

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

November 15, 2016

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar

Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219

Bean & Associates, Inc.

Professional Court Reporting Service

201 Third Street, NW, Suite 1630

Albuquerque, New Mexico 87102

JOB NO.: 6938L (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349

**BEAN
& ASSOCIATES, Inc.**
PROFESSIONAL COURT
REPORTING SERVICE

MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

A P P E A R A N C E S

COMMISSIONERS:

MS. PATRICIA GIPSON, Chair
MR. GILBERT PERALTA, Vice Chair
MS. KARYL ANN ARMBRUSTER, Secretary
MR. JEFF CARR, Member
MS. ELEANOR CHAVEZ, Member (Telephonically)
MS. DANIELLE JOHNSTON, Member
MS. MILLIE POGNA, Member
MS. CAROLYN SHEARMAN, Member
MS. CARMIE TOULOUSE, Member

STAFF:

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

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1	I N D E X T O P R O C E E D I N G S		
2			PAGE
3	1	Call to Order, Roll Call, Pledge of Allegiance, and Salute to the New Mexico Flag	5
4			
5	2	Approval of Agenda	7
6	3	Approval of Minutes and Transcript	7
7	4	Discussion and Possible Action on the Carl D. Perkins Status Update	10
8			
9	5	PED Presentation	29
10	6	Discussion and Possible Action on Charter School Amendments	68
11	A	Explore Academy - Grade Level Authorization	68
12			
13	B	Tierra Adentro of New Mexico	96
14	7	Report from Options for Parents and the Charter School Division - Discussion and Possible Actions	122
15			
16	8	Discussion and Possible Action on Governing Body Vacancy Requirements - Contract Provision 8.10(b) and PEC Policy	126
17			
18	9	Discussion and Possible Action on New Application Evaluation Rubric and Criteria	163
19	10	Discussion and Possible Action on Governing Body Observation Tool Used By CSD	223
20			
21	11	Discussion and Possible Action on School Site Visit Protocol and Tools Used By CSD	246
22	12	Discussion and Possible Action on Charter School Performance Frameworks	235
23			
24	13	Discussion and Possible Action on 2017 PEC Meeting Calendar	250
25	14	Report From The Chair	255

1	I N D E X T O P R O C E E D I N G S, Continued	
2	15 P E C C o m m e n t s	259
3	16 O p e n F o r u m	265
4	17 A d j o u r n	265
5	R E P O R T E R ' S C E R T I F I C A T E	266
6	A T T A C H M E N T S :	
7	1 V i s i t o r s S i g n - I n S h e e t	

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 THE CHAIR: Good morning. I'm going to
2 call to order this meeting of the Public Education
3 Commission. And it is Tuesday, November 15, 2016,
4 and it is 9:02.

5 So I will ask Commissioner Armbruster to
6 do a roll call, please. Is this working? No.

7 MS. FRIEDMAN: It should be. Yes, it is,
8 if you hold it down.

9 Madam Chair, I think -- let me turn it up.

10 THE CHAIR: Thank you. I don't think
11 people are going to have a hard time hearing me,
12 but --

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Pogna? Are you here?

15 COMMISSIONER POGNA: Yes.

16 COMMISSIONER ARMBRUSTER: Okay. We're
17 set. One person is here.

18 Commissioner Toulouse?

19 COMMISSIONER TOULOUSE: Present.

20 COMMISSIONER ARMBRUSTER: Commissioner
21 Armbruster is present.

22 Commissioner Conyers?

23 (Commissioner Conyers not present.)

24 COMMISSIONER ARMBRUSTER: No?

25 Commissioner Peralta?

1 COMMISSIONER PERALTA: Here.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Gipson?

4 THE CHAIR: Here.

5 COMMISSIONER ARMBRUSTER: Commissioner
6 Johnston?

7 COMMISSIONER JOHNSTON: Present.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Shearman?

10 COMMISSIONER SHEARMAN: Here.

11 COMMISSIONER ARMBRUSTER: Commissioner
12 Chavez?

13 COMMISSIONER CHAVEZ: Here.

14 COMMISSIONER ARMBRUSTER: Commissioner
15 Carr?

16 COMMISSIONER CARR: Here.

17 COMMISSIONER ARMBRUSTER: That is nine out
18 of ten present. We have a quorum.

19 THE CHAIR: Thank you. We will now move
20 on to the Pledge of Allegiance and the Salute to the
21 New Mexico Flag.

22 And I will ask Commissioner Armbruster to
23 lead us in the Pledge of Allegiance, and
24 Commissioner Chavez to do the New Mexico Salute.

25 (Pledge of Allegiance and Salute to the

1 New Mexico Flag conducted.)

2 THE CHAIR: Thank you. We are now on to
3 Item No. 2 which is the approval of the agenda. Do
4 we have any modifications to it?

5 MS. POULOS: Madam Chair, for the
6 presentation, Deputy Secretary Ruszkowski will be
7 available at 9:15.

8 THE CHAIR: Okay. So just keep us posted.
9 Remind me, because I'll forget.

10 MS. POULOS: Thanks.

11 COMMISSIONER PERALTA: Madam Chair, I move
12 to approve the agenda.

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

15 COMMISSIONER ARMBRUSTER: Second.

16 THE CHAIR: We have a motion from
17 Commissioner Peralta, a second by Commissioner
18 Armbruster.

19 All in favor, say "Aye."

20 (Commissioners so indicate.)

21 THE CHAIR: Any opposed?

22 (No response.)

23 THE CHAIR: Thank you.

24 We are on to Item 3, Approval of the
25 Minutes and the Transcript.

1 Letter A, Approval of PEC Work Session
2 Minutes for October 6 of 2016.

3 Do we have any changes to those minutes?
4 If not, I will entertain a motion to approve. Don't
5 all jump in here quick.

6 COMMISSIONER PERALTA: I would move to
7 approve.

8 COMMISSIONER TOULOUSE: Second.

9 THE CHAIR: Motion by Commissioner
10 Peralta, second by Commissioner Shearman.

11 All in favor?

12 COMMISSIONER TOULOUSE: No, it was me.

13 THE CHAIR: Oh, I'm sorry. Second by
14 Commissioner Toulouse. Sorry.

15 All in favor?

16 (Commissioners so indicate.)

17 THE CHAIR: Opposed?

18 (No response.)

19 THE CHAIR: Thank you. Letter B, Approval
20 of the PEC Meeting Transcript Minutes for
21 October 7th of 2016.

22 Any changes?

23 I'll entertain a motion.

24 COMMISSIONER SHEARMAN: I move for
25 approval, Madam Chair.

1 THE CHAIR: Motion by Commissioner
2 Shearman. Second by --
3 COMMISSIONER PERALTA: Here.
4 THE CHAIR: -- Commissioner Peralta.
5 All in favor?
6 (Commissioners so indicate.)
7 THE CHAIR: Opposed?
8 (No response.)
9 THE CHAIR: Letter C, Approval of the PEC
10 Summary Minutes for October 7th of 2016.
11 COMMISSIONER ARMBRUSTER: Is Eleanor on
12 the line?
13 THE CHAIR: She was.
14 COMMISSIONER ARMBRUSTER: I didn't hear
15 her say --
16 THE CHAIR: Commissioner Chavez, can you
17 hear us?
18 COMMISSIONER CHAVEZ: Yeah, I --
19 THE CHAIR: No, I think we may have lost
20 her.
21 COMMISSIONER TOULOUSE: She said "Yes."
22 MS. POULOS: She said "Yes."
23 THE CHAIR: She said "Yes"? Okay.
24 So a motion for approval of the summary
25 minutes.

1 COMMISSIONER ARMBRUSTER: I so move.

2 THE CHAIR: Motion by Commissioner

3 Armbruster. Second by --

4 COMMISSIONER TOULOUSE: I'll second them.

5 THE CHAIR: -- by Commissioner Toulouse.

6 All in favor?

7 (Commissioners so indicate.)

8 THE CHAIR: Opposed?

9 (No response.)

10 THE CHAIR: Thank you.

11 Item No. 4, Discussion of Possible Action

12 on the Carl D. Perkins Status Update. And Elaine

13 Perea is here.

14 DR. ELAINE PEREA: Good morning. I'm

15 going to grab a chair, if you don't mind.

16 Good morning, everyone. Can you hear me?

17 MS. FRIEDMAN: A little bit closer to you.

18 DR. ELAINE PEREA: Okay. I wanted to give

19 you all an update in the College and Career

20 Readiness Bureau.

21 You probably are aware that Director

22 Spencer left in July. And we have been keeping the

23 ship afloat and just carrying on in his absence.

24 Deputy Secretary Ruszkowski suggests to me

25 that we should have a new director in place by the

1 end of the year; so we will have more information
2 about that, I'm sure, at the next meeting.

3 In regards to the -- the Perkins Grant, a
4 few things that have happened since the last time
5 that we updated the Commission. We did get our
6 final award letter for 2015-'16. It came in at
7 \$8,017,422; that was the amount that we had
8 expected. So the estimated amount that we had
9 received and the final award letter were the same.

10 We are in the process of calculating final
11 awards to the LEAs, the districts and the
12 post-secondary institutions and are close to issuing
13 those award letters.

14 We are -- the post-secondary amounts are
15 dependent on the Pell recipients who participate in
16 CTE in post-secondary. So a typical post-secondary
17 program might be nursing. Students who are taking
18 nursing classes and are Pell recipients are at the
19 foundation of how those dollars are allocated to the
20 post-secondary institutions.

21 We did an audit of the numbers that were
22 reported last year, and the numbers that were
23 reported this summer. We found some wild
24 variations; so we have given the post-secondary
25 institutions some clarification on how they should

1 be calculating those amounts and are in the process
2 of accumulating revised numbers from them, so that
3 we can determine the allocations fairly; because
4 some schools were calculating that differently than
5 others. And so we're trying to level the playing
6 field so that everyone's award is based on the same
7 procedure. So that's where we are with that.

8 We had a federal monitoring compliance
9 visit last year in September. And that was a pretty
10 big event for us. The Feds were here for a week,
11 and they gave us several findings. We shared that
12 findings letter with you guys.

13 We have resolved all of those findings. I
14 was in D.C. two weeks ago and spoke to our monitors
15 when I was there. And they said that they are just
16 backed up in getting the closeout letters to us; but
17 they do not anticipate any additional problems. So
18 we have resolved those findings.

19 The -- one of the big projects that we do
20 is calculate performance outcomes. And so the --
21 there are eight at the secondary level and six at
22 the post-secondary level. We -- we can -- we
23 calculate those here in-house for the secondary
24 schools and districts; but the post-secondary, they
25 each calculate them independently and then submit

1 them to us.

2 As with the Pell counts, we have been
3 auditing the post-secondary submissions, doing some
4 logic checks. For example, they've never been
5 required to submit enrollment. We -- this year,
6 when we asked them to submit their data, we asked
7 them to submit total enrollment numbers, as well.
8 We found one school that was reporting CTE
9 enrollments that were treble their school
10 enrollment. So that was clearly a problem.

11 And so we have -- we have been going --
12 it's an iterative process. And we've been going
13 back to the post-secondaries and saying, "You can't
14 have three times the number of CTE bodies that you
15 have total bodies."

16 So logic checks like that that are really
17 helping the post-secondaries to own the data and
18 make sure that it is as accurate as possible.

19 We did that same process in the secondary
20 calculations two years ago, and we had massive
21 shifts in the -- in the counts when we did that here
22 at PED. So now we're taking that same process of
23 logic and applying it to the post-secondary
24 participants.

25 We anticipate that we're pretty close on

1 that. I still have a couple of schools that I am
2 actively talking to, probably once a week, talking
3 to their institutional researcher and saying, "This
4 doesn't quite make sense; let's do this again."

5 And then they go back, and they run
6 something else, and we get a little closer.

7 So I'm really looking at the relationship
8 of one school to another and at one indicator to the
9 whole, the part to the whole, and looking for logic;
10 sniff test, if you will.

11 So we're getting a lot closer on that.

12 At this point, we believe we will have met
13 all of the secondary indicators, the target that was
14 set with -- in partnership with the Department of
15 Education. And on the post-secondary side, we -- we
16 definitely think that we're going to miss one of the
17 indicators and perhaps a second indicator. So those
18 two indicators -- and this on the Executive
19 Summary -- 4P1 is one of the indicators we think we
20 might miss. That is post-secondary student
21 placement.

22 So what that means is when the student is
23 done with their program -- nursing, for example --
24 did they either get a job or go on to additional
25 education? Or the military? So those are the three

1 choices that we're allowed to report. But we have
2 never been able to get the military data.

3 When I was in D.C., I did get some advice
4 about how we can get that data. There's a data set
5 that we can apply to be part of, and then we will
6 get the military data. And that will help us a lot
7 with placement. We have some post-secondary, in
8 particular, where a lot of their completers end up
9 enroll -- enlisting. And so because we've been
10 missing that data, that's part of why we are missing
11 the indicator, the target.

12 The other indicator that we expect we may
13 miss at the post-secondary level is 5P1. 5P1 is
14 non-traditional participation. The non-traditional
15 indicators have been a trouble spot for our state at
16 both the secondary and the post-secondary level;
17 you've heard us talk about them before. These
18 indicators measure the student -- the number of
19 students who are taking what you might call a
20 gendered program of study and how many of them are
21 of the non-traditional gender.

22 To keep with the nursing example, it's
23 probably not much of a surprise to you that that is
24 a gendered pathway that is predominantly represented
25 by women. So we call that "non-trad male,"

1 non-traditional male. When boys are pursuing a
2 nursing program of study, they are non-traditional
3 students.

4 And so these indicators are measuring
5 that, measuring how many -- how many boys are taking
6 nursing, how many girls are taking welding, okay?

7 And as I mentioned, as a state, we've
8 struggled with it. When we have gone out and done
9 professional development, we have had blatant
10 sexism, teachers that have told me there's no reason
11 for girls to study welding; there's plenty of men in
12 that field. We had -- we had a situation last year
13 where we discovered a wing that did not have a
14 girl's restroom in it. Kind of makes it harder for
15 girls to attend those classes.

16 So -- so we know, as a state, that there
17 are a lot of cultural issues with this particular
18 indicator. We're not really that surprised when we
19 miss it; but we are -- our bureau and my monitors
20 are out there advocating and pushing for districts
21 to increase access and make sure that girls have
22 that opportunity, and that boys have the
23 opportunity, that anybody who wants to has -- has
24 the chance to study whatever it is they're
25 interested in. So that's what those indicators are

1 about.

2 So that's my summary of where we are at.

3 In December, I should have a much more complete
4 report for you with numbers. We will also have a
5 draft of the annual report, which is usually about a
6 40- to 50-page narrative of everything that's
7 happened in the year. We're about two-thirds of the
8 way done with that draft right now, and we'll bring
9 you a draft at the next meeting.

10 Do you have any questions for me?

11 THE CHAIR: Commissioners, any questions?

12 COMMISSIONER ARMBRUSTER: I -- I -- okay.

13 Let me try this a different way.

14 So -- because I, probably, just speaking
15 about myself, wouldn't really have ideas about
16 welding or whatever, or those kinds of things, so do
17 we introduce those kinds of things and show people
18 different -- either traditional or non-traditional,
19 as far as that goes. But how do they know about all
20 of these opportunities?

21 DR. ELAINE PEREA: Thank you. That's a
22 great question and actually opens the door of
23 something I'm really excited about. Generally the
24 way that that is addressed is through college
25 advisement and career advisement.

1 In seventh or eighth grade, students
2 typically take an interest inventory. There are a
3 variety of them that are out there that are free or
4 low-cost. Many of the districts use either a
5 program called "Naviance" or a program called
6 "Cruising for Careers," that uses kind of a car, and
7 you drive along the road.

8 But what that does is it -- is it -- it
9 uses a structured approach to introduce students to
10 careers they might not have thought about, okay?
11 And so then once a student -- say, a student
12 really -- working with their hands comes up really
13 high. Then they're going to get a list of careers
14 based on that, not based on their gender. And so --
15 and so one of those careers would be welding,
16 regardless of whether it's a boy or girl.

17 And one of the things that Perkins does it
18 is pays for -- one of the things we've supported
19 quite a bit this year is buying female welding
20 suits, so that the welding teachers actually have
21 pink helmets and smaller-sized gloves, because it's
22 really hard for a woman who's of a more slight build
23 to weld if she's wearing these giant men's gloves.

24 Just think how hard it is to get the snow
25 off your car; right? And they're trying to do

1 precision welding.

2 So Perkins will pay for, for example,
3 women's welding suits as part of a -- as part of a
4 non-trad expenditure. So that one of the things
5 we're doing right now in CCR that will hopefully be
6 out this spring is we're building a book that walks
7 students through, has a very basic career inventory
8 that it can be done pencil and paper, that doesn't
9 require any computer. It -- when you do that, it
10 suggests which career cluster you should be in.
11 It's all color-coded.

12 You go to that career cluster, and it
13 lists the careers in New Mexico that are in highest
14 demand, along with salaries and educational
15 requirements, so that students can -- can get a
16 little bit more of a picture than just, "You like to
17 work with your hands."

18 "Well, let's look at what welding pays and
19 what the education is, versus landscaping, and what
20 the education is and what the pay is," so that
21 students can make educated choices about which
22 career path they want to pursue.

23 COMMISSIONER ARMBRUSTER: Good. Could you
24 bring one of those the next time you come? Or when
25 it's finished?

1 DR. ELAINE PEREA: When it's finished, I
2 definitely will.

3 COMMISSIONER ARMBRUSTER: That would be
4 great. Thanks.

5 THE CHAIR: Commissioner Toulouse? I'll
6 let you go first.

7 COMMISSIONER TOULOUSE: Thank you,
8 Madam Chair.

9 Madam Chair, Dr. Perea, I'm interested in
10 how many of the four-year schools have any of this,
11 as opposed to the community colleges on the
12 post-secondary level using most of it.

13 DR. ELAINE PEREA: The Perkins money all
14 goes to secondary -- to two-year schools --

15 COMMISSIONER TOULOUSE: Okay.

16 DR. ELAINE PEREA: -- by definition in the
17 Act. So that's not a choice that New Mexico has
18 made. That's in the Perkins Act.

19 COMMISSIONER TOULOUSE: Well, I was
20 wondering, specifically, there are one or two of the
21 four-year schools that do issue two-year degrees,
22 such as Western. That's more the direction I was
23 going.

24 DR. ELAINE PEREA: Yeah. Western and
25 Northern both do receive these funds. But UNM Main

1 and NMSU Main do not. I -- because they are more
2 research-based. To the extent that those -- those
3 larger research schools have career programs, they
4 typically are administered either in their branch
5 campuses or with their partner post-secondary. So
6 we fund Doña Ana Community College, which has very
7 close partnerships with NMSU.

8 THE CHAIR: I -- my question is you
9 mentioned that Perkins money went to purchasing the
10 girls' welding suits. What about starting up a new
11 program for welding, or to get your certification as
12 a plumber? Because I know much of a conversation
13 that I've had with a number of individuals involved
14 in all sorts of different schools is the fact that
15 those career paths -- through the high school, those
16 programs are leaving the schools. They don't have
17 the -- what used to be called the "industrial arts"
18 programs; so that there's -- you know, you lose out
19 those four years.

20 It's hard to get those kids back to now
21 get into a program in the community college. And
22 the high schools just do not have the equipment to
23 set up these programs any longer.

24 DR. ELAINE PEREA: So APS is a -- as you
25 all know -- sorry -- it's our giant district. And

1 APS is sort of the model upon which the -- the
2 Perkins Act is drawn. So the money goes to the
3 district. The district, every year, puts in an
4 application, and they decide which programs at which
5 high schools will be funded by the application in a
6 given year.

7 The job of the monitors in my bureau is to
8 make sure that the application reflects innovation
9 and -- and need by business and industry.

10 So, for example, we are pulling back on
11 media arts, because the -- the CTE study that was
12 conducted by SREB two years ago, that I believe we
13 shared -- that is kind of a thick binder -- it said
14 we're overproducing; we're producing more media arts
15 students than -- than the New Mexico economy can
16 handle.

17 So as a result of that, we have said,
18 "Well, Perkins is not going to fund that program
19 anymore."

20 Welding is a huge need in our state.
21 Every school that asks for money for welding gets
22 a -- gets a check mark, because that program, we
23 know at a state level, welding, nursing, very
24 important; we need as many people in those fields as
25 we can generate.

1 So the way that a Perkins application
2 works is that the -- the applicant district says, at
3 "X" high school, "We're going to launch or renew,
4 revive, buy new equipment for a given program." And
5 the -- the Perkins monitors evaluate that in terms
6 of what the industry partners have said is -- is
7 needed, and then negotiate a better -- in some cases
8 a better solution.

9 For example, we have a district that we've
10 been working with for the last several months that
11 wanted to have a health pathway that was
12 specifically to prepare doctors. And the teacher
13 told the monitor, "I'm not interested in training
14 high school students who want to be x-ray
15 technicians or phlebotomists. I only want to train
16 doctors."

17 And the program of study used AP classes,
18 AP biology, AP chemistry, as a program of study.

19 We said, "We're not going to fund that,
20 because that's not equitable, and it doesn't address
21 the need in the community. The community needs
22 health workers at all levels, not just physicians."

23 And so -- so we -- we hold back the
24 funding and negotiate a more appropriate program of
25 study. And so we've -- now, where we have come to

1 with them is that they're going to implement Project
2 Lead the Way's medical pathway instead, which is a
3 project-based learning model that teaches health
4 concepts in a hands-on environment, much more
5 appropriate to developing a range of students with
6 health interests.

7 THE CHAIR: Let me -- just a follow-up.
8 Forgive me for not knowing. But if I'm a
9 State-authorized charter, do I have to apply, still,
10 through my local district for -- or do I apply
11 directly?

12 DR. ELAINE PEREA: That's a very good
13 question. As I mentioned, APS is the model. And in
14 our state, one of the challenges is that the Perkins
15 Act requires that the grantee receive at least
16 \$15,000. And that allocation is based on the number
17 of free-and-reduced lunches in the district. So
18 it's a poverty-based model, just like the
19 post-secondary is based on the Pell awards.

20 In many of our districts, the award would
21 be so small that if they apply by themselves, they
22 would not cross that threshold; so they have to
23 apply in consortia.

24 All of the RECs are set up to handle that.

25 COMMISSIONER ARMBRUSTER: Wait. What's

1 "REC"?

2 DR. ELAINE PEREA: Regional Educational
3 Cooperative.

4 COMMISSIONER ARMBRUSTER: Okay.

5 DR. ELAINE PEREA: The RECs are -- for
6 example, auditory services. If you have a high
7 school that has 100 people, you may have three or
8 four kids who have auditory services. It would be
9 prohibitive for that district to hire an audiologist
10 full-time to service those few children. Instead,
11 they go to the REC. The REC hires the person. Then
12 that person can service the kids in several
13 districts.

14 The same model has to happen for Perkins.
15 Because of that \$15,000 threshold, the only way that
16 smaller districts can qualify is in consortia.

17 To your question about State charters, the
18 only way that State charters would be able to
19 receive funds would be to apply in consortia with
20 other State charters, or with districts. There's
21 not anything that says that districts can't -- can't
22 apply, along with a State charter.

23 We are not funding any State charters at
24 this time. A few district charters get funding
25 through their district as part of the district

1 application.

2 THE CHAIR: I'm wondering if they just
3 don't know. So I think it's something that maybe we
4 need to take a look at and get more information out
5 and see how schools can cooperatively work together
6 to make available some of this; because I know from
7 a number of charters that these are programs that
8 they would absolutely want to -- to work with.

9 DR. ELAINE PEREA: Do the State charters
10 have one consortia body that they work through? Or
11 do they do the regional cooperatives?

12 MS. POULOS: They actually -- the ACES
13 group, I think could handle that capacity.

14 THE CHAIR: ACES. Not all schools work
15 with ACES. But we do have -- ACES does work with a
16 lot of the charters for many of those services.

17 DR. ELAINE PEREA: That would probably be
18 the way to coordinate it, so that those who wanted
19 to apply would apply in a single application.

20 THE CHAIR: Right. Thank you.

21 COMMISSIONER SHEARMAN: Does the Coalition
22 do any of that?

23 MS. POULOS: The Coalition is not a -- I
24 don't know that they would be able to act. It has
25 to be the REC; is that right? And ACES is actually

1 formed the same way an REC is, so ACES would be able
2 to do that.

3 THE CHAIR: So you would have to be
4 formally formed as an REC to apply.

5 DR. ELAINE PEREA: Because they actually
6 receive the money and then flow it through.

7 THE CHAIR: Correct. Okay. All right.
8 Thank you.

9 Commission Johnston?

10 COMMISSIONER JOHNSTON: Thank you,
11 Madam Chair.

12 Dr. Perea, I know that we have charter
13 schools who are members of the Central Region, which
14 is out of Albuquerque, the Regional Cooperative out
15 of Albuquerque.

16 I would -- I would hope one of the things
17 we should tell charters, if they do not know, is,
18 "All related services come through -- can come to
19 you through the regional cooperative, and you do
20 share cost. So if you don't need a full time
21 position, it would be a real boon. And Perkins
22 money would be a real help."

23 And this is very near and dear to my
24 heart, coming from a rural district. And if the
25 Career and College Bureau -- Readiness Bureau has

1 any impact with post-secondary, training of
2 industrial arts teachers, Eastern was the last
3 stalwart. And they had a four-year degree program.

4 Because none of the four-year universities
5 now have an education degree program in industrial
6 arts, the community colleges are doing a wonderful
7 job with -- with educating tradespeople and -- and
8 working with the workforce. But we need teachers in
9 this -- in this state who carry on industrial arts
10 programs; because teaching is an art and a
11 profession that links with that trades preparation,
12 which is imperative.

13 And so often, in a small school and with
14 charters, also, you can't find a licensed welding
15 teacher. And there is an alternative route to
16 licensure; but it doesn't give you any of the
17 education background. And to teach in a workshop
18 practical area is really the highest art.

19 So any -- any help that you -- that I can
20 provide as a member of the Commission to really
21 speaking with the four-year schools about an
22 industrial arts education degree, I think it's a
23 real loss to the students in the state that they
24 don't have those four years in high school to get
25 that -- that preparation; because many of them go

1 away to college, but they live rurally. And they
2 need to know how to weld correctly. They need to
3 know landscaping. We have strong ag programs; but
4 vocational agriculture is a very different program
5 from an industrial arts program.

6 So thank you.

7 DR. ELAINE PEREA: Thank you.

8 THE CHAIR: Commissioners, any other
9 questions?

10 Thank you so much.

11 DR. ELAINE PEREA: Thank you for your
12 time.

13 THE CHAIR: We are on to No. 5, which is
14 the PED presentation. And we have Deputy Secretary
15 Ruszkowski here.

16 Good morning. Welcome.

17 DEP. SEC. RUSZKOWSKI: Good morning,
18 Madam Chair. And a special welcome to new and
19 incoming Commissioners. Welcome to Mabry Hall and
20 to the PEC and good to be with all of you this
21 morning.

22 I have my Mountain Dew here with me.
23 Yesterday, I was at Government to Government in
24 Farmington, which was a 4:00 a.m. departure and an
25 11:00 p.m. re-arrival back to Santa Fe. So excuse

1 me if I'm taking a few sips of caffeine as we go
2 through this morning's presentation.

3 Always good to hear Dr. Perea talk a
4 little bit about the work that her team is doing in
5 the College and Career Readiness Bureau and some of
6 the CTE work that they're doing. I did not know
7 that about the pink hats and the welding suits. And
8 she's on my team, and so I learned a little bit
9 myself there this morning.

10 Certainly, we've set a broad vision as a
11 state -- Secretary Damron and the Governor -- our
12 60 percent of students successfully completing
13 college by 2025; and that's matched to where the
14 workforce is. That's 60 percent of jobs that are
15 going to require that type of higher education.

16 But, right, as she talked about the demand
17 for welding and for nursing, right, those jobs are
18 there, too. So how do we meet and match our state's
19 workforce needs? So good to hear that conversation
20 and what does that mean for charter sector and our
21 charter schools this morning.

22 I wanted to -- Madam Chair, if I may,
23 spend some time this morning talking about where we
24 are in the Every Student Succeeds Act. And we've
25 tried, Deputy Secretary Aguilar and myself, to bring

1 kind of the hottest issue, if you will, or the most
2 relevant topic.

3 I think Deputy Secretary Aguilar talked
4 about the special session last month and then some
5 other pressing budgetary matters. We've talked
6 about the school grades. And please continue to let
7 both the other Deputy Secretary and myself know if
8 there are other items of interest that you would
9 like to see us bring forward for these
10 presentations. Certainly happy to dig into anything
11 that the Commissioners would like to hear us present
12 on.

13 Certainly, the Every Student Succeeds Act
14 is a high priority for us right now. And -- and
15 with the new -- with the new law on the books as of
16 last December, the new regulations coming out from
17 U.S. Ed, from the United States Department of
18 Education, as early as tomorrow is what we're
19 hearing. The full set of regulations may be coming
20 out from the federal government. And then
21 certainly, with the change of power in D.C. and
22 administration, we'll be watching to see how the new
23 Secretary of Education, the new Department of
24 Education, which I hear may be smaller under the new
25 administration, responds to those regulations and

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 to -- and to the Every Student Succeeds Act, which
2 is on the books and national law.

3 We have a plan that we are currently in --
4 we are still in the stakeholder engagement phase.
5 So today, the Secretary and her team are down in
6 Las Cruces.

7 THE CHAIR: I know.

8 DEP. SEC. RUSZKOWSKI: I know. They're on
9 your home turf, Madam Chair. And I know you had to
10 be up here today.

11 THE CHAIR: I signed up to go, and then
12 they changed the date; so...

13 DEP. SEC. RUSZKOWSKI: They're down there
14 as we speak, meeting with business and communities.
15 It's our sixth community meeting. We visited
16 Gallup, Farmington, Santa Fe, Albuquerque, and
17 Roswell; and then today, two days in Las Cruces,
18 beginning yesterday afternoon. I don't know if it
19 got any local attention in the local paper. I think
20 the Secretary did some school visits, Madam Chair,
21 yesterday.

22 THE CHAIR: I haven't been able to look at
23 the local paper yet today; so I'm not sure.

24 DEP. SEC. RUSZKOWSKI: Well, let us know.
25 I know that in Roswell, it was a big deal locally.

1 The Secretary was there doing those community
2 engagement meetings.

3 So we are in that phase. Our plan for the
4 Every Student Succeeds Act is due in March, is due
5 in March, at present. We're trying to get -- we're
6 trying to buy ourselves a little bit more time to
7 finish out the stakeholder engagement.

8 But, again, we have a strong foundation
9 for this plan. College-and-career-ready standards,
10 meaningful assessment, PARCC, Common Core,
11 meaningful school and district accountability.
12 School grades, which are now, basically, that's
13 what's required now, federally, is some form of
14 school grading and school accountability. District
15 grades, which are actually coming out of the PED
16 this month, in November. District grades.

17 All these things are now required, or have
18 been required and were carried over from No Child
19 Left Behind.

20 As you can imagine, we're out there doing
21 these meetings and hearing a lot of feedback on how
22 to improve and refine these systems.

23 Let's go ahead. I think we know about
24 school grades; but let's go to what does ESSA mean
25 for New Mexico on the next slide.

1 We talked about this a few months ago, and
2 I just mentioned some of these things. You must
3 have a student assessment, Grades 3-8 and high
4 school. You must have college-and-career-ready
5 standards.

6 The 95 percent participation rate is a
7 federally required piece that was maintained in the
8 Every Student Succeeds Act. We actually only had
9 four districts this past year below that, below that
10 90; so that's a significant improvement from where
11 we were prior.

12 Accountability. One of the biggest issues
13 around school and district accountability is the new
14 federal requirement to include English language
15 proficiency as part of that accountability system.
16 And we have a technical working group right now with
17 charter leaders, district leaders, data people,
18 Higher Ed, business and community leaders, really
19 digging into the nitty-gritty details of English
20 language proficiency, what's the assessment, how do
21 we measure that.

22 For those of you not as familiar, I'm
23 certainly learning about the English language
24 proficiency, the WIDA, ACCESS, and what percentage
25 of kids exit and earn that 5 each year to exit and

1 how should we hold schools accountable, particularly
2 with those large ELL populations.

3 But then what do we also do about the
4 schools that have no or limited English Language
5 Learners, and how do we account for that in a school
6 grading system. Certainly, some pretty important
7 questions, but will affect our charter schools when
8 they see that new indicator on the school grading
9 this next go-round.

10 We are also having conversations as
11 pertains to school grades about our surveys, our
12 attendance, and what U.S. Ed calls "Other
13 academic" -- "Other non-academic indicators." And
14 so we're getting good feedback from folks around
15 what are some other ways that we can think about --
16 you know, our parents have been telling us, "We
17 really care about culture and climate. We care
18 about safety."

19 How do we account for that in the -- in
20 the school and district accountability system, the
21 school grading system?

22 So these are important things that are
23 being raised.

24 Certainly, as we travel the state, there's
25 been a lot of conversation about how do we support

1 and invest in our teachers and leaders? We view
2 NMTEACH as the foundational element of all of that,
3 having a solid evaluation system in place; because
4 U.S. Ed is still requiring us to identify who are
5 your low performing teachers, who are your
6 out-of-field teachers, and your students that are
7 historically struggling, are they getting access to
8 some of the best teachers.

9 So those are still required to be reported
10 to U.S. Ed. And we feel that NMTEACH is providing a
11 foundation for that; but we are hearing feedback in
12 the field about, you know, the weight of student
13 growth, the quality of the end-of-course exams, some
14 of the similar feedback that you've heard. And
15 we're looking at ways to address that through our
16 community meetings.

17 And then with our lowest performing
18 schools, as I shared last time we met, what has
19 historically been known as Priority and Focus
20 Schools, there's been some changes in the
21 terminology. They're now going to be known, moving
22 forward, as Comprehensive and Targeted Schools.

23 So is that substantial a change in name?
24 Not really. I think the -- the biggest change is
25 that in the new federal law, any high school below

1 67 percent in its graduation rate is automatically a
2 Comprehensive school.

3 So even if that school earned an "A,"
4 right, and their student growth was off the chart,
5 but their graduation rate is at 66.5, federally
6 required to identify that school as a
7 "Comprehensive" school. So we'll have to look at
8 the implications.

9 As you know, graduation rate is currently
10 worth 17 points out of 100 in our school grade.
11 That's something that we've been saying, "Is that
12 too much? Is that the right amount?"

13 But this automatic provision for below
14 67 percent is something that we're having a hard
15 look at, in terms of how many schools will be
16 impacted by that, and what are the financial and
17 other supports that we're going to provide to those
18 schools. And, certainly, Dr. Perea's team is doing
19 great work with early warning systems and things
20 like that.

21 Let's talk a little bit more about the
22 stakeholder engagement. Katie, if you would just go
23 to the next slide?

24 So some of the conversations to date, you
25 know, we've had our biweekly superintendent

1 conference calls. We've visited D.C. to hear the
2 latest and greatest from the Feds. I'm actually on
3 my way there later today to talk about these new
4 regulations and what they mean for New Mexico.
5 We've had our Teacher Summit. We've been to a bunch
6 of conferences this summer.

7 I, yesterday, was with Government to
8 Government. We did two ESSA sessions with our
9 tribal leaders and with our education advisers to
10 the tribal leaders.

11 As I mentioned today, we're in Las Cruces.

12 We also have a working group with LESC,
13 which is a handful of members of the LESC; they're
14 meeting again tomorrow morning.

15 So, really, on any given day in October
16 and November, the PED is doing some form of
17 stakeholder engagement around the Every Student
18 Succeed Act. And you can imagine, Madam Chair and
19 Commissioners, that the big challenge now is how do
20 we take all that feedback, put it all together, and
21 then derive some actions to take, based on -- based
22 on that feedback.

23 We also have an online survey. And I
24 would encourage Commissioners, members of the
25 public, all of New Mexico, really, to go online

1 and -- and let your individual feedback be known
2 via -- via this survey. It's available on our
3 website. If you click -- if you go to the PED's
4 website and click on the ESSA link, you'll see the
5 link to the survey. We're hoping that we get, you
6 know, thousands of responses for folks that are
7 unable to attend one of our community meetings.

8 I mentioned these six visits, again, in
9 Las Cruces too.

10 And then simultaneously, for some of the
11 more technical issues, we have these technical work
12 groups. So for example, Title III, Bilingual and
13 Multicultural Education, we have our bilingual
14 directors meeting with Dr. Pelayo to talk about
15 Title III issues.

16 If you go to the next slide, we have a
17 work grouping, led by Matt Pahl, whom I know most of
18 you already know and have worked with, working on
19 Alternate Demonstrations of Competency, ADCs, right,
20 and what that means.

21 We responded to superintendent and charter
22 school feedback right outside of the gate with ESSA
23 and moved the requirement to score a 4 or 5 on PARCC
24 to graduate from the class of 2018 to the class
25 of -- to the class of 2020.

1 So heard that feedback, moved that back
2 two years; and now we need to figure out the
3 Alternative Demonstrations of Competency, and have,
4 I think, a statewide list of those that we all find
5 acceptable. And we're working with school boards
6 and superintendents and a lot of other stakeholders
7 on that.

8 We also have a work group, as I mentioned
9 on the English Language Proficiency. We have some
10 of the state's -- who I think are some of the better
11 statistician and data coordinators.

12 For those of you that know Suchint down in
13 Hobbs or Tim Hand over at LESC, who really can help
14 us dig into the data and draw some trends in looking
15 at the last five years of WIDA assessment scores.

16 And so opportunity to learn, and English
17 Language Proficiency is another technical issue.

18 We also have a Title I working group with
19 district -- go ahead, Katie, the next slide. Yeah.

20 We have our last Title I conference call
21 this Friday, our last Title III meeting this Friday.
22 I mentioned G-to-G. We have our next round of
23 technical working groups next -- I believe that
24 date -- I hope that date is right -- it's the
25 Tuesday after the Thanksgiving holiday, which I

1 think is the 28th.

2 THE CHAIR: The 28th is a Monday.

3 DEP. SEC. RUSZKOWSKI: Okay. It's the
4 29th; so it's the Tuesday after. My apologies.
5 It's usually the Monday. And then we have that
6 survey open, as well.

7 So, again, the challenge is how do we take
8 all this feedback in December and January and
9 collate it and make sure we pull out the right
10 things.

11 We're also hoping to hear from the
12 Learning Alliance, who had a tool kit that they've
13 developed that stakeholders are using around the
14 state to do -- ask some working groups, locally. So
15 we're waiting to hear what their feedback is. So
16 lots of feedback, ultimately, for myself and the
17 team here to look through and make sure that we're
18 responsive, while still being in compliance with the
19 federal law.

20 I did want to say a word, because I feel
21 like one of the things that has come up as we've
22 traveled the state has been whether or not all of
23 our teachers and principals know and have had access
24 to all of the things that we're trying to do around
25 championing, supporting, and equipping our

1 educators.

2 And here is, you know, kind of the
3 Hollywood Squares version, if you will, for those of
4 you that remember, that show, of the -- of the 12 --
5 12 examples of things.

6 They really range from things that impact
7 everyone, like increased starting salaries and
8 teacher debit cards, to things that districts and
9 charters have to opt into, like pay for performance,
10 or hard-to-staff stipends, or TPE, to things that
11 are about having your voice be heard, like the
12 Secretary's Teacher Advisory or the Teach Plus
13 New Mexico Fellows -- it's a new initiative -- to
14 working on your craft, like the LearnZillion Dream
15 Team that launched last Thursday-Friday with 40 K-6
16 literacy teachers from around the state.

17 This is actually quite the menu of
18 options. But making sure that all of our teachers
19 and superintendents and elected officials know about
20 all of these things, given that some of them are
21 very new, is a challenge.

22 And some of these, like the Teach Plus or
23 the Dream Team, are things that teachers have to
24 apply for. So if they don't even know they exist,
25 right, that's great.

1 We did have 100 applications for the Dream
2 Team for those 40 positions, which we felt good
3 about. But who knows? There could have been
4 thousands of others that were interested but just
5 didn't know about it.

6 Here's the slide on the Dream Team. You
7 heard me mention 40 K-6 teachers.

8 Katie, just for the sake of time --
9 there's a new teacher leader network that we're
10 launching this week, in which we hope to have one
11 teacher from every school in the state be part of
12 this teacher leader network; it's being led by
13 Alicia Duran here at the PED, who was a teacher in
14 Albuquerque for the past 15-plus years. She's
15 leading this work.

16 How do we get one teacher in every
17 building in the state to be a part of this network
18 and to share in all the information and resources
19 that are available?

20 So that's launching this week.

21 We have our blog. Here, we posted on the
22 teacher blog, a note from a teacher who wrote us
23 anonymously to say, you know, "Thank you for the
24 debit card," which, of course, went out to every
25 single teacher in the state. And, you know, here

1 they are talking about their school and what it did
2 for them and how that paid off and how there was
3 just a little bit of extra cash in their pocket.

4 They went to Home Depot, you know, to pick
5 up some lumber for the lesson, et cetera.

6 So I think a teacher debit card is an
7 example of how it is helping some of our teachers
8 buy some supplies.

9 And then we have our parent-and-family
10 community engagement efforts. For those of you that
11 haven't ahead Gloria Ruiz, our Parent and Family
12 Coordinator here at the PED, another new position
13 we've established, she's developing all sorts of
14 tool kits and resources for parents to use from the
15 PED.

16 One of the cools things here, and one in
17 the second-to-last bullet that she's working on is
18 piloting these personalized school grade report card
19 videos; so turning the school grade almost into
20 something that parents and families can interact
21 with, rather than just a piece of paper. So really
22 being able to go on to the school's website, click,
23 watch a two-minute video, "Here's what the school
24 grade means, here's how it works."

25 We're piloting that with a couple of

1 districts, as well, to again try and get information
2 into parents' hands and get parents and families
3 more engaged.

4 I actually had a chance to sit in Gloria's
5 Family Engagement meeting in Albuquerque in the
6 South Valley last week, a night -- we had a night
7 session. It was just great to hear from parents
8 about where they're seeing successes and struggles
9 in our schools and just hear directly from them
10 about how that's going.

11 So big picture, we're out there doing a
12 lot of stakeholder engagement. We're trying to make
13 sure that people know about all the work that we're
14 doing to champion and support teachers.

15 But the Every Student Succeeds Act will
16 certainly be a major priority for the PED in the
17 months ahead.

18 I pause there, Madam Chair, for any
19 questions from the Commissioners.

20 THE CHAIR: I guess, first off, as you
21 collate this mound of feedback, is there going to be
22 a point where a summary will be available for the
23 public to see, so we get a sense of what the general
24 feeling is and be able to look at how you're
25 reacting to it?

1 DEP. SEC. RUSZKOWSKI: Madam Chair,
2 excellent question. So for the community meetings
3 in particular -- we've been working with New Mexico
4 First; right? So New Mexico First. And they also
5 facilitated the two meetings yesterday at Government
6 to Government. And so really yesterday, I was
7 listening, and they were facilitating. It was good
8 for me to not have to -- to just be able to listen
9 and not also have to do the mechanics of the
10 facilitation.

11 And they will be creating a report based
12 on those six community meetings and the Government
13 to Government session that will be publicly
14 available. As you know, that's their role, kind of,
15 in that nonpartisan capacity that they play.

16 I believe the Learning Alliance will be
17 doing something similar with all the feedback
18 they're getting. So that's not via the PED; but it
19 is Charter Coalition and superintendents working
20 together on that. So that, I believe, will also be
21 a public version of that available.

22 For our technical working groups, it's a
23 good question. We have not yet thought about what
24 we're going to publish about that. But what we do
25 hope to do is essentially -- and this is -- I don't

1 want to over-promise here. But what we would like
2 to do is another set of community meetings, in
3 which -- in which we go back and do exactly what
4 you --

5 THE CHAIR: Okay.

6 DEP. SEC. RUSZKOWSKI: -- suggested.
7 Here's what we heard. Here's what we put in the
8 plan.

9 THE CHAIR: Right.

10 DEP. SEC. RUSZKOWSKI: And try to draw
11 out, you know, the search to ten themes, and then
12 the concrete actions that we're taking, and also
13 explain to people, you know, things that people,
14 like -- well, the best example is the 95 percent
15 participation rate, federally mandated, or the
16 67 percent graduation rate.

17 So if we have gotten feedback on that, our
18 hands are a little bit tied. But explain that to
19 people, that that wasn't -- you know, Christopher
20 didn't decide that 95 percent, you know, was the
21 rule that was in.

22 THE CHAIR: You're not ignoring what they
23 said.

24 DEP. SEC. RUSZKOWSKI: Exactly,
25 Madam Chair. So that will be -- that's our line.

1 THE CHAIR: Commissioner Shearman?

2 COMMISSIONER SHEARMAN: Thank you. I am
3 interested in all the initiatives that are going on.
4 I'm interested in your support and encouragement of
5 teachers.

6 Could I say that my -- my strong feeling
7 would be fewer initiatives and more pay increases
8 for teachers? Teachers, educators, haven't had any
9 kind of increase in years.

10 And the other thing is with the increased
11 beginning salary, you have teachers with no
12 experience, straight out of college, that are making
13 more than teachers who have been with the district
14 for several years. That creates a real morale
15 problem.

16 So in my mind, it hasn't helped; it has
17 hurt. If we really want to keep teachers, if we
18 really want to encourage them, let's pay them what
19 they're worth. And we're not even close.

20 So fewer initiatives, more dollars in
21 paychecks.

22 Thank you.

23 DEP. SEC. RUSZKOWSKI: Yeah. Thank you,
24 Madam Chair, Commissioner Shearman. Well said.

25 THE CHAIR: Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: Madam Chair,
2 Deputy Secretary, I have two points. One of them is
3 our book has no information. Can we get copies of
4 these slides? Because all my agenda says -- or this
5 says -- is you will make a presentation.

6 It would be helpful for me to have those
7 to go over, rather than just having seen it. And I
8 don't do well with things online. So I like my
9 papers.

10 By the way, I also congratulate you on
11 your choice of caffeine. Unfortunately, I didn't
12 have time to get my Mountain Dew; it's my one of
13 choice.

14 The second issue I have, which may not
15 totally relate to this -- but when we went to PARCC
16 and other things, you know, we have schools, a few
17 of our charter schools, in particular, whose intent
18 is to get people into the workforce. And it seems
19 to me that, for instance, one of the schools that I
20 know is still paying to do WorkKeys for the school,
21 where in the past, the State used to pay for that.

22 I think somebody needs to look at
23 substituting for those schools, or those students,
24 on a graduation requirement, a successful WorkKeys;
25 because it is a nationwide, normed test through the

1 ACT program, and it tests the same abilities for
2 students, but on that level. And I think it's
3 unfair to hit some of our students with PARCC, when
4 they are doing excellently on WorkKeys.

5 So that's just something I'm throwing out
6 there. Thank you.

7 DEP. SEC. RUSZKOWSKI: Madam Chair,
8 Commissioner Toulouse, if I may, this has come up in
9 our -- in our Alternative Demonstration of
10 Competency technical working group on several
11 occasions, including the meeting that I sat in on,
12 you know, about ten days ago, roughly, in
13 Albuquerque. Too much Mountain Dew since then has
14 sort of fogged my mind, Commissioner Toulouse.

15 But this WorkKeys came up, not just from
16 Higher Ed and from the districts, but also from --
17 we had business leaders come in and talk about what
18 they're using; someone, I believe, from -- I want to
19 say the Chamber. We had a policy director from the
20 Chamber come in and say, "This is what our employers
21 are using."

22 They did share, Commissioner and
23 Madam Chair, if I may, that the optimal situation is
24 that the student is reading, writing, and doing math
25 at the proficient college level, and then augments

1 that with whatever their career passion is. Ideal.
2 They painted that picture of the ideal.

3 And then they said, "And then you have
4 sort of the two options that are -- you know, one
5 step down from the ideal."

6 'Cause what they're hearing from employers
7 is that if they are proficient in reading, math, and
8 writing, that they can train them to do anything.
9 It's just very transferable.

10 But they did stress the WorkKeys,
11 Commissioner Toulouse. And they said, "Look. If
12 that is -- you know, when our kids get into that
13 eleventh and twelfth-grade place, and they're not
14 meeting that mark, if you will, for reading and
15 math, let's make WorkKeys something that's not only
16 approved as an ADC, but championed and funded."

17 And so we did hear that very same feedback
18 loud and clear.

19 COMMISSIONER TOULOUSE: Thank you very
20 much; because I know for a fact that if somebody
21 comes in and they even have the basic WorkKeys,
22 that's usually a road to beginning employment. But
23 I know if they come in with the silver level, that's
24 a job, basically, without -- you know, the bronze
25 level, it may be entry level. Silver is better.

1 Once in a while, some of our students
2 actually get gold. Those, I think, are going to
3 college anyway. But I think that silver level, in
4 particular, is your chance to moving up; but the
5 bronze is at least entry level. And I think that's
6 so important for many of our students, who, when
7 people aren't quite sure what does a diploma mean
8 and what's proficient on PARCC and do these tests
9 really apply to somebody living in New Mexico
10 today -- so that's why I would like to encourage
11 looking at WorkKeys as an alternative, paid for by
12 the state, rather than the individual school having
13 to pay for it.

14 Thank you.

15 THE CHAIR: Thank you.

16 MS. POULOS: Madam Chair, Commissioner,
17 Deputy Secretary, Elaine just informed me that
18 Department of Workforce Solutions has unlimited
19 licenses for WorkKeys. And so no charter school
20 should be paying for that. They should be working
21 with their local DWS office to become a testing
22 site.

23 And so specifically, Commissioner
24 Toulouse, if you know of anyone, if you'd reference
25 them to us, we can connect them with the right

1 folks.

2 COMMISSIONER TOULOUSE: Madam Chair, could
3 you put that out to our charter schools? That way,
4 they can all get that out, rather than -- I mean,
5 yes, I know one. I can -- Cesar Chavez has been
6 paying for it. But I think, in general, if you
7 would let everybody know, that would be helpful.

8 THE CHAIR: And thank you for that
9 information. Thanks.

10 COMMISSIONER TOULOUSE: I did not know
11 that.

12 DEP. SEC. RUSZKOWSKI: I did not know --
13 Dr. Perea is sitting right there, saving the day.

14 COMMISSIONER JOHNSTON: That also comes
15 with membership in a regional cooperative; because
16 often, the regional cooperatives will buy the
17 licenses for WorkKeys. And as a member of the
18 cooperative, then you have that at a reduced fee or
19 no fee, depending on --

20 THE CHAIR: Right. But, of course, if --

21 COMMISSIONER JOHNSTON: And Workforce
22 Solutions, also, we have worked with them on that,
23 yes.

24 THE CHAIR: Thank you.

25 COMMISSIONER JOHNSTON: And I would

1 think -- and I may be wrong -- but in my world, the
2 WorkKeys is already an Alternative Demonstration of
3 Competency; because one of the Alternative
4 Demonstrations is completion of four classes in a
5 career cluster, with a grade above C. And WorkKeys
6 transitions right into that. So it's already there.
7 It's just that utilization; it's using it.

8 COMMISSIONER TOULOUSE: Madam Chair? But
9 I also think schools don't always know that, because
10 they keep being told the Alternative Demonstration
11 is going to go away down the road. And I think
12 people are very reluctant -- the people I've talked
13 to -- to use more of that and encourage that, rather
14 than try to come up with something that will work.

15 COMMISSIONER JOHNSTON: It's in
16 Administrative Code and the Standards for
17 Excellence, Section 629, Part 1. That's my Bible.
18 So it's there. It's in statute; so -- or in code,
19 not in statute, but in code.

20 DEP. SEC. RUSZKOWSKI: So, Madam Chair,
21 Commissioners Johnston and Toulouse, what that work
22 group is focusing on, to be on the record on that,
23 is to create a statewide list and understanding of
24 what those allowable options are.

25 I think, to Commissioner Johnston's point,

1 some of this is being driven locally. It is being
2 driven locally, right? Whether it be at the school
3 board level, charter level, there is some language
4 currently in the regulation, in the NMAC, that
5 provides some guidance. But it's fairly broad,
6 which is why we're seeing school boards have a
7 variety of different approaches to ADCs.

8 And what we're trying to have is a
9 comprehensive list of more common, best practices,
10 of which WorkKeys and of which, Commissioner
11 Johnston, both points that were made, would be on
12 that list.

13 THE CHAIR: Okay. Commissioner
14 Armbruster?

15 COMMISSIONER ARMBRUSTER: Yes. I'm not
16 doing that again. I have a couple of questions. So
17 the "pay for performance," districts had to -- or
18 schools had to -- apply for that. Is there enough
19 money if every school district applied; or, in the
20 case of charter schools, every charter school
21 applied?

22 DEP. SEC. RUSZKOWSKI: Madam Chair,
23 Commissioner Armbruster, not to -- not to evade the
24 question --

25 COMMISSIONER ARMBRUSTER: But...

1 DEP. SEC. RUSZKOWSKI: -- but we have not
2 had to confront that problem.

3 COMMISSIONER ARMBRUSTER: Because there's
4 more money left.

5 DEP. SEC. RUSZKOWSKI: That's right. The
6 demand, unfortunately, and perplexingly, has not met
7 the available resources.

8 COMMISSIONER ARMBRUSTER: Okay. Good.

9 And the other question is -- and this may
10 only be me -- however, it would be interesting to
11 note, per school, if it's not too small to identify
12 individual teachers, what the spread of Exemplary to
13 Ineffective was per school, and relate that to -- I
14 mean, it would just be interesting to me to relate
15 that to the grade.

16 So you have an "A" school with mostly
17 Minimally Effective teachers. And you have an "F"
18 school with Highly Effective, would say something.
19 I'm not sure what it would say.

20 DEP. SEC. RUSZKOWSKI: Yeah. Yeah.

21 COMMISSIONER ARMBRUSTER: But it would be
22 interesting to see that, because there must be some
23 good happening at each school, or somehow Minimally
24 Effective teachers are doing quite well at teaching
25 students.

1 DEP. SEC. RUSZKOWSKI: Yeah.

2 COMMISSIONER ARMBRUSTER: And that would
3 be, actually -- I know you were dealing with charter
4 schools. But I'm really talking about not just
5 charter schools; I'm talking about all schools. I'm
6 not directing that towards the charter schools.

7 And also thank you for letting me know
8 about Mountain Dew. I didn't know that. Okay.

9 DEP. SEC. RUSZKOWSKI: Mountain Dew is
10 certainly the secret to my success here at the PED.

11 COMMISSIONER ARMBRUSTER: I'll write that
12 down.

13 DEP. SEC. RUSZKOWSKI: Commissioner, just
14 two quick points to your comments about NMTEACH. I
15 think that level of information is certainly
16 something that has been requested of us before,
17 whether it be policy members, elected officials,
18 parents, family members.

19 There is a real danger, and we strive to
20 ensure that individuals' confidentiality is
21 protected. So if the school -- why most states -- I
22 don't want to speak too much for New Mexico; but I
23 know New Mexico in the same camp -- why most schools
24 have not published at the school level is it's
25 almost impossible to protect the anonymity of the

1 individual.

2 What I have seen around the country is to
3 publish at the district level. Again, you could
4 just get to a large enough number of people where
5 you can't say, "Oh, yeah, I know that person who was
6 exemplar [verbatim]."

7 So that's one point of protecting
8 anonymity and at what level we can post it.
9 Certainly, in Albuquerque, Las Cruces, Santa Fe, we
10 can publish at the district level -- we haven't, but
11 we could -- and not break any rules on protecting
12 individual identities.

13 The other point around the -- how to
14 include measures of educator quality in the context
15 of school accountability -- and I think,
16 Commissioner Armbruster, it's a question that every
17 state right now is wrestling with. Because on one
18 hand, U.S. Ed is saying that you should be
19 publishing this data, not just around the ratings of
20 teachers, but also around things like retention,
21 experience, credentials.

22 And so I would encourage everyone --
23 tomorrow, Matt Montaño -- who I don't know if many
24 of you have had a chance to work with; but he's our
25 Director of Educator Quality -- is doing a

1 presentation tomorrow afternoon at the LESC that is
2 going to present, Commissioner Armbruster, a lot of
3 this kind of data: Retention, performance,
4 compensation, to Commissioner Shearman's point,
5 right? Trends around -- so that is going to be, I
6 think, a very -- I've seen a draft, a very rich
7 presentation at tomorrow's LESC meeting, if you can
8 tune in from afar or be there in person.

9 THE CHAIR: I'll be there.

10 DEP. SEC. RUSZKOWSKI: You'll be there,
11 Madam Chair? It will be a very good presentation, I
12 think. There will be a lot of good data there. But
13 generally, because our school grade -- and this is
14 something that we've had to rectify, this
15 misunderstanding in our community meetings. School
16 grades are based mostly on student growth, not
17 proficiency, right?

18 Teacher evaluation is based almost
19 entirely on student growth, not at all proficiency.

20 So when you have an elementary school that
21 that is 70 percent based on school growth in their
22 school grade, and the teacher evaluation is based
23 entirely on school growth, generally, you're going
24 to see strong degrees of correlations, right,
25 between "A" and "B" schools, and those schools also

1 having more Highly Effective or Exemplary or
2 Effective teachers.

3 So generally, you're going to see those
4 correlations. Where you might not is if the
5 observation piece is not aligned to the student
6 outcomes piece, in which case you could see it skew
7 one way or the other. You could have a really high
8 performing school with teachers that are kind of in
9 the middle, the Effective, you know, not at the high
10 end, even though they're an "A" school, because the
11 principal is actually observing and giving ratings
12 on the observations that are tougher, I mean, to put
13 in plain English.

14 And on the vice -- on the other side, you
15 could have an "F" school where the student growth
16 isn't there, but the principal's ratings are
17 actually quite good for the teachers' performance.
18 So that's where you might see that -- that split.

19 But for the most part, because so much of
20 our system is based on student growth, not
21 proficiency, you do see general alignment there,
22 Commissioner Armbruster.

23 I think that answers your question. But
24 certainly, if we wanted to do a more -- a deeper
25 dive into that topic, Madam Chair, at an upcoming

1 meeting, I would recommend Matt Montaña and I go a
2 little bit into maybe what he presents tomorrow at
3 LESC, if you find that interesting.

4 THE CHAIR: Okay. Thanks. I appreciate
5 that.

6 Commissioners, any other questions?

7 COMMISSIONER CHAVEZ: I have some
8 questions.

9 THE CHAIR: Oh, I'm sorry. I'm thinking,
10 where is that voice coming from? I apologize.

11 COMMISSIONER CHAVEZ: It's me. It's me.
12 Don't forget about me.

13 So a couple of questions. One is in terms
14 of the committee meetings that were held across the
15 state.

16 Do you have a sense of how many were --
17 that were bilingual meetings, either for Spanish
18 speaking -- Spanish speakers or Native American
19 speakers?

20 And then my other question is has there
21 been any discussion about using some of the ESSA
22 money for -- for other kinds of education models,
23 like community schools?

24 DEP. SEC. RUSZKOWSKI: Madam Chair,
25 Commissioner Chavez, both -- both excellent

1 questions.

2 So to the first, at the sessions that I've
3 been at, like the one in Albuquerque last week, we
4 actually had -- we actually hired a translator to be
5 there, expecting a -- a large turnout in
6 Albuquerque's South Valley, to actually make sure
7 that the session itself was a bilingual session.

8 We ended -- the translator ended up not
9 being utilized. She stayed for the session; but we
10 didn't utilize her.

11 And it's a real pain point for us all to
12 have a look at, in terms of -- and I shared this
13 last week with the Coalition, with the
14 Superintendent's Association -- you know, are we
15 really getting to our parents in our lowest income
16 communities and really engaging them in these
17 topics?

18 And I would say turnout, information flow,
19 and our own efforts to get to that population,
20 whether they be Spanish speaking, whether they be,
21 you know, speakers of another language, whether they
22 be from low income communities, whether they be from
23 rural communities, right, we -- it is still a
24 challenge to get folks out. So that is to the first
25 question.

1 And, Commissioner Chavez, I can't see your
2 face. So I'm, like -- does that answer your first
3 question, Commissioner Chavez?

4 COMMISSIONER CHAVEZ: So that leads to
5 another question, in terms of, you know, what's the
6 outreach been like? What time of day are folks
7 holding it? You know, where is it being held? It
8 leads to a bunch of other questions that I hope
9 you'll take a look at in terms of engaging those
10 communities.

11 DEP. SEC. RUSZKOWSKI: No. Madam Chair,
12 Commissioner, it is something we will need to put
13 more resource towards if we want to be successful.

14 The session in Albuquerque was at night.
15 It was 6:30 at night. We had Chick-fil-A; you know,
16 we had ice cream. I mean, we really were trying.

17 And -- and yet maybe we need to work more
18 closely with the principals, right, with the local
19 principals to ensure -- I'm just brainstorming here.
20 How do we really get folks out?

21 COMMISSIONER CHAVEZ: Right.

22 DEP. SEC. RUSZKOWSKI: To your second
23 question, this is certainly something I've been
24 discussing with communities in schools, our
25 colleagues down at ABC that are down there doing

1 that communities-in-schools work with Bernalillo and
2 Albuquerque and some of the wraparound services
3 work, and in particular, the communities and schools
4 work that they're doing up here in Santa Fe, which
5 they're trying to measure and quantify the impact of
6 those wraparound services, something that we're very
7 interested in.

8 So, in short, communities and schools --
9 community-based schools, or however you want --
10 because I know there's a brand, and then there's,
11 like, the idea; right? But the idea of
12 community-based schools that have the wraparound
13 services that have all the on-site opportunities
14 around health care, you know, after-school care,
15 et cetera, dental care, that is something that is
16 specifically called out in the Every Student
17 Succeeds Act. It's in there. It's something that
18 Congress has given weight to.

19 As far as I know, though, Commissioner
20 Chavez, there has not been new dollars attached to
21 that. So -- so the Every Student Succeeds Act has
22 not come with any additional capital for states.
23 It's still the same revenue streams. It's still
24 Title I, Title II, Title III, Title IV, Title V,
25 Title VI, and so on.

1 So when you hear about states or districts
2 having increased flexibility under ESSA, what it
3 really is, is increased flexibility with the exact
4 same amount of money. So there hasn't been that
5 additional funding stream, to the best of my
6 knowledge, Commissioner Chavez. I certainly could
7 stand corrected and certainly could follow up in
8 D.C. on this.

9 But it would be up to the State and the
10 districts to reallocate. For example, Title I --
11 and, look, we are getting about \$115 million a year
12 in Title 1. It's no small amount. But it would
13 need to be reallocated for those purposes.

14 COMMISSIONER CHAVEZ: Right. And so --
15 yeah, I would encourage the PED to do that, to
16 really look at possible reallocation, you know,
17 obviously, after having conversations with
18 communities and school districts about what that
19 might look like. But I think that that's a model,
20 it's a research-based model, and it's proven to be
21 successful, especially in low income communities.

22 THE CHAIR: I know, as an example, in
23 Cruces, I think all of our new schools have some
24 health component; but unfortunately, they're not --
25 they're not staffed, and they're not operating.

1 It's -- I think it's that hope that this
2 is what you would really like, and you're aspiring
3 to be able to do this for the community; but the
4 dollars just aren't there.

5 And those -- really, in our new schools,
6 they're state-of-the-art facilities, and they're
7 just going underutilized. And it's -- it's a shame.

8 COMMISSIONER CHAVEZ: Yeah. And I know --

9 DEP. SEC. RUSZKOWSKI: Madam Chair?

10 COMMISSIONER CHAVEZ: And sometimes it
11 doesn't necessarily mean new dollars. I think what
12 it means is really creating the partnerships; right?

13 THE CHAIR: Right, right. You're
14 absolutely correct. And I've actually had
15 conversations with some local legislators about how
16 do we -- how do we do this? How do we make the
17 schools once again the community center and utilize
18 what is really already there?

19 And you're right, it's not necessarily new
20 monies. It's taking a look at monies that are
21 already there and being a little more creative
22 with -- with what we're doing with them.

23 DEP. SEC. RUSZKOWSKI: No. And,
24 Madam Chair and Commissioner Chavez, I would point
25 to Title I; I would point to Title IV. And, again,

1 when -- there is now more flexibility in those
2 funding sources. Districts and charters should feel
3 less constrained in how they can spend those
4 dollars. They now need to look at those and say,
5 "Hey, do we have some wiggle to spend those dollars
6 differently?"

7 COMMISSIONER ARMBRUSTER: Right.

8 THE CHAIR: Commissioners, any other
9 questions?

10 Thank you very much for your time. And I
11 want to say congratulations on your marriage.

12 DEP. SEC. RUSZKOWSKI: Thank you, Madam
13 Chair.

14 THE CHAIR: I haven't seen you since then.
15 So good luck.

16 DEP. SEC. RUSZKOWSKI: I'm six weeks in,
17 Madam Chair. How do I look?

18 THE CHAIR: Let's hope it lasts. Thank
19 you very much.

20 DEP. SEC. RUSZKOWSKI: Thank you to all
21 the Commissioners. Welcome to the new Commissioners
22 and to the incoming Commissioners, as well. Thank
23 you.

24 THE CHAIR: Commissioners, let's take a
25 short break. Let's try to be back by 10:30. But

1 who knows?

2 (Recess taken, 10:20 a.m. to 10:40 a.m.)

3 THE CHAIR: I will bring us back into
4 session, please. And we are moving on to Item
5 No. 6, Discussion of Possible Action on Charter
6 School Amendments.

7 And letter A is Explore Academy for a
8 grade level authorization. And we do have
9 individuals from Explore here. So good morning,
10 welcome, and if you could just identify yourself for
11 the record.

12 MS. VICKY McCARTY: I'm Vicky McCarty,
13 Explore Academy Principal.

14 MR. JUSTIN BAIARDO: I'm Justin Baiardo,
15 Explore Academy Founder.

16 THE CHAIR: Good morning.

17 MS. POULOS: Madam Chairwoman,
18 Commissioners. My microphone is not plugged in, and
19 rather than attempting, I'm just going to speak
20 loudly.

21 So Explore Academy Charter School has
22 requested to amend its instructional program.
23 Currently, they serve students in Grades 9 through
24 12. They would like to, over the next two years, I
25 believe, incorporate Grades 6, 7, and 8, starting

1 with Grade 6 and 7 in 2017-'18, and then adding
2 Grade 8 in the next year.

3 CSD has provided you a variety of
4 information, including the school's rationale --
5 the --

6 THE CHAIR: Commissioner Pogna,
7 unfortunately, can't hear you.

8 MS. POULOS: Let me see if I can get this
9 thing to work.

10 MS. FRIEDMAN: You just have to plug it
11 in.

12 MS. POULOS: Actually, there we go.

13 COMMISSIONER ARMBRUSTER: Okay. Will you
14 start again?

15 MS. POULOS: Explore Academy is here
16 asking to expand its instructional program.
17 Currently, they serve Grades 9 through 12. They
18 would like to add Grades 6, 7, and 8, starting with
19 Grades 6 and 7 next year, and adding, in the
20 subsequent year, Grade 8.

21 The school has provided a rationale for
22 why they would like to make this change. They would
23 like to expand the program for lower grade students;
24 but they have noted that that would necessitate a
25 small change in the program.

1 Currently, students are on 22-day units.
2 And they -- I'm sorry -- 44 -- 22. And they would
3 change that for the lower grade students to 44 days,
4 for some stability with the teacher. But the
5 eighth-grade students would not do the 44-day; they
6 would do the 22-day program.

7 The school also provided materials
8 regarding the budgeting and the staffing of the
9 program. In your materials, you will see additional
10 information, including the school's performance.
11 The overall letter grade, as we noted at one of our
12 earlier meetings this year, did improve from a "D"
13 to an "A" in the current year. And, again, we
14 commend the school on all the hard work that they've
15 done to get there.

16 And we also provide the statewide
17 proficiency comparisons using the school's
18 comparison to the State, as well as to Albuquerque
19 Public Schools.

20 I believe this is from 2015; so we -- and
21 then the next chart shows 2016.

22 And then we did provide additional
23 information about the demographics and the
24 enrollment of the students.

25 CSD has recommended, at this time, that

1 the amendment request not be approved, because we
2 would like to see -- the PED especially believes
3 that there should be consistency or sustainability
4 in that performance and specifically references the
5 State letter grading law, which requires that any
6 school that earns a "D" letter grade must utilize
7 its resources in a way -- and this is 22-2E-4E.

8 And it requires that, "A school that has
9 earned a D letter grade must prioritize its
10 resources toward proven programs and methods linked
11 to improved student achievement until the public
12 school earns a grade of C or better for two
13 consecutive years."

14 And so that's why the recommendation the
15 PED is making at this time is that the school wait
16 for the data to demonstrate that performance -- that
17 sustained performance -- for two years, and then
18 come back and make that request.

19 THE CHAIR: Good morning.

20 MR. JUSTIN BAIARDO: Good morning.

21 THE CHAIR: Is there some additional
22 information you would like to provide for us at this
23 time?

24 MR. JUSTIN BAIARDO: Yes, I would.

25 THE CHAIR: Okay.

1 MR. JUSTIN BAIARDO: Thank you for
2 allowing us to come before you today.

3 I -- I respect the Division
4 recommendation. I -- from an administrative
5 standpoint, I can understand it; from an educational
6 standpoint, I feel like I'm kind of forced to
7 disagree with it. And I'm going to urge you to
8 hopefully approve our amendment request today.

9 We feel like our program is so unique,
10 different than anything you're going to find inside
11 the state or across the country, that -- and then
12 there's obviously signs of progress. I think we're
13 doing great things for our students. We're very
14 encouraged by our academic results.

15 But we -- we feel like there's a few
16 facets to this, one of which is that our standards
17 for education are so high for our students, higher
18 than any school of which I'm aware, in that we
19 require the students to have a "B" or better measure
20 of proficiency on every academic standard, and that
21 we don't allow students to move to the next course
22 within a sequence without measuring at that
23 80 percent in every academic standard.

24 As a teacher, it would always frustrate me
25 that you could pass a student on, and they'd be

1 certified as having knowledge in a certain topic if
2 they pass one unit, let's say, but fail another
3 unit; they average out to something that is deemed
4 satisfactory.

5 For us, we feel like we don't want any
6 gaps; we don't want any holes in their understanding
7 as they move through a sequence of study.

8 And for some students -- I should say for
9 a lot of our students coming in, our incoming
10 ninth-graders or our students that are transferring
11 in at other grade levels, there is a paradigm shift;
12 it's kind of a culture shock, in that we are
13 expecting them to really hold that standard and
14 really learn everything that's required of them in
15 the standards, given the system that they're used to
16 from wherever they -- they came from previous to our
17 school.

18 So we feel like the implementation of the
19 lower grades starting at Grade 6 definitely helps
20 build that educational focus, in that we really want
21 those standards to be in place early on.

22 I definitely agree with the stability and
23 wanting to demonstrate stability. I feel like the
24 amendment and the expansion down to lower grade
25 levels actually is what will bring about the most

1 stability in our academic program is by building
2 those students and growing them across seven years'
3 time instead of four.

4 We feel like -- it obviously is the job of
5 every teacher to take the students that you're
6 given, which obviously come -- come into a classroom
7 from a wide range of experiences, you know, missing
8 understanding here and there -- and take them to
9 that same endpoint. That's the goal, I think, of
10 every educator.

11 And as our school, we feel like that's
12 kind of our focus as a school, in that we do not
13 want to pass students on without -- with any missing
14 knowledge. And we feel like our academic results
15 are now starting to show signs that really it's
16 working, and that we do hold students accountable
17 for every single academic standard, which I don't
18 believe any school does, to the expectations that we
19 do.

20 When we -- when we inherit students from
21 other schools, students transfer in, like I said,
22 there's a shift, a philosophical shift that has to
23 take place, in that we are expecting, like I said,
24 every little standard to be learned at a level. We
25 have obviously small class sizes, exceptional

1 teachers, a very creative curriculum, a lot of
2 choice-based in terms of how the students earn their
3 credits, which is all about the philosophy of the
4 school.

5 But we feel like we would be much more
6 successful starting at a younger age with the
7 sixth-graders and working them up, by making sure
8 that all those -- those areas and those standards
9 are met to the standards that we feel are adequate,
10 which is that 80 percent mark, beginning in sixth
11 grade, and, obviously, building what we feel would
12 be a stronger student across seven years' time.

13 Good?

14 I -- kick myself if I don't comment on the
15 letter grade system a little bit, that -- we're
16 going into our third year. We're in our third year
17 right now. In our first year, I have still not
18 received, I think, an adequate response in terms of
19 how we were graded at a "D" level.

20 We -- you know, a big part of why we were
21 downgraded was our growth measure. And that's
22 concerning, in that it was our first year; so there
23 was -- there was not two data points from which to
24 measure growth.

25 And it was the first year of PARCC; so

1 there was not a previous PARCC measurement for our
2 students to measure that growth. And that was the
3 big reason why our letter grade took a hit.

4 As a first-year school -- and from what I
5 understand, first-year schools, you kind of go
6 through that process of earning that low grade.
7 We're happy with where we are now. We have an
8 exceptional group of students that are committed to
9 the vision of the school, an exceptional group of
10 teachers that have put so much time and energy into
11 helping our students.

12 So I understand the consistency in the
13 letter grade. You know, I would take issue, I
14 guess, with that being the measure of consistency
15 and stability of a school, I guess.

16 THE CHAIR: I'll have one question, and
17 then we'll open it up, and I'll probably come back.
18 But in the request, you mention that you're adding
19 eight staff. Is that a total over the transition
20 into the three grades? Or is it immediately?

21 MR. JUSTIN BAIARDO: That would be --
22 between -- it could be as low as six. It would
23 depend on how many students we recruit. Eight, I
24 think, would be the maximum amount. We could do
25 between -- probably six would be more realistic for

1 Grades 6 and 7, and having another phased in for the
2 following year, with the eighth-grade staff.

3 THE CHAIR: Okay. Thank you.
4 Commissioners, any questions? Commissioner
5 Toulouse?

6 COMMISSIONER TOULOUSE: Madam Chair, I'm
7 wondering how -- because certainly, not being a
8 teacher, but knowing anecdotally from other
9 principals, teachers, and having raised kids, and
10 now grandkids, middle-school kids are notoriously
11 difficult, because they're going through the
12 physical and emotional changes.

13 Do you have any idea or information about
14 how this kind of curriculum would work for kids
15 during that age? Because I would be concerned that
16 you would have fewer of them able to make that
17 transition from elementary school into basically
18 being responsible for yourself.

19 I could see maybe adding eighth grade, you
20 know. But I'm not as sure -- just, again, I, having
21 two grandsons who will be sixth grade next year, I
22 can't see either one of them -- and they're both
23 very different young men -- being able to do your
24 school; and yet both of them have the intellectual
25 capacity to do it.

1 MR. JUSTIN BAIARDO: There's two elements
2 to answer your question. I feel like what we're
3 seeing is -- obviously, when students transition
4 from elementary grades to middle-school grades,
5 that's a transition. And then to transition from
6 middle school into our curriculum is yet another
7 transition that I feel like -- that's two major
8 transitions within the span of three years.

9 If we had the middle-school grades, it
10 would really be one transition, with the students
11 going from elementary to middle school. I think
12 that would help with putting the students through
13 two transitions across two educational models within
14 the span of three years.

15 We have -- we built in tremendous support
16 during our flex period. Students are only in class
17 five periods of the day. We built in two extra
18 periods, what we call "flex" time, one of which is
19 partially used for lunch; but the second of which is
20 used for academic support and for a variety of
21 things, where we have -- we have trainings. We have
22 guest speakers coming in, academic support, study
23 skills, test taking strategy. We do all of that
24 sort of life skill approach outside of the
25 classroom, but still during the school day during

1 our flex time.

2 We feel that right now, with our high
3 school students, a lot of that is voluntary, in that
4 students can, you know, elect to attend a clinic on
5 how to change the oil in their car during -- during
6 their flex periods, when they're not in class. That
7 is a good life skill for students to learn.

8 In the middle-school grades, we transition
9 that to be much more social academic support for the
10 younger grades, where it's all more -- it's
11 mandatory, rather than optional.

12 So at the middle-school grades, that flex
13 time is going to be a lot more structured. We
14 called it "advisory" time. That would be to help
15 develop those -- like I said, both social and
16 academic skills within those students, during that
17 very vulnerable part in their development.

18 So, whereas, our high school students,
19 they can use that time -- they have the freedom to
20 use that time as they will in terms of studying,
21 doing their homework, cooperative learning, seeking
22 out tutoring that we have available during that
23 time, and also all the other extracurricular options
24 that we have. For the middle-school students, it
25 will be much more structured and focused on

1 developing those social, academic, emotional, you
2 know, personable skills for each student.

3 COMMISSIONER TOULOUSE: Madam Chair, I
4 just want to say you are not -- you're far from the
5 only school wanting to start before your ninth-grade
6 year. And we're seeing more and more of that.

7 And then I don't think your school would
8 address itself to elementary. But we have many
9 schools, then, when they get through the mid-school,
10 start going back and picking it up. And while that
11 makes great sense, especially when you're being
12 graded on the students, and having no control over
13 ones who come in later and have to be caught up, I'm
14 wondering if we're also not -- in general, this is a
15 philosophical statement, not specifically related to
16 you -- responding to the grading system rather than,
17 necessarily, to needs.

18 But I -- at this point, I still don't know
19 how I'm going to vote, because I think your type of
20 education is very effective for certain kinds of
21 students. And I'm still not too sure how 11- and
22 12-year-olds -- I think by 13, many of them are
23 ready. And I've got to think about this a while
24 longer. But I do appreciate what you want to try to
25 do.

1 MR. JUSTIN BAIARDO: One of the things we
2 would have to modify is for our ninth-graders now,
3 they get tremendous choice in how they learn. So
4 every month, obviously, we're covering the same
5 standards; but it's the way in which they learn
6 which is completely independent, and they have the
7 freedom to choose.

8 Our course catalog has 800 different
9 versions of our class; we call them "flavors." For
10 our middle-school students, we don't want to give
11 them that same freedom; obviously, it has to be more
12 structured.

13 But we want to have that choice, so that
14 they can -- they can really begin to identify what
15 are their interests, you know, from the offerings we
16 provide, and allow them to be empowered in terms of
17 no developing that choice and that responsibility
18 for their education, which is what we see with our
19 older students, to a more limited extent within the
20 middle grades.

21 So it would still be there, but a little
22 more structured, I guess, is the best way to --

23 THE CHAIR: Commissioner Peralta?

24 COMMISSIONER PERALTA: Yes. So, again,
25 congratulations on the big leap that you

1 accomplished this year. And, of course, a lot of
2 the things you said are some great things to hear
3 about your school and the standards that you have
4 and the expectations you have of your kids.

5 You know, one of my elementary schools
6 made a substantial jump from a D to a B. And,
7 again, the celebration and everybody's excited and
8 what have you. I said, "Now, the bigger challenge
9 is to maintain."

10 And, of course, we've got at least an
11 opportunity to improve on that, because, you know,
12 we're at a "B" school, where you now are at an "A."
13 And so, you know, thinking about, and what
14 Commissioner Toulouse had to say, maybe adding an
15 eighth-grade year and infusing that into your
16 program one grade at a time, starting at eighth
17 grade. But having to want to look at the whole
18 middle-school component kind of worries me.

19 And so I would hate for that to be the one
20 component that, if you're approved today, that might
21 bring you -- bring you down a bit next year. I,
22 personally, would like to see another year of what
23 your school does, as is, and see if you maintain
24 that "A" grade.

25 I mean, even -- we all have those years

1 where we might dip a bit. And dropping to a "B"
2 might raise some questions. We might have to look
3 at where are the areas that -- where you did fall
4 and did drop from an "A" to a "B" next year.

5 But to me, in my opinion, I feel like one
6 more year to look at your school, as is, and, you
7 know, if you come back and you're an "A," and even a
8 "B," it might convince me to say, "Okay, let's
9 really look at your amendment again and see what we
10 could do to help you out."

11 So thank you.

12 MR. JUSTIN BAIARDO: Thank you.

13 THE CHAIR: Commissioner Shearman?

14 COMMISSIONER SHEARMAN: Thank you. Your
15 school's two years old; right? You're -- okay. I
16 remember when we approved your application. I was
17 very impressed with the model for your school. I
18 also had some -- I don't want to say doubts in my
19 mind; but there was that hesitation in my mind of
20 really could that be done.

21 I think I -- I'm more in track with
22 Commissioner Peralta. I would really prefer to see
23 you move forward with the school you have for
24 another couple of years to refine this process, to
25 make sure it really is working; because, as you

1 said, you have a phenomenal group of students.

2 You won't always have a phenomenal group.

3 We know that. Kids -- groups change to have their
4 own personalities.

5 And I think before you take on the job of
6 adding extra grades, which puts more pressure on
7 your teachers, your administrators, your schools,
8 I'd like to see this continue to do really well for
9 another couple of years. Be sure the process works,
10 and at that point, come back to us and -- and expand
11 your school.

12 So I agree that I think another couple of
13 years, and we would have the data that we need.

14 Thank you.

15 THE CHAIR: Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: I'll try this.
17 Hello. Okay. I just had a question.

18 So when a student gets less than a "B" on
19 a particular area, is that time -- and how much time
20 does it take to bring that student up to a "B" in
21 that -- I assume that's in one of those flex periods
22 a day? And is that when also help is given to
23 special ed or ELL students?

24 MR. JUSTIN BAIARDO: Yeah, that's right.

25 There's, I guess, two answers.

1 If we identify a student as in need of
2 intervention academically, within the scope of one
3 of our 22-day terms, that is where the flex period
4 can be utilized to assign a student for tutoring in
5 whatever subject area. That's what we provide
6 during the flex; so that's more of a proactive
7 measure that we have in place.

8 If they -- we get to the end of the term,
9 and they have not shown proficiency, they will have
10 to repeat that month-long seminar at some point in
11 the future.

12 So we stagger our seminars, where they can
13 repeat that seminar pretty soon after, as we offer
14 them at different times throughout the year; because
15 each content area is broken down into, really, four
16 tracks. It doesn't prevent them from moving on
17 within another track, let's say, with math or
18 English. They can continue on in the other three
19 tracks without having to necessarily stop everything
20 they're doing because they didn't show proficiency
21 in one particular area.

22 Does that make sense?

23 COMMISSIONER ARMBRUSTER: Yes.

24 THE CHAIR: Commissioner Johnston?

25 COMMISSIONER JOHNSTON: Thank you,

1 Madam Chair. See if I can organize. I have a
2 series of questions.

3 You're in your third year.

4 MR. JUSTIN BAIARDO: Yes.

5 COMMISSIONER JOHNSTON: You have seniors
6 this year.

7 MR. JUSTIN BAIARDO: That's right.

8 COMMISSIONER JOHNSTON: How large is your
9 senior class?

10 MR. JUSTIN BAIARDO: We'll graduate from
11 35 and 40 seniors this year.

12 COMMISSIONER JOHNSTON: Of those seniors,
13 how many began with you as freshmen?

14 MR. JUSTIN BAIARDO: They started as
15 sophomores -- they would have started as sophomores.
16 Out of those 35, I would say at least 20, 20 to 25.

17 COMMISSIONER JOHNSTON: Then -- and then
18 the freshman class that is now your junior class,
19 how many did you have who were the original
20 ninth-graders that came to you?

21 MR. JUSTIN BAIARDO: We still have between
22 70 and 80 of the original that came in in that
23 original freshman class.

24 COMMISSIONER JOHNSTON: How large is your
25 freshman class?

1 MR. JUSTIN BAIARDO: For the current year?

2 COMMISSIONER JOHNSTON: I'm sorry. What's
3 your cap?

4 MR. JUSTIN BAIARDO: Our cap is at 500.
5 We have 230 students at present.

6 COMMISSIONER JOHNSTON: And your goal,
7 then, for enrollment each freshman year, each year,
8 would be how many students?

9 MR. JUSTIN BAIARDO: We haven't set a cap
10 at grade-level enrollments at this point, since
11 we're --

12 COMMISSIONER JOHNSTON: Have you had any
13 students come in -- when you opened your sophomore
14 class, did you enroll new students at that point?

15 MR. JUSTIN BAIARDO: Yeah. We actually --
16 we gained -- we moved to the west side. That was
17 one issue that actually hampered our enrollment this
18 current year. We gained, I think, more students --
19 we gained some seniors.

20 Overall, I think our total growth for this
21 year was -- put me on the spot -- we gained -- our
22 freshman class currently has about 65 to
23 70 students. I'd have to go -- I'd have to see --
24 we, I think, gained between -- around ten per grade
25 level outside of that.

1 COMMISSIONER JOHNSTON: But your retention
2 is about --

3 MR. JUSTIN BAIARDO: Our retention is in
4 the 80s, I believe, looking at the students that
5 finished the year last year, versus started the year
6 this current year. We're about 80 percent in terms
7 of retention, yeah.

8 COMMISSIONER JOHNSTON: Okay. Let's see.
9 I asked you about your cap and enrollment.

10 I, too -- my concern would be the -- it
11 seems that what you're doing is working. Your
12 retention rate is good. Your students are
13 succeeding who have not come to you from middle
14 school -- from your middle-school program, but from
15 others; so you must be doing a good job there.

16 And this first cohort of four-year
17 students, I would like to see the results with that
18 same group before we added the unique -- the unique
19 middle-school years, those -- those, also. That
20 would be -- that would be my concern would be to
21 focus on the students and the current staff.

22 What about staff retention? How many of
23 the staff you began with are still with you?

24 MR. JUSTIN BAIARDO: From the very first
25 year?

1 COMMISSIONER JOHNSTON: Uh-huh.

2 MR. JUSTIN BAIARDO: We opened our first
3 year staffing. Out of that, we lost one to
4 retirement. I believe that's the only, as far as
5 teachers. Our special ed director retired, as well.
6 So as far as teachers, just the one science teacher.

7 MS. VICKY McCARTY: Our teachers are
8 happy.

9 MR. JUSTIN BAIARDO: We have three of our
10 teachers who have had over 30 years in education
11 cite these years as their best years in teaching,
12 just because of the creativity involved and what
13 they can do with their students.

14 COMMISSIONER JOHNSTON: That's why I would
15 say we would want to leave that delicate balance
16 working so well. That's my hesitancy at this point.
17 Certainly consider it in the future. But for this
18 year, it sounds like you have a really good thing
19 happening for students, and for staff, which
20 ultimately pays off for students.

21 Thank you.

22 MS. VICKY McCARTY: Thank you.

23 THE CHAIR: Commissioner Carr?

24 COMMISSIONER CARR: I remember when you
25 first came before the Commission. I think I was, at

1 that time, one of the only ones that was impressed
2 with you. I don't think I was the only one; but you
3 were, too. I don't remember. I know I wasn't in
4 the majority. But I have been extremely impressed
5 with you from the first time you spoke.

6 I have a lot of instinct in regards to
7 other educators. And I feel -- I have a lot of
8 confidence. If you're asking for something, I tend
9 to want to give you the benefit of the doubt. And
10 so I may be the only one today; I don't know. But
11 I -- I -- if -- I trust you as an educator, and I
12 like -- and if you're coming and asking me for
13 something, and if I was your administrator, I would
14 say, "Okay, I've seen what you've done before, and,
15 you know, you -- you know, we all make mistakes. We
16 try things, and we do things. But things seem to be
17 going really well. On the other hand, my thought is
18 things are going really well. You've got something
19 going on, and you want to extend that, I tend to
20 want to."

21 So I, for one, want to go ahead and let
22 him -- and let this school have these additional
23 grades.

24 So I'm not giving you -- you can see the
25 data in front of you, and all of you admit things

1 are going pretty well. And you have to take some
2 risk, you know, to -- sometimes to, you know, to try
3 out things, and -- but not too far. And -- but,
4 anyway, I think it's fine. And I'm going to vote in
5 the affirmative for you today. And I -- I don't
6 know what else to say.

7 MS. McKEE: Director Poulos, I have a
8 question. You based your recommendation for denial
9 on the statute, 22-2E-4E. Are you aware of any
10 legal authority that allows you to deviate from
11 that?

12 Do you understand my question?

13 MS. POULOS: I'm not sure I understand
14 your question.

15 MS. McKEE: Do you know of any other code
16 or statute that would allow the Commission to
17 deviate from the requirement of the law that the
18 school maintain a consistent -- let me see -- a
19 consistent "C" average for two years?

20 MS. POULOS: So I guess I'm not sure that
21 maybe you understood my recommendation --

22 MS. McKEE: Okay.

23 MS. POULOS: -- which was using an
24 analogy; because the Legislature has clearly
25 indicated that they believe that stability is

1 important when a school has earned that letter grade
2 of a "D."

3 And so using that as an analogous
4 situation, we believe, on behalf of the PED, that
5 that's appropriate to use as a standard, because
6 there isn't -- and I have made recommendations to
7 the Commission that there should be some standards
8 established with regards to amendment requests and
9 what their expectations are for things like
10 expansions. Because there is not currently a
11 standard in place, we based our recommendation off
12 of that analogy.

13 MS. McKEE: All right. Thank you.

14 THE CHAIR: Commissioners, it's been a
15 recommendation that we go into a brief Executive
16 Session to have a discussion on this. So I will ask
17 the audience to --

18 COMMISSIONER SHEARMAN: Make a motion and
19 a vote.

20 THE CHAIR: Sorry. I have to have a
21 motion. Sorry. I have to have a motion to go into
22 Executive Session.

23 COMMISSIONER SHEARMAN: If it's not on the
24 agenda, then we can't do it.

25 THE CHAIR: Then my recommendation is

1 going to be that we table this until we have
2 additional information.

3 COMMISSIONER SHEARMAN: I second the
4 motion. Table -- table the amendment.

5 THE CHAIR: Table the amendment until we
6 have additional information.

7 COMMISSIONER SHEARMAN: I will second your
8 motion.

9 THE CHAIR: I have a second by
10 Commissioner Shearman.

11 Commissioner Armbruster? We need a vote?
12 Yes.

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Johnston?

15 COMMISSIONER JOHNSTON: Could I ask that
16 you repeat it? I'm sorry. I got confused.

17 THE CHAIR: We have a motion to table this
18 amendment until we have further information on this.

19 COMMISSIONER JOHNSTON: Thank you. Yes, I
20 vote in favor of tabling.

21 COMMISSIONER ARMBRUSTER: Okay. Hold on
22 one second. Okay.

23 Commissioner Peralta?

24 COMMISSIONER PERALTA: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Pogna?

2 COMMISSIONER POGNA: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Shearman?

5 COMMISSIONER SHEARMAN: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Chavez?

8 COMMISSIONER CHAVEZ: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Carr?

11 COMMISSIONER CARR: Yes.

12 COMMISSIONER ARMBRUSTER: Commissioner

13 Toulouse?

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER ARMBRUSTER: Commissioner

16 Armbruster votes "Yes."

17 That is nine-to-zero in favor of tabling.

18 COMMISSIONER PERALTA: Commissioner, did
19 you voice-vote?

20 THE CHAIR: I did not voice-vote.

21 COMMISSIONER ARMBRUSTER: Oh, I'm sorry,
22 Commissioner Gipson.

23 THE CHAIR: Yes.

24 COMMISSIONER ARMBRUSTER: I had all these
25 checks. I beg your pardon. So, again, it is a

1 vote --

2 THE CHAIR: It is a nine-zero vote to
3 table the motion. Thank you very much. And we'll
4 see you back. Thank you.

5 MR. JUSTIN BAIARDO: Okay. Can I provide
6 an opportunity on the facility update? Would that
7 be --

8 MS. POULOS: He did want to just kind of
9 share.

10 MR. JUSTIN BAIARDO: Right. We are --
11 we've changed gears a little bit. We've -- we have
12 been identifying a building in the Journal Center
13 area, which is where we had moved from, out to our
14 temporary location on the west side of the city.

15 With the bankruptcy of ITT Tech across the
16 nation, that building actually opened up, and we
17 have since solidified a deal for that building right
18 in the Jefferson area.

19 So right now, it needs fire sprinklers.
20 And so PSFA is waiting -- they've done an evaluation
21 of the building, and they are waiting on the final
22 score until they see the plan for the sprinklers to
23 go into place. And that would bring it up to
24 E-Occupancy. So that will happen within the next,
25 we think, six to eight weeks. And then we'll be

1 able to move in after that. So we'll be coming in
2 for an official amendment for that move, if not
3 December, then January.

4 THE CHAIR: Okay. Thank you very much.

5 MS. VICKY McCARTY: Thank you.

6 THE CHAIR: We are now on to 6B,
7 Tierra Adentro.

8 COMMISSIONER TOULOUSE: Madam Chair, I
9 need to recuse myself from any vote because of my
10 daughter's association with the National Institute
11 of Flamenco. But I may want to discuss a point; but
12 I will not be voting on this.

13 Thank you.

14 THE CHAIR: We're well aware of your six
15 degrees of separation with many schools; so -- good
16 morning. And if you could just identify yourself
17 for the record?

18 MS. VERONICA TORRES: Veronica Torres,
19 Executive Director of Tierra Adentro Charter School.

20 MS. TERESA ARCHULETA: Madam Chair,
21 members of the Commission, my name is Teresa
22 Archuleta, Principal of Tierra Adentro Charter
23 School.

24 THE CHAIR: Welcome.
25 Director Poulos?

1 MS. POULOS: Madam Chairwoman,
2 Commissioners, Tierra Adentro presented to CSD to
3 bring to the Commission a -- an amendment request --
4 I believe this came out of last month's
5 consideration -- and asked to include the following
6 language in their educational program.

7 The language would read, "In addition,
8 TANM offers, on an as-needed basis, alternate
9 programming, such as, but not limited to, online
10 programming, after-school programming, Extended
11 School Year programming, or dual credit options to
12 students who qualify."

13 The school provided the rationale, stating
14 that they've seen a rise in students who need
15 alternative programming, and provided little detail,
16 though, about how they would make decisions, what
17 that alternative programming would be, beyond kind
18 of that list -- list of potential options.

19 As a result, CSD really was unable to
20 provide much analysis to the Commission on this
21 question.

22 But CSD did provide the same information
23 to the Commission, the academic performance
24 information and the enrollment information. Did
25 want to note, though, that at the end of the

1 Commission's consideration at the last meeting, the
2 Commission did encourage the school to reach out to
3 the Deputy Secretary about the previous request and
4 to work with the Deputy Secretary and the Budget
5 Office.

6 That has not occurred. And I think the
7 school can speak to that, about why they -- they
8 presented this amendment without first reaching out
9 to the Deputy Secretary.

10 THE CHAIR: Thank you. Good morning.

11 MS. VERONICA TORRES: Good morning. So
12 Madam Chair, members of the Commission, thank you
13 again for having us.

14 To kind of reiterate what we had spoke
15 about last month with all of you, currently
16 Tierra Adentro does have a dual credit program.
17 Since 2011, we've had Edgenuity, which was -- used
18 to be called e2020 -- in our programming, our school
19 programming that our students utilized for many
20 different facets of their education, in addition to,
21 obviously, our regular ed programming in the middle
22 school and high school areas.

23 We've also had after-school programming
24 since the school's inception in 2010, where we've
25 partnered with the National Institute of Flamenco,

1 since then, as well, in helping us with our
2 after-school arts programming.

3 So many of these things in our amendment
4 have been in our charter since 2010; but we wanted
5 to make it official that we are offering these
6 programs to our students.

7 So when Director Poulos came, and she
8 want -- she advised us to actually amend the
9 programming, we went ahead with amending it.

10 It's not anything that's outside of our
11 budget or new to our budget. Like I said, we've had
12 Edgenuity since 2011, and that's been in our budget
13 since then.

14 So in talking with our lawyer, Andy
15 Aguilar, as well as our business manager, they
16 didn't see why they needed to contact Deputy
17 Secretary Aguilar, since this has been in our budget
18 since 2011 in using the online program.

19 In addition, we did contact Pam Booker,
20 our person at Budget. Michael did talk to her, and
21 she did state there weren't any red flags to this
22 programming; so we didn't feel necessary to -- to
23 contact Mr. Aguilar, as well.

24 THE CHAIR: Thank you. Is there anything
25 else you would like to add?

1 MS. TERESA ARCHULETA: We do want to also
2 reiterate, Madam Chair, and members of the
3 Commission, that we did keep within our projected
4 amount of 290 students. And on the 40th day, we did
5 enroll 290 students.

6 We do also want to iterate that we do have
7 more students in crisis this year than we've ever
8 had. And so what we are doing is what we've been
9 doing since our inception, is providing intervention
10 to students. And if we haven't done anything
11 outside of our budget, we have been following
12 procurement regulation, where we go out for quotes
13 for providing any kind of service that we deem, as a
14 school, necessary to provide students, and we are
15 following the process of budget adjustment requests
16 when appropriate. And all of that does go through
17 our governance council.

18 I would also like to recognize we have two
19 governance council members here with us today, our
20 president, Ms. Sandy Martinez, and one of our
21 members, Ms. Carol Crawford.

22 I do also want to share that after your
23 recommendation to go back and speak with our
24 business manager and our lawyer, again, what
25 Ms. Torres mentioned, we did -- they did tell us to

1 go ahead and write the amendment; basically, it was
2 more of a formality, just to make sure that we're --
3 we don't have as many open-ended issues or maybe any
4 kinds of concerns that might be out there.

5 But we are not, in any way, changing on
6 your mission. We still offer arts as -- just as
7 important as our educational core curriculum. And
8 just like what Ms. Torres said, I would just like to
9 also reiterate that we have been offering Edgenuity
10 since 2011. And we offer it in many capacities. We
11 offer it to support ninth-graders in Algebra I. We
12 offer it to support credit recovery. And we also
13 offer it to support online advanced academic.

14 So we are trying to meet all of those
15 needs that are required by the State to meet all of
16 the students meeting the graduation requirements.

17 THE CHAIR: Thank you. Commissioners,
18 before we start, I do believe Deputy Secretary
19 Aguilar may be here to weigh in on this
20 conversation.

21 DEP. SEC. AGUILAR: Thank you,
22 Madam Chair. Appreciate it. Members of the
23 Commission, welcome. I haven't seen you all in a
24 while.

25 I'm standing before you a little bit

1 confused. The story has changed from last month,
2 and I'm not sure that I'm buying it, to be perfectly
3 honest with you.

4 First of all, I asked that the school meet
5 with me, and, on advice of their lawyer,
6 apparently -- and their business manager -- they
7 chose not to do that. The testimony that took place
8 before this Commission last month was -- was, in
9 broad terms, what was testified -- what was provided
10 this morning.

11 However, there was a fairly significant
12 component with the Executive Director of YDI sitting
13 at the table with the membership -- with the
14 administration of the school, telling this
15 Commission that -- that there was a program that was
16 going to provide services in conjunction with YDI,
17 and that YDI was going to identify students that
18 were in need of remedial help.

19 It was pretty clear from that testimony
20 that those students were not necessarily students of
21 Tierra Adentro, but would be coming in after the
22 fact for credit recovery, for things of that nature.

23 And so as I mentioned last -- so I'm a
24 little concerned about what seems to be a bit of a
25 different story. I'm a little concerned about the

1 40th day count now, based on what I just heard. And
2 so I'm going to be perfectly honest with the
3 Commission.

4 Before we certify the 40th day numbers
5 we're going to have to look at that enrollment
6 pretty closely to make sure that we're dealing with
7 kids that are -- that were actually enrolled in this
8 program as full-time students, and not for just
9 credit recovery and not just for certain things.
10 That's -- that's an issue to me, based on what I
11 heard last month.

12 So why the story has changed I'm not sure.
13 But before I can certify those 40th day numbers for
14 funding, I'm going to need to look at those numbers
15 pretty carefully. So I just -- I want to be
16 cautious about that.

17 The second piece is based on what I
18 mentioned last month and what was just said, the
19 comment was made that there's no change to the
20 budget. If there is change in program -- and
21 apparently, there is a change in program, because
22 the -- the school is coming before you to ask for a
23 change in their charter. So it's unclear to me why
24 a school would ask for a change in its charter if
25 there's not a change in program. And if there's a

1 change in program, then it's, by definition, a
2 change in the budget. Whether the numbers change or
3 whether the planned expenditures change, it's a
4 change in the budget, and that needs to be approved
5 by the Secretary.

6 So I appreciate the advice that they
7 received from their counsel and from their business
8 manager. But at this moment in time, I'm not in a
9 position where I'm comfortable certifying 40-day
10 numbers for funding, based on what I've heard this
11 morning, which is substantially different than what
12 was presented a month ago.

13 So those are my comments, Madam Chair.
14 And I'm just letting the Commission know that we
15 will have to take a pretty close look at those
16 numbers, at the enrollment numbers and at the
17 programs being offered. And we'll do a year-by-year
18 comparison; because if there are new programs that
19 were not contemplated in the budget, those cannot be
20 counted for funding without the Secretary's
21 approval. And that has not been requested.

22 So those are my comments. I want to thank
23 you for your time.

24 THE CHAIR: Okay. Thank you.
25 Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: Madam Chair, since
2 I can't vote on this, I want to say I heard a very
3 different presentation than Deputy Secretary Aguilar
4 heard last month. I think that at this point -- and
5 this is my personal opinion and I want it on the
6 record that I think something has happened that's
7 singling this school out. And since I can't vote, I
8 have no say on any of that.

9 But I think something's gone wrong here.
10 I think they're being punished when Senator Ag- --
11 or, see, I'm already -- Deputy Secretary Aguilar
12 stands there and says he's going to look at their
13 numbers very closely.

14 I never heard that they were going to
15 bring any outside students in. This -- and the YDI
16 did not intend to bring any outside in. They were
17 simply going to have a contract to deal with the
18 students that needed it in order to keep them in
19 school. And that's what I heard. And I've had no
20 contact with the school on this since.

21 And I think that something else was going
22 on here. And basically, I think there's a threat
23 there, Deputy Secretary, and I don't like it. So
24 please make sure it's on the record. Thank you.

25 COMMISSIONER SHEARMAN: Madam Chair? Oh,

1 I'm sorry.

2 THE CHAIR: It has been recommended to me
3 that in light of the Deputy Secretary's questions
4 and concerns, that this item has to be tabled.

5 COMMISSIONER TOULOUSE: Madam Chair,
6 Deputy Secretary doesn't run this Commission. We
7 do.

8 THE CHAIR: I understand that. But it's
9 been the recommendation from our attorney that we do
10 this.

11 COMMISSIONER TOULOUSE: Well, Madam Chair,
12 I still disagree, on the record.

13 THE CHAIR: That's the best -- you can
14 disagree; but I'm not the legal --

15 COMMISSIONER TOULOUSE: No. But,
16 Madam Chair --

17 THE CHAIR: I'm not the legal
18 representative here, so....

19 COMMISSIONER TOULOUSE: I want to make
20 absolutely sure I am on the record.

21 THE CHAIR: You are. You are on the
22 record. But I don't have the ability to make a
23 legal opinion.

24 Commissioner Shearman?

25 COMMISSIONER SHEARMAN: Madam Chair, it's

1 been the -- the practice of this Commission to
2 appreciate our legal counsel and to recognize their
3 authority and their knowledge. If our legal counsel
4 recommends that we table this issue, then I believe
5 we should table it. So that is my recommendation,
6 that we table.

7 THE CHAIR: Commissioner Carr?

8 COMMISSIONER CARR: I want to take the
9 opportunity -- maybe I'm not feeling so emotional as
10 Commissioner Toulouse is.

11 (Commissioner Chavez is disconnected
12 and reconnected.)

13 COMMISSIONER CARR: So I'll repeat what I
14 was saying. I -- I want to take the opportunity to
15 wholeheartedly agree with my colleague, Commissioner
16 Toulouse. I do know that we need to take counsel
17 seriously. On the other hand, I'd like to be on the
18 record saying that I -- if I were from the school
19 right now, I would be feeling bullied at the moment.
20 And I'm pretty sensitive --

21 MS. TERESA ARCHULETA: We do.

22 COMMISSIONER CARR: -- to that, especially
23 right now. And so I just want to be on the record
24 as saying that I feel like bullying is taking place.

25 MS. VERONICA TORRES: Thank you.

1 THE CHAIR: Thank you. I want to be on
2 the record as saying that I have been supportive of
3 this program. I've got no issue. I think it's an
4 important program. But my concern is twofold.

5 We have a recommendation from our
6 attorney. And, secondly, the Commission did make a
7 recommendation that you reach out to Deputy
8 Secretary. So that is somewhat concerning to me
9 that that reach-out did not happen, that that -- I
10 think that was a clear recommendation from us.

11 I appreciate the fact that you got
12 different opinions from your attorneys. But it was
13 from us the recommendation that the reach-out
14 happen.

15 So I'm -- that concerns me, that that did
16 not take place. I don't know what the harm would
17 have been for that reach-out. I understand there's
18 tension here. And I appreciate that. And I would
19 hope that that tension can be mitigated.

20 But we have to make a decision based on
21 clear information. And at this point in time, it's
22 a bigger gray area.

23 Commissioner Peralta?

24 COMMISSIONER PERALTA: Thank you,
25 Madam Chair. You know, I want to concur on that;

1 because that was basically my thoughts, that it was
2 this Commission that directed the school to reach
3 out to PED. And that was the bottom line from the
4 authorizers.

5 And, granted I know schools have their
6 counsel, and they seek out their advice and what
7 have you. But, regardless, had that -- had that
8 visit happened with PED -- and even with their
9 counsel, and the counsel talk to PED and their
10 counsel, you know, at least if that would have
11 happened, I don't think this atmosphere, or this
12 situation, would have occurred, and I don't think
13 the tensions would have arisen like they have.

14 So I just wish that the schools would
15 follow through on the directive of the Commission
16 when they're directed to.

17 Thank you.

18 THE CHAIR: Commissioner Johnston?

19 COMMISSIONER JOHNSTON: Thank you,
20 Madam Chair. And I would just -- I concur when the
21 Commission recommended that you reach out to the
22 Deputy Secretary -- we are entrusted with taxpayer
23 dollars to educate our children. We are also
24 expected to have legal advice so that we do those
25 things.

1 But when legal advice advises you not to
2 reach out to the Deputy Secretary of the Department
3 that controls our existence and -- and understands
4 the finances, I would always encourage you to, no
5 matter how tense, to deal with the person the
6 Commission recommends you deal with.

7 There just has to be that trust. And we
8 are entrusted -- he is entrusted -- or she -- the
9 person in that position -- is entrusted with
10 managing all of those taxpayer dollars at the
11 highest level. So that would be my concern, also.

12 The word that -- just experience. Thank
13 you.

14 THE CHAIR: Thank you.

15 MS. TERESA ARCHULETA: May we respond?

16 THE CHAIR: Certainly.

17 MS. TERESA ARCHULETA: Madam Chair,
18 members of the Commission, I do want you to know
19 that immediately following, we went to a break in
20 the last meeting. Both of us and Mr. Gallegos from
21 YDI approached Deputy Secretary Aguilar and said,
22 "When can we meet?"

23 He, right away, rushed out of the meeting
24 and said, "I'm really busy. I don't have time right
25 now."

1 What we did do was we did contact
2 Charter -- Dr. Poulos, as you all advised. We did
3 also, as you advised, contact our lawyer and our
4 business manager.

5 So right now, in the words of the two
6 Commissioners, Commissioner Carr and Commissioner
7 Toulouse, we feel bullied. We absolutely feel
8 bullied, and we feel like we're in the middle of the
9 tension. And I understood this was also addressed
10 at the Coalition conference around that tension.

11 Again, listening to the presentation on
12 ESSA earlier, listening to the presentation with
13 Explore Academy, it is -- look at our data. We've
14 been in existence for seven years. We are doing
15 everything we possibly can. Look at our grade. Our
16 grade is a "B." Our average is a "B." We are doing
17 everything we can. And we don't want to not follow
18 the protocols before us. We do absolutely.

19 And I do have to let you know that our
20 governance council, in the minutes, under protest,
21 approved this amendment. They felt that this was
22 not necessary.

23 But let's go back. The reason why this
24 came up was because in September, our governance
25 council, the meeting that we had in September, there

1 was a member from Charter PED observing, and we
2 talked about changing our cap.

3 And what happened was then Dr. Poulos
4 e-mailed Ms. Torres and said, "We need to talk about
5 your cap."

6 That was the only time she had e-mailed.
7 She never said anything. And we talked about what
8 services we wanted to provide students that were
9 coming to us that had need. We talked about having
10 support from YDI. We also talked about from PB&J
11 and also from New Day. We have a student right now
12 at New Day.

13 So under this guise, she comes to meet
14 with us, and then, all of a sudden, says, "You need
15 to do an amendment, because you're working with YDI
16 to provide evening online services."

17 So we said, "Okay. What do we need to
18 do?"

19 But then it became a barrier. "No, this
20 won't work. This won't work. We can't get on the
21 agenda."

22 So I think what's really uncomfortable for
23 us right now, we're sort of at a loss on how to move
24 forward.

25 Do we have a contract with YDI? No. We

1 are following procurement by getting quotes, the way
2 we're supposed to. We are trying to follow
3 everything that is given to us. And we are
4 following what you're asking.

5 So we just want you to know that two days
6 before this meeting, we were e-mailed if we had
7 reached out to Deputy. But in no way did he return
8 a reach-out to us, when he knew that we needed that
9 support. I thought Charter PED and PED was supposed
10 to support the schools. We don't have a Local Ed
11 District. We are the district.

12 So I'm at a loss right now. I'm really at
13 a loss. And so we will do what you ask of us. But
14 please know, we didn't have any intention of
15 disrespecting what you asked us to do.

16 THE CHAIR: Commissioner Shearman -- oh,
17 I'm sorry.

18 DEP. SEC. AGUILAR: No, please.

19 COMMISSIONER SHEARMAN: Go ahead.

20 DEP. SEC. AGUILAR: Madam Chair, I wanted
21 to say a couple of things. For whatever reason,
22 tensions seem to be high. This isn't an attempt to
23 bully, and it's not an attempt to exert authority to
24 the --

25 THE CHAIR: Can I just interrupt you for a

1 second? Commissioner Pogna has difficulty hearing.
2 If you could use the mic, it would help her out.

3 DEP. SEC. AGUILAR: Certainly. Not that
4 people want to hear my voice any louder. But I
5 appreciate that.

6 So, Madam Chair, this isn't an attempt to
7 bully. And I do actually take exception to that
8 word and that comment. I have a fiduciary
9 responsibility to the State of New Mexico. And I'm
10 trying to exercise that responsibility.

11 As you directed the school last -- last
12 meeting -- or in September -- to contact my office,
13 they -- they walked out with me and said, "Can we
14 meet now?"

15 I had a previous engagement. I said,
16 "Please reach out to my assistant, and they can
17 schedule a meeting."

18 That was never done.

19 So the idea that we would then start
20 thinking about, you know, calling folks -- and I
21 guess the direction was that they would reach out to
22 us. And we stand ready to have a discussion. But
23 until I fully understand these components and
24 understand what these services are and -- and
25 apparently, now, there's an RFP going out for the

1 services because of some issues that were raised by
2 the Commission last month regarding the procurement
3 code and the relationship with YDI. So there's been
4 some changes that have gone on in the last month.

5 I stand ready to meet with the school.
6 Again, I'm -- and I don't -- I'm not trying to be
7 uppity. I do have a schedule I'm trying to meet.
8 And I have meetings scheduled. But if they'd reach
9 out to us, we can certainly schedule the meeting and
10 get this resolved one way or the other.

11 But again, until I have that confidence --
12 and the idea that we're going to look at their 40th
13 day numbers is not a bully technique. It's actually
14 something we need to do because the story seems to
15 have changed from last month. And we're in the
16 process of certifying the 40th day data. And that's
17 the data that's used to set the final unit value.
18 And it's the data that we use for funding. It's not
19 something that we can wait to do.

20 And so the sooner we can meet, the better.
21 And we're going to ask for a certain date on
22 enrollment. If there is no change, then we
23 certainly will approve it. If there are changes, we
24 have to talk about what gets counted in the 40th day
25 and what does not. That's where we're at.

1 Again, we stand ready to visit; but we
2 need to have that meeting.

3 THE CHAIR: Thank you.

4 MS. VERONICA TORRES: And I just wanted to
5 add one thing. I know a concern of Mr. Aguilar was
6 that the students staying after school to do credit
7 recovery; they are full-time students at
8 Tierra Adentro. They're absolutely full-time
9 students, meeting the required hours and required
10 credits for graduation. They're by no means just
11 coming one hour here, one hour there. They have a
12 structured schedule. But again, that can be
13 resolved, hopefully, in a meeting with CSD and
14 Mr. Aguilar.

15 THE CHAIR: Commissioner Shearman?

16 COMMISSIONER SHEARMAN: I'd like to know
17 if our attorney's recommendation is still to table.
18 Has anything changed in your mind?

19 MS. McKEE: No, Commissioner Shearman. My
20 recommendation is to table. Deputy Secretary
21 Aguilar is here, and he has stated that he needs to
22 do some more checking; he needs to do some more
23 looking, and he needs to do more research. It is my
24 obligation, as General Counsel, to allow him to do
25 that, to protect the public funds.

1 I certainly -- by him standing there, I
2 certainly do not feel bullied by him. And that was
3 not the reason that I asked that this be tabled.

4 COMMISSIONER SHEARMAN: Thank you. Then,
5 Madam Chair, we have a motion on the floor.

6 THE CHAIR: Do I have a second?

7 COMMISSIONER POGNA: Second.

8 THE CHAIR: Second by Commissioner Pogna.
9 Okay.

10 MS. POULOS: Commissioner Armbruster,
11 roll-call vote, please? And don't forget me,
12 please.

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Gipson?

15 THE CHAIR: Unfortunately, yes.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Peralta?

18 COMMISSIONER PERALTA: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Pogna?

21 COMMISSIONER POGNA: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Johnston?

24 COMMISSIONER JOHNSTON: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: I can't vote.

3 COMMISSIONER ARMBRUSTER: Oh, I'm sorry.

4 Commissioner Shearman?

5 COMMISSIONER SHEARMAN: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Carr?

8 COMMISSIONER CARR: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Chavez?

11 COMMISSIONER CHAVEZ: Yes.

12 COMMISSIONER ARMBRUSTER: Commissioner

13 Armbruster votes "Yes."

14 So that's eight-to-zero to table this.

15 THE CHAIR: That is eight-to-zero, with

16 one abstention.

17 COMMISSIONER ARMBRUSTER: With one

18 abstention, correct.

19 THE CHAIR: Thank you very much. And I

20 sincerely apologize for what has been going on.

21 I -- this has not been the intention of the

22 Commission to prolong this. I think we've all

23 expressed support for this; but there's just --

24 there's questions -- we need to get this

25 straightened out. Thank you.

1 COMMISSIONER TOULOUSE: Madam Chair, I'd
2 like to ask them how their program went. Didn't you
3 have one Friday night -- or a dance or something?

4 MS. VERONICA TORRES: Yeah. So Yjastros,
5 the American Flamenco Repertory Company, their
6 teachers, and their school -- and I was a member of
7 that dance company for 20 years as an original
8 member -- they had a concert last weekend that was
9 phenomenally attended by the community. We had over
10 80 students attend a school dance that the National
11 Institute of Flamenco sponsored for our school at
12 the NHCC, National Hispanic Cultural Center,
13 Ms. Archuleta led the charge on that dance.

14 And then from there, they got to go over
15 and see the concert. So it was an evening that we
16 provided for all of our students. And many of them
17 took advantage of that, and we're very thankful for
18 that.

19 COMMISSIONER TOULOUSE: Thank you.

20 COMMISSIONER JOHNSTON: May I ask?

21 THE CHAIR: Commissioner Johnston?

22 COMMISSIONER JOHNSTON: I'm not sure
23 whether I'm in order or not.

24 THE CHAIR: Well, I don't know what you're
25 going to say.

1 COMMISSIONER JOHNSTON: I didn't even know
2 if I had an opportunity to say anything. That's
3 why. So I -- I read in your report that in March
4 of -- your entry level numbers did not -- they're
5 not the same as your -- my concern arises, in that
6 the sustainability of the program that we're looking
7 at funding right now in the 40-day numbers, for you
8 and for your students.

9 That is the whole basis for my concern.
10 And I think conversation with the Deputy Secretary
11 will help clarify the sustainability; because I
12 don't want you to get funding this year that at the
13 end of the year, your enrollment is down, and you
14 have to change your program again because you can no
15 longer -- you can no longer fund it.

16 I have utmost respect. And you know,
17 Veronica, we've known each other a long time. And I
18 know what you're doing. And I laughed to myself
19 when you began your conversation; because I don't
20 know whether you or Ms. Archuleta said that we -- we
21 include the arts, in addition to our regular
22 program.

23 And I was thinking, "No. The arts are
24 your program, and everything comes through that."

25 MS. VERONICA TORRES: Yes.

1 COMMISSIONER JOHNSTON: And I just value
2 that tremendously. But those numbers that tie to
3 those dollars, and the sustainability, what you're
4 doing is good. And I probably think -- I can't
5 speak for the Deputy Secretary -- but I know
6 sustainability is what we all want so that you have
7 these students and the next students and the next
8 students, and you can keep doing what you're doing.

9 I greatly respect it. Thank you.

10 MS. VERONICA TORRES: Thank you.

11 THE CHAIR: Thank you.

12 MS. POULOS: Madam Chairwoman? And the
13 Deputy Secretary has found time on his calendar. He
14 would like to meet with the school at 11:00 on
15 Monday at the school. So hopefully, we can set that
16 up.

17 MS. VERONICA TORRES: Yes. Thank you.

18 THE CHAIR: Thank you very much. Can we
19 take just a short break?

20 Deputy Secretary Aguilar, if I can just
21 have one second?

22 COMMISSIONER SHEARMAN: I want that timed
23 to see one second.

24 DEP. SEC. AGUILAR: It's already done,
25 Madam Chair. One second is over.

1 (A discussion was held off the record.)

2 (A recess was taken at 11:42 a.m., and
3 reconvened at 1:54 p.m., as follows:)

4 THE CHAIR: And I shall call this meeting
5 back into session. And it is 1:54. And we are on
6 to Item No. 8, Discussion and Possible Action on
7 Governing Body Vacancy Requirements, Contract
8 Provision -- oh, I'm sorry. Didn't we do 7?

9 I'm sorry. We're on to Item No. 7, Report
10 from Options for Parents and the Charter School
11 Division, Discussion and Possible Actions.

12 MS. POULOS: Madam Chairwoman,
13 Commissioners, just on the Charter School Division
14 Updates, we are still seeking staff, and very
15 hopefully, we've got two positions that we're
16 interviewing for. My team and other people
17 throughout the PED are doing that without me today.

18 And so I'm hoping by the end of the week,
19 we will be able to make two offers on some of our
20 more important positions -- not that they're not all
21 important -- but the manager and the supervisor
22 positions. We're continuing to ensure we have found
23 the right team members. And so we continue to
24 interview for those.

25 The team has been very busy. Becky is not

1 with us right now, because she's still upstairs
2 working. And Phillip is working quickly through
3 some of his work, while watching the meeting today.

4 But we have been finalizing the renewal
5 reports based on the applications that were
6 submitted, as well as the site visits that Becky and
7 Phillip conducted throughout October. And I -- 13,
8 14, 15 -- 15, 16 site visits.

9 MR. GLOUDEMANS: Thirteen.

10 MS. POULOS: Thirteen renewals; but then
11 the new schools.

12 MR. GLOUDEMANS: Three.

13 MS. POULOS: Three. Because we did the
14 schools that were new to the Commission, as well as
15 the brand new school with 40-day site visits. So
16 16 site visits over October, and they had the help
17 of people throughout PED from the Special Ed bureau,
18 from our College and Career Readiness, Bilingual
19 Multicultural Education, Indian Education, IDEAL
20 New Mexico.

21 So it was a team effort. And I think they
22 learned a lot; especially the people from the other
23 teams really appreciated the opportunity to get out
24 with us and see what we look at, because we really
25 do get a full, comprehensive look when we go and

1 look at the schools.

2 So it was nice to use their expertise and
3 get to learn from that, but then also for them to
4 see the world of the work that we've done. And in
5 fact, we've gotten quite a few applicants from other
6 bureaus who found the work to be very exciting. So
7 that's really -- that's good news.

8 And so those preliminary renewal reports
9 have gone out to most of the schools. We still have
10 a few more, just to finalize and get those out
11 today, and then we'll send them over to you. The
12 schools have an opportunity to respond to those, and
13 then we'll incorporate that all for you prior to the
14 December meeting, which is coming up very quickly,
15 we realize.

16 So that's predominantly the work that's
17 been keeping us busy. And the charter school
18 governance changes, we are still working with our
19 team to get all of those organized and response
20 letters out. And in fact, when we are able to hire,
21 hopefully, this week, one of those positions, that
22 will, in fact, be a responsibility that lands on one
23 of those positions. And so they'll be able to hit
24 the ground running on that work. And so we will
25 have very specific delineations for you at one of

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 820-6349



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

1 the next meetings.

2 THE CHAIR: Okay. I guess the -- my only
3 concern is, do we -- do you know if we have any
4 schools, through changes in the governance council,
5 that have fallen below the required five?

6 MS. POULOS: Great question. I don't
7 know -- I don't know that right now. That is
8 information we're tracking. But I'll be quite
9 honest. Typically, what happens is they will wait
10 until they've gotten that, to then notify us;
11 because they do have that 30-day window to notify.

12 THE CHAIR: Right.

13 MS. POULOS: Although Phillip is coming
14 up.

15 (Mr. Gloudemans consults with Ms. Poulos.)

16 MS. POULOS: So I think Phillip is telling
17 me that we do know there are some schools that have
18 fewer than five? Or are you talking about the
19 training hours?

20 MR. GLOUDEMANS: They have less than five
21 members on the governing body.

22 MS. POULOS: So we are aware of that. And
23 if you'd like a list at the next meeting, we can get
24 that for you.

25 THE CHAIR: I would. I would; because

1 that's of critical importance to us. Because I
2 don't want to put you on the spot; but I think
3 there's one of mine.

4 MR. GLOUDEMANS: Yes.

5 THE CHAIR: I'm pretty sure.

6 MR. GLOUDEMANS: We also have at least one
7 school for the renewals that has less than five
8 members.

9 THE CHAIR: Of course, that's important
10 information for us at renewal time. And hopefully,
11 by that time, they have had a chance to fix it.

12 But -- okay, thank you.

13 Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair, may I
15 ask Director Poulos? At the last meeting, I asked
16 Secretary Aguilar if he could give us information on
17 how much this Commission costs, and he said he'd be
18 glad to provide that.

19 Do we have that?

20 MS. POULOS: I will follow up with him.

21 COMMISSIONER TOULOUSE: Thank you very
22 much.

23 THE CHAIR: Commissioners? Anyone else?

24 If not, we will now move on to No. 8,
25 which is Discussion and Possible Action on Governing

1 Body Vacancy Requirements.

2 COMMISSIONER SHEARMAN: Is Eleanor --

3 THE CHAIR: Commissioner Chavez is on the
4 line; correct?

5 COMMISSIONER CHAVEZ: Yes.

6 THE CHAIR: Yes.

7 MS. POULOS: Madam Chairwoman,
8 Commissioners, this agenda item, if you'll refer to
9 the materials, came to us because in this process
10 that Phillip has been spearheading with our
11 assistant of receiving the notifications of the
12 governance changes, we -- Phil was communicating
13 with the school, thanking them for the notification
14 and then asking them to please provide us, in a
15 timely manner, the notification of the vacancies
16 that were filled; so who filled those vacancies.
17 And that was because we had received notification
18 that two positions had been vacated.

19 And the school then actually had their
20 attorney contact us saying, "We don't need to do
21 this, because the school has five members."

22 Now, the other problem there was the
23 school's bylaws actually say that they can have
24 fewer than five, which is a problem. And so you
25 couldn't even rely on their bylaws to say how many

1 vacancies they have.

2 The other problem is many of our bylaws
3 actually say they can have a range, somewhere from
4 seven to nine.

5 So based on the way the PED reads the
6 charter school contract, as well as the performance
7 framework, it says that any vacancy must be filled
8 within 45 days. Because there was an individual in
9 that position, and then it vacated, that appears to
10 create a vacancy -- or at least that's how the CSD
11 is handling that -- in which case we would expect to
12 receive notification within 45 days that that
13 vacancy has been filled.

14 At this point, we are seeking guidance
15 from you on how to move forward and how we should be
16 communicating with schools about this, since this is
17 your performance framework and your charter contract
18 that lays that language out whether, in fact, if
19 there is a notification of a change in governance,
20 that someone has left a position, does that, then,
21 create a vacancy that must be filled within 45 days;
22 if not, what are the expectations.

23 This can get into some challenging
24 territory, because if they only have to notify us
25 about the five members, then there could be

1 additional members that we would not have notice of.
2 Those members are members of a Board of Finance, and
3 we really do need to have it. We need to have the
4 affidavits.

5 Additionally, I'll just kind of throw out
6 some other challenges. The charter school that had
7 its charter revoked that had that tax liability, one
8 of the things that we have been trying to do is be
9 able to communicate with -- throughout the term --
10 the individuals that were board members that are
11 responsible for that and don't really have records
12 of that, and so have not been able to communicate
13 with those people.

14 The PED Budget Department has asked us to
15 take -- take steps to keep better records, to, in
16 fact, have the contact info for everyone who has
17 served as a board member on a charter school board.
18 And so it gets into some pretty tricky territory.

19 And so I think we do need some real
20 clarity on what is a vacancy, when does that need to
21 be filled. If they don't have to notify us, or,
22 potentially, if it doesn't have to be filled within
23 45 days, unless they fall below the five, then maybe
24 they do have to notify us; but when does that notice
25 have to happen.

1 So I think we need some more clarity here,
2 so that we can get out of this muddy water that
3 we're in.

4 THE CHAIR: Thank you. And just so that
5 the Commissioners know, I did have a conversation
6 with Audrey about this -- it's a little bit ago --
7 about if it's any vacancy or not. And I believe you
8 concurred that we get notified when there's any
9 vacancy, not just -- because our contract says any
10 vacancy, not just falling below five.

11 COMMISSIONER CARR: Right.

12 THE CHAIR: So that I think -- and I
13 concur that it's important for us to know of any
14 changes, even if it's below the -- if it's not below
15 the five, that any change needs to be --

16 COMMISSIONER ARMBRUSTER: Notified.

17 THE CHAIR: -- notified to -- to CSD, and,
18 therefore, us.

19 MS. POULOS: And then I think the -- and
20 maybe you're just kind of -- but the tricky question
21 here is does the 45-day provision kick in.

22 THE CHAIR: Oh, I get you.

23 MS. POULOS: Right? Or do they have to
24 fill it at all?

25 MS. McKEE: Right. To fill it, because

1 you're --

2 THE CHAIR: Because they're still within
3 the statutory requirements. But do they have to
4 fill it within the 45 days if it's No. 6, 7, 8, or 9
5 on their governance council?

6 MS. McKEE: Well -- or, you know, the
7 other issue is 45 days from --

8 COMMISSIONER ARMBRUSTER: Louder.

9 MS. McKEE: Sorry. The other issue is
10 filling it from 45 days from the vacancy or 45 days
11 from the notice of the vacancy. Because, you know,
12 you could be notified on Day 39, which doesn't give
13 you any time at all. So, I mean, that should be
14 fixed.

15 MS. POULOS: And the --

16 MS. McKEE: That's almost unworkable.

17 MS. POULOS: I do think the contract
18 provision says, "The school shall fill any vacancy
19 on its governing body no later than 45 days from the
20 vacancy."

21 THE CHAIR: From the vacancy. That's what
22 our contract says, yeah.

23 MS. POULOS: And the policy that we do
24 have in place, which is provided in your
25 materials -- I believe -- yes -- on Page 6, and the

1 forms that we've used, very specifically ask the
2 school to provide the letter of resignation or the
3 minutes demonstrating the vote so that we have
4 clarity from that letter of resignation, "My
5 resignation is..." effective date.

6 So that gives us the starting point for
7 tracking those 30 days for notice, the 45 days for
8 filling. So I think we're okay there.

9 MS. McKEE: Okay.

10 MS. POULOS: It's just when we hit No. 6,
11 7, 8, or we're in the range somewhere between 9 and
12 11 -- right? -- when do they have to fill those, and
13 when don't they?

14 Some of the language that I proposed is
15 potentially -- and I have talked with Patricia
16 Matthews, who brought this up --

17 THE CHAIR: Right.

18 MS. POULOS: -- that their school is
19 really -- should probably, at least on an annual
20 basis, vote to say, "Right now, for this year, we
21 are going to have nine members." And then they can
22 obviously change that through the year.

23 But it needs to be based on a public vote,
24 so that they're being transparent about how many
25 members they have and why.

1 And I will say that part of that comes up
2 with some of the schools that are in chaos or -- you
3 know, can get to the point where they start playing
4 with membership; right?

5 "We're just going to vote and add more
6 members, because I don't have a majority right now,
7 so I need to stack the court"; right?

8 Or, "I've got a majority right now. I
9 don't know what's going to happen if I bring some
10 other people on. I'm just going to stay with our
11 seven, even though we had nine two days ago"; right?

12 And so I think the schools would very
13 likely appreciate some clarity on that, also, as to
14 what is expected of them.

15 MS. McKEE: Well, we'll, certainly, under
16 your proposed motion language -- I mean, certainly,
17 you know, the statutorily required number of five
18 members, you know -- I mean, you have your statutory
19 requirement of five members.

20 THE CHAIR: Right.

21 MS. McKEE: So that's something to think
22 about.

23 THE CHAIR: I guess a concern that I have,
24 I mostly agree with the public vote, say, at the
25 start of the school year, if -- and set their number

1 that's above five, if that's what they're choosing.
2 I think I have a little bit of a concern with the
3 opportunity to change that during that school year
4 with another vote, because I think you're still
5 potentially getting into that may be an issue.

6 But I don't have as big a concern with
7 them making a public vote, "This is what we're going
8 to do for this school year," and they're held to it.
9 I don't know whether I like giving them that option,
10 'cause they could change it five different times, as
11 long as it's a public vote.

12 So it kind of --

13 COMMISSIONER SHEARMAN: Are we doing away
14 with amendments on -- is it not an amendment to
15 change the number?

16 COMMISSIONER TOULOUSE: If it --

17 MS. POULOS: Madam Chairwoman,
18 Commissioner Shearman, again, partially based on the
19 conversation that we had yesterday, which is the
20 contract provisions do ask that they provide, with
21 specificity, information about the governance
22 structure; but if you take a look at where we are
23 with those contracts, there's not specificity.

24 And so I would say maybe five of the
25 contracts you have, have a number in them. Even if

1 they have a number in them, it's a range. And so
2 they wouldn't -- if there's no number and they just
3 change the number of governing board members, they
4 wouldn't need an amendment, because it's not a
5 material term.

6 If they were within your range -- and so
7 the range was nine to 11, and they decided that they
8 were going to have 10, and then the next year, they
9 were going to have nine, and the next year they were
10 going to have 11, again, that would not require an
11 amendment request because they were meeting the
12 material terms.

13 But there's that lack of clarity.

14 So one of the things we talked about
15 yesterday is certainly the need, as contracts are
16 negotiated, if we're going to keep that in as a
17 material term, to really look at that and make sure
18 we're being more specific and clear in what we want
19 to see in those material terms with regard to the
20 governance structure.

21 COMMISSIONER SHEARMAN: But, Madam Chair,
22 again, we kept the application in. Vince Bergman
23 asked for it, and he was assured that it was made
24 part of it.

25 MS. POULOS: Madam Chairwoman,

1 Commissioner Shearman, in the past, with the old
2 charters, that was incorporated in. And so you'll
3 actually see that with the renewals you're going to
4 see this year. This is the last time where we went
5 back and pulled stuff out of that application so
6 that you could see those terms.

7 But the performance contract very clearly
8 says, "These are the material terms. They're only
9 the terms that are here in the contract." This
10 doesn't subsume the application any longer. And so
11 those things are not part of it, which is why we've
12 got to get really clear on what are the material
13 terms, and are there other things that need to, or
14 things that need to be laid out with clarity in the
15 contract.

16 COMMISSIONER SHEARMAN: I'm not going to
17 argue the issue, because I suspect you're right.
18 But I surely do recall Vince asking that that
19 contract be continued to be part of -- the
20 application be part of it; but it's a moot point.

21 THE CHAIR: It is in the application; it's
22 just the application. And the contract doesn't have
23 that same language. And I think now the trend is
24 for more schools to simply say, "At least five."

25 MS. POULOS: Right.

1 THE CHAIR: So that if they choose, then,
2 make seven, eight, nine, ten, they don't need an
3 amendment to that, because they're maintaining their
4 at least five; so that they can just change with
5 this yearly vote, which I don't have an issue with
6 that. It's -- the randomness that they can change
7 potentially, numerous times during that year, just
8 by having a vote, so that it doesn't -- you know,
9 I'm concerned about that piece.

10 MS. McKEE: You could --

11 THE CHAIR: Just not do that.

12 MS. McKEE: In this proposed motion
13 language, I mean, you could limit it. You could say
14 "twice a year" or something like that.

15 THE CHAIR: Right, yeah.

16 MS. McKEE: Yeah.

17 COMMISSIONER TOULOUSE: I was going to
18 say, also, don't we need to require them to let us
19 know whenever they make a change if they're going
20 to -- you know -- because we need to know how many
21 they have.

22 COMMISSIONER JOHNSTON: And if the
23 wording -- yeah, it's --

24 COMMISSIONER TOULOUSE: I'm saying
25 whenever -- because we've just said, "If they say at

1 least five," then if they -- we still need to know
2 if they decide to make it seven or anything, not
3 wait for something.

4 THE CHAIR: Right. Just so Commissioner
5 Johnston knows, the issue was raised because
6 there -- there was at least one school who felt that
7 they weren't obligated to notify us because they
8 were at five. It was their number eight or their
9 number nine or whatever.

10 So, therefore, they weren't obligated
11 because it's not literally any; it's when they fall
12 to the five or below.

13 COMMISSIONER JOHNSTON: It says "at
14 least." And I appreciate -- may I speak, Madam
15 Chair? I forgot. I apologize.

16 THE CHAIR: Yes.

17 COMMISSIONER JOHNSTON: Last night, I
18 looked -- I went to school board policies, to the
19 School Boards Association. And there is a list in
20 the State School Board Association of the policy
21 manuals of, I would say, at least three-fourths of
22 the districts around the state; it's a template.
23 Some of the districts have their own.

24 So I looked at three or four. And each
25 one is very clear in policy that, "The board will

1 consist of..." -- the ones I looked at -- "...five
2 members."

3 And, of course, I didn't bring an example
4 of that.

5 But I agree with you, Madam Chair, that I
6 think there should be a statement. And I don't know
7 whether it says if a new charter school requests to
8 form, before we establish the contract, I would
9 think that in their policies, they would tell us how
10 many governing council members they want, and that
11 would be the number.

12 And in the contract, we -- it would say
13 that the school's governing body shall have whatever
14 number it is. And that -- because it can't just
15 keep changing, like you're saying. It has to --

16 THE CHAIR: Well, the statute does mandate
17 the five. So that's -- that's clear. The
18 application, they do put in what they believe is the
19 number. When the contract is then negotiated, it
20 appears that -- so that they're not constrained by
21 having to have eight. If they say, you know, "It's
22 pie in the sky. Oh, I'd really like eight, and
23 that's -- yes, that's really great," not to be just
24 at the minimum.

25 But they get constrained if they put that

1 in so that the language is becoming a little more
2 general to a range of, you know, up to or whatever,
3 so that they don't have that constraint; so that the
4 concern is do we feel we need to know when there's
5 change going on.

6 And I think the thought is we need to
7 know, because that's a sign -- a potential sign
8 of -- some.

9 COMMISSIONER JOHNSTON: Instability, if
10 it's changing, if it's changing.

11 THE CHAIR: Correct. Correct. Correct.

12 COMMISSIONER CARR: Madam Chair?

13 THE CHAIR: Commissioner Carr?

14 COMMISSIONER CARR: Yeah. I mean, this
15 has brought something important to light in bringing
16 up the school boards. I know what you're talking
17 about there. You can imagine how the local
18 community would feel if a particular school board
19 was continually met with opposition and said, "Oh,
20 if we just added one more member, we could have our
21 way," you know.

22 And the same thing with us, you know?
23 What if we said, "We need 12. We used to have 15
24 when it was the State School Board."

25 You know, I think this is something that

1 ought to be put in at conception is that, "This is
2 how many board members we're going to have," and
3 make it a material issue, a material fact to the
4 contract. And that if they want to increase that,
5 they have to come here and ask for an amendment.

6 I think that is really something we need
7 to look at; because every time we've seen people
8 play games with this, there's been serious problems.
9 And it's basically on the lines of, "Well, these two
10 people aren't cooperating, so if we bring two more
11 people in, we can outnumber them."

12 And that's -- you know, that's ridiculous.
13 And so why change the number?

14 A good reason might be, "This great person
15 came into the community and wants to be part of it.
16 And did -- but we've only got so many members
17 allowed, and we would really..." -- and that would
18 be a good reason.

19 I would be, "Okay, maybe," you know.

20 And so -- but I think it needs to be very
21 clear, and it needs to stay pretty concrete, and --
22 unless there's a really good reason to do anything
23 differently.

24 I don't know what it would take to add a
25 school board member to a local school district.

1 COMMISSIONER SHEARMAN: You can't do it.
2 The number is five, of the bigger districts. I
3 think Albuquerque has seven; but it's set.

4 THE CHAIR: But it's done by districts
5 that were set by the State, the Secretary of State's
6 Office.

7 COMMISSIONER CARR: Maybe that's what we
8 ought to look at. There's a good reason why you
9 can't do it, you know. There's a good reason why
10 FDR couldn't stack the Supreme Court. Same thing.

11 So, anyway, that's my two cents.

12 MS. McKEE: Well, maybe we should look at
13 the proposed language on Pages 2 and 3 and just
14 start with the top one and just go through each
15 bullet point and see what we can agree on or not,
16 for CSD to present at the December PEC meeting.

17 Do you think that would be efficient
18 and -- because that will actually address each one
19 of your concerns, if you go down each bullet point,
20 because each one of you is talking about different
21 parts of this proposed language.

22 THE CHAIR: I think we have consensus on
23 the first bullet point, do we not? That they notify
24 us of any changes?

25 COMMISSIONER CARR: Yeah.

1 THE CHAIR: Okay.

2 COMMISSIONER TOULOUSE: As soon as they
3 occur.

4 THE CHAIR: Yes. And that is in the --

5 MS. POULOS: They have 30 days.

6 THE CHAIR: To notify us of any changes.

7 And 30 days is from the vacancy, not from --

8 MS. POULOS: Correct.

9 THE CHAIR: Right. Because that's so
10 that -- and CSD is requesting some documentation of
11 that.

12 MS. POULOS: Correct.

13 THE CHAIR: All right.

14 "Schools must annually identify the number
15 of positions on the governing body in a public vote,
16 at a properly noticed meeting of the governing
17 body."

18 So if I hear Commissioner Carr correct,
19 you're not in favor of that. You would prefer it to
20 be in the contract language itself, a set number, so
21 that they wouldn't be establishing that at the
22 beginning of a school or fiscal year.

23 COMMISSIONER CARR: Yes.

24 MS. McKEE: And that'll be fine. The --
25 but what we're doing right here is we're --

1 THE CHAIR: Oh. They're just saying, "We
2 will have five, because that's what's in our
3 contract."

4 MS. McKEE: Well -- but what this is
5 specifically is for the revised policy statement.
6 So, I mean --

7 MS. POULOS: So I think, Madam Chairwoman,
8 Ms. McKee, the issue here is we have a whole lot of
9 schools that don't have it in their contract
10 language. So even if that's what we want, we've got
11 to get there another route; right? But until we're
12 there --

13 MS. McKEE: Yeah. I totally understand.
14 Of course, it would be great to have it in the
15 contract; but that's not what we can do right here.

16 THE CHAIR: We've got 70 schools on
17 15 different types of contracts.

18 MS. McKEE: Right. Which is why we need
19 to address it as a policy.

20 THE CHAIR: I guess we can concur that we
21 have to keep this, based on the language that's in
22 some of the schools' contracts.

23 COMMISSIONER CARR: All right.

24 COMMISSIONER JOHNSTON: May I ask a
25 question, Madam Chair?

1 THE CHAIR: Sure. Absolutely.

2 COMMISSIONER JOHNSTON: In saying we have
3 to keep that, that's good. But is the second part
4 of the question in the new contracts? Before we
5 begin to issue those, do we need to make a change to
6 the new contract that anyone who comes under the new
7 contract doesn't have that latitude?

8 THE CHAIR: We would.

9 COMMISSIONER JOHNSTON: Thank you.

10 THE CHAIR: No. 3. "Any and all changes
11 to the number of positions on the governing body
12 must be approved according to the school's bylaws
13 during a public vote at a properly noticed meeting
14 of the governing body."

15 I guess, once again, we have to keep this,
16 because we've got schools that have ranges. Yes?

17 MS. POULOS: Madam Chair, I would say you
18 don't have to keep this. You could keep it. You
19 could -- so I'm meaning if you don't keep it, then
20 we should think about what language should be there,
21 which is to say if the language is what Mr. --
22 Commissioner Carr wants, right, which is there are
23 no changes --

24 THE CHAIR: Right.

25 MS. POULOS: -- once the number is

1 established, there are no changes, then we would
2 need to include language that says, "For any
3 school -- charter school board that currently has a
4 range, they must identify the exact number and may
5 not change after this initial vote."

6 THE CHAIR: Right.

7 MS. POULOS: Or we could keep this and
8 allow it; or we could keep it and allow it only for
9 the schools that don't have it in the contract;
10 right?

11 There's a lot of things you could do here.
12 But I think we need to decide where people stand on
13 this first; and then we can figure out what language
14 we need.

15 THE CHAIR: Okay. I'll reiterate that if
16 there has to be any kind of vote taken on a number,
17 that it only be done at the beginning of a year, and
18 it can't be changed during the course of the year.
19 That's my preference.

20 If we have to put some kind of language in
21 there that they fix the -- they have the ability to
22 fix the number based on the language of their
23 contract, that it be fixed at the start of the
24 school year, and that there can be no other changes.

25 Now, my question becomes, is it possible

1 that it's in some schools' bylaws that they can
2 change the number? Is --

3 MS. POULOS: So I have never seen a set of
4 bylaws that say, "We can vote to change," or
5 anything.

6 THE CHAIR: Okay.

7 MS. POULOS: They typically either say
8 either a number or a range. And quite honestly,
9 because all these schools are getting these
10 documents from the same place, they almost all say a
11 range.

12 THE CHAIR: Right. Okay. Thank you.

13 MS. McKEE: So Chairman Gipson, so what
14 you're proposing is this bullet point to read, "Any
15 and all changes to the number of positions on the
16 governing body must be approved according to the
17 school's bylaws during a public vote at the start of
18 each school year at a properly noticed meeting of
19 the governing body."

20 THE CHAIR: Yes.

21 MS. McKEE: Is that correct?

22 MS. POULOS: Madam Chairwoman,
23 Commissioner, potentially, we would not -- "at the
24 start of the school year" may be tricky; right? Do
25 we want to say, "at the first meeting," "after or

1 before the meeting immediately before the beginning
2 of the school year," or, "the first meeting after
3 the beginning of the school year," because they
4 could say, "Well, you know, we're before December,
5 so we're at the start of the school year."

6 I mean, I guess -- or do we want to say
7 "fiscal year," which -- you know, "the first meeting
8 of the fiscal year," which then kind of lays it out
9 with clarity, or "the first meeting of the calendar
10 year," which I don't think you want, because that
11 would be in the middle of the school year. But I
12 think just a little more clarity.

13 THE CHAIR: I think "the school year."

14 MS. McKEE: "The school year" is nice,
15 because it never changes.

16 THE CHAIR: Right. Because there may be
17 schools that are also on different calendars. So
18 the start of the school year can vary greatly. So
19 "fiscal year" is --

20 COMMISSIONER SHEARMAN: "Prior to the
21 beginning of the school year." Is that what you're
22 saying?

23 MS. POULOS: "At the first meeting of the
24 fiscal year."

25 THE CHAIR: "At the first meeting of the

1 fiscal year."

2 COMMISSIONER SHEARMAN: "Of the fiscal
3 year."

4 MS. POULOS: July 1.

5 THE CHAIR: As July 1.

6 COMMISSIONER SHEARMAN: What if they don't
7 meet in the summer?

8 THE CHAIR: Well, it's the first meeting.
9 So whenever that meeting is. If it's August --

10 MS. POULOS: It would either be July or
11 August.

12 COMMISSIONER SHEARMAN: But, Katie, you
13 were asking for specific -- either before the
14 beginning of the school year or immediately after
15 the first day of the school year.

16 MS. POULOS: Our charter school governing
17 boards are required to meet monthly.

18 MR. GLOUDEMANS: Monthly.

19 MS. POULOS: Monthly. So I think they all
20 can choose to do one that they don't. So if they
21 were not to do July, then it would definitely be
22 before the -- it would be at the beginning of the
23 school year; because it would be the August meeting;
24 right? So it's either going to be July or August by
25 saying "the first meeting of the fiscal year."

1 THE CHAIR: Right. Because some students
2 may take, as an example, July off, for break; but
3 they would absolutely have a meeting in August. So
4 the fiscal year fixes it at a specific time period.

5 Okay. Is everyone -- well, we're going
6 to -- we'll look at these.

7 MS. McKEE: Because we're going bullet by
8 bullet.

9 THE CHAIR: Do we have any other -- are we
10 in concurrence with this now?

11 Okay.

12 No. 4. "Schools must fill any and all
13 vacancies based on the number of members identified.
14 Any annual notice and/or changed in a public vote
15 within 45 days or otherwise, according to the policy
16 statement." [Verbatim.]

17 MS. POULOS: Madam Chairwoman,
18 Commissioners, just to clarify, because I know that
19 everybody is going, "What do you mean by 'or
20 otherwise,' according to the policy statement?"

21 That's because they can request that
22 additional extension to fill. And so I didn't want
23 to have to write all of that language out.

24 THE CHAIR: Right.

25 MS. McKEE: And you could -- where it says

1 "or changed in public vote," you know -- you know,
2 "pursuant to -- to No. 3," if you're numbering them
3 you know, so that the public vote is reflective of
4 the limitation.

5 THE CHAIR: Of the number in the fiscal
6 year, right.

7 MS. McKEE: So you'd want to refer back to
8 the one above it. Right after "public vote," just
9 put, you know, "pursuant to No. 3," so there's no
10 confusion; because the public vote is limited to the
11 first meeting of the fiscal year.

12 THE CHAIR: Commissioner Armbruster?

13 COMMISSIONER ARMBRUSTER: Because we said
14 in this last one we just read that they must
15 notify -- it must be filled within 45 days, and we
16 were specifically saying that, I thought that was in
17 contract or something; because then I was just
18 wondering. We didn't say that on the first one,
19 that, "Notify the CSD of any and all changes to
20 governing body membership, that within 30 days."

21 I'm not arguing with either one of them.
22 I'm just saying on one, we specify, again, that it's
23 45 days; and the other one, we did not say within
24 30 days. So I was -- do you understand what I --

25 MS. McKEE: Yes, I do. Director Poulos,

1 do you have an idea on that?

2 MS. POULOS: Commissioner Armbruster,
3 Madam Chairwoman, Ms. McKee, I think actually, we
4 could remove the language. Well, what this is
5 trying to do is clarify. The language in the policy
6 is pretty clear now about the 45 days. What's not
7 clear is the "any vacancy."

8 So really, what we just need here is,
9 "Schools must fill any and all vacancies based on
10 the number of members identified in the annual
11 notice, and/or changed in a public vote pursuant to
12 Item No. 3," period; right?

13 I think that gets us the clarity that
14 we're looking for. And it really may even be, "A
15 vacancy is defined by," right? I don't think this
16 is necessarily going to be exactly the language we
17 use when I clear up the policy. This is giving us
18 the direction for how you want us to clear up the
19 policy.

20 THE CHAIR: Okay. Thank you. Is everyone
21 all right with this?

22 No. 5. "Schools must only fill vacancies
23 that result in board membership being below the
24 minimum statutorily required number of five members
25 within 45 days. All other vacancies do not have to

1 be filled within a certain amount of time."

2 COMMISSIONER TOULOUSE: I don't like that
3 one. Once again, if you're having some issues, you
4 might be able to harass some people off your board
5 and then not have to fill those positions, if you're
6 talking number seven, eight, or nine, so that the
7 reverse can happen. Instead of filling the board
8 with your people, you can purposely set out to get
9 rid of some people on your board to benefit a
10 particular point of view.

11 So I have a concern with not having to
12 fill that vacancy.

13 MS. McKEE: And, plus, the No. 5 directly
14 contradicts No. 4. So if you like No. 4, you will
15 not like No. 5.

16 MS. POULOS: I was giving you options
17 here.

18 MS. McKEE: These are just options. They
19 don't all go in. If you like No. 4 --

20 THE CHAIR: I would get rid of No. 5,
21 personally. I would just eliminate No. 5.

22 COMMISSIONER JOHNSTON: And, Madam Chair
23 may I?

24 THE CHAIR: Uh-huh.

25 COMMISSIONER JOHNSTON: Thank you. On the

1 policy statement that is on Page 6, if we look at
2 B -- or A4, "If a vacancy is not filled within 45
3 days of receiving notice of a governing body
4 member's resignation or removing of a governing body
5 [verbatim], and the school has not yet been granted
6 an extension, or if the vacancy is not filled within
7 the time granted, the school will be added to the
8 Schools of Concern agenda item for consideration."

9 Will this -- is this draft, or is this
10 what is in existence right now, Page 6?

11 MS. POULOS: This is currently what is in
12 existence.

13 COMMISSIONER JOHNSTON: Okay. Thank you.

14 MS. POULOS: This is what raised the
15 question about, "What is a vacancy?"

16 COMMISSIONER JOHNSTON: So what we're
17 looking at here, then, is -- thank you.

18 THE CHAIR: Yes, yes.

19 Commissioner Armbruster?

20 COMMISSIONER ARMBRUSTER: A thought that's
21 going through my mind is if we have school
22 districts, Las Cruces, Los Alamos -- Albuquerque, I
23 guess, has seven -- and they have an entire school
24 district with five board members, why would a
25 charter, which is just one school, as opposed to six

1 or ten or whatever number, need more than five? I
2 don't know. It just came to my mind.

3 THE CHAIR: Well, I can answer part of
4 that, I think. Because there's far more support
5 personnel for a traditional school district than
6 with a charter school; so that I think the job of
7 governance council members on a charter school
8 expands beyond the scope of what some board members
9 do, so that a charter school may feel that they need
10 additional support at the school. That's -- that's
11 my thought on it.

12 COMMISSIONER ARMBRUSTER: Just thinking
13 about it.

14 THE CHAIR: You know. And because it is
15 more of a -- more of a community-based outreach, the
16 charter school, you may have community members that
17 want to be part of it. They're enthusiastic about
18 it and want to help and want to be part of it.

19 So you kind of never want to say no to
20 someone who's volunteering for you. Not that you
21 want 100 on the board; but I don't think that's
22 going to happen, you know?

23 I -- I'm going to say, off the top of my
24 head, it's not often that there's flight out of a
25 school board. Someone's been elected to it; they

1 don't leave. And I think because they have been
2 elected to it, they feel bound to that position
3 more.

4 It's easier, I think, for someone on a
5 governance council to say, "I don't want to do this
6 anymore," because they haven't been elected to it.
7 It's not -- it won't even be publicly referenced
8 anywhere.

9 If you resigned from the board of
10 education in a school district, it's going to be in
11 the newspaper that you resigned that position, for
12 whatever reason. If you resigned from a governance
13 council, no one's going to know that.

14 So that I think there's -- you know, there
15 are significant differences in terms of the
16 commitment of many to a governance council than to a
17 school board.

18 COMMISSIONER ARMBRUSTER: Then you're kind
19 of saying maybe they should have six or seven,
20 because five is not enough. Yes? No? I mean, I'm
21 just --

22 THE CHAIR: Yes and no.

23 COMMISSIONER ARMBRUSTER: Okay.

24 THE CHAIR: Because I think schools skirt
25 difficulties in keeping just five. Because if you

1 have a vacancy, then you're -- now, you're below
2 statute. But if you're committing yourself to
3 seven, that becomes difficult, because in some
4 areas, it's very difficult to find governance board
5 members.

6 COMMISSIONER ARMBRUSTER: Right.

7 THE CHAIR: So there's -- I don't have a
8 good answer for that.

9 COMMISSIONER ARMBRUSTER: It seems, in a
10 sense, to me, it's the same. If you say there's --
11 by law, you have to have five. So if one leaves,
12 you're in trouble, and you have to find the fifth
13 one. But if you say, "I'm going to have six," and
14 the sixth one leaves, you're at the same place as if
15 you have five; right?

16 MS. POULOS: I -- I'm not arguing with the
17 number. It just occurred to me, no matter what we
18 say, they have to find a replacement.

19 THE CHAIR: Correct. But they're not in a
20 material violation of their contract if they fall
21 below the five.

22 COMMISSIONER ARMBRUSTER: True.

23 THE CHAIR: You know, if there's seven,
24 they still have to fill it, notify us. They have to
25 do that. But they're not in material violation of

1 the contract for falling below the five.

2 COMMISSIONER TOULOUSE: Madam Chair?

3 THE CHAIR: Commissioner Toulouse?

4 COMMISSIONER TOULOUSE: I think we're in
5 an evolving situation, that we had enough people
6 dropping below five, we started telling people, "You
7 need to do more." And that's when they started, I
8 think a lot of them with their lawyers, telling
9 them, "Well, if you do, the, you know, seven to nine
10 or five to seven or whatever," then you had the
11 room, where you would not be in material violation,
12 not only of the contract, but of the law itself;
13 because it's much more serious if we have to deal
14 with a school that's always below five than if you
15 have seven, and you usually have six. That's a
16 different deal.

17 We may have questions; but it's not the
18 same thing. I mean, if you've gone a year and
19 you've been with three people, that looks like a
20 school we better look at and take some action on.

21 And so I think this is -- and I think
22 we're still evolving. I think this is the next step
23 in the evolving to say, "Okay. We've taken care
24 of -- you need to make sure you don't drop below
25 five. But now you need to know you're informed and

1 you know what you're doing, and that you're really
2 thinking about the size of your governance council."

3 At least, that's my feeling of what we're
4 doing here.

5 THE CHAIR: Well, I guess my question is
6 are we keeping No. 5?

7 COMMISSIONER CARR: No.

8 COMMISSIONER JOHNSTON: No.

9 THE CHAIR: So are we in agreement that we
10 eliminate 5, because 4 satisfies that?

11 COMMISSIONER CARR: Yeah.

12 THE CHAIR: Okay. No. 6. "Schools must
13 only notify the CSD of changes to governing body
14 membership that result in the governing body either
15 meeting or not meeting the minimum statutorily
16 required number of five members."

17 Are we in agreement we get rid of that?

18 COMMISSIONER ARMBRUSTER: That negates 1,
19 doesn't it?

20 MS. McKEE: And 4, again.

21 MS. POULOS: Again, this was a Mad Libs.

22 THE CHAIR: Yes. Okay. So I will
23 entertain a motion to request CSD to present a
24 revised policy statement, taking into consideration
25 Items No. 1, 2, 3, and the revision in No. --

1 actually, revision in No. 3 and the revision in
2 No. 4 that we have made.

3 Does everyone have those revisions?

4 COMMISSIONER ARMBRUSTER: Would you repeat
5 those for No. 3?

6 THE CHAIR: No. 3, it will be at the start
7 of the fiscal year, during a public vote at the
8 start of the fiscal year.

9 MS. McKEE: First meeting, fiscal year.

10 THE CHAIR: First meeting, because it was
11 not the start of the school year.

12 COMMISSIONER ARMBRUSTER: Of the fiscal
13 year.

14 THE CHAIR: Of the fiscal year, correct.

15 COMMISSIONER TOULOUSE: Madam Chair, I
16 will second your motion, assuming it's what we
17 really say here.

18 THE CHAIR: Do I need to --

19 MS. McKEE: Do you want me to re-read?

20 THE CHAIR: I can reread it.

21 MS. McKEE: Re-read 3 and 4.

22 COMMISSIONER ARMBRUSTER: Is this going to
23 be a vote?

24 MS. McKEE: Yeah. It's a roll-call vote
25 for a motion to request that CSD present a revised

1 policy statement at the December PEC meeting.

2 THE CHAIR: So is everyone clear with
3 this?

4 There's a proposed motion to request CSD,
5 present a revised policy statement at the December
6 PEC meeting that clarifies the following.

7 Do I need to read it all?

8 MS. McKEE: Yeah, just read it.

9 THE CHAIR: No. 1. Schools must notify
10 the CSD of any and all changes to governing body
11 membership.

12 No. 2. Schools must annually identify the
13 number of positions on the governing body in a
14 public vote at a properly noticed meeting of the
15 governing body.

16 No. 3. Any and all changes to the number
17 of positions on the governing body must be approved
18 according to the school's bylaws during a public
19 vote at the first meeting of the fiscal year.

20 No. 4. Schools must fill any and all
21 vacancies based on the number of members identified
22 in the annual notice, and/or changes in a public
23 vote, pursuant to the vote referenced in Item No. 3.

24 And Commissioner Toulouse has seconded
25 that motion.

1 Commissioner Armbruster, a roll-call vote,
2 please.
3 COMMISSIONER ARMBRUSTER: Commissioner
4 Carr?
5 COMMISSIONER CARR: Yes.
6 COMMISSIONER ARMBRUSTER: Commissioner
7 Johnston?
8 COMMISSIONER JOHNSTON: Yes.
9 COMMISSIONER ARMBRUSTER: Commissioner
10 Peralta?
11 COMMISSIONER PERALTA: Yes.
12 COMMISSIONER ARMBRUSTER: Commissioner
13 Gipson?
14 THE CHAIR: Yes.
15 COMMISSIONER ARMBRUSTER: Commissioner
16 Pogna?
17 COMMISSIONER POGNA: Yes.
18 COMMISSIONER ARMBRUSTER: Commissioner
19 Armbruster votes "Yes."
20 Commissioner Shearman?
21 COMMISSIONER SHEARMAN: Yes.
22 COMMISSIONER ARMBRUSTER: Commissioner
23 Chavez?
24 COMMISSIONER CHAVEZ: Yes.
25 THE CHAIR: Okay. That is a nine-to-zero

1 vote to pass.

2 COMMISSIONER TOULOUSE: You didn't call --

3 COMMISSIONER ARMBRUSTER: Well, I wrote
4 your name down.

5 COMMISSIONER TOULOUSE: You didn't call
6 me. I didn't vote. But I vote "Yes."

7 COMMISSIONER ARMBRUSTER: You're right.
8 I'm wrong, of course. Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: I just said "Yes."
10 Whether you called or not, I vote "Yes."

11 COMMISSIONER ARMBRUSTER: I used the
12 wrong --

13 THE CHAIR: So that is a nine-to-zero vote
14 in favor of the motion. Thank you.

15 We are on to No. 9, Discussion and
16 Possible Action on New Charter Application
17 Evaluation Rubric and Criteria.

18 MS. POULOS: Madam Chairwoman,
19 Commissioners, so we're probably certainly not going
20 to need a vote on this today. But this was added to
21 the agenda, because we are very quickly coming back
22 up to January. And schools will be making their
23 decisions -- or applicant teams will be making a
24 decision and are beginning work on their new
25 applications.

1 And we do believe that it's really
2 important that the application, as well as
3 evaluation criteria, be out there and in the public
4 at that time; and so certainly, it was time to get
5 started.

6 The materials that are in here are a
7 starting point, really, for CSD to get some guidance
8 from the Commission on what you would like us to do.

9 The first page is language that had been
10 presented at the beginning of last year and was not
11 accepted; but I wanted to put it back out there,
12 based on everything that happened over the last year
13 and some of the opinions of the Commissioners.

14 And so this language, whether this would
15 be the language that you would want or not -- and
16 we'll just kind of explain what it does. The intent
17 of this is to come back to this idea of what happens
18 when an application comes to the Commission that is
19 incomplete, that is missing pieces of the
20 application, or that has prompts that have not been
21 answered, and should those applications go through a
22 full review process, just to kind of give you
23 information that you may not have.

24 That full application process is quite
25 costly. We contract with -- this past year, we

1 contracted with three individuals to conduct the
2 reviews. One is a business manager. One is --
3 actually, the other two are really academic
4 specialists or organizational specialists; so
5 individuals that have experience running charter
6 schools.

7 And so at the -- the cost -- and I could
8 pull it up -- but I think it's somewhere around
9 \$7,000 per application, to review it from beginning
10 to end. And so we did that this year with two
11 applications that came to us incomplete. And -- and
12 it was very clear from the beginning that based on
13 that lack of completeness, those applicants really
14 hasn't demonstrated the capacity.

15 There are questions -- I actually was
16 doing a presentation for a legal CLE, Continuing
17 Legal Education presentation last week. And
18 Patricia Gipson was in the room, and this question
19 came up.

20 And I said, "You know, Pattie, I know we
21 have different opinions on that."

22 And she said, "Not really. It's just that
23 the Commission needs to make that decision."

24 And I -- I took from her language that she
25 wouldn't argue that the Commission can establish

1 language and criteria upfront in their application
2 that says, "If the application is incomplete, that's
3 where it stops."

4 And so I think it's worth taking a look.
5 And if the Commission wants that to go forward,
6 letting us know, and we can then work on kind of
7 developing the language for you to bring it back to
8 you.

9 One of the things that I included in this
10 potential language is that if the applicant said,
11 "Well, we disagree with you that that application is
12 incomplete," then what could happen is it could
13 come -- they could say, "Take it to the Commission.
14 We want the Commission to make that determination."

15 And so the thing that gets tricky there is
16 the need to kind of pause time lines; because
17 there's not necessarily going to be a Commission
18 meeting within a week or two weeks; it may be
19 longer. And that delay in getting those teams
20 started is really challenging.

21 And so if we wanted to do that, we would
22 just need to be conscientious of the need to kind of
23 pause time lines for any application that said, "No,
24 we want it to go before the Commission. We want
25 them to vote and say it's incomplete."

1 And then if the Commission were to make
2 the decision that it wasn't incomplete, that it
3 should be reviewed, then we would just kind of need
4 to fix the time lines. And so that is something
5 that we would need to consider.

6 I'll pause there for a minute. I don't
7 know if you want me to continue talking about this
8 and the other items that I've included in here,
9 specifically, with big picture, and just discuss
10 this idea of whether you even want us to go forward
11 with making changes that would establish that bar.

12 THE CHAIR: Okay. I'll -- yeah, I had a
13 brief conversation with Ms. McKee early on about
14 this idea of being able to say something is
15 incomplete or not. And there certainly has to be
16 discussion on what the definition of "incomplete"
17 is.

18 I'll tell you my personal opinion is
19 incomplete is they didn't submit Appendix A; they
20 didn't submit Appendix B; they didn't submit
21 Appendix D. I think it becomes more difficult if
22 you take a look at, "Well, we submitted this budget;
23 but we don't view this budget as being a complete
24 budget," but they submitted the appendix. It may
25 not have been what we wanted, per se, and we may not

1 feel, through our review and CSD's review, that it
2 was really a thoughtful and complete budget. But it
3 was submitted.

4 I think we have an obligation, because the
5 statute, I believe, says, "Accept all applications."
6 So that if the application is complete, by our
7 definition, then it's up to us to then dig into the
8 roots of it through the input hearings and through
9 CSD, that we can't start digging into the actual
10 pieces of the application before we have the input
11 hearings and say, "Oh, that's really not complete,
12 no." I think we run into some difficulties.

13 I personally have no issue with if a piece
14 of the application was not submitted, that it be
15 deemed incomplete and, therefore, it does not move
16 forward.

17 I will tell you also that I have -- I do
18 not agree with someone being able to submit it and
19 get some help and be able to resubmit it. I'm of
20 the opinion that, "You're big boys and girls. And
21 if you're opening up a school, you should be able to
22 follow the directions and get the application in
23 complete. And if you can't, I don't think it's fair
24 that this school, because maybe they handed it in
25 early, they got some help and were able to fix

1 something, and then another school who waits because
2 they thought they were being thoughtful, and
3 submitted it towards the end, they don't get any
4 help because of timing"; I don't think that's fair.

5 MS. McKEE: And, Chairman Gipson? What I
6 had spoken with Chairman Gipson about is that it
7 makes sense that this be put on the agenda for your
8 work session so that you can delineate exactly, you
9 know, what -- what is a complete application;
10 because it certainly does not make sense to have an
11 application that's completely -- they're looking at
12 it, they see it's incomplete and have it sent out
13 and spend \$7,000.

14 And I had spoken with Chairman Gipson, as
15 long as we're clear, you know, maybe -- maybe they
16 misunderstood what they needed to produce. And so,
17 you know, when the Charter School Division is
18 looking at it and saying, "Hey, you didn't give us
19 this," because they didn't understand what they
20 needed to produce it -- just let me finish.

21 THE CHAIR: Okay.

22 MS. McKEE: And -- and, you know, and so
23 it -- and it makes sense to put it in a letter, you
24 know, that says, you know -- you know -- you know
25 "It didn't include those," or whatnot.

1 Because that is a lot of money, \$7,000.
2 But not only that, if it's incomplete and then it
3 comes before us, I mean, I don't think they're going
4 to want to hear that it's incomplete; right?

5 I mean -- and then if they appeal it
6 because it's incomplete, that's a huge other legal
7 expense for the PEC.

8 So I think it really makes sense on the
9 front end to be looking at these applications and
10 saying, "You know, do they have everything that they
11 need?"

12 And that can be worked out in a work
13 session. You know, it certainly wouldn't be a
14 situation where, you know, you're giving it to them,
15 and, "Well, this isn't quite how we wanted it."

16 But, you know, do some general, overall
17 delineations about what you can agree on, so that
18 you're not having this -- this problem of when you
19 get the application, you're thinking it's complete,
20 and CSD, Charter School Division, is saying, "It's
21 not complete"; so there's cooperation, and you're
22 working together in looking at these applications,
23 and so that it's meaningful when it comes before the
24 Commission for the applicants, as well as all the
25 Commissioners.

1 THE CHAIR: I think the difficulty we have
2 is timing; because we won't have a work session in
3 December, because we've got the three days of the --
4 of the renewal hearings. So I don't think the
5 Commission is inclined to add Day Four onto it. I'm
6 not sure. But that's -- that becomes problematic
7 for us.

8 MS. POULOS: Madam Chairwoman, Ms. McKee,
9 it sounded to me like -- and maybe not. Maybe we do
10 need to do the delineation.

11 But it was sounding to me like we could
12 say, "An application won't be accepted if it's
13 incomplete," and then -- and kind of lay out the
14 clarity of, you know, "'Complete' means not missing
15 any pieces"; right? And then kind of do a norming,
16 even after the fact, where we get on the same page
17 of, like, "This is what 'missing piece' means."

18 We put a packet in front of you and say,
19 "I think this is missing X. Do you?"

20 And you say, "Yup, it's missing X."

21 And so we all know we're on the same page.
22 That's what it's sounding like.

23 But I think to your point, I do think --
24 and I think, as we think forward -- and I recall
25 saying this last year -- but we've got to get to a

1 point where we've got our work sessions scheduled
2 out so that we do get this taken care of before
3 January every year; because it's unfair to applicant
4 teams to be waiting until after that time. But I
5 think we have to face the fact that this likely
6 isn't going to get done until the January meeting.

7 THE CHAIR: Yeah.

8 Commissioner Shearman?

9 COMMISSIONER SHEARMAN: Let me just make a
10 suggestion. If everyone has -- will just take a
11 minute and look at, under "Administrative Review" --
12 I'm not sure I agree with the words "Administrative
13 Review"; but let's just call it "Review,"
14 "Compliance Review" -- 1, 2, 3, and 4. Read those.
15 Is that not pretty complete as to why an application
16 could be deemed incomplete? It's the first piece of
17 paper after Tab 9.

18 MS. McKEE: It's very, very general.

19 COMMISSIONER SHEARMAN: Now, I would
20 say -- personally, we did this last year. We had a
21 lengthy, lengthy, lengthy discussion, as I recall.
22 We denied the whole thing. I'm sure everyone
23 remembers.

24 I would not agree to any of the parts that
25 talk about an application going back to the people

1 who wrote it for corrections, any help from CSD,
2 none of that. When it's turned in, it's turned in
3 and that's the end of it.

4 So after Item No. 4 there under what's now
5 "Administrative Review," I would suggest none of
6 that even be considered.

7 But the first part, 1, 2, 3, and 4, I
8 think we might could make some headway there. Just
9 a thought.

10 COMMISSIONER JOHNSTON: Madam Chair?

11 THE CHAIR: Commissioner Johnston?

12 COMMISSIONER JOHNSTON: Thank you. I
13 agree with Commissioner Shearman in -- I was looking
14 at this, and looking at the application and rubric.
15 And to my way of thinking, it's incumbent upon the
16 people who wish to found the charter that they use
17 this template and that they use it correctly;
18 because if -- and if they don't use the template,
19 then -- I'm so new at this.

20 But if we're looking at a number of
21 renewal -- or initial applications, we want that
22 format to be as consistent as possible, so that we
23 can have a full understanding, and saying, "Well, I
24 didn't know how to make this work in my computer,"
25 or, "I didn't know how to use your template," or --

1 so I agree with Commissioner Shearman. 1, 2, 3, and
2 4 are significant.

3 And I don't think once it's submitted --
4 you all are very generous -- "We'll review it and
5 send it back to you and let you tweak it"? No.

6 COMMISSIONER SHEARMAN: Can't you just see
7 the lawsuits after that? We approve one that's been
8 rewritten with the help of CSD or whomever. And we
9 don't approve one that didn't get any extra help.
10 We never would get out of law --

11 THE CHAIR: And they do use the template.

12 COMMISSIONER JOHNSTON: Good.

13 THE CHAIR: That's not -- and CSD does
14 provide training --

15 COMMISSIONER JOHNSTON: I know that.

16 THE CHAIR: -- for that. So I don't think
17 the issue necessarily has been -- except for the
18 budget piece. There's been an issue with the format
19 of the budget. And we had at least one school that
20 chose not to use the required template.

21 And that's -- you know -- correct.

22 Correct.

23 I have been -- it has been recommended
24 that we clarify that to specific appendices -- not
25 just general "all appendices" -- that it just be

1 clarified to identify all the appendices that we
2 mean.

3 MS. McKEE: And, Chairman Gipson and
4 Commissioners, I wasn't suggesting that we help
5 people. So -- but Director Poulos, can you give me
6 an example -- an example of an application that
7 you've gotten that's, like, not complete, that's
8 something that you would not --

9 COMMISSIONER SHEARMAN: We had two of them
10 this year that we declined -- that we denied. There
11 were just pieces that weren't there.

12 THE CHAIR: There were appendices that
13 were absolutely not there. And we went -- because
14 the belief was that we had -- that we had to;
15 because the statute said we have to accept all
16 applications. And that had been the direction that
17 we had been given, as well -- correct? -- through
18 other legal counsel.

19 MS. McKEE: Right. Yes, you do have to
20 accept all applications. But I think the question
21 is whether or not we can -- you know, we can make
22 it, like, a tier review, I mean, where CSD is -- is
23 looking at it and making sure that all of these
24 things are there, you know, before they submit it to
25 us. I mean, it's more of a tier-level.

1 COMMISSIONER SHEARMAN: That's a process
2 we go through. After the applications are in, then
3 CSD comes to us in an open meeting with the list.
4 "Here they are."

5 And in the past, on this list has been
6 identified, "This application did not turn in the
7 Notice of Intent both to the local school district
8 and to the PEC."

9 At that time, we decline to accept their
10 application; right?

11 But we haven't done that with applications
12 that left out any appendices or required parts.

13 COMMISSIONER CARR: Right. I got
14 something -- so, you know, I would venture to say
15 that an application that's incomplete is not an
16 application. A bicycle with a missing wheel is a
17 unicycle, okay?

18 So I would say legally, that's not an
19 application, because it's not what it's supposed to
20 be. So, therefore, you know, we can deny it
21 outright.

22 That's -- I mean, that would be my -- I
23 mean, you know, I do analogies as a teacher, you
24 know. You had the rubric; you knew what the essay
25 was going to be; you wrote an incomplete paragraph;

1 and you were supposed to have five complete
2 paragraphs. Therefore, you know what? I'm not
3 accepting it, you know -- you know.

4 But -- you know, it's -- you know, again,
5 I'm not a lawyer. So maybe my thinking is wrong on
6 that. But that's my thinking.

7 THE CHAIR: And I agree with you. But I
8 think the legal direction prior has been that we
9 have to accept all applications and go through the
10 process. So that's -- that's what we're looking to
11 be able to clarify.

12 Can we say, "No, this has not been
13 submitted, incomplete form; therefore, we're not
14 necessarily denying the application. We're not
15 accepting the application, because it was
16 incomplete"?

17 It's not a vote for denial; it's, "Do we
18 have the legal ability to not accept, because it's
19 been incomplete?"

20 And I think prior to this time, the
21 direction has been, "No, you don't, because it says
22 you have to accept all applications."

23 COMMISSIONER CARR: Right.

24 THE CHAIR: I'm fine with being able to
25 say, "This is -- you do not -- you have not

1 submitted all of the required pieces, and,
2 therefore, the application is not accepted."

3 COMMISSIONER CARR: Right.

4 MS. McKEE: There's no rule. You're not
5 making a decision on the application, because it's
6 not complete.

7 THE CHAIR: So then my question is, is
8 this -- do we have to vote on not accepting the
9 application? Or does CSD just -- are we giving
10 CSD --

11 COMMISSIONER SHEARMAN: No.

12 THE CHAIR: We would have to vote on it.

13 COMMISSIONER SHEARMAN: We would have to
14 vote on it.

15 THE CHAIR: If we have to vote on it, is
16 it an appealable item?

17 MS. McKEE: What -- I'm so sorry. Go
18 ahead, Director.

19 MS. POULOS: I'm sorry, Madam Chairwoman,
20 Commissioners. What I am suggesting, you can. You
21 can say, "Go do this work."

22 What I have suggested here -- and I've
23 clearly taken note of the language that you don't
24 like about the school being able to submit early;
25 right? So I've taken that out.

1 But what would happen is CSD would -- what
2 could happen -- and I would say is a better use of
3 resources; but this is your decision -- is CSD would
4 go through this. And we would have a standard
5 letter where we plug in and say, "It was missing
6 Appendix F. Response D7 was blank" -- right? --
7 whatever that is.

8 And it would go out to the school, and it
9 says, "Your application file is closed, because you
10 did not submit a complete application."

11 They can then write back and say, "I
12 disagree with you. I want it to go to a vote in
13 front of the Commission."

14 And then -- and then they can do that;
15 right? And then we put it on the agenda.

16 What I think that does, rather than all of
17 them coming to a vote, is I think most schools are
18 probably going to look at it and say, "You're right;
19 it's missing."

20 It also helps a little bit with that
21 timing problem; because if we wait for all of them,
22 then we've kind of got to have review teams in the
23 wings; we've got to be ready in the contracts and
24 getting with our external reviewers, and it makes it
25 more challenging, rather than enabling us to really

1 move on with our work. And then it's only the most
2 frustrating and litigious that come in front of you,
3 or the ones that have a good case, where we really
4 did mess up, and it really was complete, that come
5 in front of you, and you vote on that.

6 THE CHAIR: And I'm perfectly fine with
7 that.

8 COMMISSIONER JOHNSTON: Madam Chair, that
9 does give then another level of appeal, also, that
10 helps us -- I mean, if it comes to Charter Schools
11 Division, and they administratively look at it that
12 way, then they've been heard. But if they choose,
13 they can bring it to us, and we can vote on it. So
14 it's giving them another lower level of appeal that
15 we're not that first level; so...

16 MS. McKEE: Right. Because when the
17 Commission denies it, that is a formal denial;
18 whereas, if, you know, for whatever reason they
19 thought they put the appendix in, but it's sitting
20 on the desk, it was inadvertent, they can say,
21 "Thank you. Here's the exhibits."

22 THE CHAIR: No, we're not saying that.

23 MS. McKEE: No? Okay.

24 THE CHAIR: If they left something out.
25 It's unfortunate. If it is sitting on the desk, it

1 remains on the desk, because we have not -- we have
2 consistently said, "We don't accept things late."

3 COMMISSIONER CARR: Right.

4 THE CHAIR: So that if it's missing, they
5 submit it. Their only opportunity is for that
6 single submission. So if CSD says, "It's missing
7 Appendix D," and it was an unfortunate mistake, it
8 remains an unfortunate mistake.

9 COMMISSIONER JOHNSTON: But when it came
10 to us, we would say that, if they need to appeal it.
11 That would give them two levels of being heard.

12 THE CHAIR: Correct. But they don't get
13 an opportunity -- if it was an inadvertent mistake,
14 they don't get an opportunity to say, "Here it is.
15 I just neglected. It didn't transmit."

16 MS. McKEE: But they can submit it next
17 time, can't they? That's what I meant.

18 THE CHAIR: Oh, I'm sorry. I thought you
19 meant with CSD.

20 MS. McKEE: They would submit a new
21 package; right?

22 THE CHAIR: Absolutely, yes. Yes,
23 everyone has the opportunity to always come back the
24 next year and submit. Yes, yes. Okay.

25 MS. McKEE: That's what I meant, yeah.

1 THE CHAIR: Thanks for the clarity.

2 Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, I
4 would like, as an item of information. For all of
5 those that are incomplete, I would like a list.
6 Because I guarantee you, if it's an Albuquerque
7 school -- if it's in Las Cruces you would probably
8 get phone calls. And we would at least need to know
9 there was an application in that was deemed
10 incomplete and, therefore, not accepted.

11 THE CHAIR: We do get a report when the
12 filing date closes of who fil- -- we get the
13 letters. We all get the copies of the Letters of
14 Intent, so that we know who's on the horizon,
15 possibly. And then, yes, I would expect that CSD
16 would give us that report.

17 MS. POULOS: And, likely, when the letters
18 went out, we would forward all of those to the
19 Commission to say, "Here are the letters that went
20 out to any incomplete applications.

21 THE CHAIR: Right. I guess the only
22 question I have with this language is, are we clear
23 with what -- that it's the appendix is missing; not
24 that there's a couple of lines left blank?

25 So I guess we need that clear, so that

1 there's direction there. So is it -- are we looking
2 at the appendix is completely missing?

3 COMMISSIONER SHEARMAN: I think if you'll
4 read that second paragraph -- I just referred to the
5 first paragraph. But, really, those next two
6 probably need to be included, which includes
7 templates and attachments.

8 THE CHAIR: Right. Because that's in the
9 application, as well -- correct? -- that the
10 templates that -- they have to use the templates
11 that are --

12 COMMISSIONER SHEARMAN: And may not be
13 modified.

14 THE CHAIR: -- that PED/CSD provides.

15 MS. POULOS: That's correct. So I think
16 one of the examples you're talking about -- and this
17 is a good question -- right? -- is the appendix for
18 the STAT Charter School this year. The template is
19 an Excel sheet. It should be submitted as an Excel
20 sheet. It was submitted as a PDF. It was
21 submitted. There was an Appendix J; right? But it
22 was in a different format.

23 Or, alternatively, you could say, "It was
24 missing half of the columns," because it was; right?

25 And so the complete form was not provided.

1 I think the other question I would ask is
2 if they -- again, there are some prompts on the
3 application that are optional based, on the grade
4 levels you're going to serve. But there are some
5 that are not.

6 And if they, wholesale, left one of those
7 blank, they did not respond to a required prompt, is
8 that complete or incomplete? I would think that
9 that is incomplete -- right? -- because we're then
10 missing information that we have said is required as
11 part of the application.

12 THE CHAIR: Right, right.

13 Commissioner Armbruster?

14 COMMISSIONER ARMBRUSTER: I just need some
15 clarification. They turn in this application, and
16 then they have the trainings from CSD?

17 COMMISSIONER CARR: No.

18 COMMISSIONER ARMBRUSTER: No. Right?

19 MS. POULOS: Correct.

20 COMMISSIONER ARMBRUSTER: So while you are
21 doing these trainings, which we said at one point
22 was required, and I believe there were four -- five,
23 maybe -- of these trainings?

24 THE CHAIR: They're not required to go.
25 They've never been required to go.

1 COMMISSIONER ARMBRUSTER: So if you
2 went -- and I would be one of those who would do
3 that -- along the way, your group, who's ever
4 teaching this class, would be going over, "And
5 here's the budget. You're going over this. You
6 have to make sure you have this. You -- make sure
7 you have to have that."

8 So that when they turn it in, one would
9 think it would be correct.

10 COMMISSIONER SHEARMAN: That's generally
11 what we've thought.

12 COMMISSIONER ARMBRUSTER: That's what I
13 thought. And the reason I'm actually saying this is
14 turning it in early does not increase your chances
15 of winning the lottery here; so being complete is
16 required.

17 We -- you, actually -- are giving the
18 directions of what we mean when we say "complete."
19 We're giving you -- you're giving them examples of
20 what you should be having, how it should be written,
21 what you should do.

22 So by the time we get this application --
23 or it gets to CSD, I guess is a better word -- there
24 is no reason really why it shouldn't; because I
25 believe that last one, you were teaching them how to

1 upload that so that everything you thought was going
2 went.

3 So, to me, we're giving them all the help.
4 It isn't as if the application had to be in by
5 January 31st, and now we're going to tell you a
6 better way to do it.

7 No. You're helping them all along.

8 So not having it complete seems to me to
9 be a capacity issue. And maybe they're not okay to
10 do that. I mean -- I'm not saying people can't make
11 mistakes. But in general, you have to make a
12 decision and stick to it.

13 And that's why I think that it's
14 important. Because it's not only the \$7,000 in
15 terms of monetary money; it's that we all had to
16 read all of this, too, which is my time is
17 invaluable. And the State had to pay for us to go
18 to these different places and feed us and put us up
19 and pay the mileage.

20 So there's a lot that's into that, or even
21 more. So either play our game, or you don't get the
22 reward.

23 THE CHAIR: Commissioner Shearman?

24 COMMISSIONER SHEARMAN: This is an aside
25 to this discussion. But it's something I've been

1 meaning and wanting to bring up ever since we did
2 the new applications this year.

3 There were a variety of budget templates
4 used this past time. Some had 3,000 lines. Some
5 had -- one, I believe -- only one application used
6 the budget template that this Commission has
7 approved and has used for several years.

8 We all know it's not the complete budget
9 template. It's not every detail that a school will
10 eventually do. But it's all the detail that we
11 need.

12 And so I don't know how that mix-up
13 happened; but I would hope that everyone would
14 agree, and that Katie would follow up on being sure
15 that what is attached for the budget, the template,
16 is that shorter version that we've been using for
17 several years, and it works really well for us;
18 because I -- those 3,000-line budgets, oh, my
19 computer just -- it went as nuts as my eyes did. So
20 I'd appreciate that.

21 COMMISSIONER CARR: Yeah.

22 COMMISSIONER SHEARMAN: Anyway, if we're
23 finished talking about this, I'm going to make the
24 motion that we accept the first three paragraphs as
25 our definition of an incomplete application for a

1 new charter school.

2 Anybody disagree?

3 MS. POULOS: Madam Chairwoman,
4 Commissioner Shearman. The fourth paragraph?
5 Again, I've marked out the first one, two, three,
6 four, five -- four-and-a-half lines of that. But I
7 think that the last five lines are -- I think we've
8 had that discussion. And I think that was where the
9 Commission was going, which is, again, if CSD writes
10 them a letter and says, "This is incomplete," and
11 they say, "We disagree, get us in front of the
12 Commission," that language, I think you would also
13 want to include. You would want to get rid of the
14 first five-or-so lines and just leave the last ones.

15 COMMISSIONER JOHNSTON: And, Madam Chair,
16 I just see the one sentence that's -- it's the third
17 sentence; because, "Applicants will receive written
18 notification of the deficiencies not more than ten
19 business days after the submission of the
20 application package. If the application is deemed
21 administratively incomplete, the applicant's file
22 will be closed."

23 And then that next sentence would leave
24 out, "But the app-..." -- and you may want to change
25 some of this wording -- "But the applicant may also,

1 within five business days, request a review."

2 But just that one sentence, and maybe
3 change that transition just a little bit.

4 THE CHAIR: Yeah. Yeah. We need to
5 eliminate, "...upon receiving notice, may submit a
6 new application package."

7 COMMISSIONER JOHNSTON: Yeah. That's the
8 one that needs to --

9 COMMISSIONER SHEARMAN: And leave in the
10 sentence, "The applicant may also, within five
11 business days...", and then the rest of that.

12 COMMISSIONER JOHNSTON: Would stay in
13 there, I'm thinking.

14 COMMISSIONER SHEARMAN: Be stricken or
15 keep it all in? I didn't hear what you said.

16 COMMISSIONER JOHNSTON: I think keep it
17 all in, because it tells the process right of how it
18 comes before the PEC.

19 COMMISSIONER SHEARMAN: So just delete
20 that one sentence.

21 COMMISSIONER JOHNSTON: That's what I
22 think. But I'm the new guy; so...

23 COMMISSIONER SHEARMAN: And how does
24 everyone feel about the word "Administrative
25 Review"?

1 COMMISSIONER JOHNSTON: What about
2 "Technical"? "Technical Review"?

3 COMMISSIONER CARR: That's good. That's
4 pretty clear.

5 COMMISSIONER SHEARMAN: I like "Technical"
6 better. Okay. So if we changed "Administrative" to
7 "Technical." And then everywhere that wording
8 appears throughout those paragraphs it will be
9 changed? Okay.

10 The only other thing I think we need to
11 do -- oh, never mind.

12 THE CHAIR: I think we have to change,
13 also, in the last line there of that paragraph,
14 that, "The application process time lines will be
15 paused and will restart only if the PEC determines
16 the application was administratively complete."

17 I don't think the "paused" concept is
18 included; because they don't have the opportunity to
19 resubmit. I think the term "paused" was there
20 because of that sentence we're removing. They don't
21 have the opportunity.

22 MS. POULOS: No. This -- and so maybe --
23 maybe we need to flesh this out. But this would
24 be -- so let's say -- because here's the thing that
25 happens. As soon as we know that all the pieces are

1 there, we ship it off to the external reviewers.

2 THE CHAIR: Right.

3 MS. POULOS: And they're going with it.
4 They're running with it and starting their external
5 review, because that takes a lot of time to do a
6 good job.

7 So if we can't do that with one of
8 these -- right? -- and then -- or maybe five of
9 them, say, "Hey, we actually were complete, we want
10 to go in front of the Commission," then you see them
11 and vote on four of them and say, "No, four of them
12 were incomplete, you're not getting a review"; but
13 you say, "One of them does get a review," then that
14 one is now two to three weeks behind schedule with
15 our reviewers, which means we've got to figure out
16 how to deal with that. Because I can't ask the
17 reviewers to do that in a condensed review.

18 COMMISSIONER SHEARMAN: But we also can't
19 stretch out the process, either.

20 THE CHAIR: I've got it now.

21 COMMISSIONER SHEARMAN: But we can't
22 stretch out the process. Everything's got to end
23 when it's got to end.

24 MS. POULOS: We have, in the past, and I
25 think the statute allows for the waiver of that

1 September 1st deadline. And so what could happen is
2 the Commission could run with that, and that one
3 then gets voted in a meeting later. If you don't
4 like that --

5 THE CHAIR: Let me just interrupt for a
6 sec. My question is what about the public input
7 hearings?

8 MS. POULOS: Right.

9 THE CHAIR: Because I don't think we
10 can -- we want to pause that and say, "Well, we're
11 going to have a separate time frame and do separate
12 public input hearings"; because then I think we run
13 into, well, what happens if that's not a convenient
14 time for another school, and they're saying, "Oh,
15 wait a minute. You're letting them go at a
16 different time."

17 I think we have to -- I think that time
18 frame, we have to hold to.

19 MS. POULOS: So I think -- and what I can
20 do, once I've got your guidance, is kind of explore
21 this a little bit. So potentially, what we would
22 need to do then is everything gets shortened; right?
23 So the school's time for response gets shortened.
24 When the school, you know, gets the evaluation from
25 the evaluation team, that time is a little bit

1 shortened; so that that shortened time doesn't all
2 fall on the review team; right?

3 I mean, that's, I think, the important
4 part there is dispersing it or figuring something
5 out. So I can -- so if that's the direction, then I
6 can work on that.

7 If you're going to hold to it, and say,
8 "No, the review team has to meet that deadline,
9 anyways," I'm going to tell you it's going to be a
10 challenge, and we figure it out. And we might not
11 meet deadlines; but it's going to be a real
12 challenge. So we just need to figure out what would
13 happen.

14 Here's the thing. On our end, we don't
15 want that to happen; right? So we're not going to
16 say something's incomplete that we don't truly think
17 is incomplete; because we know all the problems that
18 would cause.

19 So I think we just -- that's what that is
20 intended to address. I think we just need to think
21 through that a little bit more.

22 THE CHAIR: I think ultimately, we have to
23 hold to -- everyone at the September meeting and all
24 the public input hearings are held at, you know, the
25 same week, or -- perish the thought that there would

1 be more than a week of them -- but they're all held
2 at the same time, so that as long as it's
3 transparent, and the schools know that as a result
4 of their appeal, that there may be five days taken
5 off of every step of the way to the public input
6 hearing, then they understand that, the consequences
7 that they're facing, because of the appeal, but that
8 the process is still going to go along.

9 Everything's just -- and as long as they
10 understand, I think that's the best we can do.

11 Are we agreed with that?

12 COMMISSIONER CARR: Uh-huh.

13 COMMISSIONER JOHNSTON: And,
14 Madam Chair -- Madam Chair, I really think I like
15 the replacement of the word "administrative" with
16 "technical," because that's truly what it is. And
17 that might clarify for the applicants that there is
18 a technical review that you have to go through first
19 to see if everything -- so we'll have to go
20 through -- or you probably have a program in your
21 Department that will take out anything that says
22 "administratively"; because it's "technically."

23 THE CHAIR: Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 have a feeling, at least the first round, we're

1 going to have people that want to come talk to us.
2 But almost every one of them's going to do, just
3 like the one school, "Here's our budget now," in the
4 public hearing. They're going to come in and try to
5 give us the pieces then. And that's too bad.

6 So I doubt if there are very many, because
7 I do trust these people will do their job well, and
8 they're not going to tell anybody they're not
9 complete if they're really not.

10 So I think most of it will be our time on
11 them scheduling that to come tell us, "But I have it
12 for you now."

13 I mean, I just -- that's how it tends to
14 have played out on any of the public hearings that
15 we have, where they -- even though they've been
16 told, "You can't add anything, you can't change
17 anything here at this meeting; you know, you
18 can't -- you're stuck with whatever you told us,"
19 there's still that attempt. So I imagine that's
20 what we'll get instead.

21 THE CHAIR: And I think because this
22 appeal will happen much earlier, it's less likely
23 they're going to be able to have their completed
24 information, as opposed to months later, where they
25 can appear at the public input in July and say, "Now

1 I've got it," there's less time for them to work on
2 it.

3 But I think you're right. There may be
4 some that will test the waters first.

5 MS. POULOS: Madam Chairwoman and
6 Commissioners, that makes me think that potentially
7 we probably need to add a sentence here that
8 clarifies, "No new information, no additional
9 submissions will be accepted or reviewed."

10 THE CHAIR: Correct, yes. Yeah. Yeah.
11 And that goes -- certainly, that goes along with
12 everything -- we vote every year that we will not
13 accept any additional information; so, yes, if that
14 needs to be added, fine.

15 Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: Since I'm unable
17 to multitask at the moment, one of the issues that
18 you brought, Katie, was the PDF form, as opposed to
19 the Excel spreadsheet. I'm just thinking maybe
20 there's some word or words that you could put in
21 that first paragraph that's the one, two, three,
22 four, that says, "Only the forms on this application
23 are acceptable"?

24 THE CHAIR: It says it on the application.

25 COMMISSIONER SHEARMAN: Well -- and it

1 says it in the second paragraph.

2 THE CHAIR: It says only those forms; so
3 it's -- I believe --

4 COMMISSIONER ARMBRUSTER: I guess it's why
5 I couldn't understand why they changed --

6 THE CHAIR: I believe it's very, very
7 clear in the directions. And I know it says it on
8 the website. It says it on the application, that
9 there will be no -- you cannot alter the forms.
10 It's -- so it is confounding when someone submits
11 something different; because you can't not see the
12 directions.

13 COMMISSIONER ARMBRUSTER: I'm cool with
14 that.

15 THE CHAIR: Okay.

16 COMMISSIONER SHEARMAN: Are we ready for a
17 motion?

18 THE CHAIR: I hope so.

19 COMMISSIONER CARR: Yeah.

20 THE CHAIR: Except the Director wants to
21 say something.

22 MS. POULOS: I'm not sure if you want to
23 move, or if you want to discuss other items, or if
24 you want to vote on this and we talk some more;
25 because again, what we're really looking for

1 today -- this is not a complete package -- is some
2 guidance from you so we can come back with some more
3 complete, closer-to-ready document that then you
4 would give us direction on that was a little bit
5 closer to complete.

6 COMMISSIONER SHEARMAN: One thing at a
7 time. I'd rather do this and then go to the next.

8 COMMISSIONER CARR: Yeah, because this is
9 really important.

10 COMMISSIONER SHEARMAN: Let's do this
11 while we're thinking about it.

12 THE CHAIR: I hate to admit this. But I
13 think I'm confused. What are we talking about in
14 terms of what's next?

15 MS. POULOS: So to clarify -- and there's
16 some language about the substantive review and
17 establishing some standards.

18 THE CHAIR: Right.

19 MS. POULOS: So I wasn't sure how you
20 wanted to do that.

21 THE CHAIR: I think we need to look at
22 that right now and move on this. And then we'll
23 make a decision on whether we want to look at the
24 back part of the page; is that agreeable?

25 COMMISSIONER CARR: Yeah.

1 COMMISSIONER SHEARMAN: Are you sure?
2 Because my motion was going to say we accept this,
3 and we do not accept that. I'll make my motion, and
4 we'll just see, okay?

5 MS. POULOS: Are we ready? Would it be
6 better if I read this and just pointed out where it
7 was in this piece of paper we're looking at?

8 Audrey?

9 MS. McKEE: I'm sorry?

10 COMMISSIONER SHEARMAN: Would it be better
11 if I read everything as I'm proposing it in the
12 motion, or just to note the paragraphs and the
13 changes?

14 MS. McKEE: But I think you have changes
15 in every paragraph, don't you?

16 COMMISSIONER SHEARMAN: Yes.

17 MS. POULOS: So I -- I will say I've made
18 some pretty good notes. I believe I actually
19 reflected everything that you want here.

20 And, again, I think the route we need to
21 take to get where we need to get is that I -- the
22 CSD, working for you, needs to come forward with a
23 complete new application package.

24 And so we're really looking for the
25 direction on what you want in that. And so I think

1 if you say, moving forward with this technical
2 review information, that gives us sufficient
3 information to move forward with the information
4 we've discussed today.

5 MS. McKEE: To come back with something
6 complete the next time.

7 THE CHAIR: Okay. I have a question. And
8 it's a timing question. The new applications are
9 made available January 1?

10 MS. POULOS: I would like them to be.

11 THE CHAIR: Okay. Here's my dilemma. We
12 do not have time in December to dig into a new
13 application.

14 COMMISSIONER CARR: Right.

15 THE CHAIR: We just do not have that time
16 at that meeting, because we've got all the renewals.
17 So if we hold it -- we just -- we don't have that
18 time.

19 MS. POULOS: Madam Chairwoman, I agree,
20 absolutely. So, again, last year, it wasn't out by
21 January 1. Last year, it was out afterwards.

22 What we did is we told the schools, or the
23 teams that started coming to our trainings, "Here's
24 last year's. Changes are coming. This is a
25 starting point, but don't rely on this."

1 It was very clear in NACSA's evaluation,
2 the standards are not rigorous enough. It was clear
3 from the process this year, as it played out, that
4 there's not clarity in what is an acceptable level.
5 And I don't think we want to go through another year
6 without establishing that.

7 I think what we want to do is commit to
8 what we're going to do, let your staff support you
9 and bring forward what you want to see. Where we
10 fall down, tell us that. We'll fix it. And I think
11 we can get this at our January meeting, having --
12 you know, get some direction today, get it to you,
13 plan for a January work session, have that session,
14 and make sure when we talk that day, that we are
15 focused and dedicated to getting through it so that
16 you have every single bit of changes you want from
17 the work session.

18 And we can vote on it January 1 -- or at
19 the January meeting, and then we can get it out and
20 turned around as soon as possible, so that they
21 still have it in January.

22 They don't submit the Notice of Intent
23 until January 15-ish. So it doesn't put us in a
24 terrible place. It's not the ideal that we want to
25 continue operating under.

1 THE CHAIR: Right. I agree. I'm just --
2 I just want to make everyone aware that we can't --
3 you know, we can't have this discussion in December.
4 It's just not going to happen; because we're -- you
5 know -- A, we don't have a work session. And, B, to
6 start to dig into this during a regular session,
7 we'll be here. And we don't have the time in
8 December to do it.

9 COMMISSIONER ARMBRUSTER: So are you
10 looking at a work session on January 12th before the
11 13th meeting?

12 THE CHAIR: I don't think we have any
13 other choice but to do that. We've got the calendar
14 look somewhere on this agenda.

15 COMMISSIONER SHEARMAN: Well -- so, Katie,
16 if I hear you correctly, you're saying you know we
17 don't want substantive review.

18 MS. POULOS: I don't think we've had a
19 chance to discuss that, and I'd love the opportunity
20 to discuss it.

21 COMMISSIONER SHEARMAN: Let me make a
22 motion.

23 COMMISSIONER CARR: Let her make a motion.

24 COMMISSIONER SHEARMAN: I want to make a
25 motion. I move that the Commission approve the

1 "Technical Review," as we have changed it in this
2 meeting this afternoon. The only thing we haven't
3 defined is the date and changing it to 2017, when
4 the application was approved and when it will be put
5 on the website.

6 I further move that this Commission not
7 authorize substantive review, now or ever, not
8 approve or authorize substantive review.

9 COMMISSIONER CARR: You have to take the
10 part out about "ever."

11 COMMISSIONER SHEARMAN: I took it out. I
12 took it out.

13 COMMISSIONER CARR: I'll second it.

14 MS. McKEE: Could I just get some
15 clarification? So you do not want Director Poulos
16 to work this out?

17 THE CHAIR: Yes. She wants all this, not
18 that.

19 COMMISSIONER SHEARMAN: Yes. I am very
20 agreeable to her taking the changes that we've
21 identified here today.

22 MS. McKEE: And working it up?

23 COMMISSIONER SHEARMAN: And working it up
24 for us, as long as it says this. I don't want any
25 more. I don't want anything else said on this page.

1 MS. McKEE: Have we discussed the
2 substantive review?

3 COMMISSIONER SHEARMAN: It's right there
4 in front of everyone who wants to read it. We've
5 read through it many times.

6 MS. McKEE: I just wanted to make sure I
7 understood what we were doing. Thank you.

8 MS. POULOS: Madam Chair, Commissioners, I
9 would really like the opportunity to discuss this.
10 I think there are things being read into this that
11 don't exist.

12 A substantive review has to happen. I
13 don't know what you want to call it; but that is the
14 actual evaluation.

15 What has been missing for years, what is
16 still missing and what NACSA has told you you need
17 to do, are establish some clear standards. What I
18 would love to do is get some direction from you and
19 help you on what those clear standards are, what is
20 a minimum base level of -- and it's really that
21 minimum base level that says, "Look, if you fall
22 below this in the scoring, it's a presumption that
23 it's not going to fly. You still have the
24 opportunity to make a case."

25 But we've got to have a presumption

1 somewhere that says, "This is our bar." And that's
2 missing.

3 And I really think that conversation needs
4 to be had. And I would appeal to you to have that;
5 because it's in the review from NACSA. It's also
6 just a basic problem your reviewers, both the CSD
7 and the external reviewers, need guidance from you
8 on.

9 COMMISSIONER CARR: I would call the
10 point. It's been moved and seconded. And, I mean,
11 we can go back and make some changes and do some
12 other things.

13 But to me, I think I agree with
14 Commissioner Shearman, that this particular part is
15 extremely important.

16 And I want to see it done. We're not
17 going to be here in January, you know. There's
18 going to be three new members coming in, I believe?

19 THE CHAIR: Correct.

20 COMMISSIONER CARR: Three? And you're
21 going to have to explain all of this to them, too,
22 you know. It's going to make it a pretty extensive
23 thing. I would -- so I'm calling the point. We
24 need to vote.

25 THE CHAIR: Okay.

1 COMMISSIONER SHEARMAN: If I might just
2 say, I agree with Jeff. If the new -- newly formed
3 Commission in January wants to take another look at
4 this, have after it. But my opinion is what my
5 motion was.

6 THE CHAIR: There is a motion on the floor
7 by Commissioner Shearman. It has been seconded by
8 Commissioner Carr. And the motion, once again, is
9 to accept the language for the technical review, and
10 that the language for the substantive review and the
11 substantively incomplete preliminary application
12 package not be included; correct?

13 COMMISSIONER SHEARMAN: I think we
14 probably need to say, "with the changes to the
15 'Technical Review' language that we have made here
16 today," because there's quite a few.

17 THE CHAIR: Okay. So that the motion is
18 to accept the "Technical Review," with the changes
19 that have been noted here today to that wording.

20 COMMISSIONER ARMBRUSTER: Point of
21 clarification?

22 THE CHAIR: Oh, please. Commissioner?

23 COMMISSIONER ARMBRUSTER: We're talking
24 about -- I understand the first part; we're
25 accepting that. You're saying -- I think you took

1 "never" away. But the substantive review is up for
2 discussion in January?

3 COMMISSIONER SHEARMAN: That wasn't part
4 of my motion.

5 COMMISSIONER ARMBRUSTER: Well, you're
6 saying are you never going to discuss it?

7 COMMISSIONER SHEARMAN: You all can do
8 whatever you want to do in January.

9 COMMISSIONER ARMBRUSTER: So we would just
10 need to bring it up again; correct? So voting "yes"
11 gets the first part done, but does not deny us the
12 part below that to raise the bar; is that correct?
13 Because I don't want to vote for something that I
14 don't believe.

15 THE CHAIR: Well, I'm going to remove
16 that -- I'm not going to qualify that second part as
17 raising or lowering the bar.

18 COMMISSIONER ARMBRUSTER: Okay. Well --

19 THE CHAIR: The motion does not indicate
20 that precluding this from the motion is not raising
21 the bar.

22 COMMISSIONER ARMBRUSTER: I'm just asking
23 you. We can talk -- we are not taking this off the
24 table to discuss at a later date; is that correct?

25 THE CHAIR: Anything can be always put

1 back on the table.

2 COMMISSIONER PERALTA: You can bring it up
3 yourself, if you --

4 COMMISSIONER TOULOUSE: Madam Chair, I
5 call the question.

6 COMMISSIONER SHEARMAN: For the second
7 time.

8 THE CHAIR: This is the second time it's
9 been called.

10 Commissioner Armbruster, a roll-call vote,
11 please.

12 COMMISSIONER ARMBRUSTER: Commissioner
13 Shearman?

14 COMMISSIONER SHEARMAN: Yes.

15 COMMISSIONER ARMBRUSTER: Commissioner
16 Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Pogna?

20 COMMISSIONER POGNA: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Carr?

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Chavez?

1 COMMISSIONER CHAVEZ: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Gipson?

4 THE CHAIR: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner
6 Johnston?

7 COMMISSIONER JOHNSTON: Yes.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Armbruster votes "Yes."

10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER ARMBRUSTER: That passes, as
13 read, by a ten-to-zero vote -- nine-to-zero vote.

14 THE CHAIR: The motion carried by a
15 nine-to-zero vote.

16 Director, I'm going to ask you, at this
17 point in time, in light of the work session
18 yesterday, do we want to table No. 9, so that we can
19 take what we had discussed yesterday and look at
20 that at a -- I'm sorry -- No. 10? I'm sorry.
21 I've --

22 MS. POULOS: Madam Chairwoman,
23 Commissioners, I guess, first, I just want to ask
24 the question. There -- there is -- and I know the
25 opinion.

1 Again, I think it's important that at some
2 point, the Commission establish some standards on
3 what is a bar for charter schools as far as new
4 applications go, what percentage of scores can be
5 "Does Not Meet," whatever.

6 But I do want to get some guidance on
7 potentially the changes to the rubric and what you
8 would like to do.

9 I -- Commissioners Armbruster and Peralta
10 did, during the Executive Committee, ask that we
11 present some information or a potential starting
12 point for some revisions to the rubrics. These are
13 in the materials today, although challenging to
14 find.

15 So I'm not sure we're done with Item 9,
16 unless you're telling me we're done with Item 9.

17 THE CHAIR: No, we didn't look at this
18 yesterday at all.

19 COMMISSIONER SHEARMAN: Madam Chair, could
20 I just make an observation?

21 THE CHAIR: Commissioner Shearman?

22 COMMISSIONER SHEARMAN: Can I just make an
23 observation, please? I'm not sure what the value of
24 going through any suggested or proposed changes
25 today would be.

1 As Commissioner Carr said, three of us
2 will not be here in January. You'll just have to go
3 over it again with the new Commissioners. So why
4 not just do it once and be complete? That's my
5 suggestion.

6 THE CHAIR: Commissioners? Commissioner
7 Johnston?

8 COMMISSIONER JOHNSTON: Question. Is the
9 document we're discussing the -- the performance
10 framework?

11 THE CHAIR: No.

12 COMMISSIONER JOHNSTON: We're still
13 looking at the --

14 THE CHAIR: The Director is asking us to
15 still look at 9.

16 COMMISSIONER JOHNSTON: At the rubric?

17 COMMISSIONER TOULOUSE: The whole
18 application.

19 MS. POULOS: Madam Chairwoman,
20 Commissioners, the rubric. I will say what's got
21 printed is not anything that has tracked changes on
22 it. I did have, again, a starting point, where I
23 wanted to get some guidance from the Commission on
24 whether or not that was the right direction. The
25 materials did not print correctly. And so we don't

1 have that one in here. So I do think it's
2 important.

3 I don't want us, as the CSD, trying to
4 support you to do work without your direction. And
5 I think we need that on what should be done to
6 improve the rubric.

7 What I can do is get started and -- and
8 try and send it out. And maybe we can just have a
9 brief discussion item in December, so that the
10 Commissioners can say, "Yeah, this is the right
11 direction, continue"; or, "No, this is not the right
12 direction, don't continue," before the January work
13 session, so that we do have a starting point in
14 January to make revisions to the rubric.

15 THE CHAIR: Well, I'll reiterate. I
16 really -- I'm hesitant to put this on the December
17 agenda, because nothing becomes a short discussion.

18 COMMISSIONER SHEARMAN: That's true.

19 THE CHAIR: And if we start to dig into
20 this, and we've got renewals, do we do this before
21 we do the renewals? And now we've got schools that
22 we don't get to, which we can't. So I hesitate to
23 do this in December.

24 But I'll ask the -- you know, the rest of
25 you. That's my opinion. I'm concerned about the

1 December time frame.

2 Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, my
4 recommendation would be to put it on December
5 following the schools. And if we run out of time,
6 we'll table it as an item until the January meeting.
7 That way, if we did end up with some time, which we
8 probably won't, at least it's on the agenda; but
9 that we do the schools.

10 That's what we usually do. We do the
11 schools before most of the other business, anyway,
12 and try to get them out of the way. Then if there's
13 time, we can go ahead and discuss. If not, we vote
14 to table it and move it to January.

15 THE CHAIR: Anyone else?

16 COMMISSIONER ARMBRUSTER: Does that work,
17 what she said? That's a legal thing that's okay to
18 do.

19 MS. McKEE: Okay.

20 THE CHAIR: Why wouldn't it be?

21 COMMISSIONER ARMBRUSTER: Who knows? I
22 don't know.

23 THE CHAIR: Anything that we're going to
24 get to or don't want to -- yeah, I think it's -- I
25 think it's highly unlikely that we'll get to it. So

1 I -- you know, a part of me doesn't want to be
2 disingenuous and say, "We're going to do this," when
3 it's very unlikely that we'll get to it.

4 COMMISSIONER ARMBRUSTER: I like what
5 Carmie suggested because it gives you an out. If we
6 have time, we do it. CSD is going to look at the
7 standards and qualifications for a new applicant.
8 And if we can get to it, that's terrific.

9 But at least we can look at it, and if we
10 don't say that, we won't even get a copy of it to
11 look at. And if we don't, we'll table it.

12 THE CHAIR: Well, they can send it out to
13 us at any time for you to review before the meeting
14 or whatever. That -- it -- whether it's on the
15 agenda or not doesn't mean Katie can't send out
16 information to us.

17 Commissioner Johnston?

18 COMMISSIONER JOHNSTON: Thank you,
19 Madam Chair. Two questions:

20 One, is it the consensus of the Commission
21 that there will be substantive change to the rubric
22 as it exists right now?

23 THE CHAIR: I think without a discussion,
24 you can't answer that.

25 COMMISSIONER JOHNSTON: Okay. Because

1 being the new person, I don't know.

2 THE CHAIR: I don't know. Because I don't
3 know how people are going to vote.

4 COMMISSIONER ARMBRUSTER: That's a
5 "maybe."

6 COMMISSIONER JOHNSTON: But people have
7 thoughts about substantive change, then?

8 THE CHAIR: We have not had an open
9 discussion about it.

10 COMMISSIONER JOHNSTON: It has not been
11 discussed at all?

12 THE CHAIR: Correct.

13 COMMISSIONER JOHNSTON: When it was
14 created, was there discussion then when the rubric
15 was created?

16 THE CHAIR: Oh, absolutely. Oh, yeah.

17 COMMISSIONER JOHNSTON: So the people who
18 are here have knowledge of the creation of the
19 rubric? I'm sorry. I'm trying to understand -- the
20 second part. I'll go ahead and ask the second
21 question so I don't belabor this.

22 Would it -- is it -- is it appropriate
23 that the Charter Schools Division make
24 recommendations for changes between now and then,
25 and that's what's sent out, so that people can

1 review it? And --

2 THE CHAIR: That's what the Director said
3 that she would do. The question we're looking at
4 is, will we actually have the time to discuss those
5 recommendations and any recommendations that we will
6 have, to dig into that at that time? There's been
7 tremendous amount of time spent on this new
8 application.

9 COMMISSIONER JOHNSTON: Yes, I know that;
10 but --

11 COMMISSIONER SHEARMAN: And the rubric.
12 It's been all modified within the last couple of
13 years. There were modifications brought forward
14 last year.

15 COMMISSIONER JOHNSTON: Is this the key,
16 then, the NACSA review and the recommendations that
17 NACSA made to the changes in the rubric? Is that
18 what's causing the contention in the -- in
19 revisions?

20 THE CHAIR: I'm just -- I don't know what
21 you mean by "contention."

22 COMMISSIONER JOHNSTON: It's very tense.
23 And maybe it's just that it's a quarter of 3:00 in
24 the afternoon.

25 THE CHAIR: I'm sorry. It's not tense.

1 I'm not trying to -- I don't have an issue --

2 COMMISSIONER JOHNSTON: I'm tense.

3 THE CHAIR: -- with possible changes. My
4 issue is with the timing to be able to get it done.

5 COMMISSIONER JOHNSTON: I understand.

6 THE CHAIR: But if I've conveyed, in any
7 way, that I have an issue with changes, I sincerely
8 apologize.

9 COMMISSIONER JOHNSTON: No. My question
10 was, was you must -- the possibility of this being
11 time consuming and -- and not just a, "Oh, yes, this
12 is what we see what's been done, and it looks good,
13 and we'll approve it," because we've had time
14 beforehand to review it. That discussion has to
15 come in.

16 And is this January work session that was
17 discussed, would that be to -- to review, then, the
18 tentative changes? Is that the sequence that we're
19 looking at now?

20 THE CHAIR: Correct.

21 COMMISSIONER JOHNSTON: All right. Okay.
22 I'm just trying to understand.

23 COMMISSIONER SHEARMAN: I would say, from
24 my perspective -- of course, I won't be here in
25 January; so whatever you all do, yippee for you.

1 But those of us that have been here for a while and
2 helped write that and have been part of all the
3 changes, we're very vested in it. We very much are
4 vested.

5 And we think it's a pretty darn good
6 application, notwithstanding what NACSA said. I
7 really don't give a hoot what NACSA said. It's a
8 very good application. And we've been told that on
9 more than one occasion, frankly, by NACSA.

10 But anything can be improved. Anything
11 can be made better. But I personally would not be
12 in favor of a wholesale change of this, because it
13 works; it's worked very well. Some things might
14 could be made clearer. But as far as a wholesale
15 change of it, I think would be a terrible mistake.

16 So the changes we looked at last year were
17 pretty extensive; but we accepted none of them.

18 COMMISSIONER JOHNSTON: Oh.

19 COMMISSIONER SHEARMAN: So keep that in
20 mind, you know, as you're going forth. But now it
21 becomes your document. And so the pride of
22 ownership that I have and Jeff has and Millie has
23 and the ones of us that have been there for a while,
24 I hope that doesn't go away, that it becomes a very
25 important document for you.

1 But at the same time, it does have to
2 become your document that reflects what's important
3 to you. So I never accept wholesale changes that
4 someone else did. I have this control thing. But
5 it's very important.

6 COMMISSIONER JOHNSTON: Well -- and thank
7 you. I did not realize this document had been
8 reviewed last year and that changes had been
9 recommended and that it must have been lots of
10 discussion last year. So this would be -- this is
11 the second time of the review of the same document.

12 THE CHAIR: I think it's more than just
13 the second time.

14 COMMISSIONER TOULOUSE: Madam Chair, it's
15 been reviewed every single year since we created it,
16 and changes have been made. It's been an evolving
17 document.

18 So I don't think any of us are opposed to
19 changes; but we don't think it needs wholesale
20 rewriting, redoing, and changing. Not to mention
21 that most of the schools who are people are trying
22 to start schools, they go look at previous
23 applications. And I'm not sure I want to have
24 somebody looking at something that is totally
25 different than what they're going to fill out when

1 what we did before worked really quite well.

2 And I think changes in rubrics are
3 different than changes in the form itself. You
4 know, it -- because what you put on the form is your
5 reality. The rubric is how we're going to look at
6 it.

7 And so I think that one is easier for us
8 to look at than actually changing this application.
9 It really works relatively well and has been
10 evolving the four years I've been on the Commission.

11 And we put in a tremendous amount of time
12 developing all of these after the law changed, and
13 you had to have contracts and that kind of thing.
14 The contract went through a number of meetings. And
15 the contract has evolved through changes, as well.

16 None of us are set in what we're doing.
17 On the other hand, I'm like Carolyn. I don't care
18 what NACSA said in that report, because it didn't
19 really reflect all of us. I care about what works
20 for us and what works for New Mexico.

21 COMMISSIONER JOHNSTON: Okay. Thank you.
22 I didn't realize -- "wholesale" is a big word.
23 That's one of those words that makes me tense. I
24 didn't realize we were looking at wholesale.

25 THE CHAIR: I like "wholesale," as opposed

1 to "retail."

2 COMMISSIONER JOHNSTON: I spend too much
3 money, then. So -- all right. Thank you.

4 THE CHAIR: Commissioner Armbruster?

5 COMMISSIONER ARMBRUSTER: Director Poulos,
6 my understanding of what you were talking about was
7 that we were going to make the rubric more rigorous.
8 I did not understand that we were making wholesale
9 changes to -- or retail -- to the entire
10 application. Can you clarify?

11 MS. POULOS: Right. It would not be.

12 Again, I think, just feedback from our
13 review teams this year, was the prompts are great.
14 The rubric needs work.

15 And so, really, I'm trying to get guidance
16 from the Commission on where we go with the rubrics,
17 and then do that so that we can do the work and get
18 you a starting point for the discussion so that we
19 can get quality rubrics that really do have a high
20 bar.

21 And I think certainly, we need to increase
22 the bar. When I look at the data -- and this just,
23 you know, leads into a different discussion. But
24 when I look at the data, our new schools are not
25 getting off to a strong start. And I think we've

1 got to increase the rigor of how we're evaluating
2 new applicants to make sure that when we take a risk
3 with kids' lives, we're doing so with some really
4 good information under our belts, so that we're not
5 really taking too big of a risk when we're talking
6 about kids' lives.

7 COMMISSIONER ARMBRUSTER: And so, again,
8 you're not looking at sending us a new application;
9 just changing what -- how we're rating what we
10 already have.

11 MS. POULOS: That's correct.

12 THE CHAIR: I believe we have a motion --
13 or just a recommendation, because it doesn't have to
14 be a motion -- to put this on the agenda for --

15 COMMISSIONER TOULOUSE: Madam Chair, it's
16 a recommendation. I leave it to the three of you on
17 the Executive Committee to suss that out when you're
18 ready.

19 THE CHAIR: No, we don't need to vote.

20 COMMISSIONER ARMBRUSTER: It's not a vote.
21 Got it.

22 THE CHAIR: I'm going to have to ask for a
23 small break.

24 COMMISSIONER SHEARMAN: Me, too. Thank
25 you. Thank you.

1 THE CHAIR: Thank you.

2 (Recess held, 2:50 p.m. to 3:03 p.m.)

3 THE CHAIR: I will call us back into
4 session. Let me see if I can get my number right
5 this time.

6 COMMISSIONER ARMBRUSTER: Did we end this?

7 THE CHAIR: We did. We did.

8 COMMISSIONER ARMBRUSTER: Are we done with
9 9? So we decided.

10 THE CHAIR: It's up to the Executive
11 Committee to set the agenda for December.

12 COMMISSIONER CARR: There you go.

13 COMMISSIONER ARMBRUSTER: Okay.

14 COMMISSIONER SHEARMAN: Let's go.

15 THE CHAIR: No. 10, Discussion and
16 Possible Action on Governing Body Observation Tool.

17 So this is where I will say do we want to
18 table this at this point in time, in light of the
19 discussion of the work session yesterday, to see if
20 there's any modifications that we -- because you had
21 indicated that you were going to work something
22 up --

23 MS. POULOS: Madam Chairwoman and
24 Commissioners, yes. So from the notes from
25 yesterday, we were going to kind of work up the

1 tools.

2 I'm not sure we touched yesterday on
3 whether anything from the actual observation tool
4 needed to change, so much as we were looking at, big
5 picture, what are the standards we want, or how do
6 we want to observe -- overall, take a picture of the
7 governing boards.

8 So...

9 THE CHAIR: Well, let me ask this: In
10 light of the fact that because of so many other
11 things going on, is it foreseeable that you're going
12 to have a significant number of observations take
13 place between now and the January meeting, our
14 January meeting?

15 MS. POULOS: Because renewals are now
16 done, I think the team does have time to start
17 getting back out. And that will also include doing
18 site visits. And we'd like to be able to tack those
19 observations on to the site visits, if possible,
20 because we're already traveling.

21 So it's likely that we would want to do
22 observations prior to January -- again, just also
23 thinking about how many we have to get through, if
24 we now lose two more months of being able to do
25 governing board observations, it's harder for my

1 staff to get all of that done within the year.

2 THE CHAIR: Then I have to apologize;
3 because I believed at the work session, based on the
4 product of what the work session was, we would then
5 take a look at this tool, once those notes and
6 everything were worked up. So that I did not look
7 at this or feel that we needed to look at this at
8 the work session yesterday because of that.

9 So I apologize, because we really didn't
10 touch this yesterday. And that was a -- you know,
11 my assumption.

12 Commissioner Johnston?

13 COMMISSIONER JOHNSTON: Madam Chair, I
14 agree with you. But would it be possible, since we
15 had agreed at the October meeting that the
16 instrument could be used until we had time to review
17 it, there wouldn't be any difficulty, especially
18 with the Christmas -- or the winter break coming up?
19 You only have a certain number of weeks. Governing
20 councils will probably meet once in December. But
21 if we held it off until January, I don't think it
22 would be detrimental in any way, as long as they
23 could continue to use this tool.

24 THE CHAIR: My understanding from the last
25 meeting was not that we said it was okay that they

1 use this tool. We did not know the tool existed
2 until the last meeting, and that there would --
3 because of the time frame with renewals and so on,
4 there would be no observations being done; so that
5 we did not address the tool at that -- at the last
6 meeting.

7 COMMISSIONER JOHNSTON: Okay. Thank you.

8 Again, I go back to the charter schools
9 and to the observations of the governing council
10 meetings and the tool, as I see it. I think it's
11 important that -- that schools where observations
12 have taken place and who have seen this tool, and
13 that there be some consistency.

14 So that's my -- I would hate to put it off
15 again.

16 THE CHAIR: So, Commissioners, I'm -- I'm
17 going to ask, then, for -- is it your consensus that
18 we have a discussion and go through this tool now to
19 see what -- if we feel that there's any
20 modifications that are needed?

21 COMMISSIONER TOULOUSE: Madam Chair, have
22 the schools seen the tool? I didn't understand that
23 they saw it.

24 THE CHAIR: It's posted on the --

25 COMMISSIONER TOULOUSE: But, I mean,

1 there -- as they were being reviewed? Do they see
2 it afterwards? Or is it just being used by the
3 reviewers?

4 MS. POULOS: This is the tool that's used
5 to give them feedback. I know at least one has gone
6 out. Our intent was to get them out much earlier.
7 We wanted to give that feedback within a week or two
8 weeks -- really, two weeks, because we wanted to
9 wait to get the draft minutes.

10 So schools have seen this. It is up on
11 the website. And this is the tool that we are using
12 to record our feedback for those schools' governing
13 bodies so that they get the feedback. It's not just
14 we go, and they never know what came of that. We
15 go, and we communicate with them what we saw.

16 COMMISSIONER ARMBRUSTER: When I looked
17 at -- when I looked at this, I mean, they're pretty
18 just check-off things: The OMA, the information was
19 correct, that they advertised this, that they did
20 roll-call votes, that they -- the governing council
21 uses relevant information from multiple sources. It
22 didn't seem very controversial to me. But could you
23 tell me how many of these have already been done,
24 Katie?

25 MS. POULOS: Seven schools have been

1 visited during their governing board meetings.
2 Quite honestly, I think that only two have received
3 the feedback.

4 COMMISSIONER ARMBRUSTER: So between now
5 and January -- because I'm not doing it on
6 December -- now and January, how many more -- I
7 mean, 12th -- I mean, how many more?

8 MS. POULOS: I believe that there's a
9 pretty good distribution of when the schools hold
10 their governing board meetings. I don't think it's
11 always the second week. I think each week, the team
12 could potentially go to -- based on their
13 availability in schools -- somewhere between one to
14 two a week.

15 COMMISSIONER ARMBRUSTER: So that's maybe
16 12?

17 MS. POULOS: Correct.

18 COMMISSIONER ARMBRUSTER: To me, if you've
19 done seven, you do 12, it's not really contentious.
20 It's not like they're nice, they all have on new
21 clothes.

22 I mean, it's just pretty -- a list. It's
23 a list of things that we would -- we sort of touched
24 on yesterday and we may be changing. But I don't
25 think that if we even changed it, it wouldn't be

1 that much different.

2 So I think you should just continue,
3 because there's so many things to do, I don't know
4 how giving away six weeks or eight weeks is going to
5 help anyone.

6 COMMISSIONER SHEARMAN: Madam Chair?

7 THE CHAIR: Commissioner Shearman?

8 COMMISSIONER SHEARMAN: I think what I
9 heard the Chair say earlier, though, is that the
10 form is part of the discussion. But perhaps a
11 larger part of what's being asked for here is to
12 belatedly give CSD the authority, from PEC, to do
13 these governance council minutes; because that's
14 never been done before, that I recall.

15 So I think for CSD to represent the PEC at
16 governance council minutes -- at governance council
17 meetings -- we need to authorize them to do that,
18 and we have not done that. There was -- I don't
19 know why this happened without our authority; but it
20 did.

21 So what I would like to propose is that we
22 authorize CSD to do these governance body
23 observations, to continue to use this form until the
24 January 2017 meeting of the PEC, at which time this
25 form may be reviewed, along with the discussion that

1 we had yesterday in the work session regarding
2 governance councils.

3 COMMISSIONER PERALTA: Second.

4 THE CHAIR: There's a motion by
5 Commissioner Shearman and a second by Commissioner
6 Peralta.

7 Any discussion?

8 Commissioner Armbruster, roll-call vote,
9 please?

10 COMMISSIONER ARMBRUSTER: Commissioner
11 Johnston?

12 COMMISSIONER JOHNSTON: Yes.

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Peralta?

15 COMMISSIONER PERALTA: Yes.

16 COMMISSIONER ARMBRUSTER: Commissioner
17 Toulouse?

18 COMMISSIONER TOULOUSE: Yes.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Armbruster votes "Yes."

21 Commissioner Gipson?

22 THE CHAIR: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Shearman?

3 COMMISSIONER SHEARMAN: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner
5 Chavez?

6 (No response.)

7 THE CHAIR: Is Commissioner Chavez no
8 longer with us?

9 COMMISSIONER CHAVEZ: Yes, I'm here. I'm
10 sorry. I didn't hear.

11 COMMISSIONER ARMBRUSTER: I'm sorry. I
12 was --

13 COMMISSIONER CHAVEZ: I vote "Yes."

14 COMMISSIONER ARMBRUSTER: Thank you. I'm
15 sorry.

16 The vote will be eight-to-zero to have the
17 Commission continue -- not the Commission -- the CSD
18 continue with the -- until January, with this form.

19 THE CHAIR: That is a nine-to-zero vote.

20 MS. FRIEDMAN: No, no.

21 THE CHAIR: Oh. Millie's gone. I'm
22 sorry. Eight-to-zero. Sorry.

23 MS. FRIEDMAN: Madam Chair, you might want
24 to make a note for the record that Commissioner
25 Pogna has left.

1 THE CHAIR: Yes, I'm sorry. Commissioner
2 Pogna has left, I think, about 3:00.

3 Thank you for reminding me of that.

4 Okay. Was that 11? Yes? Okay.

5 We are on to Item No. 12, Discussion of
6 Possible Action on Charter School Performance
7 Frameworks. There's been a lot of discussion about
8 the performance frameworks over the past year or so.
9 There's been discussion that they are very difficult
10 to score -- am I not on the right number?

11 COMMISSIONER ARMBRUSTER: I don't know,
12 what happened to 11.

13 THE CHAIR: We just did No. 11, did we
14 not?

15 COMMISSIONER ARMBRUSTER: We did governing
16 council.

17 THE CHAIR: Oh, I'm sorry.

18 MS. McKEE: We did the observation tool.

19 THE CHAIR: Right. We did.

20 COMMISSIONER TOULOUSE: The school site
21 visit.

22 THE CHAIR: The school site visit
23 protocol. Right.

24 I once again skipped a number.

25 Item No. 11, which I had the right number,

1 I think. Discussion and Possible Action on School
2 Site Visit Protocol and Tools Used by the CSD.

3 MS. POULOS: Madam Chairwoman,
4 Commissioners. So CSD wanted to bring these forward
5 to you, because there has been discussion over the
6 past year on the protocols that are being used and
7 some miscommunication and lack of understanding.

8 So I wanted the opportunity to bring these
9 forward to you, have the discussion, and, again, get
10 your guidance on anything that you want changed or
11 you want done differently.

12 So I -- in printing the materials, the
13 books -- because they're the way they were being
14 done. There's some challenges. I can talk you
15 through the materials.

16 I know you're all getting tired and
17 frustrated. So if you don't want to do this today,
18 I certainly understand that.

19 Again, we would like the opportunity to
20 take you through these tools, and, again, get your
21 guidance and feedback on them, because we don't want
22 to be out there doing something that you don't want
23 us doing.

24 We are trying our best to faithfully
25 implement your performance frameworks. And that's

1 how we have developed our protocols.

2 But I think I'll pause there and hear from
3 you what you'd like us to do on this item today.

4 But that was why we asked for this to be
5 on the agenda and -- and if you do want to go
6 through them, what I'll do is hook up to the
7 projector and start talking you through the
8 electronic copies that I have.

9 THE CHAIR: Let me just ask this. And I'm
10 going to ask the Commission. And let me see if it's
11 possible for me to talk to Item No. 12 first, which
12 may go back to Item No. 11.

13 COMMISSIONER SHEARMAN: I think that would
14 be a really good idea.

15 THE CHAIR: Because I think the discussion
16 with Item No. 12 will partly answer perhaps some of
17 the concerns that the director is bringing up with
18 Item No. 11. So let me go through this. If you
19 don't feel it correlates, we can -- we can go back.
20 Is that acceptable at this point in time? To --

21 COMMISSIONER SHEARMAN: Do we need a
22 motion to move?

23 THE CHAIR: That's my question. Do I need
24 a motion to amend the agenda to do Item No. 12 prior
25 to 11?

1 MS. McKEE: No. Because at the bottom, it
2 says, "The PEC attempts to follow the order of items
3 as listed; however, the order of specific items may
4 vary from the printed Agenda."

5 So you've covered yourself.

6 THE CHAIR: So if you'll permit me, there
7 have been significant --

8 (Commissioner Shearman answers her phone.)

9 COMMISSIONER SHEARMAN: I am sorry. That
10 was Commissioner Pogna. She has left her glasses.
11 Does anyone see them?

12 COMMISSIONER CARR: Oh, I see them.

13 COMMISSIONER SHEARMAN: She asked that we
14 give them to Beverly.

15 MS. FRIEDMAN: Is she coming back for
16 them?

17 COMMISSIONER SHEARMAN: No. She just said
18 hang on to them.

19 MS. FRIEDMAN: Okay. I'll mail them to
20 her.

21 COMMISSIONER SHEARMAN: So I'm sorry.

22 THE CHAIR: That's all right. No problem.

23 There has been a lot of discussion about
24 the performance frameworks from the NACSA report, to
25 reports or -- about the scoring of the performance

1 frameworks.

2 The most important thing that this
3 Commission does is authorize schools and establish
4 these performance frameworks. These performance
5 frameworks drive the conversation for the site
6 visits, for our renewals. They -- it is the
7 information that is brought up for potential
8 revocation.

9 So this is the most -- to me, this is the
10 most important thing that the Commission does.

11 And I initially thought that it would be
12 appropriate for us to take a look at the performance
13 frameworks and make modifications to them.

14 I've had a number of lengthy conversations
15 with NACSA in regards to these performance
16 frameworks and recommendations as to potential
17 changes, what direction we need to go in.

18 And it became clear, through my looking at
19 them and my conversations, in particular, with
20 NACSA, and some others, other people, and interested
21 parties, some charter schools, that we need more
22 than just a cursory review and minor modifications
23 to the performance framework.

24 We all know that we certainly see a need
25 for changes with the fiscal and with the governance,

1 as well as the indicators and the language for the
2 academic performance.

3 So this is what I am recommending -- and I
4 hope that this goes in line with helping CSD in
5 establishing a better tool kit for site visits -- is
6 that after the first of the year, the Commission
7 dedicates itself to doing a 360-degree, deep dig
8 down into these performance frameworks, and that we
9 have to do that by engaging in and with all of our
10 charters, not just the renewals.

11 But this has potential to affect all --
12 and we want to hear from the charters as to what
13 they feel the changes that need to be made in these
14 performance frameworks, what is working, what isn't
15 working, so that we can make valuable, clear, and
16 workable changes, however this -- and the business
17 community, anyone else that wants to weigh in on the
18 recommendations, and that we then make those changes
19 to the performance framework.

20 And I think that's what is necessary for
21 us. We have to commit ourselves to the time and the
22 energy to do this.

23 I know that we have renewals coming up.
24 So my recommendation is that in December, when we --
25 whatever schools that we renew, we renew for

1 whatever number of years, if there's any
2 modifications to that.

3 But let's just use -- for me, now, the
4 five years that is the normal, that the schools
5 receive their renewal, if we approve their renewal,
6 and that we simply roll and continue the indicators
7 that they currently have for next year while we are
8 working at the performance framework, and that the
9 negotiations take place once the language is --
10 whatever language is changed, and that they start
11 with the new performance framework.

12 And that's my recommendation.

13 And I think that'll help work into Item
14 No. 11, with the tools for site visits and so on.

15 COMMISSIONER SHEARMAN: Madam Chair, if
16 you would put that in the form of a motion, I think
17 we could get a second.

18 THE CHAIR: So my motion would be for the
19 Commission to agree to work on a review of the
20 performance framework, which would include community
21 meetings with the charter community, engage in
22 conversations with them to see what works and
23 doesn't work. We will need some data review of
24 schools so that we get a better idea of the language
25 that we would like to put in, and that the schools

1 that are currently up for renewal, that they -- they
2 be renewed, and that the indicators continue for one
3 more year until the performance framework is
4 adopted -- the new performance framework is adopted
5 by the Commission.

6 COMMISSIONER ARMBRUSTER: I can second
7 that; although, I have, possibly, an amendment.

8 THE CHAIR: Hold on. We have a -- we have
9 a motion by Commissioner Gipson and a second by
10 Commissioner Armbruster.

11 Discussion?

12 COMMISSIONER ARMBRUSTER: Discussion,
13 possibly amendment. I can live with that. So I
14 don't want to not do that. If we get this
15 performance framework up and running by -- I don't
16 know -- June or something -- I don't know what date,
17 anyway -- do we still want to wait six more months
18 to put these renewal schools on this performance
19 framework? Or do you want to do it when it's ready?

20 THE CHAIR: I want to do it when it's
21 ready. So I don't know -- I can't say it'll be -- I
22 hesitate to say we will be up and running. So
23 that's why I included that language.

24 I would like -- you know, I'd like to get
25 it up and running. But I -- you know, honestly, I

1 don't know how quickly this is going to move,
2 because I don't want us to feel a time constraint
3 and say, "Well, we said we were going to get it done
4 by June 1st; so now we're going to get it done."

5 I -- I'm committed to a complete redo and
6 a thoughtful redo. And I don't want to -- I don't
7 want to put myself in a -- in a time frame.

8 COMMISSIONER ARMBRUSTER: I was not going
9 to name a time frame. I was going to say for one
10 year, or until the performance -- new performance
11 frameworks were finished. But if you don't like
12 that, I can --

13 THE CHAIR: Yeah. I also don't want to --
14 I don't want to make them think that it could extend
15 for more than one year. I want to be clear to them
16 that it would just be the one year.

17 COMMISSIONER ARMBRUSTER: Or whichever
18 came first. Either the new performance framework
19 was established --

20 THE CHAIR: Right.

21 COMMISSIONER ARMBRUSTER: -- or they have
22 one year, whichever came first.

23 THE CHAIR: Correct, yeah.

24 COMMISSIONER ARMBRUSTER: Then does not
25 dilute what you suggested originally. But if we

1 finished it -- like, who knows with us? Like, who's
2 finishing anything at one time? It could be
3 either/or, but not more than one year, whichever
4 came first.

5 COMMISSIONER SHEARMAN: That was in your
6 motion: One year.

7 THE CHAIR: My motion said one year.

8 COMMISSIONER ARMBRUSTER: I understand
9 that.

10 THE CHAIR: So it couldn't be more than a
11 year.

12 COMMISSIONER ARMBRUSTER: Right. But it
13 could be less than a year is my point. And I'm
14 asking whether that is --

15 COMMISSIONER SHEARMAN: We're splitting
16 hairs here.

17 THE CHAIR: You know, I want to say it's
18 highly unlikely that it's going to be less than a
19 year.

20 COMMISSIONER ARMBRUSTER: Okay.

21 THE CHAIR: Because I just --

22 COMMISSIONER JOHNSTON: Madam Chair?

23 THE CHAIR: Commissioner Johnston?

24 COMMISSIONER JOHNSTON: Could you please
25 re-read the motion for me? Or someone?

1 (The record was read as requested.)

2 COMMISSIONER JOHNSTON: May I just -- I'm
3 reading what we just said in the motion is that the
4 charter schools that are up for renewal will be
5 renewed.

6 THE CHAIR: No, no, no. Those that will
7 be renewed --

8 COMMISSIONER SHEARMAN: No, that are
9 renewed. Wouldn't that be --

10 COMMISSIONER JOHNSTON: In the motion, I
11 thought it said --

12 THE CHAIR: Those that are renewed.

13 COMMISSIONER JOHNSTON: I thought it said
14 those that are up for renewal will be renewed. And
15 we don't want to say that.

16 THE CHAIR: No. If there was any
17 indication that I was voting and saying -- no,
18 that's -- I appreciate that. So that if --

19 COMMISSIONER JOHNSTON: We don't want any
20 assumption that anybody that's up for renewal will
21 be renewed.

22 THE CHAIR: So I guess I need -- do I need
23 to clarify that?

24 COMMISSIONER TOULOUSE: You need to amend.

25 COMMISSIONER JOHNSTON: Just change your

1 wording.

2 THE CHAIR: So that any schools that are
3 renewed. So that leaves it up to the whatever.

4 COMMISSIONER JOHNSTON: Yeah. That's
5 fine.

6 THE CHAIR: So if we amended it to that
7 any school that is renewed.

8 COMMISSIONER TOULOUSE: Does your second
9 accept --

10 THE CHAIR: Do you accept that?

11 COMMISSIONER ARMBRUSTER: Yes.

12 THE CHAIR: Thank you.

13 COMMISSIONER TOULOUSE: Madam Chair, I
14 call that we vote on the amendment and then on the
15 motion, as amended, right now and call the question.

16 THE CHAIR: Thank you.

17 Commissioner Armbruster? We're voting on
18 your amendment and -- okay.

19 COMMISSIONER ARMBRUSTER: Yeah, two votes.
20 So Commissioner Chavez?

21 COMMISSIONER CHAVEZ: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Gipson?

24 THE CHAIR: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Peralta?

5 COMMISSIONER PERALTA: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Johnston?

8 COMMISSIONER JOHNSTON: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Shearman?

11 COMMISSIONER SHEARMAN: Yes.

12 COMMISSIONER PERALTA: Commissioner Carr?

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER ARMBRUSTER: Commissioner

15 Armbruster votes "Yes."

16 It was an eight-to-zero vote to accept the
17 amendment.

18 THE CHAIR: An eight-to-zero vote to
19 accept the amendment. This vote is now for the
20 motion.

21 COMMISSIONER TOULOUSE: As amended.

22 THE CHAIR: As amended.

23 COMMISSIONER ARMBRUSTER: Okay.

24 Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Carr?
3 COMMISSIONER CARR: Yes.
4 COMMISSIONER ARMBRUSTER: Commissioner
5 Peralta?
6 COMMISSIONER PERALTA: Yes.
7 COMMISSIONER ARMBRUSTER: Commissioner
8 Shearman?
9 COMMISSIONER SHEARMAN: Yes.
10 COMMISSIONER ARMBRUSTER: Commissioner
11 Chavez?
12 COMMISSIONER CHAVEZ: Yes.
13 COMMISSIONER ARMBRUSTER: Commissioner
14 Gipson?
15 THE CHAIR: Yes.
16 COMMISSIONER ARMBRUSTER: Commissioner
17 Armbruster votes "Yes."
18 Commissioner Johnston?
19 COMMISSIONER JOHNSTON: Yes.
20 COMMISSIONER ARMBRUSTER: That is an
21 eight-to-zero vote to accept the motion.
22 THE CHAIR: Thank you. That's an
23 eight-zero vote to accept the motion, as amended.
24 We are now -- thank you very much. So I
25 guess -- I don't know whether at this point in time

1 we want to look at Item No. 11 separately? Or do we
2 want to wait and fix the performance frameworks so
3 that there will be better clarity with the site
4 visit.

5 That's up to the Commission at this point
6 in time.

7 COMMISSIONER CARR: I'll make a motion.

8 THE CHAIR: Commissioner Carr?

9 COMMISSIONER CARR: That we table Item 11.

10 COMMISSIONER ARMBRUSTER: You made a
11 motion.

12 COMMISSIONER SHEARMAN: I'll second.

13 THE CHAIR: There's a motion by
14 Commissioner Carr and a second by Commissioner
15 Shearman to table Item No. 11.

16 COMMISSIONER ARMBRUSTER: I --

17 THE CHAIR: Discussion?

18 COMMISSIONER ARMBRUSTER: If we -- it's
19 fine to table it. But if we're waiting until we get
20 the performance framework, then no one's being -- a
21 site visit -- we're not taking care of these --

22 THE CHAIR: I don't think there's any
23 indication that site visits would end.

24 MS. POULOS: No, we have to do the site
25 visits. I just wanted to --

1 THE CHAIR: They're obligated to do site
2 visits.

3 COMMISSIONER ARMBRUSTER: Okay.

4 THE CHAIR: I understand what the concern
5 is. I think if we -- you know, we're kind of
6 constantly working backwards a little bit.

7 COMMISSIONER ARMBRUSTER: Right. I wasn't
8 sure. Okay. Then they're fine.

9 THE CHAIR: Commissioner Johnston?

10 COMMISSIONER JOHNSTON: Thank you. As
11 long as site visits will continue, is it possible to
12 authorize CSD to use their tool in their capacity as
13 a guideline? Because in looking at it, it's not
14 looking at performance standards; it's looking at
15 accountabilities. So could we authorize them to use
16 this tool for their use?

17 THE CHAIR: They're already using it.

18 MS. POULOS: Madam Chairwoman,
19 Commissioners?

20 THE CHAIR: Because that's -- the tool
21 itself is not something that we authorize.

22 MS. POULOS: Madam Chairwoman,
23 Commissioners, I don't know that there's ever been
24 an approved site visit tool. There wasn't when I
25 came here, and there wasn't one that was being used

1 consistently, which is why we developed this in line
2 with the performance framework, as is.

3 Again, my intent was there was lots of
4 misunderstanding and miscommunication and, I think,
5 un- -- incorrect information out there. And I
6 wanted the opportunity to talk you through that so
7 that you could see, really, what we were doing and
8 using.

9 I understand that you feel you need to
10 work on other things, and that this will -- all of
11 those things will drive this; so...

12 THE CHAIR: And I appreciate the
13 opportunity to look at this and see what is being
14 looked at at the site visits. I think we all
15 appreciate the -- the eyes on this.

16 COMMISSIONER ARMBRUSTER: I have a
17 quick --

18 COMMISSIONER JOHNSTON: Thank you.

19 THE CHAIR: Commissioner Armbruster?

20 COMMISSIONER ARMBRUSTER: Is -- I think
21 even in the e-mail, when I looked at this, it was
22 not much better than what this is. And I think
23 that's true. So is it possible to get that via
24 e-mail correctly or not?

25 MS. POULOS: What I can send you -- the

1 reason -- I didn't send you the Excel sheet.
2 They're long Excel sheets, where we just input data
3 so that we have it and we can use it when we get
4 back to the site.

5 I'm happy to send you the Excel sheet, and
6 if you have any questions, just ask. The problem
7 was trying to print the Excel sheet was where it got
8 complicated.

9 COMMISSIONER TOULOUSE: Madam Chair, point
10 of order. I think we have a motion to table in
11 front of us, and yet we're discussing. So I think
12 we need to deal with that motion, because there's no
13 room for discussion on a motion to table, in the
14 sense that we're doing this.

15 THE CHAIR: You're right. I stand
16 corrected.

17 Commissioner Armbruster, roll-call vote,
18 please? The motion is to table Item No. 11.

19 COMMISSIONER ARMBRUSTER: Okay.

20 Commissioner Gipson?

21 THE CHAIR: Yes.

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Armbruster votes "Yes."

24 Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Peralta?

3 COMMISSIONER PERALTA: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner
5 Johnston?

6 COMMISSIONER JOHNSTON: No.

7 COMMISSIONER ARMBRUSTER: Commissioner
8 Carr?

9 COMMISSIONER CARR: Yes.

10 COMMISSIONER ARMBRUSTER: Commission
11 Chavez?

12 COMMISSIONER CHAVEZ: Yes.

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Shearman?

15 COMMISSIONER SHEARMAN: Yes.

16 COMMISSIONER ARMBRUSTER: That's a
17 seven-to-one vote to Table 11.

18 THE CHAIR: Thank you.

19 Item No. 13 -- Item No. 13, Discussion of
20 Possible Action on our 2017 Calendar.

21 Commissioner Peralta? Finally.

22 COMMISSIONER PERALTA: Madam Chair, I
23 think at the last meeting, we asked that the -- that
24 the calendar presented at the last meeting was a
25 draft, and if there were any other concerns from

1 fellow Commissioners, to channel that to
2 Ms. Friedman.

3 I don't believe we got anything back. It
4 seems like this all looks like in order to be able
5 to approve today, hopefully.

6 I do know there was some discussion
7 earlier about a work session for January; it looks
8 like the 12th might be the date.

9 So with that, I'd like to see this
10 calendar approved. And of course, like any other
11 calendars, as we proceed, we're always adding or
12 deleting or making, you know, changes; so...

13 THE CHAIR: Correct. Thank you.

14 Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Madam Chair, I
16 move that we approve this calendar, with the
17 condition that there may well be work sessions put
18 in in front of these meeting dates during the year.

19 COMMISSIONER CARR: Second.

20 THE CHAIR: Great. And I will just add
21 that January 12th, I think we've agreed will be one.

22 COMMISSIONER ARMBRUSTER: She had to
23 leave. That's why it's --

24 THE CHAIR: Commissioner Chavez had to
25 leave.

1 COMMISSIONER ARMBRUSTER: She just texted
2 that. I didn't know about all the noise. I'm
3 sorry. I would have told you.

4 THE CHAIR: Oh.

5 COMMISSIONER SHEARMAN: Are we going to
6 vote?

7 THE CHAIR: So there is a motion to accept
8 the calendar with potential changes for work
9 sessions.

10 COMMISSIONER TOULOUSE: Right. And that
11 would also allow for the 12th, which we'll make sure
12 of at the next meeting.

13 THE CHAIR: Right. Correct.

14 Do I have a second?

15 COMMISSIONER TOULOUSE: You already got
16 one.

17 THE CHAIR: Oh. Do I?

18 COMMISSIONER CARR: Me.

19 THE CHAIR: Oh, I'm sorry. I missed that,
20 sorry. That's a second by Commissioner Carr.

21 Commissioner Armbruster, roll-call vote?

22 COMMISSIONER ARMBRUSTER: Commissioner
23 Peralta?

24 COMMISSIONER PERALTA: Yes.

25 COMMISSIONER ARMBRUSTER: Commissioner

1 Johnston?

2 COMMISSIONER JOHNSTON: Yes.

3 COMMISSIONER ARMBRUSTER: Commissioner

4 Toulouse?

5 COMMISSIONER TOULOUSE: Yes.

6 COMMISSIONER ARMBRUSTER: Commissioner

7 Shearman?

8 COMMISSIONER SHEARMAN: Yes.

9 COMMISSIONER ARMBRUSTER: Commissioner

10 Carr?

11 COMMISSIONER CARR: Yes.

12 COMMISSIONER ARMBRUSTER: Commissioner

13 Armbruster votes "Yes."

14 Commissioner Gipson?

15 THE CHAIR: Yes.

16 COMMISSIONER ARMBRUSTER: That's a
17 seven-to-zero vote in favor of -- whatever -- the
18 calendar.

19 MS. FRIEDMAN: Madam Chair? May I ask a
20 question?

21 THE CHAIR: Certainly.

22 MS. FRIEDMAN: On these meetings, last
23 year, you wanted to go to another location for the
24 January, February -- or during -- meetings during
25 Legislative Session. And so this year, the

1 Legislative Session lasts until March 18th. And I'm
2 wondering whether you want any of those meetings,
3 January, February, or March, in another location.

4 THE CHAIR: Well, January is before the
5 Legislature opens.

6 MS. FRIEDMAN: Right.

7 THE CHAIR: But I think if we continue the
8 wonderful practice of the CSD Director having
9 parking places for people, there won't be the
10 concern that has been presented before; so I think
11 it's --

12 MS. POULOS: You mean waking up every
13 meeting at 4:00 a.m. to get out here in time to put
14 those stanchions up myself? That will continue.

15 THE CHAIR: Thank you, Katie. I
16 appreciate it. We appreciate it. And I will
17 publicly extend my offer that, if need be, I can
18 always run across the street and -- and do that for
19 you early in the morning. So I'm good with doing
20 it.

21 So I think -- I think it's beneficial that
22 we're here.

23 MS. FRIEDMAN: Okay. And another item. I
24 usually reserve this room for two days, for -- since
25 the meetings are on Fridays. So I reserve the room

1 for Thursday and Friday. So you will have a day for
2 work sessions on the day before the meeting.

3 THE CHAIR: Correct. Thank you very much.
4 I appreciate that; because it looks more and more
5 like it's going to be the standard.

6 MS. FRIEDMAN: Okay.

7 THE CHAIR: Thank you. Now, we are on to
8 Item No. 14, Report from the Chair.

9 And I can eliminate A, because we've just
10 voted on the performance frameworks and what we're
11 going to do with the potential charter renewals; so
12 that -- that item has been taken care of.

13 I would like to publicly thank the Charter
14 Coalition for inviting us to their -- their
15 conference. I think it's a -- it was a valuable
16 opportunity. It's always nice to meet the charter
17 community in a less-than-formal setting, and meet
18 and greet and have some good conversation with them.

19 It's -- I think it's important for us to
20 be out there and let the charter community have our
21 casual ear at times. So I want to thank you for
22 that opportunity.

23 And I will call up the Charter Coalition
24 for their report.

25 MS. ROSKOM: All one of me today.

1 Thank you, Madam Chair, members of the
2 Commission, Director Poulos.

3 First, thank you for coming to the
4 conference. We thought it was a successful event.
5 And I know that the schools always appreciate an
6 opportunity to see you and talk to you.

7 I don't know why they seem to have the
8 perception that you're mysterious people and un- --
9 unaccessible -- inaccessible. I've never found that
10 to be true. So we've told them, "Please, contact
11 you when they want to talk to you."

12 Just a couple of things I wanted to share
13 with you today. Deputy Secretary Ruszkowski
14 mentioned earlier today, seems like hours ago now,
15 we, the Coalition, are collaborating with the
16 Learning Alliance and also New Mexico -- UNM CEPR,
17 as well as New Mexico Coalition for Educational
18 Leaders, on the ESSA work that Ian Esquibel of the
19 Learning Alliance has really put together, the tool
20 kit.

21 So we are trying to gather information,
22 grassroots kinds of information, from our charter
23 communities around the state to add to the input,
24 the feedback that -- that the PED will be putting in
25 its report, hopefully, a little later than March.

1 It would be nice if we had a little more time than
2 March.

3 So we're actively working on that. We
4 appreciate the collaboration with PED, as well.

5 We had a meeting with Deputy Ruszkowski
6 and Matt Pahl and Katie the other day -- I think it
7 just this week or last week -- talking about
8 strategy, how we're doing it, the timing on all of
9 that. We really want to align the work so that all
10 voices are heard.

11 In addition, I wanted to tell you that
12 ACES came up earlier today. I feel like I'm
13 breaking my back here. Here we go. Hold this up.
14 ACES came up earlier today. ACES is an organization
15 that supports charter schools through the provision
16 of goods and service -- they're somewhat different
17 than we are. They're not an advocacy organization.

18 We do work closely with them to
19 collaborate on meeting the needs of charter schools.
20 And our specialty, we've really sort of carved out
21 to be advocacy and professional development. And
22 along those lines, I wanted to let you know what
23 some of our plans are in the area of professional
24 development.

25 This is something I haven't had a chance

1 to speak with the Director about; but I think she'd
2 be interested to know.

3 We want to put together a -- a cohort
4 professional development group of charter business
5 managers that would meet monthly throughout the year
6 to address topics like audits and how to prepare for
7 audits and how to understand your budget and SB --
8 oh, God, I'm forgetting the acronym -- the budget
9 form that they all have to fill out.

10 Their charter school finances are too
11 frequently in the news, and we think we could kind
12 of get in front of that and provide some pretty
13 targeted training. We know that there's other
14 training available to them; but this is a cohort
15 group that they really drive, give them an
16 opportunity to share resources.

17 We may also do a similar thing with
18 charter leaders.

19 Those are some of the similar things we're
20 thinking about. We're planning on doing monthly
21 lunch-and-learns. We've done one, and we're doing
22 another in January and every month after that.

23 If you're interested in the topics we're
24 covering, we'll send you the topic titles and invite
25 you to attend, if you'd like to.

1 That's it.

2 THE CHAIR: Thank you. I appreciate it.

3 COMMISSIONER SHEARMAN: Thank you much.

4 THE CHAIR: Thank you.

5 Item No. 15, PEC Comments?

6 Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair, I've
8 said what I need to say. But I do want to say to
9 Danielle, I don't think it was tense in here as much
10 as it takes a while to get used to the dynamic and
11 people go up and down and around. But I don't think
12 there was -- at least I didn't see the tension
13 today. I've seen it some other meetings.

14 So it's just -- get used to us. We don't
15 bite often. And then we don't usually take big
16 hunks out. We're all getting old and the energy
17 isn't there.

18 But I welcome you and your comments.
19 Thank you.

20 THE CHAIR: Commissioner Shearman?

21 COMMISSIONER SHEARMAN: Not really
22 anything. I -- glad I got to be here with all of
23 you today, and I wish everyone a Happy Thanksgiving.
24 And if I'm having surgery on this wonderful foot
25 next month while you all are meeting, I will wish

1 you all a Merry Christmas.

2 But it has been my pleasure to meet and
3 know all of you and work with you. And if I'm not
4 here next month, you know I'm thinking about you.

5 COMMISSIONER TOULOUSE: You could be here
6 by phone.

7 THE CHAIR: Commissioner Peralta?

8 COMMISSIONER PERALTA: Nothing but good
9 luck on your surgery.

10 THE CHAIR: I'm going to say we hope
11 you're joining us in December.

12 COMMISSIONER SHEARMAN: I do, too.

13 THE CHAIR: I understand. And Happy
14 Holidays to all, and Safe Travels to those that are
15 traveling over Thanksgiving.

16 Commissioner Armbruster?

17 COMMISSIONER ARMBRUSTER: I don't have any
18 comments.

19 THE CHAIR: Commissioner Carr?

20 COMMISSIONER CARR: Just quickly. I sent
21 an e-mail to the Executive and to Katie Poulos in
22 regards to Taos International School. Because
23 I'm -- my school is so close to it, I inadvertently
24 made a couple of observations that were a little
25 disturbing and I just thought merited further look,

1 you know.

2 One was the playground, which is supposed
3 to be across the street, is right next to the
4 building. And I observed that when we were doing an
5 evacuation drill, because we're so close.

6 The other time was I like to walk in the
7 park. And I noticed that the students were not
8 being watched by the teacher. The teacher was way
9 behind, and a fence was torn up. And then it was
10 torn up a second time. The first time I stood there
11 and told the teacher about it, and she made them fix
12 it. And then they did it again.

13 So that brought up some concerns. As a
14 member of the PEC, we don't have individual -- I
15 don't -- it's not my place to go up to the school
16 and say, "Hey, you know what? Your students did
17 that, and, you know what, you're not" -- you know.

18 So we have to act on these things as a
19 Commission. I felt it was important that it be
20 brought up to the attention of the Commission. And
21 it may be maybe that's it. Maybe that's all there
22 is, you know. But one problem may be a red flag for
23 others. That's all.

24 THE CHAIR: Thank you. Thank you.

25 Commissioner Johnston?

1 COMMISSIONER JOHNSTON: Thank you,
2 Madam Chair. First of all, the "No" vote comes when
3 I remain confused on an issue and I'm unclear. And
4 being still learning and understanding, I know that
5 just -- I just feel it's necessary to say that that
6 comes out of my inability to understand fully
7 something that's happening, and I think it's more
8 prudent of me to say "No," because I need more
9 instruction.

10 And the other part of it is, is I hope
11 that we have an Executive Session addition to the
12 agendas every month, so that we do have the option
13 to go into Executive Session, should we need to, for
14 litigation or personnel matters. Yes, ma'am?

15 COMMISSIONER SHEARMAN: I'm not speaking
16 for you. And certainly, you can take care of this.

17 But as a school board, we were told we may
18 not have just a notation for an Executive Session on
19 our agenda. It must be very specific as to exactly
20 what is going to be discussed.

21 COMMISSIONER JOHNSTON: And I agree with
22 that, Madam Chair, and/or -- Madam Commissioner and
23 we have several things that I don't fully
24 understand. And they are personnel actions that
25 I've received information on, or charter school

1 actions. And I don't fully understand whether we
2 need a closed session to discuss those or whether we
3 need -- whether we discuss them just in -- in open
4 meeting. I don't know.

5 So I would --

6 COMMISSIONER SHEARMAN: If I might suggest
7 you bring those to the Chair.

8 COMMISSIONER JOHNSTON: To the
9 Executive --

10 COMMISSIONER SHEARMAN: And she can talk
11 with our attorney and then get the recommendation.
12 But, you know, we used to be able to have just a
13 thing on our agenda that said "Executive Session."
14 And then at the meeting, you could say, "Pursuant to
15 Section blah-blah-blah."

16 Well, I am told by all the attorneys that
17 tell me anything, "You can't do that anymore."

18 COMMISSIONER JOHNSTON: And I'm told the
19 same both for our County Commission and our school
20 board. So it has to have a specific -- but I will
21 speak with the Executive Committee, then, to get
22 that; because it is a -- that's a confusion for me
23 and a concern about how I discuss these things with
24 anyone.

25 So I thank you all for your patience with

1 me, being the new person. And it will be nice -- I
2 thank those of you who have served eight years --
3 eight-plus years -- who will be leaving us.

4 And I look forward to meeting the new
5 additions, also. I thank you for your commitment,
6 because there's been a lot of work done in eight
7 years on charter schools. And I appreciate that
8 work.

9 COMMISSIONER SHEARMAN: Thank you.

10 COMMISSIONER JOHNSTON: So I look forward
11 to learning more. Thank you.

12 COMMISSIONER SHEARMAN: Don't we all?

13 THE CHAIR: Do you want to speak to the
14 Executive Session?

15 MS. McKEE: I certainly can. And, yes,
16 you're absolutely correct, Commissioner Shearman.
17 Yes, you absolutely -- when you say "Executive
18 Session," you have to put the citation, the
19 reference number. You have to list what you're
20 going to go into Executive Session about, yes. The
21 Open Meetings Act is very clear on that.

22 COMMISSIONER SHEARMAN: Thank you. We've
23 been beat up about that a lot.

24 THE CHAIR: That being said, I will
25 entertain a Motion to Adjourn.

1 COMMISSIONER CARR: So moved.

2 MS. McKEE: Open Forum.

3 THE CHAIR: Oh, I'm sorry. Everyone's
4 gone. I'm assuming there's no Open Forum?

5 MS. FRIEDMAN: No, no one signed.

6 COMMISSIONER SHEARMAN: Now, I move we
7 adjourn.

8 COMMISSIONER CARR: Second.

9 THE CHAIR: Motion by Commissioner
10 Shearman, second by Commissioner Carr.

11 We are adjourned.

12 (Proceedings concluded at 3:50 p.m.)
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified
Court Reporter in the State of New Mexico, do hereby
certify that the foregoing pages constitute a true
transcript of proceedings had before the said
NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
State of New Mexico, County of Santa Fe, in the
matter therein stated.

In testimony whereof, I have hereunto set my
hand on November 28, 2016.

Cynthia Chapman

Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 6938L (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492

BEAN
& ASSOCIATES, Inc.
PROFESSIONAL COURT
REPORTING SERVICE

MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

