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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
October 7, 2016
9:00 a.m.
300 Don Gaspar - Mabry Hall
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.: 6455L (CC)

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

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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
MS. ELEANOR CHAVEZ, Member
MR. JAMES CONYERS, Member
MS. DANIELLE JOHNSTON, Member
MS. CARMIE TOULOUSE, Member

STAFF:

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

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

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1 THE CHAIR: So I call to order this
2 meeting of the New Mexico Public Education
3 Commission. It is Friday, October 7th, and it is
4 9:05 a.m.

5 Before we begin, I would ask everyone to
6 silence your electronic devices. And if you are
7 coming up to speak, I would ask you to introduce
8 yourself, spell your last name for the recorder, and
9 to press the button down for the microphone, if it
10 is, in fact, working. We shall see.

11 All right. So to start off with, I will
12 ask Commissioner Armbruster to do roll call for us.

13 COMMISSIONER ARMBRUSTER: Commissioner
14 Pogna?

15 COMMISSIONER POGNA: (No response.)

16 COMMISSIONER ARMBRUSTER: No?

17 Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Present.

19 COMMISSIONER ARMBRUSTER: Commissioner
20 Armbruster is here.

21 Commissioner Conyers?

22 COMMISSIONER CONYERS: Present.

23 COMMISSIONER ARMBRUSTER: Commissioner
24 Peralta?

25 COMMISSIONER PERALTA: Here.

1 COMMISSIONER ARMBRUSTER: Commissioner
2 Gipson?

3 THE CHAIR: Here.

4 COMMISSIONER ARMBRUSTER: Commissioner --
5 new Commissioner Johnston?

6 COMMISSIONER JOHNSTON: Present.

7 COMMISSIONER ARMBRUSTER: Commissioner
8 Shearman?

9 COMMISSIONER SHEARMAN: (No response.)

10 COMMISSIONER ARMBRUSTER: Not here.

11 Commissioner Chavez is not here. She will
12 be here. She's called me; she's having a bad day.

13 And Commissioner Carr is not here.

14 Commissioner, we have six present, which
15 is a quorum.

16 THE CHAIR: Thank you very much. We will
17 now do the Pledge of Allegiance and the Salute to
18 the New Mexico Flag.

19 And I will ask Commissioner Conyers to
20 lead us in the Salute to the New Mexico Flag.

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

23 THE CHAIR: So before we move on to other
24 business, I would like to welcome our newly
25 appointed Commissioner and give her an opportunity

1 to introduce herself.

2 COMMISSIONER JOHNSTON: Thank you,
3 Madam Chair. So I'm learning. Should I see if it
4 works? Does it --

5 MS. FRIEDMAN: It doesn't work right now.
6 I'm sorry.

7 COMMISSIONER JOHNSTON: So I won't have to
8 try to talk and hold that lever down at the same
9 time.

10 My name is Danielle Johnston, and I've
11 been appointed by the Governor to finish out this
12 term for District 8. I am a long-time resident of
13 New Mexico, moved to New Mexico in 1965, began my
14 teaching career in Estancia in 1979, taught in the
15 Estancia School District and the Moriarty School
16 District, was an administrator in both the Estancia
17 and Moriarty School Districts at the middle-school
18 and high-school levels, worked with charter schools
19 at the onset, went to the Public Academy for
20 Performing Arts during its second or third year, and
21 was there for two years, then moved to East Mountain
22 Charter, closer to home, and was there, Head of
23 School, for three or four years; was with -- my last
24 position was with Children, Youth and Families as
25 the Education Superintendent for the Juvenile

1 Justice Schools for the students who are committed
2 to facilities in Las Cruces and in Albuquerque. And
3 we did, for a short time, have -- have Lake and
4 Pines outside of Capitan.

5 So I've worked for school districts,
6 State-supported schools, and charter schools,
7 retired in February. And Jim White, who is -- or --
8 Jim White. Jim Smith. Jim White is running for an
9 office in our district.

10 Jim Smith and I are long-term friends, and
11 Jim worked with me both in Moriarty and in -- at
12 East Mountain. And when I was talking to him, he
13 said, "There's a vacancy. Are you interested?"

14 And I said, "Well, sure."

15 And he brought my name forward, and the
16 Governor made the appointment. And this is, like,
17 the first week of the appointment; so I'm new to
18 this. I was at the work session yesterday. The
19 Commissioners were most gracious and accepting, as
20 is the Charter Schools Division have supported me
21 all along. So I really look forward to this. Thank
22 you.

23 THE CHAIR: Thank you very much and
24 welcome.

25 COMMISSIONER JOHNSTON: Thank you.

1 THE CHAIR: On to Item No. 2, the approval
2 of the agenda, which you have before you. So...

3 COMMISSIONER TOULOUSE: Madam Chair, move
4 approval.

5 COMMISSIONER ARMBRUSTER: Second.

6 THE CHAIR: Motion by Commissioner
7 Toulouse. Second by Commissioner Armbruster.

8 All in favor.

9 (Commissioners so indicate.)

10 THE CHAIR: Opposed?

11 (No response.)

12 THE CHAIR: All-righty.

13 Item No. 3, Approval of the Minutes and
14 Transcript.

15 And we're on to A, the approval of the PEC
16 Meeting Transcript Minutes for August 31 of 2016.

17 Do we have any corrections? Commissioner
18 Shearman is not here; so it's unlikely we do.

19 COMMISSIONER TOULOUSE: Madam Chair, move
20 approval.

21 THE CHAIR: Thank you.

22 COMMISSIONER PERALTA: I will second that,
23 Madam Chair.

24 THE CHAIR: There is a motion by
25 Commissioner Toulouse and a second by Commissioner

1 Peralta.

2 Roll-call vote, please?

3 COMMISSIONER TOULOUSE: No.

4 THE CHAIR: Haven't we usually done a
5 roll-call vote for the minutes?

6 COMMISSIONER TOULOUSE: No.

7 THE CHAIR: Okay. I'm good, then.

8 COMMISSIONER TOULOUSE: Just --

9 THE CHAIR: All in favor?
10 (Commissioners so indicate.)

11 THE CHAIR: Opposed?
12 (No response.)

13 THE CHAIR: It is a unanimous vote. And
14 we are on to B, Approval of the PEC Summary Minutes
15 for August 31st, 2016.

16 COMMISSIONER ARMBRUSTER: I move we
17 approve the summary minutes.

18 THE CHAIR: Okay. Motion by Commissioner
19 Armbruster.

20 COMMISSIONER CONYERS: Second.

21 THE CHAIR: Second by Commissioner
22 Conyers. All in favor?
23 (Commissioners so indicate.)

24 THE CHAIR: Opposed?
25 (No response.)

1 THE CHAIR: That is a unanimous vote, once
2 again.

3 Well, we will move on to No. 4, Report
4 From Options -- and I don't know why I'm holding
5 this down -- Report from Options for Parents and the
6 Charter School Division, Discussion and Possible
7 Actions.

8 A. Charter School Division Update.

9 MS. POULOS: Madam Chairwoman, actually,
10 Deputy Secretary Aguilar is here for Item 5. And I
11 was wondering if we might be able to do that first.

12 THE CHAIR: We certainly can. I'm sorry.
13 I did not see you come in in the back.

14 DEP. SEC AGUILAR: Good morning,
15 Madam Chair.

16 THE CHAIR: Good morning. Thank you.

17 DEP. SEC. AGUILAR: Good morning,
18 Commissioners. How are you today?

19 I try to be as low-key as possible. It
20 doesn't always happen; but...

21 COMMISSIONER ARMBRUSTER: Well, you were.

22 DEP. SEC. AGUILAR: It's one of my
23 intents.

24 THE CHAIR: You snuck in the back there.

25 DEP. SEC. AGUILAR: So, Madam Chair and

1 Commissioners, thank you for having me here this
2 morning. I don't want to take too much of your
3 time. I do want to review a couple of things from
4 the Session that you may or may not be aware of.
5 And I wanted to -- you'll probably -- as well as our
6 Charter Schools Division Staff will probably be
7 receiving a number of questions regarding that.

8 So first of all, as you know, the Session
9 ended yesterday. The -- the Senate returned and
10 passed the budget bills and then adjourned sine die.
11 So we're done. And so now we have to see what's
12 happening. And so I want to cover a few of the
13 bills that passed.

14 The first one that passed was Senate Bill
15 No. 4, which relates to capital outlay. This
16 doesn't have a direct effect on charter schools, but
17 could have a corollary effect.

18 What that bill does is it takes
19 \$12-and-a-half million from the Public School
20 Capital Outlay Fund, and it transfers it to the
21 Instructional Materials Fund of the -- of the Public
22 Education Department.

23 And then there is another bill that I'll
24 talk about a little bit later that reduces the
25 appropriations to the Public Education Department in

1 the instructional materials. And what that -- the
2 intent was, was to free up General Fund revenues.
3 And so what that does is, it's a swap of about
4 \$12-and-a-half million, which frees up
5 \$12-and-a-half million of General Fund revenues.

6 As you know and -- I want to make sure the
7 folks understand this. As you read the newspapers,
8 a lot of the discussion is around the revenue
9 shortfalls. One of the situations that really
10 wasn't talked about during the Session that is of
11 concern to the Department of Finance and
12 Administration is actually cash flow.

13 There's -- the problem is revenues aren't
14 coming in as expected, and they're not coming in as
15 fast as expected. And so every month, as an
16 example, the largest outlay to the Department of
17 Finance and Administration of the Treasury is the
18 allocation to school districts and charter schools,
19 the monthly allotments for the SEG. That's about
20 \$221 million. So the intent was, of all of these
21 bills, to try to mitigate some of that flow out.

22 Unfortunately -- and I'll address it later
23 when I talk about Senate Bill 9. But unfortunately
24 that bill did not pass with the emergency clause;
25 and so it will -- it won't be implemented until

1 90 days after the Governor signs it and takes her
2 action, whatever that action is.

3 And so I think the cash flow issue
4 continues, and I believe that the Secretary of
5 Finance will be briefing the Legislative Finance
6 Committee at their next meeting on those particular
7 issues.

8 So I would just encourage the Commission
9 to be attentive to that, because that's -- that's
10 probably the next issue that's going to need to be
11 addressed at some point.

12 THE CHAIR: Can I interrupt you just a
13 second? Through discussions with some school board
14 people, with early legislation that had been floated
15 out there -- so I'm not sure anymore if this still
16 holds true -- but the conversation revolved around
17 the possibility that for most charters, there would
18 be, in all likelihood, a reduction of about \$62 a
19 student. Is that still part of any of these
20 legislations, that there's a cut in the funding?

21 DEP. SEC. AGUILAR: It is, Madam Chair.
22 And that's in Senate Bill 9, which I'll address here
23 in just a minute.

24 THE CHAIR: Okay. Okay.

25 DEP. SEC. AGUILAR: So that swap took

1 place in the Capital Outlay bill. The other piece
2 of that -- and it doesn't have an immediate effect.
3 But the bill also reserves up to \$25 million a year
4 from the Public School Capital Outlay Fund for
5 appropriation by the Legislature for that same
6 purpose from fiscal years '18 through '22. So if
7 the cash crunch continues, there's an option for the
8 Legislature to appropriate up to \$25 million a year
9 for those types of swaps.

10 So that begs the question -- and
11 Commissioner Peralta sits on the council, and I'm
12 sure he's well aware of it -- that begs the
13 question, what's that going to do for capital
14 building projects, which are already under said
15 stress from the lower revenues that are coming in?

16 And so another portion of that bill -- in
17 2004, I believe, when the standards-based process
18 was developed, the idea was -- or not the idea.
19 There is a -- an index out there that rates the
20 condition of every school in the state; it's called
21 a Facilities Condition Index. The general feeling
22 is if it's going to cost you 65 percent or more of
23 the cost of a new building to renovate an old
24 building, then you're better off demolishing the
25 building and building new.

1 In 2004, roughly, that Condition Index was
2 greater than 75 percent. So almost every building
3 at that time needed to be torn down and a new
4 building built.

5 Now, in 2016, the Facilities Condition
6 Index is down below 35 percent; so great strides
7 have been made through the program.

8 The problem -- I use the word "problem."
9 The situation is, is that right now, buildings
10 really don't need to be torn down to be brought up
11 to standards; but there really isn't a mechanism, a
12 statute, that allows for that that's easy. And so
13 what this bill does -- last year, the Legislature
14 passed part of the Capital Outlay Bill that allowed
15 for what's called "system renovations and repair and
16 replacement."

17 And when you think of a building, when you
18 think of this room, the systems in this room include
19 the roof, include the finishes on the wall, include
20 the outside stucco, include the heating and cooling
21 systems, the carpet, things of that nature. And so
22 there's a provision -- there was a pilot initiative
23 that was passed last year that would allow for a
24 systems repair pilot, which would allow a school
25 district, instead of applying for a whole new

1 building at, let's say, \$40 million, could apply for
2 \$4 million or \$5 million and replace those systems
3 that needed repair and bring the condition of that
4 building up to standards.

5 So the restrictions on the \$15 million
6 [verbatim] a year and the four-year pilot were
7 removed in this bill. And so this is a process that
8 the Public School Capital Outlay Council can
9 consider now, going forward, with any building
10 that's applied for.

11 So it seems to be a positive -- the
12 Council members, in discussions, have thought that
13 it's a positive way of going forward, dealing with a
14 lower revenue situation, but still being able to
15 maintain the quality facilities that we have in the
16 state.

17 So on that bill, I'll stand for questions,
18 Madam Chair. Or I can move on? Whatever.

19 THE CHAIR: I think -- any questions?

20 COMMISSIONER ARMBRUSTER: I do.

21 THE CHAIR: Sure.

22 COMMISSIONER ARMBRUSTER: Can you hear me?

23 DEP. SEC. AGUILAR: Yes, ma'am.

24 COMMISSIONER ARMBRUSTER: So then the
25 systems renovation repair -- so schools who have

1 mold or missing roofs or whatever their issue is,
2 they apply just for that particular part to be
3 repaired? Is there a limit to how much they can
4 get?

5 DEP. SEC. AGUILAR: Madam Chair and
6 Commissioner, there's not a limit. What they would
7 ask for is we -- our building -- let's say you have
8 a building that's 40 years old, and things -- you
9 have a good maintenance system, things are working
10 well; but, you know, there might be mold. Mold is
11 an emergency situation more than it is a systems
12 repair. And that's dealt with differently.

13 But if you had the systems -- let's say
14 you had evaporative cooling, and your school is
15 located in Logan. Gets pretty hot out there in the
16 middle of the summer, some humidity. It isn't --
17 you might say, "I want to replace the HVAC systems
18 with refrigerated air."

19 Maybe the plumbing systems are old, might
20 have lead pipes and we want to replace them with --
21 they can replace those things and apply for them
22 independently. And there's not a limit to them.

23 Obviously, if you get up to 65 percent of
24 the cost of your building by doing these systems,
25 then you're probably needing to rebuild, to demo and

1 build a new facility.

2 COMMISSIONER ARMBRUSTER: How long does
3 that take, once you've identified a system?

4 DEP. SEC. AGUILAR: So, again, the bill
5 was only passed last year. The Public School
6 Facilities Authority, which staffs the Council, is
7 putting together the -- the parameters of how that
8 application would take place. But we would expect
9 that it shouldn't take -- from application to
10 inspection to delivery of the money -- or of the
11 award -- probably shouldn't take more than 90 days.
12 But that's to be determined yet, once Staff presents
13 that piece.

14 COMMISSIONER ARMBRUSTER: So schools that
15 are not really E-Occupancy, or whatever that number
16 was -- too low, too high, whichever way it goes --
17 should be applying for these funds? Because it was
18 a concern that we had on one of the schools in my
19 district that we wouldn't be able to accept that,
20 because the school is not at the right -- at the
21 right level. Remember that? So what we should be
22 saying is they should be working to replace that;
23 right?

24 THE CHAIR: Correct. You're talking about
25 the schools that wanted to combine?

1 COMMISSIONER ARMBRUSTER: Right.

2 THE CHAIR: And the one school didn't meet
3 the standard? So that, we wouldn't be able to take
4 them, because their school was below standard. And
5 I think now, the standard is 17 -- or I think we're
6 digressing off of -- my understanding was this whole
7 system also was supposed to speed the ability for
8 schools to make some of those critical repairs;
9 because if you were on that Capital Outlay list for
10 the new school, it was a long and very -- you could
11 be on that list for years before you came to the
12 top, if it really just was a roof or an air
13 conditioning system that you needed. So that this
14 makes a fast track so that schools can move forward
15 in an expeditious manner.

16 DEP. SEC. AGUILAR: Madam Chair, that's
17 the idea.

18 THE CHAIR: Yeah.

19 DEP. SEC. AGUILAR: But, again, there's
20 still a ranked list. But we're hoping to get people
21 moving along a lot more quickly.

22 THE CHAIR: Right, right.

23 Any other questions?

24 COMMISSIONER ARMBRUSTER: Thank you.

25 THE CHAIR: Thanks.

1 DEP. SEC. AGUILAR: Thank you. So,
2 Madam Chair, then the next bill -- and the bill with
3 the largest impact, I think, on school districts and
4 charter schools -- is Senate Bill 9. Senate Bill 9
5 contains a number of provisions.

6 The first provision doesn't affect this --
7 this council. But the -- the Governor had already
8 issued an Executive Order to executive agencies to
9 reduce their budgets by 5 percent. That number has
10 been increased by half a percent to
11 5-and-a-half percent.

12 So all State agencies -- and I believe
13 that there's language in the bill, but I'm not
14 exactly sure -- that also includes reductions to
15 legislative budgets, as well, and other -- and the
16 elected officials' agencies. But I'm not sure
17 exactly if it's the same amount or if it's a dollar
18 amount.

19 The biggest impact, Madam Chair and
20 Commissioners, that everyone needs to be aware of is
21 that the -- there's provisions in the bill that
22 directs the Public Education Department to reduce
23 the unit value by 1-and-a-half percent.

24 Now, remember, gubernatorial action has
25 not been taken at this time. So these are the

1 provisions, as they were passed yesterday. That may
2 change with -- with gubernatorial action.

3 But the Secretary of Public Education is
4 directed to reduce the unit value by
5 1-and-a-half percent by December 15th.

6 Now, that gets executed -- and I'm not a
7 lawyer, Madam Chair -- because the -- because the
8 emergency clause is not -- was not implicated
9 because of the lack of the -- the 60 -- 75 percent
10 vote -- I think; I can't remember the exact --
11 two-thirds majority, 66 percent -- didn't pass by
12 the 66 percent, the emergency clause is not in
13 effect.

14 And so according to statute, the bill
15 takes effect 90 days after the Governor signs it,
16 which would be in January.

17 So some of the quick-fix provisions for
18 the budget are not going to be implemented until
19 January, just so the Commission is aware of that.

20 There is a December 15th deadline for the
21 Secretary to reduce the unit value by that
22 1-and-a-half percent. I'm not sure how that's going
23 to be -- we've got our General Counsel's Office
24 looking at as to how that's going to be implemented,
25 given that the bill takes effect after the

1 December 15th deadline. So, you know, we're working
2 through that.

3 The other -- the other components that are
4 in -- that are implicated -- that are provided for
5 in the bill is -- as you're aware, the bill -- the
6 Public School Support budget is -- has the
7 above-the-line appropriation; that's the
8 1-and-a-half percent reduction. There's what we
9 call "Categorical Distributions." And that is the
10 emergency supplemental, the out-of-state -- the
11 out-of-state tuition, the transportation
12 distribution, the instructional materials
13 distribution, the Indian Education Act
14 appropriation, the Dual Credit appropriation, and
15 the appropriation for the -- for the annual
16 Statewide Assessment.

17 Those are considered categorical
18 appropriations. Those were reduced by \$30 million.

19 But bear in mind that \$12-and-a-half
20 million is coming back to that -- that particular
21 area as a result of the Capital Outlay swap. So the
22 net reduction to schools will be \$19-and-a-half
23 million out of that -- I'm sorry -- \$17-and-a-half
24 million out -- my math is bad today.

25 THE CHAIR: I went along with you; so it's

1 okay.

2 DEP. SEC. AGUILAR: So \$17-and-a-half
3 million is the net effect in the Categorical
4 Appropriations.

5 And then the below-the-line appropriations
6 were reduced by \$25 million in the aggregate. And
7 the reason that the word "aggregate" is there is
8 that the FY '17 below-the-line appropriations were
9 not fully funded by the Legislature in the last
10 session. And so there was an appropriation to allow
11 the Public Education Department to use remaining
12 balances from the -- from the '16 appropriation to
13 fully fund FY '17.

14 So there's a 25 -- I'm sorry,
15 Madam Chair -- there was an amendment -- a
16 \$22 million reduction to the below-the-line
17 appropriations.

18 Exempted from that reduction are
19 Kindergarten 3-plus, Pre-Kindergarten, and the Reads
20 to Lead Initiative; all of the early childhood
21 initiatives were exempted from that reduction.

22 Those are the big pieces from the -- from
23 the Senate Bill 9.

24 If there's questions? Otherwise, I'll
25 move forward.

1 Ands the other bill, Madam Chair, that
2 didn't pass, but it's important to know the
3 background behind it, it was Senate Bill 10.
4 Senate Bill 10, as it came to the House from the
5 Senate side, removed -- or swept \$25 million in cash
6 balances from school districts and charter schools.

7 Going into the current fiscal year, the --
8 the aggregate carryover from districts and charter
9 schools from FY '16 into FY '17 is about a quarter
10 of a billion dollars, \$252 million, to be exact.

11 And so there was a thought that there
12 would be a sweep of that. And that's what
13 Senate Bill 10 did; that died in House Education.
14 And so there is no sweep coming to the school
15 districts or charter schools from their cash
16 balances for the current fiscal year -- well, unless
17 there's action in January.

18 THE CHAIR: In January.

19 DEP. SEC. AGUILAR: But as of now, there's
20 no sweep to that.

21 THE CHAIR: Do you -- I'm sorry. Do
22 you -- are you anticipating that it's going to be
23 part of the fabric of the conversation in January?

24 DEP. SEC. AGUILAR: Madam Chair, I -- this
25 wasn't an initiative of the Department. It was --

1 it was an initiative of the Legislature.

2 THE CHAIR: Okay.

3 DEP. SEC. AGUILAR: So I can't -- I don't
4 know. But if you think about the published
5 shortfalls of almost \$600 million total, I believe
6 that this package only generated somewhere in the
7 neighborhood of \$400 million. So I think there's
8 still a \$200 million shortfall between FY '16 and
9 '17 that needs to be made up. And I think there's
10 some concerns by the Legislature about moving into
11 FY '18, as well.

12 So I would suggest that nothing is off the
13 table yet, until -- unless, you know, something
14 happens. I was hoping to win the lottery, so I
15 could give half of it to the State and help the
16 problem; but that didn't happen this last week.
17 So...

18 And then the last, Madam Chair, that's
19 important -- well, so -- and the other thing I want
20 to remember -- and I don't want to -- this isn't --
21 I don't want it to be taken out of context; but I
22 want to be fully transparent.

23 With the SEG being reduced by
24 1-and-a-half percent, then the 2 percent withholding
25 by authorizers and by the Department will be

1 reduced, as well; so we have to account for that in
2 our expenditures and whatnot.

3 And then the final bill, Madam Chair, that
4 I think has some pretty significant impacts, but not
5 immediate, is the -- the Public Education Department
6 is in the middle of negotiating a settlement of the
7 MOE, the Maintenance of State -- the Maintenance of
8 Effort for the State on special ed. That's been
9 going on -- you've heard about it since 2012. We're
10 in the middle of final negotiations with the
11 Department of Education.

12 Part of that -- the -- part of that
13 agreement involves expenditure of monies over the
14 next few years. And there was a \$16 million
15 set-aside that was sitting over at the Board of
16 Finance. That was swept into the Appropriation
17 Fund. And so -- so right now, if we sign the
18 settlement with the Feds, we don't have any money
19 appropriated to execute the settlement; so we'll be
20 asking the Legislature for an appropriation in
21 January.

22 But as -- as you're aware, there is some
23 sentiment about, "Well, what if we don't fund it?"

24 If we don't fund it, the settlement,
25 there's the potential of being -- having our special

1 ed allocation from the Feds reduced. It could
2 affect up to about \$85 million.

3 And so I think that's something -- I'm
4 bringing it forward to the Commission, something to
5 keep your eye on. Once the settlement is entered
6 into, there -- there's going to be a need for -- for
7 funding to support that settlement. And so you
8 might want to keep it on your radar, because, of
9 course, a reduction of that -- of that amount would
10 affect all school districts and charter schools in
11 the state fairly significantly; so...

12 Madam Chair, those are the three, or the
13 four, bills that I wanted to talk about. You and I
14 had a good conversation yesterday, and we're
15 working -- I am committed, as I told you yesterday,
16 to meeting on a more regular basis with you. So
17 hopefully, we can -- we can solve our issues.

18 And I stand for questions, Madam Chair.

19 THE CHAIR: I appreciate that. Actually,
20 part of our conversation at the work session
21 yesterday, we were looking at benchmark standards
22 for renewal. But that will also morph into
23 benchmark standards for applications.

24 And I admitted that my Achilles heel is
25 the financial language; so that we hope that we can

1 have a good conversation with you in the future, or
2 someone from your office, so that we can get the
3 appropriate language into those benchmarks so that
4 we know exactly what we should be looking for when
5 we're looking at a healthy, sustainable school.

6 That's, you know, something that we're
7 certainly looking to be able to do, and -- except
8 for Commissioner Toulouse and, I believe, our new
9 Commissioner -- they've got a little more experience
10 with the finances. And we'd like to be able to use,
11 for lack of a better term -- Cliff Notes, so that we
12 can look at certain hallmarks and know that this
13 school is sustainable and can go forward on a
14 financial basis.

15 DEP. SEC. AGUILAR: Madam Chair, we'll
16 certainly work with you on those.

17 THE CHAIR: Thank you.
18 Commissioner Toulouse?

19 COMMISSIONER TOULOUSE: Madam Chair,
20 Deputy Secretary Aguilar, you know my ongoing
21 concern is our expenses and a budget. Can we have a
22 way to sit down -- especially if there's going to
23 have to be a reduction -- that you can show us what
24 you have planned to spend for us, so we can also see
25 where our expenditures go?

1 Because my four years here, it's been
2 pretty much in limbo. You pay when we ask for
3 stuff. You got us the new chairs a few years back,
4 things like that. But I think we need to have a
5 picture of what it costs us to be a Commission.

6 Is there a way we can have that
7 information, and then also see, as you reduce, what
8 reductions would come of that? Because I think, as
9 a Commission, it's important that we know what we
10 cost.

11 DEP. SEC. AGUILAR: Yes, Madam Chair and
12 Commissioner, we can do it -- so we have the numbers
13 for FY '16 for the closed fiscal year. '17 is just
14 started. So -- but we can produce those.

15 COMMISSIONER TOULOUSE: I -- thank you. I
16 would appreciate that; because, you know, I like to
17 think in the fiscal terms, too. And I would like to
18 see, you know, what our expenses are. And then
19 also, to me, that -- that's a way of us starting to
20 establish what is our value, not only to what we
21 cost, but then are we valued in doing this job and
22 whatever.

23 It's a beginning of -- to me, I think we
24 need -- we'll have a lot of new people coming on in
25 January. And I would like to work on a Commission

1 identity of who we are as a Commission that I
2 haven't necessarily seen in the time I've been here;
3 because I think it's important, with the budget
4 problems there are and things like that, that we are
5 a group that understands who we are.

6 So, thank you.

7 THE CHAIR: Thank you. Any other
8 questions?

9 COMMISSIONER JOHNSTON: Madam Chair,
10 Deputy Secretary Aguilar, you do not remember me.
11 But in my position as Superintendent of the State
12 Supported Schools for CYFD, you worked diligently
13 with me to get some federal dollars released because
14 of slowness of Secretary -- or CYFD attorneys and
15 PED attorneys agreeing on the language in the MOU.
16 And you made it possible for me to keep people paid.

17 And I've always wanted to thank you for
18 that. You worked with me into the night answering
19 e-mails. I don't even know if you remember it. But
20 I remember being in limbo for those salaries, and I
21 would like to publicly acknowledge you and thank you
22 for that.

23 DEP. SEC. AGUILAR: Madam Chair and
24 Commissioner -- and of course, I remember you.

25 COMMISSIONER JOHNSTON: Oh, okay. I was

1 nice, because I wanted you to help me.

2 DEP. SEC. AGUILAR: It wasn't that. But I
3 remember all the folks I work with. And I
4 appreciate it. I wanted to express my condolences
5 with you having to work with Representative Smith.

6 COMMISSIONER JOHNSTON: But we raised him
7 pretty well. He did all right. He had a lot to
8 learn.

9 DEP. SEC. AGUILAR: Madam Chair, he's a
10 good guy, and a fine Legislator; so it's a pleasure
11 to work with him.

12 COMMISSIONER JOHNSTON: I respect him,
13 also. Thank you, Madam Chair.

14 THE CHAIR: Will the court reporter please
15 note that Commissioner Chavez is here?

16 COMMISSIONER ARMBRUSTER: This is not on
17 the subject of finance. I just wanted to clarify
18 something. So the teacher evaluations -- you know
19 about that; right?

20 DEP. SEC. AGUILAR: Madam Chair and
21 Commissioner, I know about the teacher evaluations.

22 COMMISSIONER ARMBRUSTER: So it has
23 changed as of very recently, in the last couple of
24 days, maybe, even, that all districts and charter
25 schools have to include, in their teacher

1 evaluation, attendance, even if they hadn't done
2 that before and they had chosen other ways of doing
3 it. Is that true?

4 DEP. SEC. AGUILAR: Madam Chair and
5 Commissioner, I believe it is; but I'm not going to
6 say "yes." I would have to check and get an answer
7 for you. I know about the system, and I know about
8 it in general terms. It's not my area of expertise.

9 THE CHAIR: I think the other Deputy
10 Secretary would be best to answer that question.

11 COMMISSIONER ARMBRUSTER: That's fine.

12 THE CHAIR: Any other questions?

13 MS. POULOS: Madam Chairwoman, Deputy
14 Secretary Aguilar, one of the items that was asked
15 yesterday was about the memo on transportation.

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

17 DEP. SEC. AGUILAR: I was trying to think
18 what I needed to cover in addition, and I couldn't,
19 Madam Chair. And so thank you.

20 So Madam Chair, the -- this is a -- as you
21 think about your legislative priorities or
22 legislative requests, this might be something to
23 consider.

24 I sent a memo out in the last couple of
25 weeks regarding the use of -- for lack of a better

1 word -- alternative vehicles for to-and-from
2 transportation. The statute is very clear that
3 to-and-from transportation should be -- should be
4 conducted only on school buses.

5 I know charter schools are a bit
6 different. I know a number of them have -- you
7 know, for example, purchased Suburbans and -- and
8 Suburbans don't require a commercial driver's
9 license to operate.

10 I -- so they really are not covered under
11 the to-and-from transportation components of the
12 transportation statutes; and so they shouldn't be
13 used to transport kids to and from school. Many
14 districts use them as activity vehicles, where they
15 transport teams and whatnot.

16 The -- the memo didn't cover that
17 particular piece. We really were looking only at
18 to-and-from transportation. But -- and again, I'm
19 not a lawyer. But my lawyers are telling me that --
20 that districts and charter schools should be
21 visiting with their attorneys about the liability
22 issues. You're taking a -- a teacher, a coach, a
23 principal, that's -- that just has a regular
24 driver's license, that is not having to -- is not
25 subjected to the -- to the physical -- the -- the

1 health physical requirements, doesn't -- is -- just
2 has a standard driver's license, and is transporting
3 kids to and from activities and other things. And
4 so if there -- if there needs to be a fix, we're
5 willing to work with whomever.

6 The LESC, I believe, is trying to address
7 to-and-from transportation, as well. But it is a
8 concern that we have a number of children that are
9 being transported to school activities in Suburbans
10 by someone that just -- not that they're not bad --
11 I don't know if they're good drivers or bad drivers.
12 But I think it puts teachers and schools at a risk.
13 And that's the reason for that.

14 Now, there is an argument -- and I'm --
15 I'm a special ed teacher by training; so I'm
16 somewhat sympathetic to the argument that, "Well, we
17 have kids, special ed kids, in particular, that are
18 working out in businesses as part of their IEP."
19 And -- and it really is -- as part of the
20 normalization process of things, it's better that
21 they be transported in an unmarked vehicle, where
22 they -- you know, they just go to work. It's not a
23 big deal.

24 And I'm sympathetic to that. But that's
25 part of the instructional to-and-from program. It's

1 concerning that -- who's driving it. I don't know
2 who's driving those Suburbans. It could be a
3 custodian; it could be a teacher; it could be -- and
4 I don't know.

5 So it just -- it -- for the to-and-from
6 thing, if that's the desire of folks around the
7 state, I think we need to have the Legislature
8 modify the statutes to provide for it; because right
9 now, it's not provided for. And I know it's causing
10 some angst and concern.

11 The intent wasn't to cause angst and
12 concern. Again, it's not provided for in the
13 to-and-from statutes.

14 THE CHAIR: Okay. Because I notice a
15 number of phone calls that came to me were over
16 concerns; because a number of charters do, for
17 athletic events and other activities, they even --
18 they'll rent a vehicle just for that particular
19 event. So...

20 DEP. SEC. AGUILAR: And, Madam Chair, if I
21 may, on that point? I just want to be -- again, I'm
22 not -- I'm sympathetic, to a point.

23 THE CHAIR: I know.

24 DEP. SEC. AGUILAR: But remember that
25 school buses, whether they're the big 77-passenger

1 buses, or they're the small 10- or 12-passenger
2 buses, they're required to undergo an annual
3 inspection, plus a -- every time they're started up,
4 bus drivers are required to make an inspection of
5 the -- a visual inspection; but brakes, tires.
6 Folks don't do that.

7 If you're renting an SUV from Hertz, who
8 knows how it was treated the driver before? And is
9 it safe to -- to do?

10 So I think there are some legitimate
11 concerns. We want to work with schools -- and it's
12 not just charter schools; it's school districts, as
13 well, that are raising concerns with me. Nobody
14 likes my letter. But the concern needed to be
15 expressed, because I think it's an important issue.
16 And if the -- if we need to have it dealt with by
17 the Legislature, then we should; but there should be
18 parameters on inspections, on driver qualifications
19 and things of that nature.

20 THE CHAIR: Right. Because I had a
21 concern over liability. God forbid there's an
22 accident, why -- who's held responsible? If it's
23 that individual driver, that's -- you know. And I
24 don't think -- and I don't think people are really
25 thinking that whole thing through, because they're,

1 you know, dealing with limited budgets --

2 DEP. SEC. AGUILAR: Yes, ma'am.

3 THE CHAIR: -- and trying to do the best

4 for the students. But I appreciate the concern.

5 And I do think it's a conversation -- because I do

6 think it -- I had some questions after reading it.

7 And I know, like I said, a number of the schools had

8 concerns over, "Should I be doing any of this any

9 longer?"

10 And I guess the -- the basic answer is,

11 "No."

12 DEP. SEC. AGUILAR: Yes, probably --

13 that's probably the right answer, until we can get

14 this fixed.

15 THE CHAIR: Right.

16 DEP. SEC. AGUILAR: If we can get the

17 parameters of inspections and driver qualifications,

18 I think that's a different thing. But I see some

19 crazy drivers on the road every day. And some of

20 those --

21 THE CHAIR: It's not always that driver;

22 it's everyone else on the road. Yes.

23 DEP. SEC. AGUILAR: It could be that

24 driver who's crazy on the way to work who's driving

25 your kids in the afternoon.

1 THE CHAIR: I've lived that. Yes.

2 Commissioner Armbruster?

3 COMMISSIONER ARMBRUSTER: So is it -- I am
4 totally with you. I got that. Because I've
5 actually driven those for the special ed, and I've
6 been there, done that. And I do not have a
7 commercial driver's license. However, I was using a
8 school-inspected Suburban.

9 However, would a possible fix be that the
10 school -- somehow this inspection occurs with the
11 cars, and the people or person driving it obtaining
12 a commercial license? Does that help, or not?

13 DEP. SEC. AGUILAR: Madam Chair and
14 Commissioner, I believe it does. But I -- it's not
15 provided for in statute. What -- I think what folks
16 are talking about is we recognize the need; but
17 let's make sure that we cover all of our bases in
18 terms of driver qualification, vehicle safety, and
19 whatnot. So when you say you drove a vehicle that
20 was -- and I'm not questioning that it was
21 inspected. But was it really inspected? Or was it
22 driven by the last person and parked and then the
23 next person grabs the keys?

24 COMMISSIONER ARMBRUSTER: Of course, I
25 don't know; but it was a school district.

1 DEP. SEC. AGUILAR: With the buses, as an
2 example, the buses are now outfitted with what's
3 called an "RFD," a radio frequency device. And so
4 the bus driver has to go and actually inspect and
5 then swipe a tag. And so that -- every position on
6 the bus that needed to be inspected has these tags
7 on it. If they miss one, they can't start the bus,
8 or it goes on their inspection sheet.

9 COMMISSIONER ARMBRUSTER: This is a long
10 time ago; so I'm going to say no.

11 THE CHAIR: They didn't have chips back
12 then.

13 DEP. SEC. AGUILAR: But, Madam Chair, it's
14 something to work with. I recognize the need.
15 Let's just do it right.

16 THE CHAIR: Yes, absolutely, because we
17 want -- the best interests are the safety of the
18 students, number one. But we also don't want a
19 school and/or an individual staff member to be put
20 into a financial situation --

21 DEP. SEC. AGUILAR: That's correct.

22 THE CHAIR: -- that could just crush them.

23 DEP. SEC. AGUILAR: Yes, ma'am.

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 have a question, because I know you had a meeting
2 yesterday. But I haven't had time to find out how
3 things went.

4 How soon can we have our contract with our
5 facilitator, since you're the money guy who works
6 with us on our contracts? Because the last couple
7 of years, we've had to drag out those negotiations
8 so long, it was hard for the schools, for us, for
9 everybody, to get things scheduled. And I'm really
10 interested in seeing that we can get the
11 negotiations out of the way and everybody onto their
12 next contract as quickly as possible.

13 So can you give me a ballpark estimate of
14 when we can get that contract, since you're the
15 money guy?

16 DEP. SEC. AGUILAR: Madam Chair and
17 Representative [verbatim], what I committed to
18 yesterday was I listened to the Chair and her
19 concerns. Deputy Secretary Ruszkowski is on his
20 honeymoon, and I'm loathe to bother him this week;
21 but he should be back on Monday. I'm going to speak
22 with him early next week and getting back to the
23 Chair early next week.

24 COMMISSIONER TOULOUSE: Thank you very
25 much.

1 THE CHAIR: Any other questions?

2 COMMISSIONER TOULOUSE: Madam Chair, could
3 we also ask if you could be on our agenda to give
4 us -- as the legislative issues and the budget
5 issues come up, since you've got to have stuff by
6 December, and then they meet in January? I know.
7 I've been there on the money. And it concerns me
8 that we need to know; because we get asked these
9 questions by folks.

10 So would you be -- I know it's going to be
11 hard during the session, but to give some of your
12 time, because you're the expert?

13 DEP. SEC. AGUILAR: Madam Chair, it's not
14 hard. I'll make myself available.

15 COMMISSIONER TOULOUSE: Thank you very
16 much.

17 THE CHAIR: Thank you so much. I
18 appreciate it.

19 DEP. SEC. AGUILAR: Have a good day.

20 THE CHAIR: You, too.

21 DEP. SEC. AGUILAR: I guess I'm sticking
22 around, Madam Chair.

23 THE CHAIR: Okay.

24 COMMISSIONER TOULOUSE: You're welcome.

25 THE CHAIR: We are on to Item No. 4 once

1 again. And that is report from Options for Parents
2 and the Charter School Division. And we're on
3 letter A, Charter School Division Update.

4 MS. POULOS: Madam Chairwoman,
5 Commissioners, just a quick update on charter
6 schools.

7 We are continuing to hire. I think at
8 this point, we are on the verge of having four
9 positions, maybe even five. That would be all of
10 our vacancies posted, and going through the
11 interview process, and really working to ensure we
12 find a qualified candidate, not a warm body. And
13 that takes more time than I would like; but we are
14 working hard to do that.

15 Meanwhile, Becky and Phillip are doing an
16 amazing job of carrying the weight of our entire
17 team and really working very hard. On top of that
18 we are working with the -- and they have already
19 been out to all three of our -- what we're now
20 terming "new schools". So our one new school, Becky
21 was at yesterday for their early visit. And I think
22 both -- Phillip has been to both of the 40-day
23 visits for the transfer schools; so Cariños and for
24 Roots and Wings. And I think Becky did Roots and
25 Wings, also.

1 So they are quickly working on turning
2 around communications to those schools about the
3 findings and helping those schools get on to a much
4 stronger start. We're certainly seeing that those
5 schools that have been district-authorized need a
6 lot more support and trying to make sure that they
7 get that quickly.

8 They are on those site visits working with
9 bureaus throughout the PED to really leverage their
10 expertise. So we're working with the Special
11 Education Bureau; we're working with the Bilingual
12 Multicultural Education Bureau, who really helps us
13 with expertise on ELL services and identification.
14 Our Indian Education Bureau is assisting. Our
15 College and Career Readiness Bureau, which
16 administers the Perkins Grant, as well as -- are
17 there any others?

18 Anyway -- but we are working throughout
19 PED to make sure we're leveraging knowledge and
20 expertise. And I think our team is finding it
21 really valuable. So we're excited about that.

22 On school governance changes --

23 THE CHAIR: Can I just interrupt one -- do
24 we have a final -- what's the final number with Six
25 Directions? Students?

1 MS. BECKY KAPPUS: They had 50 enrolled?

2 THE CHAIR: 50?

3 MS. BECKY KAPPUS: 50.

4 THE CHAIR: Great. Thanks.

5 MS. POULOS: On to School Governance
6 Changes, unless there's any questions about that, a
7 broad update.

8 We don't have any schools listed here.
9 And Phillip is doing an amazing job of working with
10 our administrative assistant to get those tracked
11 really well as they come in. We are getting a flood
12 of them and making sure that we have the right
13 process internally to track all those and
14 communicate quickly with those schools.

15 So we will, I think, have a complete list
16 of any schools that you have not been advised of at
17 the next meeting. And then I think we will have, in
18 the item that we might want to discuss, when it
19 comes to governance changes.

20 THE CHAIR: Okay. I don't know if I'm
21 missing -- we don't have any school governance
22 changes notifications now?

23 MS. POULOS: We do have the notifications
24 internally. What we have found is that my staff was
25 getting very overwhelmed, because they're coming in

1 on us. And so Phillip has been working with our
2 administrative assistant very closely on getting our
3 process in place to quickly process those.

4 THE CHAIR: All right.

5 MS. POULOS: And so we will have those for
6 you next month, and, I think, additionally, a
7 discussion topic on that.

8 THE CHAIR: Okay. All right. Thanks.
9 Great.

10 MS. POULOS: And then I think the last
11 item is we have Tierra Adentro here for the
12 presentation. I think this item comes from the fact
13 that during the visit that Becky made to their
14 school governance council, there was discussion
15 about what CSD -- and I think the PED -- saw as a
16 pretty substantial change to their program. That
17 was to add a night program, which would result in, I
18 think, a pretty substantial increase in their
19 enrollment.

20 Currently, they're enrolled between 260,
21 270, based on last year's number. They have an
22 enrollment cap of 430. And based on what Becky was
23 listening to at the -- and she can correct me if I'm
24 mis-citing anything -- what she heard at the
25 governing board meeting was that they were going to

1 be adding a night program, where students would be
2 learning remotely, not on campus, that there
3 potentially could be some supports available on
4 campus, if they so chose, but that primarily, the
5 instruction would occur as remote instruction.

6 CSD felt that that would be appropriate
7 for an amendment request to this Commission and
8 advised the school such. After communication with
9 the school on that, I received a phone call from the
10 school indicating that they had been communicating
11 with the Chairwoman, who advised them that an
12 amendment was not required.

13 It raised concerns for me about whether
14 that was a discussion, or a decision, that occurred
15 outside of the Open Meeting; but I wasn't sure about
16 that.

17 THE CHAIR: I want to say that discussion
18 didn't happen with me.

19 MS. POULOS: Okay.

20 THE CHAIR: There was a request for the
21 presentation.

22 MS. POULOS: Uh-huh. Okay. Welcome. And
23 please, once again, introduce yourself and spell
24 your last name.

25 MS. VERONICA TORRES: Is this working now?

1 Okay.

2 So good morning, Madam Chair and members
3 of the Commission. My name is Veronica Torres, last
4 name spelled T-O-R-R-E-S. And I am the executive
5 director of Tierra Adentro Charter School.

6 I want to give a special welcome to
7 Commissioner Johnston. She was my principal at
8 PAPA.

9 THE CHAIR: I think you're now connected
10 to more people than Commissioner Toulouse.

11 COMMISSIONER JOHNSTON: And it's
12 probably --

13 THE CHAIR: Which is hard to match.

14 MS. TERESA ARCHULETA: Good morning,
15 Madam Chair and members of the Commission. My name
16 is Teresa Archuleta, A-R-C-H-U-L-E-T-A. And I am
17 the principal at Tierra Adentro.

18 MR. DIEGO GALLEGOS: Good morning,
19 Commissioners. My name is Diego Gallegos,
20 G-A-L-L-E-G-O-S. I am -- I have a number of hats
21 here today. I am the president and CEO of an
22 organization called Youth Development, Incorporated,
23 YDI. I can share more about that, if you'd like.

24 I am also the president of the
25 Tierra Adentro Foundation, as we move toward trying

1 to find a better place for the kids in the school;
2 and, more importantly, I am a step-dad of a young
3 lady who has found incredible success at
4 Tierra Adentro.

5 THE CHAIR: Thank you. And welcome.

6 MS. TORRES: So today, Madam Commissioner,
7 members of the Commission, as we -- as Ms. Poulos
8 was talking, we are starting an exciting new program
9 at TANM. It does consist of an evening program; but
10 it is happening on Tierra Adentro's campus.

11 So after discussing with our liaison -- is
12 that okay? -- Becky, and Ms. Poulos, Katie Poulos,
13 we were saying that maybe it's better to have an
14 on-site program as an extension of our mission
15 rather than a change of our mission; because I think
16 that's the message that was sent.

17 And in rethinking that, we want to offer
18 the arts -- our arts programming, as well as our
19 academic programming, to students in need of many
20 changes.

21 So what Tierra Adentro does right now is
22 we include the arts every day in their programming,
23 along with their academics. And we do have a hybrid
24 program, an online program, that we do utilize,
25 especially with our freshman class, knowing that, at

1 UNM, UNM math is now doing an online program for
2 math. And we found out when our students graduated,
3 they weren't strong in their online programming.

4 So we've been starting an online program
5 using Edgenuity, which many schools and the larger
6 districts use, to facilitate that process with our
7 students in strengthening they're online skills.

8 In saying that, in addition, we also are
9 receiving more students in crisis, families in
10 crisis. And we found that we were losing some
11 students that were dropping out, and we don't want
12 to decrease our graduation rate.

13 So in partnering with YDI, we also partner
14 with the National Institute of Flamenco; we partner
15 with UNM our dual credit, and CNM, we need more
16 wraparound services for our families in crisis to
17 keep those students in the school. We have many
18 students dropping out to provide monies for their
19 families, and they can't come during the school day.

20 So having evening programming as an
21 extension of the school day, it offers families some
22 choice, and still using the arts to drive their
23 education. In partnering with YDI, they can offer
24 the wraparound counseling services that TANM can't
25 provide. We do have a full-time social worker on

1 staff; but we're finding it's just not enough,
2 because we can't do the wraparound services around
3 the families. And that's where these students
4 really, really need assistance.

5 I'll have Principal Archuleta kind of jump
6 in here. She's been championing this forward
7 motion, as well.

8 MS. TERESA ARCHULETA: Madam Chair,
9 members of the Commission, this is something that,
10 as a public educator now for the past 25 years,
11 we're always looking for continuous improvement. So
12 this is also part of the requirement, that we offer
13 intervention. This is an intervention. This
14 doesn't mean that the whole 280 students will
15 receive this intervention.

16 This is about 25 students, who will
17 receive maximum intervention in terms of the
18 wraparound services; because we know we need to
19 track students. That is the beauty of being in a
20 small charter school at this time.

21 As Ms. Katie Poulos mentioned, our cap is
22 at 430. And as Dr. Diego Gallegos mentioned, we are
23 looking for a new facility, which is actually very
24 near. In 2018, we want to be able to provide all
25 these different types of services.

1 Right now, we have 27 students in our dual
2 credit. We also offer dual credit classes in
3 Spanish, which supports our mission on-site, as
4 well, with that partnership that Ms. Torres talked
5 about with CNM. So not only will our evening
6 online -- we're not only looking at credit recovery.
7 We have students right now wishing to receive their
8 diploma before twelfth grade. So we are offering
9 that, as well. So this is a way that in the charter
10 school that we find that we can be creative in
11 looking at each student individually and meeting
12 their needs.

13 So that's why, when we talked about this,
14 initially, we did think that we might be able to
15 work at YDI, because we thought that if the kids
16 were in crisis, we would use that facility, because
17 that might be something that the families were
18 familiar with.

19 But since then -- and no offense,
20 Dr. Diego Gallegos -- but their Internet
21 infrastructure is not as good as our Internet
22 infrastructure. And so one of the things that we,
23 right away, on the very first day, what we talked
24 about, was the reason -- if kids have Internet
25 issues, we lose them; right? -- if you have trouble

1 with connectivity or anything like that. And that's
2 what we found when we did try it over there.

3 But when we moved it to our site, because,
4 thankfully, thanks to the Capital Outlay and the
5 Legislature, we received \$136,000 last year, we
6 purchased 225 Chrome-books. So now, during the day,
7 and in the evening, every student has access to the
8 Internet. So we feel that we can provide that.

9 But what we can't provide is exactly what
10 Ms. Torres said. We need case management. We don't
11 have the manpower for that. This is where we come
12 in with an MOU with YDI to provide that.

13 And maybe, Dr. Gallegos, you could talk a
14 little bit about what that case management will look
15 like.

16 DR. DIEGO GALLEGOS: Madam Chair and
17 Commissioners, before I start, I do want to say that
18 it's nice to be back at this table. I spent many,
19 many years sitting right here in front of your
20 predecessors during my time as State Director of
21 Special Education under Allan Morgan, and then later
22 as Assistant Superintendent for Learning Services
23 under Michael Davis. So I've had a lot of
24 opportunity to sit almost exactly here. The table
25 wasn't as new as this one; but -- but I did have

1 that opportunity.

2 Now that I'm at YDI -- and, you know, I
3 can tell you more about YDI. But let me support
4 what Principal Archuleta said. What we will do with
5 every young person that we are working with in
6 this -- in this partnership is that we will first do
7 an initial assessment of them -- with them -- to
8 determine what kind of support they may need or
9 their families may need.

10 Then we will then take that young person,
11 work with their families. We will either put them
12 in a YDI-related program; we might put them in one
13 of our programs that provide job training, job
14 mentorship, job placement. We believe that that
15 helps them to stay in school. Or, we will provide
16 them behavioral health services, if that's one of
17 the things they might need. If their family needs
18 some kind of job-related support, we will work with
19 them.

20 The whole idea here is that we believe
21 that if we provide families and young people
22 additional wraparound services, that they'll stay in
23 school.

24 You know, this -- this opportunity to
25 partner with Tierra Adentro, for us, is really an

1 opportunity to also see what this looks like. You
2 know, I've been in conversations with several of the
3 folks at APS, including their top people, including
4 the Superintendent, about the fact that, in last
5 year's graduation rate, 40 percent of the young
6 people in Albuquerque did not graduate from school.

7 Where are they? I'm asking the question
8 that we're not talking about. Where are these
9 40 percent? It's 2,000 young people a year that we
10 don't know where they are. Now, we know where some
11 of them are. They're at the Metropolitan Detention
12 Center. They're in the CYFD programs, because we
13 also serve them at YDI.

14 But there's nothing out there that says,
15 "Let's go get them and bring them back."

16 So we think if we can make this work, this
17 model, where -- because there's -- we have a waiting
18 list at YDI of over 100 young people that come to
19 us. Many of them, they don't want to go through our
20 GED system -- because we provide GED services for
21 part of central New Mexico -- they don't want to go
22 through that. They would like to get a diploma.
23 But there's no opportunity for them to get it.

24 Here's a chance. We're starting small.
25 We only have maybe 12, at this point, students in

1 the program. But if 12 students get their diploma
2 out of this, and we can support them to stay in
3 school -- because obviously, they couldn't do it
4 before; right? They or the family, for whatever
5 reason, were not able to sustain themselves to get
6 their diploma. If we can do that, we believe that
7 it's a model that we can take on a much larger
8 scale. The Albuquerque schools is interested in the
9 model -- let me just give you a quick set of data.

10 YDI has been providing services in four
11 Albuquerque high schools for 26 years funded by the
12 City of Albuquerque. It's called "Stay In School."
13 And it's the same model. It's a wraparound services
14 model supporting the young person, getting them in
15 job training, and, hopefully, getting them a job.

16 We have a graduation rate -- in four high
17 schools, Albuquerque High, Rio Grande, West Mesa,
18 Valley. This year, Valley was replaced with
19 Highland, because Highland's graduation rate was
20 lower. Over 26 years -- and it's not a large number
21 of kids -- but over 26 years, we have a 94 percent
22 graduation rate, folks.

23 We believe that if you support the young
24 person differently and support their family, they
25 will stay in school. And so we're -- that's what

1 this partnership is about is trying to do that, and
2 trying to find out what about the services we
3 provide makes this happen?

4 So we are really excited about the
5 possibility here, not only to support the school --
6 obviously, I'm a supporter of the school -- my
7 step-daughter attends there; my wife is the
8 principal -- but as a -- as a nonprofit
9 organization, the largest in New Mexico, serving
10 youth, we think that those 40 -- somebody has to
11 find those 40 percent of kids who are lost every
12 year in Albuquerque and bring them back somewhere.

13 So if we can figure out how to do that, we
14 think we can provide not only a great service to
15 this school, to the young people there, but also to
16 the entire community of Albuquerque.

17 THE CHAIR: Thank you. And before I take
18 questions, I just want to say I appreciate this
19 conversation, because this is actually a
20 conversation I had with several charters down in my
21 area. I'm in Las Cruces, and we just had this
22 discussion this week in what can we do and how can
23 we do it, and how do we engage in those
24 conversations, and who do we engage in those
25 conversations with, for those same reasons, that

1 there's too many that are being lost out there, and
2 how do we reach out and help them?

3 And I've contacted some people that I know
4 at CYFD to see if there's something that we can do
5 to maybe pilot. So I'll appreciate talking --

6 DR. DIEGO GALLEGOS: Commissioner Gipson,
7 YDI, at one point, had an office in Las Cruces. We
8 also had some services we provided in Gadsden. We
9 would be very interested in offering our support to
10 you in anything you all want to do. We believe that
11 that's one of the things that an organization of our
12 size should do. We should give back to our
13 community, and we'd be very happy to engage with
14 your folks.

15 THE CHAIR: Thank you. We'll talk. Thank
16 you. Commissioners, questions?

17 Commissioner Conyers?

18 COMMISSIONER CONYERS: I'd kind of like to
19 support what Commissioner Gipson said and commend
20 you, in your efforts there. It's been a concern to
21 me for a long time that we don't have these kinds
22 of, as you say, wraparound services. And so many
23 schools -- I'm not being critical; I don't intend to
24 be critical. But it's kind of a "Take it or leave
25 it" approach, and so many students leave it.

1 I want to commend you. Keep up the good
2 work. And hopefully, it will be a pilot, and it
3 will catch on. Thank you.

4 COMMISSIONER JOHNSTON: Thank you,
5 Madam Chair. Will the case managers -- will every
6 student in the night school receive a case manager?

7 DR. DIEGO GALLEGOS: We will do the
8 initial assessment, Commissioner Johnston, and then
9 determine which of them need what and how much they
10 might need. So the case managers are our staff,
11 okay, you know?

12 And just so you all know, again, to be
13 transparent. CYFD now has a new funding source that
14 we're -- that we're working on called, "Case
15 coordination." It's -- it's really for young people
16 who are in the protective services system, or at
17 risk of getting there. So we think that this is an
18 opportunity to -- to find different kinds of
19 resources to support this; 'cause currently, there's
20 not really a good resource to do it.

21 So once we identify what they need, we
22 will then provide them that support through our --
23 through our staff.

24 COMMISSIONER JOHNSTON: Thank you. And my
25 question arises from the CYFD program. I'm very

1 excited about it. And if it works, it will help
2 with those who fall away from the system.

3 Edgenuity. Who will be the staff at the
4 night school to support Edgenuity? Because the
5 technology and the issue you raised is very, very
6 much there.

7 MS. TERESA ARCHULETA: Commissioner
8 Johnston, Madam Chair, members of the Commission, we
9 have three certified teachers from the school who
10 work during the day who will be available and will
11 be monitoring all the students and be assigned to
12 each of the students. So we have one special ed
13 teacher and two general ed teachers.

14 And so what they do is we review
15 transcripts. Our College and Career counselor has
16 reviewed each transcript to see what courses they
17 need for the diploma. And then our executive
18 director -- her background is in the arts, and also
19 in language arts. She's making sure she
20 incorporates the arts into their elective part of
21 their education, as well.

22 And what we do is we monitor them on a
23 daily basis. And it's not a remote -- it's not
24 where the students are online and they're by
25 themselves; it's where they're getting their

1 modifications. Students that have an IEP and
2 require IEP service will get their IEP services, as
3 well. We wanted to ensure that that's how we make
4 sure we had a special ed teacher on site during that
5 time.

6 And then we also wanted to make sure that
7 modifications, any Tier 2 interventions that needed
8 to get done, were going to be available for them at
9 that time. So because we do that during the day, we
10 offer the same thing in the evening, as well. So we
11 wanted to ensure that.

12 COMMISSIONER JOHNSTON: Thank you. I know
13 that Edgenuity lends itself well to those
14 modifications and changes. It's just if the
15 technology is slow, if the students don't make --
16 frustration levels are triggered.

17 MS. TERESA ARCHULETA: Yes. I do want --
18 I'm very proud of our school. If you look at our
19 existing building, which we do not own, it's a
20 deplorable building, I must say. But our technology
21 is top-notch. We -- I mean, to be able -- we have
22 literally at least 180 students online at the same
23 time and no issues. No issues.

24 In fact, other charter schools are calling
25 us to see how did we do it for PARCC testing. So we

1 did it more for instructional. PARCC was sort of --
2 we did it also for PARCC.

3 But really, it's the instructional. We're
4 trying to move up with the wave of technology. And
5 I think our kids will be there. And we welcome any
6 of you to come visit to see them on those laptops
7 all day long. It's really a neat thing to watch,
8 when you watch these students, how technology-savvy
9 they really are.

10 COMMISSIONER JOHNSTON: Thank you. And
11 then my last question: If a student has -- is
12 assigned to the evening school, if they don't show
13 up, what happens?

14 MS. TERESA ARCHULETA: So right now, the
15 requirement is that they come every day right now.
16 And then because a lot of them do have jobs -- this
17 is where the case management and the partnership
18 with YDI comes in. The case manager will follow up
19 to ensure that they stay. And a lot of them will be
20 working on jobs.

21 So what we've done is we've also offered
22 office hours. The staff are available during the
23 day, as well, for them to come and schedule office
24 hours; because if they do get stuck -- as you know
25 with Edgenuity, sometimes they need to have it reset

1 for a quiz or a test or modified somehow -- then
2 they have to stop the program, and the teacher has
3 to intervene and reset them. So we've offered that,
4 as well.

5 So we try to be very accommodating,
6 knowing that they have lots of different lives.
7 Some of them have babies. We have one couple that
8 came together that they want -- they have -- three
9 months ago, they just had twins.

10 And so we said, "Well, we would work out
11 something if one of you needs to stay home."

12 They said, "No, we want to come together
13 to work on it together."

14 So it was really touching to see how --
15 already Ms. Torres started talking about how we
16 could incorporate -- how we're going to have some of
17 the students that need community service hours that
18 could bring in some of the art in the evening so
19 that they could conduct the workshops for the art
20 classes in the evening, as well. So we're really
21 excited about this program. The possibilities are
22 really endless.

23 COMMISSIONER JOHNSTON: Thank you. So
24 school is a habit. And you're dealing with students
25 who don't have that habit. So if I don't come one

1 night, someone will reach out for one reason or
2 another?

3 MS. TERESA ARCHULETA: Yes, yes.

4 COMMISSIONER JOHNSTON: And, Veronica, I
5 must just tell you, it's delightful to see you. And
6 you should see this young woman flamenco. Gives me
7 goosebumps to think about it. It's just amazing;
8 and in the classroom. So it's really wonderful to
9 see you.

10 MS. TORRES: Thank you.

11 DR. DIEGO GALLEGOS: And, Commissioner
12 Johnston and Commissioners, I believe one of the
13 things that's made YDI successful over the years is
14 we're not an 8:00-to-5:00 kind of an organization.
15 Our case managers are available 24 hours a day,
16 seven days a week. And in many of the programs we
17 have, they need to be.

18 Our CYFD services that we're now doing,
19 especially on the new ones that we're doing around
20 child abuse prevention and intervention, those
21 require us to be ready whenever. And so our folks
22 are used to that kind of work. It's -- it makes for
23 a difficult, you know, job many times; but our folks
24 believe in that model, and that's what's made us as
25 successful as they are.

1 If that young person doesn't come to
2 school, they're not going to be with them, not just
3 that day; for a while, because that's the intent.

4 Oh, by the way, one of the things that we
5 were not expecting -- this is really not your issue,
6 but you may help us find out whose issue it might
7 be -- when we started talking about this model, we
8 have over 1,700 families that attend our Early Head
9 Start and Head Start program in Bernalillo,
10 Rio Arriba, and Taos Counties.

11 All of a sudden, we had all these families
12 that said, "Can we go get our diplomas?"

13 These are, some of them, young adults; but
14 others, they're older adults interested in getting a
15 diploma. I don't know where to go with that. But
16 it sure seems like if there are people out there
17 that would like to get their credentials some way,
18 that we ought to be able to find a way to do it;
19 because it would be a great opportunity for many of
20 them who haven't had that opportunity.

21 THE CHAIR: Commissioner Toulouse?

22 COMMISSIONER TOULOUSE: Madam Chair,
23 Dr. Gallegos, on that issue -- I know, for instance,
24 The GREAT Academy has a night school that has --
25 also, down in Los Lunas, the School of Dreams has a

1 night adult program, and they're doing the full
2 programs.

3 But I -- I wanted to ask, since you're
4 head of the foundation, and I'm curious, having --
5 for the people who don't know, I don't vote on this
6 school, because while my daughter does not have a
7 direct connection, she has a pretty close indirect
8 connection; so I excuse myself from it.

9 But I know the building plans. And I
10 wonder how close are you getting, because I know
11 it's quite an expansion of plans. I know Joaquin
12 Encinias has talked my ear off on some of what he
13 thinks you need.

14 I'm curious. How close are you getting?
15 There are several schools I know that are trying to
16 expand and having problems.

17 DR. DIEGO GALLEGOS: Commissioner Toulouse
18 and Commissioners, we actually are about a week away
19 from our final due diligence meeting, at which time
20 our financial advisers are -- the folks that are
21 going to be selling our bonds, the school, our --
22 our bond counsel, will all come together to do to
23 our final due diligence.

24 Once we complete that meeting and we have
25 everything finalized, we -- the -- a package will be

1 provided to investors. So at that point, we still
2 expect that we will be able to break ground sometime
3 in February. That is our -- that is our intent.

4 Certainly, there's a lot of challenges for
5 charter schools around this facility thing folks.
6 We are not happy that we'll have to pay more than
7 maybe a school district has to pay in terms of
8 interest. And I hope at some point, that issue is
9 resolved.

10 I sat on the first task force after the
11 charter school law was passed here in New Mexico.
12 And I represented State Superintendent Michael
13 Davis. And Tony Monfiletto, who is now well-known
14 in the charter school world, worked at the LESC.
15 And we both really pushed the idea that we needed to
16 resolve the whole facility issue, the capital outlay
17 issue.

18 At that point, superintendents were not
19 supportive of it. We still now, many, many years
20 later, have this problem that charter schools have
21 to figure it out on their own, in a sense.

22 But we have a tremendous -- the school has
23 a tremendous governing council that has been
24 providing leadership on this. And we have folks on
25 our foundation that are very active and willing to

1 step out and support this. So we expect that at
2 August of 2018, we're going to have a brand new
3 school. It's going to be in the Old Town area. And
4 that we'll invite you to the first classes and the
5 first dance there.

6 COMMISSIONER TOULOUSE: Madam Chair, I'd
7 like to be invited to your ribbon-cutting, since
8 you're in my district. Since I can't vote, I should
9 at least come and play with all of you.

10 DR. DIEGO GALLEGOS: Get your pair of
11 scissors.

12 COMMISSIONER TOULOUSE: I've done that on
13 the CNM Board. We've known each other a long time;
14 so thank you.

15 THE CHAIR: Commissioner Chavez?

16 COMMISSIONER CHAVEZ: Thank you. Thank
17 you. I have a -- just a couple of questions in
18 terms of the case management and wraparound services
19 that you talk about.

20 So basically, as I understand your
21 presentation, you have case managers. You're going
22 to do an assessment. The case managers are going to
23 figure out what kinds of services the students and
24 the families need.

25 Who is going to provide the services?

1 DR. DIEGO GALLEGOS: Commissioner Gipson
2 and Commissioner Chavez, hi, how are you? Our staff
3 in our Education Employment and Treatment Division
4 will provide the educational side of the case
5 management services. If there's anything -- that's
6 what they do right now. We are the provider for GED
7 in the central part of New Mexico, for the youth
8 providers; and so we do this every day.

9 We -- about 100 young people are graduated
10 through our high school equivalency program every
11 year; so we have case managers there that do that
12 kind of work.

13 Now, if they need, let's say, behavioral
14 health, then we would send it to our behavioral
15 health team, which is another one of our divisions
16 in YDI. So we will do as much as we can; but we
17 also know that we can't do everything. So we have
18 many partners.

19 Just on Monday, we finalized a partnership
20 with First Choice Community Healthcare, where they
21 will be providing behavioral health to young people
22 that we don't have enough capacity for. And they
23 also are looking at getting a psychiatrist, which we
24 have not been able to afford. So they'll be
25 providing us support there.

1 We also, on Monday, finalized a
2 partnership with All Faiths Receiving Home, where
3 they will be providing behavior management services
4 to our young children in Head Start that have
5 significant behavioral problems.

6 So potentially, a family there could get
7 services from those two, or from us, or from other
8 agencies that we work with.

9 COMMISSIONER CHAVEZ: What about payment?
10 You mentioned -- you mentioned First Choice. Some
11 folks may not have health insurance or Medicaid or
12 be eligible or have fallen through the cracks.
13 There's lots of folks out there who are still
14 uninsured, even though we have an expanded Medicaid
15 program in the -- in the state. So what about those
16 families?

17 DR. DIEGO GALLEGOS: Madam Chair and
18 Commissioner Chavez, if the family has that kind of
19 need, some of our staff would be able to provide
20 that. In that partnership with First Choice,
21 First Choice has a component that they've set aside
22 for families that are not eligible for Medicaid.

23 We still rely primarily on Medicaid. But
24 there are other folks like that that are -- that
25 have resources to do that. So for us, it's an

1 issue, you know, in terms of the families that don't
2 have access, to support.

3 COMMISSIONER CHAVEZ: I'm assuming --

4 THE CHAIR: I'm sorry. Can I interrupt?
5 Deputy Secretary Aguilar wanted to say something
6 about -- in relation to this. So can he add in at
7 this point?

8 COMMISSIONER CHAVEZ: Well, sure.

9 DEP. SEC. AGUILAR: So thank you,
10 Madam Chair and Commissioners.

11 On its face, Madam Chair, this sounds like
12 a great program. I don't believe the school -- the
13 charter school has done its due diligence with
14 regard to following the Public School Finance Act.
15 This is a new program that was not proposed in their
16 budget last -- last June.

17 And so the Public School Finance Act
18 requires that any changes to a school's budget or
19 program, subsequent to its approval on July -- on
20 June 30th, needs to be approved by the Secretary,
21 even though you're the authorizer. I don't know
22 what budget impact this has to it.

23 Second of all, from what I'm hearing, I
24 don't know how these children are going to meet
25 the -- the 1,080 hours of contact time that's

1 required in the statute.

2 Again, it sounds like a great program.
3 YDI has been a good -- a good provider in the past,
4 and I have no doubt that it's a good program for
5 kids. But I'm concerned that the due diligence
6 piece with regard to the Public School Finance Act
7 hasn't been followed.

8 And my understanding is this program is
9 supposed to start this week. And so I don't want to
10 delay services to children; but I don't know what
11 kind of impact this is going to have, and I don't
12 know what kind of -- whether the -- the contact
13 hours and how that -- that's not been demonstrated
14 to the Department.

15 And so I don't want to be Debby Downer on
16 this. Again, I think it's a good program. But I
17 don't know -- I don't have any other answers, other
18 than what I'm hearing today.

19 So no contact has been made with our
20 School Budget folks with my office. So I'm going to
21 need to have that before we can -- I'm just letting
22 you know. A program cannot go forward without
23 approval. And this program hasn't been approved.
24 And so I want to try and figure that out, quickly;
25 but I think it needs to be done, Madam Chair.

1 THE CHAIR: Okay.

2 DEP. SEC. AGUILAR: Thank you.

3 THE CHAIR: Thank you.

4 COMMISSIONER CHAVEZ: Well, then. So I
5 had -- kind of interrupted my train of thought
6 there. But the other question that I had is you
7 talked about providing family services; right? Are
8 there -- does YDI -- or is it your intention to
9 provide any kinds of services in the family's home?
10 Or will the family be coming to the school? How do
11 you see that working?

12 I guess what I'm thinking about is in
13 situations where a family might need, you know,
14 family therapy around a certain issue -- you know.
15 So how do you envision sort of doing that?

16 And then my other question -- let me just
17 ask it before I forget -- are you also going to be
18 communicating with the staff -- will case managers
19 be communicating with the staff of the school so
20 they know what's going on and sort of what to watch
21 out for in the classroom?

22 DR. DIEGO GALLEGOS: Madam Chair,
23 Commissioner Chavez, on the communication side, yes,
24 that was one of the first things we talked about.
25 Not only do we need communication from the staff in

1 terms of when kids are not coming to school or
2 struggling, how can we support them; but they
3 also -- the teachers also ask, "Are you going to
4 give us regular updates on how they're doing?"

5 And the answer to that was, "Yes, we will
6 do that."

7 On the family services side, another thing
8 that distinguishes YDI is that we do go into homes,
9 and have, for many years. We provide -- if the
10 family needs us to go to their home to provide the
11 therapy, we do that. We know that one of the
12 reasons many families don't take advantage of
13 services is that they either can't get there, don't
14 want to get there, and they're more comfortable at
15 home. So, yes, we would go into the home, if that
16 is needed.

17 COMMISSIONER CHAVEZ: Thank you.

18 THE CHAIR: Thank you. If I could just
19 ask you -- because one of my questions that I wrote
20 down was the funding of this and how it impacts on
21 your finances and your budget, because you are
22 starting a new program.

23 So can you address, if you can address,
24 the Deputy Secretary's concerns?

25 MS. TERESA ARCHULETA: Madam Chair,

1 members of the Commission and Public Ed Department,
2 what we did was, this idea was born from the last
3 three years that I've been here. We have students
4 that have enrolled in the traditional sense, and
5 then something happens in their lives at home, at
6 school, whatever influences them, and then they feel
7 that they have to leave.

8 And so we traditionally have had about 10
9 to 15 students that don't finish, if you will. And
10 it doesn't mean that at twelfth grade, they stop.
11 It could be at eighth grade. It could be at any of
12 the grade levels, six through twelve, in our school.
13 And typically, what we have been studying is the
14 students that we attract are the students that are
15 in crisis. So we are 65 percent Free and Reduced, a
16 Title I school; so these are the kids in crisis.

17 So what we find is, right now, for
18 example, I can give you an instance where we had
19 this one student, really high performing, and then
20 for whatever reason in his life, had a very
21 difficult time and got into trouble with the law.
22 And so it really hurt him.

23 But he's a beautiful artist; he's a
24 beautiful dancer. And so because we have -- we
25 wanted to create something to where we just say,

1 'Well, you know, So-and-so, this isn't the school
2 for you anymore"; right? Because that's --
3 typically, I heard one of the Commissioners mention
4 that it's either a "Take it or leave it" type of
5 option. We were sort of following that same sort of
6 path.

7 So what we're doing is we're trying to
8 create something different and still keep them
9 engaged. What we have seen is if you look at our
10 achievement, we scored a "B" this year. If you look
11 at College and Career Readiness, we scored an "A."
12 If you look at our high-performing students, we
13 scored a "B" in that, as well.

14 And so what we're doing is by engaging
15 them in the arts, which is -- which is the crux of
16 our mission, but also, if you look at our mission,
17 we are looking at appealing to demographically and
18 culturally diverse students. So those students are
19 the very ones that are out there.

20 So we didn't feel it was any different
21 than a dual credit program. What we're looking at
22 right now for the wraparound services would cost
23 about \$14,000 to \$16,000 to provide those wraparound
24 services for the year. That's what that would cost
25 in order to do that.

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 In terms of meeting the instructional
2 hours requirement, we begin immediately after the
3 school day ends at 2:35. And the students are
4 working at their own pace, and they are enrolled in
5 the required number of classes that they have to
6 be -- I think enrolled in, I believe, four to six --
7 or four to six classes in order to meet the
8 instructional hours requirement.

9 We are working very hard to provide an
10 alternative education to these students. And it's
11 not 280 of them; it's 25 of them is what we're
12 looking at, because we know we can't do that for all
13 280. That would dramatically change our
14 programming. And that's not what we want to do.

15 We want to add on to our programming. So
16 that was our -- the way we developed this. And we
17 do this all the time. What we're doing is we have
18 teachers look within their instructional time. And
19 if students aren't on task and not showing
20 improvement, we ask teachers to make changes all the
21 time. And that's what we're doing as a school, as
22 well.

23 And so this is one way we know. Given
24 that our students are in crisis, we need to support
25 them as a family. As a school, we do not have the

1 manpower. The partnership with YDI was what became
2 evident that they could help support families. We
3 can't do that. We don't have the personnel to do
4 that.

5 But what we can do, and what YDI has
6 ensured us, is that we will get the kids there. You
7 don't have to get them there. We will get them
8 there. You have to instruct them and make sure they
9 get their diploma. And that's what we're committed
10 to do.

11 THE CHAIR: Don't get me wrong. My
12 question was not to be the Debby Downer; but I think
13 I still have the same question. And I think that's
14 what the Deputy Secretary was raising. Your -- the
15 \$14,000 to \$16,000 was not in the original budget.
16 Is that what the Deputy -- so I guess the question
17 is where is this -- how has this been accounted for
18 in the current budget; correct?

19 DEP. SEC. AGUILAR: So Madam Chair, yes.
20 To my point, again, I don't -- I'm not opposed to
21 the program. I'm a special ed teacher by training.
22 I understand the value of all of these programs.
23 Again, this was not a -- a program that was proposed
24 in their budget on June 30th.

25 This is apparently a new idea that's come

1 forward. It's a great idea; but it's not accounted
2 for in their budget. I just heard different
3 explanations over the last half-hour. One is, this
4 is an evening program; and then I just heard that it
5 starts at 2:35. And so those two don't make sense
6 to me.

7 And then second of all, I'm trying -- I
8 believe that the school is trying to justify, for
9 me, their program, when they've never applied for
10 the program. And so next Wednesday is the 40th-day
11 count day. This program is not eligible for funding
12 for the current school year, because it was not a
13 part of their approved budget in June; and it has
14 not been presented to the Department for program
15 approval to be counted for funding.

16 So I don't know where it's going to be
17 funded from, and I don't have any other details
18 except what I'm hearing here today.

19 Again, I'm not trying to be -- I'm not
20 trying to kill the program or anything like that. I
21 believe in it; I believe in what I hear. But I
22 just -- I've got to follow -- you know, I've got
23 to -- I'm accountable to the public. I'm
24 accountable to our auditors. I'm accountable to the
25 Secretary for the accountability of dollars.

1 And so I just presented the fact that the
2 unit value is going to be reduced by
3 1-and-a-half percent if the bill is signed by the
4 Governor. And this is not an approved program. So
5 it's not going to be eligible for funding this year
6 until the approval process goes through.

7 So there are a lot of questions that need
8 to be answered, again, not trying to hurt the
9 program; but I need to do my due diligence in the
10 position of my office.

11 THE CHAIR: Right. Thank you. And that's
12 kind of what I was trying to get at is you now raise
13 the \$14,000 to \$16,000 that -- you put that dollar
14 amount to it. So where is this coming from? And
15 if -- and as the Deputy Secretary said, if there are
16 now additional students, even though it may be 25,
17 it's not going to be funded for those 25 students.

18 DR. DIEGO GALLEGOS: Madam Chair, let me
19 put on my hat as the chair of the foundation.

20 THE CHAIR: Foundation.

21 DR. DIEGO GALLEGOS: Because we had
22 extensive conversation with the governing council,
23 with the administration, around this -- you know,
24 I'm not sure that saying it's a new program is
25 accurate; because, as the principal said, there are

1 many students in the school who need wraparound
2 support. And that's part of the intent here is to
3 make sure they stay in school. So that's where
4 she's using that 25 number.

5 At this point -- by the way, as they -- as
6 this program rolled out, other young people also
7 started coming into the school, like they normally
8 do, okay? The whole number of 25 really is an
9 intent to get to the projected numbers that they
10 have for this year of 290 students.

11 So with the students -- the eight to
12 twelve that came the first day -- first week -- plus
13 new students who have come to the school in the last
14 few weeks, because of an -- because of outreach that
15 the school did, and that the National Institute of
16 Flamenco did, and that YDI did, there are other
17 students now who have come back to school that might
18 have been in an APS school or in another charter
19 school.

20 So all that they're looking at is to get
21 back to their 290. And the reason that obviously,
22 the foundation is interested in that is we want --
23 our investors are going to want to make sure that
24 they are -- that they have a history of meeting
25 their projections, that they have a history of

1 growth every year and -- which the school has had.

2 And so that's why I am comfortable
3 responding here, because there's not new money being
4 asked for here. Their projection for this year was
5 to be 290. When school started, they had 270. Now,
6 they are getting closer to their 290, which is their
7 projected number for the year.

8 So no addition- -- we're not coming
9 forward with, you know, a whole bunch of new
10 students -- that is not accurate -- or a whole bunch
11 of new funded students. It's only the ones that are
12 currently in the current budget at 290.

13 THE CHAIR: I can't believe I'm spending
14 my day on numbers. Okay. So here's my -- here's my
15 question. You submitted your budget in June for
16 290; but it is the -- correct me if I'm wrong --
17 it's the 40th-day enrollment that ultimately is what
18 the funding money is; correct?

19 DEP. SEC. AGUILAR: No, Madam Chair,
20 that's not correct.

21 THE CHAIR: Okay.

22 DEP. SEC. AGUILAR: The funding for the
23 year is based on the prior year 80 and 120th day,
24 with adjustments on the 40th day for growth, and
25 growth only. That's what the funding -- that's what

1 the funding is based on.

2 THE CHAIR: So last year, you were at 290?

3 MS. VERONICA TORRES: 270.

4 THE CHAIR: 270. So their budgeted money
5 for this year is based on the 270, and only if they
6 had growth on this 40th day.

7 DEP. SEC. AGUILAR: It's based,
8 Madam Chair, on -- all I'm going to say, it's based
9 on the 80-120-day average. They're saying it's 270.
10 I don't have the budget in front of me. It's based
11 on those numbers, plus if they projected growth in
12 their budget, given the fact that I know their
13 business manager there may not have projected growth
14 expecting to generate more money on the 40th day, if
15 the growth arises. It just depends on how --

16 THE CHAIR: Did you project growth?

17 MS. VERONICA TORRES: We did, to 290. And
18 we're at 287.

19 DEP. SEC. AGUILAR: Okay. And,
20 Madam Chair, I'm always the guy that people want to
21 shoot after these meetings. And I don't mean to be.

22 It's not a function of just the
23 bottom-line dollars, Madam Chair.

24 THE CHAIR: Right.

25 DEP. SEC. AGUILAR: The budget was -- so

1 the budget is submitted with a number of components.
2 The revenue is the 80-120 day and projected growth.
3 That's the revenue.

4 Then there's the expenditure side on how
5 we're going to spend the money. And those
6 expenditures are these are our days of school; these
7 are the hours we're operating. The hours they
8 propose to operate were not from 8:00 in the morning
9 till 10:00 at night. And so that's not part of
10 their budget right now. It's not part of the
11 approved calendar.

12 It may be a matter of semantics or not; I
13 don't know. But until I have a chance to analyze
14 it, I'm just letting you know what they're proposing
15 now was not what was proposed for their budget in
16 the various components.

17 I don't know if they're adding teachers
18 for the night. I just heard they're using the same
19 teachers that are teaching in the day. If they're
20 working at night, there's additional compensation
21 that was not proposed in their budget. It may not
22 be a lot of money. The hours weren't provided in
23 their budget, to the best of my knowledge.

24 So it's a new program. I'm not arguing
25 that it may be the same kids that dropped out or

1 not. I'm not arguing that value at all. I'm just
2 saying it's a new program that should be evaluated.
3 And if it turns out to be an extension of the day,
4 then let's just call it that; but let's make sure
5 that we account for those things properly, and not
6 in a one-hour hearing. But I need to see it on
7 paper.

8 Again, the statute says that the budget
9 cannot be changed -- and the budget includes all
10 those components, including hours of operation,
11 contact hours -- without the approval of the
12 Secretary.

13 I'm just -- I have -- I have my statutory
14 responsibility. I'm -- and we're willing to
15 expedite it, if we need to. But I need to see it
16 before I can do that.

17 THE CHAIR: Right. Thank you. Thank you.
18 Commissioner Johnston?

19 COMMISSIONER JOHNSTON: Thank you. Have
20 you had an ongoing contract with YDI for any type of
21 services?

22 MS. VERONICA TORRES: Commissioner
23 Johnston, members of the Commission, no, we have
24 not. This is the -- the MOU is new to us this year.

25 COMMISSIONER JOHNSTON: So is the MOU in

1 effect now?

2 MS. VERONICA TORRES: It will be. We
3 haven't signed it yet, no.

4 COMMISSIONER JOHNSTON: Have you had
5 interaction with Charter Schools Division in
6 developing or talking about an MOU?

7 MS. VERONICA TORRES: We did speak
8 briefly; because, like Katie was saying, that Becky
9 attended one of our governing council meetings where
10 our GC did approve this program. And then we did
11 have a follow-up meeting with Katie and Becky, where
12 they were -- what Katie had said earlier, they
13 thought this was a change to our mission. They
14 didn't talk about budget or speak to finance; but
15 they were more concerned about the mission.

16 And that's where we were relating to PED
17 that there is no change in our mission; it's an
18 extension of our mission in community outreach for
19 the arts and academics, which is clearly stated in
20 our mission.

21 COMMISSIONER JOHNSTON: Have you talked
22 with your school business official about adding
23 these dollars and how you would add those into the
24 budget?

25 MS. VERONICA TORRES: So Michael Vigil is

1 business manager, which I know works with
2 Mr. Aguilar all the time. So he was at that
3 governing council meeting in which we were
4 discussing this. And what he stated to us at that
5 time was to make sure that we do have the correct
6 number of contact hours and the correct number of
7 calendar days, which, like Ms. Archuleta was saying,
8 we do.

9 And I feel that if Mr. Vigil had a concern
10 about breaking statute and financing, that he would
11 have contacted Mr. Aguilar. But it does sound like
12 he does need to contact Mr. Aguilar, so that any
13 clarifications that are needed from the Finance
14 Department and PED are clarified and cleared up.

15 COMMISSIONER JOHNSTON: Because my
16 question arises from adding a contract into the
17 budget this year that did not exist; because that --
18 that, in itself, raises real flags for me, from the
19 statutory obligation, the financial obligation.

20 MS. TERESA ARCHULETA: Commissioner
21 Johnston, Madam Chair, members of the Commission,
22 what our understanding is, that if we go over
23 \$60,000, that we're supposed to go out for bid. And
24 so we were keeping within.

25 It would be no different than if we were

1 going to buy a canned intervention program. I don't
2 know that we would present to you if we were going
3 to provide a math intervention program or a language
4 arts intervention program.

5 This is -- this is a student family
6 intervention program is what we were trying to do.
7 So that's sort of -- we weren't looking at it being
8 anything that would definitely hinder our budget.
9 It would be something that would be within our realm
10 to provide, because these are who our kids are at
11 Tierra Adentro. We were just trying to make sure
12 that we were providing intervention.

13 COMMISSIONER JOHNSTON: Are you planning
14 on using federal dollars? Special ed, or --

15 MS. TERESA ARCHULETA: Commissioner
16 Johnston, no, we are not.

17 COMMISSIONER JOHNSTON: Because I know
18 that has to be written into your request for funds.
19 So this is coming out of your Operational. And it
20 sounds like -- well, I don't know. My knowledge of
21 budgets, it would be based on monies that would come
22 in as a -- as a part of a growth that would show on
23 the 40th day.

24 My concern is sustainability; because the
25 40th day, if the growth is there and everything is

1 in place, the additional dollars are there; but the
2 ability to sustain the program, as you're presenting
3 it -- and I have no problems; I think it's a
4 wonderful program -- but sustainability and fiscal
5 responsibility.

6 And the 40th day is kind of just one day
7 in time, and it says, "Yes, we have this many
8 students." But on the 60th or 80th day, is this
9 going to be effective? That's the reason I ask
10 about the program; so -- but entering into a
11 contract with an external entity is going to have an
12 impact on your budget, because it wasn't presented
13 at the beginning of the year.

14 So I don't -- that's something Mr. Vigil
15 and Charter Schools Division would need to talk with
16 you about.

17 Thank you.

18 THE CHAIR: Commissioner Armbruster?

19 COMMISSIONER ARMBRUSTER: Let me clarify
20 something first. Two of you are married; is that
21 correct? Okay. Because my concern -- well, let me
22 say something before I say that.

23 I think your idea is great. I think that
24 intervention at home is the key to helping students,
25 because they don't exist in a vacuum.

1 On the other hand, what concerns me is a
2 conflict of interest between the school, and a
3 relationship, obviously, between another agency. I
4 don't want to throw stones at you and say, "Oh, this
5 is terrible. You're doing it for the money."
6 That's not what I'm saying.

7 But in the law, it says, for the conflict
8 of interest -- I think it was something about -- I
9 did look this up -- "No member or employee shall
10 participate in selecting or awarding or
11 administrating a contract."

12 And so I'm not sure how that works on
13 this. I'm also not a lawyer, besides not being
14 financial. I'm not that. But I do know special ed.

15 So I don't know. Can you address that
16 issue?

17 MS. VERONICA TORRES: So Dr. Gallegos,
18 obviously, is CEO of YDI. I am the Executive
19 Director. He and I are not married, obviously. And
20 Principal Archuleta works under me. So at no time
21 is a contract between her and him. It's between the
22 governing council of the school, which has no
23 relation to anyone at YDI, and -- and YDI.

24 So that's where we feel -- again,
25 Mr. Vigil was present in our governing council

1 meeting when this was all executed and saw no
2 conflict of interest; because we did ask, prior to
3 doing this, to make sure that that was not
4 happening.

5 And so we feel confident that it is not;
6 because if the contract were between them two
7 exactly the same, then, yes, I could see where there
8 would be. But it's not. It's between YDI and the
9 school. The governing council signs it.

10 COMMISSIONER ARMBRUSTER: I think the word
11 that concerned me was "employee." And you are an
12 employee. And I feel as if I'm downing your idea,
13 and I'm really, really not. I just don't want to
14 get into a major lawsuit and whatever, you know,
15 after the fact. I want to make sure that everything
16 is on the up-and-up legally. As I'm looking at
17 Audrey.

18 MS. McKEE: There are some things that we
19 would need to look at, actually.

20 THE CHAIR: I'm not making a legal
21 recommendation. I'm just making a recommendation
22 that you not take legal advice from a business.

23 MS. TORRES: Of course.

24 THE CHAIR: No offense to the business
25 people; but I would -- I would personally take legal

1 advice from a lawyer, as opposed to your business
2 administrator or however you want to reference him.
3 That's just a cautionary piece of advice.

4 Commissioner Peralta?

5 COMMISSIONER PERALTA: I'd just like to
6 say at this point, it seems liking this is not a
7 matter of attention to the Commission any longer.
8 It seems like the big hurdle is with PED and DFA and
9 so forth.

10 So it seems to me I could see you guys
11 iron that out first and come back with some solid
12 baseline of how you guys are going to proceed with
13 the blessing of PED and the DFA.

14 So at this time, thank you.

15 THE CHAIR: I think at this point in time,
16 I appreciate the attention of the Deputy Secretary
17 with the attention he's -- and also making the
18 offer, if things can be expedited, that some of
19 those concerns -- but there is -- there is
20 definitely a concern about that increase in the
21 school day that was not in your initial budget.

22 I don't know offhand what night school --
23 I didn't know that there was an hour that that
24 needed to begin at. I just -- I just assumed that
25 after the regular school day, then whatever

1 programming could be night school.

2 DEP. SEC. AGUILAR: Madam Chair, there's
3 not a definition of "night school."

4 THE CHAIR: Okay.

5 DEP. SEC. AGUILAR: But "night school" has
6 a connotation. 2:30 in the afternoon is not night
7 school, not night. It, just -- but, again, it's
8 part of the questions that just need to be
9 clarified.

10 THE CHAIR: Right. I appreciate that.
11 And I think those items absolutely have to be
12 addressed, so that the calendar is satisfied and
13 that there obviously is an extension to the school
14 day at this point in time that needs to be
15 addressed.

16 MS. TORRES: Okay.

17 THE CHAIR: So we would appreciate -- and
18 once again, we are, I think, wholeheartedly behind
19 the concept of the program; but we want to make sure
20 that you're going to get the funding that you do
21 need for it, and that it is a successful program,
22 and that something doesn't come along the way, once
23 you start, that stops you at that moment, that we
24 want to see the program be able to proceed smoothly.

25 COMMISSIONER ARMBRUSTER: Madam Chair?

1 THE CHAIR: Commissioner Armbruster?

2 COMMISSIONER ARMBRUSTER: And another
3 thing following on to, like, what Commissioner
4 Gipson said.

5 Is your building capacity large enough to
6 hold all the students without fire marshals and, you
7 know, that whole thing?

8 MS. TORRES: Yes, yes.

9 COMMISSIONER ARMBRUSTER: You've checked
10 into that?

11 THE CHAIR: Because they're only talking
12 an additional 25 students maximum.

13 COMMISSIONER TOULOUSE: Madam Chair, it's
14 still under their cap; so their building meets their
15 cap.

16 THE CHAIR: They said "4" something?

17 MS. POULOS: Madam Chairwoman,
18 Commissioner Toulouse, the cap is beyond the
19 building capacity; right? There -- so just to be
20 clear, the cap is -- extends beyond what the
21 building capacity is.

22 THE CHAIR: Right; because when they moved
23 into that building, it was not PSFA's requirement
24 that the building have to be at their cap. But your
25 new building will be at your cap.

1 MS. VERONICA TORRES: Yes, yes.

2 THE CHAIR: Thank you. Certainly.

3 MS. McKEE: Ms. Torres, tell me again what
4 your connection with YDI is.

5 MS. VERONICA TORRES: My personal
6 connection? Just, in general, okay. So
7 Commissioner Gipson, Commissioner McKee, members of
8 the Commission -- so my connection with YDI through
9 the school is just an outreach, to out-reach to them
10 to find services for our students, seeing that our
11 students are in crisis.

12 And our social worker had a line out her
13 door every day, and we couldn't provide those
14 wraparound services. And knowing Principal
15 Archuleta, I said, "Where do we go? How do we do
16 this?"

17 And so knowing Dr. Gallegos and having a
18 step-daughter at our school and him being the CEO of
19 our foundation, I reached out to him. I didn't know
20 another institution to reach out to to help provide
21 these services. This was a great connection, and
22 working with the employees of YDI just really lent
23 to our mission of community outreach.

24 DR. DIEGO GALLEGOS: Madam Chair,
25 Ms. McKee, let me also -- full disclosure. When my

1 step-daughter went to the school, before Teresa was
2 the principal there, I went to the school. And at
3 that point, I had retired from the Albuquerque
4 Public Schools.

5 I went to the school and said to them,
6 "Have you ever gotten any Capital Outlay money?"

7 They said, "What's that? No, we haven't."

8 So I volunteered to go and support the
9 school, 'cause I have also done lobbying while I
10 was -- well, obviously, when I was here for the
11 State Board, and then later for the Albuquerque
12 Public Schools. I was one of their folks that did
13 work at the Legislature.

14 So I did that work for them. I supported
15 the school.

16 Later on, still, before I came to Youth
17 Development, I got approval from the Coalition of
18 Charter Schools to use a model that I had used when
19 I was the governing council president of Health
20 Leadership High School, a model where we got
21 approval for our governing council to have their
22 five hours a year provided to them, as they did
23 their work, a "Learn as you do your work" model,
24 which I put together for the -- for the Coalition,
25 and they approved it.

1 So I used the same model with the
2 governing council at Tierra Adentro. Again, I did
3 not get paid; it was as a parent volunteer who just
4 happened to come with a set of knowledge and skills
5 that were beneficial to the school.

6 We've actually presented it at the -- not
7 "we" -- they did; because I was gone. They
8 presented the model to other charter schools.
9 There's a lot of interest in that, so that charter
10 schools could -- governing councils could learn as
11 they did their work.

12 The governing council feels that it has
13 been really helpful to them to use that model.
14 They've learned a lot. They're a very strong
15 governing council. I would assume that the report
16 that came from the visit by the PED would show you
17 that they were a well functioning governing council.

18 And so I did that work before -- before
19 I -- not before I was married. Before -- well,
20 after she came, I did that work with them. But all
21 of this was well before I became the CEO at Youth
22 Development.

23 MS. McKEE: And other than being CEO, do
24 you have any other position with YDI?

25 DR. DIEGO GALLEGOS: I'm the President and

1 CEO; that is my title.

2 MS. McKEE: Okay. Thank you.

3 COMMISSIONER JOHNSTON: Madam Chair?

4 THE CHAIR: Commissioner Johnston?

5 COMMISSIONER JOHNSTON: Thank you,
6 Madam Chair.

7 Ms. Torres, as the executive director, how
8 involved are you in the development of the budget
9 each fiscal year?

10 MS. VERONICA TORRES: So each fiscal year,
11 I sit down with the Vigil Group in early spring,
12 also attend the Spring Budget Conference every year,
13 as well, with the Vigil Group. And we sit down with
14 our team of people, our finance team, with the
15 governing council, and Principal Archuleta, and
16 develop the annual budget each year.

17 And we go through line by line by line.
18 And then in March-ish, in that governing council
19 meeting, it's then voted upon for the next school
20 year.

21 And then it's handed in to the PED every
22 spring.

23 COMMISSIONER JOHNSTON: And in this
24 process, are you involved in -- in the budgeting for
25 lines and for the chart of accounts? Are you

1 familiar with the chart of accounts?

2 MS. VERONICA TORRES: Yes, Commissioner
3 Johnston, I am.

4 COMMISSIONER JOHNSTON: I would encourage
5 you to make that a priority, because -- continue to
6 develop that way, because you will learn much about
7 these questions that are being asked today.

8 And it's just imperative. I firmly
9 support what you would like to do. But those fiscal
10 parameters -- and use the Charter School Division as
11 a starting point, if you ever feel just any bit
12 uncomfortable. I'm sure you would have been
13 encouraged to do that, because ultimately, it is
14 your judgment as the Executive Director, about the
15 finances and what can move forward.

16 MS. VERONICA TORRES: Yes, of course,
17 Commissioner Johnston.

18 THE CHAIR: So I would, at this point in
19 time, just ask you to make sure that you reach out
20 to the Deputy Secretary's Office and get any of
21 those concerns, as best as we can, addressed, and
22 keep the Charter School Division apprised. And the
23 Charter School Division will then be able to give us
24 an update as to the progress in the situation.

25 MS. POULOS: Madam Chairwoman, I would ask

1 whether -- maybe it's not appropriate at this
2 time -- but whether the Commission feels that upon
3 approval from the PED -- because the PED is
4 indicating that this appears to be a new program --
5 whether they would need an amendment or not.

6 THE CHAIR: Yes. If there is a
7 determination that this is a completely new program,
8 then, yes, it would, at that point in time, require
9 an amendment to come forward. But that -- the
10 Deputy Secretary's Office can take a look at.

11 MS. VERONICA TORRES: Thank you,
12 Madam Chair, members of the Commission.

13 THE CHAIR: Wait. I'm sorry. There's one
14 more question.

15 MS. McKEE: I have just a couple of
16 questions for the principal.

17 Do you have any other position other than
18 "Principal"?

19 MS. TERESA ARCHULETA: I am the Bilingual
20 Director and the Special Ed Director of the school,
21 as well.

22 THE CHAIR: It's a charter school.

23 MS. TERESA ARCHULETA: Right, we are the
24 district.

25 MS. McKEE: Do you have any position at

1 YDI?

2 MS. TERESA ARCHULETA: I do not.

3 MS. McKEE: Paid or unpaid.

4 MS. TERESA ARCHULETA: At YDI? I have no
5 position, paid or unpaid.

6 MS. McKEE: Thank you.

7 DR. DIEGO GALLEGOS: Other than my
8 constant support system.

9 MS. TERESA ARCHULETA: That is paid.

10 THE CHAIR: Anything else?

11 Okay. Thank you so much.

12 MS. VERONICA TORRES: Thank you.

13 THE CHAIR: Commissioners, at this time,
14 we're going to take a short break. Thank you.

15 (Recess taken, 10:53 a.m. to 11:14 a.m.)

16 THE CHAIR: I call us back to order. And
17 we are now on -- on No. 6, Discussion of Possible
18 Action on Governance Council Evaluation Observation.

19 So what I am going to propose at this
20 point in time is I understand that there is an
21 expressed desire and need for the observation of
22 governance councils by CSD/PED. And I don't
23 disagree with some of the issues that have been
24 presented.

25 And I think we all have expressed, at some

1 point in time, a concern over what does and does not
2 happen with governance councils.

3 The LESC and, I believe the State
4 Legislature, has grappled, and is still grappling
5 with what do we do about the fact that governance
6 councils are not elected bodies when school boards
7 are elected. And it's an issue that I don't -- I
8 don't certainly have the answer for. I don't even
9 have a suggestion for an easy fix with it, because
10 charters are so unique that way, trying to get a
11 publicly elected board for each and every one of the
12 charter schools, I think, is just a monumental task,
13 when you look at -- I know down in Las Cruces, we're
14 lucky if we get 300 people to come out and
15 participate in a school board election.

16 So now, if you're looking at an entity
17 like Albuquerque and asking people in Albuquerque to
18 come out and to vote for each and every governance
19 council in a charter school, I don't think that's
20 going to receive a lot of public support.

21 So there's issues there. But there are
22 certainly concerns about what is or is not going on
23 at governance council meetings. And I know there's
24 ongoing and continued increased governance council
25 training that is certainly needed and appreciated;

1 but I do think at this point in time, if there is
2 going to be observations done of the governance
3 councils, that the PEC should be part of the
4 conversation for the observation tool, and that I
5 would like to propose that we actually set aside
6 some part of a work session so that what we are
7 doing is we are establishing standards for what we
8 expect of a governance council.

9 I think that's important information for
10 those that are going to serve on a governance
11 council, that they have some idea of what is
12 expected of them from the Public Education
13 Commission, what -- and that we be part of that
14 conversation, that we help to establish the
15 standards for the governance councils. And, as a
16 result of those standards, an observation form can
17 be generated off of those standards.

18 So that's my -- my proposal.

19 COMMISSIONER CHAVEZ: So I just wanted to
20 say that I don't know if -- if the councils are
21 elected within the schools as opposed to being sort
22 of appointed by the board; right? So I'm thinking,
23 you know, that might be something that folks could
24 consider, to have an election, to let parents know
25 that -- or the surrounding community know that there

1 are these positions available, "Are you interested,"
2 set up an election that way? I don't know.

3 THE CHAIR: This actually came up at the
4 last LESC meeting, when there was one or two
5 charters that were presenting before them. And they
6 brought up the -- and they opened up with the term
7 that their governance council are "elected."

8 The LESC immediately shot them down on the
9 idea that they were elected, because just being
10 elected by your school community -- and these were
11 schools that the governance council was elected by
12 the whole parent and guardian population -- the LESC
13 said, "Absolutely not. You can't..." -- their
14 interpretation -- "You can't consider yourself
15 elected"; because it was only that small community.
16 It wasn't a public body.

17 So some do have a form of election within
18 their school body. Some, they're just -- they're
19 appointed.

20 COMMISSIONER CHAVEZ: Yeah.

21 MS. POULOS: Madam Chairwoman,
22 Commissioner Chavez, I just wanted to give a little
23 more information about that.

24 The process for selection varies widely in
25 our governing boards. Sometimes it's the head

1 administrator -- I've seen that myself -- that
2 basically says, "Here's a person. They're the only
3 person that exists." It just happens to be a buddy,
4 or sometimes a relative, a little far enough away
5 that it doesn't fall under the conflict of interest.

6 And then sometimes the governing boards
7 themselves are fairly active.

8 Certainly, as we are doing training, as
9 Mr. Gloudemans, who's doing the training out there,
10 that is a big part of the training that we provide,
11 in telling governing board members who are often
12 quite surprised to learn that they need to be very
13 active in governing board recruitment and creating a
14 systematic process and being more rigorous than,
15 "Here's a live body," which is hard, when, as you
16 said, it's pretty challenging to find people even
17 willing to serve.

18 But, certainly, it runs the gamut. And I
19 think that's just important to understand in the
20 context of the conversation.

21 THE CHAIR: Right. Right. Remember, we
22 had a school who applied two years ago that
23 advertised on Craigslist for governance council
24 members. So -- so it's -- it is a -- it is a known
25 challenge to -- because, as we've said, it is a lot

1 of work. People don't realize. They think it's,
2 like, an honorarium to be placed on the governance
3 council, and it's something they can put down as
4 their community service.

5 And then when they start digging into the
6 weeds of it, then they realize -- and that's when we
7 see, they either stop coming to meetings -- and I
8 know there's any number of schools that have people
9 on record; but they can't tell you the last time
10 they actually physically laid eyes on them.

11 And it's -- you know, it's -- it's
12 difficult, because they've got the requirement to
13 have the minimum number, and they run into trouble
14 if they fall below that minimum number. So they're
15 placing people on there so that they have a -- a
16 body count; but it doesn't mean that they're going
17 to actively have the support that they need.

18 So that I think our help in establishing
19 standards for a governance council would at least
20 help drive a conversation for the schools on, "Look,
21 this is where -- this is what we're being held to,
22 and this is at least a minimum expectation here of
23 what we have to do, besides all the yeomen's work
24 with the school."

25 Commissioner Armbruster?

1 COMMISSIONER ARMBRUSTER: I wanted to
2 comment on two things:

3 I totally agree with you on you get into a
4 job, and you find out it is much more than you
5 thought it would be.

6 THE CHAIR: And here you sit.

7 COMMISSIONER ARMBRUSTER: Amen. And --
8 but I will tell you that even regular school
9 districts -- and, of course, I'm from Los Alamos --
10 it's hard -- we have oftentimes, whomever climbs up
11 gets it. They aren't necessarily voted in. And
12 that's a regular, traditional --

13 THE CHAIR: You mean for the school board?

14 COMMISSIONER ARMBRUSTER: No -- for the
15 school board. I would think the same thing for the
16 governing council. And I think, much as I mentioned
17 yesterday, eight years ago, when we were just
18 starting out with charter schools, there was just
19 so, so much just to get started. Now, you can kind
20 of refine that.

21 We've gone through eight years. I
22 haven't, but some of the people have. And now we're
23 looking at what else we need to do to make them even
24 better and to make them more viable and address the
25 concerns that people have.

1 So I think that your ideas are quite good,
2 and I'm glad that we're looking into that.

3 THE CHAIR: Thank you. And, you know,
4 there's just that ongoing question -- and I don't
5 think we can answer it -- is they're dealing with
6 public funds; but they're not publicly elected. And
7 that's -- but that's not -- fortunately, that's not
8 for us to have to answer.

9 If we -- if someone has a magic pill for
10 that, please speak up; because it's -- you know,
11 it's certainly an issue that is being -- trying to
12 be addressed by the Legislature. But they don't --
13 you know, they floated -- I think I mentioned
14 before, they floated an idea that maybe the Chambers
15 of Commerce should appoint the charter school
16 governance council, which --

17 COMMISSIONER CHAVEZ: Oh, my God.

18 THE CHAIR: -- we all know that that would
19 not be a positive for the schools. And I don't know
20 how that would fix the -- the issue with the public
21 monies and, you know, make it any safer or more
22 secure or whatever.

23 So that's -- you know, fortunately, that
24 didn't -- that didn't go very far. But that was
25 a -- they thought that would be a good fix.

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, I
3 think this is something we ought to also get a
4 survey of these; because I know some schools, in
5 their bylaws, are very specific on what kinds of
6 individuals they want. And I'd like to see a
7 picture of those, as opposed to the ones that don't
8 have that kind of say. Because I've -- in
9 Albuquerque, there are so many charter schools. And
10 it -- you know, there are so many people -- so many
11 other places to volunteer, too. I know how hard it
12 is.

13 I've gotten calls from several charter
14 schools asking, "Do you know anybody who's an
15 accountant," or who's this or that, "who would want
16 to serve on our board?"

17 And I just -- you know, when I was on the
18 community college board, there was -- and it's still
19 going on nationally -- about half of the states
20 appoint community college board members, and about
21 half elect them. Most of the ones who elect are in
22 the West; most of the ones who appoint are in the
23 East. Then you have some states that have one big
24 board for all their community colleges. And then
25 you have ones, like, again, most of the Western

1 states, who each school has its own board, just like
2 we have our governance council.

3 And I know it was very difficult to find
4 any kind of agreement to anybody on how you do
5 things, other than you don't want one big oversight
6 group.

7 THE CHAIR: Right.

8 COMMISSIONER TOULOUSE: And even the
9 states who had that would say, "You don't want
10 this." Even the people on those boards say.
11 Because we can't -- see, a community college is a
12 community college, just like a governance council of
13 a charter school is that community's charter school.

14 And I really do think that appointing is
15 really the best way to go for these, because you
16 can't -- because a community even goes beyond the
17 neighborhood or the school, the school district, or
18 across county lines.

19 And so I don't think you can have any kind
20 of election that would work. But I do think there
21 needs to be a more regularized way of coming up with
22 who is on the board, when -- I mean, I'm concerned
23 that we have a couple of very stable charter
24 schools; but they have the same board members that
25 they had 20 years ago. And that becomes stagnation.

1 And I think there needs to be some way that some of
2 that revolves in a way that works out.

3 So I think that this is the beginning of a
4 much larger discussion, not just -- you know. And I
5 think if we had that information, it makes it easier
6 for us to go to the Legislature and say, "Would you
7 consider making changes to the Charter School Act
8 that gives us actual regulatory control of a
9 governance council, or the ability to suspend a
10 governance council," because right now, we really
11 don't -- we can all go to the meetings; they're
12 public meetings.

13 We can all look at this -- Katie's folks
14 can go and look at all of this, which is good; but
15 there's no teeth in it when it comes down to it,
16 because they're the governance council, and we're
17 not.

18 But I think if we do a longer term look at
19 this, then we have something to go on and something
20 to present.

21 And looking at -- we all know that the
22 schools that get in trouble have a problem
23 governance council. So let's, you know, go beyond
24 that and say, "The ones that run well and have good
25 governance councils, what do we want -- best

1 practices do we want to carry forward?" So...

2 THE CHAIR: Right.

3 COMMISSIONER ARMBRUSTER: And I think it
4 would be good if -- is Kelly here?

5 THE CHAIR: No, she --

6 COMMISSIONER ARMBRUSTER: They left.

7 THE CHAIR: She'll be back for her report.

8 COMMISSIONER ARMBRUSTER: That's part
9 of -- you know, the conference that they have, I
10 think it's very informative when you go to those;
11 because the charter people come and they hear some
12 best practices and what's really working and what's
13 not.

14 But just in my short tenure here, when
15 governing council people are sort of departing, it's
16 like a "canary in the coal mine" type of thing, that
17 there's probably something that's not quite right.
18 So I'm glad that we're looking at it. And I want to
19 make it so that the schools work. That's our goal.

20 THE CHAIR: Right. That's why it is in
21 the contract that they have to notify us when
22 there's -- and that's for another day. But just to
23 say, that's -- it's one of those -- it's the staff
24 retention; it's the student re-enrollment; it's the
25 governance council stability. Those are all eyes

1 into the school.

2 And if there's a flood somewhere,
3 there's -- it's an indicator that there's -- that
4 there's something else potentially going on, so that
5 that's why we want to know when there are changes in
6 the governance council, and, you know, what's going
7 on.

8 COMMISSIONER TOULOUSE: Madam Chair? The
9 other piece of that has to do with the finances;
10 because first of all, five hours of training is
11 really not worth a whole lot; but at least it lets
12 them understand they have a fiscal responsibility.

13 But when you have the turnover, and the
14 training isn't done continually -- there are several
15 times a year you can get it, or several ways to get
16 it -- but you have to go out of your way to do it.
17 I think that's something else that needs to be
18 looked at in -- for changes to the Act about there
19 needs to be an ongoing financial training.

20 And, I mean, I would like to see that at
21 every governance council meeting, there is one part
22 of finances done as part of a training; whether it's
23 a look at the State Purchasing Act, whether it's a
24 look at how you develop a budget -- I mean, there's
25 all kinds of things.

1 And that needs to be a part of
2 recommendations, at least to them, so they
3 understand that, again, these schools that get in
4 trouble -- and with the poor governance council --
5 get in trouble with the fiscal side of it. And,
6 again, it's not their fault. It's not an easy
7 thing -- we saw just now, it's not an easy thing
8 when you have people who are supposedly experts
9 telling them -- you know, and not them, "You need to
10 do this."

11 We need to see what's available. I'm sure
12 there could be little packages provided to a
13 governance council to do this, this meeting,
14 half-an-hour at most, ongoing. So I would like to
15 see us do much more discussion over the next few
16 months on governance councils, so that we're also
17 ready to go to the LESC after this next session and
18 say, "Here's what you need to look at now on doing
19 some substantive changes."

20 THE CHAIR: We have one work session
21 between now and -- well, now and the start of the
22 session. Oh, no. We have the potential for two,
23 because there could possibly be one in January,
24 right before the start of the session, because we
25 have November, and then we have January, the 16th,

1 the Tuesday after Martin Luther King's Birthday. So
2 it's the middle of the month. And we are projecting
3 to meet on the 13th, right before they --

4 COMMISSIONER TOULOUSE: On Friday, the
5 13th.

6 THE CHAIR: Thank you so much. So what I
7 am proposing is at the work session yesterday, we
8 did talk about looking at the performance framework
9 at the next work session; but I think we could
10 easily split it into two topics and look at the
11 standards for governance councils, in addition to I
12 think we can fix the performance frameworks, I
13 think, relatively easily.

14 Commissioner Johnston?

15 COMMISSIONER JOHNSTON: Thank you,
16 Madam Chair. Clarification.

17 We have, in our packets, a -- an
18 observation form.

19 THE CHAIR: Correct.

20 COMMISSIONER JOHNSTON: It's my
21 understanding that Staff from the Charter Schools
22 Division is currently attending the governing
23 council meetings of the established charters. I
24 think it's a good thing, because of what it brought
25 to light today with the charter school that

1 presented to us.

2 This would continue -- I've looked at this
3 program; is that correct? I've looked at this
4 evaluation, and it really looks at Open Meetings Act
5 and very concrete things. Is that a part of what
6 we're talking about right now, that these would
7 continue? They won't halt these observations, will
8 they?

9 THE CHAIR: Well, the concern is that the
10 Charter School Division goes out as our agent, and
11 we were not aware that they were going out, and we
12 were not part of the discussion with that
13 observation form.

14 COMMISSIONER JOHNSTON: So that's an
15 internal communication problem, difficulty, that we
16 have that's ours and the Charter School Division's.
17 That's a -- that we weren't informed. That's a
18 communication problem.

19 THE CHAIR: Well, it's also -- it's more
20 than a communication problem, because they go out as
21 our agent. So if they're going out as our agent and
22 doing an observation, we're unaware that that's
23 happening.

24 COMMISSIONER JOHNSTON: But we're aware
25 now.

1 THE CHAIR: Well, we found out after the
2 fact, yes, well after the fact.

3 COMMISSIONER JOHNSTON: My question is, is
4 I perceive this as a very good thing.

5 THE CHAIR: I'm not saying the process is
6 wrong. I'm saying how the process has rolled out
7 and what might or might not be in the observation
8 form. We, as the PEC, we adopt all forms.

9 COMMISSIONER JOHNSTON: I understand --
10 and I.

11 THE CHAIR: So we want to be part of that
12 conversation.

13 COMMISSIONER JOHNSTON: And I completely
14 agree with that.

15 THE CHAIR: So that's why I'm saying here,
16 we need to -- I'm proposing that we establish the
17 standards so that would then generate some
18 additions, subtractions -- I don't know -- to the
19 observation form.

20 COMMISSIONER JOHNSTON: Okay. And my
21 question is, is would the observations and the use
22 of this interim form be able to continue, so that we
23 don't have a stop-and-start process for the
24 charters, for our stakeholders, while we resolve
25 this. That's --

1 THE CHAIR: I'm going to say that's up to
2 the Commission at this point in time; because this
3 was not something that was authorized by us. So
4 that's -- I can't -- I can't, on my own, determine
5 that. That's up --

6 COMMISSIONER JOHNSTON: But you'll be
7 raising that as a question? We'll have a motion?

8 THE CHAIR: I think it does say "possible
9 action," doesn't it? It does. So that's why it's
10 worded as "Discussion and Possible Action."

11 COMMISSIONER JOHNSTON: Thank you.
12 Because that was my question. Because I -- I
13 believe that -- well, I have -- the process is a
14 good one. I understand what you're addressing. And
15 I didn't know whether we would have to vote today on
16 continuing the process or not. So that was my
17 clarification question.

18 THE CHAIR: I think we'll have to, at this
19 point.

20 COMMISSIONER JOHNSTON: Okay.

21 THE CHAIR: At this point in time.

22 COMMISSIONER TOULOUSE: And, Madam Chair,
23 basically, there's a difference in going out as
24 representing us and going out simply to observe.
25 Any of us -- anybody -- they're public meetings --

1 can go to a public meeting. I would not want to say
2 stop going.

3 I know in the past, we have had people who
4 have gone from Charter School Division. I am
5 concerned we have only two Staff members at the
6 moment. I know that positions are being advertised
7 for more. And there are so many other things
8 they're looking at.

9 But our concern is, again, doing it
10 officially on our behalf, as opposed to simply being
11 there, or doing it as an evaluation, rather than an
12 observation. I think it's good to observe all the
13 time on things. I mean, that's -- but because we
14 have no direct oversight, anything that's found on
15 these, we can't do anything about. It needs to be
16 something that becomes part of a bigger discussion
17 on governance councils and what goes on in them and
18 how they interact with us and the school and the
19 Charter School Division.

20 So it's, just, we didn't know that this
21 form even existed for quite a while.

22 THE CHAIR: And I have said at prior
23 meetings that I encourage Commissioners to -- to go
24 to governance council meetings. It's a way of
25 meeting the -- the school leaders. And even when

1 you do meet the school leaders, you often don't get
2 to meet the rest of the school community.

3 So it's important to get your -- I think
4 it's important to get your face out there and to
5 know the schools. And, yes, they are public
6 meetings; so there would be never a direction that
7 you can't attend a public meeting. We can't do
8 that.

9 COMMISSIONER JOHNSTON: Thank you,
10 Madam Chair and Commissioner Toulouse.

11 And I have one more clarification, then,
12 just a question. Because I'm thinking in terms of
13 consistency.

14 Ms. Poulos, how many charter schools have
15 been visited by Staff -- how many governing council
16 meetings?

17 MS. BECKY KAPPUS: About six, I believe.

18 COMMISSIONER JOHNSTON: Six. So there is
19 an expectation, because word gets around, that
20 people are visiting. There is an expectation of
21 that.

22 MS. POULOS: Madam Chairwoman,
23 Commissioner Johnston, I believe that probably is.
24 I think our schools have been -- we have heads
25 nodding in the audience -- have been communicating

1 after probably the first time that CSD went and
2 observed.

3 And we also did -- I believe Becky, on
4 behalf of the Division, sent out a notification to
5 all of our charter school leaders just informing
6 them that throughout the year, we would be observing
7 governing board meetings and providing feedback, and
8 exactly what we would be looking for -- and I think
9 we made some changes just as far as the format of
10 the form goes -- but we did want them to know what
11 those things are that we would be looking at when we
12 went out; and so they were aware of this.

13 And certainly, I appreciate the
14 Chairwoman's comments, and I apologize for
15 potentially rolling it out in the wrong way or doing
16 this in a way that didn't bring in and didn't engage
17 with the Commission. That was an error on my part,
18 and I apologize for that. I am truly looking
19 forward to the opportunity to engage with the
20 Commissioners on making sure that we do have the
21 best tool out.

22 And, in fact -- and I apologize, because
23 I've gone maybe beyond the scope of your question.
24 But I would ask that the Commission even let us
25 know, what you would like us to do? What

1 information you would like us to gather, so that you
2 have that information and are prepared to engage in
3 a robust conversation at the work session?

4 One of the things that I know my team did
5 do, as they developed this, was look at protocols
6 from other states so they had a starting point, and
7 utilized the Open Meetings Act checklist in the
8 Attorney General's compliance manual; but,
9 certainly, if -- and I think it may be appropriate
10 to reach out to the charter schools and ask them for
11 their input, even before the work session, so that
12 that can be part of the Commission's consideration.

13 So I look forward to that direction from
14 the Commission on how they would like to help us
15 prepare for that conversation.

16 THE CHAIR: You actually took care of my
17 second part. What I was going to say is what I
18 would ask the Commissioners is to forward to
19 Beverly -- and just as a reminder, we don't reply
20 all to e-mails.

21 COMMISSIONER JOHNSTON: Oh, I know about
22 e-mails, yes, and rolling quorums and such.

23 THE CHAIR: So Beverly funnels all of our
24 communications for us. So that between now and our
25 work session, any thoughts that you might want

1 included in that discussion for the next work
2 session for the governance council standards, if you
3 could forward them to Beverly, and she can
4 coordinate them, and we can -- and then Katie will
5 then have the information.

6 And I would also -- and I'll ask Kelly
7 if -- and it actually can be part of maybe a
8 conversation at the -- the conference so, that if we
9 could get input from the Coalition and their members
10 as to standards for governance council, so that we
11 can incorporate that in our conversation for the
12 next work session, which is scheduled for the 14th
13 or 15th of November.

14 MS. FRIEDMAN: Madam Chair, it's the 14th.

15 THE CHAIR: It's the 14th. So if we could
16 have them, Katie, reasonably for you, a week before,
17 would that be enough time to help with whatever you
18 might need to bring forward based on --

19 MS. POULOS: Madam Chairwoman, absolutely.
20 And I know the Coalition is a great resource. But I
21 would propose that CSD would also -- and I love your
22 input on this -- send it out to all of our charter
23 schools, because there are many that are not
24 represented, and ask for all charter schools to
25 provide input.

1 THE CHAIR: That's fine.

2 MS. POULOS: Okay. Okay.

3 THE CHAIR: I'm just trying to cover as
4 many bases as we can with getting that message out.

5 MS. POULOS: Absolutely. Yeah.

6 THE CHAIR: So absolutely. I'm sorry.
7 Absolutely.

8 COMMISSIONER JOHNSTON: Thank you,
9 Madam Chair. I really appreciate it. Because I
10 need clarity, because it's very important to me that
11 I express my thoughts about continuing -- if we've
12 observed six governing council meetings, I would
13 like -- I believe it's imperative that we not have a
14 lapse in these visits while we work to hone this
15 form.

16 So I would hope -- I'm just trying to get
17 clarification that when I vote "Yay" or "Nay," I'm
18 not implicitly, in my vote, stopping these visits by
19 the Charter School Division.

20 THE CHAIR: Well, we don't have a vote
21 yet. So we don't know whether we have to vote. But
22 if there was, the only thing -- the only qualifier I
23 would put to that is there would be a stoppage of
24 about three weeks; because -- between now and
25 November 14th; we could vote on November 15th -- so

1 that we're not talking about a significant lapse in
2 process.

3 COMMISSIONER JOHNSTON: Thank you.

4 THE CHAIR: Commissioner Toulouse?

5 COMMISSIONER TOULOUSE: Madam Chair, I
6 think there were observations being done in the last
7 school year, too, at least at some schools.

8 MS. POULOS: Madam Chairwoman,
9 Commissioner Toulouse, that was actually only in one
10 circumstance. We only attended governing board
11 meetings for one school -- I think everybody
12 probably knows which school that was -- because of
13 some severe concerns there.

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 think I heard more than that one, if we're thinking
16 of the same one.

17 MS. POULOS: My Staff did not attend any
18 others.

19 COMMISSIONER TOULOUSE: Madam Chair, I
20 think you did; Ms. Poulos did.

21 But, anyway, I'm saying this isn't -- I
22 don't want to get into finger-pointing. I'm just
23 saying I think this has been going on. But I think
24 that we have an obligation to all of the schools to
25 see that we know what's going on.

1 I like this form; I really do. I don't
2 have a problem with it, as an observation, rather
3 than an evaluation form. And I think it would be
4 very helpful to have the information.

5 My problem is we did not authorize it as
6 an observation or anything, and we have been given
7 no feedback from the ones that have been done.

8 So there's -- you know, I don't know what
9 good it's doing at this point, if there isn't a way
10 that we all get involved in this.

11 So I think we need to step back and figure
12 out now what we're going to do going forward
13 together; because I do -- you know, I know that
14 there is a problem with a lot of governance
15 councils. But we have to -- you know, it's just as
16 bad to keep going ahead with something we still
17 don't know for sure as it is to stop it.

18 So it -- you know, everybody -- the
19 schools, they meet all the time. You can go back
20 and pick up other schools. That's not a problem.

21 THE CHAIR: Do you have any scheduled in
22 the next three weeks?

23 MS. POULOS: Madam Chairwoman and
24 Commissioners, quite frankly, my team is overloaded,
25 now that we're on the site visits. So I think

1 unless they -- and I don't believe they found any
2 that were scheduled at the same time as the site
3 visits. They are kind of on an informal hiatus,
4 simply because of the inability to find the time.

5 THE CHAIR: So we can go forward just with
6 that hiatus; and, therefore, we don't need to vote
7 on anything.

8 MS. POULOS: And I will just say, they do
9 look at the schedules when they have time to
10 determine whether they're able to do it. I've
11 really left that up to them. So I have not given
12 them a directive. All I'm saying is right now, for
13 the next few weeks, as they conduct site visits,
14 they are unable to go to any governing board
15 meetings.

16 THE CHAIR: Are we comfortable with
17 believing that we're okay until November? I think
18 so. So we're good. So we will.

19 (Chair consults with Commission counsel.)

20 THE CHAIR: Okay. Are we -- we're good?
21 All right.

22 So now we are on to No. 7, which is
23 Discussion and Possible Action on the 2017 PEC
24 Meeting Calendar.

25 And, Commissioner Peralta, I'll turn it

1 over to you, and thank you for the work on this.

2 COMMISSIONER PERALTA: All in favor? No.

3 Actually -- so what you have -- I don't
4 know how much time you've had to -- this may be your
5 first look at it. But I think I got a response from
6 a few Commissioners on, you know, any specifics or
7 recommendations on devising a -- a draft.

8 This is basically the first draft,
9 bulleted, for you to take a look at. And I would
10 suggest that if it's your first time looking at
11 this, that you take the next few days or so to, you
12 know, check your calendars, maybe check some things
13 that maybe I've missed. And if you'd e-mail me
14 back -- I think, Madam Chair. If you -- when do you
15 want to make a decisive vote on this? December?

16 THE CHAIR: December, yeah.

17 COMMISSIONER PERALTA: We've got some
18 time. Again, this is just a draft document that you
19 see before you. So I think the -- the most common
20 request was to keep it back to the traditional
21 Fridays, and then go from there.

22 COMMISSIONER TOULOUSE: Madam Chair, my
23 only comment is the one on September 1st, where we
24 tried to go back to where the law says we have to
25 approve by the end of August -- that's why we met on

1 the 31st of this year. That's my only comment.

2 Do we get people to waive one day when
3 we're making the decision on any new applications,
4 or --

5 MS. POULOS: Madam Chair, Commissioner,
6 the law says September 1st.

7 COMMISSIONER TOULOUSE: Oh, it does.

8 THE CHAIR: That's why we can meet on
9 September 1st, which meets on Friday.

10 COMMISSIONER TOULOUSE: Otherwise, you did
11 a good job.

12 THE CHAIR: Commissioner Johnston?

13 COMMISSIONER JOHNSTON: How do work
14 sessions factor into this? How --

15 THE CHAIR: Work sessions are generally
16 the Thursday before. But they're on a "needs to"
17 basis. But I have to be honest with you; they're
18 becoming almost every Thursday before.

19 COMMISSIONER JOHNSTON: Thank you. That's
20 what I was asking. Thank you.

21 THE CHAIR: The only time we generally
22 don't have one is when we have the renewal hearings,
23 because they -- it could be -- the new applications
24 could be more than one day, depending on the number
25 of applications. The renewal hearing times, those

1 are times when we normally don't schedule an
2 additional work session, as well.

3 But just to let Commissioner Peralta know,
4 that we also, yesterday, talked about adding, in
5 February, through the discussion that we had about
6 the rollout of the benchmarks -- I'm sorry, not the
7 benchmarks -- the improvement plan and the
8 monitoring, that we talked about having input
9 hearings from the charter schools through the month
10 of February. And that will be discussed a little
11 bit further with that letter.

12 But just so that the Commissioners know
13 that there's a potential for, I would say, at least
14 three or four.

15 COMMISSIONER JOHNSTON: That's fine. I
16 just was --

17 THE CHAIR: Depending on how many, you
18 know, areas we want to cover. So that those are
19 days in February that'll most likely be added to the
20 calendar, hopefully, as soon as possible, so that
21 we -- we can find places. Because that's going to
22 be a challenge. We'll be on the road, so that we'll
23 have to find meeting locations for those.

24 COMMISSIONER ARMBRUSTER: And I --

25 THE CHAIR: Commissioner Armbruster?

1 COMMISSIONER ARMBRUSTER: Thank you,
2 Gilbert, for making January in my consideration.

3 If we have -- and we don't know this, of
4 course -- but depending on how many applications we
5 get for new schools -- so would we need to add here
6 in, you know, these -- those new school -- when we
7 look at their applications?

8 THE CHAIR: You mean the July 17th to the
9 21st?

10 COMMISSIONER ARMBRUSTER: I know that
11 that's our --

12 THE CHAIR: When we're voting on it?

13 COMMISSIONER TOULOUSE: We'll know then.

14 COMMISSIONER ARMBRUSTER: So those are
15 probably going to add days on to a couple of days,
16 is what I'm saying.

17 THE CHAIR: Well, you know, I'm just
18 stabbing at this. Based on recent history with the
19 number of new applications, I'm going to say
20 there's -- it's unlikely --

21 COMMISSIONER ARMBRUSTER: Okay.

22 THE CHAIR: -- that we're going to be
23 overloaded with new applications. Depending on how
24 many schools are up for renewal, that could
25 potentially add -- as it did today, it -- this year,

1 it rolled it into three, as opposed to just two
2 days; so that there is always flexibility and
3 changes in that calendar due to those kinds of
4 issues.

5 COMMISSIONER ARMBRUSTER: That's fine. I
6 just wanted to make sure that what I was looking at
7 was correct. I'm fine.

8 THE CHAIR: I'm going to say that it's, in
9 all likely, that we won't cover the 17th through the
10 21st with the input hearings, unless we're all --
11 literally all over the state so that we're just
12 eaten up with travel time there.

13 COMMISSIONER TOULOUSE: Madam Chair, then
14 that gives us time, as we've done the last two
15 years, to throw a meeting in there.

16 THE CHAIR: To throw a meeting in July.
17 Just so that Commissioner Johnston knows, that we
18 don't have a regular meeting scheduled in July; but
19 sometimes in the middle of the community input
20 hearings, we'll have one, if -- especially if a
21 school has an amendment that they need dealt with
22 before the school year starts, as we did this year
23 in Taos, so that we could hear a school.

24 COMMISSIONER JOHNSTON: Thank you.

25 THE CHAIR: Commissioner Conyers?

1 COMMISSIONER CONYERS: I would like to, as
2 everyone else has done, commend Commissioner Peralta
3 for this and say, "This works perfect for my
4 schedule." And so that's why I like it, I guess.

5 THE CHAIR: And it's all about him.

6 COMMISSIONER CONYERS: Right, right.
7 Those of you that know me have noticed that, I'm
8 sure.

9 But, anyway, I do -- this was great. And,
10 of course, we will, I guess, have to decide on some
11 of the locations when the Legislature is meeting and
12 so on.

13 THE CHAIR: Right. Fortunately, we're
14 in -- in January, right before the Legislature
15 begins.

16 COMMISSIONER TOULOUSE: There may be
17 interim hearings.

18 THE CHAIR: I know; but there's interim
19 hearings -- LESC has often been meeting when we've
20 had our regular meetings. So I don't think that's
21 going to create the parking and/or hotel issue as a
22 full, regular session does create. February will be
23 an issue.

24 COMMISSIONER TOULOUSE: And March.

25 THE CHAIR: Right, February and March. So

1 we'll deal with that when December rolls around.
2 We'll make a decision on whether we want to be
3 someplace else in February and March.

4 COMMISSIONER ARMBRUSTER: I hesitate to
5 say this, but -- because it's great for me, but not
6 so much for you all -- is would you like me to check
7 Los Alamos? Because we -- you know, we're not
8 super-busy with hotels, and we might be able to
9 find -- but it's farther for you to go.

10 COMMISSIONER TOULOUSE: Going up that
11 hill?

12 COMMISSIONER ARMBRUSTER: Oh, yeah, right,
13 the hill.

14 THE CHAIR: I would say, for two reasons
15 no, in February and March. I'm concerned with
16 weather in February and March. As much as I
17 certainly enjoy that extra drive, I'm going to
18 respectfully decline your offer and try to move a
19 little south in the wintertime for a meeting, as
20 opposed to north.

21 COMMISSIONER ARMBRUSTER: I understand. I
22 totally understand. I just thought I should try, if
23 that was possible.

24 THE CHAIR: I'll certainly offer someplace
25 in Las Cruces. And I don't even know where, but --

1 okay. So we will take a vote in December.

2 So if you have any other thoughts, please
3 feel free to contact Commissioner Peralta on those.
4 And thank you once again for your -- for your work
5 on this.

6 We are on Item No. 8, Discussion of
7 Possible Action on the Charter School Self
8 Assessment Time Line. I think we had a reasonably
9 good discussion yesterday and came to, I think, a
10 fair -- and as I just mentioned, the -- fair to the
11 charters as well -- because we're hoping to hear
12 from them and get their input on this process as we
13 begin to roll out this assessment time line.

14 So I think it's a partial win-win for
15 everyone on this. So that you've all been given in
16 your -- you were -- you were actually mailed
17 copies -- oh, no, you weren't. We were. Was every
18 Commissioner --

19 MS. POULOS: Every Commissioner, except
20 the new Commissioner, was mailed a packet.

21 THE CHAIR: Commissioner Johnston? Okay.
22 I thought I read the letter. I guess I read the
23 letter incorrectly. I thought it just said
24 "Executive Committee." But I already had it, so,
25 honestly, I didn't pay that much attention to it,

1 because I already had it.

2 You had it in your packet. We did go
3 through it yesterday at the work session. If anyone
4 has any additional comments, concerns, about this,
5 now is the time to -- to address them.

6 As I mentioned, we're looking at -- and
7 the Charter School Director did send out the draft
8 letter late last evening that came via e-mail, and
9 we have a copy of it that was placed by your binder.
10 So that is the draft letter. Hopefully, you've had
11 an opportunity to look at it, so that if we need to
12 make any changes to that, and that we are looking at
13 having some valuable conversations with the charters
14 in February to see how this is done.

15 This is a trial period this year to do
16 this.

17 COMMISSIONER ARMBRUSTER: And, like, a
18 rough draft.

19 THE CHAIR: Right, right. So we want to
20 roll it out, see how it goes, and hear from the
21 charters in February, and be able to make whatever
22 modifications we feel necessary after February,
23 based on how things have gone.

24 We'll have a report from Charter School
25 Division on how it went. We'll have the -- we'll

1 have input from the charters. And that, hopefully,
2 we'll have a final in the spring.

3 Commissioner Armbruster?

4 COMMISSIONER ARMBRUSTER: And I didn't --
5 sorry, Katie -- read this last night, because I was
6 busy, and I'm just glancing now. I just wanted to
7 make sure, because I had suggested that when schools
8 finished their short-cycle assessments and choose a
9 date -- I don't really care -- between
10 June-something and something else, that they had to
11 send the data in a different manner than what they
12 had done in the past. And I wanted that to be open.

13 Does that sound right, Katie? That we
14 were talking about when they get their short-cycle
15 assessment, some date -- I don't know that I said
16 it, and I don't care when -- but from between
17 June-something and something; not just on the day,
18 but between June-something and something else that
19 the data they sent to CSD, noting how they did on
20 their performance framework? Remember that they had
21 to send something, other than a --

22 MS. POULOS: Madam Chairwoman,
23 Commissioner Armbruster, I believe this
24 communication reflects that.

25 COMMISSIONER ARMBRUSTER: Okay.

1 MS. POULOS: Certainly, I would appreciate
2 input if the Commissioners feel that it doesn't
3 reflect that. But it does make clear to the school
4 that we're asking -- and some of the audience is
5 kind of abuzz, because they feel like they haven't
6 seen the materials; and so I kind of want to give
7 them a context, if you don't mind, in a minute.

8 But the -- the deadlines that are in there
9 would reflect that at the semester, they would
10 submit data about their performance on their goals
11 as far as first semester goes. And so that would
12 certainly be a change, in that they would be
13 providing the data earlier; so it would help them
14 understand that we're looking for that actual data.

15 But I believe the communication also
16 reflects that. We will certainly be providing
17 training to ensure everybody understands what that
18 means; because I think my team has been working on
19 evaluating last year's data and finding, very
20 clearly, that the data is missing and not available,
21 and we're only getting the big-picture summary, not
22 the actual data that supports that.

23 So I think that does reflect that input.

24 THE CHAIR: Right; because the letter does
25 say, "Data with student identifiers."

1 COMMISSIONER ARMBRUSTER: I just wanted to
2 make sure this is as clear as possible; because
3 everybody gets huge amounts of information. And I
4 just want to be clear on exactly what we wanted, so
5 they're not in trouble thinking, "Well, I thought I
6 sent what you said you wanted."

7 So that was my point.

8 MS. POULOS: And, Madam Chairwoman and
9 Commissioner Armbruster, the point of actually
10 asking for data to be submitted at the semester, I
11 think we talked about yesterday, is kind of twofold:
12 One is so we know that they're actually
13 administering assessments, collecting the data and
14 utilizing it. The second purpose is really ensuring
15 that if they submit something at the semester that
16 doesn't meet the expectations, that doesn't support
17 the goals, that we have the opportunity and time to
18 tell them that, rather than waiting until the end of
19 the year to say, "This isn't what the Commission
20 needs," and have that conversation with them.

21 COMMISSIONER ARMBRUSTER: That's good. I
22 just wanted to clarify that I was on the same page
23 as you were.

24 MS. POULOS: And, Madam Chairwoman, do you
25 mind if I give the audience a little context?

1 THE CHAIR: Certainly. Certainly.

2 MS. POULOS: So what's at discussion here
3 is materials that have been presented to the
4 Commission in the past -- it was, I believe,
5 presented at the last meeting last month and is in
6 the materials again on the website that were
7 available for today's meeting -- what it really
8 intends to do is put a lot of the burden on CSD for
9 making sure that compliance data that's being shared
10 with the schools from different bureaus and PED is
11 consolidated within the Web EPSS so that we're not
12 asking the schools to do that.

13 And so when the schools are self-assessing
14 on where they are and where they need to improve,
15 Web EPSS is really the place where they can do that.
16 And as they make corrections that are maybe required
17 by Bilingual Multicultural or SpEd, that we get the
18 information -- the CSD gets that information from
19 SpEd, rather than asking the school to report it
20 multiple places that that compliance issue has been
21 addressed; and so that when, at the end of the year,
22 we are rating those performance frameworks, it's
23 based on a good collection of data that occurred
24 through the year; but, also, the school has had that
25 data through the year and has been flagged when

1 there may be a concern so that it's not a surprise
2 at the end of the year.

3 And so the discussion yesterday reflected
4 that we were interested in, I believe, rolling this
5 out as a trial period, ensuring that we were getting
6 feedback from the schools in February, as this was
7 going on, and making sure that this is a process
8 that works for everyone to ensure that we're able to
9 get well-rated performance frameworks based on a
10 whole collection of data that's necessary.

11 THE CHAIR: Can I just add? I -- because
12 I just need a clarifier, and I think maybe the
13 schools might.

14 When we're looking at the August 31st time
15 frame and the final evaluated performance framework,
16 does that also include the financial? Because
17 there's -- that's -- I want to make sure that we
18 have the financial component clearly in -- in this.

19 MS. POULOS: Madam Chairwoman, absolutely;
20 and it's intended to, and, hopefully, we'll have it
21 by then, because it will have been built, again, off
22 of all the quarterly reporting.

23 I think, at some point, it's worth a
24 discussion where I've seen in other states that some
25 of that data may actually lag a year. So when

1 you're evaluating the '15-'16 framework, you can do
2 it after a full year of data from the prior year. I
3 think that's worth consideration.

4 But I think at this point, the way that
5 we're trying to roll this out is there's quarterly
6 reporting. So after the first quarter, we would
7 know of any flags or any concerns. Those would be
8 put into Web EPSS; after second quarter, same thing;
9 after third quarter -- and so when that report was
10 finalized, the fourth quarter reporting would have
11 occurred. There's a faster turnaround and a faster
12 expectation on that.

13 THE CHAIR: Okay. All right. Thank you.
14 Any other questions? Concerns?

15 So I don't think we're doing a motion at
16 this point in time in accepting this, because it's a
17 draft.

18 COMMISSIONER TOULOUSE: Madam Chair, don't
19 we have --

20 THE CHAIR: I guess we do have to make a
21 motion on adopting the draft. Okay. Yeah.

22 So I will entertain a motion on the Draft
23 Charter School Self-Assessment Time Line.

24 COMMISSIONER TOULOUSE: Madam Chair?

25 THE CHAIR: Commissioner Toulouse?

1 COMMISSIONER TOULOUSE: I move that the
2 Public Education Commission, at this time, adopt the
3 Draft Performance Time Line that we discussed, and
4 that it be used in a pilot process with -- with
5 input in February from the schools, at which point
6 we will make a final determination.

7 THE CHAIR: Do I have a second?

8 COMMISSIONER CONYERS: I'll second.

9 THE CHAIR: Commissioner Conyers seconds.

10 Commissioner Armbruster, roll-call vote,
11 please?

12 COMMISSIONER ARMBRUSTER: I will. So a
13 "yes" vote, it's going to be to adopt this?

14 THE CHAIR: To adopt this draft, yes.

15 COMMISSIONER ARMBRUSTER: Okay.

16 Commissioner Toulouse?

17 COMMISSIONER TOULOUSE: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Chavez?

20 COMMISSIONER CHAVEZ: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Conyers?

23 COMMISSIONER CONYERS: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Peralta?

1 COMMISSIONER PERALTA: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Johnston?

4 COMMISSIONER JOHNSTON: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner
6 Gipson?

7 THE CHAIR: Yes.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Armbruster votes "Yes."

10 That is a seven-to-zero vote to pass that.

11 THE CHAIR: Thank you. And the motion
12 passes by a seven-to-zero vote. Thank you very
13 much.

14 We are on to Item No. 9, which is
15 Discussion and Possible Action on Renewal
16 Guidelines.

17 Everyone was e-mailed yesterday the
18 renewal guidelines. Beverly sent them out last
19 evening. They -- there is not a hard copy here in
20 the -- in the notebook.

21 MS. ANNJENETTE TORRES: Madam Chair,
22 Beverly did leave hard copies for anybody who would
23 like one. And I can pass those out, okay?

24 THE CHAIR: Right. And I'm going to ask
25 the Commissioners that remained if there was any

1 additional changes that were made to this after I
2 left yesterday. But I will note that there was the
3 recommendation that the -- come close to be removed
4 from that No. 2, "Academic," that it just be, "The
5 school has met its academic," not "or come close
6 to."

7 COMMISSIONER ARMBRUSTER: And I am looking
8 for my paper from yesterday. But what I recall was
9 my interest was in what they were doing with SAT
10 meetings, and if they were actually looking and
11 evaluating possible special ed students --

12 THE CHAIR: Which number are we looking
13 at?

14 COMMISSIONER ARMBRUSTER: I guess it would
15 be under "2," when you were talking about
16 proficiency, growth -- I don't know. Maybe it's
17 "Operational." I'm not sure where it should go,
18 Pattie. I'll let you decide.

19 THE CHAIR: Are we looking at "Access and
20 Equity" in terms -- because "Access and Equity" is
21 IEP goals, and --

22 COMMISSIONER ARMBRUSTER: But not only the
23 goals. I was just sort of curious. Have you had
24 SATs? Have you been looking for students?

25 I totally trust that they're taking care

1 of IEPs when they're already there. And you guys
2 were gone. That's why we couldn't discuss it.

3 THE CHAIR: Well, okay. So let me ask
4 you. In No. 4, "Access and Equity."

5 So when the statement is there, "The
6 school uses clear procedures for identifying," or --

7 COMMISSIONER ARMBRUSTER: So maybe I
8 missed it.

9 THE CHAIR: And it's the -- right with
10 No. 4, "Access and Equity."

11 "The school uses clear procedures for
12 identifying at-risk students, ELL," and so on?

13 COMMISSIONER ARMBRUSTER: That's fine.

14 THE CHAIR: Does that cover that?

15 COMMISSIONER ARMBRUSTER: Yes.

16 MS. POULOS: Madam Chair and Commissioner
17 Armbruster, I did also want to mention that actually
18 the RTI and SAT process, because it's required by
19 law, is part of the protocol that our team is using
20 to conduct their site visits. And so they, very
21 specifically, look at that plan that each school
22 has, look for evidence that it's being implemented.
23 And so that can certainly be part of the renewal
24 report.

25 I think that the information you're

1 requesting here will help us understand how to
2 structure the renewal reports.

3 THE CHAIR: All right.

4 COMMISSIONER ARMBRUSTER: That's fine.

5 THE CHAIR: So is that the only other --

6 COMMISSIONER TOULOUSE: And, Madam Chair,
7 when you had left the room in the discussion, we
8 mostly discussed that a lot of the questions that
9 people were having would come out of the site visit
10 information, that we didn't need to nitpick or go in
11 there and micromanage, because these are things that
12 are generally reviewed at a site visit, that
13 background checks are done, you know, that the IEPs
14 are up-to-date, you know, all of those things.

15 We don't have to ask that specifically,
16 because it's already been provided to us. So that
17 was that discussion.

18 THE CHAIR: And just for those that
19 weren't there yesterday, what I also thought, this
20 would help to generate the presentation from the
21 schools, when they're coming up for renewal, because
22 they know what we're looking for, so that this helps
23 to incorporate the fabric of that conversation from
24 the schools.

25 So now my -- I'm going to dig into the

1 woods a little bit shortly -- briefly, I hope -- is
2 that my question is, because there are some
3 specifics in here that this is a short-term notice
4 for some schools -- as an example, that the report
5 card grade of three-year average, no lower than a C.

6 For a school that's renewing this year,
7 this is a new -- so yesterday, part of the
8 conversation was that some of these are good for the
9 going forth; but for this year, it's a somewhat
10 unfair benchmark to tell the school, now that
11 they've already filled out their -- and turned in
12 their renewal application, "Oh, by the way, this is
13 what we're going to hold you to this year."

14 I think these are, overall, a general good
15 benchmark that we can use; but I think we agreed
16 this year that this, similar, is a draft, and this
17 is not 100 percent what schools will be judged on
18 for this current renewal cycle; because there's
19 not -- it hasn't been fair notice that this is what
20 they're going to be -- be held to.

21 And there is always -- I do believe that
22 there has to be a qualifier statement in there that
23 the PEC always has the right to renew, authorize a
24 school, with -- on a shorter term, with conditions,
25 that may not have met these standards, that there's

1 always that unknown that's -- that's there.

2 COMMISSIONER ARMBRUSTER: And I think that
3 we did this with the thought that, for a really good
4 school, in the future, so to speak, these are the
5 points that we would be looking at.

6 So if the School X doesn't present all
7 those, and we're asking for those, then they should
8 be looking at doing them; not as a punishment, but
9 just as where we were going.

10 THE CHAIR: Right. And as a result of
11 these now being out there, schools know what -- you
12 know, what they need to -- what direction they need
13 to go in.

14 Yes, Commissioner Chavez?

15 COMMISSIONER CHAVEZ: Yeah. So I just had
16 a -- and you might have already said it, and I may
17 not have caught it. But are we going to allow the
18 schools the opportunity to comment on these? Do you
19 anticipate changes to these? Or this is already
20 something that we're following in terms of what we
21 look at when schools are renewing?

22 THE CHAIR: We have not adopted these.
23 These -- we discussed these yesterday in the work
24 session. This is the first time we've looked at
25 them. My intention for this year was to primarily

1 use these as a guide when we were looking at
2 renewal. These are most of the things that -- these
3 are what we would like to see, but that we can't
4 hold the schools completely accountable to all of
5 these for this renewal cycle, because we had not
6 adopted them with enough time for them to -- to
7 understand.

8 But certainly, I am more than willing to
9 have this as part of the conversation in those
10 February meetings, as well, when we're looking at
11 the -- the assessments, that I have no issue with
12 making this part of the conversation is all.

13 This is what we've also looked at for
14 renewals. Granted, the -- these affect fewer
15 schools every year. It could be just a handful of
16 schools next year. This year, it is 13 that are up.
17 But I don't know how many are up for renewal next
18 year. It could be just two or three. But I'd
19 certainly welcome that.

20 COMMISSIONER CHAVEZ: That wasn't in my
21 proposal. I wasn't proposing that we add that to
22 it. I was just wondering if you were thinking that.
23 I guess I just had a -- you know, just a couple of
24 questions in terms of, you know, just some
25 specifics.

1 THE CHAIR: Sure.

2 COMMISSIONER CHAVEZ: And one of them is
3 in No. 2, you know, it says, "The school has met or
4 come close to meeting its academic goals." So sort
5 of what does "come close" mean?

6 THE CHAIR: When I opened, we took out,
7 "comes close to."

8 COMMISSIONER CHAVEZ: Okay. I missed that
9 then. Okay. All right. All right.

10 THE CHAIR: That it's just the school --

11 COMMISSIONER CHAVEZ: "Has met."

12 THE CHAIR: After I put it in and I reread
13 it, it's, like -- yeah. It was -- it was too vague.

14 COMMISSIONER CHAVEZ: Yeah.

15 THE CHAIR: So, yes, we did talk about
16 that yesterday, and we have proposed to take those
17 words out.

18 COMMISSIONER CHAVEZ: Okay. And then
19 there's a couple of sections where it talks about
20 staff retention, and staff retention should be high.
21 Do we have sort of a -- you know, what that means in
22 terms of percentages?

23 THE CHAIR: We have a percentage.

24 MS. POULOS: Madam Chairwoman and
25 Commissioner Chavez, there is a percentage in the

1 performance framework. I believe it's 80 percent.
2 I would actually put forward, though, that I have
3 some questions about it, because there's a couple of
4 ways you could measure it right.

5 You could measure it from the beginning of
6 the year to end of the year. You could measure it
7 from end of the year to beginning of the year. You
8 could measure it from beginning of the year to
9 beginning of the year. And so I think, quite
10 honestly, those are things that we're going to have
11 to come to terms with and figure out what is the
12 process.

13 The same thing with student retention;
14 because right now, it's unclear how it's being
15 measured. And that can show us substantially
16 different pictures.

17 THE CHAIR: Right. I agree. And when we
18 look at the performance framework, though, I think
19 some of those are issues that can be answered when
20 we're looking at wordsmithing the performance
21 framework. But there is -- and I couldn't honestly
22 remember what that percentage was; so I just put
23 that in there, knowing that there was a percentage
24 that we currently have in the -- in the performance
25 framework.

1 COMMISSIONER CHAVEZ: Okay.

2 COMMISSIONER ARMBRUSTER: And I think that
3 we, also -- when we were doing the performance
4 frameworks and schools were saying, "Well, we had --
5 we only retained 70 percent of our staff," and they
6 said, "Well, two people, a spouse moved, one
7 retired," those are not the same as they just left
8 the school. There's reasons for things.

9 And the same thing would be for students.
10 This family of six children moved. That's a
11 significant amount, if you only have 50 kids, you
12 know. So there are reasons. And I think we always
13 allowed the schools to specify why people left.

14 THE CHAIR: You're right. And when you're
15 looking at small schools, one staff member
16 leaving --

17 COMMISSIONER ARMBRUSTER: Could be
18 50 percent of your staff.

19 THE CHAIR: Could tick that bell, that,
20 "Oh, there's a problem."

21 Commissioner Conyers?

22 COMMISSIONER CONYERS: Yeah. I'd like to
23 kind of go along with what you're saying, that
24 failure to meet any particular one of these
25 benchmarks wouldn't mean someone would not be

1 renewed.

2 And part of the discussion yesterday, at
3 the suggestion of the CSD Director, that I really
4 liked, was establishing a set of benchmarks that, if
5 a school meets all of those, then they could expect
6 to be approved, you know, that would be kind of
7 automatic. And I'd like to see us work on that. I
8 think that would be a good thing. It would help the
9 schools to know that, you know -- not wondering
10 who's in what kind of mood that day, kind of thing.

11 THE CHAIR: Correct.

12 COMMISSIONER CONYERS: So I think that
13 would be a great thing.

14 THE CHAIR: Yes, that's an important
15 point. And I think we did make part of the
16 conversation yesterday that, number one, being on
17 these benchmarks, it's there for a reason, that
18 there is the potential that if the school's not
19 meeting their mission, that could be a --

20 COMMISSIONER ARMBRUSTER: Deal-breaker.

21 THE CHAIR: -- a deal-breaker for
22 non-renewal; because you created the school with
23 this specific mission. And if you're not meeting
24 your mission, that potentially could be that
25 deal-breaker.

1 But beyond that, you're right. None of
2 the others are real deal-breakers here. But I do
3 appreciate, and I think that's a valuable idea that,
4 for a school, "If I know I've met these, then, you
5 know, maybe we don't have to go -- maybe we can look
6 at not having to go through that lengthy, whole
7 renewal process that day," that there's some kind of
8 system that we can do that just gives them that
9 automatic renewal.

10 But that's something that we can certainly
11 look at, because I think it would be beneficial to
12 everyone involved with that.

13 Commissioner Johnston?

14 COMMISSIONER JOHNSTON: Thank you,
15 Madam Chair. I would like to thank you for the work
16 that you have put into this. The work session
17 yesterday was my very first Commission meeting. I
18 did, however, attend the NACSA session, and then I
19 was at the LESC meeting to hear the follow-up after
20 you had -- after they had presented their
21 evaluation. And I know that much of the work that
22 you've done on this, if not all of it -- I'll say
23 all of it -- is the result of things that were
24 addressed in the evaluation.

25 COMMISSIONER TOULOUSE: No.

1 COMMISSIONER JOHNSTON: Well, then, if I'm
2 incorrect, that's my perception; because I know how
3 diligently you had to work to put all of this
4 together and the hours that you said yesterday, in
5 the work session, that you have spent collaborating
6 with those folks and with Charter School Division.
7 And while these may be broad strokes, finding the
8 broad strokes was hard work. So thank you.

9 THE CHAIR: Well, I appreciate it. And
10 this is something that we've been talking about for
11 a long time, that there needs to be -- it's fair and
12 transparent to the schools that they understand kind
13 of what's going through our mind when we're trying
14 to make a decision, so it just doesn't seem
15 arbitrary and capricious to them, oh, you know,
16 depending on what mood someone is in:

17 It's like, "No, I'm not going to -- you
18 know, I did that, so I'm not going to renew them,
19 because that's just the pattern I'm creating." So
20 that I think it's fair for the schools to know,
21 going forward, what's -- what we're looking for.

22 COMMISSIONER JOHNSTON: And I thank you.

23 THE CHAIR: Well, I appreciate it.

24 So I will ask for a motion to adopt the
25 draft of the renewal benchmarks.

1 COMMISSIONER CHAVEZ: I'll make a motion.

2 THE CHAIR: Commissioner Chavez?

3 COMMISSIONER CHAVEZ: I make a motion that
4 we accept the draft of the renewal benchmarks.

5 THE CHAIR: If you could please add, "as
6 edited"?

7 COMMISSIONER CHAVEZ: As edited.

8 THE CHAIR: Because we took out a couple
9 of words.

10 COMMISSIONER CHAVEZ: As edited.

11 THE CHAIR: Thank you.

12 Do I have a second?

13 COMMISSIONER ARMBRUSTER: Second.

14 THE CHAIR: Second by Commission
15 Armbruster.

16 Roll call, please, Commissioner
17 Armbruster?

18 COMMISSIONER ARMBRUSTER: Commissioner
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner
22 Gipson?

23 THE CHAIR: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner
25 Peralta?

1 COMMISSIONER PERALTA: Yes.

2 COMMISSIONER ARMBRUSTER: Commissioner
3 Toulouse?

4 COMMISSIONER TOULOUSE: Yes.

5 COMMISSIONER ARMBRUSTER: Commissioner
6 Johnston?

7 COMMISSIONER JOHNSTON: Yes.

8 COMMISSIONER ARMBRUSTER: Commissioner
9 Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner

12 Armbruster votes "Yes." That is seven votes for the
13 motion.

14 THE CHAIR: Thank you. And the motion
15 passes, seven to zero.

16 On to No. 10, Report From The Chair. And
17 I think we agreed to leave letter A until we have
18 all the new Commissioners on. It doesn't make any
19 sense to make any changes to liaison roles and what
20 committees you're serving on for November and
21 December.

22 So that just as -- so the new Commissioner
23 is aware, there are subcommittees that the
24 Commissioners do serve on. Some are active, and
25 some are inactive. So that's part of what we're

1 trying to look at, at this point in time, is to see,
2 are there any of those subcommittees that we simply
3 need to eliminate, because they -- they don't
4 actively meet, or members of the PEC are not invited
5 to them, and if that's the case, why?

6 COMMISSIONER JOHNSTON: Okay. Thank you.

7 THE CHAIR: But that is something that
8 we're holding off until January.

9 I have --

10 COMMISSIONER ARMBRUSTER: Just to add on
11 to that, I thought, at some time, we were going to
12 maybe just have three sentences -- it's not a long
13 thing -- about what that entails, each of these
14 committees, for people who have gone to them.

15 I will say that I have not gone to one of
16 which I'm the second person on, which is the
17 New Mexico Library Commission. And I know that
18 Millie goes. But I'm not sure what that entails.
19 And I think an informed decision as to what you're
20 getting yourself into might be nice.

21 THE CHAIR: Okay. Sure. We can do that.

22 COMMISSIONER ARMBRUSTER: And, again, it
23 doesn't have to be until January; but I think before
24 we --

25 THE CHAIR: But if there are Commissioners

1 who are serving on one of those committees, and they
2 won't be on in January, it'll be important to get
3 that information from them now; right?

4 Right.

5 So we will certainly look at that.

6 I don't have much to report. The Deputy
7 Secretary did indicate that we've been in not very
8 successful, but ongoing, discussions about
9 negotiations on the facilitator. I hope that things
10 will be resolved by next week; but we shall wait and
11 see. So that's the end of my remarks at this point
12 in time.

13 An update from the Charter Coalition.

14 MS. KELLY CALLAHAN: Good morning,
15 Commissioners. Thank you again for the opportunity
16 to share with you kind of the work that's going on
17 with the New Mexico Coalition.

18 I just wanted to piggyback a little bit on
19 what Deputy Secretary Aguilar talked about in terms
20 of the Legislative Special Session that just was
21 completed yesterday.

22 There was a lot of work that the Coalition
23 did in conjunction with several organizations
24 that -- and I bring this up because it's typically
25 not a group that collaborates together. And so the

1 New Mexico Coalition of Educational Leaders and the
2 New Mexico School Boards Association, along with
3 Albuquerque Public Schools, in the interest of all
4 public schools, really did a lot of work with
5 legislators and, really, I think, emphasizing the
6 importance that K-12 education needs to be
7 protected.

8 And -- and thankfully, while any education
9 cut is devastating, we were limited to the
10 1.5 percent, rather than the 5-and-a-half that the
11 rest of the agencies are taking, and the avoidance
12 of losing the cash balances. And, again, this is
13 a -- it's a stopgap for now. But I think the
14 important point is that that collaboration with
15 those organizations is something that the Coalition
16 is really working on to close the divide about
17 charter schools and districts, traditional schools.

18 We're all public schools and these are all
19 of our kids. And whatever is available as -- in
20 terms of choice for our families and students, I
21 think, is critical. And the way that we work in
22 building education up totally is going to make
23 education better for all of our kids. And charters
24 is one option.

25 We're looking at hopefully working with

1 the public schools, the traditional public schools,
2 to offer some other options that kids can have
3 available, via magnet schools or alternative
4 schools; because we're seeing that that is what's
5 going on. So I think that the legislative push and
6 the work that happens at that -- on that side of
7 policy is important to do collaboratively, as public
8 schools; it's not "Us versus Them."

9 And so I thought that that was a really
10 important step that we've been -- we've been working
11 with them informally, and we actually came together,
12 which I thought was really valuable, and I hope will
13 continue into the Regular Session.

14 Also, just a little bit of an update, that
15 the Coalition -- we've talked a little bit about the
16 committees that are -- that our organization is
17 working on to address certain legislative platforms
18 that we're facing as we come into the new session.
19 And, obviously, funding is a huge one.

20 There was some legislation that was
21 brought forth last year that could have been pretty
22 damaging to charter schools, and
23 charter-school-specific, which was a big part of the
24 problems that we had with that bill, is that there
25 was targets of just charter schools.

1 So we're working with a couple of
2 legislators and with school leaders and business
3 managers and the school districts to come up with an
4 alternative to that Funding Formula bill that came
5 out last year, keeping in mind that, again, we need
6 to be thinking collectively as to what is equitable
7 for all students.

8 And so we -- I think I'm very encouraged.
9 We're making progress as to how we can be prudent
10 with the public funding, but also equitable for
11 district and charter schools.

12 And so we are continuing to work, and will
13 work all the way up to the Session, to have a bill
14 that we would like to present in January.

15 Just -- we're working on the facilities.
16 I think I mentioned a few meetings ago that we did a
17 report of the Albuquerque area schools on the
18 facilities. There was a survey about the kinds and
19 levels and prices of facilities and what the plans
20 were for the schools, specifically, in Albuquerque.
21 We're hoping we'll be able to do that throughout the
22 state as it moves forward.

23 But this is the
24 Department-of-Education-backed survey that we worked
25 with the Colorado League of Charter Schools, who are

1 the program manager of the grant.

2 And we should have, at the conference, the
3 preliminary report that the Department of Education
4 and the Colorado League is putting together, based
5 on our survey results, which I think will also help
6 inform some of the legislative -- so, Commissioner
7 Peralta, one of the intentions is sharing that
8 report with PSCOC, and, you know, working very --
9 very much transparently about what the information
10 is, and hopefully, again, informing policy
11 directions and possible funding solutions for the
12 facilities issues for charter schools.

13 So hopefully, that will be good
14 information.

15 Just a conference update. When I get back
16 in the office on Monday, Commissioner Johnston, I
17 will ensure that you get an invite. This is a -- as
18 a guest of the Coalition for our conference.

19 Right now, I have Commissioner Gipson,
20 Toulouse, Armbruster, and Shearman, who want to sit
21 on the panel. Is there anybody else that -- we're
22 doing the confirmation letters; that's why I want to
23 make sure.

24 Is there anybody else that wants to serve?
25 It's a presentation panel about authorizer

1 relations. We will also have Albuquerque Public
2 Schools and Las Cruces Public Schools represented.
3 If you are interested in being a part of that panel,
4 please let me know.

5 And Commissioner Gipson, Madam Chair, I
6 will kind of work through you, if you have any
7 others that would care to be part of that.

8 The other thing I'm going to do is I'm
9 doubling-checking on everybody's registration. So
10 if you haven't registered, and you'd like to, please
11 go ahead. If you have, I will double-check and make
12 sure that you are on as our honored guests.

13 So -- and that, again, is October 27th and
14 28th, Thursday and Friday, of the last week of
15 October.

16 And then just one last thing: We are
17 working -- the Coalition is working with Albuquerque
18 Public Schools. I think we shared at the last
19 meeting that they have a new liaison, a new
20 director, Joseph Escobedo. And he reached out to us
21 to work with him in collaboration on their renewal
22 process.

23 Historically, APS hasn't had a lot of new
24 applications, and their renewals have been emulating
25 what the State has been doing. But they've done a

1 lot of -- one or two people reviewing an application
2 and doing recommendations to the board, they really
3 want to build a more robust process that's a lot
4 more rigorous. And so we are going to be working
5 with them to come up with some rubrics.

6 And I am really encouraged by that,
7 because working with authorizers is one of the areas
8 that Greta and I, as the Coalition, also want to
9 work -- you know, it's not just about -- you know,
10 the member charter schools are absolutely critical;
11 but there has to be, you know, both sides of that
12 fence.

13 And so accountability to ensure
14 innovation; but we want to make sure that the
15 accountability is consistent and fair across the
16 board. And so we're very fair in working with
17 authorizers. So this is exciting that APS has
18 reached out with us.

19 We, absolutely, are honored to be a part
20 of the work with the PEC. And so we're hoping to be
21 able to do some more outreach to other authorizers
22 in working through these things. And I think it's
23 exciting, especially as we look at that level of
24 accountability and what's being asked of schools, so
25 that it's very clear.

1 And you guys are seeing that right now.
2 And I really appreciate the fact that you're being
3 very thoughtful about getting input and doing some
4 things on a pilot basis to work out the kinks. And
5 I know the schools will be very grateful for that,
6 as well.

7 So with that, I stand for questions.
8 Madam Chair, Commissioners, thank you very
9 much.

10 THE CHAIR: Any questions? We appreciate
11 all your work, especially the yeoman's work at the
12 Legislature. It's sometimes, I know, very
13 frustrating. And they're long days and multiple
14 hours. So we certainly appreciate that.

15 I think I can speak for all of us that are
16 attending that we are looking forward to the
17 conference, because it's a great opportunity for us
18 to just meet-and-greet with the schools. And that's
19 what we -- that's what I know I like to do.

20 MS. KELLY CALLAHAN: It's a wonderful
21 opportunity.

22 COMMISSIONER ARMBRUSTER: I wanted to say,
23 since I did attend last year, late, because I was
24 supposed to be somewhere else, that it was truly a
25 worthwhile conference. I think the presentations

1 that I attended -- it was only frustrating because I
2 couldn't attend all of them.

3 But nevertheless, it was very, very good.
4 And my only comment, because two people on this
5 Commission are quite heavily into elections,
6 November would have been a greater time.

7 MS. CALLAHAN: Madam Chair, Commissioner
8 Armbruster, I guess -- when we -- you always -- on
9 conferences, you're at the whim of the hotel.
10 Because we did actually want a weekend after
11 Election Day. And that had already been scooped up
12 by somebody else. And this was the day after the
13 conference last year that we set these dates.
14 That's how -- sometimes you have to be so far in
15 advance.

16 Maybe it'll be a good distraction for some
17 people. Maybe. That's what I'm hoping.

18 So, again, thank you very much. I will
19 make sure -- if you aren't sure about your
20 registration, please shoot me an e-mail, and I will
21 make sure that you get registered, and we'll get
22 your names on the list.

23 THE CHAIR: Okay. Thank you so much.

24 MS. CALLAHAN: Thank you.

25 THE CHAIR: Item No. 11. PEC Comments.

1 So, Commissioner Chavez?

2 COMMISSIONER CHAVEZ: I actually don't
3 have any comments, other than if you're going to
4 lock your keys in the house, don't leave the eggs
5 boiling on the stove.

6 THE CHAIR: Thank you for that.

7 Commissioner Conyers?

8 COMMISSIONER CONYERS: My only comment is,
9 again, to our new Commissioner, welcome. Good to
10 meet you. And I'm sure we'll have a lot of good
11 conversations as time goes on.

12 COMMISSIONER JOHNSTON: Thank you.

13 COMMISSIONER ARMBRUSTER: I'd like to
14 thank our Chair for all the extra work that she
15 does, as well as to welcome Danielle Johnston. And
16 I'm pleased to see the Commission working well
17 together. And I think we're going forward with some
18 of the NACSA rigor that they asked us to do.

19 I don't know if you knew this,
20 Commissioner Johnston. But NACSA came, years ago,
21 and gave suggestions. And when they came back here,
22 as you probably heard, they had implemented most of
23 what it was. So now you're at Step 2. But there's
24 always improvement. And that's what we're working
25 on very hard.

1 THE CHAIR: Commissioner Peralta?

2 COMMISSIONER PERALTA: I'm okay.

3 THE CHAIR: Commissioner Toulouse?

4 COMMISSIONER TOULOUSE: Madam Chair, other
5 than "Welcome," I've done my talking for today.
6 Thank you.

7 THE CHAIR: Commissioner Johnston?

8 COMMISSIONER JOHNSTON: I thank you all
9 for your welcome. And I had made a pledge to myself
10 yesterday that I would listen and keep my mouth
11 shut. And I didn't do it yesterday. And I made
12 that pledge again today, and I didn't do it again
13 today.

14 You're all most gracious with me coming in
15 to this. I am really the new person. I thank you
16 for all of your support, particularly Beverly,
17 and -- she's not here -- has helped me come up to
18 speed. And I'd like to thank Charter Schools
19 Division, because they have also assisted me as I've
20 tried to come up to speed.

21 And all of you are most welcoming and most
22 patient with my questions. Thank you so much.

23 THE CHAIR: And I'll just add, once again,
24 welcome. And we look forward to, as Commissioner
25 Conyers said, I think, some spirited discussion.

1 MS. ANNJENETTE TORRES: So Madam Chair,
2 nobody signed in for Open Forum; so to give you your
3 update.

4 THE CHAIR: So I am up to Item No. 13,
5 Motion to Adjourn.

6 COMMISSIONER ARMBRUSTER: I so move.

7 THE CHAIR: Commissioner Armbruster?
8 Second by?

9 COMMISSIONER PERALTA: Second here.

10 THE CHAIR: Commissioner Peralta. All in
11 favor?

12 (Commissioners so indicate.)

13 (Proceedings adjourned at 12:41 p.m.)

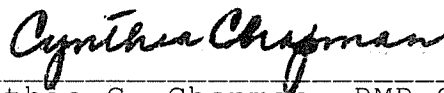
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14 matter therein stated.

15 In testimony whereof, I have hereunto set my
16 hand on October 21, 2016.
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20 Cynthia C. Chapman, RMR-CRR, NM CCR #219
21 BEAN & ASSOCIATES, INC.
22 201 Third Street, NW, Suite 1630
23 Albuquerque, New Mexico 87102
24

25 Job No.: 6455L (CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



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

