

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

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A P P E A R A N C E S

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

STAFF:

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

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1 THE CHAIR: I'm going to call this regular
2 meeting of the New Mexico Public Education
3 Commission into -- I don't think I need to use my
4 microphone. Can you not hear me out there? Most
5 people can hear me fine. Mark, can you hear me?

6 MR. TOLLEY: Got you.

7 THE CHAIR: I'm going to call this meeting
8 into session. Today's date is May 13th, 2016.
9 Before I launch into the agenda, I would like to
10 ask, one, that if -- please mute your cell phones or
11 your devices, or turn them off, whatever is more
12 convenient for you.

13 Two, I'm not -- I think you can hear me
14 fine. But we have had a request -- some of my
15 fellow Commissioners are soft-spoken. I ask them to
16 use their microphones. And when you're up here at
17 the table, please use the one at the table there.

18 And once again, I have sad news to start
19 this meeting with. For those of you that are not
20 aware, about the time of our last meeting
21 Commissioner Carr's mother passed away. For all of
22 us who have lost our mothers, we all know how
23 difficult and trying and sad that is.

24 Condolences to Commissioner Carr. Very
25 difficult. We have the memories; but sometimes that

1 doesn't sustain us, totally.

2 All right. First order of business is
3 Call to Order. And I have done that.

4 Second order of business, Secretary
5 Peralta, can we have a roll call vote, please?

6 COMMISSIONER PERALTA: Commissioner Pogna?

7 COMMISSIONER POGNA: Here.

8 COMMISSIONER PERALTA: Commissioner
9 Toulouse?

10 COMMISSIONER TOULOUSE: Present.

11 COMMISSIONER PERALTA: Commissioner
12 Ambruster?

13 COMMISSIONER ARMBRUSTER: Present.

14 COMMISSIONER PERALTA: Commissioner
15 Conyers?

16 COMMISSIONER CONYERS: Here.

17 COMMISSIONER PERALTA: Commissioner
18 Peralta is here.

19 Commissioner Shearman?

20 MS. SHEARMAN: Here.

21 COMMISSIONER PERALTA: Commissioner

22 Chavez?

23 (No response.)

24 Commissioner Carr?

25 COMMISSIONER CARR: Here.

1 COMMISSIONER PERALTA: Commissioner
2 Gipson?

3 COMMISSIONER GIPSON: Here.

4 COMMISSIONER PERALTA: Commissioner
5 Bergman?

6 THE CHAIR: Here.

7 COMMISSIONER PERALTA: Mr. Chair, you have
8 nine members of the Commission present.

9 THE CHAIR: Thank you, Mr. Secretary. I
10 will note for the record that we do have a quorum
11 today, so we can conduct our business.

12 Our next order of business is the Pledge
13 of Allegiance. Commissioner Toulouse, would you
14 lead that? And the Salute to the New Mexico Flag,
15 Commissioner Gipson?

16 (Pledge of Allegiance and Salute to the
17 New Mexico Flag conducted.)

18 THE CHAIR: Thank you for that. The next
19 item on our agenda is Item 2, approval of our
20 agenda.

21 Do we have any suggested changes to the
22 agenda today?

23 I have none. I believe it's a busy
24 agenda.

25 COMMISSIONER SHEARMAN: Mr. Chair, I move

1 for approval of the agenda, as presented.

2 THE CHAIR: We have a motion to approve
3 the agenda. Do I have a second?

4 COMMISSIONER POGNA: Second.

5 THE CHAIR: Commissioner Pogna has a
6 second.

7 All in favor, say "Aye."

8 (Commissioners so indicate.)

9 THE CHAIR: Any opposition?

10 (No response.)

11 THE CHAIR: That is a unanimous vote in
12 favor of approving the agenda. Thank you.

13 Item 3, Approval of Minutes and
14 Transcript.

15 Item A under Item 3 is the approval of the
16 PEC Work Session minutes for April the 7th, 2016.
17 Let me get there, and then -- do we have any changes
18 to the minutes for that work session?

19 I'm looking around. I see no changes. I
20 would accept a motion to approve those minutes.

21 COMMISSIONER CARR: So move.

22 THE CHAIR: Commissioner Carr has made a
23 motion to approve. Do I have a second?

24 COMMISSIONER TOULOUSE: Second.

25 THE CHAIR: Commissioner Toulouse?

1 All in favor, say "Aye."

2 (Commissioners so indicate.)

3 THE CHAIR: Any opposition?

4 (No response.)

5 THE CHAIR: None noted. That motion has
6 passed unanimously to accept the April 7th, 2016,
7 minutes.

8 Item B is the approval of the PEC Meeting
9 Minutes for April 8th, 2016.

10 Do we have any changes that need to be
11 made to those minutes?

12 I see none. Here again, I would welcome a
13 motion to approve those minutes.

14 COMMISSIONER GIPSON: So moved.

15 COMMISSIONER SHEARMAN: Second.

16 THE CHAIR: Commissioner Gipson, motion to
17 approve; Commissioner Shearman has seconded.

18 All in favor, say "Aye."

19 (Commissioners so indicate.)

20 THE CHAIR: Any opposition?

21 (No response.)

22 THE CHAIR: None noted. Those minutes
23 have been approved.

24 Item C, under that, is approval of the PEC
25 Meeting Summary minutes for April 8th, 2016.

1 Are there any changes to those minutes to
2 be noted?

3 Seeing none, I would --

4 COMMISSIONER TOULOUSE: Mr. Chair, move
5 approval.

6 THE CHAIR: Commissioner Toulouse has
7 moved for approval. Do I have a second?

8 COMMISSIONER ARMBRUSTER: Second.

9 THE CHAIR: Commissioner Armbruster has
10 made a second.

11 All in favor, say "Aye."

12 (Commissioners so indicate.)

13 THE CHAIR: Any opposition?

14 (No response.)

15 THE CHAIR: None noted; so those minutes
16 are approved.

17 The next thing is there was a special
18 meeting for the McCurdy Charter School, and we need
19 to approve the minutes of that Special Meeting,
20 which was held on April 12th, 2016. And I would
21 like to thank those, on short notice, who were able
22 to make that meeting and get that very necessary
23 work done. So I'm going to rely on those of you
24 that were there.

25 Are there any changes to those minutes?

1 COMMISSIONER GIPSON: Can I just ask
2 Commissioner Peralta, have we -- do you know if
3 they've heard if they've received the funding?

4 COMMISSIONER PERALTA: Not to my
5 knowledge. I haven't received anything,
6 Commissioner.

7 COMMISSIONER GIPSON: It came to my mind
8 today. I haven't heard.

9 COMMISSIONER PERALTA: I can make a note.
10 I'll follow up on that.

11 THE CHAIR: Excellent. I entertain a
12 motion to approve those minutes.

13 COMMISSIONER GIPSON: So moved.

14 THE CHAIR: Commissioner Gipson?

15 COMMISSIONER CONYERS: Second.

16 THE CHAIR: Commissioner Conyers has a
17 second.

18 All in favor, say "Aye."

19 (Commissioners so indicate.)

20 THE CHAIR: Any opposition?

21 (No response.)

22 THE CHAIR: None noted. Those minutes are
23 approved.

24 And then the final item is the approval of
25 the Special Meeting Summary Minutes for the McCurdy

1 Charter School on April the 12th, 2016.

2 Are there any changes to those minutes?

3 Seeing none, I would accept a motion.

4 COMMISSIONER CONYERS: (Indicates.)

5 THE CHAIR: Commissioner Conyers moves to
6 approve. Do I have a second?

7 COMMISSIONER POGNA: Second.

8 THE CHAIR: Commissioner Pogna?

9 We have a motion and a second.

10 All in favor, say "Aye."

11 (Commissioners so indicate.)

12 THE CHAIR: Any opposition?

13 (No response.)

14 THE CHAIR: None noted. So those various
15 minutes have been approved officially.

16 Item No. 4. We occasionally have a
17 special occasion like this. And it's always fun
18 to -- it's not something we have the opportunity to
19 do very often. So I'm going to turn this over to
20 Ms. Beverly Friedman, and she's going to recognize
21 the 2015 New Mexico Milken Educator of the Year.

22 Ms. Friedman, go ahead, please.

23 MS. FRIEDMAN: Mr. Chair and
24 Commissioners, it's my pleasure today to recognize
25 our 2015 Milken Educator of the Year, Mr. Colin

1 DeGroot. And if Mr. DeGroot would please come up to
2 the front and sit with me?

3 THE CHAIR: I would just note -- you may
4 have noticed -- he's a teacher at one of our
5 authorized schools; so --

6 MS. FRIEDMAN: Yes. Colin DeGroot -- if
7 you want to pull up a chair. You're there, too?
8 Both of you --

9 COMMISSIONER GIPSON: You're surrounded.

10 MS. FRIEDMAN: I worked with both of these
11 gentleman for the actual celebration of
12 Mr. DeGroot's announcement.

13 Would you like to pull up a chair?

14 UNIDENTIFIED SPEAKER: No, I would like to
15 stand.

16 MS. FRIEDMAN: Okay. Colin DeGroot is a
17 science and engineering teacher at a State-chartered
18 charter school, the ASK Academy in Rio Rancho,
19 New Mexico. And he was selected as New Mexico's
20 2015 Milken Educator.

21 Mr. DeGroot was surprised on February 24th
22 with a school assembly in the newly constructed ASK
23 Academy. Governor Susana Martinez announced his
24 name, to the surprise and spontaneous applause of
25 everyone in attendance.

1 Secretary Hanna Skandera, the Mayor of Rio
2 Rancho, founders of the ASK Academy, and other
3 dignitaries and "scholars," as the students are
4 called at the Academy, congratulated Mr. DeGroot on
5 being selected to this elite group of educators in
6 the state and the nation.

7 As part of his award, Mr. DeGroot received
8 a check for \$25,000 that he could use for whatever
9 he wished. He was also selected to attend a Milken
10 Educators forum in conjunction with the 2016
11 national TAP conference in New Orleans in March and
12 will represent Milken and New Mexico at the National
13 Charter Schools conference in Nashville in June.

14 Attached to this particular document, you
15 found a resume from Mr. DeGroot highlighting some of
16 his many accomplishments.

17 At this time, I would like to ask Mr. Dan
18 Busse, the general manager for the ASK Academy, to
19 say a few words about and introduce Mr. DeGroot.

20 MR. BUSSE: Good morning,
21 Mr. Commissioner, members of the Commission. We
22 would also -- we would also like to thank you all
23 for your support in getting our beautiful facility
24 funded and built and finally moved into in February,
25 just prior to this great event.

1 We're so fortunate to have an educator
2 such as Mr. DeGroot. In the past three weeks, I've
3 been in his classroom a bunch of times for formal
4 observations, but also informal; because when you go
5 into his classroom, you enter another world. You
6 enter a workspace. You enter an engineering lab.
7 You have kids that are 14 and 15 years old talking
8 about trajectory of rockets and "What kind of engine
9 can we build?"

10 "Oh, and can we do a double-stage rocket?
11 If we do that, can we get -- if you're talking about
12 that, you're going to get 600 feet of vertical
13 lift."

14 These kids are thriving on it. They're
15 into it. And then just in the past week, the
16 seniors, their final was to launch their rockets;
17 and some, in fact, did link several engines
18 together.

19 And there is Mr. DeGroot, the biggest kid
20 in the bunch, watching them.

21 These kids, they're running around;
22 they're having a great time. But they're applying
23 what they learned in our STEM education program to
24 what they're doing. Their final project is going up
25 in smoke in a really good way.

1 So we consider ourselves very fortunate to
2 have an educator that epitomizes work, school, work,
3 ultimately career, and further, higher education.

4 So we consider ourselves fortunate.

5 And with that, I'd like to turn it over to
6 Mr. Colin DeGroot.

7 MR. DeGROOT: I guess I'll take a minute
8 to thank the Commission for having me today.

9 I'd like to thank the ASK Academy for
10 providing me the opportunities and freedom to try to
11 engage students in authentic learning experiences
12 the best way I can. And then, obviously, I would
13 like to thank the Milken Foundation for recognizing,
14 I guess, the hard work that I've put into helping
15 all my students learn, access curriculum, but also
16 find ways to apply science and engineering to their
17 lives.

18 I'm honored by what Mr. Busse said. I am
19 the biggest kid in my classroom. I spend my days
20 trying to find ways to get kids, students, scholars,
21 young adults, really engaged in thinking about their
22 future in terms of careers and science and
23 engineering. And the charter schools in New Mexico
24 have been really well [verbatim] to me to provide me
25 with the freedom to experiment and find out what

1 works with students.

2 This award has been very humbling to me.
3 I'm very honored by it. And so, once again, I would
4 just like to thank all of you for taking part in it
5 and allowing me to be here today.

6 So thank you.

7 THE CHAIR: Thank you, Mr. DeGroot.

8 (Applause.)

9 (Commissioner Chavez enters the meeting.)

10 THE CHAIR: Thank you, Mr. DeGroot. Let
11 the record show that Commissioner Chavez is here
12 now; so we have all ten Commissioners present.

13 Do any of my fellow Commissioners have
14 comments or questions for Mr. DeGroot?

15 MS. FRIEDMAN: Mr. Bergman, we have one
16 presentation to make. And then can we have the
17 comments?

18 THE CHAIR: All right. Please don't allow
19 me to get in the way.

20 MS. FRIEDMAN: I'm sorry. I'm very sorry.

21 THE CHAIR: Don't be sorry.

22 MS. FRIEDMAN: We have a special
23 presentation that will made by our Secretary,
24 Ms. Hanna Skandera.

25 SECRETARY SKANDERA: Good morning.

1 Commissioners. Good morning.

2 So I have had the honor and privilege of
3 visiting Colin at the ASK Academy earlier this year
4 with the Governor and acknowledging his excellence
5 and just celebrating his great work, particularly in
6 the Senate bill.

7 But this is the follow-up to a \$25,000
8 check. And just to -- we're grateful for your
9 service in our state, to your kids in your school,
10 and are excited to celebrate you.

11 So thank you for all you've done.

12 MR. DeGROOT: Thank you.

13 SECRETARY SKANDERA: There you are.

14 (Applause.)

15 (Photos taken.)

16 MS. FRIEDMAN: Have a seat.

17 THE CHAIR: Beverly, does that finish --

18 MS. FRIEDMAN: I -- yes. Thank you very
19 much. The Milken --

20 THE CHAIR: Always know to ask the boss.

21 MS. FRIEDMAN: The Milken Foundation
22 always makes a presentation of the check and the
23 other celebrations of his announcement, at the time
24 of the announcement; but they also provide a very
25 nice obelisk as a remembrance to him.

1 And there are many, many good positive
2 experiences that all of our Milken Educators in the
3 State of New Mexico share with each other throughout
4 the school year and continually over the years.

5 Thank you very much.

6 THE CHAIR: Thank you very much. I
7 suspect you'll have to keep an eye on your students
8 so they don't attach a motor to that and see if
9 things --

10 MR. DeGROOT: That would be -- if they
11 could prove to it to me, I might let them get it up
12 into space. That would be pretty cool.

13 THE CHAIR: I will do it again. Are there
14 any other Commissioners that have comments or
15 questions for Mr. DeGroot?

16 I'm always curious about how do they
17 feel -- why are they succeeding when perhaps some
18 others don't. Anything?

19 Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: Well, Mr. Chair, I
21 just want to say, having a bunch of grandsons who
22 like to do projects and work on gimmicks and all, I
23 appreciate what you do to keep them involved and in
24 being excited enough about your classes to fight to
25 get into them.

1 And it's okay for you to be a big kid, as
2 long as when you go home, you behave.

3 MR. DeGROOT: Right.

4 COMMISSIONER TOULOUSE: But I also want to
5 say, for the record, I think it would have been nice
6 if the authorizers would have been invited to the
7 presentation at the school. I know it's not in my
8 district; but I have been out to the school. I'm
9 very supportive of the school. And I would like to
10 have -- and I didn't receive one. If we did get
11 them, I didn't get one.

12 And I would just like to say I'm sorry;
13 because I would have enjoyed it. We're proud of
14 you. Thank you.

15 THE CHAIR: Thank you, Commissioner
16 Toulouse.

17 Anyone else?

18 I think it's an outstanding achievement.
19 It is something, really, I know you cherish it. And
20 like I say, we are always excited to be part of
21 something like that. So congratulations,
22 Mr. DeGroot. Thank you for taking the time to be
23 here today.

24 MR. DeGROOT: Thanks for having me.

25 THE CHAIR: We are now down to Item 5,

1 which is Discussion and Possible Action on Approval
2 of the School Year 2016-17 State Carl D. Perkins
3 Plan Revision.

4 Mr. Spencer, I know I saw you out there.
5 There you are. Come forward, please. As always,
6 identify yourself, and then go ahead.

7 MR. SPENCER: Good morning, Mr. Chair,
8 members of the Commission. I'm Eric Spencer the
9 Director of the College and Career Readiness Bureau.

10 And on your agenda today is, as already
11 discussed, the possible approval of the State Plan
12 Revision for the Carl D. Perkins grant application
13 for School Year 2016-2017. As you know, each year
14 we bring forth a revision to the State Plan for the
15 PEC approval.

16 You have in your -- in your board packet
17 the letter that was sent and signed from me to
18 Edward R. Smith, the Chief Program Administrator of
19 the Division of Academic and Technical Education at
20 the Office of Vocational Adult Education at the U.S.
21 Department of Education, seeking an approval and
22 extension of the State's application for Year 10 of
23 the Carl D. Perkins Career Technical Education Act
24 of 2006.

25 With that particular letter, we are

1 required to provide any revision to the narrative
2 component of the State Plan. This year, New Mexico
3 is not proposing and did not submit a revision to
4 the narrative of the State Plan, as we did not feel
5 that there was needed revision at this time.

6 In addition to the requested revision, if
7 necessary, U.S. Department of Education requires
8 that the State submit a proposed budget for the
9 school year. The amount that is provided for this
10 particular budget is provided by the U.S. Department
11 of Education; and I included it within your board
12 packet the letter from the U.S. Department of
13 Education -- or memoranda, rather -- dated
14 March 25th, 2016, that indicates that New Mexico's
15 Planning Allocation will be \$8,017,422.

16 And in your summary, you will see that
17 that is a reduction of \$81,200 from the current year
18 allocation, or a 1 percent decrease.

19 The allocation is broken up into multiple
20 parts. If you are looking at the budget allocation,
21 we start with the allocation title of the
22 \$8,017,422. Pursuant to the requirements of the
23 Perkins Act, 85 percent of those dollars must be
24 disseminated to the local institutions through what
25 we call a "local formula distribution." And within

1 that formula distribution, we provide what we call
2 the "basic grant" to schools at the secondary and
3 post-secondary level; and we also reserve the
4 10 percent set-aside for special projects pursuant
5 to the approved State Plan.

6 So you can see further, in line No. 12,
7 the funding for secondary programs is \$3,066,644.50,
8 and an equal amount allocated to post-secondary
9 institutions, also in accordance with the approved
10 State Plan.

11 10 percent of that allocation goes to our
12 reserve set-aside which is \$681,480; and the reserve
13 set-aside supports the High Schools That Work
14 initiative and the Jobs for America's Graduates
15 dropout prevention program that we report about in
16 the Consolidated Annual Report.

17 And line 15 of the budget provides for the
18 state leadership, their required expenditures
19 pursuant to the Carl D. Perkins Act. And that is
20 that the State is making investments in what is
21 called non-traditional training and employment. And
22 just as a reminder, that's the investment in
23 accelerating, making available programs to one
24 particular gender, whereby the incumbent workforce
25 in that occupational area would be dominated by the

1 opposite gender.

2 So the State makes an investment of
3 \$70,000. The minimum threshold pursuant to the Act
4 is \$60,000.

5 We provide an allocation to the
6 Correctional Institutions Adequate Leadership set
7 aside for an amount of \$10,000. The guidance from
8 U.S. Department of Education pursuant to the Act is
9 that at least a \$1.00 investment is made.

10 Other State leadership activities are
11 proposed to be at \$721,742. And those particular
12 activities are supporting some of the work around
13 the Jobs for America's Graduates program, the
14 Career-technical student organizations, such as
15 Business Professionals of America, DECA, Skills USA,
16 et cetera. It does support the technical assistance
17 component of salaries of the Public Education
18 Department staff in the College and Career Readiness
19 Bureau assigned to the Carl D. Perkins grant.

20 And we have the State Administration on
21 line 20. State Administration cannot be more than
22 5 percent of the grant. The State exercises the
23 5 percent and has budgeted \$400,871 for that line.
24 And that amount goes to support the general
25 operating cost of the Perkins component of the

1 College and Career Readiness Bureau, plus paying the
2 salaries for the staff to administer the grants.

3 Federal law requires a State match for
4 every dollar expended on the federal administration.
5 The State must spend a non-federal dollar to match
6 that expenditure. And you can see that we have
7 budgeted more than the State match to match
8 administration. We have budgeted \$404,633.

9 The reason that you see an offset amount
10 is that we also have a requirement of maintenance of
11 effort. And in the State Plan approved by the U.S.
12 Department of Education, the State of New Mexico is
13 able to use the State Administration match as the
14 maintenance of effort.

15 So in the current year, we anticipate
16 expending \$404,633 in non-federal funds as a
17 component of this particular grant; and, therefore,
18 next year, we could not spend less in that line
19 item.

20 The other component of the State Plan
21 Revision is about the Perkins performance targets
22 for secondary and post-secondary institutions. And
23 you should have, in your binder, a color copy that
24 should have made its way into your binder. And it
25 would be a lot easier to look at that color copy

1 for -- as we're discussing.

2 Just as a note, notice that we have
3 indicators that start, for example, with 1S1, 1S2,
4 on the far left column. Those are secondary
5 indicators. If you see a numeric value with an
6 alphanumeric "P," such as 1P1, 1P2, those would be
7 post-secondary performance targets.

8 So looking first at the secondary
9 performance targets, if you look at the last column
10 of the spreadsheet, it's identified by the date of
11 2016-2017. For example, in indicator 1S1, which is
12 academic attainment, reading, and language arts, the
13 State proposed a performance target of
14 37.93 percent. In accordance with Section 113 of
15 the Act, there is a "safe harbor" provision that can
16 be applied, and is applied to these particular
17 performance targets. So the State would need to
18 meet the performance target within 90 percent of
19 that value of 37.93.

20 The subsequent number listed as 34.14 is
21 that 90 percent threshold. So to exceed the target,
22 we would have to exceed performance of 37.93. To be
23 within safe harbor, we would be between the 79.93
24 [verbatim] and 34.14 percent.

25 So you can see, at the performance

1 targets, for example, academic attainment in
2 mathematics is at 22.56 percent. And I think some
3 of you are all looking at the column before that
4 which is for year 2015-16, and seeing a drastic
5 reduction in the proposed target for both reading,
6 language arts, and mathematics.

7 And the reason for that drastic reduction
8 in the proposed target is because of the shift to
9 the PARCC examination and the setting of those
10 scores.

11 So the State of New Mexico, for the
12 purposes of Perkins, reports its data on a one-year
13 lag. And what that allows us to do is to be able to
14 have some foresight in proposing these particular
15 performance targets and really understanding what
16 kind of performance is going to be reported in the
17 Consolidated Annual Report as to whether we're going
18 to meet that target or not.

19 So in the Bureau, we have done the
20 calculations of the performance targets and
21 developed those estimations.

22 The U.S. Department of Education has
23 accepted all performance targets as we submitted for
24 secondary and post-secondary, with the exception of
25 indicators 1S1 and 1S2. The Feds took an approach

1 of taking the three-year average of the last three
2 performance -- actual levels of performance reported
3 and asked the State to align to that.

4 But what we know is with the reset from
5 Standards-Based Assessment to PARCC assessment,
6 you're not really comparing the apple to the apple,
7 and we're going to have a dip in the test score; we
8 know that. And so we had prepared the documentation
9 and shared this information with our regional
10 accountability specialist at the U.S. Department of
11 Education, who originally proposed a 52 percent and
12 a 46 percent respectively, and has now come back,
13 realized that we do have that shift, and is asking
14 the State to reassess the data and make a reasonable
15 request in the performance target.

16 We do believe that we might be able to hit
17 that 52 percent that he provided in the first year,
18 for the reason that you have to think about these
19 indicators are measuring concentrators, students
20 that took three or more courses in the CTE area, and
21 they exited; they graduated. And at some point in
22 time during the high school experience, those
23 students would have tested proficient on either the
24 Standards-Based Assessment or the PARCC assessment.

25 And because the seniors are the exiting

1 students, you might have a few students that drop
2 out in eleventh grade, and they would be included in
3 that computation, as well; but they didn't graduate.
4 So the likelihood is that they're still in school.
5 So we feel that they're still a year behind the ball
6 before we're going to have to align to this lower
7 performance target.

8 So that may have been confusing. I hope
9 it wasn't. But if we trust in the process, I'm sure
10 that we can negotiate the appropriate performance
11 target with the Fed that can be mutually beneficial
12 to showing that CTE students do advance and
13 accelerate in their academic achievements; but we
14 also keep the performance targets accessible, real,
15 and close enough to what schools are able to
16 actually achieve.

17 So those are the revisions to the
18 Consolidated Annual Report.

19 The last item that you have on your agenda
20 for the Carl Perkins topic is that we had a
21 supplement to the federal award for the current
22 school year of 2015-2016. And this was somewhat
23 confusing to me.

24 So in the spring of 2015 in the month of
25 March, the State received an allocation letter

1 indicating that the State would be receiving the
2 award that's actually provided to you in the program
3 memorandum of March 29th, 2016. That particular
4 amount that was released in 2015 was \$8,098,622.

5 In October, we had a reduced amount, and
6 we had to readjust the awards to accommodate the
7 reduction in the federal award.

8 Then in March 29th of 2016, the Feds
9 reinstated the allocation back to the original
10 planned award of 2015.

11 So it's been a little bit challenging to
12 get the award letters out to schools and
13 re-establish budget authority so late in the school
14 year. But those award letters have been prepared,
15 and, you know, schools that are able to exercise
16 that budget authority are doing so.

17 But just for your information they did
18 shore that award back up. I don't know what that
19 means for the school year 2016-2017. You saw
20 there's an \$80,000, approximately, reduction. Will
21 that get reinstated either in October or subsequent
22 spring, we don't know.

23 But, Mr. Chair, members of the Commission,
24 that concludes my report, and I stand for questions.

25 THE CHAIR: Thank you, Mr. Spencer. Are

1 there any questions for Mr. Spencer today?

2 I see none.

3 Do you need us to have a vote on this to
4 accept this -- to approve the revisions?

5 MR. SPENCER: Mr. Chair, yes, I would ask
6 for a vote in the affirmative to approve the
7 2016-2017 Year 10 Revision to the State Plan for the
8 Carl D. Perkins Career-Technical Education Act of
9 2006.

10 THE CHAIR: I think you used the term --
11 there is a short proposed motion on your Executive
12 Summary. You said Year 10? I don't see those words
13 in the motion.

14 MR. SPENCER: Mr. Chair, I suppose that
15 doesn't have to be in the motion. But it is
16 clarified in the letter to the U.S. Department of
17 Education requesting the extension of the grant.

18 THE CHAIR: However you'd like to make
19 that motion, however you'd like to word it. Would
20 someone like to make the motion to approve these
21 revisions?

22 Commissioner Shearman?

23 COMMISSIONER SHEARMAN: Mr. Chairman, I
24 will move the approval of the 2016-2017 State Plan
25 Revision.

1 COMMISSIONER CARR: Second.

2 THE CHAIR: We have a motion by
3 Commissioner Shearman; we have a second by
4 Commissioner Carr.

5 Further discussion?

6 Mr. Secretary, can we have a roll-call
7 vote, please?

8 COMMISSIONER PERALTA: Commissioner
9 Conyers?

10 COMMISSIONER CONYERS: Yes.

11 COMMISSIONER PERALTA: Commissioner Carr?

12 COMMISSIONER CARR: Yes.

13 COMMISSIONER PERALTA: Commissioner Pogna?

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER PERALTA: Commissioner
16 Shearman?

17 COMMISSIONER SHEARMAN: Yes.

18 COMMISSIONER PERALTA: Commissioner
19 Chavez?

20 COMMISSIONER CHAVEZ: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Armbruster?

1 COMMISSIONER ARMBRUSTER: Yes.

2 COMMISSIONER PERALTA: Commissioner

3 Peralta votes "Yes."

4 Commissioner Gipson?

5 COMMISSIONER GIPSON: Yes.

6 COMMISSIONER PERALTA: Commissioner

7 Bergman?

8 THE CHAIR: Yes.

9 COMMISSIONER PERALTA: Mr. Chair, that is
10 a 10-to-0 vote in favor of the motion.

11 THE CHAIR: Thank you, Mr. Secretary.
12 That motion has been approved by a 10-to-0 vote.
13 Once again, thank you for being here today.

14 Mr. Spencer, appreciate it.

15 MR. SPENCER: Thank you, Mr. Chair,
16 members of the Commission.

17 THE CHAIR: We are now to Item 6 on our
18 agenda, which is Discussion and Possible Action on
19 Charter School Amendments.

20 We'll start with Item A under 6, which
21 would be the School of Dreams Academy. Director
22 Poulos -- well, let me -- School of Dreams, are you
23 here?

24 FROM THE FLOOR: We are.

25 THE CHAIR: Please come down front. I'm

1 getting ahead of myself again.

2 Thank you. Some of you will perhaps
3 remember some of this is a carryover from our
4 previous meeting. So please identify yourselves for
5 the record.

6 MR. OGAS: Good morning, Commissioners.
7 My name is Michael Ogas. I'm the principal of
8 School of Dreams Academy. I have with me
9 Ms. Tomasita Oshiro and Mr. Kenneth Griego.

10 THE CHAIR: Thank you.

11 Director Poulos, would you like to get us
12 started on this, then, please?

13 MS. POULOS: Commissioner -- Chairman
14 Bergman and Commissioners, the School of Dreams
15 Academy is bringing forth a revised enrollment cap
16 increase request, as well as a grade level increase
17 request.

18 The third item, which is handled
19 separately in CSD's reports is the night school
20 amendment, the request to amend their program to
21 include the night school program.

22 Your report is the report you had last
23 year. So all of the numbers on here are not aligned
24 to the revised requests. But, again, CSD feels that
25 it cannot recommend the approval of this request

1 because of the school's academic performance at this
2 time.

3 THE CHAIR: Thank you. I guess we should
4 hear from the school, then.

5 Mr. Ogas, why don't you go ahead? Do you
6 have any comments?

7 MR. OGAS: Thank you.

8 COMMISSIONER ARMBRUSTER: Before we begin,
9 do you want to bring a chair up so he can sit at the
10 table, also, since there were three of them?

11 MR. GRIEGO: It's okay.

12 COMMISSIONER ARMBRUSTER: Well, I don't
13 know if you wanted to sit up at the table if you had
14 something to say.

15 MR. GRIEGO: It's fine. That's okay.
16 Thank you.

17 COMMISSIONER ARMBRUSTER: Okay.

18 THE CHAIR: Go ahead.

19 MR. OGAS: Mr. Chair, members of the
20 Commission, at our last meeting, we had a lengthy
21 discussion with regard to our request to increase
22 grade levels, as well as our enrollment cap. At
23 that time, you gave us the option of maybe
24 withdrawing that current request and coming back
25 with a modified request of enrollment and grades.

1 And we've done so. We came back with a
2 request to begin with pre-K through second grade and
3 an enrollment cap increase from 525 to 625.

4 So those two kind of go together; although
5 they are separate amendments. We went back to our
6 governing council a couple of weeks ago, had that
7 approved. We had discussion on it, and are, you
8 know, comfortable that we can move forward in that
9 area.

10 As a side note, by increasing -- I believe
11 the Commission was correct in thinking that our
12 enrollment cap increase may have been a bit
13 aggressive. So in terms of cutting back, we ran
14 some numbers. And we can -- if we're allowed to
15 begin with pre-K through second grade and keep
16 moving, growing grade level up, year to year, we can
17 almost meet the entire pre-K through 12th grade
18 under the cap of 625. It may have to go to a little
19 bit higher, maybe about 670, at the most. But,
20 anyway, we would study that year -- every year that
21 we come back to the Commission requesting an
22 additional grade. So I feel comfortable that we can
23 do it.

24 We have been working to -- to implement a
25 curriculum that is aligned with our STEAM model at

1 the high school. And the community is excited about
2 it.

3 So I'm not sure -- I could stand for
4 questions for whatever the Commissioners would like
5 to ask and do our best to answer.

6 We've also, since the last meeting,
7 conducted a survey, a community survey. And that's
8 not included in your packet, I don't believe,
9 because the results just came out. And the survey
10 not only is entirely in support of our school and
11 what we're doing; it also is in support of the grade
12 level increase, as well.

13 So at this point, that's -- we'll stand
14 for questions or --

15 THE CHAIR: Commissioners, do you have any
16 questions? I have only found, so far, one copy of
17 our usual amendment request form. I'm looking to
18 see.

19 COMMISSIONER SHEARMAN: There's two. I
20 finally found it.

21 THE CHAIR: So if you have questions,
22 please proceed while I'm looking.

23 Any questions?

24 Commissioner Conyers?

25 COMMISSIONER CONYERS: Thank you. Just

1 curious, and it might be in the information here.
2 But do you have a waiting list? And if so, how many
3 people are you -- do you feel comfortable you can
4 fill these extra spots?

5 MR. OGAS: We have been receiving -- I
6 mean, since we have not been fully approved, we
7 didn't want to go public and say, you know, we were
8 open to enrollment. But it has come out as part of
9 a story, because we had to get it approved. And
10 word of mouth, we do have a number of inquiries; we
11 have had for a number of years.

12 I feel comfortable that we could -- we
13 could fill out the enrollment, as requested. But
14 even at that, I also feel comfortable that the way
15 we've built on our budget would scale it depending
16 on what enrollment actually came in, sir. Thank
17 you.

18 COMMISSIONER CONYERS: Okay. Thank you.

19 COMMISSIONER SHEARMAN: Mr. Chairman?

20 THE CHAIR: Yes, Commissioner Shearman?

21 COMMISSIONER SHEARMAN: I'm looking at the
22 first amendment request -- maybe it's the second
23 one. Is the first one for grade level increases or
24 number increases? I've gotten mine mixed up,
25 Mr. Chairman.

1 COMMISSIONER GIPSON: I think the
2 amendment request is for both, isn't it?

3 COMMISSIONER SHEARMAN: But which one came
4 first?

5 Mr. Chairman, which amendment request are
6 we discussing at this time?

7 THE CHAIR: Well, I have just now found
8 the third one; so...

9 COMMISSIONER GIPSON: I thought they were
10 together.

11 MR. OGAS: They're two separate.

12 COMMISSIONER PERALTA: The enrollment is
13 the first piece we're talking about; is that
14 correct?

15 COMMISSIONER SHEARMAN: The enrollment
16 increase? The enrollment request, in the beginning
17 of the narrative -- and maybe, as Katie said, this
18 is from an older document. But on the very first
19 page of the Executive Summary, it says, "Is
20 requesting to amend its enrollment cap by 295
21 students from the current enrollment cap of 525 to a
22 cap of 625." Okay.

23 Then your form itself says 525 to 625.

24 So regardless, it's a 100-student increase
25 is what you're asking for?

1 MR. OGAS: Yes, Commissioner. That was an
2 error on our part. We got a call from the CSD and
3 clarified that via an e-mail. They had seen that
4 note and asked us. We missed that part. But it is
5 a 100 total student request to increase our cap.

6 COMMISSIONER SHEARMAN: Thank you. Then
7 my second request is -- it's also identified in the
8 narrative. But it's clear on the amendment request
9 form itself that you're proposing to include, now,
10 pre-K through 6, I believe it says in the narrative?

11 MR. OGAS: Once again, that was an error.
12 It should be pre-K through second grade on this --

13 COMMISSIONER SHEARMAN: You're asking for
14 a 100-student increase for pre-K through 2nd.

15 MR. OGAS: So as we work under our cap,
16 we'll be able to do the increase of the enrollment
17 for 17 pre-K students, 40 kindergarten, 40 first,
18 and 40 second, to begin building capacity from the
19 elementary to feed into the high school. That would
20 all be under the 625 cap, well under that.

21 COMMISSIONER SHEARMAN: So you still will
22 not be serving Grades 3 through 6?

23 MR. OGAS: No, ma'am. The request from
24 the Commission was to consider adding those after we
25 started; and we'll come back a year from now to

1 either add a grade per year, however you would like
2 us to do it.

3 COMMISSIONER SHEARMAN: Okay. I just
4 wanted to be sure of that.

5 Let me be sure of one other thing. I
6 don't think pre-K counts; is that not correct,
7 Katie? Commissioners?

8 COMMISSIONER CARR: No.

9 COMMISSIONER GIPSON: We don't do pre-K.

10 MS. POULOS: So last -- at the last
11 meeting, it was discussed that the school should
12 include pre-K in its contract if it planned to serve
13 pre-K students as part of its charter school,
14 because the PED does, in fact, fund pre-K programs;
15 so they are primary education programs.

16 This school is using the Public Education
17 Department funding for that, and that was why it was
18 discussed that they should be included in that.

19 COMMISSIONER GIPSON: Okay. I just have a
20 question, then, Katie.

21 For site visits and things like that,
22 curriculum and things like that would not -- the
23 pre-K is not included in any monitoring that we're
24 involved with; correct?

25 MS. POULOS: I think if it's included in

1 the contract, we would look to see that they were
2 doing whatever they said they would do; because the
3 performance framework specifically asks that we
4 monitor the implementation of all terms of the
5 contract.

6 If the Commission does not feel
7 comfortable with that, again, I think the reason
8 that it was indicated that it should be included is
9 because it is a public education program; and so it
10 would -- you wouldn't want to have that in their
11 contract.

12 COMMISSIONER GIPSON: Mr. Ogas?

13 MR. OGAS: Yes, if I could respond to
14 that? The projected pre-K program is the 3Y4Y
15 program under Child Find. We also are aware that
16 there are other pre-K applications that could go in
17 after that, and we do understand that those would be
18 separate programs. But this is a 3Y4Y program
19 that's been in existence under IDEA-B for years. So
20 that's what we're requesting.

21 COMMISSIONER GIPSON: Okay. I'm still
22 confused; but --

23 THE CHAIR: Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Mr. Chair, in the
25 three-and-a-half years I've sat here now, we've been

1 told over and over, "You may have a pre-K program,
2 but it doesn't come under charters, because that's
3 not a part of our chartering authority; and the
4 numbers and all need to be kept separate, and the
5 funding needs to be kept separate."

6 And I don't remember, last meeting, being
7 told it needed to be included in this, because it
8 isn't anything we would do.

9 We would still expect your facility to
10 handle that many; but the cap should be for your
11 number of charter school students.

12 So I don't understand why we're looking at
13 the pre-K, because we have no control or authority
14 over PED's pre-K programs.

15 THE CHAIR: Thank you. I have no
16 knowledge. I'm going to have defer to those who are
17 actually in teaching and education.

18 Commissioner Carr?

19 COMMISSIONER CARR: Well, I don't know if
20 I have any more knowledge than you do; but I do have
21 an opinion.

22 I -- seeing as we -- it is not under our
23 authority, you know, it would be -- if you had a --
24 to me, it would be similar to you having an
25 after-school program that's -- that's done with a

1 private entity, and -- but we would like to know
2 about it.

3 You know, if there were issues, we'd like
4 to know that it's there. If there were problems
5 with that program, we would like to know about it as
6 a peripheral, you know. If one of your staff was
7 found to be an ex-felon, we'd want to know about
8 that. But I guess that falls under our auspices.

9 But the -- I -- I think it's a kind of a
10 shady gray area there. And I would like to see it
11 taken out of the contract, because that's -- to me,
12 that's a separate issue with the PED and you, on
13 that.

14 At some point in time, if we change the
15 laws -- and I hope at some point in time, I would
16 like to see universal pre-K as part of our
17 regular -- you know, education program, period, at
18 which point, that -- and I think we will see that
19 someday. And at some point, I would like to see the
20 Commission be part of that.

21 But as of now, I -- I'm not comfortable
22 with it being part of the contract. But, again, I
23 do want to be made aware if there's any issues with
24 it.

25 THE CHAIR: I -- yeah, I -- we can't

1 change the contract today, though.

2 COMMISSIONER CARR: No.

3 THE CHAIR: So we have to go forward
4 today. So if we can't change the contract today,
5 and it is in the contract now, if you're going to do
6 something in the future, that would have to be
7 addressed. And then you would address the
8 amendment, or you would at least -- if you take it
9 out of the contract, then you remove just the pre-K.

10 COMMISSIONER TOULOUSE: It's not in the
11 contract.

12 COMMISSIONER SHEARMAN: It's not in the
13 contract.

14 THE CHAIR: It's not in the contract?

15 COMMISSIONER SHEARMAN: No, they're asking
16 for it.

17 COMMISSIONER GIPSON: I'm going to be the
18 glass-half-empty person and do a doom-and-gloom.
19 What happens if something happens with that pre-K
20 program, and we're now facing a potential closure
21 because of difficulties? Where do we fall with
22 that, with the pre-K program? Because I don't think
23 it falls under us. So I'm -- you know, I'm not
24 wishing you ill will; but my concern is where do we
25 end up?

1 COMMISSIONER CARR: Right.

2 THE CHAIR: So you're advocating we keep
3 pre-K.

4 COMMISSIONER GIPSON: No, I'm advocating
5 that it stay out, because I don't think we've got
6 the authority with it. And if we put it in, and we
7 don't have the authority, and we run into a
8 difficulty with that pre-K program, where are we
9 legally? We're -- I think we're just -- and maybe
10 Mr. Lange can offer --

11 THE CHAIR: What I'm saying is, for the
12 purpose of this amendment today, we should remove
13 the word "pre-K" and make it K-through-2?

14 COMMISSIONER SHEARMAN: Yes.

15 THE CHAIR: And they have to deal with PED
16 to get the pre-K part? Is that what everyone is
17 saying?

18 COMMISSIONER GIPSON: I would be more
19 comfortable with that.

20 COMMISSIONER SHEARMAN: Mr. Chairman, let
21 me just add, too, we have had several schools come
22 before us in my time on this Commission that had
23 pre-K programs, and we were told it's not part of --
24 it's not part of our authority, and it's not -- for
25 those schools, it's not in their contract; it's not

1 part of what we deal with.

2 If we begin at this point to start dealing
3 with pre-K, then we've got schools that we're
4 dealing with differently. And I don't think that's
5 to anyone's advantage.

6 THE CHAIR: I agree with you on being
7 consistent. So is that what the suggestion is?
8 Just remove the word "pre-K" and make it
9 K-through-2; because K does fall under our
10 supervision.

11 Commissioner Peralta?

12 COMMISSIONER PERALTA: Just a question for
13 Ms. Katie there. And this may be a question that's
14 a far stretch. But to your knowledge, do we have
15 any charter schools that have pre-Ks in any contract
16 whatsoever? Are there any out there with pre-K
17 embedded in their contract?

18 MS. POULOS: I don't believe there are.

19 COMMISSIONER PERALTA: I just wanted to
20 make sure.

21 MS. POULOS: And I think it's -- I think
22 there are some cases where it's an issue that the
23 Commission needs to be aware of, that there are
24 things -- I know some of the Commissioners -- and I
25 have spoken about at least one pre-K program that

1 they've received several complaints about that's
2 based in one of our charter schools.

3 COMMISSIONER PERALTA: And my concern is
4 that sometimes it slips through the cracks and comes
5 by us without any -- you know, any knowledge, or we
6 miss a few here and there. I just want to make sure
7 that we're --

8 THE CHAIR: Okay. Maybe to save us some
9 time here, our legal counsel tells us that since
10 their governing council, in their minutes, approved
11 this amendment, we cannot change this language at
12 this time.

13 COMMISSIONER CARR: Oh.

14 THE CHAIR: So we may have to, once
15 again --

16 COMMISSIONER GIPSON: Oh, Lord.

17 THE CHAIR: Yeah. Yeah, thank you.
18 It's -- it's sad to me that we have to do this
19 again. I think -- yeah, I know. I'm shaking my
20 head, too.

21 MS. MATTHEWS: May I make a suggestion?
22 Mr. Lange, may I make a suggestion?

23 MR. LANGE: Yeah, sure, you can.

24 MS. MATTHEWS: Mr. Bergman?

25 THE CHAIR: Come forward.

1 MS. MATTHEWS: Couldn't you make a motion
2 that is --

3 COMMISSIONER ARMBRUSTER: Ms. Matthews,
4 could you talk into the --

5 MS. MATTHEWS: Thank you, Mrs. Armbruster.
6 I would propose perhaps that the Commission vote to
7 approve the amendment on the condition that they
8 come back with the governing council minutes that
9 demonstrate that they've amended that amendment to
10 be "K through 2."

11 THE CHAIR: To read "K through 2"?

12 MS. MATTHEWS: And it would --

13 THE CHAIR: Is that agreeable to you guys?
14 Yeah, we have -- we're all shaking our heads,
15 because we want to get this right. We believe in
16 getting things right the first time.

17 And your counsel, I guess, is amenable to
18 that.

19 Are you amenable to that?

20 MR. OGAS: Yes, we are, Commissioner.

21 THE CHAIR: Commissioners, are you
22 amenable to making that change? And they would
23 provide approved, signed minutes to CSD in the
24 future?

25 Commissioner Carr?

1 COMMISSIONER CARR: Our lawyer says
2 that -- do you think that's okay?

3 MR. LANGE: Mr. Chair, members of the
4 Commission, we can do the -- whatever the will of
5 the Commission. Our rules say that amendments have
6 to be approved by the PEC and the governing body.
7 Normally, the governing body brings us approved
8 minutes as a normative procedure, and then we
9 approve them or not approve them.

10 If you want to make the proposed motion,
11 we may. And so the onus is on us, and then them, to
12 deliver signed, approved meeting minutes. That's
13 different than we've normally done; but if it's the
14 will of the Commission --

15 THE CHAIR: I believe we have done that a
16 time or two.

17 COMMISSIONER CARR: Have we? I'm not
18 comfortable with it; but --

19 COMMISSIONER GIPSON: I know we've done it
20 with negotiations.

21 COMMISSIONER CARR: All right.

22 COMMISSIONER GIPSON: That it's pending
23 the signed -- because they've offered us usually
24 drafts. And they haven't been signed, because they
25 haven't been approved. But it's been discussed at

1 the meeting. And it's just a matter of formality
2 that we don't have -- they haven't had the second
3 meeting to approve those minutes.

4 I hesitate, I think, as Mr. Carr is.

5 THE CHAIR: Is that the will? Because I
6 want to -- as Mr. Lange has noted, it should be the
7 will of the Commission. I -- we're asking them to
8 continually come back and visit us again. Was there
9 a hand up?

10 Commissioner Peralta?

11 COMMISSIONER PERALTA: Yes. I could ask
12 Mr. Ogas. Can you give me the justification or
13 reason why you put the pre-K into this amendment?
14 Were you given information or led by the Division or
15 somebody to do that? I'm just kind of wondering.

16 MR. OGAS: Mr. Commissioner Peralta,
17 Commissioners, I am going off of memory of our last
18 meeting, where it was discussed whether or not the
19 pre-K could be in or could be out.

20 My recollection was we said -- it was said
21 that it was -- pre-K could be in, because there was
22 differences between the three types of pre-K
23 programs in the State: The one by the Department of
24 Health, the one under PED, and then the one under
25 3Y4Y, which is out of IDEA.

1 So that is what we did going on good
2 faith. I'm -- I understand the quandary; but I also
3 understand that we are running against time to be
4 able to fill the programs by August, as we need to.
5 We have Child Find screenings that are ready to go.

6 And I'm more than happy to go -- I don't
7 see any problem going back to our counsel and
8 getting a revised amendment, if it would be -- if
9 you wanted just to go kindergarten through second
10 grade. Not to give us approval to proceed is going
11 to -- it's going to hinder our ability to fill the
12 programs in August; because now is when parents are
13 making decisions. There's parents back in our
14 community awaiting this decision to see what they
15 want to do.

16 So that's just my comment, sir.

17 THE CHAIR: And I would note our next
18 meeting is not until the middle of June; so -- so
19 keep that in mind, also. There's a number of
20 factors at play here.

21 Commissioner Armbruster?

22 COMMISSIONER ARMBRUSTER: I may have
23 missed something here. However, I'm not sure why we
24 want to increase the grade levels of the school that
25 has D's and F's for their students that they

1 currently have. I'm much more comfortable allowing
2 the school to expand if they have at least a C, in
3 terms of -- I'm not even talking about this final
4 grade. I'm talking about the student growth of the
5 highest performing students, which is a D, and the
6 lowest performing students, which is an F.

7 And I feel like I'm in the weeds here --
8 I'm not in the weeds -- we're in the weeds talking
9 about whether we should continue with a preschool or
10 it should just be K. I just don't -- I like to see
11 a school who's doing really well with the kids whom
12 they have before I add more students.

13 And one other thing, which is not to that.
14 But I will address the K-3, with the special ed. So
15 generally, those classes are maybe eight kids with
16 an IA, and it's an inclusion class. So you have
17 your special needs kids of whatever need they have,
18 and you have just a few regular ed students in there
19 who make that -- as role models. And that's how
20 that program works, for those who asked that
21 question.

22 COMMISSIONER TOULOUSE: Mr. Chair?

23 THE CHAIR: Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Mr. Chair,

25 Mr. Ogas, I think we discussed this last time. Your

1 reduction in your grade had a lot to do with the
2 night school. But I also understand, because you're
3 not the first school that's come to us who wants to
4 start with kindergarten up, because by the time you
5 get students, they're in such poor shape that it's
6 very hard to bring them up to where you want them.

7 I remember this is why you wanted that --
8 correct? -- to grow your own students to feed
9 through a program. Is that correct?

10 MR. OGAS: Yes, Commissioner, that's
11 correct.

12 COMMISSIONER TOULOUSE: So I think we're
13 talking apples and oranges here about taking kids
14 and training them to begin with, and taking kids out
15 of the public school systems. And I think you
16 probably take from at least two, maybe three
17 school -- okay -- five school districts, where your
18 kids are coming in at all different positions.

19 And I've heard this before from other
20 schools. And personally, I'm not at all against
21 them being able to start with kindergarten up. And
22 I'm sorry if we came up with -- I don't remember any
23 discussion about ever including pre-K. And I've
24 been trying to go back through our transcript. But
25 it's hard to listen and read when you get to be my

1 age. I used to multi-task better.

2 But I just think, in a lot of ways, this
3 was our mistake, not your mistake. And I would hate
4 to see us making you pay for our mistake again.

5 Thank you.

6 COMMISSIONER PERALTA: Mr. Chair?

7 THE CHAIR: Commissioner Peralta?

8 COMMISSIONER PERALTA: First of all, I
9 appreciate you having the patience and going back
10 and working on what the Commission had last
11 requested at the last meeting, when you first came
12 in with your amendments to bring before the
13 Commission. And so, you know, I think it's
14 important to see that a school such as School of
15 Dreams are willing to take the wishes of the
16 Commission, go back, work things out, work out the
17 kinks, and come back with a working solution so that
18 we have a positive working relationship with the
19 charter schools.

20 I am amenable to the idea that
21 Ms. Matthews has, and so I think I would vote in
22 favor of that proposal, due to the fact that we
23 are -- we are time constrained, and we are looking
24 at our next meeting being in June. And we
25 definitely want to make sure we serve the wishes and

1 needs of the parents in your community. And this is
2 a critical time for them making those decisions.

3 So I just kind of wanted to make that
4 comment, Mr. Chair.

5 THE CHAIR: Thank you, Commissioner
6 Peralta. Anyone else want to say anything on that?
7 We're going in circles. We need to get in a
8 straight line there.

9 Okay. Commissioner Shearman?

10 COMMISSIONER SHEARMAN: I -- Mr. Chair, I
11 agree with you. I agree with Commissioner Peralta.
12 I am fully prepared to vote to approve these
13 amendments.

14 But I just want to touch on the report
15 card that Commissioner Ambruster brought up. Their
16 2014 report card was final grade of a C, with a
17 three-year average of a B. Then their 2015 report
18 card did go down. But I am reminded of what the
19 Secretary has told us, what everybody has told us,
20 that the PARCC came in, and to expect all scores to
21 go down.

22 So the decrease in scores from '14 to '15,
23 I think, is -- was expected, was predictable. And I
24 don't think necessarily it was anything the school
25 did to go down. I think it was the test.

1 So with that having been said,
2 Mr. Chairman, I am prepared to make the motion that
3 this Commission approve the amendment request put
4 forward by School of Dreams to include in their
5 grade levels kindergarten through second grade, and
6 that is contingent upon receiving official minutes
7 from their governing council that approves
8 kindergarten through second grade.

9 THE CHAIR: Thank you, Commissioner
10 Shearman.

11 We do have a motion now from Commissioner
12 Shearman. Is there a second?

13 COMMISSIONER PERALTA: Second.

14 THE CHAIR: Commissioner Peralta has
15 seconded.

16 Further discussion?

17 COMMISSIONER GIPSON: I just wanted to
18 add, I think when I was sitting through all of this,
19 your Short Cycle test scores for this year were --

20 MR. OGAS: They've gone up considerably.
21 Thank you, Commissioner.

22 COMMISSIONER GIPSON: I was pretty sure I
23 saw that, when I was reading through this material,
24 so that I felt a little more comfortable in
25 supporting that when I saw the test scores that you

1 had provided for us.

2 MR. OGAS: Thank you very much. There
3 was -- could I make a comment or no?

4 COMMISSIONER GIPSON: Sure. Sure.

5 MR. OGAS: I just wanted to make one more
6 comment.

7 MR. LANGE: We have a second. He called
8 for more discussion.

9 THE CHAIR: All right. There's our legal
10 opinion. Thank you. Go ahead.

11 MR. OGAS: Thank you. The only other
12 comment I wanted to make was we knew coming into
13 PARCC there was going to be a reduction of scores.
14 We were already -- had just become an Early College
15 High School. We were already working on our math
16 and other situations from the college level all the
17 way down to our seventh-grade level.

18 We have those, and I think we've provided
19 you information on that.

20 And I think you can't negate the fact that
21 in the last two-and-a-half years, our kids, our
22 students from ninth grade up, have earned over
23 2,400 credit hours of college. The grades were
24 given by the college professors. And we have about
25 an 85 percent pass rate of C or better.

1 So I'm not negating the necessity to have
2 a standardized test; but there is a bit of a -- you
3 know, of a difference there. And we're kind of
4 caught in the middle. But we've been very upfront
5 with that. We don't negate the D; we've been
6 working towards fixing that.

7 But we also had an A, and we weren't sure
8 how that came about either. We need some help
9 trying to figure that out, you know; but we're more
10 than happy to do that.

11 And thank you. That's all I have to say.

12 THE CHAIR: Thank you for your comments.
13 Thank you, Commissioners.

14 We do have a motion; we have a second.

15 Mr. Secretary, can we have a roll-call
16 vote, please?

17 COMMISSIONER PERALTA: Commissioner Carr?

18 COMMISSIONER CARR: No.

19 COMMISSIONER PERALTA: Commissioner Pogna?

20 COMMISSIONER POGNA: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Chavez?

23 COMMISSIONER CHAVEZ: No.

24 COMMISSIONER PERALTA: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.
2 COMMISSIONER PERALTA: Commissioner
3 Ambruster?
4 COMMISSIONER ARMBRUSTER: No.
5 COMMISSIONER PERALTA: Commissioner
6 Shearman?
7 COMMISSIONER SHEARMAN: Yes.
8 COMMISSIONER PERALTA: Commissioner
9 Conyers?
10 COMMISSIONER CONYERS: Yes.
11 COMMISSIONER PERALTA: Commissioner
12 Peralta votes "Yes."
13 Commissioner Gipson?
14 COMMISSIONER GIPSON: Yes.
15 COMMISSIONER PERALTA: Commissioner
16 Bergman?
17 THE CHAIR: Yes.
18 COMMISSIONER PERALTA: Mr. Chair, that is
19 7 to 3 in favor of the motion.
20 THE CHAIR: Thank you, Mr. Secretary. We
21 do have -- that motion has been approved by a 7-to-3
22 vote.
23 We are now ready to move on to the second
24 amendment request, which I believe should
25 appropriately be the enrollment cap increase. And

1 we'll then take up the night school amendment
2 request.

3 Any thoughts -- were your initial
4 comments, Director, were they addressed to all these
5 requests?

6 MS. POULOS: Chairman Bergman,
7 Commissioners, yes, they were.

8 THE CHAIR: All right. We're now talking
9 about the enrollment cap increase. Do you guys have
10 anything further to add in that area?

11 MR. OGAS: No, Commissioner.

12 THE CHAIR: All right. Any discussion
13 from Commissioners or questions of the school about
14 the enrollment cap increase?

15 COMMISSIONER SHEARMAN: Mr. Chair, I would
16 make the motion, if there are no questions.

17 THE CHAIR: Did you have a question?

18 COMMISSIONER TOULOUSE: I was just going
19 to ask how their plans for their new facility are
20 coming, since I see they have some plans.

21 MR. OGAS: Thank you.

22 COMMISSIONER TOULOUSE: Because the
23 enrollment cap does need to be contingent on this
24 new facility, which sounds great.

25 MR. OGAS: Thank you, Commissioner. We

1 have been working with Jaynes Corporation, Molzen
2 Corbin; and Greer Stafford is the architects. And
3 the first thing is, we have, like I told you before,
4 through the help of the Village of Los Lunas,
5 procured a 20-acre site just south of the Rail
6 Runner facility.

7 The plan is to bring in roughly 50
8 portables -- and actually, the first two were moved
9 in yesterday, onto the site -- and create an area
10 where we have -- on the northeast corner of the
11 site, we have a high school up here, middle school
12 over here, some high school down around -- we also
13 have the elementary area that is roped off.

14 (Indicates.)

15 And then there had been some concern from
16 the Charter School Division on where we were going
17 to place what was our night school program that
18 we're choosing to call SODA -- "Graduate SODA,"
19 because of Graduate New Mexico. We have a portable
20 that's set right across from the administration with
21 its own parking area, a double-wide, that we'll be
22 able to offer from 9:00 in the morning to 7:00 at
23 night now; so that we have more than enough space to
24 cover the plans.

25 There has been a set of plans that are now

1 at Martica Casias' office under review for the
2 initial dirt work and site work. We have just
3 signed a contract with the PSFA for seven
4 double-wides that are coming out of Los Alamos,
5 another two double-wides that are coming out of
6 Clovis, and the rest of the portables are coming out
7 of Albuquerque Public Schools.

8 COMMISSIONER TOULOUSE: Thank you.

9 THE CHAIR: Do you anticipate that you're
10 going to be in these facilities at the start of the
11 school year? Are you going to start your old
12 facility, and then -- you're going to be able to get
13 all that done in three months?

14 MR. OGAS: Our plan is to be -- they are
15 really working hard on it. Yes, our plan is to be
16 there in August. Our current lease does not end
17 until the end of September. If need be, there is a
18 little bit of a cushion; but we want to be in these
19 portables in August, and that's been the plan since
20 the beginning.

21 THE CHAIR: Thank you.

22 Any other comments or questions from
23 Commissioners?

24 Then I guess we are to the point for a
25 motion. Who would like -- Commissioner Shearman, if

1 you would, please?

2 COMMISSIONER SHEARMAN: Be glad to.

3 I move that the Public Education
4 Commission approve the amendment request of School
5 of Dreams Academy to increase their enrollment cap
6 by 100, still keeping the condition that their
7 governing council provide official, signed minutes
8 that the pre-K part of this amendment request has
9 been deleted and is agreeable to them.

10 THE CHAIR: Thank you, Commissioner
11 Shearman.

12 I guess that is necessary; because I see
13 the term "pre-K" on this amendment form.

14 COMMISSIONER SHEARMAN: My rationale. I
15 was trying to be really careful.

16 THE CHAIR: We do have a motion on the
17 floor. Do we have a second?

18 COMMISSIONER CONYERS: (Indicates.)

19 THE CHAIR: Commissioner Conyers has
20 seconded.

21 Is there any further discussion on this
22 motion?

23 Seeing none, Mr. Secretary, can we have a
24 roll-call vote?

25 COMMISSIONER PERALTA: Yes, Mr. Chair.

1 Commissioner Armbruster?
2 COMMISSIONER ARMBRUSTER: No.
3 COMMISSIONER PERALTA: Commissioner Pogna?
4 COMMISSIONER POGNA: Yes.
5 COMMISSIONER PERALTA: Commissioner Carr?
6 COMMISSIONER CARR: No.
7 COMMISSIONER PERALTA: Commissioner
8 Chavez?
9 COMMISSIONER CHAVEZ: No.
10 COMMISSIONER PERALTA: Commissioner
11 Toulouse?
12 COMMISSIONER TOULOUSE: Yes.
13 COMMISSIONER PERALTA: Commissioner
14 Conyers?
15 COMMISSIONER CONYERS: Yes.
16 COMMISSIONER PERALTA: Commissioner
17 Peralta votes "Yes."
18 Commissioner Shearman?
19 COMMISSIONER SHEARMAN: Yes.
20 COMMISSIONER PERALTA: Commissioner
21 Gipson?
22 COMMISSIONER GIPSON: Yes.
23 COMMISSIONER PERALTA: Commissioner
24 Bergman?
25 THE CHAIR: Yes.

1 COMMISSIONER PERALTA: Mr. Chair, that is
2 7 to 3 in favor of the motion.

3 THE CHAIR: Thank you, Mr. Secretary. I
4 will note that that motion has been approved by a
5 7-to-3 vote with the conditions that were a part of
6 the motion.

7 The third amendment that is before us
8 today is about their night school. And for those
9 that may not remember, they're here for this because
10 it was discovered this school already has a night
11 school that we didn't know about, if I remember --
12 and I'm --

13 MR. OGAS: That's correct.

14 THE CHAIR: So they are here at our
15 request on this one, I guess, to make it legal after
16 the fact.

17 It's unfortunate that that worked out that
18 way. But we can't change how it was. We just need
19 to have compliance with the way it is. We don't
20 like to do business this way; but I guess
21 occasionally, we are forced to do this.

22 Any thoughts from the school? I know you
23 addressed it last time. Anything you want to add?

24 Okay. Maybe you might explain again how
25 we got into this.

1 MR. OGAS: I'll be happy to. I know
2 you've got a long agenda. But our night program
3 came as a result of the old "Graduate New Mexico,
4 It's Everybody's Business," initiative that was at
5 the tail-end of Governor Richardson's tenure.

6 We wrote a grant in the spring of -- I
7 think '9-'10 or '10-'11 -- I lose track anymore. We
8 wrote a grant that spring to start the night school
9 the next year; it was approved. We've kept it ever
10 since.

11 Since then, we've gone through a renewal
12 without problem. We've gone through site visits
13 annually without problem. And it's not like we've
14 hid it back in a corner.

15 We have had probably about 25 students
16 over the last three years graduate with their high
17 school diplomas out of that night school program.
18 We had about seven last night, that were robbed by
19 their families, that came out of that program.

20 And, you know, we're real proud of that.
21 You know, if -- we realize -- I mean, it's a very
22 transient group; it's a very mobile group, you know.
23 And we're taking a risk. And I do understand why
24 most school districts shy away from this kind of
25 program, because actually, it hurts their bottom

1 line when it comes to graduation rates.

2 But you look at the faces of the people
3 that are actually graduating and their families, it
4 means something to them. So, you know, if you have
5 30 in a program, and five actually make it, that's
6 five more than there were the year before.

7 And that's the commitment that we've made,
8 as a school, to our community. And that basically
9 is the commitment that my father-in-law had to try
10 to help people when we founded School of Dreams
11 Academy based on a dream that he had.

12 So that's where we're at with it. You
13 know, we'd like to continue it, knowing that, you
14 know, if you voted us not to continue it, our
15 graduation rate would probably go up to 85 percent;
16 it would help our grade.

17 But at the same time, we're very much
18 committed to trying to help people; so that's why.

19 Thank you.

20 THE CHAIR: Thank you for those comments.
21 And as I said, it's a situation that none of us
22 would like, or are liking. I'm guessing that if we
23 don't approve the amendment then their night school
24 goes away; and that's not an ideal solution --
25 outcome -- either.

1 So it's just -- like I say, this is a very
2 difficult situation. But I believe it needs to be
3 rectified. We need to rectify it now.

4 Is there any further discussion or
5 comments?

6 Commissioner Ambruster?

7 COMMISSIONER ARMBRUSTER: Could you please
8 refresh my memory? How many night school students
9 do you have this year -- I mean, they may have
10 graduated by this point -- but this '15-'16 school
11 year? And then how -- and how many graduated in --
12 I mean, how long are they there, a day? I don't --
13 I really don't know how it works; so I wanted to get
14 some clarification.

15 MR. OGAS: So we have what's called more
16 or less a mastery program. And we probably have
17 about 20 -- this is off the top of my head -- about
18 27-or-so students that are actually enrolled in it.
19 Some come during the day and will meet with our
20 teachers. They're all -- they all have an
21 Individual Learning Plan, and we do the Next Step
22 Plans. We provided that information for you, just
23 like any other high school student.

24 We try to go off of the graduation
25 requirements that they would have had during the

1 year they would have graduated. So we go back as
2 many as 25 years, sometimes, you know, to try to
3 sort it out. It's no -- it's a real paper
4 nightmare; but at the same time, I think last night
5 at our robing ceremony, there may have been seven
6 students that came out of the night school program
7 that are actually going to get their diplomas
8 tomorrow.

9 COMMISSIONER ARMBRUSTER: So why would
10 those students who are returning to school in your
11 night program be any less likely to graduate than
12 the rest of your students?

13 MR. OGAS: I mean, I think the answer to
14 that would be individual to each student. Some of
15 them, you know, come based upon wanting to try to
16 get better. Then they realize it may be
17 overwhelming. Others are working. Some are having
18 families. Some want to come back to -- to try to
19 make it right for their families.

20 You know, there's lots of reasons why.
21 And since it's free, you know, because it's part of
22 what we do, then it's -- they're more likely to give
23 it a try.

24 What we're -- what we're finding is many
25 that are committed and really want to make it happen

1 stay. Some move on. Some get a job out of town.
2 There's lots of reasons why.

3 COMMISSIONER ARMBRUSTER: You get funded
4 for the night school students the same way you get
5 funded for non-night school students?

6 MR. OGAS: That's correct. And I have had
7 conversation with the Public Ed Department on that
8 issue, you know. And we're willing to -- but, you
9 know, that's a different story altogether. But
10 right now, the only avenue is to enroll them, place
11 them into a cohort, which is weird, because I don't
12 think kids can drop out of school twice; but they
13 do, and on paper anyway.

14 And you can see on our grade, it hurts us.
15 But at the same time, they do get funded. And, you
16 know, there -- there probably needs to be some
17 looking into that; but it's the way it is.

18 THE CHAIR: All right. Is that it?

19 Any other further comments?

20 Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Mr. Chair, I
22 support the night school. I think for any of our
23 schools that have a night school, I know you take a
24 chance because of how the grades work. And I'd like
25 to see the Legislature come up with a way to try to

1 separate those students out from your regular
2 attendees.

3 But I know from past experience that there
4 is a huge difference in somebody with no diploma,
5 with a GED, or a diploma. And your chances of
6 getting a job are better, chances of an employer
7 even wanting to talk to you are better with that
8 diploma, especially the young ones.

9 And so I support your request to continue
10 this. And I just hope that there's a way to work
11 out these students don't continue to affect your
12 grade, because your grade doesn't deserve this;
13 because of the regular students who do so well.

14 Thank you.

15 THE CHAIR: Thank you. Anything else?
16 Commissioner Chavez?

17 COMMISSIONER CHAVEZ: Thank you. Yeah, I
18 have a question about the night school in terms of
19 what it looks like. Can you sort of give a
20 description -- you know, do the students come to
21 class a certain number of hours, or is it
22 self-study? You know, just what does that
23 instruction look like?

24 MR. OGAS: Yes, Commissioner. What
25 happens when a student enrolls in night school is

1 they'll go through a -- well, a review, basically,
2 of what it is they need. And depending on the
3 courses that they need, they'll go through, like, a
4 pre-test. We use Edgenuity, which is an established
5 online program -- it's part of the adopted materials
6 list -- as a pre-test.

7 And then they'll use -- based upon the
8 work with the teachers and what they need, they'll
9 do a combination of both Edgenuity and project-based
10 types of things. Up until the last meeting, when I
11 realized it might be an issue, we were open from
12 about 4:00 in the evening to about 7:30 or 8:00 in
13 the evening every day. And students were working
14 through their projects on a self-paced kind of deal.

15 The thing about that is that fell within
16 our charter, because we've always worked on an
17 Individualized Education Program. Every child has
18 an IEP in our school, which is the reason they've
19 been allowed to go to college early, as well.

20 So, you know, that's kind of how that
21 works. They come in. They get instruction from two
22 certified teachers. We have multi certifications
23 with both of those individuals that monitor their
24 programs. They work in conjunction with our
25 counseling staff and Mr. Griego and myself, you

1 know, to monitor it.

2 COMMISSIONER CHAVEZ: So when you -- so
3 then will a student move -- so then it's sort of
4 more self-made. A student can move through your
5 program quicker or slower.

6 MR. OGAS: Exactly. So if a student comes
7 in and does a pre-test and scores at a 55 percent
8 proficiency in the course, it doesn't make sense to
9 have them go back and begin the course from the
10 beginning. We start them from there on, and we move
11 them forward.

12 COMMISSIONER CHAVEZ: And so can you tell
13 me what specific courses the students might be
14 focusing on? Is it math?

15 MR. OGAS: They take math courses; they
16 take language arts, history. Some of them have
17 jobs, so we work out a rubric for work study,
18 credit-for-elective kinds of things. We meet the
19 same graduation requirements as anybody else.

20 COMMISSIONER CHAVEZ: And do you have a --
21 just maybe sort of off the top of your head, how
22 long are those students enrolled in these programs?
23 How long -- maybe a better question is how long does
24 it take them to graduate?

25 MR. OGAS: We've had some students finish

1 within a year, maybe, you know, course of a year,
2 two years. It all depends on their Individual
3 Learning Plan and their Next Step Plan that's
4 developed, just like everybody else's.

5 COMMISSIONER CHAVEZ: Okay. Thank you.

6 THE CHAIR: Thank you.

7 Anyone else?

8 Commissioner Conyers?

9 COMMISSIONER CONYERS: I'd like to support
10 what Commissioner Toulouse had to say and commend
11 you, because these programs are in great need
12 statewide. And I'm glad you have certainly a
13 face-to-face component. Even in many GED programs
14 and so on, the tendency is to hand the student a
15 computer and say, "Go to this website and do this,
16 and let me know how you're doing."

17 And for, you know, at-risk students, that
18 just doesn't work. And so I commend what you're
19 doing.

20 THE CHAIR: Thank you.

21 Anything else?

22 And I just want to add that I always enjoy
23 hearing about seven students who are now graduating
24 who probably weren't going to graduate. They have a
25 brighter future ahead of them now, because they have

1 a high school diploma.

2 And I think that's one of the basic tenets
3 of why we have charter schools is to give those
4 kinds of students the opportunity, a second bite at
5 the apple, if that's what you want to call it, to
6 make it a simple issue.

7 I enjoy hearing those kinds of stories and
8 I'm happy for them.

9 If we have no further discussion -- we
10 don't have a sample motion for this one. I'm going
11 to note that on the form that I did find in the
12 book, there is a paragraph here called the "Proposed
13 Revision." I'm going to suggest that whoever makes
14 the motion, I believe this paragraph should be read
15 in as a part of the motion, because it mentions
16 several different things. I can add -- yeah, you've
17 got it right there.

18 COMMISSIONER SHEARMAN: This?

19 THE CHAIR: No, the first one there. If
20 you want to read it real quickly, it mentions the
21 non-traditional students. It mentions allowing
22 these students opportunities, and it identifies it
23 by what they're calling it, "Graduate SODA." I
24 think that would should be in the motion.

25 If there is no further discussion, I would

1 entertain a motion at this time.

2 COMMISSIONER GIPSON: I guess I'll try.

3 THE CHAIR: Commissioner Gipson, please?

4 COMMISSIONER GIPSON: And you want that
5 language put in? Okay. So --

6 THE CHAIR: Word it however you want.

7 COMMISSIONER GIPSON: Okay. I propose
8 that we accept the amendment request by School of
9 Dreams Academy for a night school -- a credit
10 recovery program -- should we refer to it as a
11 credit recovery program? -- allowing non-traditional
12 students the opportunity to re-engage in a learning
13 continuum of high school subject matter with the
14 objective to earn a high school diploma.

15 COMMISSIONER TOULOUSE: Second.

16 THE CHAIR: Well, keep going. I think we
17 need to add what's below that, too; because they are
18 asking to add some workforce-related activities.

19 COMMISSIONER GIPSON: Okay. In addition
20 to adding language that will allow these students
21 opportunities to participate in workforce-related
22 training activities, courses designed to teach job
23 readiness skills and prepare them for the workforce.
24 The program will now be called "Graduate SODA," and
25 will be available Monday through Friday from

1 9:00 a.m. till 7:00 p.m.

2 THE CHAIR: Thank you for that.

3 COMMISSIONER TOULOUSE: I want to second
4 it.

5 THE CHAIR: Commissioner, we do have a
6 motion and a second.

7 I'm just going to raise the question now,
8 because we've done this before. If we leave those
9 hours and days in there, if you change those, you
10 would have to come back. Would you prefer we take
11 that reference out? Or do you want to leave it in?

12 MR. OGAS: Commissioner, I don't know at
13 this point. I think -- we're comfortable with the
14 hours, keeping it open. We've -- from the
15 beginning, have felt that that program needed to be
16 offered. And, in fact -- so, yes, I'm comfortable
17 with that.

18 THE CHAIR: I just wanted to -- if you do
19 decide to change it, you'll have to come back and
20 request that.

21 MR. OGAS: The reason we offered it that
22 way was because of -- I believe we heard that the
23 program needed to be available at a longer span
24 during the day. So we will make it available during
25 that time, yes, sir.

1 THE CHAIR: All right. Thank you. I just
2 wanted to raise it.

3 We have a motion by Commissioner Gipson.
4 I believe the second was by Commissioner Toulouse.
5 Is there any further discussion on this
6 one?

7 Commissioner Armbruster?

8 COMMISSIONER ARMBRUSTER: So when the
9 students come in, they are not really in direct
10 instruction; they're really on a computer, either at
11 school or at home? Or are they -- is it everything
12 they get credit for at school?

13 MR. OGAS: Well, when they come in, they
14 get assessed. But then there is a combination, just
15 like in our day school. We call it a blended model
16 of direct instruction and computer-based
17 instruction, which allows them to work from home as
18 part of what they do. You know, you could call it
19 homework or anything else; but it allows them to
20 work around their schedule.

21 Sometimes they are caring for a child, or
22 they have a work schedule already, and we're trying
23 to work around them, as well. So it is a
24 competency-based, mastery-based type program with
25 instructors that provide instruction and support, as

1 well as online support from -- you know, we use
2 Edgenuity as a curriculum on steroids, I guess you
3 could call it.

4 COMMISSIONER ARMBRUSTER: Thank you.

5 THE CHAIR: Anything else?

6 COMMISSIONER CARR: Do you want anything
7 else?

8 COMMISSIONER ARMBRUSTER: No, I'm sorry.

9 THE CHAIR: You were looking. I didn't
10 know if you were trying to find something.

11 COMMISSIONER ARMBRUSTER: No, I was just
12 looking at all my little notes here.

13 THE CHAIR: Okay. Any further discussion?

14 Then I guess we are ready for the
15 Secretary to have a roll-call vote, then.

16 COMMISSIONER PERALTA: Commissioner
17 Peralta will vote "Yes."

18 Commissioner Gipson?

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER PERALTA: Commissioner
21 Shearman?

22 COMMISSIONER SHEARMAN: Yes.

23 COMMISSIONER PERALTA: Commissioner
24 Chavez?

25 COMMISSIONER CHAVEZ: Yes.

1 COMMISSIONER PERALTA: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER PERALTA: Commissioner Pogna?

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Toulouse?

7 COMMISSIONER TOULOUSE: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Ambruster?

10 COMMISSIONER ARMBRUSTER: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Conyers?

13 COMMISSIONER CONYERS: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Bergman?

16 THE CHAIR: Yes.

17 COMMISSIONER PERALTA: Mr. Chair, that is

18 10 to 0 in favor of the motion.

19 THE CHAIR: Thank you. That motion for

20 the night school has been approved by a 10-to-0

21 vote. I appreciate your patience.

22 I hope you appreciate the fact that this

23 Commission takes very seriously our need to do our

24 due diligence, also, and be sure what's right is

25 right.

1 MR. OGAS: Thank you very much.

2 THE CHAIR: Thank you very much for being
3 here.

4 Why don't we take a break, a comfort
5 break? We do have still a lot of work to do; so
6 please be back at 20 till or earlier, please.

7 (Recess taken, 10:27 a.m. to 10:40 a.m.)

8 THE CHAIR: I'm going to call us back into
9 session from this -- the break we were on.

10 I've been asked to remind folks there is a
11 sign-up sheet for our Open Forum portion for people
12 that wish to speak to the Commission. If you wish
13 to speak to the Commission at that time, you need to
14 be on the list.

15 So if you haven't signed that -- I
16 understand there's also just a general sign-in sheet
17 out there. And I've been asked to just ask people
18 next time you go out in the lobby, if you haven't
19 signed that one, please sign it so there's a record
20 of your business. Appreciate that.

21 We're now still on Amendment Item 6. We
22 are now down to B, which is the Walatowa Charter
23 School. And they have several amendments. But
24 before we get there, Christopher, are you still
25 here?

1 COMMISSIONER TOULOUSE: Yeah, he hasn't
2 come back in, because Katie hasn't come back in.

3 THE CHAIR: We'll wait on that, then.

4 Walatowa, if you would come forward,
5 please, to the table?

6 Since the Director is not back, I cannot
7 call upon her to talk to us about these amendment
8 requests. I see four of them: A new school site,
9 grade level increase, enrollment cap increase, and
10 to amend charter schools.

11 So it's a very -- there -- okay. Director
12 Poulos, do you have any comments you wish to share
13 with us about the Walatowa amendment request?

14 MS. POULOS: I absolutely do.

15 THE CHAIR: Thank you. When you're ready.

16 MS. POULOS: Thank you. Chairman Bergman,
17 Commissioners, Walatowa Charter High School is
18 requesting to expand its operations; that is, by
19 adding 120 students to its current cap of 150 to
20 achieve a cap of 270, to expand its authorized
21 school grade levels, from 9 through 12, to serve
22 K-through-12, and to add a secondary school site
23 with the location identified in your materials.

24 This school is a highly performing school
25 that has a letter -- current letter grade of "A."

1 They have demonstrated over the past several years
2 improved academic performance.

3 CSD does support this amendment request
4 and recommends that the Commission approve this.

5 THE CHAIR: Are we talking about all four
6 at this time, or are we just talking about the first
7 one?

8 MS. POULOS: Really, the first three.
9 Those, I believe -- let me make sure that I'm
10 reading it correctly. The school site, the grade
11 level increase, and the enrollment cap increase.

12 You can also address the charter goals,
13 which were asked to be amended -- they are not under
14 the current performance framework; they are under
15 the old charter. And the old charter included goals
16 that were based on SBA data, which is out of date.

17 And so they've asked to -- for the
18 remainder of their charter term, which is this
19 year -- they'll be up for renewal in the fall -- to
20 amend that goal to incorporate letter grades rather
21 than to be based on the old SBA data, which is no
22 longer relevant.

23 COMMISSIONER SHEARMAN: Mr. Chairman,
24 could we clarify how many amendment requests we
25 should have? Because I'm only finding three. Are

1 there four?

2 MS. POULOS: There are four requests. And
3 I believe that may be because they're separated by
4 that yellow sheet.

5 COMMISSIONER GIPSON: Mine were stuck
6 inside --

7 MS. POULOS: Those were new materials,
8 because -- updated materials. Signed versions have
9 been provided.

10 COMMISSIONER SHEARMAN: I didn't get
11 those.

12 MS. POULOS: If your binder wasn't on the
13 desk, it wasn't put in.

14 COMMISSIONER SHEARMAN: One was on the
15 desk, and one was on the floor.

16 THE CHAIR: I'll wait until you have it in
17 your possession and give you a moment to look at
18 them.

19 COMMISSIONER SHEARMAN: Is this all four?

20 MS. POULOS: That is all four requests.

21 THE CHAIR: While you're doing that, I
22 want to ask you a question. Why don't you guys
23 introduce yourself for the reporter first? Then
24 I'll ask my question.

25 MR. WILKINSON: Good morning,

1 Commissioners. My name is Arrow Wilkinson. I'm the
2 principal of the Walatowa High Charter School.

3 To the left of me is Susan Baca. She is
4 the president of the San Diego Riverside School
5 Board. And to the right is Richard Wasielewski,
6 from the Walatowa High Charter School, board member.

7 Members of Walatowa High Charter School is
8 Ron Krueger; he's our curriculum chair. Dr. Jaime
9 Tamez. And we also have Melinda Fragua from
10 San Diego Riverside, parent rep; and Bobby Shendo,
11 who is a San Diego Riverside, board member; and two
12 students from San Diego Riverside and Walatowa,
13 Jonathan and Jensen Fragua.

14 THE CHAIR: Thank you for that. Actually,
15 I was a little confused, and I think you've confused
16 me even a little bit more with how you've introduced
17 her. I see one of the campuses that you want to go
18 to is identified as San Diego Riverside campus. Is
19 San Diego Riverside -- is that already an active
20 charter school that's locally authorized, not
21 authorized by us?

22 MR. WILKINSON: Yes.

23 THE CHAIR: Then why would they be a part
24 of your school and all these amendments? We're
25 talking a different charter school.

1 Could you address that for me, please?

2 MR. WILKINSON: I'm going to have Susan
3 Baca address this, and then I'll add to it.

4 THE CHAIR: Okay. Go right ahead.

5 MS. SUSAN BACA: Good morning. We have,
6 in the past -- the last couple of years, we had
7 thought about possibly -- we asked if there was a
8 possibility if we could combine with Walatowa
9 Charter. We are district-chartered right now.

10 We had a lot of parents' concerns.
11 Parents are for it. We -- a lot of the parents are
12 looking for change, something new. We -- we've had
13 parent meetings about it. We've had -- we've voted
14 on it to see if this could be a possibility and to
15 see if they could pick us up.

16 They already give us a lot of support.
17 They provide a science teacher. They provide us
18 with GEAR UP. They just give us a lot of support.
19 And we were thinking that combining both schools
20 would serve the children better.

21 Jemez Valley -- you know, we are
22 district-chartered. They don't really provide us
23 with -- I mean, yes, the money funnels through
24 there, and, you know, they provide us with our
25 budget; but we don't really get any support from

1 them. You know, just -- it's just a lot of -- a lot
2 of things that parents are concerned with, you know,
3 like, we would like things -- you know, they got a
4 million dollar bond. We didn't get a penny of it
5 for just a little improvement of something.

6 And we just feel that coming together with
7 Walatowa would be a great opportunity and to align
8 the education.

9 THE CHAIR: Let me ask you this. If you
10 said it, I apologize. Who is your authorizer?
11 Which district are you under?

12 MS. SUSAN BACA: Jemez Valley Public
13 Schools.

14 THE CHAIR: Before we have a real
15 long-winded discussion on these amendments, my
16 understanding of what you're trying to do is merge a
17 locally authorized charter school with a
18 State-authorized charter school. And I am not aware
19 of any precedent for that.

20 And I've repeatedly read the Charter
21 School Act during my tenure on this Commission. And
22 I do not believe it ever contemplated this
23 situation; right? And it's not covered under the
24 Charter School Act.

25 I think we're really sailing off into some

1 deep water here. Any other -- yeah. Commissioner
2 Peralta?

3 COMMISSIONER PERALTA: It just appears to
4 me that they're at the wrong authorizer location.
5 They should be bringing this before their authorizer
6 at the Jemez Valley.

7 COMMISSIONER CARR: It's the same thing.

8 COMMISSIONER GIPSON: Or should be asking
9 us to be a PEC-authorized school, and then we can
10 look at merging the two when they're under us.

11 THE CHAIR: All of a sudden, lots of hands
12 here.

13 Commissioner Shearman?

14 COMMISSIONER SHEARMAN: Just one question.
15 Is your school closing?

16 MR. WILKINSON: No, it's not.

17 COMMISSIONER GIPSON: No. The
18 San Diego --

19 MS. SUSAN BACA: No, it's not. No.

20 COMMISSIONER SHEARMAN: San Diego is not
21 closing.

22 COMMISSIONER GIPSON: I'm sorry. Can I
23 tie on that? Do you have a governance council?

24 MS. SUSAN BACA: I'm sorry. Yes, we do.

25 COMMISSIONER GIPSON: Because I went on

1 the website; and I couldn't see anything about a
2 governance council on your website. So that made me
3 a little more curious as to -- and I couldn't find
4 anything where a governance council had voted for
5 this merger.

6 I know you have noted parents voting; but
7 I couldn't find any governance council information
8 in relation to that.

9 THE CHAIR: Director Poulos, did you have
10 your hand up?

11 MS. POULOS: Chairman Bergman,
12 Commissioners, I did. I think it's important for
13 this Commission to see that Walatowa, while they do
14 have other individuals here from another school, is
15 simply asking for the same thing that the school
16 that was just before you asked for, which is to
17 expand its enrollment cap, to expand its grade
18 levels served, and one additional one, which was not
19 on the other one, but one that you've approved for
20 many schools before, is to add a school site.

21 And I think it's important to understand
22 that that's what Walatowa is here asking you for and
23 what they have included in their amendment requests.
24 They have very good academic performance. They are
25 an "A" letter grade. And they are demonstrating

1 great success with their students. And they're
2 seeking to serve more students.

3 COMMISSIONER SHEARMAN: Well, they are
4 asking to merge with another school. I agree
5 they're asking for an enrollment cap and all of that
6 other stuff. But primarily, overall, they're asking
7 to merge with an existing district-authorized
8 charter school, two schools together under different
9 authorizers under different boards.

10 Mr. Chairman, may we have a legal -- or
11 ask our attorney for some legal advice here?

12 MR. WILKINSON: Now, if approved,
13 San Diego Riverside would be rescinding their
14 charter to fall under our -- to fall under our
15 umbrella. If approved by the PEC, San Diego
16 Riverside would be rescinding their charter to fall
17 under our umbrella.

18 THE CHAIR: You're saying they're going to
19 go below the -- before their authorizer and ask to
20 be -- whatever -- rescinded, or let go, or "We don't
21 want to be a charter school anymore," or --

22 COMMISSIONER SHEARMAN: Deauthorized.

23 MR. WILKINSON: Deauthorized under Jemez
24 Valley and authorized under -- they would fall under
25 our umbrella.

1 THE CHAIR: Like I say, we're sailing off
2 into -- I want to be sure we get this right the
3 first time.

4 Commissioner Carr?

5 COMMISSIONER CARR: Before we go to the
6 lawyer, let me put my two cents in. So I -- so
7 nearly eight-year -- you know, we -- if a
8 local-chartered charter school wants to become a
9 State-chartered charter school, they go through the
10 same process as everybody else. We have a procedure
11 for that.

12 If this seems to be -- although, maybe
13 it's fine. But we're having to deal with legal
14 issues, and we're having to deal with precedents.
15 And, you know, this -- this is a roundabout way of
16 becoming a State-chartered charter school without
17 having to go through the process that everybody else
18 does.

19 If -- to me, a simple way of -- you know,
20 you -- I would say that I -- you know, you -- you
21 know, you could have gone about this in a way
22 that -- where we didn't really know what was going
23 on. You could have said, "We just want to increase
24 our enrollment"; they close their school; their
25 students go to your school, if they so choose.

1 In essence, that seems like that's what
2 you're asking for.

3 If we go through the procedure of saying,
4 "Hey, we're accepting a merger of a local-chartered
5 charter school and a State-chartered charter school,
6 to me, that would open the door for schools in not
7 so great of a situation maybe as you to -- to solve
8 a problem -- maybe they're failing -- I know there
9 are some local-chartered charter schools that aren't
10 doing very well -- and say, "Hey, I want to latch on
11 with you, and -- because otherwise, we're going down
12 the tubes. And you're doing great, and our local
13 school board doesn't support us."

14 And I certainly understand that, because
15 that happens all over the state. And I get that,
16 you know. I -- so there's my two cents.

17 And then we can hear from the lawyer
18 'cause -- yeah, I have, I think, the same concerns
19 that everybody else has.

20 THE CHAIR: Mr. Lange, is there anything
21 you can tell us at this time, since you haven't
22 really had a chance to study such a complex issue?

23 MR. LANGE: Yes, Mr. Chair, members of the
24 Commission. Sorry to disappoint. But I don't have
25 any background on whether a merger like this has

1 happened and if it's allowable, per statute. So I
2 can't advise the board on that.

3 THE CHAIR: Wow.

4 COMMISSIONER TOULOUSE: Mr. Chair?

5 THE CHAIR: Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: I'd like to ask
7 the folks here, have you -- has this been discussed
8 with lawyers, so that what you're presenting is a
9 legally approved piece in behalf of at least your
10 schools and your lawyers?

11 MR. WILKINSON: We spoke with the PED,
12 Charter School Division; and, no, we haven't spoken
13 with any attorney yet.

14 COMMISSIONER TOULOUSE: My next question
15 is, Ms. Baca, what is your -- when is your charter
16 expiring?

17 MS. SUSAN BACA: In three years.

18 COMMISSIONER TOULOUSE: Okay. 'Cause that
19 creates an issue, too. I -- I don't see anything
20 that says we can't do it; but I think it's a very
21 difficult thing to ask, and especially since the
22 last school we wouldn't let have all of their
23 K-through-5 grades at one time. We told them they
24 could only have several at a time.

25 We have somebody else here who would like

1 to speak. May we --

2 THE CHAIR: Please identify yourself.

3 DR. JAIME TAMEZ: Members of the
4 Commission, I'm Dr. Jaime Tamez. I have been
5 working as a consultant with Walatowa, primarily in
6 their data and the Web EPSS and similar kinds of
7 work with them. And I've been part of the team
8 that's been looking at the possibility of expanding
9 Walatowa.

10 And so when we came up to the Charter
11 School Division to talk about our goals and changing
12 those, the question came up about how we would like
13 to expand the school so that we would have more
14 impact at the grade levels below us, and then the
15 students coming into our school, because of the
16 short frame -- you know, high school is kind of a
17 short frame for dealing with a lot of the issues
18 facing students and so forth. We thought it would
19 be great if we could expand.

20 At the same time, when we discovered that
21 San Diego Riverside had an interest in becoming part
22 of the expansion -- and it makes it a little bit --
23 in that sense, different, because when we start
24 talking about expansions, you know, we start looking
25 at what are the possible facilities, how are we

1 going to recruit and so forth, similar to what we
2 just saw with the Dream school.

3 In this situation, you know, the Jemez
4 Valley is a very tight-knit group. Jemez Pueblo is
5 a very tight-knit group. We have siblings that are
6 attending both the San Diego Riverside and Walatowa.
7 And so on one sense, it looks like a merger, because
8 there's an existing school. But that school would
9 cease to exist. They would give up their charter.
10 They voted to relinquish this charter at a meeting
11 in late March, if they could become part of the
12 expansion.

13 And so for us, we thought that, in a
14 sense, it's -- it's even better, because we have a
15 school that has the facility and so forth. The
16 facility is owned by the Tribe. The Tribal Council
17 has approved the idea of the expansion. The
18 Governor of the Pueblo has approved the idea of the
19 expansion. So we have all of the community support.
20 Both boards have voted in favor of it.

21 And so for us, it's an expansion that
22 we're looking at. For them, it's a way to become a
23 part of our school, where we're serving the same
24 families in the same community.

25 So in the sense of is the school closing

1 down? No. If we don't get the approval from PEC,
2 it would continue. But if they do have the
3 opportunity to become part of the expansion, they
4 would be willing to do that, and they would
5 relinquish it.

6 We asked the Charter School Division,
7 "Well, do they have to continue to the end of their
8 current term as a charter school?" And we know that
9 in the past, charter schools have decided to end
10 their contract with the authorizer. And by saying
11 we no longer wish to continue the charter, that has
12 happened; even La Jicarita recently did that.

13 So it's not uncommon for a school to say,
14 "We've decided, for whatever reason, we're ending
15 the charter." So that happens. And then we would
16 expand our school and include them, through the
17 amendment, include a new site that happens to be the
18 Riverside site, as opposed to going out in Jemez,
19 which is very limited in facilities, and finding
20 another site where we could maybe start expansion,
21 or look at our own site and seeing could we bring in
22 portables and so forth.

23 So there are a lot of benefits. It looks
24 like a merger, because it's an existing school; but
25 we're looking at it as an expansion.

1 THE CHAIR: Commission -- you've already
2 talked. Commissioner Gipson, go ahead, please. I'm
3 sorry. When there's three hands up, I've got to
4 make a choice.

5 COMMISSIONER GIPSON: I understand you're
6 high-performing. I fully support your expanding.
7 But I have difficulty with this process right now.
8 It is true that La Jicarita is giving up their
9 charter. We've been notified of that.

10 But I see nothing -- I see no governance
11 council minutes indicating that they've approved
12 this expansion. And you haven't given up your
13 charter yet. So personally, I have difficulty, at
14 this point in time -- this is a merger -- we're
15 wordsmithing -- expansion and merger. Right now,
16 you are still currently a district-authorized
17 charter school; so that by -- this isn't just an
18 increase in enrollment, in my mind. We are
19 accepting a district-authorized school by doing
20 this. And I've got --

21 COMMISSIONER SHEARMAN: I don't think we
22 can do it.

23 COMMISSIONER GIPSON: I've got grave
24 difficulty in doing that. Had you come here and
25 said, "We've already given up," you wouldn't even

1 have to be here. If you've already given up your
2 charter, you're just asking for an enrollment move
3 and moving the facility, and you can take that
4 school with no problem.

5 But right now, you're asking us to take
6 both. And I have serious difficulties in doing
7 that.

8 THE CHAIR: Thank you.

9 Commissioner Peralta?

10 COMMISSIONER PERALTA: Okay. So I think
11 I've got it cleared up, because I think I had you
12 mixed up with who was a district charter school and
13 who wasn't. It seems to me that your amendments are
14 conditional on having access to the facilities owned
15 by San Diego Riverside; is that correct?

16 So my concerns are that the facility that
17 is currently San Diego Riverside is that the
18 condition index is pretty high; it's not a very
19 feasible or a good facility for students, at this
20 point. It's weighted at 48.4 percent. And the
21 current State average for facilities is 18.9.

22 What that's telling me is there's some
23 work to do to improve the facilities in your school.

24 I'm the liaison with the PSCOC, and I work
25 very closely with Martica. What she's telling me,

1 in order for the move to take place, San Diego
2 Riverside Charter School would have to provide a
3 plan to PSFA to improve your school within 18 months
4 of occupancy by Walatowa.

5 So you want to make sure you keep that --
6 you know, keep that in mind; because that's going to
7 run you into some costs and some planning and things
8 like that, to be able to serve the students at
9 Walatowa.

10 COMMISSIONER SHEARMAN: May I just ask a
11 question of Commissioner Peralta? Did PSFA have any
12 idea of what it would cost to bring that facility up
13 to -- I know when -- when a school is in a facility,
14 okay. But if there is a move, then that facility
15 must come up to standard. Did she have any idea
16 what that would cost?

17 COMMISSIONER PERALTA: She didn't give me
18 any costs at this point; but I can definitely find
19 out.

20 THE CHAIR: Commissioner Carr?

21 COMMISSIONER CARR: So a couple of issues,
22 then. If the Pueblo owns the building and the site,
23 aren't we -- isn't it supposed to be a
24 lease-purchase? And, to me, that would need to be
25 looked at.

1 The solution for -- you know, and the
2 building is an issue. But the solution for me would
3 be that you just ask for your enrollment cap and
4 your change, period, you know. And then I would
5 be -- without this murkiness of a merger that we've
6 never done, then I would be willing to support this.

7 And, again, if you're -- you know, if the
8 students are there -- I mean, the students can go
9 somewhere else, too, if they want to, of course.
10 But I have no problem with your amendment request,
11 absent any talk of merger. I mean, you could tell
12 us, "Oh, we suspect we're going to get students from
13 a school that's closing," and that's fine, and I
14 would be happy to support it.

15 But as it is today, I'm not.

16 THE CHAIR: And let's keep in mind if we
17 follow that line, that, remember, they've got to do
18 a lottery. The San Diego students wouldn't be
19 guaranteed -- and that's why I think they don't want
20 to go first and disband their school, see?

21 I believe that -- I'm just really
22 reluctant; because I -- one, I don't believe we have
23 the power to approve a merger of this kind. I do
24 not believe there's any legal precedence to that,
25 and I don't believe we, as Commissioners, want to

1 set a legal precedent.

2 I agree with what Commissioner Carr said.
3 Get San Diego out of it. Get -- let -- give them --
4 Walatowa -- their amendment.

5 But then there's your roll of the dice.
6 You've got to go get rid of your charter and free up
7 your students and then take your chances on getting
8 into Walatowa. I don't think this is the first
9 step. Coming here was not the first step, I don't
10 believe.

11 I believe the first step has to be on your
12 part. I'm not a lawyer; so I'm not giving you legal
13 advice. I'm just saying how I feel as one
14 Commissioner. Under this circumstance, I don't
15 believe I can vote to support any of this. I really
16 can't.

17 COMMISSIONER SHEARMAN: Mr. Chair?

18 THE CHAIR: Commissioner Shearman?

19 COMMISSIONER SHEARMAN: I appreciate you
20 saying you can't vote to support any of this,
21 because I can't, either, because I believe without
22 the San Diego school building, you would have no
23 place to house these additional students.

24 So in reality, I don't think we can vote
25 even to consider increasing your enrollment cap when

1 you have no place to put those students. Your
2 current facility would not accommodate them, would
3 it? No?

4 MR. WILKINSON: No.

5 COMMISSIONER SHEARMAN: So I am -- I am
6 very -- I regret very much that you were told to
7 come to us first with just these amendments. This
8 is not the way to do it.

9 THE CHAIR: Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Mr. Chair, I'd
11 like to ask, how many elementary students do you
12 have, and do you have a waiting list?

13 MS. SUSAN BACA: We have 95. And there's
14 no waiting list.

15 COMMISSIONER TOULOUSE: Okay. And you
16 were planning -- Mr. Wilkinson, you would be
17 planning for all of those to come over, or
18 additional ones, as well?

19 MR. WILKINSON: You mean, as -- you know,
20 new students coming in, if they enroll?

21 COMMISSIONER TOULOUSE: Because I'd like
22 to -- I'm not sure I can vote for this today,
23 either. But I think down the road, it's something
24 we can do. And I'd like this information upfront,
25 so we don't necessarily have to go over it again.

1 MR. WILKINSON: Yeah. We do project an
2 increase in enrollment; so that would come over.
3 Even in Walatowa, we have kids from San Luis,
4 Bernalillo that come out; Tewa come out -- Pueblo --
5 and Jemez Valley and the Ponderosa area and Zia. So
6 we have kids from all over that come to Walatowa.
7 So we do project an increase in enrollment.

8 But at this time, I've just got a quick
9 question for you. So you would approve the
10 expansion. And if Riverside rescinded their
11 charter, and then the next time we come in -- next
12 PEC meeting -- and the expansion would be approved
13 and you would accept their --

14 COMMISSIONER SHEARMAN: We can't guarantee
15 that.

16 THE CHAIR: We can't guarantee how a vote
17 will go. Ten individual Commissioners here will
18 vote their conscience. I think this needs some more
19 work.

20 COMMISSIONER PERALTA: Again, I have to
21 emphasize, again, that any future move to the
22 facility, you have to understand that this is a
23 permanent move of students into a permanent
24 facility. So unless that facility doesn't improve
25 on its weighted index for the condition of the

1 school, I personally can't see allowing students to
2 move into a facility that's not conducive to State
3 requirements.

4 THE CHAIR: You need to address the
5 facility issue, along with all the rest of this.
6 There's a whole bunch of questions here.

7 Anything -- so where do we stand, then?

8 COMMISSIONER SHEARMAN: Could we ask if
9 they are willing to withdraw these amendment
10 requests until they can study the issues more and
11 perhaps bring us back a different set of requests at
12 another time?

13 THE CHAIR: What's the will of the
14 Commission on that? I see one head shaking "yes."
15 Yes?

16 COMMISSIONER GIPSON: Yes.

17 THE CHAIR: This is not a vote; but I see
18 heads shaking.

19 COMMISSIONER GIPSON: Mine is rattling
20 "yes."

21 THE CHAIR: So I guess what Commissioners
22 are asking me is to ask you would you be willing to
23 withdraw at this time, do a little more research on
24 the building, think about how you're going to
25 withdraw, and your school, rescind your thing. I

1 happen to agree with a lot of what Katie said about
2 the nature of your school; and I can't guarantee how
3 I would vote. But I -- so I think you need to do
4 some more work before you come to us.

5 MR. WILKINSON: Yeah.

6 THE CHAIR: Would you be willing to
7 withdraw them at this time and do this additional
8 work and come back to us in the future?

9 MR. WILKINSON: Yes, we'll rescind those
10 amendments and return with the questions that you
11 want answered.

12 THE CHAIR: Does that sound amenable to my
13 fellow Commissioners?

14 COMMISSIONER SHEARMAN: Yes, we appreciate
15 that.

16 THE CHAIR: Commissioner Armbruster?

17 COMMISSIONER ARMBRUSTER: I just want to
18 make sure that I understand this. You guys are
19 really in my district. It's the first time I've
20 ever said that. Anyway -- and I do like the idea
21 that you're merging. And I just want to clarify a
22 few things with you all who know this.

23 If you stay in the building, in Susan's
24 building, they get to stay there, and there's no big
25 deal; but if they change to go to a -- for a State

1 charter, then you have to bring up the building to
2 ADA codes and all that; is that correct?

3 THE CHAIR: I think, even as a local
4 district, they still have to be in an E-Occupancy
5 building.

6 COMMISSIONER ARMBRUSTER: Well, it might
7 have been E-Occupancy when they started, and it's
8 falling down. I don't know. The local decides
9 that; right?

10 COMMISSIONER PERALTA: That building was
11 authorized by the local district. The local
12 district authorized the move to that facility to
13 that school. We fall under the PSFA guidelines.

14 COMMISSIONER ARMBRUSTER: Right. So the
15 local, as they are, it's okay. If there's any
16 change, then the building has to come up.

17 COMMISSIONER GIPSON: Correct me if I'm
18 wrong. I think they would have trouble with they
19 were up for renewal. I would think they'd have
20 trouble to renew. That's what we faced with
21 McCurdy. If McCurdy didn't get that financing, they
22 were at an 80. They would not be able to continue.
23 They were up for renewal; so they wouldn't be able
24 to continue in that building.

25 COMMISSIONER ARMBRUSTER: And the other

1 point -- I just want some clarification from my
2 fellow Commissioners. If they give up the charter,
3 they're, like, nowhere. I think it's hard, in my
4 mind to say, "Susan, could you please give up the
5 local charter and apply for our charter; but there's
6 no guarantee that we would accept them unless
7 they're attached to the high school."

8 COMMISSIONER GIPSON: No, no, no. We're
9 not saying that.

10 COMMISSIONER SHEARMAN: What we are saying
11 is that if that San Diego school charter closed,
12 then should those students choose to go to Walatowa
13 and those employees choose to apply for work at
14 Walatowa, if Walatowa is allowed to increase its
15 enrollment cap and its grade levels, then it could
16 probably absorb the students and perhaps some of the
17 staff from the closed school. They would not be
18 becoming a State charter at all. They would be a
19 closed school, and their folks going wherever they
20 chose to.

21 THE CHAIR: And the reason they're still
22 involved, because the building -- their building --
23 that's the one that needs the work. So Walatowa
24 would have to address bringing that building to the
25 right weighted index.

1 COMMISSIONER ARMBRUSTER: And that would
2 happen whether they come or not.

3 THE CHAIR: You have to explore that
4 building. That's a key component of what you want
5 to do. Find out what it's going to cost you.
6 That's a suggestion. I can't tell you what to do.
7 So let's go back.

8 Do you agree to rescind these requests at
9 this time?

10 COMMISSIONER GIPSON: Yeah, they did.

11 THE CHAIR: So we're operating under the
12 assumption they've done that. So what else do we
13 need to do today, then?

14 MR. WILKINSON: The assessment going to
15 the SBA no longer exists and going to the "C" grade
16 because they have to -- we have to follow the PARCC
17 anyway.

18 THE CHAIR: Are you talking about the
19 charter goals?

20 MR. WILKINSON: Yes, that last one, for
21 the remainder of our charter.

22 THE CHAIR: Do we have the paperwork on
23 that?

24 COMMISSIONER SHEARMAN: Mr. Chairman, I
25 would really prefer to deal with this when they come

1 up for renewal. They're up this year. Why
2 change -- we were very reluctant to change goals in
3 the middle of a contract. I understand yours has
4 changed from the NMSBA. But they're up for renewal.
5 Why don't we simply handle it then?

6 THE CHAIR: I will say we have been
7 reluctant to do -- every school in the State went
8 from SBA to PARCC. Every school in the State could
9 come in and say, "We want to change everything."

10 MS. POULOS: Chair Bergman, Commissioners,
11 I would like to remind you that you did entertain
12 and approve a goal request change from another
13 school this -- over the past year. I believe it
14 was -- I believe it was Estancia Valley Classical
15 Academy. And it was for these same reasons, that
16 they brought forth that amendment request, and you
17 engaged in that process and approved them in their
18 request.

19 COMMISSIONER SHEARMAN: And I very well
20 understand that. But they're so close to renewal,
21 why are we bothering to do this now?

22 THE CHAIR: Are you in this year's renewal
23 class?

24 MR. WILKINSON: Yes, yes.

25 THE CHAIR: If they're going to be here

1 with us, then, in a few months, why do this now,
2 Director?

3 MS. POULOS: I think their concern is that
4 they will need to show that they've met these goals
5 for the renewal application. And because they won't
6 have that data, they're asking to, at this point,
7 establish their goals that they'll be held
8 accountable to for this current year so that they
9 are able to complete the renewal application.

10 THE CHAIR: Okay. I understand that.
11 They could also explain why they didn't meet it
12 because of the changeover.

13 What is the -- here again, what do my
14 fellow Commissioners -- do you want to go forward?
15 Or do we want to go ahead and make the -- it is so
16 close to the renewal, make the goals also a part of
17 their renewal? What is your -- which way do you
18 want to go?

19 COMMISSIONER CARR: Make it part of the
20 renewal.

21 THE CHAIR: Part of the renewal? Part of
22 the renewal?

23 So I think we'll ask you to rescind at
24 this time and just plan on doing it as a part of
25 your renewal package.

1 MR. WILKINSON: Walatowa rescinds the
2 charter school goals and make it a part of our
3 renewal package.

4 Just one more question for PSCOC.

5 As long as we have a plan and are given a
6 time frame to correct those --

7 COMMISSIONER PERALTA: That would suffice,
8 my understanding. I would follow up on that with
9 Martica.

10 THE CHAIR: Yeah. I believe Martica is
11 always very cooperative. She can answer that kind
12 of a question, I believe.

13 MR. WILKINSON: Oh, yes. Yes.

14 COMMISSIONER ARMBRUSTER: Mr. Chair?

15 THE CHAIR: Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: I just have one
17 question. I understand the high school has to
18 increase your enrollment cap, because you're
19 hopefully absorbing another school. So are an
20 additional -- because you're going to go to 270, are
21 those high school -- what are you? 7 to 12? Is it
22 those, that you're asking for more of those
23 students, or more of the younger students?

24 MR. WILKINSON: That number came with just
25 the enrollment cap of Riverside and our enrollment

1 cap. And we just combined those to come up with
2 that number. But that has been rescinded; so it
3 doesn't apply.

4 COMMISSIONER ARMBRUSTER: I got --

5 THE CHAIR: Anything else? Here, again --
6 sir, go ahead.

7 DR. TAMEZ: I just need a clarification.

8 THE CHAIR: Use the microphone, please.

9 DR. TAMEZ: On the two goals that are tied
10 to the NMSBA, I don't know. Shall we work, then,
11 with Charter School Division? Because we can't
12 support -- we can't respond to the goals, since
13 they're tying the NMSBA, and we're no longer
14 administering the NMSBA.

15 So we're not sure now what to report. And
16 we don't want to be penalized because we're not
17 meeting those two goals. But it's not possible to
18 meet them because the NMSBA is not being used
19 anymore.

20 THE CHAIR: Commissioner Gipson?

21 COMMISSIONER GIPSON: You conduct
22 Short-Cycle Assessments; correct?

23 MR. WILKINSON: Yes.

24 COMMISSIONER GIPSON: I personally would
25 be comfortable with a report out of your Short-Cycle

1 Assessments. We'll get the school snapshot. We'll
2 have that information. I think there will be more
3 than enough information for us to take a look at,
4 personally.

5 THE CHAIR: Are you comfortable with that?

6 MR. WILKINSON: Yes.

7 THE CHAIR: I see your head shaking. All
8 right.

9 Anything else?

10 Well, then, like I say, thank you for your
11 patience. I appreciate that we have -- we need
12 to -- we've got to be patient to get it right.
13 Thank you for being here today.

14 MR. WILKINSON: Thank you for your time.

15 COMMISSIONER GIPSON: Thank you.

16 THE CHAIR: Item C under 6 is Taos
17 Integrated School for the Arts. They have a couple
18 of requests.

19 If you guys can come down, please? I'm
20 looking for paper; be with you in just a second.

21 COMMISSIONER GIPSON: Are we supposed to
22 have a couple for Taos, did you say?

23 THE CHAIR: On my list here, there's an A,
24 new school site; and a B, length of school day. One
25 of them is on the back here; all right? But I still

1 only see one page.

2 COMMISSIONER SHEARMAN: I only see one
3 request.

4 COMMISSIONER GIPSON: Oh, sorry.

5 THE CHAIR: Katie, our Director?

6 MS. POULOS: Chairman Bergman,
7 Commissioners, the inclusion of the second item on
8 the agenda was an error. There are two schools that
9 have similar initials. And while I was out, the
10 second school submitted a request, and it was
11 erroneously included under this school's.

12 That school's amendment request will not
13 be able to be heard until the June meeting. That's
14 why it's no longer in your notebooks and should not
15 be addressed today.

16 COMMISSIONER GIPSON: That's why I've got
17 the little tear-out here?

18 THE CHAIR: A new school site. Now we've
19 narrowed down, circled it. Now we've got it.

20 Please introduce yourselves.

21 MS. JILL CLINE: I'm Jill Cline. I'm the
22 governing council president for TISA.

23 MR. RICH GREYWOLF: I'm Rich Greywolf. I
24 am the director.

25 THE CHAIR: Thank you for being here

1 today.

2 Director, do you have comments on this
3 request?

4 MS. POULOS: Chairman Bergman,
5 Commissioners, this amendment request is an
6 amendment request to move facilities; I believe it's
7 for a temporary facility while this school is
8 working on a permanent facility. CSD has
9 recommended approval of this amendment request.

10 THE CHAIR: Commissioner Shearman?

11 COMMISSIONER SHEARMAN: Maybe I didn't
12 hear correctly. This is a move to temporary
13 locations until they get a permanent location? Then
14 why move?

15 MS. JILL CLINE: Commissioner Shearman and
16 members of the Commission, the answer to that is
17 because we have two campuses and we have had two
18 campuses for as long as our charter has existed. We
19 have been working towards getting to one campus.
20 In -- in -- we have land that's been approved by the
21 Taos Special Use Permit Committee last night.
22 Planning and Zoning approved us for the purchase of
23 the land. And we were approved last night also for
24 the temporary location.

25 We have to move because one of our two

1 campuses is currently operating at the Taos County
2 Economic Development Center, and we've been there
3 for two years. They sold their south building to a
4 medical marijuana cannabis production --

5 COMMISSIONER SHEARMAN: That's a great
6 location for a school.

7 MS. JILL CLINE: They are within 300 feet
8 of us. And last year in May, we did sign a
9 letter -- because we were not able to secure
10 financing on that particular building at the time,
11 we signed a letter saying that if that economic
12 development company could actually sell their south
13 building, we would vacate at the end of this school
14 year.

15 And we had hoped that we would have a
16 permanent campus to move to in that process; and
17 four out of four options did not work out. And so
18 we now have permission from our town governing
19 council, from the Planning and Zoning Commission, to
20 move. We have the special use permit secured for
21 both locations, the temporary location and the
22 permanent location. But it's going to take us about
23 two years to get everything done to get moved.

24 We're planning on phasing it, probably
25 moving half the campus at the end of one year and

1 the other half at the end of the second year. We
2 also have our rating from Martica that we got -- we
3 got the letter from her to do both of these moves on
4 Wednesday of this week; but it was contingent on the
5 special use permit application process being
6 approved last night, which happened at about 8:30.

7 So you may not have her letter. I have
8 it, if you would like it, to -- and we were rated at
9 a 4.4 on the temporary location.

10 COMMISSIONER SHEARMAN: Wow. Very good.
11 Thank you for that explanation. I appreciate it.

12 MS. JILL CLINE: Yeah. It's been horribly
13 complicated, and we're just glad to be here today to
14 ask for something.

15 THE CHAIR: Commissioner Carr?

16 COMMISSIONER CARR: I'd like to speak in
17 favor of this. I've been, I guess -- it's in my --
18 not only in my district; it's a few blocks away from
19 where I teach.

20 But the -- you know, but to add some more
21 humor of this, the owner of that facility was a
22 former mayor of Taos. He used to be against medical
23 marijuana --

24 COMMISSIONER GIPSON: But now he's seen
25 the light.

1 COMMISSIONER CARR: -- but has seen the
2 light. So I think that was pretty funny. But this
3 is -- I've always supported this school from day
4 one, when they first got their charter. I supported
5 them and voted for them. They have a good program.
6 All schools have snags here and there all the time.
7 But I just want to add my support to this -- to this
8 change as something they really need to do.

9 THE CHAIR: Thank you.

10 Any other comments before we proceed to a
11 motion?

12 COMMISSIONER PERALTA: Mr. Chair?

13 THE CHAIR: Commissioner Peralta?

14 COMMISSIONER PERALTA: Do you have a copy
15 of the land use approval by the town of Taos? That
16 was one of the things we need to make sure we have
17 that was approved by the town before we go to vote
18 here.

19 MS. JILL CLINE: Commissioner Peralta, I
20 don't know when they will produce their formal
21 minutes. The vote happened at 8:30 last night and
22 they still had three items on their agenda.

23 I'm sure we can get you their official
24 recommendation; it was a unanimous vote, and -- on
25 both cases. I don't -- and I would imagine we can

1 get copies of it next week; but I don't have them
2 today.

3 COMMISSIONER PERALTA: Thank you.
4 Mr. Chair, I would like for the motion to approve
5 that with the condition that they provide the
6 document.

7 THE CHAIR: This was a land use approval
8 by the Taos Town Council?

9 COMMISSIONER PERALTA: Right.

10 THE CHAIR: Okay. There is a sample
11 motion right here in the Executive Summary, if
12 someone would care to read that -- that condition.

13 MS. JILL CLINE: Chairman Bergman, that
14 should say the Taos Planning and Zoning Commission.

15 THE CHAIR: Taos Planning and Zoning
16 Commission.

17 COMMISSIONER SHEARMAN: I don't have that.
18 Oh, there it is.

19 COMMISSIONER CARR: Mr. Chair?

20 THE CHAIR: Commissioner Carr?

21 COMMISSIONER CARR: I would like to do the
22 motion, if that's okay.

23 THE CHAIR: Go ahead, sir.

24 COMMISSIONER CARR: I move to approve the
25 amendment presented by Taos Integrated School for

1 the Arts to move from its current facilities at 212
2 Bendix Drive, Taos, New Mexico 87571, to house
3 grades four through eight; and 119 Manzanares
4 Street, Taos, New Mexico 87571, to house grades K
5 through 3, with the conditions that the school must
6 meet all facility requirements and provide --

7 COMMISSIONER GIPSON: Land use permit.

8 COMMISSIONER CARR: -- a land use permit
9 from Taos Planning and Zoning.

10 THE CHAIR: Thank you, Commissioner Carr.
11 Is there a second?

12 COMMISSIONER SHEARMAN: Second.

13 THE CHAIR: Commissioner Shearman has
14 seconded. Is there any further discussion?

15 Seeing none, Mr. Secretary, can we have a
16 roll-call vote?

17 COMMISSIONER PERALTA: Commissioner
18 Gipson?

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER PERALTA: Commissioner
21 Armbruster?

22 COMMISSIONER ARMBRUSTER: Yes.

23 COMMISSIONER PERALTA: Commissioner Pogna?

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER PERALTA: Commissioner Carr?

1 COMMISSIONER CARR: Yes.

2 COMMISSIONER PERALTA: Commissioner

3 Toulouse?

4 COMMISSIONER TOULOUSE: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Shearman?

10 COMMISSIONER SHEARMAN: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Chavez?

13 COMMISSIONER CHAVEZ: Yes.

14 COMMISSIONER PERALTA: Commissioner

15 Peralta votes "Yes."

16 Commissioner Bergman?

17 THE CHAIR: Yes.

18 COMMISSIONER PERALTA: Mr. Chair, that is

19 10 to 0 in favor of the motion.

20 THE CHAIR: Thank you, Mr. Secretary.

21 That is a 10-to-0 affirmative vote on that

22 amendment. I would just ask that even though we've

23 approved it, please keep CSD and us in the loop as

24 you move forward.

25 MS. JILL CLINE: Yes, sir. And when we

1 have our ground-breaking ceremony, you'll all get
2 invitations.

3 THE CHAIR: Thank you very much.

4 We're still in Item 6, down to Item D,
5 which is North Valley Academy Charter School. I see
6 a request for an enrollment cap increase.

7 Please come forward. Please introduce
8 yourselves.

9 MS. SUSAN McCONNELL: Good morning. I'm
10 Susan McConnell. I'm the principal at North Valley
11 Academy.

12 MR. RAY BARTON: Ray Barton, Chief
13 Operating Officer with North Valley Academy.

14 THE CHAIR: Thank you.

15 Director Poulos, do you have thoughts on
16 this question?

17 MS. POULOS: Chairman Bergman,
18 Commissioners, CSD has evaluated this amendment
19 request for an increase to the enrollment cap and
20 does not feel that they can recommend the approval
21 of this request based on the school's academic
22 performance.

23 Additionally, the school indicated part of
24 its rationale was an increased demand and increase
25 in intention of students. However, an evaluation of

1 the enrollment counts at the 120th day demonstrated
2 a decrease in enrollment by 21 students.

3 THE CHAIR: Thank you. Would you care to
4 respond to those comments?

5 MS. SUSAN McCONNELL: Please. So
6 currently for enrollment in the fall, we are at
7 capacity with a healthy waiting list. We are only
8 requesting an additional 24 students, which would
9 allow us to build some stability into the elementary
10 school and have three classrooms at each of the
11 grade levels K through 5.

12 Part of the reason of the decrease for
13 this year is because we had to turn away some
14 families that had siblings in the fourth and fifth
15 grade, where we didn't have room, because we
16 currently are operating with a multi-age combined
17 classroom. So if we just had the addition of
18 24 students, as Director Poulos just commented, we
19 are down by 21. If I could increase, then I could
20 accept the siblings of these families and be at
21 capacity.

22 One more comment, please. I would just
23 like to remind that we, last year, met or exceeded
24 all six of our negotiated goals, and that we are on
25 track to do the same this year.

1 THE CHAIR: Are there any questions?

2 COMMISSIONER GIPSON: Can I make a comment
3 first?

4 THE CHAIR: Well, okay. Commissioner
5 Gipson?

6 COMMISSIONER GIPSON: We met through
7 negotiations. And this was actually part of the
8 contract renewal and part of their performance
9 frameworks. And the subcommittee felt more
10 comfortable with it going before the full Commission
11 and our just not making that decision, that they
12 have the enrollment cap increase, unilaterally; so
13 that we wanted them to come forward.

14 But I know there's -- through the report
15 card grade, it looks like there's issues. And I
16 know they've had some difficulties, and I know
17 they've had some staff transitions. But I truly do
18 believe that they are working rigorously to put this
19 school in the right direction, and I'm fully
20 confident in the hard work that they are putting in
21 here. And I think this is a minimal increase of
22 students that could move them along.

23 THE CHAIR: Thank you for those comments.
24 And that has been discussed each year when we were
25 negotiating these things. And that was -- we came

1 to kind of a consensus that all -- for these
2 amendment requests, we should go ahead and handle
3 them separately so all Commissioners would be given
4 an opportunity to weigh in. And that's why we're
5 here today.

6 Are there any other thoughts or comments
7 or questions?

8 COMMISSIONER CHAVEZ: Yeah, I do.

9 THE CHAIR: Commissioner Chavez?

10 COMMISSIONER CHAVEZ: Yeah, it just seems
11 to me that when we have -- or when there are
12 concerns about a school's performance, and the
13 school -- and I'm sure the school is working
14 diligently to improve -- but it seems to me that
15 it's almost better, wiser -- I'm not sure what word
16 to use -- but to see that improvement first before
17 we approve increases in their cap.

18 THE CHAIR: Thank you. Any other
19 thoughts?

20 Commissioner Toulouse?

21 COMMISSIONER TOULOUSE: Mr. Chair, I was
22 part of the negotiation team. And I understand what
23 they're saying. This really doesn't tie in with
24 grades or anything. It has to do with the stability
25 of their elementary school population. And that

1 would help to feed on -- into the other programs, if
2 they could do this.

3 It really is a minimal thing. And I think
4 all of us who negotiated that understood that; and I
5 certainly am in favor of this one.

6 THE CHAIR: Thoughts or questions?

7 COMMISSIONER SHEARMAN: Mr. Chairman?

8 THE CHAIR: Commissioner Shearman?

9 COMMISSIONER SHEARMAN: Just to add to
10 that, I was also on the negotiating team. And I
11 personally said they should ask for 550 rather than
12 524, because --

13 THE CHAIR: 534.

14 COMMISSIONER SHEARMAN: -- or whatever it
15 is -- because I think it's always good to have a
16 little cushion there. But these folks from the
17 school said, no, they didn't need those extra
18 numbers. They simply needed this number of
19 additional spaces to accommodate, as you've said,
20 siblings from -- so that they could all enroll in
21 the school.

22 I agree. I was convinced it would add to
23 the stability and the well-being of the school and
24 promote the school success. I'm all for it.

25 THE CHAIR: Anything else? Well, before

1 we get to the motion for this one, our legal counsel
2 says he does not see any signed and approved
3 governing council minutes with this. I don't see
4 them, either. Did you provide them?

5 MS. SUSAN McCONNELL: We did.

6 THE CHAIR: Do you have them, Director?
7 Are we just missing them here in the book?

8 I have to tell you, my book is as big as
9 the New York City phone book; so I'm having a hard
10 time finding any of them in it.

11 MS. POULOS: They are not included here.
12 I can ensure that the Commission receives those.

13 THE CHAIR: Let's make sure that's a part
14 of our motion, that we see the approved minutes.

15 COMMISSIONER SHEARMAN: And it is 24.

16 THE CHAIR: Yeah, the increase is 24; the
17 number is 534. I just wanted to be sure, when
18 somebody went to the record, exactly what it was.

19 All right. Commissioner Toulouse, please
20 make the motion, then.

21 COMMISSIONER TOULOUSE: I move that the
22 PEC approve the amendment request presented by the
23 North Valley Academy requesting to expand its
24 enrollment cap from 510 to 534 to provide stability
25 for their elementary school enrollment process, and

1 with the condition that we receive signed, approved
2 copies of the governing board minutes.

3 THE CHAIR: Thank you, Commissioner
4 Toulouse.

5 Is there a second?

6 COMMISSIONER SHEARMAN: Second.

7 THE CHAIR: Commissioner Shearman seconds.

8 We have a motion and a second.

9 Is there any further discussion?

10 Mr. Secretary? Please, a roll-call vote?

11 COMMISSIONER PERALTA: Commissioner
12 Armbruster?

13 COMMISSIONER ARMBRUSTER: Yes.

14 COMMISSIONER PERALTA: Commissioner
15 Chavez?

16 COMMISSIONER CHAVEZ: No.

17 COMMISSIONER PERALTA: Commissioner Pogna?

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER PERALTA: Commissioner Carr?

20 COMMISSIONER CARR: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Gipson?

23 COMMISSIONER GIPSON: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Peralta votes "Yes."

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Conyers?

5 COMMISSIONER CONYERS: Yes.

6 COMMISSIONER PERALTA: Commissioner

7 Shearman?

8 COMMISSIONER SHEARMAN: Yes.

9 COMMISSIONER PERALTA: Commissioner

10 Bergman?

11 THE CHAIR: Yes.

12 COMMISSIONER PERALTA: Mr. Chair, that is
13 9 to 1 in favor of the motion.

14 THE CHAIR: Thank you, Mr. Secretary.
15 That motion has been approved by a 9-to-1 vote; and
16 good luck with that. Thank you.

17 All right. Commissioners, that actually
18 ends Item 6. We're getting close to the lunch hour;
19 but I would like to move into Item 7. If we can get
20 one or two of those done before the lunch hour,
21 we'll be in better condition.

22 Let's move to Item 7, which is Discussion
23 and Possible Action on Newly Negotiated Performance
24 Contracts and Performance Frameworks.

25 Item A is Cariños de los Niños Charter

1 School of Cordova. Please come forward.

2 COMMISSIONER GIPSON: We're trying to make
3 this geographically feasible for schools; so we're
4 trying to get the schools that have to drive in so
5 that they can get on the road and go home. So bear
6 with us a second.

7 THE CHAIR: Let's go ahead and go with
8 this one. Then we'll do -- please introduce
9 yourselves, and then I think I'll call on
10 Commissioner Gipson, who is leading negotiations
11 this year, for any thoughts she might have.

12 Go ahead and introduce yourself.

13 MR. VERNON JARAMILLO: Mr. Chair, members
14 of the Commission, my name is Vernon Jaramillo. I
15 am the chancellor for Cariños de los Niños Charter
16 School in Cordova, New Mexico. With me is my
17 principal, Bernice Life. She is also the principal,
18 diagnostician and curriculum specialist.

19 THE CHAIR: We're glad that you're here
20 today.

21 Commissioner Gipson, do you -- do you
22 actually want to -- I don't want you to have to make
23 seven different comments. Do you want to combine
24 your comments into just one comment? That'll be
25 fine.

1 COMMISSIONER GIPSON: Sure; because I
2 think there was nothing extraordinarily difficult or
3 different with any of the negotiations.

4 I appreciate all of the time and the
5 effort that all of the schools put in to getting us
6 to the point of negotiations, and I enjoyed and
7 appreciated the vigorous conversations that we had
8 about each of the schools. To me, that's one of the
9 highlights of doing this is to truly getting to meet
10 the people from the different schools, getting a
11 better understanding of each of the schools.

12 And I think we had great conversations. I
13 think we worked hard in getting rigorous goals. I
14 know we've had discussions after the fact about what
15 they may look like in the future; and it's an
16 ongoing process. And I think all of the schools are
17 committed to -- not only to these goals, but we had
18 expanded conversations about their overall missions
19 and where they're going.

20 And I feel confident, with each of these
21 schools -- and some of them were new to the PEC; so
22 that was also a little extra layer for some of these
23 schools to be dealing with this paperwork, which
24 they had not dealt with, with their -- as we've
25 seen, with their district-authorized schools.

1 So it's a completely different process
2 and, I think, a valuable process for them, as well.

3 THE CHAIR: Commissioner Carr?

4 COMMISSIONER CARR: So I probably -- I
5 don't know if we've ever done this before. But if
6 there are no objections from any of the people who
7 were involved in negotiations --

8 COMMISSIONER SHEARMAN: Jeff, I can't hear
9 you.

10 COMMISSIONER CARR: If there were no
11 objections from any of the people involved in the
12 negotiations, could we not vote on all of them
13 together, you know? And then if there are -- if
14 there's some questions about an individual school, I
15 guess we could -- we could hold that one off or
16 something?

17 But, I mean, I trust the members of the
18 negotiation team. And I don't have any -- you know.
19 And I've seen paperwork that was sent out.

20 COMMISSIONER GIPSON: I'm certainly
21 comfortable, personally, with doing that. And I
22 think it would certainly expedite for the schools.
23 If the schools -- and the schools wanted to add
24 something in after the fact, that's -- we're
25 certainly open for hearing from the schools if they

1 want to add something, and certainly open to if any
2 of the Commissioners have anything particular. But
3 I'm certainly open to voting as a group.

4 THE CHAIR: Commissioner Shearman?

5 COMMISSIONER SHEARMAN: Thank you for that
6 discussion, Commissioner Carr. I attended every
7 negotiation session. I am very satisfied with the
8 goals that we were able to negotiate, and the
9 schools were satisfied with them, as well.

10 I feel they're rigorous; I feel they're
11 very attainable. But I do think that schools are
12 going to be working hard, and they certainly have
13 been very agreeable to that.

14 I would support your suggestion that we
15 approve all of these in one fell swoop. I'm very
16 comfortable with each and every one of them.

17 THE CHAIR: Commissioner Toulouse, were
18 you at those negotiations?

19 COMMISSIONER TOULOUSE: Mr. Chair, I did
20 part of them, and I certainly agree.

21 THE CHAIR: Do you concur?

22 COMMISSIONER TOULOUSE: Yes, I do. By the
23 time that you get all of the discussions done on any
24 contract, it's pretty much -- it's already decided,
25 you know. I mean, they know what they want; we know

1 what we need. And we don't have any this year that
2 we had to have a second round with or anybody coming
3 back to us.

4 And I had intended to do two others. I
5 just couldn't get up here to Santa Fe to do the ones
6 here.

7 THE CHAIR: Commissioner Ambruster?

8 COMMISSIONER ARMBRUSTER: This is just a
9 procedural question for you, Katie, actually.

10 I'm trying to not be the middle school
11 teacher. When we have a new school -- although I
12 know you're not new-new, but you're new to the PEC's
13 authority, do we -- do you observe them more often
14 than you do someone that -- who have been a
15 State-chartered school for ten years, or five years,
16 even?

17 Because I just wanted to set up the
18 expectations so that I understood it. Because even
19 though we are confident that you'll do fine, you are
20 new to us, and we don't know that much.

21 MS. POULOS: Commissioner Armbruster,
22 Chairman Bergman, Commissioners, I'm not aware of
23 any PEC protocol with regards to that. And we
24 implement the one site visit per year that is
25 required according to the statute. And there are

1 some other schools where their contracts have
2 required multiple -- or more than one -- site visit,
3 and we were working to ensure that that was
4 implemented according to PEC's expectations.

5 But I'm not aware of any expectations with
6 regards to schools that transfer in. And so if the
7 PEC wants to direct us in that, I'm happy to receive
8 that direction.

9 COMMISSIONER ARMBRUSTER: Is that -- and
10 what about brand new schools? Because one of these
11 that we're approving is brand new; right,
12 Ms. Gipson?

13 COMMISSIONER TOULOUSE: It's not on this
14 list.

15 COMMISSIONER GIPSON: Oh, I'm sorry. No,
16 we don't have any new schools. Six Directions and
17 SAHQ will come in June.

18 COMMISSIONER ARMBRUSTER: Even though
19 we've already done them.

20 COMMISSIONER GIPSON: We're putting those
21 schools on the same day, because they are a
22 different -- we deal with them a little differently.

23 COMMISSIONER ARMBRUSTER: And do they get
24 more visits, since they're brand new, to get some
25 guidance?

1 COMMISSIONER GIPSON: New schools do --
2 brand new schools do get a site visit in the fall,
3 start-up. They get one early, and then one in the
4 spring; correct?

5 MS. POULOS: Commissioner Gipson and Chair
6 Bergman and Commissioners, that is correct.

7 COMMISSIONER GIPSON: Yeah.

8 COMMISSIONER ARMBRUSTER: Okay. Thank
9 you.

10 THE CHAIR: Anything else, Commissioners?
11 I am amenable. Do any of the seven of you feel
12 compelled to come and say something to us?

13 It sounds like you're in.

14 MR. JASPER MATTHEWS: Just want to say
15 "Hi."

16 THE CHAIR: We haven't noted -- nothing is
17 for sure. I don't want this to be prejudged. But
18 if we could do it in one swoop instead of doing
19 seven different servings, that would help us a
20 little bit.

21 COMMISSIONER CARR: It looks like somebody
22 from The GREAT Academy wanted to --

23 THE CHAIR: Jasper, did you have
24 something?

25 MR. JASPER MATTHEWS: Yes, please.

1 THE CHAIR: Come forward. Identify
2 yourself.

3 He's bringing a lawyer. I don't know
4 about that.

5 MS. PATTI MATTHEWS: We'll make it really
6 fast, Commissioner. Mr. Chair, members of the
7 Commission, of course, I had to throw a monkey
8 wrench into all of this.

9 But one of the things that came up during
10 the discussion at the negotiations was wanting to
11 negotiate off for the -- if we're looking only at
12 the one academic indicator that is the school report
13 card currently on the framework, if you get a C at
14 any time -- the first time you get a C, you're
15 kicked into the improvement plan process.

16 And so both -- all three schools, J. Paul
17 Taylor, that I was at the negotiations for, Red
18 River, and GREAT Academy, we presented a resolution
19 that had two forms of the performance framework.

20 So I'll stop there and ask if you want to
21 deal with those separately, or what would be the
22 wish of the Commission?

23 THE CHAIR: Yeah, because I -- because,
24 see, the Charter School Act is the one that I
25 believe mandated that C and the improvement plan.

1 COMMISSIONER GIPSON: It's our charter.
2 It's in our charter.

3 THE CHAIR: What -- did you guys discuss
4 this?

5 MS. PATTI MATTHEWS: It's in your
6 performance framework.

7 COMMISSIONER GIPSON: It's in the
8 contract.

9 COMMISSIONER SHEARMAN: Our attorney put
10 it in there at the time.

11 COMMISSIONER GIPSON: Yeah, that's -- it's
12 in the contract that it's in the charter. It's in
13 the contract.

14 COMMISSIONER SHEARMAN: But it wasn't
15 mandated to be there; it's just there.

16 COMMISSIONER GIPSON: Can I just add,
17 hopefully, to maybe move this along? I think when
18 we're looking at the discussion of the improvement
19 plan, that might be an issue that will be resolved
20 through that, at that time.

21 THE CHAIR: Or, actually, that little
22 short form that you saw us discussing --

23 MS. PATTI MATTHEWS: Absolutely. And I
24 just mentioned that to Mr. Matthews. I haven't had
25 a chance to talk to J. Paul Taylor and/or Red River

1 about that discussion yesterday.

2 I just wonder, if it goes south, what
3 happens then? Because you haven't voted on it.

4 THE CHAIR: Right now, let's wait until it
5 goes south.

6 COMMISSIONER GIPSON: Yeah. I'm
7 looking -- I'm the glass half full on this one,
8 okay?

9 MS. PATTI MATTHEWS: I so appreciate that,
10 Commissioner Gipson.

11 Could -- would it be amenable to the
12 Commission -- I'm going to be here. If -- I hate
13 for those three schools to have to stick around.
14 If -- I could present that issue, if, in fact,
15 something just happened to happen that we needed to
16 come back in front of you.

17 THE CHAIR: Excuse me. Commissioners?

18 COMMISSIONER ARMBRUSTER: It seems like
19 it's a -- I get the issue. I understand what you're
20 saying. But maybe it's a discussion item that we
21 need to do at a different time; because they're
22 just --

23 COMMISSIONER SHEARMAN: I think we'll be
24 discussing it in Item 12. I really do.

25 MS. PATTI MATTHEWS: I agree.

1 COMMISSIONER SHEARMAN: And at that time,
2 I would -- I would really like to see you -- the
3 schools, if they can, stay for that discussion. If
4 it works out well, fine; if not, then we'll put it
5 on for another discussion, that particular item.

6 THE CHAIR: Well, should we do one motion
7 for the four schools, then, and then one motion for
8 the three schools?

9 COMMISSIONER GIPSON: I think we do one
10 motion for all of them. All of them.

11 THE CHAIR: I don't want to put us or them
12 in a bind. Just throwing out ideas. Let's do
13 seven. And if -- I really do think that proposed
14 improvement plan should answer your concerns, the
15 school's concerns. I really do, if you're amenable.

16 MR. JASPER MATTHEWS: Yes.

17 MS. MATTHEWS: Can I look at my other two
18 schools? Ms. Phillips?

19 MS. PHILLIPS: Yes.

20 MS. PATTI MATTHEWS: Ms. Garcia?

21 COMMISSIONER PERALTA: Are we adding any
22 conditions?

23 COMMISSIONER GIPSON: No, we're voting on
24 all, with no conditions.

25 COMMISSIONER SHEARMAN: Are you getting

1 okays from --

2 THE CHAIR: All right. Let's do it that
3 way. I haven't worded a motion today. I'll be
4 happy to word it.

5 COMMISSIONER GIPSON: Yeah. Do you have
6 the list of those schools?

7 COMMISSIONER CARR: I don't think it's a
8 difficult motion.

9 THE CHAIR: Do you want to do it? I'm
10 having trouble with my throat. Go ahead.

11 Individually name the schools,
12 Commissioner Carr. Name all seven, please.

13 COMMISSIONER CARR: Yeah. I move that we
14 accept the negotiated performance contracts and
15 performance frameworks for Cariños de los Niños
16 Charter School, The GREAT Academy, Red River Valley
17 Charter, J. Paul Taylor Academy, Roots and Wings
18 Community School, Media Arts Collaborative Charter
19 School, and North Valley Academy Charter School.

20 THE CHAIR: Thank you, Commissioner Carr.
21 Do I have a second?

22 COMMISSIONER PERALTA: (Indicates.)

23 THE CHAIR: Commissioner Peralta?

24 I have a motion and a second.

25 Is there any further discussion? Seeing

1 none, Mr. Secretary, can we have a roll-call vote?

2 COMMISSIONER PERALTA: Commissioner

3 Shearman? Commissioner Shearman?

4 COMMISSIONER SHEARMAN: Yes. Sorry.

5 COMMISSIONER PERALTA: Commissioner

6 Toulouse?

7 COMMISSIONER TOULOUSE: Yes, definitely.

8 COMMISSIONER PERALTA: Commissioner

9 Gipson?

10 COMMISSIONER GIPSON: Yes.

11 COMMISSIONER PERALTA: Commissioner Pogna?

12 COMMISSIONER POGNA: Yes.

13 COMMISSIONER PERALTA: Commissioner Carr?

14 COMMISSIONER CARR: Yes.

15 COMMISSIONER PERALTA: Commissioner

16 Peralta votes "Yes."

17 Commissioner Conyers?

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER PERALTA: Commissioner

20 Ambruster?

21 COMMISSIONER ARMBRUSTER: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Chavez?

24 COMMISSIONER CHAVEZ: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Bergman?

2 THE CHAIR: Yes.

3 COMMISSIONER PERALTA: Mr. Chair, that is
4 10 to 0 in favor of the motion.

5 THE CHAIR: Thank you, Mr. Secretary.
6 That is -- and thank you, Commissioner Carr, for
7 that suggestion. That does speed us up.

8 It is now 10 till noon. Does the
9 Commission want to go forward? I think we have some
10 work to do yet.

11 COMMISSIONER CARR: We could do one more.

12 THE CHAIR: What?

13 COMMISSIONER CARR: We could do one more.

14 MR. VERNON JARAMILLO: Mr. President,
15 members of the Commission, on behalf of our
16 governor's board, our parents and students, we're
17 ready for the challenge and ready to work with the
18 Commission and with Katie.

19 THE CHAIR: I'm sorry. I forgot you're
20 still sitting there. You're not our captives; but
21 thank you for those comments.

22 MR. JASPER MATTHEWS: Same from us, too.

23 COMMISSIONER SHEARMAN: We thank you all
24 for coming here today. We appreciate you.

25 COMMISSIONER GIPSON: Can I do a little

1 housekeeping while we're waiting? If you don't want
2 to take these papers home, as we're finishing with
3 them, if you could take them out of the binder,
4 because the recycling bin is going to be here at the
5 end of the day.

6 So I'd appreciate it if you'd, on your way
7 out, recycle these papers so that Beverly doesn't
8 have to do this arduous work of recycling all these
9 papers out of the binder. So if we can just put
10 them aside and -- because we have all these
11 electronically, for those of you that love them. I
12 have a folder for all the schools; but it's all
13 electronic. But anything that you want to take
14 home, take home. But otherwise, if we could just
15 get ready to recycle all of these, that would be a
16 big help at the end of the day. Thanks.

17 THE CHAIR: Commissioner Carr, are you
18 saying you want to go ahead and do No. 8 and then
19 take a lunch break?

20 COMMISSIONER CARR: Is that okay?

21 THE CHAIR: That's fine. 8 is going to be
22 very brief, I think.

23 Item 8 is Discussion and Possible Action
24 on Performance Contract Protocol signature page.
25 You may be wondering what that's about.

1 Director Poulos -- Director Poulos has
2 discovered, as she went through the files, that
3 somehow a bunch of contracts and performance
4 frameworks, the signature pages are not signed.

5 Now, I know all those documents were
6 signed. No one seems to know where the signature
7 pages went to.

8 And what Director Poulos proposed -- but I
9 don't see it in our book, Katie. I thought you had
10 a little letter or -- who proposed it? Was that
11 you, Commissioner -- I thought we were --

12 COMMISSIONER GIPSON: No, no, no. That
13 came as a result of -- as far as I know -- because I
14 don't -- I was asked to put it on the agenda because
15 I thought there was something Katie wanted done.
16 That's -- okay.

17 MS. POULOS: I have a -- what I believe is
18 not a policy that needs to be approved that's a
19 practice to say, "If you would like a copy, you're
20 going to need to send two originals."

21 And I'm not sure that that would need to
22 be something -- it is something I have been doing in
23 practice. And I sent it to Julia, because she was
24 directing them otherwise.

25 THE CHAIR: Just make sure there are

1 signed copies in CSD's file.

2 MS. POULOS: That's my concern.

3 COMMISSIONER GIPSON: We were not sure if
4 there had to be an actual protocol voted on. That
5 was our only concern. Otherwise, if there's no
6 issue, we're good.

7 THE CHAIR: Okay.

8 COMMISSIONER GIPSON: I think it worked;
9 did it not?

10 MS. POULOS: I have a lot of documents for
11 Commissioner Bergman to sign up on my desk.

12 THE CHAIR: Well, then, you and I need to
13 visit, because I'm probably not going to be here at
14 the end. I may need to go out with you and sign
15 them.

16 MS. POULOS: Okay.

17 COMMISSIONER GIPSON: Beverly, do you want
18 the dividers saved?

19 MS. FRIEDMAN: No, not any of them.

20 THE CHAIR: Do we want to stop at Item 8?
21 Or do we want -- how extensive do you think Item 9
22 is going to be, Commissioner Shearman?

23 COMMISSIONER GIPSON: What is Item 9?

24 THE CHAIR: That's the "high performing
25 school" --

1 COMMISSIONER SHEARMAN: We've discussed it
2 extensively before.

3 THE CHAIR: What happened yesterday, for
4 the Commissioners that were not able to come to the
5 work session, we have been, as a Commission, trying
6 to define what is a "high performing school" for
7 several reasons. Our legal counsel has advised us
8 that because this Commission does not have
9 rule-making authority, we need to define "high
10 performing schools" and put our definition on paper.

11 We will need to vote to approve that
12 definition when we have a consensus copy, and I
13 think we're close. But then what is required, then,
14 then it has to go to the Secretary. She then has to
15 initiate the actual rule-making process, which
16 requires a hearing, et cetera, et cetera.

17 So I just wanted to make you -- and I
18 think we decided we would put that back, did we not,
19 until June, or --

20 COMMISSIONER TOULOUSE: No.

21 THE CHAIR: Are we discussing it today?

22 COMMISSIONER TOULOUSE: Yeah.

23 THE CHAIR: You want to discuss it now, or
24 do you want to do it after lunch?

25 COMMISSIONER SHEARMAN: It's up to you.

1 COMMISSIONER GIPSON: Well, I think we've
2 already discussed it, have we not? We've had work
3 sessions on it. I think we even discussed it in a
4 regular session. So I think we can get through the
5 discussion fairly quickly.

6 THE CHAIR: Then let's do it.

7 COMMISSIONER ARMBRUSTER: And just to add
8 on, just adding on to what you said, what I recall
9 from yesterday was that someone -- I don't know
10 whether it's Sam -- was going to check to see, with
11 our criteria, what the number of schools that would
12 actually qualify.

13 THE CHAIR: I don't think he can do that
14 overnight.

15 COMMISSIONER ARMBRUSTER: No, I don't
16 think so. That's why I'm not sure.

17 COMMISSIONER GIPSON: I think you're
18 correct. I think at the end -- I'm going to have to
19 defer, I think, to Commissioner Bergman on this. I
20 think the Deputy Secretary had said that he would
21 run the numbers to see if there were any schools
22 that, in fact, met the high -- this "high
23 performing" criteria. He would have that for us in
24 June, and then we would have a greater ability to
25 know if our definition was a workable definition or

1 not.

2 COMMISSIONER ARMBRUSTER: So doesn't that
3 mean --

4 COMMISSIONER SHEARMAN: But we did not
5 say -- I don't recall that we decided, "So let's
6 skip it on today's agenda." We just left it that he
7 would provide us with that information in June.

8 So I think -- you know, doesn't matter to
9 me. We can either go ahead and accept it or talk
10 about it today or defer it until June.

11 But, you know, my only concern is we've
12 been dealing with this since November. Should
13 something happen that that information could not be
14 available in June, we just keep rolling it over. We
15 can always amend this -- this -- this "high
16 performing school" criteria and definition if we
17 decide that any of our numbers are not what we want
18 them to be.

19 But frankly, I'd like to go ahead and get
20 something on the books that's workable, that we can
21 at least deal with. Right now, we have nothing.

22 COMMISSIONER ARMBRUSTER: I'm fine. I was
23 not against it. I just remember that little caveat
24 and thought -- I didn't actually know what to think.
25 That's fine, if we can talk about what we've done

1 and decide, and then change it if it doesn't seem
2 reasonable.

3 THE CHAIR: Now, there is the -- the
4 document that's in your book under No. 9, there were
5 a couple of changes made to it. But Commissioner
6 Toulouse --

7 COMMISSIONER TOULOUSE: Mr. Chair, that's
8 what I wanted to say, that the four people who
9 weren't here don't know yet what we did yesterday,
10 where we took out the SAM schools to look at -- with
11 only six schools being SAM schools, we took them out
12 to see if we could, down the road, find a way. Then
13 there was the graduation rate number that Karyl Ann
14 suggested we increase to 80 rather than 5 percent
15 above the average.

16 That's what I understood we would be
17 voting on today, or what we decided yesterday with
18 those deletions.

19 THE CHAIR: And I would like to know,
20 since you mentioned that, the Deputy Secretary was a
21 little uncomfortable with us removing the SAM
22 schools from the definition, because he thought that
23 might be unfair to the SAM schools. So then we
24 went -- Commissioner Shearman, would you like to
25 briefly present what you have right now?

1 COMMISSIONER SHEARMAN: I would be glad
2 to. I sent the grade sheets with this that I had
3 done on the information from the SAM schools. As
4 Commissioner Toulouse said, there are only six
5 charter schools that we authorize that are -- have
6 been defined as SAM schools. One of those is the
7 Sign Language Academy. And as you know, they took a
8 good deal of time to come up with evaluation
9 instruments for their students, because they're so
10 different; so I really didn't have sufficient data
11 to even include them in the sampling.

12 So that left us with five schools of data.
13 Some of those didn't have more than a couple of
14 years of data. Some of them did not have graduation
15 data, because they didn't have cohort groups. So I
16 felt like the information we had not only was from a
17 very small pool, but was also not indicative,
18 really, of all SAM schools, overall.

19 So I recommended that we don't just dump
20 the SAM schools. I recommended that we take them
21 out of this document until we can be given the
22 opportunity to do more research and collect more
23 data and come back with perhaps more realistic
24 numbers to put in here for the SAM schools.

25 They're not being just discarded. They're

1 simply being put off until we can come up with more
2 data. When you've only got five schools, one school
3 can skew the data; or one year's data can skew
4 everything. So my thought was to remove them so
5 that we don't unfairly skew their data.

6 I would just point out one other thing.
7 On the copy that you have in your notebook, on
8 Page 3, there is an explanation. Notice the lighter
9 print is in red on the original. But that indicates
10 the corrections, additions, or edits that this
11 Commission made during November.

12 Then the -- as Commissioner Toulouse said,
13 we changed F-1 on the first page to read that the
14 graduation rate of no less than 80 percent or more
15 for the three most recent report cards -- that's the
16 only change we suggested yesterday. Everything else
17 is exactly as we talked about in November and
18 December.

19 THE CHAIR: And I can tell you, just that
20 change on the graduation rate required a great deal
21 of discussion.

22 COMMISSIONER SHEARMAN: It did. It did.
23 And, Commissioner Bergman, Mr. Chairman, just to
24 move this thing along, I'm going to make the motion
25 that PEC adopt this definition of criteria for "high

1 performing schools," as presented May of 2016, with
2 the change that I just talked about in graduation
3 rate on Page 1 and with the deletion of all
4 information regarding SAM schools that will be
5 researched, and more valid information brought back
6 to this Commission for inclusion at a later date.

7 COMMISSIONER GIPSON: Do you want to add
8 the requirement for it being tested by CSD?

9 COMMISSIONER CARR: Second.

10 THE CHAIR: I was listening here. I heard
11 a second. Commissioner Carr.

12 We have a motion by Commissioner Shearman;
13 we have a second by Commissioner Carr.

14 Is there anyone that wishes to have any
15 further discussion?

16 Seeing none, Mr. Secretary, can we have a
17 roll-call vote on that, please?

18 COMMISSIONER PERALTA: Commissioner
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Chavez?

23 COMMISSIONER CHAVEZ: Yes.

24 COMMISSIONER PERALTA: Commissioner Pogna?

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER PERALTA: Commissioner Carr?
2 COMMISSIONER CARR: Yes.
3 COMMISSIONER PERALTA: Commissioner
4 Toulouse?
5 COMMISSIONER TOULOUSE: Yes.
6 COMMISSIONER PERALTA: Commissioner
7 Gipson?
8 COMMISSIONER GIPSON: Yes.
9 COMMISSIONER PERALTA: Commissioner
10 Armbruster?
11 COMMISSIONER ARMBRUSTER: Yes.
12 COMMISSIONER PERALTA: Commissioner
13 Shearman?
14 COMMISSIONER SHEARMAN: Yes.
15 COMMISSIONER PERALTA: Commissioner
16 Peralta votes "Yes."
17 Commissioner Bergman?
18 THE CHAIR: Yes.
19 COMMISSIONER PERALTA: Mr. Chair, that is
20 10-to-0 vote in favor of the motion.
21 THE CHAIR: Thank you, Mr. Secretary.
22 That motion has passed with a unanimous vote. That
23 takes care of Item 9.
24 I believe Items 11 and 12 will go very
25 quickly. I've been wrong before.

1 COMMISSIONER GIPSON: What about Item 10?

2 THE CHAIR: Item 10. I was going to ask,
3 since you have a report on charter school audit, do
4 you expect that to be fairly extensive, Director?
5 Are you going to need a lot of time?

6 If so, we are going to take a lunch break.

7 MS. POULOS: Chairman Bergman,
8 Commissioners, I have provided the information for
9 your information. I do not have -- I could read it
10 to you in the record. That would take a great
11 amount of time.

12 I do not want to do that. I don't know
13 what more I could add, except an update on the
14 schools that have or have not submitted their
15 corrective action plans that were required by the
16 PED's Audit Bureau.

17 THE CHAIR: I hadn't gotten to that item
18 yet. So it is here in the book.

19 MS. POULOS: That, except the update on
20 the corrective action plans.

21 THE CHAIR: Item 10, Schools of Concern.
22 Do you have anything?

23 MS. POULOS: Again, that's for you to
24 review and ask me any questions that you have. The
25 only item there on Item B is the changes, the

1 governing changes. Those are again provided for you
2 to review and do with as you please.

3 You have not been approving those. You've
4 simply been accepting them and thanking the schools
5 for that information.

6 THE CHAIR: I guess that's actually
7 preferable to you reading what we could read.

8 Does anybody have any questions in that
9 area?

10 COMMISSIONER TOULOUSE: Mr. Chair, I do
11 have a question on the CEPi and the closing-down
12 process; because when we've closed schools in the
13 past, there has been a protocol that was followed
14 that we know that it's been closing down properly,
15 that the materials from the school, the furnishings
16 from the school and all, are being handled properly,
17 and what the time schedule is, because there are
18 records of the schools that have to be moved, all of
19 those things. I just wondered how is that process
20 going.

21 MS. POULOS: So as with our past closures,
22 Sandy Beery has been contracted to handle that
23 matter. She has been following the protocol and has
24 been providing updates.

25 I'm happy to provide that. We didn't want

1 to drown you with documents that weren't items that
2 you needed to take action on. And so if you would
3 like that in the future, I am happy to provide that.

4 COMMISSIONER TOULOUSE: I think that's
5 very educational, since we do so few of them, for
6 the ones of us who do them to understand what
7 happens to a charter school when it closes. So if
8 we could do that in June, thank you.

9 COMMISSIONER CARR: Mr. Chair?

10 THE CHAIR: Commissioner Carr?

11 COMMISSIONER CARR: So I guess this isn't
12 a FYI. It was brought to my attention that a
13 complaint was filed with the Attorney General's
14 Office in regards to CEPi. And where that will go,
15 from what I understand, is that the director was
16 withholding a transcript from a SpEd student.
17 That's all I know; and so that I believe there's
18 going to be ongoing investigations against
19 individuals within that school. That's neither here
20 nor there. FYI.

21 THE CHAIR: Yeah, thank you; because I
22 think we've done our -- I think we're kind of out of
23 it, aren't we?

24 COMMISSIONER CARR: Yeah, we're out of it.

25 THE CHAIR: But, yeah, we still have an

1 FBI investigation going on somewhere else. And who
2 knows -- it seems to have a momentum all of its own.

3 Director, do you have anything else to add
4 under Item 10?

5 COMMISSIONER GIPSON: Commissioner
6 Ambruster had her --

7 COMMISSIONER ARMBRUSTER: As an
8 environmentalist, I want to ask this question. Once
9 we have -- if we've finished with CEPi and we don't
10 know any more about Southwest, and I don't know who
11 else -- Anthony -- do we need to keep having that
12 provided to us every month?

13 COMMISSIONER SHEARMAN: I'm sorry?

14 THE CHAIR: What's being provided?

15 COMMISSIONER ARMBRUSTER: Well, all of
16 this, you know, the things that -- repeated; because
17 it's in the same situation, Anthony, how they're not
18 doing this and they're not doing that, and the CEPi
19 closure and everything that we have already done,
20 and Southwest, that we don't know anything.

21 And my question is -- I'm not upset about
22 it. I'm just saying, in the interest of a tree, do
23 we need to have that complete information every
24 time?

25 COMMISSIONER CARR: Well, I want it. I

1 would want it.

2 COMMISSIONER ARMBRUSTER: All that
3 information?

4 COMMISSIONER CARR: I want an update.

5 COMMISSIONER GIPSON: Can we do an update
6 with, just, if -- not have to print everything out
7 unless it's new information? Could we do that, just
8 saying you've got nothing -- nothing additional to
9 add to what has previously been provided to us?
10 Would that be sufficient?

11 THE CHAIR: Anything to make the
12 Director's job easier.

13 COMMISSIONER GIPSON: So that the list of
14 the Schools of Concern is still there; but as long
15 as there's no additional information to be provided,
16 that that's sufficient? I'm --

17 MS. POULOS: I'm currently leaving the
18 item as it is and adding anything that needs to be
19 new or updated. So I would have to go back and
20 delete everything else. So it doesn't make my life
21 easier. It would take a bit more time.

22 Again, I do want to offer that we are
23 providing all these materials electronically. And
24 any of you who would like to give up the paper
25 binder, I would be happy to facilitate that process;

1 because I do think it's great to utilize the
2 electronic resources, as you're able.

3 So if you would communicate that to either
4 me or Beverly, we would be happy to stop preparing a
5 binder for you.

6 COMMISSIONER GIPSON: I would gladly do
7 that; but oftentimes, the motions don't get into the
8 electronic. That's the -- that's what would have to
9 change. We get the bits and pieces of the
10 information; but we don't -- you know, there are
11 some things that are in the binder that --

12 MS. POULOS: And that's only when we're
13 getting information late; so the information that
14 was added today was because --

15 COMMISSIONER GIPSON: The motions. They
16 don't go into the electronic.

17 MS. POULOS: They do. They're on those
18 reports.

19 COMMISSIONER GIPSON: Oftentimes, the
20 motions aren't.

21 COMMISSIONER SHEARMAN: I would simply say
22 let's take into consideration, too, that not all of
23 our Commissioners are nuts about computers, like
24 some of us are, and that would not work for them, I
25 don't think.

1 COMMISSIONER GIPSON: I'm just saying if
2 we want to do it individually, I would gladly go
3 electronic. I'm fine with that; because I have my
4 own little folders, and I do that. So I'm great
5 with that.

6 THE CHAIR: My suggestion would be for
7 Commissioners that don't want a book, notify Beverly
8 and CSD that you don't want a book. Those that want
9 the book, please -- if you don't hear from
10 someone -- like me, for instance. I want a book,
11 okay? Thank you.

12 COMMISSIONER SHEARMAN: And I do
13 appreciate the audit information. That's the last
14 item in 10. I don't know that there's anything
15 necessarily that the Director needs to talk about,
16 unless there's something she wants to bring to our
17 attention. But I appreciate the information being
18 provided.

19 COMMISSIONER GIPSON: Yeah.

20 THE CHAIR: Yes. That is good. I --
21 here, again -- so are we finished with Item 10,
22 then?

23 COMMISSIONER GIPSON: Yes.

24 THE CHAIR: All right. I'm just going to
25 go with the will of the Commission.

1 MS. POULOS: Chair Bergman? I'm sorry.

2 THE CHAIR: Director?

3 MS. POULOS: I did want to provide one
4 update, if you are amenable to that --

5 THE CHAIR: Please.

6 MR. LANGE: -- which was, as you'll see in
7 those materials, the schools that have audit
8 findings were requested to provide a corrective
9 action plan. You may have seen that letter go out
10 from the Deputy Secretary.

11 And I just need to find it, if you'd give
12 me one moment. But I have a list of the schools
13 that have not yet submitted those. And it is past
14 the deadline that was established by the PED to
15 submit that. So I thought it would be important for
16 you to hear that.

17 THE CHAIR: Thank you for that.

18 MS. POULOS: I apologize that I need one
19 second.

20 COMMISSIONER SHEARMAN: You are talking
21 about for the audit results; right?

22 MS. POULOS: That's correct.

23 THE CHAIR: Since we're using the word
24 "audit," Commissioner Shearman told me something
25 from the LFC yesterday -- here, again, this is an

1 FYI. In case you haven't seen it, the Secretary has
2 requested \$317,000 to do an investigation on those
3 197 findings on the audit report that I guess
4 pertained to charter schools.

5 I don't know if that's all charter schools
6 or just State-authorized -- I don't know where their
7 findings are. I thought for your information, you
8 ought to know that. So they're looking into it.

9 COMMISSIONER SHEARMAN: But may I ask a
10 question? The \$317,000 is being requested from the
11 "2 percent" money. I thought PED had all the
12 "2 percent" money.

13 MS. POULOS: I actually don't know what
14 the Commissioner -- Chairman is speaking about; and
15 so I can't answer that question.

16 COMMISSIONER SHEARMAN: It's on the LFC
17 newsletter that we received on Monday.

18 MS. POULOS: And I did not receive that.
19 So I will be happy to follow up on that. But I
20 don't have that information, and I cannot answer
21 that question.

22 THE CHAIR: I thought you and the
23 Secretary were talking about everything. I guess
24 you're not.

25 MS. POULOS: We all have lots to do on our

1 own plates.

2 THE CHAIR: I guess you do.

3 MS. POULOS: So I do have the update, if
4 you're prepared for that.

5 THE CHAIR: Go right ahead.

6 MS. POULOS: So the schools that have
7 not -- as of Monday at 3:39 p.m., the schools that
8 have not submitted a corrective action plan that are
9 still authorized by the PEC are Cottonwood Classical
10 Preparatory School, La Promesa Early Learning
11 Center. The other ones are either now authorized by
12 their district or have been closed.

13 COMMISSIONER GIPSON: There's only two?

14 MS. POULOS: There are only two.

15 COMMISSIONER TOULOUSE: I'm not surprised
16 by one of them.

17 THE CHAIR: Okay. Now, are we finished
18 with Item 10 then, Director?

19 MS. POULOS: I have nothing.

20 THE CHAIR: You have nothing on Item 10.
21 Does anyone else have anything on Item 10? I'm just
22 going to go with the Commission there. You tell me
23 when you want to stop for lunch.

24 Item 11, "Discussion and Possible Action
25 on Renewal Application Timeline [sic]." Those who

1 have been around for a while will remember that each
2 year, this Commission votes to approve these time
3 lines. The director needs it to really get into the
4 renewal application process.

5 Is there a copy in the book?

6 COMMISSIONER GIPSON: I passed out a copy.

7 COMMISSIONER SHEARMAN: I'm ready to go to
8 lunch.

9 THE CHAIR: And there's a vote for lunch.

10 COMMISSIONER GIPSON: Just cut me off at
11 the knees.

12 COMMISSIONER SHEARMAN: I'm sorry.

13 COMMISSIONER GIPSON: Can we get
14 through --

15 COMMISSIONER SHEARMAN: Whatever you guys
16 need to do.

17 THE CHAIR: I don't think there's a lot of
18 discussion. It's been a routine vote in the past.

19 Does anybody have a question about the
20 time line? It's in your book somewhere.

21 COMMISSIONER GIPSON: I left a copy of the
22 renewal time line. It looks like this.

23 (Indicates.) And it says, "2016 Time Line." I --
24 because Beverly printed it out yesterday; so I left
25 it at everyone's desk.

1 So, you know, I didn't reinvent the wheel
2 here. I just took what was on the website and just
3 interposed new dates on it; so --

4 THE CHAIR: Looks very similar to what
5 we've done in past years, yes.

6 Anything else? Everybody comfortable with
7 the time line?

8 I see nothing else. Legal counsel says we
9 don't need a roll call; we just need a voice vote.
10 Do I have a motion to accept this time line?

11 COMMISSIONER GIPSON: Sure.

12 COMMISSIONER TOULOUSE: (Indicates.)

13 THE CHAIR: Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Mr. Chair, I move
15 that we approve the renewal time line presented to
16 us at this meeting.

17 COMMISSIONER GIPSON: Second.

18 THE CHAIR: I have a second from
19 Commissioner Gipson. A motion and a second. All in
20 favor, say "Aye."

21 (Commissioners so indicate.)

22 THE CHAIR: All opposed?

23 (No response.)

24 THE CHAIR: No opposition noted. So that
25 motion to the time line is accepted and approved.

1 And we go forward on the renewal
2 applications. I have a vote for lunch. Do others
3 want to go to lunch? It is 12:15.

4 COMMISSIONER CARR: How much time do we
5 have left on the agenda?

6 THE CHAIR: Actually, the improvement plan
7 should go very quickly, unless you all have
8 questions on it.

9 COMMISSIONER CARR: I'm hungry, too; but I
10 also -- I think it would be cool to get it done. So
11 I'm for a break.

12 COMMISSIONER GIPSON: Should we take a
13 short break?

14 THE CHAIR: Yeah. Let's take, please just
15 five minutes. Ten? Okay? 12:25. 12:30?

16 All right. Director, is it possible for
17 you and me to go to sign those documents during this
18 break, if you're -- let's do that, then. We're
19 taking a rest break until 12:30.

20 (Recess taken, 12:15 to 12:36 pm.)

21 THE CHAIR: All right. We are back in
22 business. I will share with my fellow
23 Commissioners, I was not dawdling anywhere. I was
24 signing a bunch of contract documents.

25 COMMISSIONER GIPSON: We were dawdling.

1 THE CHAIR: Item 12, Discussion and
2 Possible Action -- excuse me -- Charter School
3 Improvement Plans and Charter Contract Provisions
4 Relating to Improvement Plans.

5 What Commissioner Gipson actually
6 presented to us yesterday was a very short and very
7 concise and very useful improvement plan document to
8 address some of the concerns that this Commission
9 has had about various aspects of improvement plans
10 in recent months.

11 I do not see a copy in the book, though.
12 Is there anyone that --

13 COMMISSIONER GIPSON: I left it at
14 everyone's table. Beverly was thoughtful enough to
15 make a color copy that I think is a little more
16 understandable; except I will apologize to those
17 that weren't here yesterday, because I had to
18 landscape this. The -- the right-hand side is
19 really what happens first; because it's the -- it's
20 the winter. And then you've got the --

21 MS. FRIEDMAN: Ah.

22 COMMISSIONER GIPSON: -- you know -- I'm
23 fairly computer-literate, but also, when I'm in a
24 hurry, I -- so I played with it as much as I could
25 to get it all on this one page. But this is what it

1 is.

2 But before we go forward, we did have a
3 discussion yesterday about the piece of the -- the
4 piece of the contract that kicks in the improvement
5 plan with a letter grade of C, what we -- well, I
6 said -- at least a letter grade of C or lower.

7 So what I am proposing, and what had been
8 alluded to earlier in the day, is that moving
9 forward, that piece come out of the contract, and
10 that through the self-monitoring process of the
11 performance framework that will happen by each
12 school, what this improvement plan does is it's
13 actually, hopefully, going to make use of those
14 performance frameworks that we spent so much time
15 negotiating.

16 And by the end of the year, the school
17 does a self-assessment. Each school, no matter what
18 letter grade, they do a self-assessment of their
19 performance frameworks. And that's their academic,
20 their organizational, and their financial. And the
21 financial one does not come in until August, as
22 required.

23 But we had -- through negotiations, we had
24 discussions with the Vigil Group, in particular.
25 And they had never seen that document or filled out

1 that document. So there was a level of concern that
2 was raised there.

3 So this, hopefully, will take care of
4 that, that it will be -- they are required to turn
5 that self-assessment in. And because they do their
6 audits, their financial people should be able to
7 easily fill in that.

8 And as we talked about yesterday, one of
9 those check marks is, "Yes, we've paid our taxes."
10 So that's a question that's always nice to have
11 answered.

12 They do the self-assessment. If they did
13 not meet, fell far below, or are working to meet
14 standard, they automatically put themselves on an
15 improvement plan. They send the documentation to
16 CSD that they've placed themselves on the
17 improvement plan.

18 Each area that they are deficient gets a
19 separate -- and as recommended by Commissioner
20 Armbruster yesterday, a suggestion that there be a
21 sample of what would be a good indicator -- you
22 know, that there be an example placed on this, so
23 that schools would have some guidance with that.

24 They notify CSD; they fill this out. And
25 at the end of the year, they provide the

1 documentation at the end of the following school
2 year. They provide the documentation that, "Yes,
3 we've met this improvement plan."

4 CSD will evaluate it. If there's a
5 discrepancy between the two, CSD can get back to the
6 school. If the school can provide additional
7 information to satisfy that, we're good. If there's
8 still a difference of opinion, then it'll come
9 before us, and we can take a look at it.

10 COMMISSIONER CHAVEZ: So I have a
11 question.

12 COMMISSIONER GIPSON: Sure.

13 COMMISSIONER CHAVEZ: So basically, in
14 terms of -- so they -- they are going to sort of
15 self-evaluate. They'll turn in their improvement
16 plan; they'll turn in their -- you know, whether
17 they've met that or not.

18 COMMISSIONER GIPSON: Correct.

19 COMMISSIONER CHAVEZ: So my question is,
20 do they have to -- are they being asked to provide
21 supporting documentation as evidence to show that
22 they have met --

23 COMMISSIONER GIPSON: Yes, yes.

24 COMMISSIONER CHAVEZ: Okay.

25 COMMISSIONER GIPSON: There's a form

1 through the performance framework: "Yes, we have;
2 no, we haven't; no, we..." -- and they have to have
3 documentation of that, absolutely, yes. Yeah.

4 So that it's not just, "Yeah" -- sending a
5 letter saying, "Oh, yeah, we met."

6 No. There's a form. They check they've
7 met standard; they fell far below. And they have to
8 provide the documentation for that, yes.

9 COMMISSIONER CHAVEZ: So then if there's
10 additional documentation, the CSD will ask them, and
11 they have to provide that additional documentation.

12 COMMISSIONER GIPSON: Absolutely, yeah.

13 COMMISSIONER ARMBRUSTER: So they're
14 not --

15 THE CHAIR: Commissioner Ambruster, did
16 you have something?

17 COMMISSIONER ARMBRUSTER: I had to press
18 my button first.

19 Just two things: I think it would be nice
20 if this were on a larger sheet of paper for them to
21 do. Or does that matter?

22 COMMISSIONER GIPSON: I do not own
23 11-by-13. So that's why it's on the -- but Beverly
24 does. But I printed it out, initially. I don't --
25 my printer -- and I don't have a -- I have a laser

1 black-and-white; so, you know, I don't -- but
2 absolute- -- it can certainly -- it can go on any
3 size paper that PED can afford.

4 COMMISSIONER ARMBRUSTER: And my second
5 thing is when you have a school who is not
6 self-reporting; for example, they didn't report that
7 they are following IEPs, or they're not doing
8 special services for ELL, how do -- we would know --

9 COMMISSIONER GIPSON: That goes into the
10 organizational performance frame- -- that goes into
11 the self-assessment of the organizational --

12 COMMISSIONER ARMBRUSTER: So they have to
13 sort of self- -- and we hope that they'll do that.
14 But if we check, and they're not doing it, they're
15 in really, really big trouble.

16 COMMISSIONER GIPSON: Absolutely. They're
17 in a material violation of the contract, no matter
18 what. So yes, absolutely.

19 COMMISSIONER ARMBRUSTER: So the onus of
20 reporting is on them, and if they don't do it, it's
21 pretty much already given us proof of why they
22 shouldn't continue.

23 THE CHAIR: They put themselves at risk,
24 yes.

25 COMMISSIONER GIPSON: Absolutely. And the

1 whole goal here is for the schools to own this
2 improvement plan. They recognize their -- where
3 they need to improve. Our goal is to move schools
4 forward, so that we want the school to -- you know,
5 these are performance frameworks. These are
6 indicators. These are Short-Cycle Assessments that
7 we're asking the schools to do. And hopefully,
8 they're making valuable use of them, and hopefully,
9 this adds to this.

10 COMMISSIONER ARMBRUSTER: And I'd like
11 to -- besides that we talked about writing a goal --
12 and I think that's still a good idea of course,
13 since I suggested it. I think that we might also
14 make a list of things to make sure that they are
15 looking at all of those things. The financial is
16 pretty cut and dry. But all of those other things,
17 like the ELL, and the special ed --

18 COMMISSIONER GIPSON: But that's in the
19 organizational framework. It's all in there. Yeah,
20 it's all outlined in there. They have to answer,
21 "Yes, we've met," and, "No" -- but going along with
22 this, what -- what I am asking is that we also,
23 moving forward, take that out of the contract, that
24 the improvement plan kicks in with a "C" grade or
25 lower, and that if schools that are currently on a

1 contract, they can write a letter to the Chair
2 saying that, "We would -- thank you, and we hope
3 to -- we would like to make use of that
4 opportunity," and put an amendment forward so that
5 we would -- and then hopefully, we would accept an
6 amendment that it would also free them from that
7 letter grade kick-in.

8 THE CHAIR: And keep in mind that we
9 cannot unilaterally change the contracts. We've
10 already run into that problem one time, and you saw
11 what resulted from that. So -- and that will
12 require cooperation with various parties.

13 But I'll just throw in on this, this very
14 concise document and a draft that comes with it will
15 actually address two major media concerns, buzz
16 words right now, is "charter school accountability"
17 and "performance framework monitoring."

18 There have been recent issues in the media
19 and from the LESC. This document will go a long way
20 toward allowing this Commission to show that it is,
21 in fact, requiring this accountability, which we
22 always have, in my opinion, and that we are
23 monitoring the frameworks with -- the CSD staff is,
24 of course, doing the actual monitoring, because they
25 are our staff.

1 So it's actually a great document, I
2 think.

3 Anybody else? Do we --

4 COMMISSIONER SHEARMAN: If not, I'd like
5 to make a motion.

6 THE CHAIR: Feel free Commissioner
7 Shearman.

8 COMMISSIONER SHEARMAN: Can I -- I'm going
9 to do it.

10 COMMISSIONER GIPSON: You may have to
11 change the language.

12 COMMISSIONER SHEARMAN: Mr. Chair, I move
13 that the Public Education Commission adopt the
14 improvement plan with the time line document that
15 have been both presented to this Commission today.

16 I further move that the language requiring
17 schools who make a C, D, or F on their school report
18 card and requiring an improvement plan be removed
19 from all future contracts.

20 And I further add that the opportunity be
21 offered to current contract charter schools, those
22 that are authorized by the Public Education
23 Commission, that if they would like to amend their
24 contract to remove that language which requires an
25 improvement plan for C, D, or F grades, that they be

1 allowed to do that through -- to request that
2 through an amendment filed with the Charter School
3 Division and a letter addressed to the Chair of the
4 Commission notifying that that action is being
5 requested.

6 COMMISSIONER GIPSON: I'm sorry. Could
7 you repeat that?

8 COMMISSIONER SHEARMAN: No.

9 THE CHAIR: Commissioner Shearman, the one
10 thing I did not hear you say, does this reference to
11 Section 403A? Is that the contract section that you
12 were referencing?

13 COMMISSIONER SHEARMAN: Yes, yes.

14 THE CHAIR: Then let's note that that's in
15 the motion also, Section 403A.

16 COMMISSIONER GIPSON: So you didn't say
17 enough.

18 THE CHAIR: That's fine. That's fine. If
19 you want it in your words, just say, "Add that."

20 COMMISSIONER SHEARMAN: Mr. Chair, I add
21 that reference to Section 403A be referenced in this
22 motion.

23 THE CHAIR: We do have a motion between --
24 before the Commission. Do I have a second?

25 COMMISSIONER GIPSON: Second.

1 THE CHAIR: Commissioner Gipson has
2 seconded.

3 Is there any further discussion?

4 Commissioner Peralta, may we have a
5 roll-call vote, please?

6 COMMISSIONER PERALTA: Commissioner Carr?

7 COMMISSIONER CARR: Yes.

8 COMMISSIONER PERALTA: Commissioner
9 Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER PERALTA: Commissioner
12 Shearman?

13 COMMISSIONER SHEARMAN: Yes.

14 COMMISSIONER PERALTA: Commissioner
15 Gipson?

16 COMMISSIONER GIPSON: Yes.

17 COMMISSIONER PERALTA: Commissioner
18 Peralta votes "Yes."

19 Commissioner Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER PERALTA: Commissioner
22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER PERALTA: Commissioner Pogna?

3 COMMISSIONER POGNA: Yes.

4 COMMISSIONER PERALTA: Commissioner
5 Bergman?

6 THE CHAIR: Yes.

7 COMMISSIONER PERALTA: That is 10 to 0 in
8 favor of the motion, Mr. Chair.

9 THE CHAIR: Thank you, Mr. Secretary.
10 That motion has been approved and passed. And I
11 think that improvement plan is an excellent step
12 forward, and, as we always do, can be evaluated in
13 the future and additions can be made if it turns
14 out.

15 We're now to Item 13 on the agenda, which
16 is Discussion and Possible Action on a Position
17 Paper Regarding Negotiations with Charter Schools.

18 That was put in here just in case we had
19 such a thing.

20 Do we have such a thing at this time? Is
21 it in the book there?

22 COMMISSIONER GIPSON: Yes.

23 THE CHAIR: Somehow, I'm behind the book.
24 I'm -- Commissioner Shearman, was this your draft
25 document? Would you care to comment on it, please?

1 COMMISSIONER SHEARMAN: Thank you,
2 Mr. Chair. This is a document that I believe was
3 requested a few months ago, and we kept having to
4 delay it for various reasons.

5 I would hope that everyone's had an
6 opportunity to read it. Basically, this puts
7 together several conversations that this Commission
8 has had identifying that a contract is the document
9 the school lives by for the term of that contract,
10 that the annual performance indicators in that
11 contract are for the life of that contract, that
12 they are not renegotiated yearly.

13 They may be renegotiated, should either
14 party choose and both parties agree. So then the
15 negotiations, as is spelled out with newly
16 authorized or renewal charters, renegotiation is
17 spoken to.

18 And the very last item was an issue that
19 had come up a couple of times, whether one party or
20 the other might seek renegotiation and one party or
21 the other chose to refuse that.

22 I think we said -- those that I have
23 talked to said in the interests of being efficient
24 with our work, that should not come back up every
25 month; so if that has been requested and denied,

1 that it wait a year to come back up. So the parties
2 can give it more time.

3 So I think it's pretty cut and dry, pretty
4 clear, and it's what we've discussed and talked
5 about for some length of time.

6 THE CHAIR: So do you wish to have a vote
7 on this today?

8 COMMISSIONER SHEARMAN: Yes, sir, I do.

9 THE CHAIR: All right. Is there any
10 discussion on this document? It just does put in
11 place a written policy where we probably haven't had
12 one in the past.

13 COMMISSIONER SHEARMAN: That's right. And
14 it clarifies whether or not these annual performance
15 indicators are to be re-evaluated, renegotiated
16 every year. We've had several different approaches
17 to that, several different opinions on this
18 Commission as to whether or not that was necessary.
19 And I think we've all come to the conclusion that
20 indicators should be for the life of the contract
21 for validity reasons, if nothing else; so just, I
22 think, clarification and put our process on paper.

23 THE CHAIR: Here, again -- Commissioner
24 Ambruster?

25 COMMISSIONER ARMBRUSTER: And I think

1 within those five years, if they're not making those
2 indicators that we all agreed on, they will be
3 writing their -- whatever --

4 COMMISSIONER GIPSON: Improvement plan.

5 COMMISSIONER ARMBRUSTER: Improvement plan
6 that we just said "Okay." Am I correct in that
7 understanding?

8 COMMISSIONER SHEARMAN: Sure. That's our
9 understanding.

10 THE CHAIR: Ultimately, it's going to tie
11 together, as we tie bits and pieces together.

12 Anything else? No further comments?

13 COMMISSIONER ARMBRUSTER: They report to
14 us each year -- we will be getting the report every
15 year; so we will know how "X" school did each year
16 on last year's performance frameworks; right?

17 COMMISSIONER SHEARMAN: Uh-huh. That's
18 what I thought.

19 Mr. Chair, if there are no further
20 comments. I would move the Commission approve this
21 policy position statement, as presented in the
22 official materials today.

23 THE CHAIR: We have a motion.

24 COMMISSIONER TOULOUSE: Second.

25 THE CHAIR: We have a motion, and a second

1 by Commissioner Toulouse.

2 (The Chair consults with counsel.)

3 THE CHAIR: Okay. Mr. Secretary, let's
4 have a roll call on this one, please.

5 COMMISSIONER PERALTA: Commissioner Pogna?

6 COMMISSIONER POGNA: Yes.

7 COMMISSIONER PERALTA: Commissioner
8 Toulouse?

9 COMMISSIONER TOULOUSE: Yes.

10 COMMISSIONER PERALTA: Commissioner
11 Armbruster?

12 COMMISSIONER ARMBRUSTER: Yes.

13 COMMISSIONER PERALTA: Commissioner
14 Conyers?

15 COMMISSIONER CONYERS: Yes.

16 COMMISSIONER PERALTA: Commissioner
17 Peralta votes "Yes."

18 Commissioner Gipson?

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER PERALTA: Commissioner
21 Shearman?

22 COMMISSIONER SHEARMAN: Yes.

23 COMMISSIONER PERALTA: Commissioner
24 Chavez?

25 COMMISSIONER CHAVEZ: Yes.

1 COMMISSIONER PERALTA: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER PERALTA: And Commissioner

4 Bergman?

5 THE CHAIR: Yes.

6 COMMISSIONER PERALTA: Mr. Chair, that is

7 10 to 0 in favor of the motion.

8 THE CHAIR: Thank you, Mr. Secretary.

9 That has passed, and that policy is now in place.

10 Item 14, Report from the Chair, that

11 happens to be me.

12 Update on charter school negotiations? I

13 have no update. We just got a lot of them out of

14 the way.

15 I would like to repeat again what I said

16 earlier. I greatly appreciate all the work and all

17 the time and all the hours and all the travel that

18 Vice Chair Gipson and all those that went to these

19 negotiation sessions -- speaking from experience

20 from doing it in the past myself, that is a very

21 great burden.

22 And it -- and I believe Commissioner

23 Gipson did an outstanding job; so I wanted that on

24 the record.

25 COMMISSIONER GIPSON: I just wanted to let

1 people know we still have one more school. We had a
2 date mix-up, and we had to postpone them; so that
3 we've finished negotiations with one of the two new
4 schools that we've got going, and we will finish up
5 SAHQ on May 31st.

6 THE CHAIR: Thank you. And that means
7 you'll have a couple of these schools still on your
8 June agenda.

9 COMMISSIONER GIPSON: Right.

10 THE CHAIR: And hopefully, that will
11 finish them up.

12 I don't know if everybody in this
13 Commission knows this or not. The renewal numbers
14 that we're being given is there's going to be 23 or
15 25 or 26 renewal applications. Yes. Director?

16 MS. POULOS: Chairman Bergman and
17 Commissioners, I did put an update in your file,
18 because that was asked for by Commissioner Shearman.
19 So in the front of all of your binders, there is a
20 list -- there are two lists.

21 One -- if your binder is not on the desk,
22 I can't give you the materials.

23 COMMISSIONER SHEARMAN: I'm sorry. Thank
24 you.

25 MS. FRIEDMAN: Excuse me, Mr. Chair. Some

1 of the notebooks were already taken back to the
2 room. And so in Katie's defense, I think some of
3 the notebooks may have had that put in that cover.

4 COMMISSIONER GIPSON: So they don't have
5 it now.

6 MS. FRIEDMAN: So if you don't have it, I
7 will send it to you electronically, and Katie has
8 more copies.

9 COMMISSIONER ARMBRUSTER: I did see it.

10 MS. POULOS: So on that list, the first
11 list is for State-authorized charter schools. The
12 second list is for district-authorized charter
13 schools. We haven't been notified of any that are
14 necessarily going to apply for renewal with the PEC;
15 but there may be some, which is why I wanted to
16 include both lists.

17 I believe when you add both lists, it gets
18 to that 21 number that I was -- the 20-something
19 number that I was stating. It looks like we've
20 got -- I think it was 16 that I counted. One, two,
21 three --

22 COMMISSIONER GIPSON: It depends on how
23 you count the Southwest -- I think there's, like,
24 15.

25 MS. POULOS: Actually, that Southwest is

1 only the Southwest Academy -- or Aeronautics,
2 Mathematics, and Science. The others are on a
3 different renewal schedule.

4 COMMISSIONER GIPSON: Okay, right. I just
5 had one question on it. Because La Jicarita is on
6 there; but I guess there's -- because their
7 governance council has already voted, did it not?

8 MS. POULOS: They've indicated that
9 they're not -- their council already voted; so we
10 will not receive a renewal application for that
11 school.

12 COMMISSIONER GIPSON: So La Jicarita is
13 not on that list. I don't know if you want to
14 discuss this now or when we get to the calendar.
15 There is potential for a significant number of
16 schools; so I'm questioning whether we can do this
17 in two days.

18 THE CHAIR: That's a good discussion. But
19 I think you can wait till you get a little closer to
20 it to actually see how many -- because it's easy to
21 add a day. It's easy, unless the room is not
22 available.

23 COMMISSIONER GIPSON: Well -- and, you
24 know, people's schedules. That's all I'm thinking
25 of; but --

1 THE CHAIR: If this group has the will to
2 do it now, let's do it now.

3 COMMISSIONER ARMBRUSTER: If we should
4 schedule three to save this room and our schedules,
5 then -- and if it's two, I don't think anyone will
6 complain.

7 COMMISSIONER GIPSON: No one is going to
8 complain about getting out early; but if we're
9 sitting here Friday at 5:00, and we're not done,
10 then we're looking at a special meeting. And then
11 people are coming back -- but then we'd have to post
12 it. Yes?

13 MR. LANGE: Yeah, all the meetings.

14 COMMISSIONER GIPSON: So we wouldn't even
15 be able to see you back here on Monday.

16 So I'd rather err on the side of caution
17 and add. And if we don't need it, we're all
18 celebrating, because we're going home early.

19 THE CHAIR: We've done three days before.
20 It's not preferable. If that's the consensus of the
21 Commission, let's add that Wednesday.

22 COMMISSIONER SHEARMAN: That's the 7th?

23 THE CHAIR: Beverly, make the change to
24 the calendar and make the notice, please. So now,
25 it's done.

1 What else?

2 Okay. Anything else on the charter
3 negotiations?

4 COMMISSIONER ARMBRUSTER: I'm sorry. What
5 were the dates on that?

6 COMMISSIONER GIPSON: December 7, 8, 9
7 now.

8 THE CHAIR: If you get out early, you can
9 do a little early Christmas shopping or something.

10 COMMISSIONER SHEARMAN: Or go home or
11 something.

12 COMMISSIONER TOULOUSE: Or you're already
13 snowed in here anyway.

14 THE CHAIR: Item 14B is the update from
15 the Charter Coalition. Why don't you guys come on
16 down?

17 We always thank you for your patience.
18 Can you introduce yourself?

19 MS. ROSKOM: Mr. Chair, members of the
20 Commission, again, thank you, as always. Greta
21 Roskom, the Co-Director of the New Mexico Charter
22 School Coalition.

23 MS. CALLAHAN: Mr. Commissioner, the rest
24 of the Commission, I'm Kelly Callahan, and I am the
25 Co-Director of the New Mexico Charter School

1 Coalition.

2 MS. ROSKOM: We just wanted to briefly
3 report to you today on the projects that we're
4 engaged in and will be keeping us busy through the
5 summer. As a result of the Legislative Session that
6 we just completed in February, we are working on
7 three work groups, in collaboration with the PED and
8 with the LESC; and probably the LFC, too,
9 ultimately.

10 Those three work groups are, first of all,
11 a funding group. And these are made up of our
12 membership council, schools that are members, as
13 well as other interested people. So we're looking
14 at funding solutions as a response to Senate
15 Bill 141. I know some of you were following that in
16 the last session.

17 But we hope to come up with a recommended
18 bill for the next session that would address some of
19 what are the perceived funding disparities between
20 traditional district and charter schools, so that
21 we're not -- hopefully, that we're all in harmony.

22 Secondly, the second committee that we're
23 working -- work group that we have going is on
24 facilities. And primarily, the facilities committee
25 is attempting to find solutions to getting schools

1 into adequate public spaces.

2 And, specifically, we're pretty excited.
3 We're working on a project with APS. APS is
4 essentially going to be inviting some schools that
5 could and are interested in participating in this,
6 in pooling some of that HB-33 funding that was just
7 freed up in this last bond election to get some
8 schools built in a more timely manner.

9 So APS is on board. They're actually
10 pushing this agenda. And we're working with some of
11 our members to see how we're going to be able to
12 make this happen as a pilot for the State. And like
13 I said, PED and the LESC are attending these
14 committees, these committee meetings, and we're
15 keeping them posted in the work sessions throughout
16 the summer.

17 Oh, yeah. It's important to note that the
18 schools that we're talking about that we're working
19 with to work on facilities are not just APS-approved
20 schools, authorized schools. This includes the
21 PEC-authorized schools, as well. There are 50-some
22 in the State -- I mean, in the district boundaries.
23 Only APS schools have been in the district's
24 Facilities Master Plan.

25 So this is a way for the -- the

1 State-sponsored schools to also leverage their HB-33
2 funds to hopefully get into some facilities.

3 So the committee is looking at all 50-some
4 schools to see what their individual circumstances
5 are, where they are in the process of getting into
6 an adequate public facility. And then we'll target
7 a few schools to include in this -- in this project.
8 And if it works well, we may go for a larger bond in
9 2019 to include even more schools.

10 So it's kind of a pilot for the State that
11 we're pretty excited about. Mark Tolley is no
12 longer in the room; but he's one of the people, too,
13 that's been working with us on that; and Kizito
14 Wijenje, for those of you who know him.

15 The third committee is looking at
16 accountability. Specifically, this is an issue that
17 you were addressing yesterday in your work group.
18 It came up again today in many of the discussions
19 with the schools, the whole issue of what is a fair
20 and equitable way to look at and to measure schools
21 with unique populations who are in the business of
22 serving dropouts, underperforming populations, the
23 ones that, Mr. Bergman, you so eloquently described
24 in that paragraph that you found, the populations
25 that are undeserved and are difficult populations

1 that are not -- don't fit the norm.

2 So we are looking at an -- we already have
3 the SAM -- the Supplemental Accountability Model.
4 As you know, we were talking about that yesterday.
5 We're looking at using that as a baseline, but
6 providing some processes around it, some definitions
7 around that, and some measurement tools that
8 hopefully will help inform you when you talk about
9 what is the definition of a "high performing" SAM
10 school, in making those kinds of determinations down
11 the road.

12 So these are the three committees that we
13 have working right now. They may turn into
14 legislation that we propose next year; but we
15 thought it was important for you to know that our
16 membership is actively engaged in this work and that
17 we are trying to work collaboratively with all of
18 the parties that have something at stake.

19 And so with that, I'm done, and I'll stand
20 for any questions you may have.

21 THE CHAIR: Thank you for that. I would
22 ask if you do get to the point where you're going to
23 propose legislation, I hope it's not going to be
24 secret. If it impacts on our work, I think this
25 Commission would like to at least hear about it, if

1 we don't see it.

2 I say that, because Senate Bill 446, for
3 instance, which put the performance contracts into
4 place, somehow was one month into the Legislature
5 before this Commission ever heard about it. And we
6 had no input in that bill, even. And we were left
7 scrambling for the second month of the term trying
8 to get some of the changes made in that document.

9 So if it's possible for you -- you're in a
10 separate group -- keep us in the loop on that. I
11 would appreciate it.

12 MS. ROSKOM: Mr. Chair, members of the
13 Commission, we are so grateful that you've given us
14 this opportunity to report to you every month, and I
15 think you can be guaranteed that part of our monthly
16 report will be on what's happening in our work at
17 the Legislature.

18 THE CHAIR: Thank for you that.

19 Any questions for Kelly or Greta?

20 As always, thanks for taking the time to
21 sit here through all -- and be with us. Thank you
22 very much.

23 COMMISSIONER GIPSON: Thanks.

24 THE CHAIR: We're now to Item 15, PEC
25 Comments. I will start to my left this time.

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Mr. Chair, as
3 usual, I will say I've already said enough today.
4 Thank you very much for the opportunity to close.

5 THE CHAIR: Commissioner Conyers?

6 COMMISSIONER CONYERS: I have no comment.

7 THE CHAIR: Commissioner Shearman?

8 COMMISSIONER SHEARMAN: I just have a
9 question, Katie. We asked how many schools are
10 still actively -- how many applicants are still
11 actively taking the training workshops for new
12 applications. Do you have a number for us?

13 MS. POULOS: I have been working with my
14 team to ensure we're kind of up-to-date on that.
15 There's a couple of applicants we haven't heard from
16 that aren't actively coming to the trainings. It
17 looks like we will have between six and seven
18 applications. We may have fewer; but that's what
19 I'm planning for right now.

20 COMMISSIONER SHEARMAN: Okay. Thank you.
21 That's it. Thank you.

22 THE CHAIR: Commissioner Gipson?

23 COMMISSIONER GIPSON: Just a quick "thank
24 you" to everyone who's participated in negotiations,
25 both on our side and the schools'. We truly

1 appreciate it.

2 Just an update. The LESC has kindly, I
3 say, accommodated their schedule that the discussion
4 on charters will be held the Wednesday before our
5 June meeting, so that there's no chance that we
6 might have a work session. And that will be in
7 Los Alamos.

8 FROM THE FLOOR: Los Lunas. Los Lunas.

9 THE CHAIR: I hear somebody saying
10 "Los Lunas."

11 COMMISSIONER TOULOUSE: Heidi from the
12 LESC.

13 MS. HEIDI MacDONALD: Los Lunas, in June.

14 COMMISSIONER GIPSON: Oh, gosh. I thought
15 I was going to go to Los Alamos. So I lied; it's
16 Los Lunas.

17 THE CHAIR: Commissioner Chavez?

18 COMMISSIONER CHAVEZ: I don't have any
19 comments.

20 THE CHAIR: Commissioner Ambruster?

21 COMMISSIONER ARMBRUSTER: I have one
22 question for Katie. So if the applicants don't come
23 to the -- do they have to come to all the trainings?
24 And if they don't come to the trainings, do they
25 still get to be a part of --

1 COMMISSIONER SHEARMAN: That was our
2 decision.

3 COMMISSIONER ARMBRUSTER: What did we
4 decide?

5 COMMISSIONER SHEARMAN: We put it in, they
6 have to come to the training.

7 THE CHAIR: Training is mandatory. If you
8 don't go to the training, they don't apply.

9 COMMISSIONER ARMBRUSTER: So do they have
10 to go to all the trainings? They can't miss any?

11 COMMISSIONER SHEARMAN: I think that's
12 what we put in; they had to attend all of them.

13 COMMISSIONER GIPSON: All of the
14 trainings.

15 COMMISSIONER ARMBRUSTER: That's what I
16 thought. I wasn't sure.

17 COMMISSIONER GIPSON: I guess I have a
18 question. How many training sessions are there?

19 MS. POULOS: We have been conducting
20 training sessions monthly since January; so January,
21 February, March, April, and May; so those five
22 training sessions.

23 COMMISSIONER SHEARMAN: Are they finished,
24 Katie, or do you still have some to go?

25 MS. POULOS: The last training will be on

1 the 18th, next Wednesday. We'll be covering budget
2 with the assistance of the PED Budget Department,
3 and, potentially, also the Audit Department, because
4 of the internal controls. And then we will be
5 training them on just submission and getting
6 everything put together.

7 COMMISSIONER GIPSON: Okay. Thanks.

8 COMMISSIONER ARMBRUSTER: I'm finished.

9 THE CHAIR: Thank you. Commissioner Carr?

10 COMMISSIONER CARR: I'd like to thank
11 everybody for your kind cards and condolences in
12 regards to my mom. My mother; Ruth Carr, born in
13 1925, lived through the Great Depression. She was a
14 riveter in a bomb factory during World War II in
15 St. Louis, Missouri. My father was a gunner in
16 those bombers. My father died as a -- from World
17 War II disability when I was four years old. My
18 mother raised three sons.

19 Ten years ago, she survived, in the
20 basement of her house, when a tornado blew it away,
21 with her cat.

22 She lived a long, full life, and she was a
23 Gold Star wife because of my dad. And she was very
24 patriotic and a great citizen. She taught me how
25 to -- to read and write before I went to school,

1 and -- because I didn't have kindergarten.

2 And I just wanted to let you know a little
3 bit about who she was before I left and put that on
4 the record, I guess. Thank you.

5 THE CHAIR: Thank you for that. I
6 appreciate that. And it was the people like your
7 mother there in World War II, the literally hundreds
8 of thousands of women that went into the factory
9 because the men were over fighting, that
10 fundamentally changed our society.

11 And, yeah, that was quite a -- that is
12 quite a thing, yeah.

13 Commissioner Pogna?

14 COMMISSIONER POGNA: (Indicates.)

15 THE CHAIR: Commissioner Peralta?

16 COMMISSIONER PERALTA: I'm good,
17 Mr. Chair. Thank you.

18 THE CHAIR: I would just note that
19 June 1st is the next magic date. That is the date
20 that those applications you just discussed are due.
21 So within that week after that, you will hear from
22 the Director who it is and where they are, and start
23 planning that middle-of-July vacation that you're
24 going to take driving around the state.

25 And since it is July, I hope others will

1 be able to go on it this year.

2 So -- so that's -- that's all I have.

3 Anything else on comments?

4 Here it is. We're now to Item 16,
5 which -- Commissioner Conyers?

6 COMMISSIONER CONYERS: I just thought of
7 something. Our June 17th meeting. Is there any
8 expectation we'll have a work session on the day
9 before, or --

10 THE CHAIR: I didn't hear anything today
11 or yesterday that required a work session.

12 Anybody have a different opinion than I
13 do?

14 COMMISSIONER CONYERS: Okay.

15 COMMISSIONER GIPSON: I'll just be up here
16 every day for the LESC; so --

17 COMMISSIONER TOULOUSE: You'll be in
18 Albuquerque.

19 COMMISSIONER GIPSON: I'll have to shop.

20 THE CHAIR: Okay. We do have one name on
21 our Open -- did that answer your question?

22 COMMISSIONER CONYERS: Yes.

23 THE CHAIR: Okay. It says "J. Lloyd."

24 Please identify yourself. And I think
25 I'll grant three minutes. Three minutes.

1 MR. JIMMY LLOYD: My name is Jimmy Lloyd.
2 And just coming to -- thank you, first, for letting
3 me have this opportunity to talk. It's going to be
4 very difficult for me to provide everything I have
5 to say in three minutes; but I'll give it a very
6 strong attempt, because there's a lot of truths and
7 information that's going to be supporting my words.

8 So I want to really talk to the board and
9 ask that you really consider and look into your
10 policies for investigations and complaints.

11 So I really want to encourage the board to
12 take a positive role in making sure that schools are
13 doing as they're supposed to be doing.

14 An example, wolves shouldn't be guarding
15 sheep; foxes shouldn't be guarding chickens.
16 Sometimes our policies allow that type of thing to
17 happen.

18 So in November 2015 at the PEC meeting,
19 Ms. Poulos presented Item No. 16 -- or 60 -- to you,
20 the proposed written investigation and complaint
21 policy. This policy would have given a lot of
22 different abilities to the board for grievances and
23 in having the schools do the investigation, but then
24 report the findings to the CSP [verbatim], as well
25 as the PEC.

1 During that discussion, a representative
2 from the CEPi school came forward and interjected
3 that the policy would be in violation -- or violate
4 existing contractual agreements that were in place.

5 To be brief with the board, because of
6 this, the item was tabled. I have not seen any
7 additional further closure on that item.

8 In the meantime, CEPi was performing an
9 investigation that was supposedly an independent
10 investigation. I'm going to be sarcastic here. I'm
11 going to say the investigation was so independent
12 that the findings were not honestly shared with the
13 students, staff, or faculty, both students and staff
14 at the school. And I know what they presented to
15 the investigator. And they were in regards to
16 harassment, retaliation, as well as legal issues.

17 In December, at the CEPi governance
18 council, the results of that investigation were
19 presented to the families of the students, the
20 staff; and it was stated that there were no
21 violations in the charter. There were no
22 substantial findings in the investigation.

23 This, I don't believe is true. So in the
24 investigation, there were substantial findings
25 found.

1 So earlier, I said that the students and
2 staff had reported that there was retaliation and
3 harassment. During the investigation that was
4 conducted at the school, there were substantiated
5 findings of harassment, retaliation, and
6 unprofessional behavior.

7 THE CHAIR: One minute.

8 MR. JIMMY LLOYD: So -- so there was
9 substantiation to the claims being made; but there
10 was not a good closure to it.

11 We have not had faculty being asked
12 whether things have been changing. In fact, things
13 have not been changed. There is still harassment,
14 retaliation, and questionable behavior occurring at
15 the school.

16 Now, it's not going to be a problem in the
17 future, because the school is being closed. But my
18 concern is, and the reason I'm bringing this forward
19 to the board now, is because I am very concerned
20 with future students. The school has now had over
21 100 people drop out. That means there is probably a
22 good 50 that will never finish high school.

23 Earlier, there was discussions that even
24 if we can get seven people who are non-traditional
25 to graduate, that's a great thing.

1 We just lost a number of students because
2 of the situation at the school. So please look into
3 the investigations and make sure that the schools
4 are being honest and things are happening as they're
5 being said.

6 So it's great that they can do their own
7 investigation; but make sure that their truth really
8 is there.

9 THE CHAIR: Time. Thank you for your
10 comments.

11 COMMISSIONER TOULOUSE: Thank you.

12 MR. JIMMY LLOYD: Thank you again for
13 letting me have the time.

14 THE CHAIR: Now, there is a letter "B"
15 under Mr. Lloyd's name. Is there someone here, "B"?
16 Is there anyone else that wishes to speak?

17 I guess -- I'm not sure what the "B"
18 signifies.

19 COMMISSIONER GIPSON: Probably someone was
20 on the wrong sign-in sheet.

21 THE CHAIR: I believe we're to Item 17.
22 Do we have a motion to adjourn?

23 COMMISSIONER CARR: So move.

24 COMMISSIONER PERALTA: So moved.

25 THE CHAIR: Second.

1 All in favor, say "Aye."

2 (Commissioners so indicate.)

3 THE CHAIR: All opposed?

4 (No response.)

5 THE CHAIR: The motion passes unanimously
6 thank you very much.

7 (Proceedings concluded at 1:18 p.m.)

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2 STATE OF NEW MEXICO

7 REPORTER'S CERTIFICATE

8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
9 Court Reporter in the State of New Mexico, do hereby
10 certify that the foregoing pages constitute a true
11 transcript of proceedings had before the said
12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
13 State of New Mexico, County of Santa Fe, in the
14 matter therein stated.

15 In testimony whereof, I have hereunto set my
16 hand on May 27, 2016.

17
18
19 
20 Cynthia C. Chapman, RMR-CRR, NM CCR #219
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HANNA SKANDERA
SECRETARY OF EDUCATION

SUSANA MARTINEZ
Governor

VISITORS ATTENDING PUBLIC EDUCATION COMMISSION

Meeting
May 13, 2016

Please Sign-in

Name (Print)	Representing
Richard Greywolf	TISA
Julie Cline	Taos Integrated School of Health
Colin DeWoot	The ASK Academy
Keisha Matthews	The GREAT Academy
Jasper Matthews	Self
Ryszard Wasilewski	Watawata High Charter School
Michael Ocas	School of Dreams Academy (SODA)
Kenneth Ah:ng	School of Dreams Academy
Jaime Tamez	WHCS
Tomazita Espino	School of Dreams Academy
Mackenzie Webb	The Vigil Group
Vernon Jaramilla	Carinos Charter School
Dan Busse	The ASK Academy
Kelly Callahan	NMCCS
Greta Roskom	NMCCS
Araceli Wilkerson	Watawata
Ron Krueger	Watawata
Rebbie Spence	SPRCS
Susan Breca	SPRCS
Tori Shauger	ACE LHS
Sandra Davis	Virtue + Najjar PC
Elaine Medina	NVA
Susan McConnell	NVA
Ray Baran	NVA
Dr. Susan Wilkinson Davis	Jemez Valley Public Schools
Nancy Gonzalez	Roots and Wings Community School

EXHIBIT

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BEAN
ASSOCIATES

May 13, 2016

[illegible]

