a background in how do you -- how do you
8 grow either a school -- grow grades or grow a new
9 school; you know, what does the academic piece look
10 like? And I would work with somebody who has that
11 experience in doing it.

12 There are quite a few organizations. I
13 don't -- there may be one in New Mexico; but there
14 are, you know, folks nationally who have put out --
15 you know, it's all open source -- put out all of the
16 materials on that. And they have -- they have
17 literally just sent me everything and offered to
18 provide support if I needed that type of support.

19 But, yeah, I mean, the two big pieces of
20 it are -- would be -- would be finance; and then it
21 would be, "What do you need help with on the -- on
22 the application side or on the -- the
23 opening-a-new-school side?"

24 THE CHAIR: Okay. Thank you.

25 MR. HINDMAN: Yeah.

1 THE CHAIR: And you've already had several
2 questions on the start-up funding. But the thing
3 that occurred to me, when you said as a private
4 organization, you're going to be providing funds to
5 charter schools, some of our charter schools in this
6 state have their own nonprofit foundation that raise
7 money strictly for their own school. I'm not aware
8 of a lot of private organizations in New Mexico that
9 are doing what you're proposing to do that are
10 handing out money to our local charter schools.

11 Is there a legal issue with that? Is that
12 legal in New Mexico, or --

13 MR. HINDMAN: So we're a nonprofit. We'll
14 be a 501(c)(3). Like, the best parallel, actually,
15 would be a Kellogg, for example, a foundation that
16 gives money to a school. It's pretty similar to
17 that.

18 So, yeah, we're applying for our 501(c)(3)
19 at this point. Like I said, it's approved in
20 New Mexico. The next step is the federal approval.
21 So no, we're a nonprofit organization.

22 THE CHAIR: I'm not sure how those
23 national organizations, some, like Daniels and
24 others, the Gates Foundation and all those, do
25 they -- will you -- when you give money, does it

1 come with strings attached? Or is it a gift?

2 MR. HINDMAN: Yeah. So I think that,
3 like -- that can vary, as well. So I think there
4 are -- you know, 'cause I've worked with
5 organizations that have actually received these
6 grants. So some of them are, just, "Here's a block
7 grant to do what you need to do," and the
8 application process is thorough enough that there's
9 vetting to the point that, you know, there's trust
10 that you'll do what you need to do with the money.

11 And then others, there are milestone
12 markers that you had to hit; like, I'm much more
13 inclined to having those milestones that you have to
14 reach in order to have continued funding. But
15 because if you're just giving money to folks and
16 they're not using it well, it doesn't seem to make a
17 whole lot of sense.

18 THE CHAIR: And I also had noted that
19 number of 30 schools. The history of the charter
20 school movement in this state, I think the first
21 charter school in this state opened up in either '91
22 or '92. And 24 years later, we have approximately
23 101 or 102 schools.

24 You would be proposing to add 30 percent
25 to that in just the coming years. And it didn't

1 sound realistic to me. And you may not be aware,
2 there are statutory limits on how many charter
3 schools can open in New Mexico. Right now, it's 15
4 in any given year, and 75 over a five-year period.
5 That would tend to also inhibit something like that,
6 unless you were going to crowd everybody else out of
7 the application market.

8 I'm intrigued by your helping them with
9 applications; but I haven't thought of a useful
10 question yet. When I think of it, I'm going to ask
11 you about it.

12 MR. HINDMAN: Fair enough.

13 THE CHAIR: Here again, they can get any
14 help they want from any source and would welcome it.

15 MR. HINDMAN: Yeah, exactly.

16 THE CHAIR: I'm not bothered by it. But I
17 am intrigued by it. I can't think of anything else.

18 Does anyone else have any follow-up?

19 Commissioner Ambruster?

20 COMMISSIONER ARMBRUSTER: Just to do what
21 you were saying. So your goal is to open up more
22 charter schools. And I'm wondering if money might
23 not be better spent improving the schools who are
24 struggling.

25 MR. HINDMAN: So the goal is actually to

1 create more high quality school seats, which could
2 include helping schools that are struggling. So I
3 deliberately framed it -- so you can frame it in a
4 number of ways.

5 You can say, you know, you guys -- you can
6 say 30 schools; right? Or you can frame it as,
7 like, how many kids are you actually serving?

8 Extreme hypothetical: What if you have
9 one school that served 5,000 kids -- right? -- or
10 one that served ten? I wouldn't want to have
11 30 schools that were all serving 15 kids.

12 Yeah. So the goal is actually -- I think
13 about it more in terms of students served than
14 actual schools opened.

15 I think -- I mean, I was -- so I was
16 involved in turn-around work. That was my
17 background. I was part of a turn-around school
18 district that was run by the state. That is a -- in
19 my opinion, a highly coordinated effort that needs
20 to take place among probably three or four different
21 stakeholders.

22 And frankly, like, that's not happening
23 right now in New Mexico. And the amount of money
24 needed to do that is going to be way more than --
25 than this organization will ever have.

1 COMMISSIONER ARMBRUSTER: I'm sorry.

2 THE CHAIR: Is that it? Anything else?

3 Well, I want to thank you for taking the
4 time. You are interested in high-quality schools.
5 Well, that's what we're interested in. And we've
6 spent the last seven years, while I've been on this
7 Commission, trying to get to that point.

8 We're talking the same language. We may
9 not be talking the same highway to get there; but
10 we're talking the same language, because everybody
11 sitting here in this room today wants high-quality
12 schools, and every parent in this state wants
13 high-quality schools, whether it's charter schools
14 or public schools. We're all talking the same
15 language.

16 We may not always agree on how we're going
17 to get there. And there's probably a variety of
18 ways you can get there. We -- I was reassured that
19 you don't want to compete with the Coalition, the
20 Coalition established here. And I'm glad to hear
21 that. I'm glad to hear that you met with them, and
22 you've now met with us, and you're meeting with
23 other people.

24 I suspect at some point, this Commission
25 probably would like to see a list of your board

1 members with some of their expertise and stuff. I
2 assume they're not going to do this anonymously.

3 MR. HINDMAN: No. That's all part of our
4 application. So it'll be publicly available,
5 anyway.

6 THE CHAIR: When that's available, you
7 might bring it to the Charter School Division or
8 something, send it to them. We'd appreciate that.

9 But thank you for taking the time, and
10 thank you for your commitment. And it's going to be
11 an interesting experiment to see how it plays out.

12 MR. HINDMAN: I appreciate it,
13 Commissioner Bergman. Thank you.

14 THE CHAIR: Anything else? Thank you,
15 Mr. Hindman. Thank you for being here today.

16 Actually, I see straight-up 10:00. Take a
17 comfort break, exactly ten minutes, folks. If
18 you're not here at ten after, you're going to be
19 shot.

20 Let's take a ten-minute break, please.

21 (Recess taken, 10:00 a.m. to 10:10 a.m.)

22 THE CHAIR: All right. I will call us
23 back into session. I will note that temporarily,
24 Commissioner Gipson is out of the room. Before I
25 start with the next agenda item, I would like to

1 remind everybody that is in the room today, if you
2 wish to speak in our Open Forum, and you have not
3 signed up, there is a list out in the lobby out
4 there. Please go and sign up on that list so you'll
5 be given your opportunity at the appropriate time.

6 We are on Agenda Item No. 5, Discussion
7 and Possible Action on Charter School Amendments.

8 Item A is Aldo Leopold Charter School. I
9 would ask them if their representative is here.

10 Come down front.

11 Director Poulos, when you're ready, if
12 you'll present this to us, please.

13 MS. POULOS: Chairman Bergman,
14 Commissioners, Aldo Leopold Charter School has
15 requested to add a facility to their charter. They
16 would continue utilizing the current facility for
17 their high school students, and they would be adding
18 a facility just a couple of miles, or a half-mile
19 down the street, to serve their students in Grades 6
20 through 8. They have recognized that the approval
21 should be conditional on meeting all of the facility
22 requirements. And we have provided motion language
23 for you.

24 THE CHAIR: And do you have a
25 recommendation?

1 MS. POULOS: I can't see any reason that
2 you would deny this.

3 THE CHAIR: Thank you, Director Poulos.
4 Go ahead. Please identify yourself and
5 your school, and then proceed.

6 MR. AHNER: My name is Eric Ahner from
7 Aldo Leopold Charter School. Good morning, members
8 of the Commission.

9 Two years back, I sat in front of you
10 seeking for permission to look at a new location for
11 a charter school. And through no short measure, we
12 have a parent of a senior who's willing to finance
13 and reconfigure his former restaurant space to
14 become our new middle-school facility, hopefully.
15 It's located probably less than a half-mile away,
16 probably about a third of a mile away, walking
17 distance between our two schools. And we're hopeful
18 that we can get this up and going quickly.

19 THE CHAIR: Thank you. Are there any
20 questions for the school today about this amendment?

21 Commissioner Shearman?

22 COMMISSIONER SHEARMAN: I know we talked
23 with you not very long ago. And you said you were
24 looking for another facility. Tell me your grade
25 levels and the history of those grade levels.

1 MR. AHNER: Sure. We are in our eleventh
2 year. And when we began our charter, we were
3 serving nine through 12. Three years ago, you
4 approved an amendment to expand a sixth, seventh,
5 eighth, in addition to high school; so we're six
6 through 12.

7 COMMISSIONER SHEARMAN: So that was three
8 years ago.

9 MR. AHNER: Correct.

10 COMMISSIONER SHEARMAN: Okay. Do we have
11 governance council minutes?

12 THE CHAIR: Yeah; but they are draft
13 minutes. When we get to the motion, we will have to
14 identify they will have to provide actually the
15 official minutes, when they're available, to CSD.

16 MS. SHEARMAN: Are those in there? Pardon
17 me, Mr. Chairman.

18 THE CHAIR: Go ahead.

19 COMMISSIONER SHEARMAN: Does it say
20 whether the governing council approved this request
21 for a new facility?

22 COMMISSIONER TOULOUSE: Yes, right here.

23 COMMISSIONER SHEARMAN: Okay. So if I
24 might just ask one more question?

25 Right now, you have all grades in the

1 original facility?

2 MR. AHNER: Correct. We've had to cap the
3 number of students we have in the facility because
4 of a lack of space. So we've had a waiting list for
5 the middle school for three consecutive years, and
6 the high school is not full. So our ability to move
7 to a new facility for the middle school will allow
8 us to hopefully be to capacity, which was 90 for the
9 middle school.

10 COMMISSIONER SHEARMAN: And what is your
11 enrollment cap?

12 MR. AHNER: 210 total, in the way we wrote
13 it in the charter, and through your approval, was 90
14 for the middle school, 120 for the high school.

15 COMMISSIONER SHEARMAN: And you're within
16 that?

17 MR. AHNER: Yes, ma'am.

18 COMMISSIONER SHEARMAN: Okay. The only
19 other question I have, on the amendment request,
20 under the "Rationale" section, "ALCS will continue
21 to seek a permanent site for the high school and
22 will contemplate expansion at the new site."

23 Would you explain what you mean by "seek a
24 permanent site" for the high school?

25 MR. AHNER: Sure. Our high school is in a

1 leased facility from a private owner. So we
2 certainly hope to move in the direction of having a
3 permanent facility that is through a lease-purchase
4 agreement or publicly owned. So that's something
5 that we have not been able to do.

6 The new site for the middle school is
7 about 2.2 acres; so it has enough land to
8 potentially put a high school on that property, if
9 we get that far in finding the funding and so on.
10 So our hope is to have one facility, or both
11 schools, on one piece of property in the future.

12 COMMISSIONER SHEARMAN: Okay. Thank you
13 for that.

14 MR. AHNER: Yes, ma'am.

15 COMMISSIONER SHEARMAN: Thank you,
16 Mr. Chairman.

17 THE CHAIR: Any other questions?

18 I would have just one, then. I don't see
19 a date. Do you anticipate being in both of these
20 buildings at the start of the next school year? Or
21 are you moving now?

22 MR. AHNER: That certainly is our hope.
23 It's an estimated three-month building project. The
24 multiple steps involved for a lease-purchase,
25 working with the private individual who's going to

1 fund this for us and so on, is certainly making it
2 very, very challenging. The -- I think that this is
3 challenging as -- the original charter grant we did
4 11 years ago is a little easier; but this process is
5 unbelievably challenging, from beginning to end.

6 I hope that there's clarity in the future
7 for you and for us in how we might be able to
8 streamline this process.

9 THE CHAIR: Absolutely. Thank you. We're
10 finding it, and new schools are finding it, the most
11 difficult aspect of their getting -- it's a problem
12 for everyone now.

13 MR. AHNER: Indeed.

14 THE CHAIR: I'm not sure there's a --
15 there's not a surplus of facilities around the state
16 that's available for schools. That's an issue I
17 think that, at some point, somebody in Legislature
18 is going to have to address someday. How are we
19 going to do this to keep these charter schools
20 moving forward?

21 MR. AHNER: Yes, sir.

22 THE CHAIR: Thank you.

23 Anything else, Commissioners?

24 Then I would entertain a motion. There is
25 a sample motion on your Executive Summary, if you

1 want to use that one. Does someone want to make a
2 motion?

3 COMMISSIONER GIPSON: Sure.

4 THE CHAIR: Commissioner Gipson?

5 COMMISSIONER GIPSON: I move to approve
6 the amendment presented by Aldo Leopold Charter
7 School to add a facility at 2138 Highway 180 East,
8 Silver City, New Mexico, with the conditions that
9 the school must meet all facility requirements and
10 provide governance council minutes, signed,
11 approving the move.

12 THE CHAIR: Thank you, Commissioner
13 Gipson.

14 Do I have a second?

15 COMMISSIONER CONYERS: Second.

16 THE CHAIR: Commissioner Conyers has
17 seconded.

18 The motion is to approve.

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

21 COMMISSIONER PERALTA: Commissioner
22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Gipson?

1 COMMISSIONER GIPSON: Yes.
2 COMMISSIONER PERALTA: Commissioner
3 Chavez? Is she still here?
4 COMMISSIONER CHAVEZ: Yes.
5 COMMISSIONER PERALTA: Commissioner Pogna?
6 COMMISSIONER POGNA: Yes.
7 COMMISSIONER PERALTA: Commissioner
8 Ambruster?
9 COMMISSIONER ARMBRUSTER: Yes.
10 COMMISSIONER PERALTA: Commissioner
11 Conyers?
12 COMMISSIONER CONYERS: Yes.
13 COMMISSIONER PERALTA: Commissioner
14 Shearman?
15 COMMISSIONER SHEARMAN: Yes.
16 COMMISSIONER PERALTA: Commissioner
17 Peralta votes "yes."
18 Commissioner Bergman?
19 THE CHAIR: Yes.
20 COMMISSIONER PERALTA: Mr. Chair, that is
21 nine to zero in favor of the motion.
22 THE CHAIR: Thank you, Mr. Secretary.
23 That motion does pass with a nine-to-zero vote.
24 Thank you for making that long drive.
25 MR. AHNER: Thank you very much for your

1 time.

2 The next item is Item B under No. 5. And
3 let me take a moment to read a note here. And as
4 usual, I do have a reminder. I ask everyone to
5 please use your microphones.

6 She is kind enough to tell me she can hear
7 me. I have never had a problem being heard. For
8 those of you who don't talk very loud, please use
9 your mics.

10 We are again at Item 5-B, which is Taos
11 Integrated School for the Arts, if they're here
12 today.

13 MS. POULOS: That is Item C. And the
14 school has asked that that amendment be removed; so
15 we are.

16 THE CHAIR: Mine says B. Item C is
17 Uplift.

18 MS. POULOS: Then mine got changed at some
19 point. That item has been removed.

20 THE CHAIR: All right. The one that is
21 identified as B on my agenda has been -- they will
22 not be presenting.

23 So on my agenda under Item -- there is a C
24 that says, Uplift Community School.

25 Is there anyone from Uplift here?

1 FROM THE FLOOR: Yes.

2 THE CHAIR: Please come forward, then.

3 Director Poulos, will you present this to
4 us, please?

5 MS. POULOS: Chairman Bergman,
6 Commissioners, Uplift Community School has submitted
7 two amendment requests. These two requests are
8 related to a change in the curriculum from an
9 Expeditionary Learning model to a Project-Based
10 Learning model. As a result, CSD has combined the
11 analysis for both of these.

12 In your materials, you'll see that we
13 address the first request, the change to its charter
14 mission. Again, in that, they request to really
15 remove the references to Expeditionary Learning.
16 They stated that the rationale is a result of the
17 Expeditionary Learning company undergoing a national
18 restructuring, which compromised the ability of
19 Uplift Community School to implement EL, and in a
20 cost-effective manner.

21 CSD cannot confirm the rigor of their new
22 proposed program. So one of the benefits of the
23 Expeditionary Learning -- and this combines with
24 their next goal -- is that external evaluators come
25 in and evaluate the school's implementation of that

1 program.

2 As you'll see in their next amendment,
3 that related to the charter school goal and the
4 student performance expectation. The original goal
5 on No. 2 referenced that external evaluation. The
6 school is proposing to change that goal to a
7 requirement that 80 percent of the instructional
8 staff demonstrate proficiency in interdisciplinary
9 project-based unit design and implementation, as
10 measured by a beginning-of-the-year professional
11 development plan employing a rubrics-based
12 instrument.

13 Again, this raises concerns for CSD about
14 the rigor of that evaluation and implementation.
15 And the rationale appears to be the same, which is
16 that the school cannot continue to be associated
17 with the EL company, national company.

18 The next goal that they propose to change
19 is student performance expectations, which
20 previously required that 100 percent of students
21 score at least 80 percent on Learning Expedition
22 rubrics four times annually. The proposed change
23 eliminates any target for student performance and
24 leaves only the requirement that students be
25 assessed; but does not establish a performance

1 target.

2 This is similar to the amendment request
3 that was submitted by La Jicarita Community School,
4 I believe, in November or December, which did also,
5 in that case, represent a pretty substantial change
6 to the application that was submitted to this
7 Commission and originally approved for operation.
8 And as a result, CSD cannot recommend the approval
9 of these amendment requests, consistent with the
10 Commission's decision with regards to La Jicarita
11 Community School.

12 THE CHAIR: Thank you, Director.

13 Please identify yourself and who you're
14 with and then proceed.

15 MR. CAMMON: Thank you very much.
16 Commissioner Bergman, Commissioners. My name is Jim
17 Cammon. I'm director of Uplift Community School. I
18 assumed the post July 1 of 2014.

19 Thank you for the opportunity to present
20 here today and respond to certainly, Commissioner
21 Poulos' -- or pardon me -- Director Poulos' comments
22 that are relative to our amendments.

23 As I framed my comments here, certainly,
24 as I assumed the post July 1 of 2014, I took a quick
25 look at the school in terms of academic performance,

1 in terms of organizational performance, and,
2 certainly, financial performance. And certainly, in
3 all regards, I had some great concerns.

4 Certainly, that's borne out -- as you've
5 seen by our school report card, this is less than
6 stellar. I don't think that's, if I might offer at
7 this point, reflective of our students' abilities.
8 We have some very talented students. But, simply,
9 have we put things in good order in terms of an
10 educational model, and, then, certainly, carried
11 through accordingly on a daily basis in terms of
12 instruction and, obviously, fiscal responsibility
13 therein?

14 With that in mind, the governing council
15 and I began visiting in fall of 2014 and really
16 assessing where we were in our relationship with
17 Expeditionary Learning. In their midyear review,
18 indeed, as they came in in January of 2015 -- and I
19 do have that document, should you need to see it --
20 they recommended that indeed we would move further
21 away from our charter, if you will.

22 Presently, we have educational assistants
23 for kindergarten, first, second, third, fourth, and
24 fifth grades. They said, "We really need to help
25 you get your school working properly towards the

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1 Expeditionary Learning model; and, therefore, we
2 need an additional \$855,000, and we recommend that
3 that you get rid of EAs." Several EAs are indeed a
4 teacher position.

5 As we looked at that midyear report,
6 looked at, as I mentioned, our academic performance,
7 certainly, organizationally what was going on and
8 fiscal responsibilities, the governing council was
9 very concerned that we had already spent \$113,000
10 through February of 2015 with Expeditionary
11 Learning, with a facilitator coming on campus
12 monthly working with staff, and where we had not
13 moved accordingly.

14 Now, we certainly accept our
15 accountabilities therein, and internally. But there
16 was concern, do we need to continue under the
17 banner -- the formal banner of Project-Based
18 Learning via Expeditionary Learning, or, indeed,
19 could we do that independently? And so that was --
20 the primary decision was driven by fiscal and
21 certain performance criteria and constraints, and
22 the notion that Project-Based instruction has been
23 around long, long before there was a corporate
24 entity by the name of "Expeditionary Learning."

25 I don't mean to malign them; but simply,

1 there was concern that the corporate model was
2 driving what we were doing with less than stellar
3 results.

4 So that frames where we began in terms of
5 realigning our mission with a more functional
6 mission statement, and one, indeed, that would be a
7 living document therein, performance criteria based
8 upon rubrics, which I would also point out -- and I
9 do have the original charter amendment in front of
10 me here. And EL had stated that, indeed, our school
11 would be performing and score at least 80 percent on
12 Learning Expedition rubrics each of the four times a
13 rubric is administered annually.

14 When I asked them November -- December, of
15 the Regional Director, John Mann, in Denver, "We
16 have not yet seen those rubrics," he responded,
17 "Well, we're in a restructuring, and we simply
18 haven't gotten around to it."

19 Well, I've operated businesses in the
20 past, long before I got into public education. But
21 the notion of offer, acceptance, and consideration
22 relative to contract law certainly concerned me
23 there, let alone programmatically that my teachers
24 were saying, "How can we be evaluated by an entity
25 coming in when we've never received the rubrics that

1 indeed we were supposed to have paid for and have
2 paid for?"

3 And again, we did not receive a response.

4 So with that piece in mind and the other
5 features that I've mentioned, the governing council
6 indeed passed a resolution March of 2015, saying,
7 "It is time to remove ourselves formally from a
8 relationship with Expeditionary Learning; but with
9 the notion we will continue, certainly, under the
10 precepts and tenets of Project-Based instruction."

11 My career, so you would know, has been
12 spent the past 30 years working in rural areas of
13 New Mexico, Arizona, Colorado, Oregon, and 12 years
14 in Bush, Alaska. And were it not for Project-Based
15 instruction and given rubric-based design, I can
16 assure you we would not have accomplished the things
17 that we did. Certainly, in the last 12 years in
18 Alaska, prior to returning to New Mexico, and under
19 No Child Left Behind, that mechanism and platform
20 allowed us to move schools from very low performing
21 to high performing.

22 And so I'm committed to Project-Based
23 instruction, as is our governing council.
24 Certainly, Director Poulos has spoken well that we
25 need to have the rubrics more aligned, if you will,

1 and perhaps indeed a contractual relationship with
2 an outside party to work with us to make certain
3 those are consistent with what the PEC would expect,
4 and, certainly, CSD.

5 THE CHAIR: That concludes your comments?

6 MR. CAMMON: Yes. Thank you, sir.

7 THE CHAIR: I will throw this open to
8 members of the Commission. Do you have questions
9 for the school on these amendment requests?

10 COMMISSIONER GIPSON: I do.

11 THE CHAIR: Commissioner Gipson?

12 COMMISSIONER GIPSON: I did some research,
13 because we didn't get this material until late
14 yesterday. So I did do some research. And I didn't
15 find anything where there seemed to be some major
16 shift or organizational shift with EL, outside of
17 the change in the name that went to "EL." So I
18 didn't see anything that indicated -- and I went
19 through close to two years of memos that had come
20 out through EL; and I didn't see anything that
21 indicated any kind of huge shift.

22 So I'm just wondering where that's coming
23 from, from you.

24 MR. CAMMON: I began to receive e-mails
25 and indeed notices from John Mann, as I mentioned,

1 the Rocky Mountain Regional Director for
2 Expeditionary Learning, that they were moving to a
3 new name rather than "Expeditionary Learning," and
4 their focus would change slightly.

5 We had asked early on what would that mean
6 and, indeed, programmatically and so on. And we
7 were told there would be a national Webinar and
8 conference in May of 2015 to define where we're
9 headed. So that's the best I can offer you there.

10 I am not on their e-mail listing, as we
11 speak. After we divested with being involved with
12 them, we did receive a refund from EL for their
13 services in May of 2015. Then I'm not able to
14 respond any further, Commissioner Gipson, to what
15 you may be asking for.

16 COMMISSIONER GIPSON: Okay. So then I
17 guess my second concern is you've divested yourself
18 from them, when this was part of your contract that
19 you do Expeditionary Learning. So you've already
20 divested yourself of them, and now you're coming
21 before us and saying, "We want to divest ourselves
22 of them." But you've already done it; so you've
23 already closed the door.

24 MR. CAMMON: As we visited with our school
25 attorney and other parties, and certainly a couple

1 of consultants, and recognizing things that can get
2 pretty litigious, we regret the fact that maybe the
3 cart was before the horse. But we did -- I did get
4 those amendment requests -- or hope to get them to
5 you in June, as I delivered them to CSD, and,
6 indeed, towards the notion that we saw an urgent
7 need.

8 As we were looking ahead a year away from
9 rechartering, would it have been mis- or malfeasance
10 on my part not to say, "We're a low performing
11 school, we're paying 'X' number of dollars, and
12 let's continue down this road, and we haven't really
13 shown any results," I'm not comfortable with that,
14 quite frankly. As I look there, and my experience
15 running schools and being involved as an
16 administrator for 21 years, that I couldn't, in good
17 faith, say to my governing council, who have asked
18 me, "Will this get us there," I could not give them
19 an affirmative.

20 And I regret that perhaps we have not
21 followed the formal process, per se. The GC is
22 apologetic there. And yet that's where we find
23 ourselves.

24 COMMISSIONER GIPSON: That's another
25 question I had; because I saw in the materials that

1 there was a June date.

2 MS. POULOS: Commissioner -- sorry -- Vice
3 Chair Gipson, Commissioners. So the materials were
4 sent to us, again, after the decision had already
5 been made and implemented by the school. They did
6 not come to me until many months later, when
7 Mr. Cammon communicated with me. So they were lost
8 in our Department.

9 Again, we've changed that liaison model
10 was how that happened. And so having a centralized
11 location where those go and an individual who is
12 assigned to that is how we have assured that will
13 not happen again.

14 But again, the time line still does
15 support that the decision was made prior to the
16 request and implemented prior to the request.

17 COMMISSIONER GIPSON: Okay. And as the
18 CSD Director has indicated, I, personally, have an
19 issue with a school now coming and saying, "We want
20 to completely change our mission"; because
21 Expeditionary Learning was what you were chartered
22 with. And I -- we did not do, as mentioned with the
23 previous school.

24 And I did a fair amount of research on EL
25 with that school, because I had time. And I do find

1 the rigor there. And it's a very broad term to just
2 say, "We're going to turn to Project-Based Learning
3 in midstream." And it does -- as far as I'm
4 concerned, it completely changes the mission of the
5 school.

6 THE CHAIR: Commissioner Shearman?

7 COMMISSIONER SHEARMAN: Thank you. Not to
8 be on it too much, but this Commission has already
9 set the precedent that we do not accept major, major
10 changes to a school's mission, to their contract, if
11 they're under one already, in the middle of their
12 charter. This is a major component of the school,
13 Expeditionary Learning is. That's the model it was
14 chartered under.

15 Are you all under a contract, or are you
16 under your original charter?

17 MS. POULOS: Chair -- sorry --
18 Commissioner Shearman, they are under the original
19 charter. They have not entered under the
20 performance contract.

21 COMMISSIONER SHEARMAN: So your original
22 charter says "Expeditionary Learning." This
23 Commission has said we don't -- we don't do that.
24 That's how you were chartered. That's what you told
25 us you were going to do. We believed you and gave

1 you the opportunity to do it. Now, we don't change
2 horses in the middle of the stream.

3 And I agree, the Expeditionary Learning is
4 still a viable option. And you renew next year, did
5 you say?

6 MR. CAMMON: That is correct.

7 COMMISSIONER SHEARMAN: Okay. My opinion
8 is we stick with the precedent we've set and ask the
9 school to complete their charter under the
10 conditions they were chartered to operate under.

11 THE CHAIR: Thank you, Commissioner.

12 Anyone else?

13 Commissioner Conyers?

14 COMMISSIONER CONYERS: Chairman Bergman,
15 this is for Mr. Cammon, I guess. I'm hearing some
16 talk that this may not get approved. So where does
17 that leave you if that happens? What would be
18 the -- where would you be? Where would the school
19 be?

20 MR. CAMMON: I'm assuming at that point,
21 we will need to reengage with Expeditionary Learning
22 and ask to continue with them in a formal contract
23 relationship, is, I believe, our only option, in
24 light of the fact that we've proceeded independently
25 with the project-based design.

1 COMMISSIONER CONYERS: Okay. Thank you.

2 THE CHAIR: Thank you. Anyone else?

3 Commissioner Toulouse?

4 COMMISSIONER TOULOUSE: Mr. Chair.

5 Do you have the financial wherewithal to
6 go into another fiscally -- fiscal agreement with
7 Expeditionary Learning?

8 MR. CAMMON: At this point, we do. Last
9 spring, as they engaged with us and said we would
10 need \$85,000, we were nowhere near that. As I
11 entered in as director, unfortunately, improper
12 projections of enrollment had been provided to the
13 State, and so we experienced a shortfall last year
14 of roughly \$330,000 entering into a major austerity
15 plan for the year.

16 Needless to say, it was a challenge. We
17 made it through the year. We're in slightly better
18 shape this year.

19 Would we have the \$85,000? Probably. I
20 would need to visit with Sean Fry with the Vigil
21 Group, who's our contract accountant. I was hoping
22 to utilize those excess funds to engage with Success
23 for All, because beyond the project-based
24 instruction, quite frankly, our kids need to be able
25 to read, and we've got to conquer that mechanism

1 long before we go into Expeditionary Learning.
2 That's what we were hoping to use those excess funds
3 for.

4 COMMISSIONER TOULOUSE: Mr. Chairman?

5 I guess, because I'm one of the ones here
6 on the Commission that does not have an education
7 background; although, I do have in higher ed, when I
8 was on the CNM Board, and Expeditionary Learning was
9 a big tool at the community-college level, and they
10 worked with the high schools around Albuquerque,
11 and, in fact, the surrounding area. So I know how
12 it works at a high-school level. I'm not sure how
13 it works as you go down lower and how successful it
14 is.

15 But honestly and truly, outside of using
16 an organization that has a name and has their own
17 tools already set up, I don't see where it's any
18 different than Project-Based Learning, if you have
19 an evaluation system for your Project-Based Learning
20 that is external to your school.

21 And that's my statement to my colleagues
22 here. And I'm very familiar with the college- and
23 high-school level of Expeditionary Learning; but I
24 don't know younger kids. Thank you.

25 THE CHAIR: Thank you Commissioner.

1 Anyone else?

2 Commissioner Peralta?

3 COMMISSIONER PERALTA: The thing that
4 really sticks out to me is, in looking at your last
5 three years of your school grade report card, and it
6 averaging out to F's at each of the last three
7 years -- your average has been at 28 at each one of
8 those -- those grade reports. Can you tell me a
9 reason why there might not be a slight upward trend
10 that you might be headed towards getting out of the
11 cellar, and -- you know. Because in a year, when
12 you come back, this school is going to stick out to
13 me as a major concern about, you know, where we're
14 going to head in the future, or if there is a
15 future.

16 So can you talk to me about that and why
17 we don't see any kind of slight improvement in that?

18 MR. CAMMON: Certainly. I think, first
19 and foremost, in our initial hires for the school --
20 and I'm not judging anyone, but simply reviewing
21 back into the files of those individuals who were
22 brought on as teachers -- that they were not
23 themselves from educational backgrounds, nor with
24 proper preparation and transitioned on.

25 So essentially, and for lack of better

1 words -- and I don't like the word -- we sacrificed
2 a year of instruction, if you will, and sadly,
3 student achievement in that design.

4 As we then brought on a new group of
5 teachers, indeed, the same fact took place in terms
6 of well-intentioned souls, if you will; but in my
7 mind, rather it be under the guise of NMTeach or
8 simply a Madeline Hunter that I grew up with, in
9 terms of writing goals and objectives and lesson
10 plans on a daily basis or a weekly basis, we were
11 not there.

12 I've mentioned to staff -- and I'm not
13 attempting to insult anyone, but speaking frankly
14 with you all -- that we became a school last year.
15 Prior to that, as I looked at lesson plans, which
16 form the bases of daily and weekly instruction, and
17 certainly towards curriculum mapping and so on, we
18 simply were not there.

19 And so last year, we embarked upon that
20 independently of the professional development with
21 Expeditionary Learning. We were conducting
22 professional development towards the lesson
23 planning, goals, objectives, and then introducing
24 rigor via, in this case -- at the time, it was
25 Expeditionary Learning, now, currently Project-Based

1 instruction.

2 And as we have transitioned onward,
3 Commissioner Peralta, indeed, this year, the rigor
4 that I would mention is driven by Common Core. Let
5 me mention that as I went with a teacher,
6 first-grade teacher, her educational assistant, and
7 21 intrepid first-graders up the tram in Albuquerque
8 about a month and a half ago, their project was, or
9 is, "My Space in Space, The Solar System."

10 And so we went up there. Long before we
11 ever went up the tram, the teacher had introduced
12 the given vocabulary, indeed, the standards therein
13 that the student would be addressing. And so as
14 we're journeying up the tram, and the teacher is
15 saying, "Okay, students. We're beginning to feel
16 our ears popping. Why would that be the case?"

17 The students were able to respond and say,
18 "Well, it's because of a change in barometric
19 pressure," and so on.

20 And so, Commissioner Peralta, now, we're
21 getting there. The given teacher I mentioned was an
22 educational assistant with us four years ago who
23 continued to earn her bachelor's, worked two years
24 at Gallup-McKinley County Schools, and has come on
25 board with us as of July 31 of 2015. And now, we're

1 getting there.

2 But staffing was the big one.

3 The second one was towards Expeditionary
4 Learning. And even with the monthly evaluation by
5 EL, as I went in and I looked at our given
6 expeditions and looked at standards we had addressed
7 under Common Core under our expeditions, I didn't
8 see it. I saw wonderful trips, where we took
9 children out and explored the volcano fields or
10 whatever we did. But I did not see the rigor at
11 all; even though we were paying a large sum of
12 money.

13 The facilitator even said, "Gosh, that is
14 a model classroom program."

15 If that's the case, why do I see those
16 students this year who are a year behind in terms of
17 their standards? So that was the other piece that
18 we didn't understand rigor. Now, we're getting
19 there.

20 For each of their Project-Based, we call
21 it, fieldwork this year -- we can't officially call
22 it an "expedition," since that's certainly
23 semantically related to Expeditionary Learning --
24 but indeed, long before they ever go out, they've
25 taken a look at -- rubric based -- of the standards

1 that the individual students will be addressing.
2 Then when they are returning -- before they ever go
3 out, essential questions have already been arrived
4 at by the teacher working in concert with the
5 students, so that we have that rigor in place.

6 But you're absolutely correct,
7 Commissioner Peralta. That staffing was the big
8 one. Understanding Expeditionary Learning, what
9 "rigor" means, was the second one. And then
10 thirdly, being systematic in terms of what we're
11 doing.

12 I followed one director. Then we had an
13 interim director. Then we had a stand-in director.
14 And that transitioning also in administration,
15 needless to say, left us in the lurch.

16 Thank you, sir.

17 THE CHAIR: Anyone else?

18 COMMISSIONER ARMBRUSTER: I have a
19 question.

20 THE CHAIR: Commissioner Armbruster?

21 COMMISSIONER ARMBRUSTER: How much of
22 the -- whether you want to use percentage or direct
23 numbers, it doesn't matter -- is involved daily on
24 direct instruction in reading and math?

25 MR. CAMMON: I would say, in any given

1 classroom, roughly 75 to 80 percent. And then the
2 teacher leads them into the Project-Based format.

3 THE CHAIR: Anyone else?

4 Commissioner Conyers.

5 COMMISSIONER CONYERS: Kind of follow-up
6 on what Mr. Peralta said. In looking at the grades,
7 obviously, whatever has been going on hasn't been
8 working very well. I'm always amazed when I look at
9 the grades, and I see opportunity to learn, and
10 people will have A's and B's. And then they get
11 really low grades in other sections. You would
12 think that that would have some carryover.

13 There must be some disconnect there in
14 that. But that's just kind of my comment is, you
15 know, obviously, change is needed.

16 Thank you.

17 THE CHAIR: Thank you, Commissioner.

18 Anyone else?

19 Well, then, I would just like to note that
20 it always distresses me when schools make, you know,
21 unilateral decisions on either their charter, if
22 that's what they're operating on, or their contract;
23 because that's not really allowed. And I would ask
24 the Coalition to make a note on that, Kelly, if you
25 would, for your future training of governing

1 councils, to make -- a block needs to be added.

2 "You cannot make unilateral decisions."

3 We -- that puts us in a very tough
4 situation. When the barn door is open and the horse
5 is already gone, how do we get the horse back in the
6 barn again?

7 And this Commission is on record. It's
8 very difficult for us to make an exception. I
9 understand why a school would want an exception.
10 But the first time we make an exception, then that's
11 what we have done; we have made it easier for folks
12 down the road to use that as a precedent against us
13 and say, "Well, you allowed this school to do it, so
14 we just did it, too." So we have to be very careful
15 with that kind of thing.

16 And I have personally been on record on a
17 number of occasions that I am opposed to changing
18 academic performance indicators and goals in the
19 middle of a process. Whether it's in the charter or
20 it's in a performance framework as a part of a
21 contract, I'm always opposed to that, because that
22 leads, in my opinion, to chaos.

23 So this -- you've presented us with a very
24 difficult situation here.

25 And I think I'd also like to note, for the

1 Charter School Division, Katie, I don't know if
2 you've noticed this form still has incorrect contact
3 information on the top of it. And that's probably
4 confusing to people. We need to get that out.

5 MS. POULOS: Commissioner, that was
6 submitted again in June. And so that was the
7 correct information. There is a correct version on
8 the website currently.

9 THE CHAIR: And you've got both amendments
10 on one form. And this Commission has never accepted
11 multiple amendments. Each amendment has to be on
12 its own form.

13 COMMISSIONER SHEARMAN: It is.

14 THE CHAIR: This is not two here I'm
15 looking at?

16 COMMISSIONER SHEARMAN: They're separated.

17 THE CHAIR: I looked through, and I only
18 had this one. Okay. My -- thank you. Thanks for
19 calling that to my attention.

20 Any further questions or discussion?

21 Oh. Commissioner Chavez, do you wish to
22 weigh in?

23 MS. POULOS: She informed me about 10:30,
24 she was going to have to put her phone on mute so
25 she could attend to another call; so she may be

1 absent at the moment.

2 THE CHAIR: Okay. All right. Thank you.

3 Thank you, Mr. Secretary.

4 Anything else?

5 Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Yes, Mr. Chair.

7 I'd also like to make just a statement for the
8 record, that this would have been much easier to
9 deal with if these forms hadn't been lost. We would
10 have been able to deal with it after the fact, but
11 shortly after the fact, and the school would have
12 had a year to put this back in place, than having to
13 deal with it now.

14 So whoever misplaced it may not be here to
15 take fault; but it is still a Charter School
16 Division problem that made this a worse situation
17 for the school and for us that we didn't get this
18 this summer.

19 MS. POULOS: I certainly understand that;
20 I agree with that. That individual is no longer
21 with CSD. And, again, we have corrected that by not
22 relying on these to go to the liaisons, but asking
23 that they be submitted to that centralized box that
24 is checked daily. And one individual is being held
25 responsible for that, and it's a much better system.

1 I did also want to say that Commissioner
2 Chavez just texted me to let me know that she is
3 back on the line.

4 THE CHAIR: Commissioner Chavez, did you
5 have anything to add to this particular discussion?

6 COMMISSIONER CHAVEZ: No, I don't. Thank
7 you.

8 THE CHAIR: Thank you. All right. If
9 there's no further input from Commissioners, I
10 believe we are ready -- are we ready for a motion?
11 And there are sample motions in the Executive
12 Summary. And I assume if there's two amendments,
13 we're going to have to do two motions.

14 COMMISSIONER SHEARMAN: We can say both
15 motions.

16 THE CHAIR: Can we do two at once?

17 MR. LANGE: And that is with the -- yeah,
18 we can do two at once. Let's do each one, just in
19 case --

20 THE CHAIR: I'm more comfortable doing
21 them separately; I really am. So...

22 COMMISSIONER TOULOUSE: Mr. Chair, then I
23 would like to say, if you look at the wording for
24 the motions, it says it's a material violation of
25 the contract. But this school is not under

1 contract. So it would be a violation of the
2 charter, not a material violation of the contract.

3 THE CHAIR: And actually, this is a
4 multiple motion; but it says to change its mission,
5 and I see the words, "charter goal and student
6 performance expectations." So that is a multiple
7 motion would be my understanding.

8 COMMISSIONER SHEARMAN: If we want to make
9 it that way, or --

10 (Chair consults with Commission counsel.)

11 THE CHAIR: Okay. On the advice of
12 counsel, when you make this motion, on the first
13 one, we're going to do the mission first. Leave out
14 the reference to the charter goal and student
15 performance expectation.

16 I wonder. Do we need to take out most of
17 that paragraph then? Because most of that paragraph
18 actually deals with the goals and the expectations.
19 So perhaps a motion just to deny the ability to
20 change their mission at this time.

21 COMMISSIONER GIPSON: But you need the
22 decreased rigor, because that goes to the mission --
23 the change in the mission statement.

24 MS. POULOS: Commissioner?

25 THE CHAIR: Director?

1 MS. POULOS: I would ask -- and, again,
2 you don't have the language I've provided,
3 obviously. But what it does do is establish a
4 basis -- and I have been trying to encourage you to
5 do that -- is put your rationale for decision-making
6 on the record. And that's what that last bit of
7 information is, based on our analysis.

8 Certainly, that's up to the Commission
9 what the basis or rationale is. But I think it's
10 important to have that on the record.

11 THE CHAIR: But leave the rest of the
12 paragraph and repeat that paragraph, then, on the
13 second motion.

14 Okay. And it is regrettable that I guess
15 we're pushing you back to where you were before. It
16 is regrettable that this comes this way,
17 unfortunately.

18 So I guess if we are -- will someone word
19 the motion, please?

20 COMMISSIONER GIPSON: I will.

21 THE CHAIR: Commissioner Gipson?

22 COMMISSIONER GIPSON: Okay. I move that
23 the PEC deny the amendment presented by Uplift
24 Community School to change its mission, based on --
25 which decreases the rigor presented in each of the

1 amendment -- in the amendment request and the
2 violation of the material terms of their charter, as
3 is reflected in the analysis provided by CSD.

4 THE CHAIR: We have a motion on the floor?
5 Do I have a second.

6 COMMISSIONER SHEARMAN: Second.

7 THE CHAIR: Commissioner Shearman has
8 seconded. So we have a motion by Commissioner
9 Gipson, a second by Commissioner Shearman.

10 Is there any further discussion?

11 Seeing none, Mr. Secretary, can we have a
12 roll-call vote, please?

13 COMMISSIONER PERALTA: Commissioner
14 Chavez?

15 COMMISSIONER CHAVEZ: Yes.

16 COMMISSIONER PERALTA: Commissioner
17 Ambruster?

18 COMMISSIONER ARMBRUSTER: Yes.

19 COMMISSIONER PERALTA: Commissioner
20 Peralta votes "Yes."

21 Commissioner Pogna?

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER PERALTA: Commissioner
24 Toulouse?

25 COMMISSIONER TOULOUSE: Reluctantly, yes.

1 COMMISSIONER PERALTA: Commissioner
2 Conyers?
3 COMMISSIONER CONYERS: Yes.
4 COMMISSIONER PERALTA: Commissioner
5 Shearman?
6 COMMISSIONER SHEARMAN: Yes.
7 COMMISSIONER PERALTA: Commissioner
8 Gipson?
9 COMMISSIONER GIPSON: Yes.
10 COMMISSIONER PERALTA: Commissioner
11 Bergman?
12 THE CHAIR: Yes.
13 COMMISSIONER PERALTA: Mr. Chair, that is
14 nine to zero favor of the motion.
15 THE CHAIR: Thank you Mr. Secretary. That
16 motion, as made, has passed by a nine-to-zero vote.
17 We are now prepared to put forth a second
18 motion covering the charter goals and student
19 performance expectations.
20 Would someone like to word that motion?
21 COMMISSIONER SHEARMAN: I'll make the
22 motion.
23 THE CHAIR: Commissioner Shearman?
24 COMMISSIONER SHEARMAN: I move that the
25 Public Education Commission deny the amendment

1 presented by Uplift Community School to change
2 charter goals and student performance expectations
3 based on the school's report card grade of F, the
4 decreased rigor presented in each of the amendment
5 requests, and the violation of the material terms of
6 their charter, as reflected in the analysis provided
7 by CSD.

8 THE CHAIR: Thank you, Commissioner. We
9 do have a motion on the floor. Do I have a second?

10 COMMISSIONER ARMBRUSTER: Second.

11 THE CHAIR: Commissioner Ambruster has
12 seconded.

13 So we have a motion to deny the request
14 for the goals, and we have a second.

15 Is there any further discussion?

16 Seeing none, Mr. Secretary, can we have a
17 vote on that motion?

18 COMMISSIONER PERALTA: Commissioner
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER PERALTA: Commissioner Pogna?

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER PERALTA: Commissioner
24 Chavez?

25 COMMISSIONER CHAVEZ: Yes.

1 COMMISSIONER PERALTA: Commissioner
2 Shearman?
3 COMMISSIONER SHEARMAN: Yes.
4 COMMISSIONER PERALTA: Commissioner
5 Toulouse?
6 COMMISSIONER TOULOUSE: Yes.
7 COMMISSIONER PERALTA: Commissioner
8 Ambruster?
9 COMMISSIONER ARMBRUSTER: Yes.
10 COMMISSIONER PERALTA: Commissioner
11 Peralta votes "Yes."
12 Commissioner Gipson?
13 COMMISSIONER GIPSON: Yes.
14 COMMISSIONER PERALTA: Commissioner
15 Bergman?
16 THE CHAIR: Yes.
17 COMMISSIONER PERALTA: Mr. Chair, that is
18 also nine to zero favor of the motion.
19 THE CHAIR: Thank you Mr. Secretary. That
20 motion has also passed by a nine-to-zero vote. And
21 that request has been denied.
22 Thank you for taking the time to be here
23 today, Mr. Cammon.
24 MR. CAMMON: Thank you, Mr. Chair. Thank
25 you, Commissioners.

1 THE CHAIR: I believe that dispenses with
2 Item 5 on our agenda.

3 Item 6 is report from Options for Parents
4 and the Charter School Division, Discussion and
5 Possible Action.

6 Item A is Schools of Concern.

7 Madam Director?

8 MS. POULOS: As has been my report on this
9 for the past several months, all information on any
10 schools that have been issued a notice of intent to
11 revoke, any schools that have been issued
12 non-renewals, any schools that the Commission has
13 requested updates on, all of those are provided in
14 the tracking sheet with updates in bold.

15 And if the Commission has any questions,
16 I'm happy to answer those.

17 Otherwise, the other item to look at on
18 the end of that sheet is just any schools that have
19 provided notice that they are looking for a new
20 facility. Those are all identified for the
21 Commission.

22 THE CHAIR: Thank you, Director.

23 Are there questions?

24 Commissioner Shearman?

25 COMMISSIONER SHEARMAN: I do have, on the

1 Southwest Learning schools. I know it's an ongoing
2 investigation. But do we have any status report on
3 their efforts to combine two schools, as we asked
4 them to do?

5 MS. POULOS: I don't have any information.
6 If you'd like me to reach out to them, I can reach
7 out for that, for the next agenda.

8 COMMISSIONER SHEARMAN: I would appreciate
9 that, Mr. Chairman.

10 THE CHAIR: Please do that. It will, if
11 nothing else, remind them that Commissioners have
12 long memories, and it's not going away. So please
13 do that for us.

14 Anything else on Schools of Concern?

15 We're now to Item B, which is an update on
16 Creative Education Preparatory Institute, which we
17 called "CEPi," I guess. I'm going to note again,
18 before the Director speaks, that we are not
19 entertaining discussion today. We are not
20 entertaining questions. There is an ongoing legal
21 process involved in this, and that's where we're
22 going to leave that.

23 So no comments today. No questions. No
24 discussion.

25 Director Poulos, please.

1 MS. POULOS: Chairman Bergman,
2 Commissioners, the update today simply notifies you
3 that the revocation hearing was scheduled for March
4 22nd here in Mabry Hall. I believe that's at
5 1:00 p.m. I apologize that that time is not written
6 in the materials. And that is the only update that
7 I have.

8 THE CHAIR: All right. That's the
9 information that we wanted to get to you on the
10 Commission. That is 11 days from now, I believe, to
11 Tuesday afternoon at 1:00 p.m.

12 MS. FOX: Could I ask a couple of
13 housekeeping questions? Not substantive?

14 MR. LANGE: Yeah, we can -- I believe
15 identify yourself.

16 MS. FOX: Yeah. Sue Fox with Matthews Fox
17 Law Firm. And just for the record, I'm representing
18 CEPi at the upcoming revocation hearing.

19 I'm attending today, because it says here
20 there is update on the hearing. And so I was hoping
21 today to get some more information about the process
22 that will be used at the hearing so that we can
23 prepare adequately.

24 MR. LANGE: Chairman Bergman, members of
25 the Commission, Ms. Fox, I'm more than willing to

1 meet with you and Ms. Poulos after this, and we can
2 formalize a procedure.

3 MS. FOX: Okay.

4 MR. LANGE: In our notice of intent to
5 revoke the charter, I said I would be writing a
6 letter with the procedure. So I look forward to an
7 opportunity to meet with you after the meeting, with
8 Ms. Poulos, if you're both available, and we can
9 firm those up.

10 MS. FOX: Sure. Depending on how long the
11 meeting goes; and if not, we can exchange e-mails.

12 MR. LANGE: We can exchange e-mails. We
13 will always be in contact, and we can answer any
14 questions you have procedurally.

15 MS. FOX: Great. Second housekeeping
16 item: We submitted an IPRA request that is, by my
17 calculations, now overdue. If we can just -- I know
18 Ms. Friedman isn't here today. But I would just ask
19 for that to get addressed as expeditiously as
20 possible, please, because we need that information
21 in preparation for this hearing.

22 MR. LANGE: Chairman Bergman, members of
23 the Commission, your IPRA request was received by
24 the PED. We're currently working on it. I guess we
25 can check into the status.

1 We would also entertain any sort of motion
2 that you feel -- if you feel aggrieved at all, and
3 we can file that, as well.

4 MS. FOX: Well, I've had no response; so I
5 don't know what to aggrieve -- if I'm aggrieved at
6 this time or not. So let's just keep communicating
7 about that, and then we can address that situation
8 if it becomes a problem.

9 I'm not sure whether it is at this point
10 or not. But we're about a week out from the actual
11 hearing. And so in order to adequately prepare, we
12 do need that information.

13 MR. LANGE: Chairman Bergman, members of
14 the Commission. I understand, and I agree with you,
15 and we will continue to work, so -- to make sure
16 that both parties are well prepared, understand the
17 proceeding, and we'll move forward.

18 MS. FOX: Thank you.

19 COMMISSIONER SHEARMAN: Mr. Chairman, may
20 I make a suggestion? It's 11:00. I know we've only
21 been at this for two hours. But this is very
22 important information, this procedure that we're
23 talking about. Could we take lunch now and ask our
24 attorney and Ms. Fox and Ms. Poulos to meet during
25 our lunch break and get this very important business

1 taken care of? Would that be reasonable?

2 THE CHAIR: I am not sure I agree with
3 that. We're almost at the end of our agenda. We
4 have one more item after this one.

5 COMMISSIONER SHEARMAN: Okay. Well --

6 THE CHAIR: We just have Item 7, and then
7 Comments and Open Forum. I don't believe that's
8 going to take very long.

9 Okay. I will be swayed by the will of the
10 Commission. I'd rather we go forward. I will ask
11 other opinions.

12 COMMISSIONER SHEARMAN: It doesn't matter,
13 as long as this gets taken care of, as far as I'm
14 concerned.

15 THE CHAIR: It's very important, and it
16 sounds like it's going to be taken care of. I'm not
17 aware of an IPRA request. Nothing has been sent to
18 me; so you're catching me by surprise.

19 MS. FOX: It was sent to Ms. Poulos.
20 Yeah. I'm not necessarily asking you for your all's
21 records. It's the CSD's and PED's.

22 THE CHAIR: So it's between you and the
23 PED, then, I guess.

24 MS. FOX: Yes, sir.

25 THE CHAIR: What's the will of the

1 Commission? Do you want to go forward, or do you
2 want to stop? I'm hearing, "Go forward,"
3 Commissioner Shearman.

4 COMMISSIONER SHEARMAN: That's fine. Just
5 a discussion.

6 THE CHAIR: Are you volunteering to sit
7 down with the group afterwards? Is that what you're
8 doing?

9 COMMISSIONER SHEARMAN: No, no. No, no.

10 THE CHAIR: Okay.

11 MR. LANGE: Mr. Chair, members of the
12 Commission, I'm more than willing to work
13 immediately after this. Or if your time is -- we
14 can find a time to e-mail any questions. I want to
15 make sure all parties are fully prepared and
16 understand and have been given all records
17 responsive to any requests and also feel prepared
18 for this March 22nd hearing.

19 MS. FOX: Okay. Thanks very much.

20 THE CHAIR: That is the will of this
21 Commission. We want everybody to be prepared.

22 MS. FOX: Thank you.

23 THE CHAIR: All right. Item C, Update on
24 Planning Year Checklist.

25 MS. POULOS: That was an item for last

1 month that just got held over, probably because I
2 wasn't on that call.

3 THE CHAIR: Dispense with Item C.

4 Item D: Report on First Year Charter Site
5 Visits.

6 MS. POULOS: So since this is a fairly new
7 process, and also because we are trying to keep the
8 Commission more informed, once we've done visits of
9 schools, we're providing this update today, just to
10 let the Commission know where we are with our
11 schools that are operating in their first year, any
12 concerns that we have and actions that they've taken
13 to address those.

14 The first school is known as DEAP. I will
15 not attempt to pronounce the whole name. And I
16 don't know if they want to come up.

17 THE CHAIR: Thank you. Please identify
18 yourself and your school, and then proceed.

19 MS. MOORE: Hi, there. Good morning. My
20 name is Ellen Moore, and I'm the principal with DEAP
21 Charter School in Navajo, New Mexico.

22 MS. CUYLEAR: Good morning, Commissioners.
23 My name is Natasha Cuylear. I'm an attorney at
24 Johnson Barnhouse & Keegan. I'm simply here in
25 support of DEAP and to offer legal counsel; but I

1 believe it is Mrs. Moore who will be providing the
2 comments. Thank you for your time today.

3 MS. POULOS: Commissioners, on
4 December 7th, CSD conducted a first-year site visit.
5 We had hoped to get out a little earlier, but hadn't
6 had the opportunity.

7 I'm not going to go through, item by item,
8 what we looked at. But we did take an in-depth
9 look. We visited their classrooms. We looked in
10 student and staff files. We looked at curriculum
11 materials, again, just to ensure that the school is
12 getting off to a strong start. And I did identify
13 some areas of concern.

14 We communicated with the school, and we
15 gave them an opportunity to provide us additional
16 information or corrections to those areas of
17 concern. And we did just have a few concerns that
18 were outstanding that hadn't yet been addressed, or
19 we hadn't received the materials.

20 On compliance with background check
21 requirements, two of their staff members had, in
22 their files, background checks that hadn't gone
23 through the proper procedure in order to meet their
24 requirements. And so we did go over that with them.
25 You can't actually go to, for example, APS and say,

1 "Hey, I worked for you, and you have my background
2 check on file. Can I have a copy and take it to my
3 new employer?"

4 And -- that was.

5 MS. MOORE: That's not how it worked.

6 MS. POULOS: That was kind of -- in our
7 idea, an APS background check that had been in the
8 files. And so we identified for the school what
9 they needed to do in order to get the correct
10 background check in the files.

11 They have submitted a request to PED for
12 PED to release the background check. But I have
13 been informed by the PED Licensure Bureau that there
14 are not current background checks available on file
15 to be released from PED; so that, for us, is an
16 outstanding concern.

17 The other item of concern is the hiring of
18 a full-time administrator. The school does not have
19 a full-time, licensed administrator on staff. They
20 have Ms. Moore, who is licensed for .2 FTE, I
21 believe. She is on campus one day every two weeks,
22 and then available by phone.

23 But that's certainly a concern. We don't
24 believe that that does meet the requirements; and so
25 we do expect all schools to have a full-time,

1 licensed administrator on staff.

2 And one of the things that we saw in the
3 files was a -- a permission slip for the use of
4 ceremonial tobacco that raised a flag for us. And
5 we asked for additional information. We did receive
6 information that there has not yet been a use of
7 tobacco. And they did provide a log for how that
8 would be logged.

9 We do believe that's an outstanding
10 concern and believe that that may violate some laws;
11 so we do need to continue to work on that.

12 And then for special education, I believe
13 they had one student who they had been providing
14 compensatory services to, a student with
15 disabilities. But there was one student that had an
16 IEP for gifted services. And we were concerned
17 about whether those were being provided or not.

18 So those were the only outstanding
19 concerns.

20 I've provided motion language. I don't
21 believe action is necessarily required at this time.
22 I think it's valuable to continue to work with the
23 school. We will plan on doing another site visit at
24 the end of the year to that school, and we can
25 verify, at that point, any outstanding compliance

1 concerns.

2 THE CHAIR: Thank you, Director. And I
3 agree; I don't see any need for a motion on this
4 one.

5 COMMISSIONER SHEARMAN: May I ask a
6 question?

7 THE CHAIR: Commissioner Shearman?

8 COMMISSIONER SHEARMAN: I don't have a
9 copy of the school's contract in front of me. But
10 what does it say about a licensed administrator?

11 MS. MOORE: The intent -- is it working
12 now? The intent is to have an administrator on
13 staff. I think one of the hairs we need to split is
14 a full-time. The school enrolls approximately
15 20 students. And what the school's intent is to
16 have a -- an employee who's maybe a .5 principal, .5
17 teacher. So that person would be on the school site
18 full-time.

19 Does that make sense? The --

20 COMMISSIONER SHEARMAN: Let me ask you to
21 go farther back than that, then, on the application
22 for this school.

23 MS. MOORE: The application, the intent
24 was -- is -- to have an administrator on-site.

25 COMMISSIONER SHEARMAN: What did it say in

1 the budget?

2 MS. POULOS: Madam Chair, it did
3 identify --

4 MS. MOORE: Full.

5 MS. POULOS: Commissioner Shearman, it did
6 identify one FTE administrator on the budget for
7 that application.

8 MS. MOORE: And that may be something that
9 we want to look, Ms. Poulos, at an amendment at some
10 point; because I'm just envisioning -- we want
11 someone on site full-time, absolutely. But in such
12 a tiny school, you know, \$60,000 for a full-time
13 administrator is a large portion.

14 But the goal of the school is to have an
15 administrator on campus.

16 COMMISSIONER SHEARMAN: I understand that.
17 But if your application -- if your budget said --

18 MS. MOORE: Correct.

19 COMMISSIONER SHEARMAN: -- indicated one
20 FTE, then that would have been my understanding when
21 I voted for the school that that was going to be in
22 place.

23 MS. MOORE: Right. I believe the original
24 intent for enrollment this year was 45 students.
25 And the school is hovering, you know, right at 20.

1 So -- and, again, the intent was there, the intent
2 to find a full-time administrator. The school made
3 every effort.

4 I'm a retired administrator. And, you
5 know, the school contacted me, at least to get the
6 school up and running.

7 COMMISSIONER SHEARMAN: I just don't want
8 the school to get into the situation of a material
9 term violation, if it indicated one thing, and
10 something else is happening.

11 MS. MOORE: Yes, I agree. Uh-huh.

12 COMMISSIONER SHEARMAN: Thank you. My
13 other question is, on the student permission slip to
14 use ceremonial tobacco, who issued the permission
15 slip?

16 MS. MOORE: Who issues the permission
17 slip? The school. It's in a registration packet.
18 So when all students register for the school, there
19 is a -- you know, a checklist. And that form is
20 included.

21 Not every student checked, "Yes, I want to
22 participate." Some parents did.

23 And so we have a permission slip stating a
24 parent is giving their permission for a student to
25 participate. The school has not utilized this.

1 COMMISSIONER SHEARMAN: But that violates
2 State law.

3 MS. MOORE: It was in the original
4 application; but...

5 COMMISSIONER SHEARMAN: I understand we're
6 getting into some muddy water here --

7 MS. MOORE: I -- I understand.

8 (Reporter requests clarification.)

9 COMMISSIONER SHEARMAN: Okay. My question
10 is, has there been some clarification from PED or
11 from a legal standpoint to allow for this permission
12 slip to be valid? Or this permission to be valid?

13 MS. CUYLEAR: And I can add that,
14 Commissioner Shearman, the school currently isn't
15 implementing use of ceremonial tobacco. There was
16 discussion of potential use. And so, I mean, moving
17 forward, that would be something we would need to
18 evaluate the legality of that. But currently, there
19 is no plans to use that; but it's something that we
20 would like to discuss with the State, moving
21 forward, and to -- to explore the potential, if
22 that's possible.

23 COMMISSIONER SHEARMAN: Well, I would just
24 suggest that that item be removed from your
25 enrollment packet until the issue is clarified;

1 because -- I mean, because that -- I know schools
2 are tobacco-free zones. Any school property is. So
3 I think there is an issue there that needs to be
4 worked on.

5 Thank you.

6 Thank you, Mr. Chairman.

7 THE CHAIR: Thank you, Commissioner
8 Shearman.

9 Anyone else?

10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Mr. Chair, I won't
12 be long. I just wanted to know, on the ceremonial
13 tobacco, if that is a procedure in the other schools
14 on the reservation, in either the public or the
15 Bureau of Indian Education schools.

16 MS. CUYLEAR: Yes. Thank you for that,
17 Commissioner Toulouse. That is something that we
18 intend to look into, especially as it relates to
19 culturally relevant activities for children being
20 educated on Indian reservations. So I think that's
21 something we'll definitely explore moving forward
22 and hopefully get some answers to those questions.

23 THE CHAIR: Thank you.

24 Anyone else?

25 Commissioner Ambruster?

1 COMMISSIONER ARMBRUSTER: These are two
2 quick questions; I think you can remember them both
3 at the same time. One is I just need some
4 information. And one is what is your cap? And
5 number two is what grade levels are you serving?

6 MS. MOORE: Currently, the school is sixth
7 and seventh grade and will be an add-on each year.
8 And I'm embarrassed. The cap? We don't have it
9 memorized. I apologize for that.

10 The goal is to go up grades six through 12
11 over years. I just don't know that number.

12 THE CHAIR: You need to learn that number,
13 because you don't want to go over it.

14 MS. MOORE: No. And we're not anywhere
15 near there. It has been a struggle. I will be
16 honest. I am a principal from the Albuquerque area.
17 And working in rural education on the reservation,
18 it's a different experience, as far as finding
19 students and personnel. We've had a lot of issues;
20 so -- but it's a solid school.

21 THE CHAIR: Anything else?

22 Okay. Then I'm going to presume that you
23 have addressed the concerns that were in that site
24 visit.

25 MS. MOORE: Absolutely.

1 THE CHAIR: Because they're now three
2 months old.

3 MS. MOORE: Yes.

4 THE CHAIR: So I won't ask you to expound
5 on that.

6 MS. MOORE: Right.

7 THE CHAIR: You're now addressing -- they
8 have been addressed.

9 MS. MOORE: Absolutely. And I just want
10 to state to reassure you that the background checks
11 on the two employees -- one of them is myself, and
12 the other one is a director of operations -- we do
13 have current background checks. It's just the way
14 the system works.

15 We went through the Albuquerque Public
16 Schools. It was freshly done. And those -- because
17 it was done through APS, PED can't accept that, if
18 that makes sense. So they just have to be redone.
19 So I just wanted to reassure you.

20 THE CHAIR: Thank you. Director Poulos,
21 you had something?

22 MS. POULOS: I wanted to say that the cap
23 is 180 students.

24 MS. MOORE: Thank you.

25 THE CHAIR: Thank you so much.

1 Anything else? Thank you so much for
2 being here today.

3 MS. MOORE: Thank you for your time.

4 THE CHAIR: I guess the next one on the
5 list, Director, is Sandoval --

6 COMMISSIONER GIPSON: No.

7 MS. POULOS: Sandoval Academy of Bilingual
8 Education.

9 THE CHAIR: Director, go ahead while
10 they're seating.

11 MS. POULOS: Chairman, Commissioners, this
12 site visit was conducted on November 9th. Again, we
13 went through the same process, where we are
14 standardizing that across all of our schools to
15 ensure that they get equal evaluations.

16 And, again, the feedback here is the same.
17 The school had an opportunity to respond. Their
18 response was a little untimely; but I know that
19 there's a lot going on. And so we worked with the
20 school to ensure we got that.

21 The outstanding concerns that we have are
22 special education services. There was one student
23 that was required to get compensatory services. We
24 didn't see the evidence of that. And so we just
25 don't know. I'm sure that the school has taken care

1 of that. We just didn't see it. And so it still
2 showed as a concern for us.

3 We do have one concern. And this is -- I
4 will apologize -- partially me dropping the ball on
5 the educational program. We've received a letter
6 from the school requesting an amendment. We did
7 want to get some additional information, because
8 when a school -- you may recall, the New Mexico
9 International School submitted an amendment request
10 to do mixed grade, or combined grade, classrooms.
11 And we did ask for a fairly substantial plan to
12 support that amendment request. And we haven't had
13 the opportunity to get that information to Pete.

14 And so I apologize for that. But we do
15 believe that they need to submit an amendment
16 request, because they are currently operating with
17 mixed grades, grade one and two. So that raised a
18 concern.

19 One of the other material terms was a
20 teacher training concern. Their charter contract
21 commits to those teachers' specific terms. And
22 those terms are that they will receive training
23 from -- I believe it's the New Mexico Bilingual
24 Association -- I have it here somewhere; but I'm not
25 quite sure where it is -- and one other

1 organization.

2 Due to financial constraints, the school
3 was not able to implement that this current year.
4 We also believe that those terms require all of
5 their teachers to be bilingual endorsed. And we
6 have one, I believe, that does not have the
7 bilingual endorsement.

8 And then the school -- we are still
9 concerned about whether the RTI-SAT processes are
10 being implemented. They did provide us a framework.
11 But, again, we didn't see any documentation to
12 demonstrate their implementation.

13 And then, just the last concern. The
14 school has had some challenges in timely reporting
15 their data to PED at the 80th and, I believe, the
16 40th day. And that's a concern. We want to make
17 sure that they get to a point where their reporting
18 is timely.

19 So I think this is another opportunity for
20 us to continue to work with the school, complete the
21 evaluation visit at the end of the year, and,
22 hopefully, at that point, we will see compliance
23 with all their requirements.

24 THE CHAIR: Thank you. Nothing that
25 requires a motion at this time.

1 MS. POULOS: I don't believe so. But that
2 is up to the Commission.

3 THE CHAIR: Thank you. Here, again,
4 questions for the Director or the school?

5 Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Mr. Chair?

7 Since it's really too late to do anything
8 about the combined grade, are you planning to go
9 forward with combined classes next year, in which
10 case, I want to see and discuss at our next meeting
11 a -- you know, amendment request. But -- or are you
12 going to put them back? Because I know I have
13 grandchildren -- a grandson in a dual language
14 school. And I don't know how you're going to be
15 providing the different levels of language
16 instruction in a combined class.

17 THE CHAIR: Please identify yourselves and
18 your school.

19 MR. VALLEJO: Certainly. Pedro Vallejo,
20 principal at SABE Charter School.

21 MR. DIVETT: I'm Brennan Divett. I'm a
22 co-founder and board president.

23 MR. VALLEJO: Chairman and Commissioner
24 Toulouse and Commissioner. That -- in terms of that
25 particular situation with the combined classes,

1 enrollment was much smaller than we had anticipated
2 for the year; and unfortunately, we did have to
3 combine the classes.

4 But next year, we've already started the
5 process where they are going to be individual
6 classes, a single first-grade class and a single
7 second-grade class; so that's already been
8 addressed.

9 And so far, our enrollment projections
10 based off of registration forms that have come in,
11 that's not going to be a problem.

12 COMMISSIONER TOULOUSE: Thank you.

13 THE CHAIR: Thank you. Anyone else?

14 COMMISSIONER SHEARMAN: Me.

15 THE CHAIR: Commissioner Shearman?

16 COMMISSIONER SHEARMAN: Okay. Let me just
17 follow up on that. What does your contract say at
18 your charter? What does it say about combined
19 classes? Did you project combined classes?

20 MS. POULOS: Commissioner, it does not
21 project that they would have combined classes. And
22 the reason that it was raised as a flag by CSD is,
23 in fact, the charter is very specific about
24 separated grades and the amount of grade -- sorry --
25 language instruction at each grade level, which is

1 why it's very clear that that was not presumed or
2 planned in their charter.

3 COMMISSIONER SHEARMAN: Is that a material
4 term violation? You violated what you would do in
5 your contract? You combined classes?

6 MS. POULOS: I do think it's a pretty
7 severe concern. I think it will result in a rating
8 of "Not Compliant" on their performance framework in
9 at least one area for this school year. So I think,
10 again, without the clarity that that one violation
11 is an issue, I mean, I do think it's a very severe
12 concern, and I do think that we need to make sure
13 that it's reflected in their evaluation.

14 COMMISSIONER SHEARMAN: Okay. Let me just
15 ask. Were you aware of that before you combined
16 these classes?

17 MR. VALLEJO: In terms of us being, you
18 know, unfamiliar with the process, a liaison -- as
19 to the noncompliance, the severity it? Were we
20 aware of it? No.

21 Working with Katie, are we finding that
22 out? Yeah.

23 And so we are more than willing to work
24 with Katie to make sure that that gets resolved.
25 And we understand that it is going to, you know,

1 affect our rating for the year. But, obviously,
2 working with Katie making sure that next year, that
3 is resolved, we're hoping that after this year, we
4 should not have an issue with that.

5 COMMISSIONER SHEARMAN: I -- you know,
6 you're a really new school. And I know there's a
7 lot to know and a lot to learn, that I would really
8 encourage you to be absolutely aware of what is in
9 that contract and what was in the charter
10 application, so that you don't inadvertently make
11 these kinds of mistakes; because these are -- these
12 are pretty major. And you don't -- you don't want
13 to let that happen again, okay?

14 MR. VALLEJO: Absolutely. Absolutely.

15 MS. POULOS: Commissioner Shearman, I did
16 just want to make a note that this is an issue,
17 because we've seen it a couple of times, that we are
18 going to include in our presentation at the Spring
19 Budget Conference to make sure all schools are aware
20 of these types of things, budgetary decisions that
21 actually end up conflicting with the contract or the
22 charter, so that they have can have a better
23 understanding of that.

24 COMMISSIONER SHEARMAN: Thank you. Thank
25 you.

1 THE CHAIR: Anything else from any other
2 Commissioners? Commissioner Gipson?

3 COMMISSIONER GIPSON: I just have a
4 comment question. I'm just concerned, and I know
5 CSD certainly raised the concern, with absences,
6 that this was a --

7 MS. POULOS: That's not this school.
8 That's --

9 COMMISSIONER GIPSON: You're right. I'm
10 sorry. I'm on the wrong page. I turned the wrong
11 page. I'm sorry.

12 MS. POULOS: We were very pleased when we
13 counted their students.

14 COMMISSIONER GIPSON: I take that back.

15 THE CHAIR: So that's a take-back.

16 COMMISSIONER GIPSON: I turned the pages,
17 and I shouldn't have. Thank you.

18 THE CHAIR: I assume you've gotten the
19 gist, that there's some very serious things that you
20 guys need to be thinking about.

21 MR. VALLEJO: Absolutely. We've already
22 started working, sending her documentation regarding
23 the resolution to a number of these pieces. We're
24 hoping to make sure everything is good by the end of
25 the year with her.

1 THE CHAIR: Thank you very much. We look
2 forward to hearing from you about your school in the
3 future.

4 Director, we're now to No. "c" on "D"?

5 MS. POULOS: I should have used little
6 Roman numerals. I apologize for the numbering.

7 The next school is Technology Leadership
8 High School. I do know we have representatives from
9 that school here also today.

10 THE CHAIR: Please come forward. And,
11 Director, while they're doing that, why don't you go
12 ahead?

13 MS. POULOS: Chairman Bergman,
14 Commissioners, the site visit to Technology
15 Leadership High School was conducted on
16 November 3rd. Again, the same process was used, and
17 the findings are outlined here in the materials.

18 This school did have a -- the opportunity
19 to respond. We did receive a response. Again, it
20 was somewhat untimely; but we worked with the school
21 to make sure we got that.

22 This school did have more layers of
23 feedback than the other schools. So after we
24 received that response, we engaged again with the
25 school, let them know our outstanding concerns.

1 They had another opportunity to respond, and some of
2 those concerns were addressed; so we do see that
3 they're continuing to work towards that.

4 Some of the outstanding concerns that we
5 do have is the service of special education
6 services. The Special Education Bureau, we have
7 been trying to get that bureau to go and work with
8 the school and provide support. My understanding
9 was that they did go out yesterday, and they did see
10 that the situation that we observed has been
11 addressed and has been improving; and so we're
12 pleased to hear that the school is working toward
13 making sure that all of their students are being
14 served appropriately.

15 We also have concerns about the
16 implementation of the required mentorship plan. Any
17 first-year teacher is required to -- to be provided
18 mentorship services under a very specific plan
19 that's outlined in the New Mexico Administrative
20 Code. The school has provided us a plan that --
21 that outlines the requirements that are found in the
22 New Mexico Administrative Code.

23 What we've asked them for is evidence of
24 the implementation of that plan. We have not
25 received that. We have received forms that they

1 could use to track some of those things. But those
2 forms were not completed. And so we just aren't
3 sure of the implementation of that plan.

4 We're also unsure of the implementation of
5 their RTI and SAT processes. Again, we did see
6 forms, and we did see a policy; but we did not see
7 the implementation of that. They did specifically
8 state that none of their students have been
9 referenced to the SAT process; but we were still
10 looking for confirmation of the implementation of
11 Tier 1, at the very least of RTI, and we didn't see
12 that yet.

13 Next, we were concerned about the
14 provision of ELL services. We did not see that
15 services were being provided. The school did,
16 again, provide some information about how they would
17 be provided; but no documentation to demonstrate
18 that they are being provided, according to that
19 plan.

20 We do have concerns about the
21 instructional calendar. The -- each school is
22 required, as part of their annual budget, to submit
23 a calendar that identifies the hours that students
24 will be in school, instructional hours, as well as
25 the days, the days on, the days off, the

1 instructional days, as well as the non-instructional
2 days. On the instructional calendar, the school
3 does identify 20 non-instructional -- or, sorry --
4 40 non-instructional days; but the calendar that the
5 school appears to be operating on that we received
6 from the school and is on their website has
7 35 non-instructional days; so we do believe that
8 there's just that five-day shortage.

9 And then, our other concern is the
10 instructional hour requirements. We believe that
11 there's a small deficiency. While we were at the
12 school, we observed students being provided a break
13 in the middle of their projects. They have two big
14 projects, one that's in the morning, and one that's
15 in the afternoon. And we indicated that that would
16 need to be added, as non-instructional time. And so
17 they would need to ensure that their instructional
18 time met.

19 It appears that they've added a passing
20 period. Again, we don't quite understand that,
21 because there's one project in the morning, one
22 project in the afternoon. So we do still feel there
23 is a shortage.

24 They did have a part of the day called
25 "Advisory," which we were a little concerned about.

1 During that time, we witnessed students not engaged
2 in a curriculum, but kind of out. And so we did ask
3 for some more information on that. I do believe
4 we've gotten sufficient information on that concern.

5 So, again, I think this is an opportunity
6 to continue to work with the school to ensure
7 that -- to the degree that we can, we can identify
8 they were in compliance on their performance
9 framework at the end of the year.

10 THE CHAIR: All right. Thank you. So it
11 is your recommendation you're going to continue to
12 work with the school, and we don't need to take any
13 action?

14 MS. POULOS: I do believe that's the
15 appropriate action right now.

16 THE CHAIR: Okay. Questions or comments?
17 Would you please identify yourselves for the record,
18 please? And if you have something you wish to share
19 with us, go ahead.

20 MS. CORTAZZO: Good morning. My name is
21 Kara, K-A-R-A, Cortazzo, C-O-R-T-A-Z-Z-O. And I'm
22 the principal.

23 MR. IVEY-SOTO: Good morning,
24 Mr. Chairman, members of the Commission. My name is
25 Daniel Ivey-Soto, same spelling as before. And I am

1 general counsel to the school.

2 THE CHAIR: Thank you. Did you wish to
3 amplify on what you've heard, or are you just
4 continuing to work with the CSD?

5 MR. IVEY-SOTO: Mr. Chairman, we are
6 continuing to work with CSD to ensure that these
7 issues are resolved. And so that's -- that's a
8 continuing process, and hope to have a report back
9 at the end of the year that shows a clean bill of
10 health.

11 THE CHAIR: Outstanding. And go ahead.

12 MS. CORTAZZO: So I would like some
13 clarification so that we're able to move forward and
14 so that I make sure that, as the principal, I am
15 ensuring that these concerns that are being
16 addressed are being addressed.

17 So one of the first comments that were
18 made was that the school had 2015 documentation in
19 an untimely manner. And I would like some
20 elaboration on that, because I'm not seeing that.

21 THE CHAIR: How did you arrive at that
22 conclusion?

23 MS. POULOS: We did identify the date.
24 Again, these were concerns. So we wanted to have
25 the schools respond quickly and appropriately. And

1 so we did identify the date. I believe the date was
2 December -- and my team member who is here with
3 me -- it's in the materials. I believe that the
4 initial date was December 1st on some items. And we
5 did not receive a response, I believe, until
6 December 9th.

7 And then, again, I think the response was
8 a few days delayed beyond the deadline that we did
9 set.

10 THE CHAIR: And we note that you
11 apparently disagree with that assessment.

12 MS. CORTAZZO: Thank you, Chair.

13 The other question that I would like
14 verification on is implementation, how to produce
15 that, or how to actually show that.

16 MS. POULOS: So I think there were several
17 items where we did not see the implementation, for
18 example, of the mentorship plan. Again, we would
19 expect to see the records that they had indicated
20 they would be keeping: Logs, responses, feedback,
21 walk-throughs. And we did not see that.

22 The same with the RTI process. We should
23 certainly see how students are receiving
24 differentiation within the classroom. That may be
25 found in project plans; that may be found while

1 we're observing the classroom.

2 Again, that was just an area we did not
3 see, and we asked for feedback.

4 The same thing with ELL services, looking
5 for something to indicate how it's been planned, how
6 it's been carried out, to see that it is. It's easy
7 to make plans and let them fall by the wayside. We
8 just wanted to make sure we can see that and have
9 that documentation in our files.

10 THE CHAIR: Does that answer your
11 question? Are you in contact with the ELL Bureau,
12 or whoever it is?

13 MS. CORTAZZO: Yes. Yes, they've been --

14 THE CHAIR: Surely they can help you with
15 forms.

16 MS. CORTAZZO: They've been very
17 supportive. So thank you for that.

18 The last question I have was just about
19 our calendar. I'm not aware of the five
20 instructional days that are not posted. If I could
21 just have those dates?

22 MS. POULOS: The school had a calendar
23 that included ten days, I believe, in July, of
24 professional development. And what was on the
25 calendar provided by the school that they're using

1 was five days. And so we believe that was the short
2 five days.

3 THE CHAIR: So your question was where
4 were the other five days, Director?

5 MS. POULOS: That's correct. Since they
6 were on the calendar provided to the Budget -- are
7 they being provided, or do they need to request an
8 amendment of that calendar with the Budget and
9 Finance Department?

10 MS. CORTAZZO: Okay. Thank you for the
11 clarification. So what I need to do is update our
12 website to reflect those five days. I was not aware
13 of the website. The documentation that I've given
14 to CSD does reflect that.

15 So now, I understand where the
16 implementation is. So I will take care of it.
17 Thank you.

18 THE CHAIR: So does that satisfy your
19 concerns?

20 MS. CORTAZZO: Thank you.

21 THE CHAIR: Has any of that conversation
22 stirred up any conversations or comment?

23 Commissioner Shearman?

24 COMMISSIONER SHEARMAN: Thank you. I'm
25 looking at, first of all, the concern raised about

1 instructional hours. And it's the last bullet on --
2 on the first page. And in conclusion, it says, "The
3 revised schedule was at least five hours short and
4 potentially more than 30 hours short of the
5 State-required 1,080 minimum instructional hours."

6 Then I'm looking at the school's response.
7 And it says, "Again, based on the revised school
8 schedule submitted December 9, the school schedule
9 is 1,018.3 instructional hours, which is 61.7 hours
10 short of the required."

11 Then the last -- when the school was
12 provided the opportunity to reply to that, there was
13 speaking of passing periods and so on, as Katie has
14 mentioned. The last sentence says, "The
15 instructional time, counting advisory totals,
16 approximately 1,047 hours, 33 hours short of the
17 required instructional time."

18 So throughout this whole process, we never
19 get to the point where it appears that your
20 instructional calendar is providing the total number
21 of hours. We're getting close to the end of the
22 school year. Are -- what are you doing to bump up
23 these instructional hours? Because even as I look
24 at your response, it's still short of hours,
25 instructional hours.

1 So are you adding instructional hours
2 during the day to try to make up for this loss? Or
3 how are you handling this?

4 MR. IVEY-SOTO: Mr. Chairman, Commissioner
5 Shearman, the -- so let me just -- and you're
6 looking at the page -- I think Page 15 in the --
7 with regard to the school that has the No. 9 at the
8 top?

9 COMMISSIONER SHEARMAN: I can't hear you.
10 Please use the mic.

11 MR. IVEY-SOTO: I'm rarely told people
12 cannot hear me. I believe you're looking at the
13 page that has "9" at the top of it that says, "Daily
14 Instructional Schedule." And -- and so I just -- I
15 just wanted to clarify that at all times, when the
16 school calendar was submitted, it was a school
17 calendar with 1,091 hours of instructional time.

18 What we submitted was a response that
19 indicated, from our perspective, that the school had
20 1,091 hours of instructional time, and the follow-up
21 where we attached the calendar, again, that had
22 1,091 hours of instructional time.

23 So we have been consistent on the amount
24 of instructional time.

25 The discussion has been whether or not the

1 passing period is counted as part of that
2 instructional time or not and how that passing
3 period is -- is -- is termed in terms of the daily
4 schedule. And the other part of that discussion is
5 the breakfast after-the-bell program and whether or
6 not that counts as instructional time or not. And
7 that's a matter that we are continuing to follow up
8 on for clarity.

9 COMMISSIONER SHEARMAN: All right.
10 Just -- I would hope, though, that those issues
11 would be addressed and clarified, certainly, before
12 it's too late in the school year, so that if you do
13 need to make up any hours or add any additional
14 hours, you would have time to do it. I'm not
15 suggesting that, necessarily, that you do; but just
16 in case you do, I would like for you to have the
17 opportunity to do that.

18 MR. IVEY-SOTO: Absolutely. And I
19 appreciate that. But that is -- so -- but that
20 is -- that is the area of discussion that is taking
21 place. So thank you.

22 COMMISSIONER SHEARMAN: Thank you.

23 THE CHAIR: Anything else?

24 COMMISSIONER GIPSON: I have two
25 questions.

1 THE CHAIR: Commissioner Gipson?

2 COMMISSIONER GIPSON: I have a question
3 about absences, now that I'm on the right page.
4 It's a concern, that -- because I think you
5 indicated that this was a -- not an uncommon number
6 of absences. So there's certainly -- that piqued my
7 concern, when it was about a quarter of the student
8 population was -- appeared to be consistently
9 absent.

10 So I'm just curious as to what you're
11 doing to try to address that issue.

12 MR. IVEY-SOTO: Certainly. Let me -- let
13 me begin, and then I'll turn it over to the director
14 of the school. And so first of all, this is an
15 issue that we've been taking very seriously. And as
16 you've seen, attendance has gone up dramatically
17 throughout the year.

18 The student body that this school, in its
19 application and in its implementation, has targeted
20 is a -- a very high at-risk student body.

21 COMMISSIONER GIPSON: Uh-huh.

22 MR. IVEY-SOTO: Many of the students that
23 come to our school, in addition to the students who
24 are special ed, frankly, we have many students who,
25 in a traditional school system, have been

1 categorized either as disciplinary problems, have
2 been -- have been -- have been placed in behavioral
3 programs, and then have simply stopped attending.

4 And so part of the challenges that we have
5 had with this student population is providing the
6 daily value to them of what's happening on campus
7 for them to attend school.

8 You know, when I went to school, if -- if
9 I was told school starts at 7:53, I knew I had to be
10 there at 7:53. When we tell these students, "School
11 starts at 7:53," they decide if they're going to
12 show up and if it's worth their time to be there.

13 So part of that has to do with the
14 population that we're dealing with. And quite
15 candidly, the -- where we are at this point in terms
16 of -- of the daily attendance rate, although in a
17 normal school setting would be, I think, alarming, I
18 find personally very encouraging, in that -- in that
19 these students, on a daily basis, are finding value
20 in terms of what's happening at the school, and that
21 it's worth their while to show up and to be there.

22 That doesn't mean that we should be
23 satisfied, because we're not. But it is -- that
24 is -- it's a unique struggle that we have with this
25 particular population.

1 COMMISSIONER GIPSON: Okay. Thank you.
2 Thank you.

3 And I just have -- I believe it's this
4 school -- and correct me if I'm wrong -- with the
5 instructional implementation, I thought I read
6 somewhere there is an indication that the principal
7 wrote the first semester's curriculum; is that -- so
8 I'm on the right page?

9 MS. POULOS: You're on the right school.

10 COMMISSIONER GIPSON: I just find that --
11 I've never been involved in curriculum development
12 over, now, decades, where there's just a single
13 person that has been able to, let alone, really
14 wanted to be, the sole writer of curriculum. So
15 that -- that concerns me.

16 And it -- to me, it appears that, you
17 know, if there's a single person that's writing it,
18 I can't see where it can be as complete as it should
19 be and as -- or as comprehensive as it should be.

20 MS. CORTAZZO: So I'd like to clarify,
21 please. So during our planning year that we were
22 given, myself and a team of four other educators
23 actually wrote that first ten weeks. And we did
24 that because we wanted the teachers to be able to
25 come in in July and have a project that was laid out

1 for them to show them what it actually looks like
2 and walk them through it.

3 Now, it was tweaked over the period of
4 time through the teachers who are presently at the
5 school. But we decided to do that so the teachers
6 didn't walk in without anything, versus a normal
7 school, which would have a textbook, and they're
8 able to open up the textbook and know what they're
9 able to follow.

10 So it was able to support them. So it was
11 written out as, like, in units throughout the weeks.
12 So it wasn't just, personally, myself; but I was one
13 of the people involved.

14 COMMISSIONER GIPSON: Okay. Because I
15 think it was from your response that you wrote the
16 curriculum. So that's why -- you know, that's
17 what -- and I think -- that's part of the planning
18 year, that you have to have that curriculum in
19 place. So it's not that -- you know, that's what's
20 expected of all schools. But that concerned me when
21 the -- when the statement was, "I wrote the
22 curriculum."

23 MR. IVEY-SOTO: She was part of the team.
24 She was the leader of the team.

25 COMMISSIONER GIPSON: Okay. Thank you.

1 THE CHAIR: Anything else? I think you've
2 gotten the gist of it again. We wish you would
3 continue to work with the Charter School Division.
4 We do not wish to see these things rise to a level
5 that might cause problems for you in the future.

6 MR. IVEY-SOTO: Certainly. And I am
7 pleased to see that you will be getting out in time
8 for lunch.

9 THE CHAIR: It's not my time to report.
10 If they can shut me up soon enough, we will get out
11 of here.

12 Thank you for being here today.

13 COMMISSIONER TOULOUSE: Mr. Chair? Now
14 that we're all through with all three of these
15 schools, I'd like to make a statement.

16 I'm concerned with the tone of these
17 documents, not necessarily the content. These are
18 brand new, first-year schools. My feeling is these
19 reports -- which were not timely to us, so I'm
20 trying to read them last night while at a
21 seven-year-old's birthday party. And I find them
22 more like an inquisitor would write, and they end up
23 as an indictment, as opposed to, in your first year,
24 I think you need more site visits early and more
25 guidance, direct guidance, and put down the same

1 facts, but not in the sense that sounds like, "These
2 people haven't done anything right, they can't do
3 anything right, and they can't meet deadlines."

4 We didn't get our stuff in time to really
5 have a lot of time to go through it, and we were
6 promised it earlier. I'm not holding anybody
7 responsible. I'm just saying you can't have a
8 standard for one and not have a standard for
9 yourself.

10 I would like to see, with these first-year
11 schools and the two new schools coming to us who've
12 been in other districts, that they get guidance. It
13 can be good, stern guidance. When you tell your
14 child how to do things -- you know, depending on
15 what kind of parent you are -- I never said to my
16 kids, "Oh, please, I think this is how you need to
17 do it."

18 I said, "This is how you will do it." But
19 what you need to get there, then, what can you tell
20 me about your problems? When I was, you know, a
21 fairly high level administrator in State government,
22 I needed to find out what people needed to know from
23 me to do their jobs when they were brand new at a
24 job.

25 And so I would just like to see us, for

1 our beginning schools and new schools coming to us,
2 that we provide guidance. And I'm hoping that's
3 what we're getting. But the way these reports were
4 written, I read a much more negative aspect into it.
5 And I -- I don't think that helps any of us. And
6 again, I've been reading reports for -- what? --
7 almost 50 years now.

8 So anyway, that's just my comment for the
9 record. Thank you.

10 THE CHAIR: Thank you. Any other
11 comments? Then let's move forward to Item No. 7,
12 Report from the Chair.

13 Item A is an update on charter school
14 negotiations. And right now that update is dismal.
15 We had to postpone the negotiation schedule for this
16 week. And it frankly looks to me like we're going
17 to have to postpone the negotiations in two weeks.
18 And here's why we're having to do that.

19 For the first two-and-a-half years we did
20 these negotiations, which I will remind my fellow
21 Commissioners and everyone else, these negotiations
22 are between the PEC and the charter schools. The
23 Charter School Division is not a factor in these
24 negotiations. They are not a co-party with us in
25 that. The negotiations are between the Commission

1 and the charter school.

2 For the first two-and-a-half years, Julia
3 Barnes served as our facilitator. And as a part of
4 that role, she was involved in all the preparations.
5 She did work with Charter School Division staff.
6 She worked with the charter schools. As a part of
7 that role, she prepared all the documents that we
8 used in those negotiations, which now number 48.
9 And she prepared every one of those documents for
10 all 48 of those schools.

11 Last year, she operated under a contract
12 between herself and PED, that specified, put more
13 specificity to her duties. But that contract
14 allowed her to do everything I just described. She
15 did it for us last year.

16 This year, she got her 2016 contract and
17 tells me there were just a couple of very minor word
18 changes in that document. And other than that, it's
19 the exact same document that she operated under last
20 year. However, PED told her this year that she was
21 not to be allowed in the preparations for this --
22 her role. She was not to be allowed to prepare the
23 documents for that role, as she has done for the
24 previous two-and-a-half years. And I found that
25 totally unacceptable.

1 These negotiations, as I say, are our
2 negotiations. We choose the people we want to do
3 the work for our negotiations. I have had one
4 conversation with Deputy Secretary Aguilar. We have
5 not been able to connect back. I'm going to
6 continue to try. I do not see us going forward
7 until we resolve this issue.

8 The Charter School Division is not
9 authorized by this Commission to prepare those
10 documents. We have never been asked to authorize
11 that. We have never voted on that. And I remind
12 them, they do not have a role in these negotiations,
13 other than as our staff. And we have not authorized
14 them to do this. Or did I miss something? No, I
15 didn't think so.

16 So that's where we're at. We need to get
17 this solved. This is almost a Constitutional issue.
18 This Legislature has mandated that we do these
19 negotiations. There was no mention of the Charter
20 School Division in Senate Bill 446, other than in
21 some housekeeping areas. And there's no mention of
22 the CSD doing the negotiations in the Charter School
23 Act.

24 So I'm going to work -- continue to try to
25 work with Deputy Secretary Aguilar to get these

1 questions answered so we can get back to doing the
2 negotiations. Until then, we're being delayed in
3 the performance of our duties by what's going on
4 right now.

5 And you can tell, I'm upset about it. I
6 believe it's interference in our statutory duties.
7 And I'm going to continue to fight; because it's
8 just -- these are our negotiations, by statute.

9 It's not just, "If you guys want to do it,
10 go ahead, if you want to turn it over to CSD."
11 That's not what the Legislature said. We're not
12 turning it over to CSD; we never have.

13 I'm not demeaning CSD in any way, shape,
14 or form. But they are not authorized to prepare
15 those documents.

16 Have I missed something, fellow
17 Commissioners? Did I -- do you disagree with
18 anything I said?

19 COMMISSIONER ARMBRUSTER: I just have a
20 question. Did you want me to ask it now? I can
21 wait.

22 THE CHAIR: The Director wants to say
23 something; so I'm going to ask the Director -- go
24 ahead, briefly, please.

25 MS. POULOS: Chairman Bergman,

1 Commissioners, I would just like, for the record, to
2 state that I believe that that is not an accurate
3 reflection. I do think it's important that we have
4 conversations -- Deputy Secretary Aguilar did
5 apologize that he has not been able to get back in
6 touch with you. But I do look forward to working
7 with the Commission to ensure we all can get to the
8 same page on what the situation is and work out a
9 workable situation.

10 But, again, I do not believe that
11 accurately reflects what's happened. And so I just
12 want to make sure that's on the record.

13 THE CHAIR: That's fine. We're going to
14 agree to disagree; because that's what I've been
15 told. So we need to get this resolved. I will
16 continue to try and get together with the Deputy
17 Secretary, and at the appropriate time, I will
18 certainly be willing to talk to and meet with the
19 Director.

20 But there's only going to be one
21 resolution in my mind, unless the Commission tells
22 me differently. And that's going to be what I just
23 stated. Otherwise, we have a Constitutional
24 problem.

25 So thank you. We'll continue working on

1 it. That's my update.

2 COMMISSIONER SHEARMAN: Let me just say,
3 Commissioner Bergman, I -- in all the time that I've
4 worked on negotiations, the same amount of time you
5 have, we have always felt that CSD was our staff,
6 and that to involve them directly in the
7 negotiations, in our view, was a conflict of
8 interest for them. And so we have tried to have
9 those negotiations between the PEC and the schools,
10 negotiated by -- facilitated by a third party, so
11 that if there were disagreements over issues in
12 those negotiations, if we disagreed on indicators or
13 anything in those negotiations, it was between the
14 PEC and the school.

15 And that's the way it should be. This
16 Commission agreed with that several years ago when
17 we set this up.

18 I agree with Commissioner Bergman. If we
19 want to make a change, it's going to take a vote to
20 do it; because that's what it took to get it to this
21 point. So I agree. It's the Commission's business.
22 And if we want to change anything, now is the time
23 to say so. But my opinion is I think we had a good,
24 clean process in place when we had a third-party
25 person acting as facilitator. And it worked very

1 well. I don't understand why there's been a change.

2 THE CHAIR: Thank you. Questions.

3 Commissioner Ambruster?

4 COMMISSIONER ARMBRUSTER: These are
5 probably more in terms of clarification, since I
6 have only done those once -- one time. You have
7 done many.

8 But, so we're paying an attorney to write
9 documents and -- that we're looking at; but CSD
10 doesn't have any input into that, because they would
11 not be what we want?

12 THE CHAIR: No. One, we are not paying
13 anybody, because we have no budget and no money. We
14 are not paying anybody.

15 COMMISSIONER ARMBRUSTER: The taxpayers
16 are paying.

17 THE CHAIR: There is a contract in
18 existence between PED and Julia Barnes. And, no,
19 CSD has always had a role assigned by this
20 Commission in those first two-and-a-half years. At
21 that time, they had a liaison position with the
22 charter schools, which has been eliminated. And
23 those liaisons worked with each charter school and
24 helped them formulate their draft of the performance
25 framework with their draft of the performance

1 indicators and goals that they wanted to pursue.
2 And that was their role. And that was with the
3 approval of the Commission. That was their only
4 role.

5 MS. POULOS: Commissioner Bergman?

6 THE CHAIR: Let me finish.

7 MS. POULOS: This is very important for.
8 I think it's very important. That is exactly what
9 has been happening. That is exactly what my staff
10 member, Tina, and her cohort, Ed, who are both
11 supposed to be supporting and training our schools
12 while my other team members are doing more the site
13 visit evaluations, that's exactly what they have
14 been doing.

15 And I do want to be very clear. CSD has
16 not had any intent on being the facilitator. And
17 that's what I wanted to express when I said that I
18 don't believe this is an accurate reflection of the
19 situation; because, again, that's exactly what's
20 been going on.

21 THE CHAIR: Well -- but previously, those
22 liaisons were working with Julia Barnes. They were
23 working in concert. And they're not now. And, yes,
24 I see you disagree with that; but the -- the
25 performance -- the performance of the documents is

1 the issue for me. And that -- those documents are
2 to be prepared by Julia Barnes, as the facilitator.
3 Otherwise, yeah, what is her role, if she's just --
4 she was told, "Just show up on negotiation days, and
5 you facilitate."

6 Well, that's ludicrous, because she won't
7 be prepared to facilitate if she hasn't been
8 involved in the preparations.

9 MS. POULOS: I think I need to add one
10 thing. That is not the conversation. In fact,
11 Ms. Barnes has not reached out to have a
12 conversation with me at all.

13 THE CHAIR: I'm told otherwise. I'm not
14 going to argue that.

15 COMMISSIONER TOULOUSE: Mr. Chair, I also
16 want to clarify that Julia did not do the forms. We
17 did the forms with her, with Charter School Division
18 employees, with the Matthews Fox firm. It was a
19 very, very long, drawn-out process to develop those
20 forms. They are our forms, not just ones that Julia
21 prepared.

22 Now, she will populate them with the
23 current information when she goes in. But I've done
24 several years' worth of this now. And, again, I --
25 I don't understand how we can go in and put anybody

1 except Julia in to do these, because she's the only
2 one I've worked with, and she has such a thorough
3 understanding of it.

4 But we did those forms, and I want to
5 continue with it this way; because it is our
6 contract, and I don't think we can have our staff,
7 because it's not a contract with them but with us.
8 The law is very clear. CSD is our staff, not our
9 peers or whatever.

10 So I just think I agree. It's a
11 Constitutional issue. It's ours to do. So thank
12 you.

13 THE CHAIR: Well, I think -- and
14 Commissioner Shearman has stated it -- Julia
15 provides a third-party facilitator, a buffer between
16 both sides. And, yes, CSD -- and the forms that I'm
17 talking about she's prepared are the draft documents
18 for the negotiations.

19 COMMISSIONER TOULOUSE: That's the
20 populating of what we've already done.

21 THE CHAIR: We have templates used for all
22 of them. And, yes, everybody was involved with
23 that. I've made my statement. That's where I'm at.
24 Until we get this issue resolved satisfactorily for
25 this Commission, who is charged to do the

1 negotiations, there's going to be a problem. I'll
2 continue to work with the Director. I'll continue
3 to try and work with the Deputy Secretary. I know
4 he's an extremely busy man, and I understand that.
5 But I'll continue to try.

6 That's where we're at with negotiations.
7 Stay tuned for updates.

8 Let me, fairly quickly, do the liaison.
9 The document that's in your book is not the 2016
10 document. That's just a repeat of the 2015
11 document. And with Beverly out, it's going to take
12 me a little while. But here's the changes, if you
13 want to jot them there.

14 Commissioner Peralta, because you're on
15 the PSCOC now, Commissioner Conyers asked if he
16 could chair the CTE committee; and so I'm going to
17 allow him to be Chair, if you agree to that.
18 You're -- I know you're extremely busy with the
19 PSCOC. If you approve of that, Commissioner Conyers
20 will be Chair of the Career Technical Education
21 committee. The other two committees will stay as
22 they are.

23 Do you remember the last meeting, I asked
24 everybody get in touch? Commissioner Conyers was
25 the only one who got in touch. I'm assuming

1 everybody else is happy where you are; so that's
2 where we are.

3 On the LESC, Commissioner Shearman is no
4 longer there. I'm actually going to be the primary
5 on that one, and I've left Commissioners Gipson and
6 Toulouse on that one, if that's the way you want to
7 keep it.

8 The New Mexico Indian Education Advisory
9 Council, here, again, Commissioner Conyers asked to
10 be the primary on that one, replacing Commissioner
11 Pogna. I talked to Commissioner Pogna, and she was
12 agreeable to that. Commissioner Conyers will be the
13 primary, and Commissioner Pogna and Chavez will be
14 the backup there.

15 The Coalition School Administrator, same.
16 PSCOC is the same. NMPSIA is the same. School
17 Boards Association is the same. The State Library
18 Commission is the same.

19 And we did ask the LFC -- and Commissioner
20 Shearman had asked to be the primary on that. And
21 she is. And myself and Commissioner Carr and
22 Commissioner Toulouse will be the backups on that
23 one.

24 So now, you're up-to-date. I will
25 continue to work with Beverly. We'll finally --

1 whenever she gets back from her health problems,
2 we'll have a new list that will reflect all those
3 changes.

4 Is everybody satisfied with that, where we
5 are now?

6 Thank you so much. I've taken care of
7 that.

8 Time for the Coalition to come forward, if
9 you would, Kelly.

10 Please identify yourself and proceed.

11 MS. CALLAHAN: I can talk loud. Now, it's
12 working.

13 Good morning. My name is Kelly Callahan,
14 and I am the co-executive director of the New Mexico
15 Coalition for Charter Schools.

16 Thank you, Commissioners. Mr. Chair and
17 Commissioners, our report consists of three items.

18 First of all, I would like to talk about
19 our spring conference that was held on March 2nd and
20 3rd. The Coalition sponsored an educational
21 leadership conference that included instruction and
22 tracks on instruction, and also included governance
23 council training.

24 We had over 100 people that attended the
25 training and the workshops. This was our first go

1 at a spring conference. And at an instructional
2 primary focus, we did add the governance, just at
3 the request of our members.

4 But it was very successful. I would like
5 to thank Commissioner Toulouse for attending the
6 governance training. There was a lot of people in
7 there. So it was -- it was very well-attended. And
8 so we plan to continue doing on our -- a spring
9 conference, as well as our fall conference. And we
10 want always to have an open invite to the Commission
11 to be a part of those conferences. And we will keep
12 you notified as to dates.

13 Secondly, the Coalition worked very
14 closely with several organizations and lobbyists at
15 the Legislative Session that just was completed in
16 January. And the -- there were a couple of bills
17 that were put forth that had potential negative
18 circumstances for charter schools. SB 141 was a
19 funding formula change bill that looked at teacher
20 cost index, the at-risk index, and the school size
21 adjustment factor.

22 And what happened was the -- the charter
23 schools were identified specifically in the size
24 adjustment factor. And what we found in the data
25 that we reviewed is that 53 percent of the charter

1 schools would have lost up to 20 percent of their
2 budget over the five years. And we found that this
3 was not acceptable; and also, the fact that we
4 really -- you know, that those numbers that we used
5 were based on LESC and LFC numbers, but they weren't
6 entirely accurate.

7 And so we worked with the Public Education
8 Department. Their numbers conflicted. There really
9 wasn't a whole lot of data. The point of that is to
10 vote for a bill without clear data as to the impact
11 was -- was not an acceptable path. And we worked
12 very hard to -- with the PED and with our
13 constituents to ensure that that bill was killed
14 before it got to the House floor.

15 And we feel like -- we would like to be
16 more proactive as the Coalition. We have set up
17 some task forces that are going to hopefully look at
18 the funding formula and, working with charter
19 schools, with business managers, with the
20 Legislature, we are working with Legislators to be a
21 part of the LESC agenda. And so we want to
22 absolutely work with that. We know that the funding
23 formula needs some adjustment, and we want to make
24 sure that it's fair, not only to traditional public
25 schools, but to charter schools, and that we are --

1 and not taking away any equity, because these are
2 all public school students.

3 And we just -- so we felt like we were
4 able to avert some negative things happening very
5 quickly to hopefully proactively become a part of
6 the solution for the funding formula. So we have
7 put together -- we have started our task force. We
8 started meeting this week. We are going to be part
9 of the LESC agenda, hopefully, on April 15th; so we
10 will keep you updated as to that.

11 Any questions about that, specifically?

12 THE CHAIR: Questions for the Coalition?

13 Commissioner Ambruster?

14 COMMISSIONER ARMBRUSTER: Kelly, what is
15 the definition of a "small school"?

16 MS. CALLAHAN: Mr. Chair, Commissioner
17 Ambruster, a small school -- according to the
18 funding formula, it's broken into levels. So an
19 elementary school that's under 200 students would be
20 considered a small school. And then they have a
21 multiple-layer high-school level. There's high
22 schools that are under 200 receive a factor, and
23 then high schools that are under 400 currently
24 receive a factor. And that's all -- that's all
25 district schools and charter schools.

1 COMMISSIONER ARMBRUSTER: And middle
2 school is under the elementary or the high school?

3 MS. CALLAHAN: Mr. Chair, Commissioner
4 Ambruster, yes, it's a K-8. It's the K-8. And it's
5 hard if you have crossover; because some schools are
6 K-12. And so there's some -- I'm sure that the
7 budget people have to do some finagling on that.

8 THE CHAIR: Anything else?

9 COMMISSIONER PERALTA: Mr. Chair?

10 THE CHAIR: Commissioner Peralta?

11 COMMISSIONER PERALTA: Maybe if I can get
12 your take on the presentation earlier by
13 Mr. Hindman, if you wouldn't mind sharing maybe your
14 personal opinion, or the opinion of the Coalition
15 about what might transpire, or what your feelings
16 are about that.

17 MS. CALLAHAN: Mr. Chair, Commissioner
18 Peralta, thank you for that question. The Coalition
19 has been meeting -- we've met now twice with
20 Mr. Hindman and his organization. We, too, were a
21 little confused when -- when all of this transpired
22 earlier this summer. And -- but there was a lot
23 of -- I'm going to say misinformation that --
24 because we didn't know. And it was just -- it was
25 trying to find and produce information that we just

1 didn't know about.

2 So when we met, actually, with the
3 board -- the Coalition met with this board when they
4 hired Mr. Hindman, and -- to discuss that, because
5 there was concern about them becoming another member
6 organization, which would be in direct conflict with
7 what we were doing.

8 And they assured us -- the board assured
9 us, and Mr. Hindman, at the time, who I think was on
10 board a week -- they assured us that there would not
11 be competition in terms of that.

12 There is still some confusion about what
13 exactly this new organization was going to be doing.
14 I don't think they were entirely clear about exactly
15 what they were going to be going -- that they did
16 receive funding, that they did receive support from
17 Daniels. And so I think, as they brought
18 Mr. Hindman in and the board actually put together
19 their plan for the 501(c)(3), it became evident that
20 they were looking at supporting schools with funding
21 and looking at quality in terms of education.

22 And since that first meeting -- we
23 actually met with Mr. Hindman yesterday. Since that
24 first meeting, the expansion has been now to all
25 schools. And that's a new development that we just

1 heard about yesterday and today during this
2 discussion.

3 And so we -- we realized that there's a
4 lot of work. But we do have Mr. Hindman's support
5 and collaboration in talking about the high
6 performing schools. I think that's something that
7 we've always wanted to be a part of.

8 I'm glad to hear that he wants to include
9 the PEC, the CSD and the other entities. And I
10 think that's going to be a positive progression. We
11 are specifically focused on our members. We -- we
12 now represent almost 80 percent of the schools,
13 which is up from last year's 62 percent. So we do
14 have a significant presence. And we really are
15 focused on looking at training, support, technical
16 support, advisory, working with schools and leaders,
17 specifically around charter school issues.

18 And since they've sort of broadened their
19 scope, I think there's crossover; but it's not -- I
20 don't think it's going to be a direct competition,
21 if you will. But we are very committed to making it
22 a collaboration, and -- because we feel like new
23 schools having funding to start is critical. And
24 since we don't have the funding flow for that, this
25 would be a great way to provide support for new

1 schools.

2 COMMISSIONER PERALTA: Thank you.

3 THE CHAIR: Thank you for that. Anything
4 else?

5 COMMISSIONER GIPSON: I just wanted to say
6 thank you for that last workshop that you did,
7 because I got great feedback from schools in my
8 area, with the governance council training. And
9 they truly appreciated it. And I know they're
10 making use of it and sharing it.

11 So thank you very much for doing that.

12 MS. CALLAHAN: Mr. Chair, Commissioner
13 Gipson, thank you for that. We do appreciate the
14 feedback and are working very hard to up the level
15 of quality governance, because that is what is going
16 to make charter schools successful, because that
17 oversight is critically important.

18 And then I have one last thing,
19 Commissioner; and this is with all due respect to
20 the Commission.

21 I have received -- we have received -- the
22 Coalition has received 19 concerns that have been
23 leveled about the work that they are doing with the
24 CSD. That's almost 20 percent of our charter
25 schools.

1 And these concerns -- and I'm just going
2 to outline a couple of the things: That there's an
3 atmosphere of hostility and a fear of retaliation
4 working with the CSD; that there is some inaccurate
5 information that's been provided and/or identified;
6 that schools are not being treated professionally;
7 that they are feeling targeted and harassed; that
8 there is a fear of retaliation from the CSD; and
9 that there are some unreasonable requests for
10 information.

11 We've also had concern from the schools
12 about information from the CSD that is maligning
13 schools with investors and outside entities. And
14 this is very, very concerning. And I'm not here to
15 come and just complain; I am coming here to seek a
16 solution.

17 And we are very much in support of
18 accountability for charter schools. We do believe
19 that bad charter schools should be closed. We do
20 believe that charter schools should have oversight.
21 That is the responsibility of this Commission and
22 the CSD, as acting as your staff.

23 We do, however, worry, because there is
24 not, right now, a clear process for schools to file
25 a safe complaint and/or concern or a grievance about

1 what's happening with the CSD. And I would like to
2 get clarification about the language in the
3 contract, because the contract is between the
4 governing boards and the Public Education
5 Commission.

6 And it is unclear, if there is a problem
7 with the staff of the Commission, if the contract
8 does -- does cover that, and if those processes
9 would be implemented. And if it isn't, we would
10 like to respectfully request that there be some sort
11 of grievance or complaint process put forth so that
12 schools have a safe way, without fear of
13 retaliation, to report concerns about the oversight
14 that happens from the Charter School Division.

15 And we are, again, reporting what we have
16 been given as information from 19 schools. And this
17 is very concerning.

18 We want, of course, for schools to have
19 excellent oversight; but -- I think it was touched
20 on earlier -- it needs to be done with respect, and
21 it needs to be done with fairness and with
22 reasonableness.

23 And we are, again, respectfully requesting
24 that we get some sort of clarification about what
25 schools can do if there are concerns about what is

1 happening with the oversight of the staff of the PEC
2 or the CSD.

3 Thank you.

4 THE CHAIR: Thank you for sharing that
5 with us. Have you shared those concerns from these
6 schools with --

7 COMMISSIONER SHEARMAN: Just clearing my
8 throat. I'm sorry.

9 THE CHAIR: I thought you said, "Don't you
10 dare." The Chair has never been addressed that way
11 before. My wife has said that; but...

12 COMMISSIONER SHEARMAN: Mr. Chair, I would
13 never, in my wildest dreams, tell you not to do
14 something.

15 THE CHAIR: I don't know what the look was
16 on my face there; but it was alarm or something.

17 COMMISSIONER GIPSON: I'm sitting in the
18 middle; so...

19 MS. CALLAHAN: Commissioner Bergman, to
20 answer your question -- sorry, Commissioner
21 Shearman -- no, it is not. We are in the process of
22 putting together a letter that will be sent to the
23 Public Education Commission with copies to the
24 Charter School Division. We felt like we needed to
25 get this information out, because it has been coming

1 very, very quickly and furiously over the last
2 month.

3 THE CHAIR: You rai- -- you mentioned the
4 contract. Here, again, you've gotten into this area
5 I'm talking about. See, the contract, the actual
6 performance contract and the performance frameworks,
7 which are a part of the document, again, are a
8 two-party document. They're between the charter
9 school and the PEC. CSD is not a party to those
10 contracts. They're -- as our staff, they're a
11 party; but they're not a signatory, I don't believe.

12 But, anyway, there's got to be something
13 else. And did you have your hand up?

14 MS. POULOS: I did. I just wanted to say
15 that I'm very disappointed. None of these concerns
16 have been brought to us. We've not heard any word
17 of this. I've been working closely with many
18 charter schools and have gotten great feedback.

19 So it is disappearing -- disappointing to
20 hear it in this format, rather than to have anyone
21 come to me first. And so I'm just -- again, to
22 Ms. Callahan, I would ask that certainly anytime any
23 feedback like that comes to you, that you would
24 raise that alarm for me; because I would love to
25 immediately address it. But having it come in this

1 format is very disturbing.

2 MS. CALLAHAN: And, Commissioner --
3 Mr. Chair, Commissioner, I -- again, it's a very --
4 it's a very difficult relationship, because the --
5 the authorizers, with whom the schools ask me to
6 present this information, that's who their contract
7 is with. And so I definitely feel like there's --
8 there's just a void of how we can do this; because
9 the relationship is very -- you know, because the
10 CSD is part of the Public Education Department and
11 acts as the staff to the PEC.

12 The PEC, you know, in terms of
13 oversight -- again, it's a very difficult process
14 for us, and our schools asked for us to present to
15 the Public Education Commission. We will follow
16 with a letter in writing; and we felt like it was --
17 that was to be the first step.

18 THE CHAIR: Please. And please do that.
19 And, please, in the future, communicate with the
20 CSD. I understand her sense of disappointment in
21 this case.

22 Commissioner Shearman, did you have
23 something?

24 COMMISSIONER SHEARMAN: I do.
25 Mr. Chairman, I -- that's a significant number of

1 schools with concerns; it really is.

2 I also understand a school's concern for
3 retaliation. It's the same thing school boards deal
4 with, with parents and students. And while, from --
5 when you're sitting behind the desk, it seems not to
6 be real, that you should be able to go to the person
7 you have the problem with, tell them what that
8 problem is and work it out. But when you do have a
9 fear of retaliation, whether it's real or genuine,
10 if the fear is there, then the issue needs to be
11 dealt with at a different level at a different way.

12 These are -- as we said, these are our
13 contracts with these schools. If they're having
14 issues with our staff, I think it needs to come to
15 us. If we then want to take it to our staff and
16 seek an issue or a solution, that's our business.

17 But I agree, if it's a serious issue, it
18 needs to come to us first.

19 Could I suggest, Mr. Chairman, that you
20 meet with our attorney and perhaps with Ms. Callahan
21 and sit down and let's see if there is not a process
22 we can identify where those issues come to us? And
23 if they are that serious, then we will take action.
24 What action we can take, I'm not sure, because,
25 remember, we don't have a budget, and we don't hire

1 the staff.

2 But we do have the authority to the
3 schools, and we do need to be responsive to them.
4 So I think we've got to get a legal opinion on what
5 we can do.

6 So I'm asking that -- or I'm suggesting
7 that that's the first step we take is to seek legal
8 counsel.

9 THE CHAIR: And I would turn to Mr. Lange
10 and say, "Could you perhaps look into this next week
11 for us -- or reasonably in the future?"

12 Because this -- we're talking about --
13 this is new territory, I guess, new ground.

14 MR. LANGE: Yeah. Mr. Chair, members of
15 the Commission, we can definitely meet with
16 interested parties. I would like to meet after the
17 letter that was proposed that be sent to us so we
18 can look at the allegations.

19 But, I mean, the grievance process -- if
20 that's something that you all want to look into, I
21 don't know what we can do and we can't do; but I'm
22 more than willing to work with -- with what we're
23 able to do and what we're not able to do.

24 THE CHAIR: Thank you for that. And then
25 I would raise the issue with Vice Chair Gipson.

1 Could we not fold this into the complaint policy?
2 Or is that a separate issue?

3 COMMISSIONER TOULOUSE: Separate.
4 Separate.

5 COMMISSIONER GIPSON: It's separate.
6 Let's not muddy those waters.

7 THE CHAIR: So we have another separate
8 process we have to work on.

9 COMMISSIONER GIPSON: Absolutely. Yeah,
10 yeah.

11 COMMISSIONER TOULOUSE: Mr. Chair, I want
12 to say, as all of you know, there's a very large
13 number of our charter schools in my district. I
14 have received some of these complaints, and I have
15 asked people, "May I bring this forward," and I get
16 a complete panic attack on the other end of the
17 phone, or the other person turns away from me
18 because they are so sure they're going to be
19 retaliated against.

20 I can't tell whether -- how valid the fear
21 is, because it is such a total fear. And I have
22 then suggested to those people that they join a
23 group of people and go to Ms. Callahan, you know, if
24 they're afraid of one-on-one retaliation.

25 But I know that there is unrest out there

1 in the Albuquerque area. I know that there are at
2 least ten of our charter schools who have approached
3 APS requesting, when it comes time, to be
4 rechartered by APS because of these concerns.

5 And I am not sure -- where it might reduce
6 our workload, I don't think that's the answer to
7 what we want, either.

8 So I do think we need to figure out what's
9 causing this atmosphere and figure out how to fix
10 it. Thank you.

11 THE CHAIR: Thank you, Commissioner
12 Toulouse.

13 Commissioner Peralta?

14 COMMISSIONER PERALTA: I'm just wondering
15 if maybe, as Commissioner Toulouse is saying, her
16 experience with getting some of these calls and
17 concerns, and Ms. Callahan presenting it before us
18 here, and whether this is the right setting or not,
19 right timing or not, why these concerns couldn't be
20 channeled through the EC first, the Executive
21 Committee, and we ask, along with our counsel,
22 whether or not we proceed, whether it becomes an
23 item on the next meeting's agenda or not, or how we
24 go forward.

25 But I would like to see that the Executive

1 Committee be included on the process when things
2 like these -- alerts come up, that that's probably
3 the best way to go. If they're not going directly
4 to CSD with those concerns, then possibly the next
5 step would be to bring it to the Chair and then
6 have --

7 THE CHAIR: Let's see if this is
8 agreeable. Director?

9 MS. POULOS: I would also like to say for
10 the public, if there is a concern about me,
11 personally, or my staff, and you don't feel
12 comfortable coming to me, certainly, you should
13 address the Chief of Staff or the Deputy Secretary.
14 The Deputy Secretary who directly supervises me
15 has -- has departed; so it probably would go to the
16 Chief of Staff.

17 But certainly, I would put that out, that
18 that is certainly something that they should do, and
19 these concerns should be addressed with my employer.

20 THE CHAIR: Did you say Deputy Secretary
21 Lenti is gone? Did you say that?

22 MS. POULOS: She has departed.

23 THE CHAIR: That must be why she's not
24 returning my calls.

25 MS. POULOS: I think that would probably

1 be why.

2 THE CHAIR: I've been trying to talk to
3 her, also.

4 Commissioner Ambruster?

5 COMMISSIONER ARMBRUSTER: Since I've been
6 on the Commission, what I've noticed is the change
7 in -- in holding charter schools to a higher
8 standard. I think the investigations have been more
9 thorough. I think that there's some issues with
10 communication and how people communicate with other
11 people that tend to, in my experience, be at issue.

12 So it's sometimes how you say something
13 and not necessarily what you say. So when you send
14 a letter to us -- and that's, of course, fine --
15 it's more helpful to not say, "Well, CSD said this,"
16 or, "They did this," or, you know, all of these
17 things, which I tried to write down very quickly;
18 but suggest a way to change that.

19 Because when you just tell someone, "Oh, I
20 don't like you because you are unreasonable," or,
21 "You have inaccurate information," or, "I fear
22 retaliation," I do understand that. But when you
23 write a letter -- and I've had to do this numerous
24 times to directors of -- at the schools -- if you
25 say, "Rather than have said this or this, if you had

1 checked with us about this, that might have made it
2 feel more comfortable for us."

3 So it's, like, giving a solution, and not
4 just a list of things that are wrong.

5 I'm not questioning whether they're right
6 or they're wrong. I'm just saying if you just do
7 that, you're not really helping someone improve.
8 And it's somewhat like an evaluation of -- of CSD's
9 work. And I just think if you could possibly
10 include that in some way, that it would be
11 beneficial for everyone; because what you're
12 seeking, and I think what CSD would probably be
13 seeking, is some sort of solution to make things
14 better, not just to have -- either way. Does that
15 make sense?

16 Thank you.

17 THE CHAIR: Thank you. Well, let me say
18 this: Based on what I've heard here from my fellow
19 Commissioners, I'm not about to tell you what you're
20 going to do, how you're going to do this. It sounds
21 like it probably should come to me, as the Chair of
22 the Commission, and should be copied to the Vice
23 Chair and the Secretary, as the Executive Committee.
24 It should be copied to Director Poulos and then
25 whoever else.

1 But I'm going to say this: In my life, I
2 have been in situations where people have come to me
3 to complain about this or that or the other. And
4 they wanted to remain anonymous. I can assure you
5 I've never been comfortable with that kind of a
6 process. Anonymous complaints worry me, what the
7 motivation -- so you're going to have to put a lot
8 of thought into how you're going to present that.

9 I'm not going to tell you how you're going
10 to do it. I'm uncomfortable with a bunch of
11 anonymous allegations. That does bother me a little
12 bit. Keep that in mind, too.

13 Is that the will of the Commission? Does
14 that sound reasonable to the Commission?

15 Should it be copied to you, also? Or do
16 you not want to get --

17 MR. LANGE: I'm not involved. The issue
18 is I don't want there to be any sort of
19 communication between the Commissioners about these
20 particular complaints, not in an open meeting.

21 So that's just -- that's just the issue
22 that I would have, that we can have them -- however
23 the Coalition wants to send their letter, you know,
24 they can. If it wants to just go through you or the
25 Executive Committee, we can do that.

1 We can't really take action on any sort of
2 policy right now, because it wasn't on -- on the
3 list. But if you want to be in charge -- if you
4 want to have the Executive Committee or an ad hoc
5 committee be in charge of this grievance process so
6 we can get something in place, I would suggest doing
7 that.

8 And your suggestion is compliant with
9 that. If you want to have it go through the
10 Executive Office with cc'ing Katie or anyone else,
11 you're more than free to do that.

12 THE CHAIR: Thank you for that. Let's
13 keep it on that basis for now. You all understood
14 what our counsel said. We are not to discuss these;
15 because that's all they are. They're allegations.
16 They may have merit; they may not.

17 COMMISSIONER TOULOUSE: Mr. Chair, I'm not
18 comfortable with leaving the letter just to the
19 Executive Committee, because most of the complaints
20 involve schools that are already talking to me.

21 And I think all of us should see the
22 letter. And certainly, I know we're not going to
23 talk about it among ourselves. But I think anything
24 that goes should go to all of us, because I don't
25 want to be out of the loop on this, because I'm the

1 one who's fielding the phone calls or getting the
2 invitations to come to lunch or whatever.

3 And my people -- they're not exactly
4 remaining anonymous, because they're telling me, and
5 I know who it is. And they're -- to me, that's
6 different than the people who write you an anonymous
7 letter or do an anonymous phone call.

8 These are people who want me to know, who
9 are scared to go it alone. And those are the ones
10 we need to work at making sure people understand
11 that somehow there's a whistle-blower deal in here,
12 and they can't be retaliated against is all I want
13 to know. But I don't want to be out of the loop.
14 I'm sorry.

15 THE CHAIR: You're not going to be out of
16 the loop. Maybe I didn't fully explain myself.

17 COMMISSIONER TOULOUSE: Yes.

18 THE CHAIR: My legal counsel will tell me
19 when I can release that letter to the rest of the
20 Commission, which is the way we've always done
21 things. Everyone will see it at the appropriate
22 time, per our legal counsel.

23 COMMISSIONER TOULOUSE: I still question
24 what that appropriate time is regarding the one
25 who's fielding most of the phone calls.

1 MS. POULOS: Commissioner?

2 THE CHAIR: Director?

3 MS. POULOS: Commissioner Toulouse, I
4 would ask if you, again, are receiving those -- and,
5 again, the concern is they don't want to bring it to
6 me -- certainly, that shouldn't -- I would hope that
7 you would not let that languish, and you would
8 immediately take it to my boss. Again, that's Sam
9 Shumway, who is our Chief of Staff, and
10 Secretary Skandera, and, had Ms. Lenti been around,
11 Ms. Lenti.

12 And our new Secretary of Programs --
13 Deputy Secretary of Programs and Policy will be
14 joining us next month. His name will be "Chris" --
15 I don't know his last name. I would hope that you
16 would immediately bring those to them, so they could
17 address them.

18 COMMISSIONER TOULOUSE: Director Poulos, I
19 don't mind going directly to someone with a
20 complaint until I know whether it's a legitimate
21 complaint or not. I would certainly rather go to
22 you than go to somebody above you.

23 Again, 30 years in management, I got very
24 tired of hearing -- you know, when you have welfare
25 programs, somebody's going to call the Secretary or

1 the division director over and over, and I'm sitting
2 in a County office, and I'm getting phone calls
3 saying, "Huh," that's not fair to go over people.

4 So if I had enough substance, where I felt
5 comfortable talking to you -- but I feel like this
6 is something that there's a bigger issue. But I
7 don't particularly like going above somebody until I
8 know they know I have an issue.

9 MS. POULOS: I'm happy for you to do it.
10 If the problem is bringing it to me, I would very
11 much appreciate that it be brought to them.

12 THE CHAIR: Anything else with this one?

13 COMMISSIONER ARMBRUSTER: I just -- one
14 question. I think it would be interesting to know
15 the letter grade or something of the schools that
16 are requesting. Are they the "A" schools that are
17 really upset with what's going on? Or is it the "D"
18 or "F" schools? Because I think there's a
19 difference. I would be much more concerned if it
20 was our "A" schools that were expressing --

21 COMMISSIONER TOULOUSE: A couple of them
22 are.

23 MS. CALLAHAN: Mr. Chair and Commissioner
24 Ambruster, it does run the gamut.

25 THE CHAIR: I don't want a phone book. I

1 don't want to receive the phone book in the mail.

2 MS. CALLAHAN: Mr. Chair, Commissioners,
3 we will definitely keep it short and to the point.
4 And, also, Mr. Chair -- and to Commissioner
5 Ambruster's point -- we are looking for a solution
6 and for a fair and reasonable way for schools to
7 exercise concerns. And I want to be as open and
8 transparent as we possibly can so that those schools
9 feel that they're fairly represented.

10 And I think that by suggesting a process
11 of grievance, I think is -- and I think the
12 Executive Committee, we would be happy to work with
13 you in any shape or form.

14 THE CHAIR: Thank you. You have planted
15 the seed, and we will now watch it grow, and we'll
16 work on it with our counsel and figure out a
17 different policy for how we're going to handle this
18 in the future.

19 We keep learning as we go. And that's --
20 do you have anything further for us today?

21 MS. CALLAHAN: Mr. Chair, Commissioners,
22 no, I do not. Thank you again for allowing us this
23 opportunity. I know this is a difficult
24 conversation; but as representative of the schools
25 it had to be said.

1 So thank you for that opportunity.

2 THE CHAIR: You're welcome. And that is
3 your role as the Coalition. Thank you for your
4 time. Thank you for being here.

5 We are now to Item 8 on the agenda, PEC
6 Comments. I'm starting to my right.

7 Commissioner Conyers?

8 COMMISSIONER CONYERS: No particular
9 comment. I have a question or a clarification on
10 the -- the hearing is March 22nd, 1:00 p.m. But I
11 didn't catch where.

12 THE CHAIR: Unless that's changed, it's
13 going to be right here, 1:00 p.m. I encourage you
14 all to be here. I believe we have to have a quorum.
15 We've got to have at least six people here. Plan on
16 coming.

17 You can't talk about it if you're not
18 there. So please plan on being here March 22nd,
19 1:00 p.m., right here in this room.

20 Anything else?

21 COMMISSIONER CONYERS: No, thank you.

22 THE CHAIR: Commissioner Pogna?

23 COMMISSIONER POGNA: Yes, Mr. Chairman.
24 Mine is not -- my comment is not about Commissioner
25 activity. It's more of a building maintenance

1 complaint. For 36 years that I've served on the
2 State Board of Education and the Commission, I park
3 on Don Gaspar, and I come in through the back door.

4 This morning, the door was locked. And I
5 kept -- and I don't have the energy right now to
6 walk around this building to find an unlocked door.
7 But anyway, I kept banging on the door until an
8 employee finally saw me and -- and unlocked the
9 door. She told me that that door has been locked
10 since January. I haven't been here; so I don't
11 know.

12 So, actually, it's -- it's a complaint
13 about building maintenance. And it's bad enough
14 that I got a \$50 parking ticket two years ago; now I
15 can't even get in the building. And I'm
16 complaining. That's it.

17 THE CHAIR: Well, that's a change that I
18 am sure PED made for security reasons. I just
19 discovered it by accident. Beverly's office is
20 right there. I've always gone in there so I can get
21 to Beverly. Now, I have to walk all -- my
22 suggestion is it's an employee entrance. They all
23 have cards. When I've been parking, just sit there
24 for a couple of minutes, and an employee will come
25 along. Jump out and grab them and say, "I've got to

1 come in with you." That's the only solution I have,
2 because they're not going to change that policy, I'm
3 sure.

4 COMMISSIONER POGNA: Possibly unlock the
5 doors for our meetings?

6 MS. POULOS: Commissioner Pogna, I am very
7 sorry to hear about that. It is a pain to all of
8 us. It was a result of an employee concern about
9 safety. And I don't believe -- I hate to say that I
10 don't believe they would be willing, even one day a
11 month, to make that change; because it was a matter
12 of safety.

13 But I will see if there's some other
14 avenue we can explore to help you out. And I am
15 very sorry about that.

16 THE CHAIR: Thank you. And thank you.
17 Commissioner Peralta?

18 Were you done, Commissioner Pogna?

19 COMMISSIONER POGNA: Yes. Yes, sir.

20 THE CHAIR: Thank you.

21 Commissioner Peralta?

22 COMMISSIONER PERALTA: Maybe a couple of
23 questions you can help me out with. I know Beverly
24 is not here. But in the orange folders here,
25 anybody have a blank reimbursement form?

1 THE CHAIR: I think Annjennette did that;
2 but she's not used to the process.

3 COMMISSIONER GIPSON: There was one way in
4 the back.

5 COMMISSIONER ARMBRUSTER: I have several.

6 COMMISSIONER PERALTA: If I could steal
7 one, that would be great.

8 COMMISSIONER GIPSON: You need blank ones.
9 Oh, no.

10 COMMISSIONER PERALTA: There's this
11 purchase order/change order I've never seen.

12 THE CHAIR: That's not supposed to be in
13 there.

14 COMMISSIONER TOULOUSE: There's a blank
15 one. You're just going to have to cross me out and
16 put you in.

17 THE CHAIR: Just leave it in the folder.
18 She'll take it out, I'm sure.

19 COMMISSIONER PERALTA: Thank you, Carmie.

20 COMMISSIONER TOULOUSE: Just make sure
21 you're not getting me paid for yours.

22 THE CHAIR: No. I'm jumping around.

23 COMMISSIONER ARMBRUSTER: I was wondering,
24 for Commissioner Pogna, do you have a cell phone?

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER ARMBRUSTER: So maybe we
2 could arrange that you could call the person and
3 would be assured that that door is open for you. I
4 know it's a pain; because I used to walk through all
5 the buildings, and now you can't do that. "What is
6 this?"

7 So I understand your pain.

8 No, I'm fine.

9 THE CHAIR: Is that all? I know that's a
10 safety issue. My church locks their doors because
11 our female staff was concerned about -- and when a
12 church has to start locking their doors, yes, that
13 says something about our society.

14 Commissioner Toulouse, did you have
15 anything?

16 COMMISSIONER TOULOUSE: No, sir. I think
17 I've said plenty.

18 THE CHAIR: Commissioner Shearman?

19 COMMISSIONER SHEARMAN: Not a thing.
20 Thank you.

21 THE CHAIR: Commissioner Gipson?

22 COMMISSIONER GIPSON: No. I just want to
23 say I hope we can get these issues settled. It is
24 disheartening that -- the climate that has been
25 created at this time. And I hope we can move

1 forward successfully soon.

2 I want to add one more thing. There is an
3 LESC meeting on April 15th, and charter school
4 funding is on the agenda. So those on the LESC, if
5 you can make it, it'll be here in Santa Fe.

6 THE CHAIR: Thank you for that reminder.
7 I did get that e-mail. I still haven't looked on
8 the calendar to see if I'm available on that day.
9 If I can't go, I'll let some of the others go.

10 Oh, Commissioner Chavez, I'm sorry. I
11 keep looking around, and I just see this device over
12 there. Are you still there?

13 COMMISSIONER CHAVEZ: I am.

14 THE CHAIR: Do you have any comments,
15 please?

16 COMMISSIONER PERALTA: What a trooper.

17 COMMISSIONER CHAVEZ: Well, only to say --
18 I appreciate being able to be on the phone. It's
19 not ideal. Being there in person is obviously
20 better. But I also agree that hopefully some of the
21 issues that came up today can get resolved.

22 And thank you all for a good meeting.

23 THE CHAIR: Thank you for that, and thank
24 you for being a trooper and staying with us the
25 entire meeting. Appreciate it.

1 I guess I'm the last one. I've said
2 everything I need to say today, I believe.

3 So we are through with PEC comments.

4 Item 9 is Open Forum. Vice Chair Gipson
5 went out and looked at the list and said nobody
6 signed up; so I believe we can dispense with Open
7 Forum. There was no one signed up.

8 Actually, is there anyone in the audience
9 that stayed through this that has something they
10 wanted to add?

11 And I see no hands raised.

12 I thank you for reminding me. So I
13 believe we have taken care of that. I believe we
14 are to Item 10, unless there's additional business.
15 Item 10 is "Adjourn." Do I have a motion to
16 adjourn?

17 COMMISSIONER GIPSON: I'm sorry. Before
18 we adjourn, do we have a work session in April?

19 THE CHAIR: We had talked about one for
20 April the 7th. But you folks are going to have to
21 remind me. I guess I'm getting old. Katie, do you
22 remember what we --

23 MS. POULOS: The definition of
24 "substantial progress."

25 COMMISSIONER GIPSON: Yeah, that was the

1 "substantial progress."

2 MS. POULOS: I did have Ms. Stevens here,
3 who's in the audience today, address me about the
4 2000- -- I believe it would be '17 fiscal year
5 renewal application and whether the Commission was
6 going to go through the process to review that and
7 determine if that needed to be changed. So it may
8 be that we would want to take a look at the renewal
9 application at that time.

10 We do have NACSA coming on November 7th.
11 They will be here as part of the evaluation. So
12 there's quite a few things going on.

13 THE CHAIR: I thought we were doing that
14 this spring.

15 MS. POULOS: April. Apparently, I'm
16 wishing we were back in time or forward in time.

17 COMMISSIONER GIPSON: Did we not agree
18 that we would make ourselves available at some point
19 during April 7th to speak with?

20 COMMISSIONER TOULOUSE: That's what we
21 were going to do.

22 MS. POULOS: In the afternoon.

23 COMMISSIONER GIPSON: So we were going to
24 be here for a work session so we would be able to
25 float in and out and speak with people. And it

1 might be -- perhaps we could put on the agenda this
2 grievance issue. By April 7th, we can maybe work
3 some time on it.

4 THE CHAIR: Let me think about this. I'm
5 not sure we can do it that fast.

6 COMMISSIONER GIPSON: We're going to have
7 to act on that letter fairly soon.

8 THE CHAIR: Let's -- are we going to be
9 prepared to talk about "substantial progress," or
10 are we going to have to kick that down the road
11 again?

12 COMMISSIONER TOULOUSE: I think we ought
13 to do that, and "high performing schools" on the
14 work session, if we're going to do definitions.

15 THE CHAIR: Would you write down this
16 list? I'll have to get it again, I suspect. The
17 Vice Chair is making a list. I would suggest if you
18 want to talk to NACSA, and you might find that
19 enlightening, plan on being there on April the 7th,
20 whether you want to participate in the actual work
21 session, whatever we're going to do, or not.

22 COMMISSIONER PERALTA: I have a Capital
23 Outlay Council meeting that morning.

24 THE CHAIR: In the afternoon or something?
25 I've never -- how long do your meetings normally

1 last? I thought they were all day meetings.

2 COMMISSIONER PERALTA: Three or four
3 hours.

4 THE CHAIR: Put it on your calendar. If
5 you can come, that's fine.

6 I assume we're still working on an
7 improvement plan. It's kind of in limbo right now.
8 As fast as these things come up, other things come
9 up. We're getting mowed under.

10 COMMISSIONER ARMBRUSTER: And we're still
11 working -- Patti -- we're still going to try to
12 meet --

13 COMMISSIONER GIPSON: Not right now. I'll
14 let people know.

15 COMMISSIONER ARMBRUSTER: -- on the
16 grievance.

17 THE CHAIR: We haven't forgotten it.

18 COMMISSIONER GIPSON: I skipped it.

19 THE CHAIR: Our plate is really full.
20 When I think about what we face now with what we
21 faced seven years ago, it's no comparison. It is no
22 comparison what our workload has become.

23 Anything else? Can I now adjourn?

24 COMMISSIONER SHEARMAN: I move for
25 adjournment.

1 COMMISSIONER POGNA: Second.

2 THE CHAIR: All in favor, "Aye"?

3 (Commissioners so indicate.)

4 THE CHAIR: Any opposed?

5 (No response.)

6 THE CHAIR: We are adjourned. Thank you
7 so much for your input today.

8 (Proceedings concluded at 12:41 p.m.)

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13 In testimony whereof, I have hereunto set my
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17 *Cynthia Chapman*

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