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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
PUBLIC MEETING  
February 13, 2015  
9:00 a.m.

Albuquerque Public School Offices  
John Milne Community Board Room  
6400 Uptown Boulevard, Northeast  
Albuquerque, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219  
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A P P E A R A N C E S

COMMISSIONERS:

MR. VINCE BERGMAN, Vice Chair  
MS. KARYL ANN ARMBRUSTER  
MS. ELEANOR CHAVEZ  
MR. JAMES CONYERS  
MS. PATRICIA GIPSON  
MR. GILBERT PERALTA, Secretary  
MS. CARMIE TOULOUSE

STAFF:

MS. JULIE LUCERO, General Manager, Options for  
Parents  
MR. JOSHUA GRANATA, Assistant Attorney General,  
Counsel to the PEC

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1 VICE CHAIR BERGMAN: Good morning. It's  
2 time to begin. I'm going to declare that this  
3 session of the New Mexico Public Education  
4 Commission is meeting today and is in session.

5 I would -- first would like to ask  
6 everyone in the audience to do what I'm going to do  
7 right now, and that's turn off your cell phones,  
8 please, and set them on "quiet," and any other  
9 devices that might disrupt our meeting today.

10 I would also note for the record that our  
11 Chair, Commissioner Shearman's, husband has been  
12 having severe health issues for at least the past  
13 week. And she went to a specialist yesterday, and  
14 that doctor said he needed immediate surgery; so  
15 they're having surgery this morning.

16 And I know that for at least for those  
17 here of a mind to, that Commissioner Shearman and  
18 her family would appreciate any thoughts and prayers  
19 for her husband for a quick and successful surgery  
20 and a speedy recovery.

21 So I will be sitting in as Chair today.

22 Commissioner Peralta, can you call the  
23 roll for us, please? Secretary Peralta?

24 COMMISSIONER PERALTA: Commissioner Pogna?

25 (No response.)

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Present.

3 COMMISSIONER PERALTA: Commissioner

4 Armbruster?

5 COMMISSIONER ARMBRUSTER: Present.

6 COMMISSIONER PERALTA: Commissioner

7 Conyers?

8 COMMISSIONER CONYERS: Here.

9 COMMISSIONER PERALTA: Commissioner

10 Peralta is here.

11 Commissioner Gipson?

12 COMMISSIONER GIPSON: Here.

13 COMMISSIONER PERALTA: Commissioner

14 Bergman?

15 VICE CHAIR BERGMAN: Here.

16 COMMISSIONER PERALTA: Commissioner

17 Shearman? (No response.)

18 Commissioner Chavez? (No response.)

19 Commissioner Carr? (No response.)

20 Commission- -- Chair Bergman, we have six

21 members present. I believe that is a quorum.

22 VICE CHAIR BERGMAN: Thank you,

23 Mr. Secretary. I do declare that we have six

24 members present today, and that does constitute a

25 quorum for this Commission. So we will be able to

1 transact our business today.

2 I would ask Commissioner Gipson, if you  
3 would, to lead us in the Pledge of Allegiance; and  
4 Commissioner Toulouse, would you lead the Salute to  
5 the New Mexico Flag?

6 (Pledge of Allegiance and Salute to the  
7 New Mexico Flag conducted.)

8 VICE CHAIR BERGMAN: Thank you. We will  
9 now move on to Item No. 2, which is the approval of  
10 the agenda.

11 I would state that whoever makes the  
12 motion here in just a moment, if you will add this  
13 qualifier: We need to add an item to No. 20, which  
14 is our Executive Session. We need to add "C," a  
15 just brief -- Columbus Charter School. And we'll  
16 talk about hearing -- briefly talk about the hearing  
17 that was held on Monday. So whoever makes that  
18 motion, please do that.

19 Are there any other changes to the agenda  
20 today?

21 Seeing none, the Chair would entertain a  
22 motion with that one change, please.

23 COMMISSIONER TOULOUSE: Mr. Chair, I move  
24 we approve the agenda, with the addition of Item 20,  
25 a Section C on the Columbus Charter School appeal.

1 VICE CHAIR BERGMAN: Thank you. Do we  
2 have a second?

3 COMMISSIONER ARMBRUSTER: Second.

4 VICE CHAIR BERGMAN: We have a motion by  
5 Commissioner Toulouse and a second by Commissioner  
6 Armbruster.

7 Any further discussion?

8 All in favor, say "Aye."

9 (Commissioners so indicate.)

10 VICE CHAIR BERGMAN: Opposed?

11 (No response.)

12 VICE CHAIR BERGMAN: That motion carries  
13 unanimously.

14 Item 3 on our agenda today is the approval  
15 of the minutes. We have two minutes -- two  
16 different minutes to approve today, first from our  
17 work session on January the 15th, and then our PEC  
18 meeting on January 16th. And we'll do them  
19 separately.

20 Minutes, of course, for the 15th will be  
21 short, because we did not have the benefit of the  
22 transcriber for that meeting.

23 Does anyone have any changes that they  
24 would like to make to those minutes of January 15th?  
25 Any discussion?



1 Last chance.

2 Seeing no discussion, I would ask for a  
3 motion to approve the minutes of the PEC work  
4 session on January 15th, 2015.

5 COMMISSIONER ARMBRUSTER: I move that we  
6 accept the minutes from the work session on  
7 January 15th.

8 VICE CHAIR BERGMAN: Yeah, thank you. Do  
9 we have a second?

10 COMMISSIONER GIPSON: Second.

11 VICE CHAIR BERGMAN: Motion by  
12 Commissioner Armbruster, second by Commissioner  
13 Gipson.

14 Any further discussion?

15 Seeing none, all in favor of that motion,  
16 please say "Aye."

17 (Commissioners so indicate.)

18 VICE CHAIR BERGMAN: Any opposed?

19 (No response.)

20 VICE CHAIR BERGMAN: That motion also  
21 carries unanimously.

22 Now, the minutes for our full meeting on  
23 January the 16th of 2015. Once again, are there any  
24 changes, deletions or additions to those minutes  
25 from any of the Commissioners?

1 Now, our esteemed Chair normally does have  
2 some.

3 COMMISSIONER ARMBRUSTER: Yes, I know.

4 VICE CHAIR BERGMAN: And I did not ask her  
5 if she had any when I talked to her last night. So  
6 if she had some, we'll have to reserve them till  
7 another time.

8 Any other discussion or any changes?

9 Then I would entertain a motion that we  
10 approve the minutes from our PEC -- PEC meeting on  
11 January 16th, 2015.

12 COMMISSIONER PERALTA: Mr. Chair?

13 VICE CHAIR BERGMAN: Secretary Peralta,  
14 thank you. Do we have a second?

15 COMMISSIONER GIPSON: Second.

16 VICE CHAIR BERGMAN: Again, second by  
17 Commissioner Gipson.

18 So we have a motion by Secretary Peralta,  
19 a second by Commissioner Gipson. All in favor of  
20 accepting those minutes, please say "Aye."

21 (Commissioners so indicate.)

22 VICE CHAIR BERGMAN: All opposed?

23 (No response.)

24 VICE CHAIR BERGMAN: That motion also  
25 carries unanimously. Thank you. So the minutes for

1 those two days are accepted.

2 Item No. 4 on our agenda today is a report  
3 from PED leadership. We always invite them.  
4 They're free to come if they would like.

5 I do not see -- is there anyone, Julie,  
6 from PED today, or do you wish to speak for them?

7 MS. LUCERO: Commissioner Bergman, there  
8 is no one in the audience. But the only update we  
9 do have is there's a lot going on up in Santa Fe  
10 regarding session and bills. And so the one thing I  
11 would add -- there is the link to the 2015 bill  
12 analysis, so that the PEC can see any of PED's  
13 position on any of these issues that would either  
14 concern education or the charter schools.

15 VICE CHAIR BERGMAN: All right. Thank  
16 you, Julie, for that report. And certainly, there  
17 are probably still a few bills -- legislation --  
18 that may affect this Commission. I'm not  
19 specifically aware of any.

20 Let us then proceed to Item No. 5 on our  
21 agenda. We have charter school amendments today  
22 to -- to look at and to consider.

23 Actually, Julie, this looks like we just  
24 have the one -- two amendments from MAS.

25 MS. LUCERO: Yes. Commissioner Bergman,

1 members of the Commission, we have two amendments on  
2 the agenda this month. Both are from Mission  
3 Achievement and Success Charter School. The first  
4 amendment, Mission Achievement and Success Charter  
5 School is requesting an enrollment cap increase from  
6 672 students to 912 students. The CSD recommends  
7 approval of this amendment.

8 VICE CHAIR BERGMAN: All right. Is there  
9 anyone -- I see lots of kids here from -- students  
10 here from MAS. Is someone from MAS going to speak  
11 today?

12 MS. MYERS: Yes.

13 VICE CHAIR BERGMAN: Come forward, please.

14 All right. When you're ready, please  
15 identify yourselves for the stenographer, and  
16 proceed, please. Thank you.

17 MR. LANGSTON: My name is Bruce Langston.  
18 I'm the board chairman.

19 MS. TILLMAN: Natalie Tillman,  
20 instructional coach.

21 MS. PEÑA: Jennifer Peña, special  
22 education coordinator.

23 MS. MYERS: And JoAnn Myers, principal.

24 VICE CHAIR BERGMAN: Welcome. Thank you.  
25 Go ahead and proceed.

1 MR. LANGSTON: Normally, I would go into a  
2 long-winded speech; but I'm just actually going to  
3 turn the table over to Ms. Myers and allow her to  
4 present our motion.

5 MS. MYERS: So the request to ex- -- or to  
6 increase the enrollment cap is really related to the  
7 next amendment request that we're going to make,  
8 which is to expand to elementary school.

9 So the way that our charter is set up  
10 right now, if you'd look at our current enrollment  
11 numbers, it would look like we don't need this. But  
12 it's because of the way that we wrote our charter,  
13 we take 96 students per grade, Grade 6, and then  
14 Grade 7, Grade 8, all the way through Grade 12.

15 So the current way that our charter is set  
16 up, and with our current enrollment numbers, we  
17 would absolutely cap out at 672 by the time that we  
18 hit the twelfth grade. So we're requesting an  
19 expansion on that, so that if we're approved to open  
20 elementary school, we would have the numbers,  
21 because we don't want to reduce our current numbers.  
22 We really wouldn't be in a position to do so,  
23 because we are generally moving our entire sixth  
24 grade up to seventh grade, and so on; so we don't  
25 have those open spaces.

1 VICE CHAIR BERGMAN: Is that it?

2 MS. MYERS: That's it.

3 VICE CHAIR BERGMAN: Does anyone wish to  
4 say anything else?

5 MR. LANGSTON: I think we're good, sir.

6 VICE CHAIR BERGMAN: All right. Thank  
7 you.

8 Now, I will throw it open to my fellow  
9 commissioners, then. Do you have questions or  
10 comments regarding this first amendment?

11 Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: Mr. Chair, I'd  
13 like them to talk about their students they brought  
14 with them today, just a minute or two. Would you  
15 mind doing that, please?

16 MS. MYERS: Absolutely. So the reason we  
17 brought students with us was a couple of reasons:  
18 One, we told them this would be a good way for them  
19 to link social studies standards and understand  
20 government processes.

21 The second reason is we really felt  
22 like -- well, another reason for us is they  
23 represent -- this is who we represent, the students  
24 behind us.

25 The intention is, like, that these are our

1 ninth-graders. And our ninth-graders -- these  
2 students have been with us either since they started  
3 in seventh, or at least since last year in eighth  
4 grade; so we just selected a sampling of students  
5 that have been with us for one to two years at MAS.

6 And the other big thing we really wanted  
7 them to see was that when -- you know, when we push  
8 on them about what they need to do and who they need  
9 to be as students, we thought it would be important  
10 for them to see that when we have to come before  
11 you, that we're accountable to somebody, too.

12 So just like they're accountable for  
13 performance, and we're accountable for trying to  
14 make them perform, we thought it would be a really  
15 good experience for them to come before you and  
16 actually see what we have to do to get things to  
17 move forward and to get approvals on different  
18 things.

19 (Commissioner Chavez enters hearing.)

20 VICE CHAIR BERGMAN: I would like to note  
21 for the record that Commissioner Chavez has arrived,  
22 and glad to see you. Thank you. So we now have  
23 seven members present. We still have a quorum.

24 Are there further comments or questions?

25 Commissioner Conyers?

1 COMMISSIONER CONYERS: I'm assuming you  
2 have the facilities to accommodate this?

3 MS. MYERS: We do. And within the  
4 paperwork that should have been sent to you, you  
5 should have a letter from the PSFA that indicates  
6 that our facility does -- will accommodate the  
7 additional grade levels; so that was sent in with  
8 the paperwork that we sent with the amendment  
9 request.

10 COMMISSIONER CONYERS: (Indicates.)

11 MS. LUCERO: Commissioner Bergman?

12 VICE CHAIR BERGMAN: Yes, Julie.

13 MS. LUCERO: Members of the Commission.  
14 Typically, CSD wouldn't normally recommend a grade  
15 expansion for a school with a C grade. But in this  
16 situation, we really looked in depth at their -- the  
17 increase -- the academic performance that has gone  
18 higher; and also, with the neighborhood schools,  
19 that this -- that are located near this particular  
20 school, which are F schools.

21 So we took all of that into consideration  
22 when making the recommendations that we're making  
23 today for these two amendments.

24 VICE CHAIR BERGMAN: Thank you, Julie, for  
25 that clarification.



1           Are there other comments or questions for  
2 the school?

3           Commissioners Armbruster?

4           COMMISSIONER ARMBRUSTER: Can you hear me?  
5 Is this on?

6           I just have a question that's actually not  
7 totally related. So it's wonderful that you are  
8 doing whatever a C school -- but -- so what I wanted  
9 to know was, what -- to what do you attribute your  
10 success that is not apparently occurring in  
11 neighboring schools?

12           That has nothing to do with my vote. I  
13 just wanted to know.

14           MS. MYERS: No, no, that's a great  
15 question. I'm just, like, "Huh." I can speak long.

16           So how to simply answer this question? Do  
17 you want to start?

18           MS. PEÑA: I think that having worked  
19 in -- having worked in other schools, the  
20 differences that I see in this school and the  
21 reasons that I think our students are succeeding  
22 more is that we are -- we are smaller. Even as we  
23 grow the enrollment cap, we have to recognize that  
24 our student/staff ratio is still very small. And so  
25 there is a -- there's a deep emphasis on getting to

1 know individual students and making sure that we --  
2 that we know who they are.

3           Additionally, we do a lot -- and I wish I  
4 had a better way to express that -- but a whole lot  
5 of -- of data analysis. So we look at our  
6 assessments that our students take, whether that's  
7 in-classroom assessments, short-cycle assessments,  
8 additional short-cycle assessments that we do, State  
9 testing; we look at that, and we identify students  
10 that are not performing. And if they're not  
11 performing, we do something about it.

12           Is it something we can do in class? Is it  
13 adding additional intervention classes for our  
14 students?

15           We have a very high academic focus.  
16 Students that are not performing at grade level are  
17 enrolled in intervention classes for reading and for  
18 math.

19           Additionally, we have an extended day, so  
20 that students are in class longer than the  
21 surrounding schools would have.

22           We have 90 minutes of math every day, plus  
23 an extra 85 or 90 minutes of math every other day;  
24 and that's for every single child.

25           So with the way that our structure is set

1 up, in addition to inclusive practices that allow  
2 co-teachers in reading and math classrooms, and,  
3 therefore, provide additional support for students  
4 who are struggling, but may not necessarily receive  
5 special education services, when you put all of  
6 those components together, we have a very, very  
7 strong structure that is hyper-focused on  
8 achievement, and how do we -- how do we help those  
9 kids -- how do we help those kids achieve more,  
10 because we want them to be successful.

11 MS. MYERS: If I can just add a little  
12 bit, it's -- kind of capitalizing on some of the  
13 things that Jen said, and then adding to it --  
14 because some of the things -- and even when I came  
15 to you guys -- when I came before to have the  
16 charter approved, a couple of the comments that came  
17 out were, you know, "It's not like -- some of this  
18 stuff just seems like really good management, or  
19 just things schools are supposed to do."

20 And one of the comments that I had made  
21 was, "You're absolutely right. We're not really  
22 doing anything. There's nothing" -- I don't know if  
23 you want this on the record -- "there's nothing sexy  
24 and glamorous about what we do. It's just good  
25 practices. This is what works in schools."

1           But there's a difference between what's  
2 common sense and what works and what's actually done  
3 in schools. So what Jen is talking about is  
4 absolutely what we do. But I just want to  
5 capitalize on the data focus. There's a number of  
6 things:

7           You should be able to turn around and ask  
8 any student who is with us right now -- which you  
9 wouldn't, because it would be a violation of their  
10 confidential student record -- but what their lexile  
11 is for reading. They will all be able to tell you  
12 what their lexile is for reading, because we make  
13 students a part of this process, where they  
14 understand -- most of our kids, when they come to  
15 us -- our seventh-grade class -- our first  
16 seventh-grade class, which is some of the kids  
17 behind you that came, which are ninth-graders now,  
18 we had 27 percent proficient in math when they  
19 arrived.

20           So I just want you to kind of like think  
21 about the numbers there. 27 percent proficient  
22 meaning that, like -- that's a large number of kids  
23 who aren't proficient, meaning, like, 73 percent of  
24 the kids, when they walked through the doors,  
25 weren't proficient in math.

1           Our proficiencies for reading -- we've  
2 never worked for them; this is as they walk through  
3 our doors -- were sitting in the 30s and THE  
4 40 percents for our sixth and seventh grade as they  
5 enter.

6           So -- and, again, one of the things that  
7 we would capitalize on kids, as they come in --  
8 every single kid who walks through our door, we do  
9 testing and stuff -- is this is baseline, so that we  
10 know where you are, we know what you need, and that  
11 you know where you are.

12           You're going to go up. Only way to go is  
13 to go up, because we're going up with this stuff.

14           So we work with our kids. And we've done  
15 this; this has been the culture of the school since  
16 the day we opened. So while kids might not be  
17 proficient, it might take them two, three, four  
18 years, depending on where they start, to get  
19 proficient, the thing is is that you should see  
20 growth. When we don't see growth, we immediately  
21 jump in and do something else. It's hard for me to  
22 say exactly what it is, because I'm telling you,  
23 it's kid by kid. We definitely have systems and  
24 some global things that we do. We're incredibly  
25 focused on student data, so that we're constantly

1 looking at, you know, what do we do next; if this  
2 didn't work, how do we move.

3 As we've -- every single year, we've been  
4 responsive, more responsive. We always have plan;  
5 we start with a plan. But when we -- our first plan  
6 was to -- you know, in-class reading interventions  
7 with the special ed teacher. When we saw -- okay,  
8 it's far more intensive than that, because in-class  
9 interventions are fine when it's a small percentage;  
10 but when you're trying -- when it's flipped upside  
11 down, and the top part of the triangle is actually  
12 the bottom part of your triangle, where it's  
13 80 percent of your kids who aren't proficient and  
14 20 percent are, you have to do something different.

15 So I don't want to bore you with details.  
16 But I just think it's hard to capitalize on exactly,  
17 like, what goes into it; but there's just an intense  
18 amount of work that goes into looking at kids' data.

19 We do attendance meetings with parents.  
20 Like, once they hit, like, ten absences -- which is  
21 a problem in a lot of our schools and stuff is the  
22 attendance -- we sit down with parents. And we  
23 don't just say, "The kid has to come to school." We  
24 problem-solve. Like, what is the issue?

25 We've done everything out of the box that

1 you can think of, whether it's having a bus that we  
2 just started this year, literally pick a child up at  
3 their door, setting up carpools for parents.

4 We've told parents, "If you're running  
5 into transportation issues, call, we'll send staff  
6 to pick them up"; just out of-the-box thinking. And  
7 I know that's not really a solid answer on, like,  
8 exactly what is it, because I can't tell you. It's  
9 just we try to be out of the box and think what  
10 needs to happen.

11 When we do the attendance meetings,  
12 though, it's not just trying to, like, chastise a  
13 parent for the issue; it's about, "What can we do to  
14 be part of the solution," because at the end of the  
15 day, this affects the student's achievement.

16 We pull out achievement levels when we  
17 look at those meetings, to be able to show that, you  
18 know, "Your child is making gains, but they're not  
19 proficient. They could be proficient if they were  
20 here. We've got to have them."

21 So different things. But we try to truly  
22 turn that into a partnership.

23 Interventions. One of the things that we  
24 changed this school year is we saw that the kids who  
25 were in interventions, outside of the classroom --

1 so not just in-class interventions, but outside --  
2 the gains they made were enormous. We did a bunch  
3 of just little restructuring things, kind of  
4 modified budget stuff a little bit. And we put  
5 every single student who was so much as one point  
6 below proficient in an intervention class, on top of  
7 their regular reading class. So they get 90 minutes  
8 a day of reading, 90 minutes a day of writing, and  
9 then 90 minutes every other day of reading  
10 intervention, in lieu of an elective class.

11 We explain to kids and parents, "Not  
12 punishment. But the only way we're going to catch  
13 you up is to focus intensely on, like, closing that  
14 achievement gap."

15 That's why in the one area of our report  
16 card, student growth of highest performing, we got  
17 an "A" on that, like, when you look at that. And  
18 the reason we feel like we do so well in that area  
19 is because this is what we do; like, we look  
20 intensely at kids.

21 Overall proficiency rates, you will see  
22 the numbers are low. But like I told you, we're  
23 coming in between 20 -- 10 to 20 percent lower than  
24 State averages, per grade level. And that's been  
25 the consistent data since kids have come.



1           So I know that's kind of a long answer;  
2 but I think it's hard to, like, really just  
3 summarize -- and I could go on and on with other  
4 things. Sorry. Last thing I'll say, because I know  
5 we've got to move on.

6           But college trips -- another thing that we  
7 try to do and that's an important part of our  
8 charter is that we take kids on college trips every  
9 single year. And I know this has come up before.

10           But we take our sixth-graders locally, CNM  
11 and UNM; seventh-graders to New Mexico State,  
12 New Mexico Tech, on an overnight trip.

13           This group behind you, our ninth-graders  
14 now, eighth-graders last year, went to Arizona for a  
15 week. And we hit three universities in Arizona --  
16 not really a week, five days -- and then Western  
17 New Mexico on our way back.

18           The reason we do that is not for a field  
19 trip, but to really implant, like, what is college,  
20 what does college look like. About 90 percent of  
21 our students are first-generation college students.  
22 If you're a first-generation college student, which  
23 I can testify to this; I was a first-generation --  
24 very different experience if you've never had  
25 anybody lay the path. When you're the trailblazer,

1 it's very different for you to understand how that  
2 works.

3 And when you're trying to tell kids that,  
4 you know, "This is a reality" -- they're the first  
5 to do it; they don't see it; they don't understand  
6 how it would happen -- you have to expose them to  
7 the real-life experience.

8 So I truly will stop at that point to your  
9 simple question. But I just -- it's hard for me to,  
10 like, really summarize in just a sentence or two,  
11 like, you know, what do we do that's different.

12 COMMISSIONER ARMBRUSTER: I appreciate  
13 that, because I'm the new -- we are the new -- we  
14 are the new people; although I am an educator. So  
15 it's not totally off-the-wall.

16 And how -- just my last question -- my  
17 last -- is so -- you have 96 students in each grade  
18 level. And so then how many classes is that? How  
19 many --

20 MS. MYERS: Sections?

21 COMMISSIONER ARMBRUSTER: -- sections?

22 MS. MYERS: So we have four sections,  
23 yeah, four sections per -- so it's 24 kids per  
24 class.

25 COMMISSIONER ARMBRUSTER: Okay.

1 MR. LANGSTON: I'm going to --  
2 Mr. Chairman, Madam Commissioner. That's why we're  
3 successful right there. That's the energy. I'm the  
4 non-educator in the group. I came out of the prison  
5 systems. And she challenged me once, when I was the  
6 superintendent at the Youth Diagnostic and  
7 Development Center, to do some things differently.  
8 And she got a lifelong following at that particular  
9 point, because it worked. It worked on some of the  
10 hardest kids in the state of New Mexico.

11 So when she said she was coming here and  
12 trying to affect lives of some other young people  
13 here, I jumped on board.

14 But this energy is what makes us  
15 successful.

16 COMMISSIONER ARMBRUSTER: Great.

17 COMMISSIONER GIPSON: Mr. Chair?

18 I know this is something that we're going  
19 to be looking at a little bit later on another  
20 issue; but what is your staff retention rate?

21 MS. MYERS: You're asking questions that  
22 don't have a simple answer.

23 It's great. But, like, let me clarify  
24 something. First, I want to throw out to you guys.  
25 If anybody here has read Jim Collins, "Good to

1 Great"? Anybody? No? Jim Collins, "Good to  
2 Great"?

3 All right. I reference that to you.

4 So it's really good. But here's the  
5 difference is we do have turnover; it happens right  
6 at the beginning of the school year, like when we  
7 have it, within the first couple of months, few  
8 months that somebody's there; because when we  
9 interview -- we try to be very strategic when we  
10 interview. We do a set of screening questions,  
11 like, you know, we ask, "What do you believe the  
12 highest -- has the strongest impact on student  
13 achievement?"

14 I'll give you the answer. "A teacher."

15 Tons of research will say that the teacher  
16 has the greatest effect on whether a student learns  
17 in the classroom. Certainly, there's others; but  
18 there's so much research out there. So we're kind  
19 of looking for that.

20 We ask, "Scale of 1 to 10, how do you rate  
21 your organization," just to get a pulse. Are they  
22 going to be a good fit? Will they fit within our  
23 organization?

24 After that, we do an initial screening  
25 interview, where we -- it's very informal, but we

1 try to talk about, like, you know, what -- who we  
2 are, because we're different. And I tell people  
3 that we're very different. Like, a lot of people's  
4 initial -- they'll say, "I love what it sounds like  
5 on the thing," and you walk through classrooms, and  
6 you look, and it looks like everybody is just on  
7 point, and they're working hard.

8 And I'll say, "They're middle and high  
9 school kids. Trust me. There's another side."

10 But we have really good, passionate  
11 teachers. I tell teachers, at the risk of sounding  
12 spiritual, that "If this is a life purpose, a  
13 calling, that you were placed here on this earth to  
14 literally educate the kids, you're going to love it  
15 here."

16 "If it's a job, and just teaching, and, 'I  
17 get time off,' you will not make it here, because we  
18 do it different."

19 I also let people know that -- you know,  
20 the way we explain how we do interventions, how we  
21 do the reading, those are non-negotiables. It's not  
22 that you don't get to bring your own teacher flair  
23 into the classroom. But there are certain things  
24 that are just non-negotiable. Research-based,  
25 solidly embedded in the research what we do. We

1 have data to prove it works. So you can bring in  
2 your style, but there are certain things you have to  
3 do.

4 So we try to be really clear when we  
5 interview people that this is who we are.

6 We have them do a classroom observation  
7 for at least a full period, again, just to get a  
8 pulse. Then they do another interview with the  
9 group of teachers that they'll kind of be working  
10 with; so if it's a reading position, they'll work  
11 with the special ed and general ed reading teachers,  
12 our instructional coach, things like that.

13 So our retention is really good after the  
14 start of the year, because there are some people  
15 that it shakes out. We tell people -- Mr. Langston  
16 presents every year at the start of the school year,  
17 we do two full weeks of professional development the  
18 first two weeks of the school year, full school  
19 days, to try to get teachers up to the speed of how  
20 we do things.

21 And during that time, again, one of the  
22 things that Mr. Langston will capitalize on is, you  
23 know, "If this isn't for you, it's okay. Like, you  
24 know, it doesn't make you necessarily a bad teacher;  
25 just not a good fit."

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1           So, again, I know it's a long answer. But  
2 I feel like I have to kind of qualify, instead of  
3 just saying, "It's good."

4           People who stay there are passionate,  
5 like, their heart and soul is in what we do, and  
6 they love it. But, you know, there are people who  
7 leave; but it really does tend to be before we even  
8 get to the end of the school year, within the first  
9 semester, at the latest, that they decide, "This  
10 isn't for me."

11           MS. GIPSON: I had many student teachers,  
12 so I understand the process.

13           MS. MYERS: Yeah, thank you.

14           VICE CHAIR BERGMAN: Any further questions  
15 or concerns?

16           Okay. Our legal counsel has raised an  
17 issue. Has -- these amendments, I presume, have  
18 been approved by your board already? Do we have the  
19 board minutes?

20           MS. MYERS: You should, in your packet. I  
21 have copies with me if you don't; but you should in  
22 the packet. We sent it before, with all the  
23 information that went to you. I have a copy in  
24 front of me if you need a copy.

25           MS. LUCERO: Mr. Chair, we did receive

1 minutes. They may just not be in the binder. I can  
2 send those out to you. But, yes, we did receive  
3 approved minutes, with --

4 VICE CHAIR BERGMAN: I don't see them.  
5 Okay. Well, we relied on both of your  
6 assertions that you do have -- but we will need to  
7 see -- I think that we --

8 MS. LUCERO: Yes, I will provide a copy of  
9 those minutes.

10 VICE CHAIR BERGMAN: We'll take just a  
11 second here.

12 While we're doing that, I do have some  
13 questions and some concerns for you. But since you  
14 went to the trouble to have some of your students  
15 come today, I think I would like to give one or two  
16 of them an opportunity to come up to the microphone  
17 and just, very briefly, tell us why -- I'm basing it  
18 on my two sons. When they were teenagers, you let  
19 them have a microphone and they'd talk for three  
20 hours. So if one or two want to come forward and  
21 just briefly tell this Commission, one, why you  
22 chose to go to this school, your current experience  
23 with the school, and where you would like to see the  
24 school go -- and be perfectly honest. They're not  
25 going to jump on your case or anything.



1           Is there any one of you students who would  
2 like to come forward?

3           Please identify yourselves for the  
4 transcriber, please.

5           MR. CRAIG: Hello. My name is A. J.  
6 Craig.

7           VICE CHAIR BERGMAN: Go ahead.

8           MR. CRAIG: Second-year student. I've  
9 been here since the first day it opened.

10          MS. MYERS: So a third-year student.

11          MR. CRAIG: Third? Oh.

12          MS. MYERS: He actually is really good in  
13 math. Go ahead.

14          MS. PEÑA: Why did you choose MAS?

15          VICE CHAIR BERGMAN: Why did you choose  
16 the school?

17          MR. CRAIG: Why? When I first came to the  
18 school, I honestly didn't think I would like it. My  
19 mom just kind of put me in it. I would think, "Oh,  
20 it's really long. It's going to be really boring  
21 all day," you know, because I was, like, a  
22 12-year-old little kid at the time.

23                 But when I got a feel for the school and I  
24 realized they genuinely care about me and they  
25 actually want me to succeed, they want me to go to

1 college -- because I'm going to be a  
2 first-generation college student, too -- they  
3 actually kind of -- it's not just, like, they want  
4 me to do good just for the numbers for the school or  
5 whatever. They actually want me -- they genuinely  
6 care about who I am as a person and my well-being  
7 and me going to college and me having to -- it's a  
8 good life.

9 And you can ask Ms. Myers. I talked to  
10 her a couple of days ago about what I want to do  
11 with my life.

12 MS. MYERS: Tell them what you said.

13 MR. CRAIG: I want to get my degree in  
14 psychology, and I want to be a dean at the school  
15 and work there for the rest of my life.

16 VICE CHAIR BERGMAN: Outstanding. And I  
17 congratulate you on being the first one in your  
18 family, because I also share that; I'm the first one  
19 in my family to have a college degree. So I'm happy  
20 to hear that.

21 If you could change the school in any way,  
22 what would you suggest, if you -- and you may not  
23 want to change it.

24 MR. CRAIG: Maybe. The last Friday of  
25 every month, we should get a dress-down day.

1           VICE CHAIR BERGMAN: Well, thank you for  
2 your input. Would one other individual like to come  
3 forward?

4           Thank you. Please identify yourself for  
5 the transcriber.

6           MS. CANDELARIA: My name is Lily  
7 Candelaria. This is my second year at MAS. I came  
8 to MAS three years behind in math, and within the  
9 first year, I was there; I was on grade level.

10           Now, I am at a college prep reading level,  
11 and I came two years behind in reading.

12           I came -- I am also the first-year -- I am  
13 also a first college in my family.

14           I wouldn't change anything about the  
15 school. I love the school.

16           The one thing that I find different about  
17 the school is you're not a number. You are a  
18 person. You -- they get to know you, and they know  
19 your dislikes. Whenever you have a certain look on  
20 your face, they know what's wrong with you, and they  
21 can help you with ever -- whatever you feel is  
22 wrong.

23           And the numbers in the class are smaller  
24 so you get more one-on-one time. And -- I don't  
25 know how to word it. I'm trying to say it briefly,

1 and I can't.

2           They know you, and they look at you based  
3 on your likes, dislikes, what you're strong in -- I  
4 mean, personally, I want to go to college in sports  
5 medicine, and I want to work in the NFL. I want to  
6 be a personal trainer in the NFL. I want -- I  
7 played football for -- and I was the only girl on my  
8 team -- on the team. I played varsity. And I think  
9 school is the number one -- I mean, if you want to  
10 be an athlete, you can be an athlete. But school is  
11 number one. And that's what I like about this  
12 school is they're academic, academic. And I  
13 wouldn't change anything about the school. I love  
14 it.

15           VICE CHAIR BERGMAN: Now, I -- let me ask  
16 this question of you, and it may not be a fair  
17 question. But does most of the staff and most of  
18 the teachers know you by name when they see you?

19           MS. CANDELARIA: Yes, every single one.

20           VICE CHAIR BERGMAN: Is that all your  
21 experience, also?

22           Outstanding. I think a school has more  
23 opportunity to be successful if the staff and  
24 administrators know their kids.

25           And I say that, because I saw a report

1 some months ago about a principal down in Dallas --  
2 in the Dallas area that made it a point to greet her  
3 buses every day and call the kids by name as they  
4 got off the bus. She somehow managed to learn and  
5 retain the names of several hundred students.

6 And I was just impressed and flabbergasted  
7 by that. I'm glad to hear that. And thank you all  
8 for taking the time to be here today. Thank you.

9 As I said, I do have some questions and  
10 concerns. If any of my Commissioners --

11 COMMISSIONER ARMBRUSTER: I just had a  
12 quick question, but just --

13 VICE CHAIR BERGMAN: Go ahead.

14 COMMISSIONER ARMBRUSTER: -- which has  
15 nothing to do with this, either. So -- because  
16 there was a comment about dress-down Fridays, what  
17 is the dress -- uniform dress code, or --

18 MS. MYERS: Yes. We provide uniform  
19 shirts for our students. Every single student, we  
20 provide -- we have -- probably about 75 percent of  
21 our students are free and reduced lunch; so we have  
22 a high poverty population. So we provide all the  
23 uniform shirts. The pants, they supply on their  
24 own. No jeans, no sweatpants. Today, you see A. J.  
25 had, like, jersey shorts. But today is a dress-down

1 day, because we did a dance for the kids.

2 But our kids who came here, they knew they  
3 had to come in uniform, and they could change when  
4 they get back to school. So -- but, yes. So that's  
5 the uniform. And then if kids -- if there's any  
6 financial barriers for the pants, we buy those for  
7 the kids. The kids never get penalized. We don't  
8 have any problems with the uniform compliance.

9 Dress-down days, we do give them; probably  
10 not as often as they would like. But we always make  
11 them work for them. So, for example, we wanted to  
12 get our lunch counts up, because they need to eat,  
13 like -- and so sometimes we were finding they  
14 weren't eating. So the incentive for the dress-down  
15 day today was the breakfast/lunch counts up. Where  
16 I knew that they going through the line eating, they  
17 got a dress-down day.

18 In the fall, we did a dress-down day  
19 for -- we do -- every year, we work with the  
20 Roadrunner Food Bank, and we do two food drives.  
21 And so the dress-down day in the fall was that if we  
22 collected --

23 MS. TILLMAN: I don't know. Do you  
24 remember how many barrels?

25 MS. MYERS: I think it was, like,

1 80 barrels of food. So we set the bar kind of high;  
2 but, like, we did it. And I don't know. I don't  
3 want to spill a secret for them behind. But we  
4 always set up the dress-down days -- most of the  
5 time, we really try hard to set the dress-down day  
6 expectation to a point where it's high; but the kids  
7 will achieve success; so that it's not they're  
8 working toward a moving target that they never  
9 really get.

10 So they do get them, probably not as often  
11 as they would like. We'll take into consideration.  
12 That's the one comment we always get from them on  
13 the thing that they would change in the school; so  
14 I'm not surprised you heard that.

15 COMMISSIONER ARMBRUSTER: So the shirt  
16 that they wear is what they're wearing?

17 MS. MYERS: Yes, that's the uniform shirt.

18 COMMISSIONER ARMBRUSTER: I don't think  
19 that's bad, by the way.

20 MS. MYERS: Me, neither. Our parents like  
21 it, because they don't have to fight, especially  
22 with the girls, on clothes in the morning. It's  
23 easy.

24 VICE CHAIR BERGMAN: Any other questions?

25 COMMISSIONER TOULOUSE: Mr. Chair?

1 VICE CHAIR BERGMAN: Commissioner  
2 Toulouse?

3 COMMISSIONER TOULOUSE: I think because we  
4 have three new people who may not know this school,  
5 I would like them also to explain about their meal  
6 plan.

7 MS. PEÑA: I can do it. So, like,  
8 Mrs. Myers mentioned, we have about 75-80 percent of  
9 our students who are on free and reduced lunch. So  
10 we are involved in the community --

11 MS. MYERS: Whatever the new program is.  
12 The Community Foods Program and stuff, where, like,  
13 once you qualify with a high enough percentage,  
14 you -- everybody is free. Prior to that, we had  
15 offered that type of program.

16 MS. PEÑA: And so we offer breakfast every  
17 day for our students, and we do make them -- we do  
18 want them to go through the line; so we make them go  
19 through and get breakfast.

20 Even if they come in late, we have -- we  
21 have some extra breakfasts for them that we save so  
22 that they eat before they go to class.

23 And then we have -- and it's mostly hot  
24 meals that they do receive for breakfast. At  
25 lunchtime, they have two options for a hot meal, and



1 then they also have a full salad bar, as well.

2 And then because we have an extended day,  
3 we serve an evening meal at 4:30. And they have a  
4 salad bar with that, and it's another hot meal.

5 So we do provide three meals a day for all  
6 of our students, completely free of charge.

7 VICE CHAIR BERGMAN: Thank you,  
8 Commissioner Toulouse.

9 Anything else before I jump in?

10 I do have a number of questions, actually.

11 You are in the second half of your third  
12 year now; is that correct?

13 MS. MYERS: Correct.

14 VICE CHAIR BERGMAN: Okay. And as I ask  
15 these questions and state these concerns, I would  
16 also note, as I noted at the beginning of this  
17 meeting, that I did visit with Chairman -- the  
18 Chairman last night. And she had some concerns and  
19 she wanted me to express them, also. And I actually  
20 kind of share the concerns.

21 And -- what is your actual enrollment?

22 It's not 672 right now, is it?

23 MS. MYERS: No. We're around 360 right  
24 now. So we fill, like, our 96 seats per grade; but  
25 like, our intent is never to, like, fill all those

1 seats in the beginning. The way we wrote our  
2 charter is even though that's a cap, it's always  
3 been just to have the 96 per grade level.

4 MS. PEÑA: So when we started two years  
5 ago, we had sixth and seventh grade. Last year, we  
6 added eighth grade, and this year, we added ninth  
7 grade.

8 Next year, we'll add tenth grade; so  
9 growing that one grade level per year.

10 VICE CHAIR BERGMAN: Thank you.

11 One of the things that Chairman Shearman  
12 asked in the past week was that CSD provide us with  
13 grade reports. You should see those in your book.  
14 If you want to get them out, we do want to explore  
15 them just a little bit briefly here. We have two  
16 years for -- the 2013 report and the 2014 report.

17 Julie already alluded to the fact that  
18 both those years, you received an overall C grade.  
19 And normally, that would -- is not a cause for alarm  
20 or anything, but would give us somewhat of a pause,  
21 as we thought about things like this.

22 A couple of things that I did note in  
23 those grade reports, on your current standing, it  
24 actually went from a D to an F. And that, of  
25 course, is a bit of a concern for me, personally.

1           And the other area, where you -- let's  
2 see -- actually, on your student growth of the  
3 lowest performing students you actually went from a  
4 C to a -- no, excuse me. I'm looking at a different  
5 column. You actually went from an F to a D. Okay.  
6 So you actually showed some improvement there.

7           Commissioner Shearman and I both are just  
8 a little concerned that this may be a bit much and a  
9 little too early.

10           How would you respond to that?

11           MS. MYERS: I'm actually very prepared to  
12 respond to that. So I've spent a considerable  
13 amount of time knowing that we were coming before  
14 you and knowing that would be your one concern.

15           Speaking to the school grading department  
16 to try to get the deepest understanding I could  
17 possibly attain at this time to be able to explain  
18 this to you.

19           So with the current standing, the way that  
20 that works is that they look at that -- they have  
21 target performance. So what they look at is the  
22 State sets targets. And the State set a target for  
23 the 2014 school year -- I've got it in front of  
24 me -- I brought the technical manual with me.  
25 That's based on State-set targets. And what they're

1 looking is, is for reading and math, it's around 50,  
2 55 percent, the targets.

3 As I shared with you, this is the only  
4 part of the school report card, its current  
5 standing, that reflects the old AYP school grading.  
6 The State of New Mexico, according to Dr. Gregory  
7 and, like, folks that work in that department, they  
8 had specifically asked for this to be less weighted  
9 and to look different to make it comparative  
10 schools, so that you're comparing your school from  
11 our demographic to other demographics like us.

12 The federal government said no. They put  
13 the heaviest weight on this; it's worth 40 points.

14 So what they're doing is, they're saying,  
15 "We need you -- the target for the 2013-'14 school  
16 year was around 50, 55 percent, that you need your  
17 kids to be proficient."

18 We're not there. I told you guys we're  
19 not there. The difference is, is we're making the  
20 growth; but when we have kids entering classes that  
21 are coming in at 30 percent proficient, it's very  
22 difficult to go from 30 percent straight to  
23 20 percent in a school year when you have kids who  
24 are seventh-graders who are on first-, second-grade  
25 reading levels.

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1           So the thing with this -- and I also  
2 tagged a part in the question-answer part for the --  
3 the State Department of Education -- right here.  
4 This comes straight off the PED's website for school  
5 grading.

6           "Initial reaction to a grade is to look  
7 at percent proficient and above. But this is not  
8 the sole basis for a grade. Percent proficient and  
9 above does not tell the whole story."

10           And I point that out, only because I  
11 recognize that that's a red flag; it's a red flag to  
12 us. The minute we got the grading, we looked -- and  
13 that's why we spent as much time as we have speaking  
14 to PED, because we feel like it's the big black eye  
15 and it makes it look like we're not doing.

16           If you look at the report card -- and I  
17 refer you to go to the back page of the report card  
18 to Page -- I believe it's 5, where it shows  
19 supplemental information; this is what the PED  
20 originally requested the federal government consider  
21 is schools that you look at -- schools that look  
22 like you, with a similar demographic.

23           So if you go there, and you -- you  
24 probably don't have it in color in front of you.  
25 But if you do, they're their purple graphs.

1           If you look at the school ranking -- and I  
2 begged the school ranking department to come with  
3 me. Pascal Buser was the person I've been speaking  
4 to. And I begged him, "Can't you come? You don't  
5 have to, like, speak on our behalf. You just need  
6 to speak data."

7           He said he couldn't.

8           So -- but if you look at this, this  
9 compares us to schools like us. And we rank -- and  
10 he's, like, "Here's an argument for you. You rank  
11 among the top in the state for schools that look  
12 like you."

13           So if you look at -- let's look at student  
14 growth highest 75 percent. We're second out of  
15 30 schools that have an ELL population like us, with  
16 15.5.

17           If you look at students with disabilities,  
18 we have a high percentage. We're higher than the  
19 State averages, and a lot higher than most charter  
20 schools for students with disabilities. We rank  
21 second in the state for schools that are like us for  
22 performance of our highest 75.

23           If you look at ethnicity, we're second in  
24 the state out of 29 students -- sorry -- schools --  
25 second in the state out of 29 schools that have an

1 ethnicity rating around ours at 8.5.

2 We're first for economically disadvantaged  
3 students. So out of 29 schools that look just like  
4 us in the state with that similar population, we're  
5 first out of 29 for those.

6 Fifth out of 29 for similar mobility.

7 And you can see across. If you go to the  
8 lowest 25 percent, where, again, our grade wasn't  
9 super-high. But when you look at us compared to  
10 schools that are just like us, we're within the top  
11 20 percent of those schools in the State of New  
12 Mexico.

13 If you keep going down, "Opportunity to  
14 Learn," you'll see -- depending on the category,  
15 fourth, second, third, fourth, fifth.

16 We definitely are performing. And that's  
17 our argument is if you look at that one thing,  
18 that'll definitely say, "Ooh, there's a problem  
19 here."

20 And, yeah, we recognize our proficiencies  
21 are low; but you bring out the actual exact argument  
22 for why we're saying, "We need to start with  
23 elementary."

24 When we get kids who are four, five, six  
25 grade levels behind in sixth, seventh, eighth grade,

1 whatever grade they come to us, you're not only  
2 battling years of a deficiency; you're also battling  
3 self-esteem issues, motivational issues. You're  
4 trying to get the kid to, like, stop thinking that  
5 they can't learn and let them know that something  
6 happened. I don't know. You moved multiple times;  
7 you had gaps in learning. But it's not a reflection  
8 of you're not smart. It's just you've got gaps.

9 That's some of the stuff that we battle,  
10 and that's our exact argument for asking for the  
11 expansion to elementary. We strongly and  
12 emphatically that if we have the kids, we are  
13 demonstrating growth; like, it's there. It's in  
14 data. It's not only on the school report card; it's  
15 in every supplemental paper that we showed you, that  
16 there's significance growth by our students.

17 But what if? What if we get the kids in  
18 kindergarten, first grade, second grade, and there's  
19 never a gap. Then what? Now we can look at kids  
20 and get them proficient and advanced; because we  
21 clearly do that. We don't just move kids who are  
22 nearing proficient or beginning steps up.

23 I could show you data point after data  
24 point of kids who came proficient, or kids who came  
25 advanced, who continue to move up the scale.

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1           So we make gains across the spectrum  
2 with -- regardless of the kids. But, again, we're  
3 looking -- we're just emphatically confident that if  
4 we have the opportunity to work with kids at younger  
5 grades, we won't see this.

6           Also, the last thing I'll point out --  
7 it's in the PowerPoint that I -- I don't know if you  
8 guys have copies of it.

9           But I'm sure you're all very aware of  
10 what's going on right now in Legislative Session  
11 with looking at the social promotion and, like,  
12 looking at a bill to stop social promotion, stop  
13 retaining kids in third grade if they're not  
14 proficient. I won't even go into my opinion on  
15 that, because I think there's a lot of research that  
16 suggests retention is absolutely poor -- a poor  
17 choice for kids.

18           I get the point, though, that there's a  
19 ton of research that suggests if a child is not  
20 reading proficient by third grade, you increase the  
21 chances of dropping out; you increase the chances of  
22 them going to prison -- there's all types of  
23 research that says how detrimental it is.

24           Those are the kids that we get. We get  
25 these kids. They're not leaving our school. They

1 stay at our school, and they absolutely are growing.  
2 But where we get penalized is when we get a grade of  
3 an F on our current standing, because I can't make  
4 20, 30, 40 percent gains in one school year. That's  
5 not practical. Like, it's not -- and again, not  
6 trying to not take accountability; we clearly take  
7 accountability for our students' performance.

8 But I also think you have really be clear  
9 of what you're looking at. If you look at that and  
10 just say, "You did bad," you've got to know the  
11 story behind it to understand, like, what that is.

12 Of course, it's our goal. I don't think  
13 we'll look like that, though, if we have the  
14 opportunity to work with kids at a younger age.

15 MS. PEÑA: And just one more thing I  
16 wanted to add. There are some supplemental graphs  
17 that we sent along with the amendments, as well.  
18 And what those look at, first of all, our  
19 proficiency levels in math and reading from testing  
20 in 2013 to 2014 actually increased. And our grade  
21 went down.

22 But our proficiency levels went up. We  
23 had more proficient; so that was another piece that  
24 was very frustrating.

25 MS. MYERS: And if I can add to that, it's

1 because the target changes every year, and it goes  
2 up. It's the old AYP model, where they're expecting  
3 more kids proficient each year; so even though we  
4 did have more, we didn't meet the target for the  
5 State. And that target continues to go up over the  
6 years.

7 MS. PEÑA: And then looking again at our  
8 students, that we have students that are coming in  
9 10 to 20 percent lower than State averages for  
10 proficiency, and we're making great gains. But, you  
11 know, if they're looking at us and saying, "Well,  
12 you're supposed to be here," and this target is  
13 moving, and we're trying to catch up, it really  
14 doesn't tell the whole story.

15 That's also why we provided additional --  
16 our short-cycle assessment data, graphs, as well, to  
17 be able to show that increase in proficiency that we  
18 see across the board.

19 VICE CHAIR BERGMAN: Thank you for that.

20 And I'm sitting here -- I'm looking at  
21 your second amendment, because I -- to me, we're  
22 talking about the first one, which is the enrollment  
23 cap increase; but we're kind of talking about that  
24 in a vacuum, when I think it's tied directly to the  
25 second one.

1           So I am comforted by the fact that I see  
2 you're going to implement new grades one year at a  
3 time. So even though I personally do think it's a  
4 little early, I think at least you're going about it  
5 in a structured and disciplined way.

6           But -- so let me ask this question: Are  
7 you up to ninth grade right now?

8           MS. MYERS: Yes, that's correct.

9           VICE CHAIR BERGMAN: So next year, if this  
10 was approved, you would be adding two grades,  
11 really; you'd be adding the tenth grade and the K --  
12 or the K-1?

13          MS. PEÑA: K-1, and then the tenth.

14          VICE CHAIR BERGMAN: So really, three  
15 grades; you'd be adding three grades next year in  
16 the '15-'16 school year. And then it would progress  
17 one and one down the road after that.

18          MS. MYERS: Correct.

19          VICE CHAIR BERGMAN: Okay. So I think we  
20 do have to consider kind of those two together, even  
21 though we're going to do them separately. That is  
22 our policy, and always has been. So I think that's  
23 well to keep that in mind.

24          As we've had this discussion, have there  
25 been any additional questions that have occurred to

1 any of the Commissioners?

2 Commissioner Armbruster?

3 COMMISSIONER ARMBRUSTER: I just want to  
4 see that I'm saying this correctly. It really  
5 doesn't matter in a sense if you say you have 900;  
6 because you're not going to have 900 next year,  
7 anyway. You're going to have -- I don't know --  
8 200-and-something.

9 MS. MYERS: Correct. And for  
10 clarification -- and it's in the amendment. But for  
11 the K and 1, we're only looking to add 40 seats per  
12 grade level.

13 So K to 5 would be different. And we were  
14 actually very intentional with that, because part of  
15 what we felt like the need was is there's a need for  
16 strong middle schools and high schools. So as much  
17 as we're saying, "Let us start early," we also  
18 didn't -- a lot of parents are happy with elementary  
19 schools. Their concerns tend to come when the kids  
20 hit secondary.

21 So one of our concerns was is that if we  
22 don't leave a little bit of a window for folks who  
23 have now hit middle school, and they're, like, "Oh,  
24 this is not what I thought it was," that we would  
25 kind of -- it would defeat the purpose of some of

1 what we were doing is having that middle school  
2 option; or they've gone through elementary, and  
3 they're, like, "I need to find a place."

4 So that's why we intentionally said, "You  
5 know what? Let's just do 40 seats," because that  
6 way, we leave 56 seats for kids who have gotten up  
7 to that middle-school point, and the parents are,  
8 like, "I need a place to go. I need a middle school  
9 to go."

10 So just for clarification -- so it is --  
11 it would be an additional, for next year, 96 and 80,  
12 so 676 kids? -- so, yeah, almost 200. But just for  
13 clarification, it was 40 per grade level for the  
14 elementary.

15 COMMISSIONER ARMBRUSTER: Because I know  
16 it should be basically one kindergarten with an aide  
17 or something and --

18 MS. MYERS: It would be two separate  
19 sections with an aide. So it would be two sections  
20 of 20. And we referred to the enrollment caps for  
21 elementary and stuff; so we would have an aide in  
22 both of those class- -- well, all four of them, the  
23 two sections for K, and the two sections for 1.

24 COMMISSIONER ARMBRUSTER: Thank you.

25 VICE CHAIR BERGMAN: Any other questions?

1 Commissioner Peralta?

2 COMMISSIONER PERALTA: Just quickly, in  
3 your incept year, your very first year, what was  
4 your enrollment cap then, the number?

5 MS. MYERS: The cap was the same; but we  
6 did not have -- we only had -- in our very first  
7 year, we never got close to cap. We had about  
8 104 kids. -6?

9 MS. PEÑA: 107.

10 MS. MYERS: 107? And so that's part of  
11 where we put -- when we looked at our data, we  
12 wanted folks to be clear, too, that that first year,  
13 some of the kids behind you, our seventh-grade  
14 class -- which is our ninth-graders now -- we had  
15 44. So we did not fill all the seats in that first  
16 year, which was not overly a surprise to us.

17 We were a brand new school. We were  
18 trying to recruit parents in an empty building. We  
19 had tables from our houses that we brought in,  
20 folding tables, and dead cockroaches, like, on the  
21 floor and stuff. So it wasn't the biggest appeal.  
22 We really had to kind of see the mission of the  
23 school because we didn't have the aesthetics to do  
24 it. The next year, we had no problem. We had  
25 waiting lists the next year. We have waiting lists

1 this year still, to this moment in time.

2 COMMISSIONER PERALTA: To speak to that,  
3 what is -- currently is your waiting list?

4 MS. MYERS: So our waiting list for sixth  
5 -- so our sixth, seventh, eighth, a touch bit  
6 overenrolled; not by the cap, but just because we  
7 try to cap it at 96. But what we did is we  
8 over-enrolled, knowing that kids don't show up on  
9 the first day. But they all did. So it was a  
10 little shocking.

11 So I would say that as far as our wait  
12 list right now, we have probably about 20, 30 kids  
13 on our sixth, seventh, eighth grade. The only grade  
14 we don't have a wait list for right now is our ninth  
15 grade. And I'll be honest with you. Like, we  
16 don't -- the seats are there; they're available. We  
17 don't push, push, push; because part of what our  
18 mission is, is to get kids to the mentality that we  
19 have our kids at right now. You've got to mold  
20 that. Because that's one of the reasons we did not  
21 start with a high school is I personally feel  
22 that -- it starts to get late. Not that you can't  
23 do the work; but it's really hard to change the  
24 mentality.

25 I think, from my experience -- I've done



1 this for 22 years now, mostly worked in secondary  
2 settings -- and I just -- I found it a lot harder if  
3 you try to start changing the mentality in Grade 9  
4 and 10, than if you start breaking them, like, in  
5 sixth grade and getting them to think differently.  
6 So it's certainly -- it's not that we don't; we just  
7 don't aggressively try to recruit for those open  
8 spots, like we do for the middle.

9 COMMISSIONER PERALTA: So with your sales  
10 points that you've made earlier, all the things that  
11 you've been saying about your school, and just  
12 remembering some other charter school --

13 (A discussion was held off the record.)

14 COMMISSIONER PERALTA: so going back,  
15 again, you know, in listening to the good things  
16 about your school and what's going on, and in  
17 speaking to your waiting list and remembering some  
18 other charter schools, when I've asked that question  
19 before, it was usually in the 100 range, 100-plus  
20 range or whatever.

21 You're in the 30s and 40s. With how good  
22 your school is and how well you market that, why  
23 wouldn't there be any more than 30, 40 kids?

24 MS. MYERS: If you look at enrollment at  
25 most schools, we're a very large charter school.

1 Most schools don't take 100 kids per grade level; we  
2 do. A lot of the charter schools are significantly  
3 smaller in size, as far as the number that they take  
4 per grade, which is why the waiting list is not as  
5 high, I would say.

6 Also -- and once we get the initial  
7 enrollment and stuff in the summers -- or the  
8 springtime and the summer -- we don't do any more  
9 recruiting as far as trying to get word out, doing  
10 anything to promote. Applications come in  
11 throughout.

12 But I honestly do not consider that to be  
13 any type of problem or any sign that our school is  
14 not doing well. If you look at comparative sizes of  
15 classes, that's not a knock to other schools. I'm  
16 saying we are different.

17 We're known to be one of the larger  
18 charter schools in Albuquerque. And our size -- our  
19 cap sizes, per grade, are pretty significant. Like,  
20 a lot of them cap more around 40 kids. They have  
21 two sections of kids. We have four at 24, which is  
22 why it's larger. That's why I would say that looks  
23 a little bit different for other schools.

24 COMMISSIONER PERALTA: Thank you.

25 VICE CHAIR BERGMAN: Thank you. Any other

1 thoughts? Questions? Concerns?

2 I would just -- should this be approved, I  
3 would just caution you, as I do all the schools. Be  
4 very careful with those caps, because this  
5 Commission does take a very dim view of a school  
6 that actually exceeds their cap, and that we  
7 consider that, in most cases, to be a material  
8 violation of their charter. So I always caution  
9 schools on that.

10 I think I've asked everything that I  
11 wanted to ask. If there are no further questions or  
12 discussion from the Commissioners, if we are ready  
13 to move forward on this, we'll do the amendments.

14 And we'll do the first one for the  
15 enrollment cap increase; and then we'll do the class  
16 sizes separately.

17 There are -- in your book, there are some  
18 proposed motions. If you would like to do that,  
19 just be specific on the numbers.

20 Do I hear a motion?

21 COMMISSIONER TOULOUSE: Mr. Chair?

22 VICE CHAIR BERGMAN: Commissioner

23 Toulouse?

24 COMMISSIONER TOULOUSE: I move to approve  
25 the amendment presented by Mission Achievement and

1 Success Charter School requesting an enrollment cap  
2 increase from 672 students to 912 students.

3 VICE CHAIR BERGMAN: We have a motion  
4 before us.

5 Do I have a second?

6 COMMISSIONER GIPSON: Second.

7 VICE CHAIR BERGMAN: We have a motion by  
8 Commissioner Toulouse, a second by Commissioner  
9 Gipson.

10 Is there any further discussion?

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

13 COMMISSIONER PERALTA: Commissioner  
14 Toulouse?

15 COMMISSIONER TOULOUSE: Yes.

16 COMMISSIONER PERALTA: Commissioner  
17 Armbruster?

18 COMMISSIONER ARMBRUSTER: Yes.

19 COMMISSIONER PERALTA: Commissioner  
20 Conyers?

21 COMMISSIONER CONYERS: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Peralta votes "Yes."

24 Commissioner Gipson?

25 COMMISSIONER GIPSON: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Bergman?

3 VICE CHAIR BERGMAN: Yes.

4 COMMISSIONER PERALTA: And Commissioner  
5 Chavez?

6 COMMISSIONER CHAVEZ: Yes.

7 COMMISSIONER PERALTA: Mr. Chair, that is  
8 a 7-to-0 vote in favor of the motion.

9 VICE CHAIR BERGMAN: Thank you,  
10 Mr. Secretary.

11 Based on that, the motion to approve the  
12 enrollment cap for MAS has passed with a unanimous  
13 vote, approving that you move from your 672 students  
14 to 912.

15 Now, we need to do the companion  
16 amendment. And that one is -- I think I will -- you  
17 all can go ahead and read it. But they do propose  
18 to add grades K through 5, adding grades K through 1  
19 next school year, and then adding one grade after  
20 that. I know we just very briefly touched on that.

21 Are there any questions from any of the  
22 Commissioners that you would like to address the  
23 school about adding the grades?

24 COMMISSIONER GIPSON: I think we're pretty  
25 clear on how it's going to go.

1 VICE CHAIR BERGMAN: I think so, too. I  
2 have nothing further.

3 So here, again, I would entertain a  
4 motion. And be very specific on this one, so  
5 that -- either for or against this amendment.

6 Commissioner Armbruster?

7 COMMISSIONER ARMBRUSTER: Fortunately,  
8 yeah, I can read on grade level. Okay.

9 I move to approve the amendment presented  
10 by Mission Achievement and Success Charter School to  
11 add Grades K through 5, with an expansion plan to  
12 include Grades K through 1 in 2015 through 2016;  
13 Grade 2 in 2016-2017; Grade 3 in 2017-2018;  
14 Grade 4, 2018 through 2019; and Grade 5 in  
15 2019-2020, from serving students six through twelve,  
16 starting with Grades 6 through 7 in our opening year  
17 of 2012, and adding grade levels each year after.

18 Is that right?

19 VICE CHAIR BERGMAN: Thank you,  
20 Commissioner Armbruster. I think that was about as  
21 specific as I could have done myself.

22 COMMISSIONER ARMBRUSTER: We'll add it to  
23 your proficiency.

24 COMMISSIONER TOULOUSE: Second the motion.

25 VICE CHAIR BERGMAN: We do have a motion.

1 Do we have a second?

2 COMMISSIONER TOULOUSE: Second.

3 VICE CHAIR BERGMAN: Commissioner

4 Toulouse?

5 So we have a motion by Commissioner

6 Armbruster, a second by Commissioner Toulouse.

7 Is there any further discussion on this

8 amendment?

9 Mr. Secretary, will you conduct a

10 roll-call vote on this motion, please?

11 COMMISSIONER PERALTA: A motion to

12 approve.

13 Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER PERALTA: Commissioner

16 Conyers?

17 COMMISSIONER CONYERS: Yes.

18 COMMISSIONER PERALTA: Commissioner

19 Peralta votes "Yes."

20 Commissioner Gipson?

21 COMMISSIONER GIPSON: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Bergman?

24 VICE CHAIR BERGMAN: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Chavez?

2 COMMISSIONER CHAVEZ: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Armbruster?

5 COMMISSIONER ARMBRUSTER: Yes.

6 COMMISSIONER PERALTA: Mr. Chair, that is  
7 7-to-0 in favor of the motion.

8 VICE CHAIR BERGMAN: Thank you,  
9 Mr. Secretary. That motion has passed unanimously,  
10 to add the grade levels, as noted in the motion; so  
11 that has been approved, also, before this  
12 Commission.

13 Thank you for your very excellent  
14 presentation in support of your amendments. And we,  
15 of course, will be watching. We like to see -- we  
16 hope you have every success with it. So thank you  
17 very much. And thank you guys for coming today.

18 MS. MYERS: Thank you.

19 VICE CHAIR BERGMAN: Actually, I'm looking  
20 at the clock. I think this will probably be an  
21 ideal time for a comfort break.

22 Why don't we take 10 minutes or 12 minutes  
23 and be back at 10:10, please?

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

25 VICE CHAIR BERGMAN: We are back in



1 session from our short break. We need to move  
2 forward.

3 We are at Item No. 6 on our agenda today,  
4 which is School Improvement Plans.

5 Now, there are copies of these improvement  
6 plans in your books. I would suggest if you haven't  
7 already read them, my fellow Commissioners, you take  
8 them home and read them at your convenience, because  
9 these improvement plans, of course, will be part of  
10 future renewals and everything. So we do need to be  
11 knowledgeable, and there will be questions in the  
12 future.

13 It's almost like going to school again.  
14 There will be questions raised. You might even have  
15 a test or two.

16 So, Julie, can you bring us up to date on  
17 what you have here today?

18 MS. LUCERO: Yes, Commissioner Bergman,  
19 members of the Commission. What we have here are  
20 updates and final improvement plans for schools that  
21 didn't include time frames during their last  
22 improvement plans. So I only included improvement  
23 plans that needed that revision; that is, from ACE  
24 Leadership High School, La Promesa Early Learning  
25 Center, South Valley Prep, and Academy of Trades and

1 Technology.

2 Also behind that you will see governing  
3 board minutes of all other improvement plans that we  
4 hadn't received.

5 And so we are also receiving updates on  
6 improvement plans that have been submitted all the  
7 way from last fall till now. Charters are updating  
8 this on short-cycle assessments. Anything they  
9 included, they've been turning those in; so we'll  
10 just continually be having updates on improvement  
11 plans.

12 Also our liaisons, we are starting our  
13 conditional visits, those half-days that were  
14 included in renewals. And these schools are some of  
15 the schools that we will be visiting. And during  
16 that time, we will look at the improvement plan and  
17 check the status.

18 VICE CHAIR BERGMAN: Thank you for that.  
19 Were you and the Staff satisfied with what was  
20 submitted?

21 Are they going to achieve what we -- we  
22 and you wanted them to do with these improvement  
23 plans?

24 Are they going to actually lead to some  
25 improvement, we hope?

1 MS. LUCERO: Commissioner Bergman, members  
2 of the Commission, yes, we believe so. Of course,  
3 the improvement plan is a new system that we are  
4 using, and we are continually refining the process  
5 and hopefully bringing the tool up to a place that  
6 it drive improvement to each of these schools.

7 But, yes, we do feel that if we hold  
8 schools accountable for the things they've included  
9 in these improvement plans, that yes it will lead to  
10 increased academic performance or an improvement in  
11 whatever -- in the areas that they need to improve  
12 in.

13 VICE CHAIR BERGMAN: Thank you, Julie.

14 Any Commissioners have questions for  
15 Julie?

16 Commissioner Armbruster, go right ahead.

17 COMMISSIONER ARMBRUSTER: This may just be  
18 a clarification, Julie. But I'm reading Ace  
19 Leadership action strategies, interventions, reading  
20 and writing -- it's just the first one, because I  
21 printed it off at home.

22 So -- so do they have somewhere -- but I  
23 don't know -- but I haven't seen -- specific  
24 targeted goals for reading and writing? Or just  
25 that they're saying that they're -- they're

1 implementing it?

2 Do you understand what I'm asking?

3 MS. LUCERO: Yes. Members of the  
4 Commission, yes, ACE Leadership has been a unique  
5 improvement plan. Their program is a little  
6 different. They use project-based learning. So  
7 their targets look a little different.

8 So they've invited us to participate in  
9 these project-based -- it's a weeklong activity. So  
10 their targets are based off of that. But it is  
11 still unclear. And they're the school that I will  
12 need to work with the most in the areas, because  
13 their program looks differently.

14 So targets -- and if you'll remember from  
15 renewals, you know, the Commissioners that did  
16 participate, their proficiency rates are pretty low.  
17 And their students come in at, you know, pretty low  
18 reading and math levels. So this is a school that  
19 we'll be following pretty closely.

20 And so this improvement plan may be  
21 tweaked along the way. So they do not have a  
22 particular set goal on paper; but working with them  
23 to come up with those start goals will really be my  
24 plan.

25 COMMISSIONER ARMBRUSTER: So let me

1 continue. I mean, to me, if I were writing a goal  
2 for a student -- or a group of students -- and let's  
3 just say writing, at least what I'm understanding,  
4 which is it's possible that I'm not understanding  
5 that; let me say that -- it would say something  
6 like, "By the end of -- in two weeks, the students  
7 will be able to write a topic sentence that has at  
8 least seven words in it and write at least one  
9 supporting fact towards that," or something -- not  
10 necessarily that, but something like that -- and  
11 that that would be measured.

12 And it's fine to be documented in a -- in  
13 a portfolio; but it would be documented that very  
14 specific things are being achieved, rather than just  
15 saying, "Specific pieces of student work  
16 demonstrating targeted reading and writing and math  
17 skills," because I don't know what those -- I don't  
18 know what that writing or reading or math goal is.

19 COMMISSIONER GIPSON: They do have those  
20 goals, don't they, specifically, in -- I don't know  
21 how to put it -- in an overall plan? And this is  
22 just making sure that they are trying to implement  
23 those goals that they've already set out.

24 MS. LUCERO: Commissioner Bergman, yes --  
25 members of the Commission, yes, exactly. They do

1 have an overall goal. Now, this will be a school  
2 that we'll have an opportunity to work with more  
3 closely now, during negotiations for their new  
4 contract and performance framework. And it's  
5 something we really need to look at.

6 Philosophically, the school doesn't always  
7 agree with the mandates from State with testing; and  
8 so it becomes very difficult. She uses -- the  
9 director uses alternative measures to demonstrate  
10 growth and proficiency that are unlike other  
11 schools. So it's a unique situation; but I feel  
12 that it's really the PEC's opportunity during this  
13 time, during negotiation time, to push that issue.

14 So, yes, this improvement plan is in  
15 addition to other goals that the State mandates, as  
16 well. This just falls under that.

17 But I do agree with you, and I clearly  
18 hear what you're saying. There should be specific  
19 targets of where they're going to reach in the  
20 interim. And we will continue to work towards that.

21 COMMISSIONER ARMBRUSTER: And I'm -- I'm a  
22 teacher. I just -- you know, I'm not a person who  
23 necessarily believes you give a test to see if they  
24 can write this thing. And I think it's fine to do  
25 it this way, because you can tell very easily, this

1 is your topic sentence, and, yes, there's three  
2 facts or details under that. It's easy to do. You  
3 don't need a standardized test to do that.

4 But I just didn't understand that they had  
5 short goals that you would do; because you would do  
6 that -- a main idea, a topic sentence, you could do  
7 that in a week. You know, that would be the first  
8 thing that you would do.

9 So that's why I wasn't sure if this was  
10 just, like, some omnibus kind of thing, and at the  
11 end, you'll get it. I wasn't suggesting a test for  
12 that -- a "test" test; just more of a documentation.  
13 So that's why.

14 MS. LUCERO: Commissioner Bergman, members  
15 of the Commission, we agreed with exactly that. I  
16 do believe there should be targets in the interim.  
17 And we continue to work with this school to make  
18 sure that those things happen, because their  
19 proficiency rates are so low.

20 COMMISSIONER ARMBRUSTER: Well -- and they  
21 have a difficult population; but you can still have  
22 goals, make very small things, rather than --

23 COMMISSIONER TOULOUSE: Mr. Chair?

24 VICE CHAIR BERGMAN: Commissioner  
25 Toulouse?

1           COMMISSIONER TOULOUSE: Mr. Chair, fellow  
2 Commissioners, having only been on the Commission  
3 two years -- so it seems to me that part of the  
4 problem with ones like this is they are not yet on a  
5 contract, where we have made them become much more  
6 specific with us; so that at this point in time,  
7 until, with their charter renewal, we can negotiate  
8 their contract, there's not a whole lot we can do  
9 that's specific.

10           And then within that charter contract, and  
11 in the yearly reviews that we do on that, isn't that  
12 how it's supposed to work, sir?

13           VICE CHAIR BERGMAN: That is correct.

14           COMMISSIONER TOULOUSE: Okay. Then I  
15 do -- okay. Thank you.

16           VICE CHAIR BERGMAN: And that process has  
17 two more years. In two years, we will have most of  
18 the schools under contract by then.

19           And, again, I'll just reiterate. That's  
20 why these improvement plans are important. I  
21 note -- I don't want you to clutter up your houses  
22 any more than they already might be. But that's why  
23 our job will just become more time-sensitive in the  
24 future, because as we -- these schools come up for  
25 these renewals and then are going to have to



1 negotiate these contracts, yes, we're going to be  
2 putting some very specific goals into them.

3 But we're also going to have to fold in  
4 these improvement plans, because we're going to ask  
5 at that renewal, "Well, did you guys improve?"

6 We're going to look at these improvement  
7 plans again -- that's how I do it anyway. I bring  
8 it up at that session. I look at it again before I  
9 go to the session. And that's what I would suggest  
10 to my fellow Commissioners.

11 So, yeah, we're going to have stacks of  
12 paperwork at some point. But that is going to help  
13 us set those goals. We're going to be able to see  
14 what the schools thought they needed to improve on  
15 and how they wanted to do that. And we're going to  
16 be able to ask them, "Did you do it; and if you  
17 didn't do it, why didn't you do it?"

18 And that becomes a part of their renewal  
19 process; because then, I believe, we'll all be  
20 alarmed, whoever happens to be sitting here when  
21 that's taking place. "Why didn't you do it?"

22 That's the whole purpose of an improvement  
23 plan is do it. We don't want you to throw it down  
24 on paper and then file it back in the cabinet and  
25 forget about it. We're not going to forget about

1 it. I can assure schools. We're going to stay on  
2 top of it, no matter who's here.

3 I have faith in whoever is running this  
4 Commission five years from now that they'll be doing  
5 the job; I certainly hope so, anyway.

6 Anyway, are there any further questions?  
7 Comments?

8 COMMISSIONER GIPSON: Just one. This is  
9 part of the files that we were sent; correct?

10 MS. LUCERO: Correct.

11 COMMISSIONER GIPSON: Okay.

12 COMMISSIONER ARMBRUSTER: Yeah, I printed  
13 it off.

14 VICE CHAIR BERGMAN: Let me ask our legal  
15 counsel. My memory is a little hazy here. Do we  
16 need to vote to accept these improvement plans? Or  
17 is it just -- I think we've just accepted them in  
18 the past, haven't we?

19 MS. LUCERO: Yes, Commissioner Bergman,  
20 members of the Commission. Yes. It's just an  
21 update on the improvement plans. We could include  
22 that every month, because we will have updates; or  
23 however you would like us to proceed with the  
24 improvement plans, but not necessarily for approval.

25 VICE CHAIR BERGMAN: I think what we've

1 asked for in the past, if new information becomes  
2 available, we always like to hear it.

3 MS. LUCERO: Yes. And last month, the  
4 request was made, including time frames.

5 VICE CHAIR BERGMAN: Yeah. But we don't  
6 want to generate more paperwork than we absolutely  
7 have to; so we don't want to be repetitive.

8 That's where we stand. I believe we're  
9 through with item No. 6, then.

10 Let's move on to Item No. 7, where we'll  
11 be approving board of finance applications.

12 Here, again, for the benefit of our new  
13 Commissioners, when we approve a school, that new  
14 school, during that planning year, one of the things  
15 they have to do is they have to certify that they're  
16 going to serve as a board of finance to handle all  
17 that State money they're going to get.

18 So this -- we do vote on these each time.  
19 And they can't open without -- without our approval  
20 on their board of finance. This is something that  
21 has to be done, and that's what we're going to do  
22 with these schools here today.

23 So, Julie, what can you bring us on that,  
24 Item No. 7?

25 MS. LUCERO: Commissioner Bergman, members

1 of the Commission, I have three board of finance  
2 applications. There should have been four. The  
3 school board of finance application that will be  
4 missing is Monte del Sol. The director has had a  
5 family emergency. He has had a death in the family;  
6 and so they've run into some problems approving that  
7 with the board. It was to take place on Tuesday,  
8 and because of that event, they will bring that  
9 board of finance application for the March meeting.

10 I'll report all of the other schools. The  
11 first school is Turquoise Trail Charter School. The  
12 second would be La Montañas Charter School. And the  
13 last will be Tierra Encantada.

14 Now, Monte del Sol is still within their  
15 90-day time frame for the March meeting; so we're  
16 still okay with that application coming in in March.

17 VICE CHAIR BERGMAN: Thank you. So they  
18 will come to us. You will see that documentation in  
19 here. There is actually a specific list of  
20 documentation they have to provide. And what we, in  
21 probably the past couple of years -- here again, to  
22 cut down on the paperwork a little bit, we have just  
23 asked CSD to verify that all the required  
24 documentation has been submitted, is in a manner in  
25 which it should be. And they tell us that, and then

1 we have faith in them, and we then vote on it.

2 But if it's in here, I would suggest to  
3 you, when you get a chance, that you take a look at  
4 it. It's pretty specific stuff. You have to have  
5 affidavits from governing bodies and things like  
6 that; so you might find it interesting. So look at  
7 it.

8 Any discussions? Any questions?

9 Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Mr. Chair, I  
11 think, looking at these, aren't these the existing  
12 charter schools that moved over to us this time,  
13 rather than the new charters?

14 MS. LUCERO: Yes. Commissioner Bergman,  
15 members of the Commission, yes. These are new  
16 schools transferring over from district-authorized  
17 to State-authorized.

18 COMMISSIONER TOULOUSE: But they already  
19 are authorized schools; but now that their school  
20 district is not doing this for them, then we need to  
21 see that they have this; is that why? Because I was  
22 a little confused when I saw that we needed to  
23 approve this --

24 VICE CHAIR BERGMAN: We still have to  
25 approve them ourselves for the Board of Finance.

1           COMMISSIONER TOULOUSE: That's the  
2 question. I wanted to make sure that's what we had  
3 to do.

4           VICE CHAIR BERGMAN: Your understanding is  
5 correct, yes.

6           Anything else?

7           Here, again, there are -- I believe there  
8 are sample motions under Item No. 7. We're going to  
9 do them individually. We do them one at a time.

10          Yeah. Our legal counsel has asked to say  
11 something. So he may.

12          MR. GRANATA: Commissioner Bergman,  
13 Commissioners, I just want to point out in the  
14 sample motions that are provided in your booklet,  
15 that there's actually a mistake regarding the  
16 citation to the Rule. It should be 6.80.4.16,  
17 rather than .17.

18          VICE CHAIR BERGMAN: That would be the  
19 same all the way down there. Yes, I see it's on all  
20 of them now.

21          Please make that change, and be sure you  
22 state that in the motion. Thank you for catching  
23 that, Josh, because I did not. Of course, as much  
24 as I'd like to memorize every statute in this State,  
25 I don't believe I have that capability; so -- so I

1 wouldn't have caught that.

2 But thank our legal counsel for doing  
3 that. Here, again, be very specific on your motion.  
4 Let's do Turquoise Trail Charter School first. Does  
5 someone wish to make a motion?

6 Commissioner Peralta?

7 COMMISSIONER PERALTA: I move that PEC  
8 approve the Turquoise Trail Charter School Board of  
9 Finance application, pursuant to NMAC 6.80.4.16.

10 VICE CHAIR BERGMAN: Thank you,  
11 Commissioner Peralta. I have a motion. Do I have a  
12 second?

13 COMMISSIONER ARMBRUSTER: (Indicates.)

14 VICE CHAIR BERGMAN: Commissioner  
15 Armbruster?

16 So I have a motion by Commissioner Peralta  
17 and a second by Commissioner Armbruster.

18 Mr. Secretary, can we have a vote, please?

19 COMMISSIONER PERALTA: Commissioner  
20 Conyers?

21 COMMISSIONER CONYERS: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Peralta votes "Yes."

24 Commissioner Gipson?

25 COMMISSIONER GIPSON: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Bergman?  
3 VICE CHAIR BERGMAN: Yes.  
4 COMMISSIONER PERALTA: Commissioner  
5 Chavez?  
6 COMMISSIONER CHAVEZ: Yes.  
7 COMMISSIONER PERALTA: Commissioner  
8 Toulouse?  
9 COMMISSIONER TOULOUSE: Yes.  
10 COMMISSIONER PERALTA: Commissioner  
11 Armbruster?  
12 COMMISSIONER ARMBRUSTER: Yes.  
13 COMMISSIONER PERALTA: Mr. Chair, that is  
14 a 7-to-0 vote in favor of the motion.  
15 VICE CHAIR BERGMAN: Thank you,  
16 Mr. Secretary. That motion has carried by a 7-to-0  
17 vote to approve the Board of Finance for the  
18 Turquoise Trail Charter School.  
19 The next school we shall consider will be  
20 La Montañas Charter School. Is there any  
21 discussion? Do I have a motion?  
22 COMMISSIONER GIPSON: Commissioner  
23 Bergman?  
24 VICE CHAIR BERGMAN: Commissioner Gipson?  
25 COMMISSIONER GIPSON: I move that the PEC



1 approve the La Montañas Charter School Board of  
2 Finance application, pursuant to NMAC 6.80.4.16.

3 VICE CHAIR BERGMAN: Thank you,  
4 Commissioner Gipson. We have a motion.

5 Do I have a second?

6 COMMISSIONER CONYERS: Second.

7 VICE CHAIR BERGMAN: Commissioner Conyers  
8 has seconded it. So we have a motion by  
9 Commissioner Gipson and a second by Commissioner  
10 Conyers.

11 Is there any discussion?

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

14 COMMISSIONER PERALTA: Commissioner  
15 Peralta votes "Yes."

16 Commissioner Gipson?

17 COMMISSIONER GIPSON: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Bergman?

20 VICE CHAIR BERGMAN: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Chavez?

23 COMMISSIONER CHAVEZ: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER PERALTA: Commissioner  
3 Armbruster?

4 COMMISSIONER ARMBRUSTER: Yes.

5 COMMISSIONER PERALTA: Commissioner  
6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER PERALTA: Mr. Chair, that is  
9 a 7-to-0 vote in favor of the motion.

10 VICE CHAIR BERGMAN: Thank you,  
11 Mr. Secretary. That motion has carried, to approve  
12 the Board of Finance for the La Montañas Charter  
13 School, with a 7-to-0 vote.

14 We will bypass Monte del Sol, because of  
15 the situation that has been explained, and we will  
16 hopefully see them in our March meeting for their  
17 approval.

18 The next one will be the Tierra Encantada  
19 Charter School.

20 Is there any discussion?

21 Seeing none, could I have a motion,  
22 please?

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: I move that the  
25 PEC approve the Tierra Encantada Charter School

1 Board of Finance application, pursuant to NMAC  
2 6.80.4.16.

3 VICE CHAIR BERGMAN: Very well done,  
4 Commissioner Toulouse, because I notice it actually  
5 says, in the body, "Monte del Sol"; so we need to  
6 scratch that out, and it's actually  
7 Tierra Encantada. Be certain we know exactly who  
8 we're doing. So you covered very well there.

9 COMMISSIONER TOULOUSE: Thank you, sir.

10 VICE CHAIR BERGMAN: I saw that and said  
11 "Whoops," as you were reading.

12 Okay. We do have a motion on the floor  
13 from Commissioner Toulouse. Do we have a second?

14 COMMISSIONER GIPSON: Yes.

15 VICE CHAIR BERGMAN: Commissioner Gipson  
16 seconded. We have a motion by Commissioner Toulouse  
17 and a second by Commissioner Gipson that the PEC  
18 approve the Tierra Encantada Charter School Board of  
19 Finance.

20 Is there any discussion?

21 Seeing none, Mr. Secretary, can we have a  
22 vote?

23 COMMISSIONER PERALTA: Commissioner  
24 Gipson?

25 COMMISSIONER GIPSON: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Bergman?  
3 VICE CHAIR BERGMAN: Yes.  
4 COMMISSIONER PERALTA: Commissioner  
5 Chavez?  
6 COMMISSIONER CHAVEZ: Yes.  
7 COMMISSIONER PERALTA: Commissioner  
8 Toulouse?  
9 COMMISSIONER TOULOUSE: Yes.  
10 COMMISSIONER PERALTA: Commissioner  
11 Armbruster?  
12 COMMISSIONER ARMBRUSTER: Yes.  
13 COMMISSIONER PERALTA: Commissioner  
14 Conyers?  
15 COMMISSIONER CONYERS: Yes.  
16 COMMISSIONER PERALTA: Commissioner  
17 Peralta votes "Yes."  
18 Mr. Chair, that is a 7-to-0 vote in favor  
19 of the motion.  
20 VICE CHAIR BERGMAN: Thank you,  
21 Mr. Secretary. That motion to approve the Board of  
22 Finance for the Tierra Encantada Charter School has  
23 passed unanimously with a 7-to-0 vote.  
24 Thank you. That concludes Item No. 7.  
25 We now move on to Item No. 8, New Charter

1 School Planning Year Checklist.

2 Here, again, Julie is going to bring us up  
3 to date on that. And, Julie, why don't you tell us  
4 what, if anything, has changed on these documents,  
5 please?

6 MS. LUCERO: Commissioner Bergman, members  
7 of the Commission, this is actually the first time  
8 you will see that template. The deadline was  
9 January 31st. The next deadline is March 31st. You  
10 will continue to see that exact form with new  
11 updates.

12 All new charter schools are moving in the  
13 right direction and doing very well. The only area  
14 that you will see, where the item wasn't necessarily  
15 met, was under "Facilities." The other area you'll  
16 notice under "Financial" is bank accounts.

17 Many of these new charter schools -- it  
18 requires money to set up some of these systems, and  
19 would like to hold off just a little bit before  
20 either opening up their bank accounts -- but all  
21 other documentation is in place.

22 I am in constant communication with all  
23 three of these schools, providing resources, getting  
24 GC board training set up for them, those type of  
25 items.

1 Facilities, looks like all three schools  
2 are in a promising place for facilities. That, of  
3 course, is the most difficult; but constant  
4 communication and moving forward in all three  
5 schools.

6 VICE CHAIR BERGMAN: Thank you, Julie.

7 Now, I would ask this question: Are all  
8 these schools on track? 'Cause here again, for the  
9 benefit of our new Commissioners, they've had a  
10 problem the last couple of years -- this is a  
11 requirement, here again, for these schools. And  
12 we've had several schools come down to the end, and  
13 they weren't done with their Planning Year  
14 Checklist. And then we had to jump through all  
15 kinds of hoops, and they had to jump through all  
16 kinds of hoops to avoid that, if at all humanly  
17 possible; and I believe it should be.

18 MS. LUCERO: Commissioner Bergman and  
19 members of the Commission, yes. I think the only  
20 thing that could happen is the facility fees, if  
21 they could not find a facility. SABE was the one  
22 school that was having probably most difficulty with  
23 a facility; but in the last couple of weeks, they  
24 found some potential sites that looked like they  
25 could work for them.

1           But, yes, we will -- I will be in constant  
2 communication with those schools to make sure that  
3 that doesn't happen.

4           VICE CHAIR BERGMAN: One other question I  
5 might have -- and I know you've already got an  
6 excessive workload. But on these, is there some way  
7 for you to highlight any information you've added  
8 from the previous report so it would jump out at us?  
9 Or is that an unreasonable request?

10           MS. LUCERO: Commissioner Bergman,  
11 absolutely not; that is not an unreasonable -- I can  
12 highlight the areas that are new. You will see,  
13 moving forward, the new dates from now until  
14 March 31st; that will be all new information. But  
15 if they've gone back, and do have a facility, I will  
16 highlight that area in the last January time frame.

17           VICE CHAIR BERGMAN: If you would do that  
18 for us, because we do have a lot of reading to do,  
19 and it would be helpful, I think. So thank you for  
20 that.

21           Any questions for Julie on these Planning  
22 Year Checklists? Comments? Questions?

23           Here, again, I don't believe we need to  
24 vote on this. These are just -- let me put this in  
25 here.

1 I guess, then, we are ready to move on to  
2 item No. 9 on our agenda. And this one will be  
3 interesting. Notice and Discussion of Building  
4 Search for Coral Community Charter School.

5 And as Julie has already alluded to, that  
6 is the number one thing for any charter school in  
7 this state now, the new ones, particularly, is  
8 trying to find suitable facilities. And it seems to  
9 get harder every year.

10 It's not the school's fault; it's not our  
11 fault. There's just not suitable buildings. And so  
12 this is something that does occupy a lot of our  
13 time, as you will find out.

14 So, Julie, what do you have for us on  
15 this?

16 MS. LUCERO: Commissioner Bergman, members  
17 of the Commission, we do have members from Coral  
18 Community with us today. What they're doing is they  
19 are notifying us of a building search. They have  
20 actually found a location that they're looking at,  
21 and it has been approved. But I think it's  
22 appropriate that we do call the members from Coral  
23 Community up and see if they can address any  
24 questions you may have.

25 VICE CHAIR BERGMAN: Yes, come up, please.



1 COMMISSIONER ARMBRUSTER: Commissioner  
2 Bergman, because -- I don't know where these places  
3 are. I'm just wondering whether -- when you write  
4 these, where, like, Coral or Turquoise Trail or  
5 wherever, can we just sort of like say where they  
6 are? I know that Turquoise Trail is Albuquerque;  
7 but I don't -- I don't know. This is --

8 VICE CHAIR BERGMAN: That sounds like a  
9 reasonable request to me, also.

10 MS. LUCERO: Commissioner Bergman,  
11 Commissioner Armbruster, absolutely, I will include  
12 that.

13 VICE CHAIR BERGMAN: Thank you for taking  
14 the time to come today. Please identify yourself  
15 for our transcriber, so she will get that. And then  
16 we will proceed.

17 MS. SICKENGER: Heather Sickenger,  
18 intermediate girls educator.

19 MS. ELDREDGE: Donna Eldredge, principal.

20 MS. TRIOLO: Tania Triolo, GC Chair.

21 MR. NUNN: Rick Nunn. I teach the upper  
22 elementary boys. And we're in Albuquerque,  
23 New Mexico, elementary, single-gender.

24 VICE CHAIR BERGMAN: Okay, thank you. As  
25 I say, thank you for being here today. Bring us up

1 to date on what you've got.

2 MS. ELDREDGE: Well, okay. As you've  
3 stated, Commissioner Bergman, the building issue is  
4 one of the most difficult issues that we deal with;  
5 but we actually -- we're on the move.

6 So we put together a time line. We do  
7 have -- we did have our Facilities Master Plan  
8 approved in March of 2013. October 2013, we  
9 established a committee to start the search. The  
10 committee consists of governance council members,  
11 parents, and staff.

12 On October 30th, we really got to visiting  
13 facilities. And I do have a table available, if  
14 you're interested. There's eight facilities on  
15 the -- that we looked at; but for whatever reason,  
16 they fell through.

17 On December 12th, we actually were able to  
18 schedule a meeting to discuss a real possible  
19 location for our facility with the Foundation. I  
20 won't go through all the details; but we followed  
21 all the procedures. The GC has been notified and  
22 approved us to move forward.

23 The Foundation is actually the entity that  
24 will be purchasing the facility. We have secured --  
25 we have a Plan A and Plan B.

1 Plan A is to raise funds. We found an  
2 owner who's willing to owner-finance; so that's  
3 really great for us. And we've managed to raise  
4 \$10,000. The minimal down payment would be \$40,000.  
5 So Plan A is that we raise that money with our  
6 families, and we're really on the move with that.

7 We have another plan with an individual  
8 who's willing to lend that money to us.

9 So we found a facility in Albuquerque that  
10 meets our criteria. If you'll look through our  
11 charter, we originally hoped to locate in the  
12 Southeast part of town; but we weren't able to find  
13 a facility. But this is actually very, very close  
14 to where we had originally wanted to have our  
15 building near Highland High School. So that's --  
16 that's kind of it, in a nutshell. If you have any  
17 questions?

18 VICE CHAIR BERGMAN: Thank you. And I  
19 thank you for your diligence in coming to us in  
20 advance, because we have stressed that with our  
21 charter schools. And we still have one or two that  
22 want to come to us after the fact. And it's just  
23 not an ideal situation for us, because then we're  
24 being asked to approve something that's already a  
25 done deal, and that puts us in a bind.

1           Let me ask you a couple of questions, and  
2 then I'll throw it open.

3           What's your current enrollment?

4           MS. ELDREDGE: Our current enrollment is  
5 145 students.

6           VICE CHAIR BERGMAN: And your cap?

7           MS. ELDREDGE: Our cap is 390.

8           VICE CHAIR BERGMAN: What's the capacity  
9 of this building, if it all comes together for you  
10 and you get the building?

11           MS. ELDREDGE: The capacity for this  
12 building -- Ms. Triolo?

13           MS. TRIOLO: The square footage meets our  
14 Facilities Master Plan, which meets our cap; and so  
15 I know the square footage fits into that 390 now.

16           VICE CHAIR BERGMAN: So you will be able  
17 to handle all of your cap, if you ever get to that  
18 point, in this one facility?

19           MS. TRIOLO: Correct.

20           VICE CHAIR BERGMAN: Outstanding.

21           Are there any questions or comments from  
22 Commissioners?

23           Commissioner Toulouse?

24           COMMISSIONER TOULOUSE: Mr. Chair, I have  
25 a question, since they are so far across town from

1 where they thought their charter was.

2 Was there a charter amendment to let you  
3 go as far Northeast as you did; so now we have a  
4 charter school to get you back to where you were  
5 supposed to? How did you get as far to the  
6 Northeast as you are?

7 MS. ELDREDGE: Commissioner Toulouse, we  
8 came to the Public Education Commission and  
9 presented that we had to secure that location for a  
10 lease and continue diligently to find a building in  
11 the Southeast.

12 COMMISSIONER TOULOUSE: So that was a  
13 charter amendment?

14 MS. ELDREDGE: No, it was not a charter  
15 amendment.

16 MS. TRIOLO: We -- our charter is written  
17 for all of Albuquerque. It was our desire to locate  
18 within the Southeast. And so although it's our  
19 desire, and we used a lot of research data from the  
20 Southeast, our mission is to serve all of  
21 Albuquerque students.

22 And so we weren't -- it was -- it was  
23 written to where that's where we would like to be;  
24 but unfortunately, we could only find an E-Occupancy  
25 building in that one location. So we leased that

1 until we could find something in the Southeast.

2 COMMISSIONER TOULOUSE: Mr. Chair, thank  
3 you. I've only been on the Commission two years. I  
4 want to make sure, before we do anything, that we do  
5 dot the I's and cross the T's, because I've been --  
6 was raised in the Southeast Heights, raised my kids  
7 there; I live there. I went to Highland; my kids  
8 went to Highland.

9 I definitely always approve of something  
10 coming to help our neighborhood, which seems to be  
11 getting ignored more and more. But I just want to  
12 make sure that everything is correctly lined up for  
13 this. And when I go home today I'm going to drive  
14 by that location. So thank you.

15 VICE CHAIR BERGMAN: Thank you,  
16 Commissioner Toulouse. And I will add that this is  
17 a part of the difficulty with the facilities. We  
18 can't ask them to give us an amendment every time  
19 they're looking, because they may not get the  
20 building, and we would waste our time and their  
21 time.

22 Now, we have not actually approved this  
23 address yet, have we? So when they get --  
24 everything is dotted, and it's firm and all that,  
25 then they will have to come to us with an amendment.

1                   COMMISSIONER TOULOUSE: Commissioner  
2 Bergman, I understand that. I was trying to get the  
3 history of why they wanted to be in the Southeast  
4 and ended up where they are now, and if that had  
5 been amended in any way that there would have to be  
6 a change when we approve this. That was all I was  
7 asking. Thank you.

8                   VICE CHAIR BERGMAN: Yeah, okay. And I  
9 can actually tell you that this Commission -- it's  
10 been some years ago, before you were on the  
11 Commission, we actually had a school that did apply  
12 specific-- -- they were very specific in the area of  
13 town that they wanted to be in. And they came back  
14 to us and found out that they couldn't find a  
15 facility there, and they wanted to go all the way up  
16 into the Northeast Heights.

17                   And I must say, this Commission, at that  
18 time, told them, "No, you need to continue to work  
19 the problem in the area that you tried" -- when you  
20 come to us and say, "We want to serve the  
21 South Valley," then that's where they need to be.  
22 If they're going to serve the South Valley and  
23 that's the premise for their school, then this  
24 Commission has expected them to be in the  
25 South Valley.

1           It's just -- and there was one situation  
2 about four years ago that a school did that -- here  
3 again, before a lot of you were here -- that was  
4 their premise -- the basic premise for their school  
5 was that they would be in the South Valley working  
6 with those at-risk kids down there. And then the  
7 next thing this Commission found out, they were up  
8 here in the Southeast Heights, which you would have  
9 liked.

10           And our current chair, who lived over on  
11 the West Mesa and voted for that school because it  
12 was going to be in the South Valley, just about had  
13 a cow. And that's understandable, because it  
14 totally departed from the -- so we do pay very close  
15 attention to those kind of things. And we don't  
16 like to be surprised; we really don't.

17           So for the benefit of you new guys,  
18 that's -- we try to stay ahead of the curve; but we  
19 don't always succeed.

20           So thank you very much. Like I say, we  
21 will expect to see an amendment.

22           COMMISSIONER CHAVEZ: We have a couple of  
23 questions over here.

24           VICE CHAIR BERGMAN: Questions over here?  
25 Sorry.



1 COMMISSIONER CHAVEZ: So you said that  
2 you -- single-gender; but you didn't say which one.

3 MS. SICKENGER: We have both.

4 MR. NUNN: Both.

5 COMMISSIONER CHAVEZ: All right. Where  
6 are you located right now? And I was reading your  
7 minutes, and you all are going to be located -- or  
8 you're wanting to move by the Ron Peterson's gun  
9 shop.

10 MR. NUNN: Right now, we're at  
11 4261 Balloon Park, which is right off Jefferson and  
12 I-25. And yes, we want to move right to that  
13 location, which is just south of Ron Peterson's near  
14 Highland High School.

15 COMMISSIONER CHAVEZ: Is it next door to  
16 it? Or -- the minutes here -- I lost my place --  
17 anyway, yeah, located near. How close to the gun  
18 shop is it? How close to the gun shop is it?

19 MR. NUNN: Our parking lots are adjacent.

20 COMMISSIONER CHAVEZ: And there's not any  
21 concern about the school being so close to the gun  
22 shop?

23 MR. NUNN: No.

24 MS. TRIOLO: I'd like to address that.

25 We -- you know, we have had some concern there. And

1 so we did do our due diligence as far as zoning, to  
2 make sure there was no zoning requirements there  
3 that we were missing, which we have been in contact  
4 with PSFA, and we are good there.

5 We also had concerns from parents. And so  
6 we pooled crime statistics, everything for the past  
7 year within that area. There have been no violent  
8 crimes, nothing, anything.

9 We also pulled information on Ron  
10 Peterson's Gun Shop to see if they had any  
11 violations; and they have had zero violations since  
12 they have been in business.

13 And we're also addressing it -- we are  
14 putting -- if we do get this building, we will put a  
15 barrier wall in between their area and our area.  
16 And so we're -- we're addressing it; although, you  
17 know, they are a reputable dealer that's been there  
18 for 25-plus years.

19 MS. ELDREDGE: Commissioner Chavez, we  
20 also had -- we talked to our parents. We had an  
21 informational meeting to address any concerns that  
22 they have. And at this point, you know, we have a  
23 community that supports us moving to this location.

24 COMMISSIONER CHAVEZ: Thank you.

25 VICE CHAIR BERGMAN: Thank you. And I'll

1 get -- let me ask our legal counsel, because there  
2 are statutes dealing with alcohol and where schools  
3 can be. Is there a statute in this state that  
4 specifies that schools have to be a certain distance  
5 from a gun shop, for instance?

6 MR. GRANATA: Commissioner Bergman, that's  
7 something I could look into. It's not something I  
8 have knowledge of, at this point in time.

9 VICE CHAIR BERGMAN: Would you mind  
10 looking into that? Did you do any research in that  
11 area?

12 MS. ELDREDGE: Yes, Commissioner Bergman,  
13 we did, through the PSFA. So --

14 VICE CHAIR BERGMAN: And they said there  
15 were no statutes?

16 MS. ELDREDGE: They gave us approval.

17 MS. TRIOLO: The information they gave us  
18 was there were no statutes.

19 VICE CHAIR BERGMAN: Secretary Peralta?

20 COMMISSIONER PERALTA: As the liaison to  
21 the PSFA -- I've taken over Mr. Gant's role in that  
22 matter. And I did send an e-mail to Martica, who  
23 Mr. Gant had worked very closely with on the PSFA.  
24 And you had mentioned that you did notify PSFA.

25 Her response to my e-mail about your

1 school and your building search was that she has not  
2 been contacted to assist; but she said that  
3 sometimes charters wait until they have  
4 possibilities. So who in PSFA did you speak to?

5 MS. TRIOLO: I would have to check with  
6 the architect, who we're using an architect that has  
7 been working with PSFA.

8 MS. ELDREDGE: I apologize. I don't  
9 recall.

10 COMMISSIONER PERALTA: Is it an outside  
11 contractor, or does he work directly within PSFA?

12 MS. ELDREDGE: It's my understanding he  
13 works directly with PSFA. And I apologize; I just  
14 don't recall the name.

15 COMMISSIONER PERALTA: And so you do, in  
16 the future, plan to stay in connection with PSFA?

17 MS. TRIOLO: Absolutely, yes. Yeah, we do  
18 understand how we need approval on multiple levels  
19 and different people working together; so we are  
20 trying to pull that together at the same time.

21 COMMISSIONER PERALTA: And if you could,  
22 in some way, make sure that Martica is somewhat  
23 brought into the loop; because as the liaison for  
24 the Commission to the PSFA, she's really my  
25 right-hand person in bringing information to me so

1 that I can bring it before the Commission. And it  
2 will just make things a lot easier, please.

3 MS. ELDREDGE: And absolutely,  
4 Commissioner Peralta. Once we notify you all and we  
5 get the ball rolling, we will be in constant contact  
6 with the Charter School Division and making sure  
7 that you all are notified, as well.

8 COMMISSIONER PERALTA: Thank you,  
9 Mr. Chair.

10 VICE CHAIR BERGMAN: Thank you,  
11 Mr. Secretary.

12 And thank you. And I have to confess,  
13 when I read it, that jumped out at me, too. My  
14 thought was you probably shouldn't be -- but it's  
15 good that it's actually been disclosed, and I'm  
16 happy to hear that you have disclosed to the  
17 parents. You don't want any surprises there.

18 Commissioner Armbruster?

19 COMMISSIONER ARMBRUSTER: These are more  
20 clarification. So I want to understand. So you  
21 have 145 students on this place on Balloon Park  
22 Road, or whatever it is, now; and because your cap  
23 is going to be 390, you're looking for a larger  
24 facility. You're sort in operation and moving; I  
25 got that.

1           Another thing -- it's just a pretty simple  
2 thing. I've actually not been in a gun store. But  
3 is it the kind of store where you -- you know, if  
4 you want entrance, the door is always locked, and  
5 you have to buzz to be let in? Is it that kind of a  
6 thing?

7           COMMISSIONER GIPSON: Most gun stores  
8 aren't like that.

9           COMMISSIONER ARMBRUSTER: I only said  
10 that, because I've been to some coin and pawn-type  
11 places, and they do buzz you in. And that seems  
12 like a very simple -- even if you all have to pay  
13 for it -- to assure people that you're next to a gun  
14 store. That's why I said that.

15          MS. ELDREDGE: Commissioner Armbruster, we  
16 are planning on having that sort of security to  
17 get -- for our school. We -- at this time, you have  
18 to be buzzed into the school that we are currently  
19 located.

20          COMMISSIONER ARMBRUSTER: Yeah. I mean, I  
21 think they should have it buzzed into the gun store,  
22 just because I've gone to sell coins, and they buzz  
23 you in. So that's why I thought, well, you think --

24          COMMISSIONER GIPSON: Most gun stores do  
25 not do that.

1                   COMMISSIONER ARMBRUSTER: So what do you  
2 say? Pawn stores, yes; gun stores, no. That's  
3 fine. I thought that would maybe alleviate some  
4 issues with prospective parents. Do you know what I  
5 mean? It's just an -- added safety.

6                   VICE CHAIR BERGMAN: Thank you,  
7 Commissioner.

8                   Any other questions or concerns at this  
9 time?

10                  Well, let me touch on something that was  
11 asked previously, because you were a unique school  
12 in this regard. When you say you're single-gender,  
13 if I remember right, your females are in their own  
14 classes, and your males are in their own classes.  
15 That's what they're talking about.

16                  Are you still the only school in  
17 New Mexico that's doing that? They were very unique  
18 when we approved this school, I believe, the  
19 original process. Because we questioned that, I  
20 remember it, fairly extensively.

21                  And I guess I should ask, just -- kind of  
22 a topic -- is it working?

23                  MS. ELDREDGE: Yes, sir.

24                  VICE CHAIR BERGMAN: You believe it's  
25 working.

1 MS. ELDREDGE: Absolutely.

2 VICE CHAIR BERGMAN: Okay, good.

3 Everybody seems to be happy with it. Even though  
4 the boys don't the miss the girls?

5 MR. NUNN: We're still in the same  
6 building.

7 VICE CHAIR BERGMAN: Okay. That's just an  
8 aside. I used to worry about that when I was  
9 18 years old.

10 Thank you very much. We -- as I say  
11 again, we appreciate your keeping us in the loop on  
12 this, and we hope the process does work for you  
13 because of the problems with facilities, and at the  
14 appropriate time, we'll hear from you again. So  
15 thank you very much for taking the time to be here  
16 today.

17 MS. SICKENGER: Thank you.

18 MS. ELDREDGE: Thank you.

19 VICE CHAIR BERGMAN: I believe let's move  
20 on to Item 10, which is Report from Options for  
21 Parents and the Charter School Division. It has a  
22 number of items in there, Schools of Concern and a  
23 few other schools we want to briefly talk about.

24 So, Julie, I will turn it over to you.

25 MS. LUCERO: Commissioner Bergman, members



1 of the Commission, we'll start with Schools of  
2 Concern. Southwest Learning Centers will still  
3 continue to be a School of Concern until the  
4 investigation is complete and we do get a report  
5 back. We do not have new information to report on  
6 the Southwest Schools. We will conduct our  
7 conditional visit to the school next week and  
8 continue to update you with any new information.

9 Health Sciences Academy will no longer be  
10 on our list. This will be the last time we see them  
11 here, I hope. They have consistent leadership and  
12 have had that for, now, a few months. So they will  
13 be removed next month -- for March's meeting.

14 Dream Diné has provided an update. They  
15 are still not in their facilities. They are at the  
16 tail end dealing with utility issues and fire alarm  
17 issues. He reported that two to three weeks looks  
18 like the time frame. They do have the possibility  
19 to extend the lease on their current location and  
20 will continue to provide updates.

21 Do you have any questions on Schools of  
22 Concern?

23 VICE CHAIR BERGMAN: Are there any  
24 questions for Julie, or concerns?

25 I would just ask if that -- since we're

1 going to drop Health Sciences, do you believe  
2 they've got a grip on it, now that -- because there  
3 was so much turnover at the worst possible time  
4 right there at the very beginning.

5 MS. LUCERO: Commissioner Bergman, members  
6 of the Commission, yes, we feel it's appropriate to  
7 move them, but not to stop. We will continue to  
8 follow them closely and continue to be in constant  
9 communication with them.

10 They also have their visit coming up. And  
11 if we see that there's something that's alarming at  
12 that time, we would bring that concern back to the  
13 Commission.

14 VICE CHAIR BERGMAN: Great. Thank you.

15 Any questions on those Schools of Concern  
16 from anyone?

17 Well, then, let's go on to the Anthony  
18 Charter School.

19 MS. LUCERO: You will see I've included  
20 the letter, closure letter and time frames that  
21 Anthony should expect over the next few months.  
22 They have filed an appeal and are waiting for the  
23 Secretary to schedule the hearing.

24 We still move forward from our end, as  
25 closure, because we cannot necessarily wait for the

1 decision to be made. So the assumption is we will  
2 continue with closure until we hear differently.

3 They have -- their first closure visit,  
4 they will have their next visit the following week,  
5 the last week of February. We continue to have  
6 meetings with our closure team -- closure lead,  
7 myself, and Budget. We just had a meeting yesterday  
8 following the process closely.

9 We have the same contractor leading the  
10 team as we did for the last school. So the  
11 process -- there's always something new that comes  
12 up, in any of these schools, but feel very confident  
13 that we're prepared to handle that.

14 And the school has been willing to work  
15 with us. Of course, they don't want their school  
16 closed; but very, very open communication. So we  
17 will continue to provide updates.

18 Next month, you'll see I'll include a  
19 template and the time frame that was used in the  
20 past. We just -- there was just nothing to report  
21 on that piece. The letter is the only thing we have  
22 at this time. But you will continue to see a  
23 similar template that we use for Planning Year  
24 Checklist that we use for closure, to update you on  
25 any activities that are occurring for Anthony.

1 VICE CHAIR BERGMAN: Thank you, Julie.  
2 Any questions?

3 COMMISSIONER GIPSON: Yes. Can I just  
4 ask, what's the total number of students that we're  
5 looking at that are current- --

6 MS. LUCERO: The number is between 80 and  
7 90 students.

8 VICE CHAIR BERGMAN: Any other questions?  
9 Let me just ask. Sandy Beery, is she still on a  
10 contract? Is that how she's working on these?

11 MS. LUCERO: Commissioner, yes, it is  
12 Ms. Beery.

13 VICE CHAIR BERGMAN: Case-by-case contract  
14 or something?

15 MS. LUCERO: Yes.

16 VICE CHAIR BERGMAN: Okay. Thank you.  
17 Anything else?

18 Let's move on to the staffing update,  
19 then.

20 MS. LUCERO: Commissioner Bergman, members  
21 of the Commission, we are fully staffed at CSD.  
22 We're still pushing to hire one more person,  
23 possibly, if we could. But right now, we are  
24 considered fully staffed.

25 We have our two new members, Scott Binkley

1 in the audience, and we have Deborah Vigil. And  
2 they both come to us with great experience.  
3 Mr. Binkley is coming to us from Santa Fe High  
4 School; so he has a lot of high school experience  
5 and direct experience in a classroom. We find that  
6 to be super-exciting. He's also enrolled in a  
7 master's program to receive his administrative  
8 license.

9 Ms. Deborah Vigil is coming to us with  
10 over 20 years of experience from both public and  
11 private schools, most recently St. Michael's High  
12 School in Santa Fe. She has received numerous  
13 awards for teaching.

14 And so we feel very, very fortunate to  
15 have such great members on our team.

16 VICE CHAIR BERGMAN: Outstanding. We are  
17 very glad to see you. And I know Julie is ecstatic,  
18 because she has two more people to help her with all  
19 this work that the PEC asks her to do.

20 Let me ask. You say you're fully staffed.  
21 I feel like you're still understaffed. Of course,  
22 that's my personal opinion.

23 Who sets your staffing? Is that set by  
24 the Secretary? Who determines that?

25 MS. LUCERO: Commissioner Bergman, members

1 of the Commission, that is set by our budget. They  
2 allocate what they think is correct, the appropriate  
3 number. I would still like to have one more "Ed O"  
4 position that, hopefully, we can get in the future;  
5 but I also feel confident we were able to get  
6 through 22 renewal schools with four of us, and I  
7 feel did an excellent job. And so having two more  
8 members -- it feels like we can pretty much do  
9 anything with just these two members.

10 VICE CHAIR BERGMAN: Well, I congratulate  
11 you for that. But I believe that is an excessive  
12 workload. I'm glad you got through it; but it had  
13 to be a real stressful situation. And we're glad  
14 you're here with them.

15 And you've touched on a sore point that I  
16 probably shouldn't say anything about, and I'm going  
17 to say it, anyway, because I didn't know I was going  
18 to be acting Chair today.

19 That's why we want our own budgets. We  
20 would then set what budget was appropriate and what  
21 the staffing levels should be. And that is one of  
22 our basic disagreements with the current setup. And  
23 we tried to address that here lately in the  
24 Legislature, and we came up a little short again.

25 But I certainly do not intend to abandon

1 that effort. And we are going to continue to work  
2 for that, because I believe we have a better grip on  
3 what the budgetary needs are for the CSD, because  
4 they do most of their work for us.

5 They don't really work for the Secretary.  
6 They do some things for the Secretary. So that's  
7 going to continue to be a bone of contention between  
8 this Commission and the PED.

9 So I've made my public comments. I'll let  
10 it go at that.

11 Facilitator contract. Tell me something,  
12 please.

13 MS. LUCERO: Commissioner Bergman, members  
14 of the Commission, yes, we are in a much better  
15 place. DFA -- the contracting process is difficult.  
16 The reason there was a delay is because there was a  
17 name change with the contractor with paperwork.

18 So the contracts had to go back and forth  
19 a couple of times. The DFA does not like a name  
20 change. If you have been using another name change  
21 [verbatim] and it changes to a new, it creates a  
22 little bit of a paperwork nightmare. So we have all  
23 of that cleared up.

24 We will be able to move forward with our  
25 February 24th negotiations; we'll make sure that

1 that's complete.

2 We have been working with our contractor  
3 to -- going back and forth with our worksheets, and  
4 I feel the process has been wonderful.

5 VICE CHAIR BERGMAN: Thank you for that,  
6 Julie. And I am glad to hear that. I can't tell  
7 you -- here again, speaking personally, I agreed to  
8 put the January one back again, those four more  
9 schools. We had to move four more schools back  
10 because of this facilitator contract problem, which  
11 has made our job in the next coming three months  
12 just that much more difficult. But I was just about  
13 to the point where I was going to dig in my heels,  
14 and we were going to do those negotiations whether  
15 we had a facilitator there or not.

16 We do want a facilitator. There's a  
17 reason we have a facilitator. I was glad to hear  
18 that. We'll discuss the negotiation schedule here  
19 at another point in these proceedings. I'll let it  
20 go at that.

21 Letters of intent, I still have not seen a  
22 list, Julie, of the letters of intent.

23 MS. LUCERO: The list, Commissioner  
24 Bergman, is included in your packet with all 19  
25 schools, and their locations. It is right behind



1 the Anthony closure letter.

2 COMMISSIONER TOULOUSE: Mr. Chair?

3 VICE CHAIR BERGMAN: Yes.

4 COMMISSIONER TOULOUSE: May I -- Julie,  
5 what I see here are the addresses of the people who  
6 have applied. It doesn't say where they want their  
7 school; because, for instance, there's somebody with  
8 an El Paso address; there's somebody with a  
9 California address; you know, there's somebody with  
10 an Arizona address.

11 Where do they want to locate those  
12 schools? And so I'd like a column here that kind of  
13 says where that location is going to be.

14 MS. LUCERO: Commissioner Bergman,  
15 Commissioner Toulouse, yes, I will provide that  
16 update at the next meeting, with the location. We  
17 do have the location of where they're -- where they  
18 would plan on opening.

19 COMMISSIONER TOULOUSE: It just makes me  
20 very insecure to see out-of-state addresses on here,  
21 because that looks to me like chains are trying to  
22 move in here again into our nonprofit,  
23 one-of-a-kind-school state. So that concerns me.  
24 Thank you.

25 VICE CHAIR BERGMAN: Thank you for that

1 statement, Commissioner Toulouse. I know it's  
2 premature; but I am looking at this list, now I pass  
3 by it. I thought it had something to do with that  
4 Anthony letter.

5 Are they proposing to put a school in  
6 Arizona, and they want us to approve that?

7 MS. LUCERO: Commissioner Bergman, members  
8 of the Commission, no. Those are -- these addresses  
9 are just where the founder that is proposing the  
10 school and the address that we'll communicate with.  
11 But we do have the location of where the school --  
12 the intent of where the school would be. And I will  
13 provide that at the next meeting.

14 VICE CHAIR BERGMAN: Good. Thank you for  
15 that.

16 COMMISSIONER ARMBRUSTER: Commissioner?

17 VICE CHAIR BERGMAN: Yes.

18 COMMISSIONER ARMBRUSTER: So somebody from  
19 El Paso and from Pasadena want to start a school in  
20 New Mexico? Is that what we're saying? But they're  
21 there? Oh.

22 VICE CHAIR BERGMAN: This will not be the  
23 first time that has come before us. Yes.

24 COMMISSIONER ARMBRUSTER: Okay. And all  
25 these people want to be a charter. This is the list

1 of people who are applying for a charter school?

2 VICE CHAIR BERGMAN: That's the notice of  
3 intent. They may apply; they may not.

4 Historically, about half the people that  
5 have sent the letters of intent follow through with  
6 an actual application. Some find that it is a very  
7 rigorous process, and they discover it takes  
8 hundreds of hours, if not thousands, of  
9 collaborative effort from a number of founders to  
10 actually get a solid application put together; and  
11 they drop out.

12 And frankly, if they're going to drop out  
13 if they're not that dedicated to it, they probably  
14 don't need to be running a charter school, anyway;  
15 so...

16 COMMISSIONER CHAVEZ: Since I haven't been  
17 through this process before, what kind of  
18 information comes with these letters of intent, or  
19 notices of intent? Or are they just sending a  
20 letter saying, "I'm giving you the heads-up. I want  
21 to do this. I intend to do in this New Mexico"?

22 MS. LUCERO: Commissioner Bergman,  
23 Commissioner Chavez, no, it's a pretty extensive  
24 form that they complete with some goals and their  
25 intent of grade levels served. It's about a

1 four-page application that they fill out -- or  
2 notice of intent -- that they complete.

3 If you would like me to provide those --  
4 it's quite a bit of paperwork for the 19 schools;  
5 but I definitely could, so that you could see kind  
6 of what their mission or their ideas -- you'll also  
7 notice there are probably three to four schools that  
8 already exist, founders that are also intending to  
9 apply for new schools; so they're familiar with the  
10 process. But I could do that, if you request that  
11 we provide that entire notice of intent.

12 Also, most of these schools -- not most --  
13 some of these schools may not necessarily complete  
14 the application. We start our new application  
15 training coming up soon. And so they start to  
16 understand what the process is of applying. And  
17 it's pretty in-depth; so they'll either stop, or  
18 they're not quite sure of what the process is  
19 beforehand. And when they realize what it -- what's  
20 involved in it, they may not follow through.

21 COMMISSIONER CHAVEZ: Mr. Chair, I would  
22 actually like to see what they've submitted. And if  
23 there's a way for you to send it to us, even  
24 electronically, that would be better than making a  
25 whole bunch of copies.

1           But, you know, I want to echo the concern  
2 that was raised in terms of out-of-state folks  
3 coming in. And even, you know, the number of  
4 charter schools that -- I look at this, and there's  
5 a number of applications for K-through-12, you know,  
6 9-through-12.

7           And I guess the question that comes to my  
8 mind is, you know, what kind of an impact is this  
9 having on the public schools in the areas where they  
10 are wanting to locate? And I wonder if we've ever  
11 looked at that question, and, you know, really asked  
12 those questions when we're talking to these folks or  
13 considering their applications.

14           VICE CHAIR BERGMAN: Yes, we have. And  
15 those are legitimate questions to look at. And part  
16 of the thing -- part of what we're looking for, as a  
17 Commission, is we do not -- we ask them, "If you're  
18 just going to duplicate educational services that  
19 are already provided in your community, why should  
20 we approve you to operate in that community? You're  
21 just duplicating." So that's where the innovation  
22 comes in.

23           We -- but each application has to be  
24 judged on its merits. And, yes, those are questions  
25 that each Commissioner can ask these schools in

1 those hearings, or on the decision day. And they're  
2 legitimate questions. And, yeah, the thing that  
3 jumped out on me at that list was Pasadena. We have  
4 had chains try and move into New Mexico.

5 Here again, we have to judge their  
6 application for New Mexico based on its merit in  
7 this state; and yet I think that most of the  
8 Commissioners do have opinions on chains and those  
9 kind of things.

10 So these are legitimate questions that  
11 will be raised when they submit those applications.  
12 And you can raise those questions again at the  
13 proposed time, also.

14 COMMISSIONER ARMBRUSTER: I have some  
15 vague -- some vague memory of this -- when they talk  
16 about online preparatory, that's, like, K12-type --  
17 I'm not saying it's that one, but like that. And I  
18 thought the PEC said "No," and was overruled, and so  
19 we do have online somewhere in the Northwest --

20 VICE CHAIR BERGMAN: Actually, in our very  
21 first year, myself and Mr. Carr and Commissioner  
22 Shearman, we had two applications for online,  
23 100-percent, virtual charter schools. They were  
24 from the same individuals. They applied for one in  
25 Las Cruces, and they applied for one either in

1 Santa Fe or Albuquerque.

2 And that was -- at that time -- it was six  
3 years ago so -- it wasn't -- it's caught on more  
4 nationwide. But, yes, they were grilled mercilessly  
5 by most of us about that concept, because most of us  
6 had an opinion one way or the other on online and  
7 virtual schools and the damage that they might or  
8 might not do to the students in this state.

9 And this Commission did turn both those  
10 schools down. They both appealed to the then  
11 Secretary Garcia. She actually upheld our denials.

12 Then they actually took one of those --  
13 actually, both of them, I think -- those individuals  
14 actually filed a suit, individual suits. And we did  
15 prevail on one of those suits. The other suit, as  
16 near as we can tell, is still sitting in the courts  
17 in New Mexico from six years ago.

18 COMMISSIONER ARMBRUSTER: So we don't have  
19 a virtual school here in New Mexico.

20 VICE CHAIR BERGMAN: Strike that. My  
21 terminology. That's just my personal opinion. No,  
22 we have two right now, one that we -- here again, we  
23 denied, and the Secretary overturned.

24 COMMISSIONER ARMBRUSTER: Like, in  
25 Farmington?

1           VICE CHAIR BERGMAN: No. The one in  
2 Farmington, we denied them. We denied every one  
3 that's come to us. They chose to then go up to the  
4 City of Farmington and talk to the local school  
5 board, and they are locally authorized, which is  
6 their right. And the Farmington School Board was  
7 within their rights to approve them.

8           But there were a lot of other people that  
9 were unhappy about that. And they are still in  
10 business. But they're outside our purview, because  
11 they're locally authorized.

12           COMMISSIONER ARMBRUSTER: And that's not a  
13 privately --

14           VICE CHAIR BERGMAN: No, it's a statewide  
15 virtual school. They're drawing students from all  
16 over the state, including in cities -- they have  
17 some from Roswell. Most virtual schools have  
18 students from my hometown in Roswell. I know that  
19 for a fact. I personally know a couple of students  
20 that are going to these schools.

21           So they're like most new innovations.  
22 They all sound great at the beginning, and then  
23 reality starts to set in after a few years. And  
24 just from what I'm seeing and media and things like  
25 that, it's proving difficult -- they're having the



1 same difficulty that the regular public schools are  
2 having.

3 COMMISSIONER ARMBRUSTER: So when you have  
4 a virtual school, kids stay home -- they're not  
5 there -- and a parent has to be there if they're  
6 young. And they still have to do a lottery deal,  
7 where special ed kids and everybody -- the whole  
8 group --

9 VICE CHAIR BERGMAN: If they are fully  
10 subscribed on their cap, yes, they have to do a lot  
11 of -- up to that point, they can accept everybody,  
12 except when you reach that point where you hit the  
13 cap, and then you have to do a lottery, yeah.

14 The one in Farmington has to follow all  
15 the same State rules and State statutes, had we  
16 approved them. But just Farmington has the  
17 oversight of that school.

18 Now, the one that we did is Connections,  
19 New Mexico Connections. They now are a  
20 State-authorized charter school. Like I say, the  
21 Secretary overturned us. They fall under our  
22 oversight. We see them occasionally here. They're  
23 fairly new. They're getting their feet on the  
24 ground. They're at the stage where we don't have a  
25 lot of information. We will, as we go down the

1 road.

2           They are experiencing, I understand, some  
3 turnover problems in students, which did not  
4 surprise me. Students are signing up, and two  
5 months later, they discover that either they're not  
6 suited for it, or they don't have the discipline or  
7 whatever, and then they're dropping out. The  
8 problem is that some of them are staying long enough  
9 to get the State funding. And then the child drops  
10 out and wants to come back to Roswell or wherever  
11 they live.

12           But the funding is now over here with the  
13 charter school, virtual charter school. And I  
14 believe that this issue has been raised with some of  
15 the legislators, because it needs to be addressed:  
16 Who gets that funding, and does the funding move if  
17 the student quits?

18           See, there's a lot of gray areas out there  
19 still.

20           COMMISSIONER ARMBRUSTER: So on these  
21 virtual schools, the ones that exist -- New Mexico  
22 Connections -- is that a K-12 or a 9-12? What grade  
23 levels?

24           VICE CHAIR BERGMAN: I think they went for  
25 the full gamut of students.

1 COMMISSIONER ARMBRUSTER: So then does  
2 someone check the children are supervised at home?  
3 I mean, you're not allowed to have seven- and  
4 eight-year-olds -- isn't this correct, Josh?

5 VICE CHAIR BERGMAN: Yeah, I'm asking my  
6 legal counsel. I'm actually taking us into  
7 uncharted territory, because it's not really on our  
8 agenda. But you asked a legitimate question, and I  
9 tried to answer that question. I believe I was okay  
10 there. I can't just tell a fellow Commissioner to  
11 forget about it, I don't think.

12 But, yes, but there is -- yeah, we can do  
13 these kind of philosophical things.

14 But, anyway, yes, they do have to abide by  
15 the statutes of the State of New Mexico, and federal  
16 statutes, also.

17 COMMISSIONER TOULOUSE: Mr. Chair?

18 VICE CHAIR BERGMAN: Yes.

19 COMMISSIONER TOULOUSE: I don't think  
20 Connections has taken it down to K-1, -2, -3. I  
21 think they're starting at fourth through fifth  
22 grades. They want it all the way; but they have not  
23 come to us to actually be able to do that.

24 But I think the point with some of this is  
25 to -- at least as I see it -- as having watched this

1 and been at the very beginning of my time on this  
2 under a court order to have to vote yes for a school  
3 I didn't want to have anything to do with, the --  
4 what I see is these are for-profit, chain schools.

5           However, they get around that by our laws  
6 that say, you know, you have to be a nonprofit. So  
7 they set up the nonprofit. You have to have a  
8 nonprofit governance council, and they have that.

9           Where they become the chain and they make  
10 the money is they sell the curriculum to the school  
11 and they control that curriculum. And it's their  
12 curriculum, whether it's taught in Florida, or, you  
13 know, New York, or whether it's taught here.

14           And that's how the for-profit chain  
15 schools have gotten around to coming into New Mexico  
16 is the way I've observed it happening. And I know  
17 in the appeal, it was the company that they have the  
18 contract with for the curriculum who funded the  
19 legal court action and all on that one.

20           So, you know, it's a backdoor way of  
21 corporations into New Mexico. And until we are able  
22 to fight it legally farther up the chain than we  
23 did -- which I still would have liked to appeal that  
24 one, because I know the judge in Santa Fe, in her  
25 appeals decision, said, "I will probably be turned

1 down on appeal."

2 But then Attorney General said, "We're not  
3 wasting any more time on an appeal, you know; we  
4 don't have the definitive order as to how legal  
5 those really are in New Mexico."

6 And I don't know that we'll get one in the  
7 next four years, either; so -- but that's at least  
8 how I see we've opened a door. And when I see this  
9 other one -- another online preparatory academy  
10 wanting K through 12, what it's doing is also  
11 opening the door to a lot of the home-schooled kids.

12 And they are now, where they've been  
13 responsible for their own, they're now going to  
14 these online and getting money out of their state --  
15 out of the schools. So we're paying for kids that  
16 we never were paying for in these online schools,  
17 where the home-schooled parents are being brought  
18 into this. And I know that they're being recruited  
19 into this, so...

20 VICE CHAIR BERGMAN: Those are very valid  
21 concerns. I think we need to move on. But as you  
22 see, we have some very interesting discussions as  
23 these schools come to us.

24 COMMISSIONER ARMBRUSTER: Which happens in  
25 March or the end of March, where they either have or

1 have not submitted the whole --

2 VICE CHAIR BERGMAN: No. The application  
3 is due July the 1st.

4 COMMISSIONER ARMBRUSTER: Oh, July.

5 VICE CHAIR BERGMAN: We will not know  
6 until then who's actually going to apply. Julie may  
7 have a feel, through her training. And you may  
8 remember, this Commission has made it mandatory for  
9 all these applicants to come to the CSD training.  
10 So we will have an indication if some of them start  
11 to not show up at the training; because I believe we  
12 put in -- we do have -- if they don't show up for  
13 the training, we have the option, I believe, to take  
14 some kind of action.

15 So maybe we don't want to get into that  
16 now; but it's July 1st is when those applications  
17 are due. I think we probably -- I've sailed us off  
18 a cliff, and now it's time to get back.

19 Julie, were you finished with your report?

20 MS. LUCERO: Yes, Commissioner.

21 VICE CHAIR BERGMAN: Thank you for that  
22 report.

23 Were there any other questions for Julie  
24 on that report?

25 Seeing none, let us move on to Item 11,

1 which is a fairly late addition to the -- our agenda  
2 here, Discussion and Possible Action on Adding an  
3 Organizational Indicator to the Performance  
4 Framework.

5 And I have to say, I have not seen this  
6 yet. If you have e-mailed it to me, I probably  
7 didn't get around to reading it. But this is coming  
8 from Julie, from CSD. And I understand perhaps  
9 Julia was also involved in this.

10 MS. LUCERO: Commissioner Bergman, members  
11 of the Commission, yes, Julia -- the CSD has worked  
12 with Julia, and we are proposing the idea of teacher  
13 retention into the organizational framework. You'll  
14 notice that on Page 18 in your binder, these  
15 questions would be informational only and actually,  
16 not included as indicators.

17 You'll see an example of how that was done  
18 earlier, under "Financial," which is Page 6. So  
19 Page 18 is the proposed language that we would like  
20 to include, and really thinking of a question that  
21 we would like schools to answer if there is more  
22 than 20 percent turnover with faculty, that that  
23 could raise a concern and give us some kind of idea  
24 that there is something we might need to look into.

25 Like I said, it's actually not an

1 indicator; just language that's included right after  
2 staffing.

3 We did -- that was done. Julia added  
4 something similar to Page 6 under "Finances," if you  
5 want to look at what that means. That's not --  
6 that's also not an indicator, but just something  
7 that we look for. So we're just proposing adding  
8 general information, including a question on  
9 turnover with staffing.

10 VICE CHAIR BERGMAN: I see -- and in your  
11 book, it's the document -- it's the template, and  
12 it's on Page 18, this green highlight, that's -- but  
13 now on 6, I don't see any highlighting. What are  
14 you proposing to add?

15 MS. LUCERO: No, that was added before.  
16 This is just an example of what it would look like.  
17 It's not an indicator; just questions within the  
18 framework. So that was in there prior to even me  
19 starting.

20 VICE CHAIR BERGMAN: Okay. Let me just --  
21 for the benefit of the audience, since they don't  
22 have these documents in front of them, what the CSD  
23 has proposed, they've got a header here, "4D,  
24 General Information." "Has the school had more  
25 than 20 percent turnover in personnel in each of the



1 past two years?"

2 And the answer would be either "Yes" or  
3 "No."

4 And that certainly is something that this  
5 Commission would be concerned with. Teacher  
6 turnover can be an indicator of perhaps a future  
7 problem.

8 Then they added "A, If so, please identify  
9 the reason for the turnover."

10 That certainly would be good information  
11 to have.

12 "B, What impact do you see this having on  
13 the school, and what actions are you taking to  
14 reduce the impact on the school?"

15 Certainly, a valid point.

16 And I would assume this next question, if  
17 they are having retention problems, is ask, "What  
18 actions are you taking to retain staff?"

19 And I'm sure that would be of interest to  
20 us and CSD.

21 And, "What actions are you taking to  
22 ensure that staff hired will work well at the  
23 school?"

24 And here, again, that sounds -- of course,  
25 this is the first time we've really seen this.

1           Would you -- are you wanting us to go  
2 ahead and approve this, so you can start  
3 incorporating this before we start our negotiations?

4           MS. LUCERO: Commissioner Bergman, members  
5 of the Commission, exactly. We would like to  
6 include this in the framework. We are starting in  
7 two weeks, and that's actually why we're moving it  
8 so quickly.

9           VICE CHAIR BERGMAN: Here, again, you have  
10 the information in front of you. Your thoughts?

11           Do you have questions for Julie?

12           COMMISSIONER CHAVEZ: I have a question,  
13 Mr. Chair. Where did -- where did -- and it might  
14 sound like a simple question. But where did the  
15 recommendations come from, in terms of this  
16 language?

17           And, two, have you had discussions with,  
18 for example, teachers at the school, or staff at the  
19 school, to get their input?

20           MS. LUCERO: Commissioner Bergman,  
21 Commissioner Chavez, we actually have not had the  
22 discussion specifically with teachers or staff  
23 asking how they feel about this particular piece.  
24 Really, this piece came into play, now having  
25 discussions with Julia on the negotiation process --

1 the process is pretty complex. There's a worksheet  
2 that goes to the school, where they develop goals  
3 and include material terms that will be included in  
4 their framework and their contract.

5 And when discussing some of these issues,  
6 thinking that it is very important to know whether  
7 staff turnover is occurring at sites, something that  
8 we should be looking into a little bit more closely.  
9 If we include it in the framework, in this piece, it  
10 would just be a red flag for us. It's not an  
11 indicator; it's not something we can say, "You  
12 didn't meet it. You met it; you didn't."

13 It would be just information for us. I  
14 have come from a school. And, personally, I  
15 wouldn't mind if -- I think it's important to  
16 know -- if I'm in a school and there's a lot of  
17 staff turnover, I think that there's a concern. And  
18 so I think it would be a concern if I'm either in  
19 the school, or if I've left the school; so just  
20 really a red flag: "Is this something we should  
21 look into?"

22 There's not a "Meets," "Does not meet;"  
23 only if they do answer "Yes," something that maybe  
24 we should look at more closely.

25 So the idea just came only from our

1 discussions in preparation for negotiations.

2 COMMISSIONER CHAVEZ: I guess I raise the  
3 question in terms of conversations with the staff of  
4 the school. They may have some other questions that  
5 we might want to look at asking, in terms of, "Why  
6 are staff leaving?"

7 The other question that I have is are  
8 we -- or is the division gathering this information  
9 now, the turnover information now, on schools?

10 MS. LUCERO: Commissioner Bergman,  
11 Commissioner Chavez, there are on-site visits that  
12 occur every year, and there's a monitoring tool  
13 that's pretty in-depth. There's over 100 questions  
14 that are answered, either by -- that we ask or that  
15 the school provides evidence.

16 So this framework is just really the final  
17 document that we go to saying whether they met or  
18 they didn't meet. And all of the site visits kind  
19 of flow into this piece.

20 So there are many other things that take  
21 place when visiting a school. This would just be,  
22 in the framework, kind of one area to note that it's  
23 happening. There's other -- the site monitoring  
24 tool. There's a lot of questions that take place  
25 around staffing, and many other things. This is

1 just an area that we would like to incorporate in  
2 the framework as a concern, if it is happening.

3 COMMISSIONER CHAVEZ: So I think I missed  
4 it. So is the staff turnover -- is that data being  
5 collected now on the schools?

6 MS. LUCERO: Not specific data. It's the  
7 questions that maybe we go in and ask. But there's  
8 not a question to note it; so this would give us a  
9 place to note it.

10 COMMISSIONER CHAVEZ: Okay. Thank you.

11 VICE CHAIR BERGMAN: Thank you. Yeah,  
12 just -- and let me address Commissioner Chavez. You  
13 make very valid points. This is our document. This  
14 isn't the school's document; this is the PEC's  
15 document. And I would think that, as we go forward,  
16 if we go forward with this, that then it would  
17 become a part of the CSD's site visit, as Julie has  
18 just said, that if there are red flags from these  
19 questions, then part of their site visit, they do  
20 talk to the staff; they do talk to the teachers.

21 So if there are red flags in this area,  
22 then I would presume -- and would hope -- that the  
23 CSD staff would then go to those teachers and say,  
24 "This is an indication we have in this framework.  
25 What are your thoughts as to why some of your

1 coworkers have left?"

2 And they probably know things that maybe  
3 the administration doesn't know why they have left.

4 So, yeah, they would be explored down the  
5 road. And we could even make it a part of the  
6 template at some future point.

7 MS. LUCERO: Commissioner Bergman, in  
8 fact, yes, we will include that in our site visit  
9 monitoring tool, as well.

10 We -- there's site stakeholder interviews.  
11 We interview teachers when we're on site; we  
12 interview board members. Staff. This -- adding  
13 this piece would only just bring it closer to your  
14 attention. When we do the site monitoring tool, the  
15 PEC doesn't actually see that. And even if we did  
16 bring the entire document to you, you could miss it.  
17 There's over 100 questions; and so this particular  
18 piece would bring it right to you within the  
19 framework.

20 VICE CHAIR BERGMAN: Commissioner  
21 Armbruster, you had --

22 COMMISSIONER ARMBRUSTER: I do. I do like  
23 this. I think this is -- it is one of the  
24 indicators. My concern, or desire, is that -- how  
25 do I say this? -- there is quite a lot of the

1 turnover in teachers in this new milieu. And I just  
2 think, in general -- or just from my -- maybe my  
3 comfort level as -- since I happened to get on the  
4 website and see that there are 112 openings in  
5 Albuquerque, just right today -- that's a lot of --  
6 that's a lot of openings, just in a school district.

7 So I wondered what -- what is -- and the  
8 public schools. And I guess you'd have to take a  
9 few big areas -- I'm not going to do every single  
10 little school district -- what is the -- does anyone  
11 else have a 20 percent turnover, and what are the  
12 reasons that teachers are leaving?

13 And this probably could be done by exit  
14 interviews. I mean, some people are retiring. God,  
15 you know, that's a reasonable thing. But we know  
16 that 50 percent of -- what? -- the first five years  
17 of teaching, people quit. So there's a number of  
18 reasons that they could leave.

19 And also, with -- and I don't know where  
20 this is going. But I know there's new legislation  
21 being proposed in Santa Fe about if you're not  
22 "highly effective" or "exemplary," you do not get to  
23 keep your teaching license. That's going to  
24 precipitate a lot of turnover.

25 Again, I like this. And I'm not saying

1 that. But there's so many things going into that,  
2 it gives me just a little bit of a pause to figure  
3 out if I want to, you know, have a school go down --  
4 and I forgot its name -- but the MAS school -- and  
5 she was very honest. I mean, you can say, "These  
6 are the things that we expect from you."

7 And you might say, "That is -- this is not  
8 a good match. It's not a good match."

9 And I understand that, too. So I'm just  
10 not sure whether this means, also, that they quit at  
11 the beginning, or they quit in the middle, or they  
12 quit at the end? You might, at the end of the  
13 school year, say, "I'd like to get paid more money.  
14 I'm going to California," you know.

15 So that's why I like the things where  
16 you're asking how that is; but I just wondered if we  
17 need some other indicators from other schools, like  
18 large places, not everyplace. I want to --

19 MS. LUCERO: Commissioner Bergman,  
20 Commissioner Armbruster, that's exactly why it's not  
21 an indicator, whether they meet, not meet, or  
22 exceeds. This would only give us the information.

23 Currently, we already monitor governing  
24 board members and their turnover. And so this kind  
25 of replicates that idea. Of course, I know there



1 are many, many reasons why teaching staff does turn  
2 over, and it only gives us information.

3 And I do think it is a very valid point.  
4 If a charter school is turning over more than  
5 20 percent of the staff, there's a reason why. If  
6 it is because of teacher evaluation and the  
7 expectation from PED, I think that's also important  
8 to know.

9 I do support the teacher evaluation  
10 system. And it is very rigorous; the expectations  
11 are high. But it just gives us information. It  
12 won't -- it doesn't place the idea of because they  
13 have the 20 percent turnover, that the PEC gives  
14 them a rating of "Not meets." It only gives you  
15 information as to there is that turnover, and  
16 possibly gives us an idea that we may need to look  
17 into things -- into more depth as to why that is.

18 If it's the evaluation system or the  
19 expectations, then we would just know that. If, for  
20 example, it's Mission Achievement, the idea that  
21 they have very high expectations of their staff, I  
22 think that's also important to know; you know, they  
23 have high expectations for their teachers. I think  
24 it's important for the PEC to note exactly what that  
25 is.

1           So it's not an indicator as to whether the  
2 school meets a particular idea; it's only  
3 information.

4           COMMISSIONER ARMBRUSTER: Thank you.

5           VICE CHAIR BERGMAN: Anything else? Any  
6 further questions or observations?

7           Now, since we have voted to accept the  
8 original organizational framework, I believe we  
9 would also have to conduct a vote to amend it.

10          So we will -- if there are no further  
11 discussion, no further questions, I would ask that  
12 we have a -- since they do need to go forth -- since  
13 we'll have to start using this in two weeks, I  
14 believe we have to go ahead and approve this today.

15          I would ask that whoever words the motion,  
16 that you just be very specific that we're -- that  
17 we're accepting the organizational framework on  
18 Page 18 in the green highlighted area. And I  
19 believe that should be sufficient.

20          Will that be sufficient?

21          MR. GRANATA: That should be sufficient.

22          VICE CHAIR BERGMAN: If you could just  
23 word it along those lines like that, do I hear a  
24 motion?

25          Commissioner Peralta?

1 COMMISSIONER PERALTA: I, Commissioner  
2 Peralta, move to approve the adding of a teacher  
3 retention component, specified on Page 18, noted in  
4 green highlight, to the organizational framework to  
5 the New Mexico PEC Charter School Performance  
6 Framework, as proposed by the CSD.

7 VICE CHAIR BERGMAN: Okay. Excellently  
8 done. I have a motion.

9 Do we have a second?

10 COMMISSIONER PERALTA: I had help.

11 COMMISSIONER ARMBRUSTER: Second.

12 VICE CHAIR BERGMAN: A motion by  
13 Commissioner Peralta, a second by Commissioner  
14 Armbruster.

15 Is there further discussion?

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

18 COMMISSIONER PERALTA: Commissioner  
19 Bergman?

20 VICE CHAIR BERGMAN: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Chavez?

23 COMMISSIONER CHAVEZ: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER PERALTA: Commissioner  
3 Armbruster?

4 COMMISSIONER ARMBRUSTER: Yes.

5 COMMISSIONER PERALTA: Commissioner  
6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER PERALTA: Commissioner  
9 Peralta votes "Yes."

10 Commissioner Gipson?

11 COMMISSIONER GIPSON: Yes.

12 COMMISSIONER PERALTA: Mr. Chair, that is  
13 a 7-to-0 vote in favor of the proposed motion.

14 VICE CHAIR BERGMAN: Thank you,  
15 Mr. Secretary. That motion has been approved by a  
16 7-to-0 vote, to accept the amendment to the  
17 organizational framework of the performance  
18 framework, as specified on Page 18.

19 And here again, just for the benefit of  
20 the new Commissioners, we evaluate all these forms  
21 every year. Even as we went forward with this  
22 today, we always can look at it again in the next  
23 cycle. And to me, that's always just good  
24 management.

25 We always look at our forms every year.

1 Sometimes things do crop up during the course of the  
2 year, and we find out that maybe something didn't  
3 work quite the way we thought it would work, and so  
4 we go back and look at it.

5 It's not totally set in stone. It's an  
6 ongoing, formative process that we follow here. So  
7 thank you for that.

8 I see we're at 11:30; but it looks to me  
9 like if we don't let me get too far off track, we  
10 can perhaps get this done before we actually take a  
11 lunch break. So I propose to move forward at this  
12 point, at least for the next few minutes.

13 Does anybody object to that?

14 All right. Let's go on to Item 12,  
15 Discussion and Approval of PEC Rules of Order.

16 And, again, for the benefit of our new  
17 Commissioners, we actually really revised that a  
18 year ago. We cut it down a great deal. I know we  
19 discussed it here a month ago. I don't remember  
20 anything coming up that apparently anybody wanted to  
21 change at this time.

22 I'm going to ask our legal counsel, Josh,  
23 did you have any recommended changes?

24 MR. GRANATA: Commissioner Bergman,  
25 Commissioners, no, I don't have any concerns for any

1 kind of legal problems with the Rules of Order. And  
2 so if there are any concerns for the Commissioners,  
3 then I suggest the Commissioners bring them up and  
4 discuss those proposed changes.

5 It's required by the Commission that these  
6 are adopted yearly. So this would be an appropriate  
7 time to adopt the Rules of Order for this year.

8 VICE CHAIR BERGMAN: Which is why we're  
9 doing it. We have to do it; we don't have a choice.

10 Do any of my fellow Commissioners wish to  
11 make any changes of what they've seen in our Rules  
12 of Order this year? I see heads shaking "No." I do  
13 not see any -- any changes this time.

14 And I would -- I believe we're in time for  
15 a motion to accept the PEC Rules of Order, as they  
16 are constituted, at this time, for this year.

17 Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Mr. Chair, I move  
19 that we -- that the Public Education Commission  
20 adopt the Rules of Order, which we adopted  
21 February 28th, 2014, for the year of 2015.

22 VICE CHAIR BERGMAN: Thank you,  
23 Commissioner Toulouse. We do have a motion on the  
24 floor. Do we have a --

25 COMMISSIONER GIPSON: Second.

1 VICE CHAIR BERGMAN: We have a motion by  
2 Commissioner Toulouse; we have a second by  
3 Commissioner Gipson.

4 Do we have any discussion?

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

7 COMMISSIONER PERALTA: Commissioner  
8 Chavez?

9 COMMISSIONER CHAVEZ: Yes.

10 COMMISSIONER PERALTA: Commissioner  
11 Toulouse?

12 COMMISSIONER TOULOUSE: Yes.

13 COMMISSIONER PERALTA: Commissioner  
14 Armbruster?

15 COMMISSIONER ARMBRUSTER: Yes.

16 COMMISSIONER PERALTA: Commissioner  
17 Conyers?

18 COMMISSIONER CONYERS: Yes.

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

21 Commissioner Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Bergman?

25 VICE CHAIR BERGMAN: Yes.

1 COMMISSIONER PERALTA: Mr. Chair, that is  
2 a 7-to-0 vote in favor of the motion.

3 VICE CHAIR BERGMAN: Thank you,  
4 Mr. Secretary. That motion has carried to accept  
5 our Rules of Order for this year, as they are  
6 currently constituted.

7 Let's move on to the next item, 13, which  
8 we can dispense of fairly quickly. This was to be a  
9 Report from the Chair with Discussion and Possible  
10 Action.

11 These came directly from Commissioner  
12 Shearman, and she specifically wanted to talk about  
13 PARCC and development of a performance framework  
14 cycle, because she has some concerns about that.

15 But since she is not here today, we're  
16 going to defer that till a future meeting, because  
17 she's the one that wanted to talk about that, and  
18 I'm not sure what she wanted to talk about.

19 Item C, I can discuss just very briefly,  
20 since it's on the agenda there, the realignment of  
21 the Raton Public Schools. I believe all  
22 Commissioners are familiar with that.

23 Apparently, the Raton Public Schools wants  
24 to make some changes. Some parents there are not  
25 happy about that. That happens, because I've gone



1 through that in Roswell, and I suspect most of us  
2 have gone through that in our community when our  
3 schools tried to change things.

4 The gist of what has been determined is  
5 that's really not in our purview as the Public  
6 Education Commission. It is a local issue and has  
7 gone to the Secretary, and I'm not sure what her  
8 courses of action are. To me, that's just a local  
9 issue.

10 And I understand they came to us. They --  
11 we -- this Commission did what it should do.  
12 Commissioner Shearman, when she got that, she  
13 immediately talked to our legal counsel and -- to  
14 see what we might do.

15 And then she did write a letter to the  
16 Secretary, just saying, "We have this information.  
17 This is what has come to the Public Education  
18 Commission. We understand that it's not really in  
19 our area of purview, and we wanted you to be aware  
20 of it."

21 And I believe the Secretary was already  
22 aware of it, anyway. So we have -- in the area of  
23 Raton Public Schools, we have done what we can do.  
24 So that issue, I believe, is shelved.

25 COMMISSIONER ARMBRUSTER: Mr. Chair? So

1 we have a -- this is about a charter school that's  
2 in Raton?

3 VICE CHAIR BERGMAN: No, this is -- they  
4 want to close or consolidate a school or something.  
5 And that is always contentious in any community.

6 COMMISSIONER ARMBRUSTER: That's why I  
7 didn't understand it. We don't --

8 VICE CHAIR BERGMAN: We don't have all the  
9 facts. I'm not sure what's going on there myself.  
10 Yeah. So that's one reason why we're not involved  
11 in it, because we're not privy to what's going on up  
12 there. That is, like I say, a local issue.

13 The next item is the Report from the  
14 Charter School Committee, and that is me.

15 And let's see. That's Item No. 14.

16 Do we have the new negotiation schedule in  
17 here, Julie? I have not gotten to it yet.

18 As I said, we moved four schools; so we  
19 had to add them to the schedule. Did you give me a  
20 new schedule?

21 MS. LUCERO: Commissioner Bergman, members  
22 of the Commission, yes, it is included right behind  
23 the agenda.

24 VICE CHAIR BERGMAN: All right. So here  
25 we go. Let's talk about school negotiations.

1           As has been mentioned several times, we  
2 are -- our first negotiations now are going to be in  
3 Las Cruces on February the 25th. We have two  
4 schools.

5           I'm going -- I will definitely be there.  
6 Commissioner Shearman told me last night that she's  
7 kind of in that -- not knowing what stage her  
8 husband is going to be two weeks from now. She told  
9 me she will be there, if it's at all possible.

10           So I'm going to plan that she may not be  
11 there. I'm going to put her name down for now.

12           Commissioner Gipson, you had indicated you  
13 could be there. Are you going to be able to be  
14 there?

15           COMMISSIONER GIPSON: I think I can travel  
16 that far.

17           VICE CHAIR BERGMAN: Just down the street,  
18 isn't it?

19           COMMISSIONER GIPSON: Just about.

20           VICE CHAIR BERGMAN: None of the rest of  
21 you want to make that nice trip to Las Cruces, given  
22 that Commissioner Shearman might not be there? I  
23 normally prefer that there be three of us. Is there  
24 someone that would like to take a nice drive on I-25  
25 and go to Las Cruces?

1 COMMISSIONER ARMBRUSTER: That is on the  
2 25th?

3 VICE CHAIR BERGMAN: That is on the 25th.  
4 I'm sure Commissioner Gipson and I can handle it, as  
5 two; it's always nice to have three. I know that's  
6 a big seven-hour round trip drive for everybody; so  
7 it's not something to contemplate lightly.

8 COMMISSIONER GIPSON: I do it all the  
9 time.

10 VICE CHAIR BERGMAN: I know  
11 Commissioner Gant, he must have put 400,000 miles on  
12 his vehicles going back and forth from Las Cruces.  
13 He must have worn out three cars, I think.

14 Think about it for a day or two. If  
15 somebody decides you want to come, just let me know,  
16 e-mail me, and I'll add your name. It's --  
17 actually, this will be the first time that the  
18 Las Cruces Public Schools have posted. And we  
19 appreciate that, too. I'm sure they have a very  
20 nice facility for us to use.

21 So I'm looking forward to that. That'll  
22 be the first time we've met them. I think we've got  
23 the February covered.

24 Now, let's talk about March. We have two  
25 negotiations on March the 11th; we have two

1 negotiations on March the 12th. Those will be in  
2 Albuquerque. And they're going to be extremely  
3 interesting. They're going to involve the three  
4 Southwest Schools and Amy Biehl.

5 Here again, let me put this in writing  
6 here. I will be at those. I suspect, by then,  
7 hopefully, Commissioner Shearman will be able to be  
8 at those. Here again, I'd probably like to have  
9 three or four people at that.

10 Any of you Albuquerque folks want to  
11 attend those?

12 COMMISSIONER TOULOUSE: Mr. Chair, I can  
13 do those.

14 VICE CHAIR BERGMAN: You want to do all of  
15 them?

16 COMMISSIONER TOULOUSE: I'll do those two  
17 days.

18 VICE CHAIR BERGMAN: If one more wants to  
19 do it, four is normally the best. Anybody else  
20 want --

21 COMMISSIONER CONYERS: I can do them, if  
22 you want.

23 VICE CHAIR BERGMAN: I don't see anybody  
24 else raising their hand.

25 Do you feel up to the travel, Mr. Conyers?

1 COMMISSIONER CONYERS: Oh, yeah.

2 VICE CHAIR BERGMAN: No problem. I'm  
3 going to put Mr. Conyers down. So we've taken care  
4 of March the 11th and March the 12th. Those will be  
5 at that CES building.

6 And then, here again, we have two on the  
7 24th of March; we have two on the 25th of March.

8 COMMISSIONER GIPSON: Mr. Chairman, I can  
9 do those. I'll do both; because if I'm going to  
10 come up, I'm going to do --

11 VICE CHAIR BERGMAN: Yeah. I've always  
12 kind of -- if I'm going to travel for one day, I'm  
13 going to -- for the second day. Let me make some  
14 notes here. I'm going to put myself, Commissioner  
15 Shearman -- we both try to be at those whenever  
16 possible. Sometimes we're there; occasionally, we  
17 don't make it.

18 Commissioner Gipson, you want to go to  
19 those? Is there a fourth that would like to attend  
20 those?

21 COMMISSIONER ARMBRUSTER: I'm sorry. What  
22 date?

23 VICE CHAIR BERGMAN: March 24th and  
24 March 25th.

25 COMMISSIONER ARMBRUSTER: Oh, I can

1 probably do those.

2 VICE CHAIR BERGMAN: Would you like to do  
3 those, Commissioner Armbruster?

4 COMMISSIONER ARMBRUSTER: Sure.

5 VICE CHAIR BERGMAN: That gives us four;  
6 so we're set there.

7 Let's go ahead and let's do the first part  
8 of April, before our meeting. Now, this is -- this  
9 is the one where everybody's going to earn all that  
10 money they're paying us right now; because what we  
11 did -- the next -- the next group of negotiations,  
12 we actually put in front of the Spring Budget  
13 Workshop. That's going to be a full week for some  
14 of us.

15 So we've got four negotiations on the  
16 first two days of the week; and then Wednesday,  
17 Thursday, Friday are the Spring Budget Workshop.  
18 And most of the Commissioners have enjoyed going to  
19 that over the years. There's a lot of breakout  
20 sessions that we attend; although, it's in areas, a  
21 lot of times, that are not necessarily in our  
22 purview; but it's educational and helps us. And  
23 some of it does flow over into the charter school  
24 area. So those also will be in Albuquerque.

25 I have two negotiations on the 6th of

1 April, two on the 7th. Here again, I'm going to put  
2 my name down and Commissioner Shearman; and then,  
3 here again, one or two of you that would like to  
4 attend those. Here again, Montessori Elementary,  
5 Tierra Adentro, South Valley Prep, and La Promesa.  
6 I suspect some of those are going to be fairly  
7 interesting.

8 COMMISSIONER CHAVEZ: I can do the 6th.

9 VICE CHAIR BERGMAN: Monday. Okay,  
10 Commissioner Chavez, on the 6th.

11 Do we have a fourth on the 6th?

12 COMMISSIONER ARMBRUSTER: I can do that.  
13 If I say "yes," and I change, it's okay?

14 VICE CHAIR BERGMAN: We'll probably just  
15 fire you or cut your salary, one or the other.

16 COMMISSIONER ARMBRUSTER: If you'll just  
17 cut my salary, okay.

18 VICE CHAIR BERGMAN: No, we will  
19 understand. I'll go ahead and put you down. That's  
20 just on the 6th?

21 COMMISSIONER ARMBRUSTER: I probably can  
22 do the 6th and 7th.

23 VICE CHAIR BERGMAN: I'll put myself,  
24 Commissioner Shearman, and then you.

25 Okay, yeah. Actually what happens is you



1 kind of get in a groove on that first day, and the  
2 second day actually really kind of flows after you  
3 get into that groove, I've found.

4 COMMISSIONER CHAVEZ: I kind of know folks  
5 at the other two schools; so I kind of would rather  
6 not.

7 VICE CHAIR BERGMAN: It might be better,  
8 yeah, abstaining on those, yeah. If you know people  
9 at these schools, it's probably better not to be at  
10 these negotiations. So always keep that in mind.  
11 That's a good point.

12 Do I have someone who wants to be a fourth  
13 on April the 7th? If not, we're good.

14 Okay. Let me look here.

15 COMMISSIONER ARMBRUSTER: Two people  
16 aren't here; so they may --

17 VICE CHAIR BERGMAN: That's why I'm also  
18 leaving some of the later ones open, so we can get  
19 some other people involved.

20 The next ones are on April the 21st. Is  
21 that after our April meeting?

22 COMMISSIONER ARMBRUSTER: Yes. We have a  
23 meeting on the 17th.

24 VICE CHAIR BERGMAN: We're meeting on the  
25 17th. That's kind of short notice. Yes, maybe I

1 should go ahead -- let's go ahead and do April 21st.  
2 Here again, actually, we had to add to this group,  
3 because we moved those schools back. We actually  
4 have negotiations over three days.

5 I have two on the 21st -- here again,  
6 these are all in Albuquerque -- two on the 22nd, and  
7 we will do one on the 23rd, which I believe is  
8 probably a Friday, is it not?

9 COMMISSIONER GIPSON: It's a Thursday.

10 VICE CHAIR BERGMAN: We'll just put one in  
11 the morning, and those of us who have to travel can  
12 then travel in the afternoon.

13 COMMISSIONER TOULOUSE: Mr. Chair, I can  
14 do those, all of them.

15 VICE CHAIR BERGMAN: All of them? Okay.

16 COMMISSIONER GIPSON: I can do all of  
17 those, as well.

18 VICE CHAIR BERGMAN: Let me get my names  
19 down. Now, we're full there, then. Bergman,  
20 Shearman, and Toulouse and Gipson for all five of  
21 those. Like I say, you'll earn your pay.

22 COMMISSIONER TOULOUSE: I wouldn't miss  
23 AIMS, sir.

24 VICE CHAIR BERGMAN: Oh, yeah. You want  
25 to be there for AIMS. Okay.

1 COMMISSIONER TOULOUSE: Yes, sir. I think  
2 that would be a challenging thing for my learning  
3 curve.

4 VICE CHAIR BERGMAN: Well, they're  
5 actually going to be interesting, because a couple  
6 of them are new schools, DEAP and Sandoval Academy.  
7 And those are always interesting, because with a new  
8 school, the challenge is a little different. They  
9 don't have a basis.

10 COMMISSIONER GIPSON: Right.

11 VICE CHAIR BERGMAN: So it is challenge  
12 for us, as a Commission, as negotiators, to sit down  
13 and try and do those goals we were talking about.  
14 What do you do on a brand new school for goals? And  
15 so it is a challenge, and it's always fun, actually,  
16 to meet that challenge.

17 Okay. Let's just leave May. I'll stop  
18 there. We're full up through April.

19 Again, I thank you for your cooperation  
20 and your participation. We are going to get started  
21 here in a couple of weeks. And after that, it's  
22 just work, work, work, not only for us, but for the  
23 staff, also. They have to travel to all those  
24 hearings. They have to bring all the stuff for us.  
25 They have to bring forms.

1 MS. LUCERO: Commissioner Bergman and  
2 members of the Commission, when sending out the  
3 final draft, I'll send it to all Commissioners, not  
4 only the ones attending.

5 VICE CHAIR BERGMAN: That's probably a  
6 good idea, Julie. You will get -- it won't be  
7 perhaps too far in advance of the negotiations; but  
8 you will get a copy through e-mail of the proposal  
9 that comes from the school and their liaison that we  
10 then work from to do the actual negotiation.

11 So it always is best, especially if you're  
12 going to be at the negotiation, that you read that  
13 in advance, so you come in prepared to get to work.

14 So -- but that will come to us, Julie, as  
15 always, the earlier, the better. I know you're on  
16 time constraints. But we ask Julie to get them out  
17 as early as possible, anyway, so we have time to  
18 read them, especially on these weeks where we have  
19 four or five schools.

20 Okay. Commission participation? Okay. I  
21 think we're done with Item 14, then.

22 Did anybody else have anything they wanted  
23 to do under Item 14?

24 Actually, I don't want to steal this. I'm  
25 actually working from the Chair's book. In case

1 there are any notes in there, I'll have to change  
2 that later.

3 I believe we're ready, then, to go on to  
4 Item 15. And that is from Commissioner Peralta, who  
5 is now -- took Commissioner Gant's place on the  
6 PSCOC.

7 I will be his primary backup. But with  
8 all the negotiations I'm going to be doing, I'm kind  
9 of hoping he's able to go to all those meetings, so  
10 I don't have to step in there; so -- but,  
11 Commissioner Peralta, what do you have for us in  
12 that area today?

13 COMMISSIONER PERALTA: Mr. Chair, not  
14 really a whole lot. I think on our last PEC  
15 meeting, I had reported out on my first attendance  
16 on the PSCOC meeting.

17 We -- our next scheduled meeting is April  
18 7th. And there's a little lull in the action  
19 because of the fact that the Legislative Session is  
20 going on. So April 7th will be the next time that I  
21 will attend the PSCOC meeting; so I'll report  
22 thereafter at the next PEC meeting.

23 But I did get an e-mail from Martica  
24 Casias, from PSFA. And I'll just read the e-mail  
25 and then want to share this with the Commissioners

1 and maybe get some input, if they have any questions  
2 or maybe some ideas in response to this.

3 Her e-mail to me is that -- let me see  
4 here. Okay. They're going to look at working on  
5 improving the charter school lease assistance  
6 application, and they would like my input as a  
7 member of the PEC. After the charter school lease  
8 application is final, then if we'd like, as a  
9 Commission, we can have her come in and present all  
10 the information as a whole to the Commission.

11 They have a draft they would like to  
12 review. This meeting is scheduled for March the 4th  
13 in Santa Fe at 9:00 a.m. And that is a date that I  
14 will attend and participate with them.

15 They've invited Matt Pahl of Charter  
16 School Division. And there are two other people  
17 from the PSFA that will also be in attendance with  
18 that.

19 So this is a new meeting. And it's in  
20 reference to the charter school lease assistance  
21 application. So I'll maybe probably forward that to  
22 Commissioners, and if they have any questions they  
23 would like for me to ask, or maybe have ideas about  
24 the application process for the charter lease, they  
25 can forward those to me before the meeting, and I

1 will be more than happy to share that at the  
2 meeting.

3 VICE CHAIR BERGMAN: Excellent. Thank  
4 you, Commissioner Peralta. I think that probably  
5 would be appropriate to keep the rest of the  
6 Commissioners in the loop because of the facility  
7 issues.

8 We appreciate Commissioner Peralta taking  
9 on that duty. That is actually a very  
10 time-demanding position, as he's going to discover.  
11 They meet much more frequently than we do. And  
12 he'll be juggling schedules and everything on that;  
13 but -- and he's the one that will be our go-to  
14 person. Every time a facilities issue comes up, the  
15 Chair will look over to him and say, "Commissioner  
16 Peralta, you'll need to follow up on that for us."  
17 So we appreciate all the time he is going to devote  
18 to that.

19 Is there anything else?

20 COMMISSIONER ARMBRUSTER: You know, all  
21 these committees that we each signed up -- does  
22 someone tell us when there's going to be a meeting,  
23 or is it our responsibility to somehow look this up  
24 and find out about it?

25 VICE CHAIR BERGMAN: Whichever

1 committee -- the Chair will let you know. We don't  
2 always meet. For instance, my Charter School  
3 Committee, we meet when there's a necessity to meet.  
4 And that's the way most of the committees operate.

5 COMMISSIONER ARMBRUSTER: I didn't know if  
6 I should be like scouring the web to find out.

7 VICE CHAIR BERGMAN: My schedule on my  
8 committee, you wouldn't find it, because it's locked  
9 up here somewhere. (Indicates.) And we -- and I  
10 think most of them are that way.

11 But that's what we're getting ready to  
12 discuss right now. If there's nothing further on  
13 15, Item 16 is PEC Committee and Liaison Reports.

14 Now, I understand that the new task force  
15 on replication -- did you guys meet yesterday? Who  
16 was doing that?

17 COMMISSIONER GIPSON: I'm the Chair.

18 VICE CHAIR BERGMAN: Okay.

19 COMMISSIONER GIPSON: Commissioner  
20 Toulouse and I had a nice chat. Unfortunately,  
21 Commissioner Shearman was unable to attend. And so  
22 was Commissioner Chavez not able to attend.

23 So we had a preliminary discussion. But I  
24 believe until we can get a full complement of the  
25 task force, we're going to hold off on reporting



1 anything.

2 VICE CHAIR BERGMAN: Okay. And that's  
3 probably a good idea. Yeah. Probably the first  
4 thing we would look for from you is some kind of an  
5 outline of how you think you're going to approach  
6 this.

7 COMMISSIONER GIPSON: Correct, yes.

8 VICE CHAIR BERGMAN: A very flexible time  
9 line and --

10 COMMISSIONER GIPSON: That was our goal  
11 for yesterday's meeting.

12 VICE CHAIR BERGMAN: Okay. So we'll keep  
13 that in mind. And unfortunately, things do arise at  
14 the last second, and we have to factor that into our  
15 thinking.

16 Did anyone else have a report --  
17 Commissioner Toulouse, I can't -- are you chairing  
18 the Legislative Committee now?

19 COMMISSIONER TOULOUSE: Yes, I am. And at  
20 this point, there really -- the only piece of  
21 movement there has been is when you were there last  
22 week in my stead. I headed up to Santa Fe and was  
23 ill and could not make it for the hearing on -- as I  
24 call, it our "Freedom" bill or our "Independence"  
25 bill, which I find ironic, in that the -- during the

1     LESC hearings from the summer and into the -- all  
2     the way through the winter in the Charter School  
3     Subcommittee, that group worked very, very hard  
4     together, including the Republicans, took the bill  
5     the Governor had vetoed several years ago. The  
6     Republicans all agreed, "We can approve this, and we  
7     can get the Governor to sign this version." And  
8     that was until the November election.

9             As soon as the next meeting came, all of a  
10     sudden, they were not on board anymore with the bill  
11     that they crafted. And that bill went up in front  
12     of Senate Education last Thursday -- or House  
13     Education -- last Thursday. And unfortunately, I  
14     wasn't there. I understand that Chair -- Vice Chair  
15     Bergman did the best job he could do to try to get  
16     it done.

17             But we ended up with a 6/6 vote. The  
18     Chairwoman was not there to vote on the bill; so it  
19     is tabled.

20             Virtually, that means it's dead. In a  
21     60-day session, you know, somebody could bring it  
22     back up. But I don't see that that would happen,  
23     because it would end up with a 7-to-6 to deny it,  
24     anyway.

25             So at this point in time, we're going to

1 have to wait another year to try to get to our own  
2 budget, our own staff, and our freedom to do  
3 anything.

4 I have not heard that much of any of the  
5 other things we have interest in at this point are  
6 being considered. You know, we don't have a part in  
7 the debate on the third-grade retention or that sort  
8 of thing.

9 So that's what I know about the  
10 Legislature. You know, our -- nobody's talking to  
11 anybody much this year. It's a very different  
12 atmosphere on what's going on.

13 But if I hear anything, I will get it to  
14 the Chairwoman, who can get it to Mr. Granata, who  
15 can e-mail it to us as things go.

16 VICE CHAIR BERGMAN: Thank you,  
17 Commissioner Toulouse. I will bring you up to date.

18 I was glad that I decided to go.  
19 Commissioner Shearman asked me to go. Again,  
20 because of problems with her husband, she wasn't  
21 going to go. So she asked me to go. And  
22 Commissioner Toulouse could not be there; so I ended  
23 up being the one who testified before the House  
24 Education Committee on House Bill 74.

25 It was an interesting process. I've been

1 to those kind of things before, but I've not sat at  
2 the front table in front of the legislative people.  
3 And I found out that I was not allowed to speak  
4 unless they actually asked me a direct question.

5 And I had all kinds of things I wanted to  
6 share with those fine folks in the Legislature along  
7 some of the lines I've already mentioned. And when  
8 they did ask me a question, I tried to answer the  
9 question; but I also tried to provide some of our  
10 rationales and some of the reasons why we're asking  
11 for this legislation.

12 And as Commissioner Toulouse knows -- has  
13 noted -- Commissioner Espinoza was not there. As  
14 happens frequently in the Legislature, they have  
15 multiple committees, and they sometimes have  
16 conflicts; she had one of those.

17 So Representative Roch was the acting  
18 chair for this hearing. And he, on two occasions,  
19 cut me off, shut me down, because he -- he didn't  
20 want to learn what I wanted to share with him. And  
21 I was sure trying to share our rationale; because we  
22 have a -- I believe, a legitimate logical rationale  
23 for the things we're asking for. Our disagreements  
24 are not with CSD; our disagreements are a  
25 philosophical difference that, right now, the

1 Secretary hires the CSD and the Staff and oversees  
2 them, and they answer to her.

3 This Commission -- or at least has, up to  
4 this point -- most of the Commissioners have felt we  
5 should be hiring the CSD Staff, and they should  
6 answer to us; because, as I noted earlier, they're  
7 doing -- most of the work they do is for us, for  
8 this Commission.

9 And I did get a chance to share that  
10 rationale with the Committee and -- the House  
11 Education Committee, and I got no sympathy from  
12 that. Representative Youngblood said, "Well, we  
13 have staff here, too, and we don't get to hire  
14 them."

15 Well, I think they have more say on their  
16 staff than we have on our -- it's nothing against  
17 CSD. I greatly admire the dedication that Matt and  
18 Julie and the Staff have brought to their work,  
19 considering they've been greatly understaffed, in my  
20 opinion, for the last two years, at least, and are  
21 still understaffed as we speak today. They're doing  
22 a Herculean job.

23 And near the end of it, Representative  
24 Stapleton made a statement that it appeared to her,  
25 from what the discussion that had gone on, was that

1     apparently, there was no collaboration between the  
2     CSD staff and the PEC, and there was no cooperation  
3     between the CSD and the PEC. And since she made  
4     that as a statement, not as a question, I was not  
5     allowed to say anything about that at that point.

6             Fortunately, one of the legislators who  
7     was actually trying to stall, because there was --  
8     they were short one Republican at the time, and they  
9     weren't going to take the vote until they had all  
10    six of their votes there -- he started asking me  
11    questions as a stalling tactic.

12            So I said, "I'll answer that question in a  
13    second."

14            But I then took the opportunity to correct  
15    Representative Stapleton, because we do collaborate  
16    with the CSD Staff. They do a ton of work for us.  
17    We do cooperate with them. And I don't know how  
18    those things are recorded; but I did not want to  
19    leave that in the record.

20            I don't lie; I'm not a liar. I was told  
21    afterwards, "You should not have said that, because  
22    we want them to think you don't have a staff."

23            Well, I'm not going to let something like  
24    that stand. It's not a correct statement. We do  
25    have the collaboration.

1           So I made the point. And on my way home,  
2 Director Pahl called me on the phone and thanked me  
3 for doing that; because I -- it's the truth. We do  
4 collaborate. We do -- we just -- our basic  
5 disagreement is we don't get to hire them, I guess  
6 to sum it up in a nutshell.

7           And the budget; we'd like to have some  
8 money, too. Then we could give you all the staff  
9 you want, go on a spending spree. I shouldn't say  
10 that, because then they wouldn't give us our budget,  
11 for sure.

12           That's why I wanted to address those  
13 issues. The vote was 6-to-6, which effectively  
14 tabled the legislation. I had hoped to sway at  
15 least one of those Republican legislators. We knew,  
16 as Commissioner Toulouse said from the LESC  
17 meetings, that it was an equal split. The  
18 Democrats, because of politics, supported our bill.  
19 And the Republicans, because of politics, were  
20 opposed to it.

21           The Republicans view our attempts as an  
22 attack on the Secretary and an attack on the  
23 Governor. They're not that. That's not my intent,  
24 anyway, but that's how they view it. And they lined  
25 up 6-to-6, and that's the way it goes.

1           And I appreciated Representative Trujillo,  
2 Christine Trujillo, who carried the bill. She  
3 leaned over to me at one point and said, "We need to  
4 go ahead and have this vote," because at that point,  
5 it was 6-to-5.

6           I said, "Representative Roch isn't going  
7 to allow a vote when he's on the short end of the  
8 stick"; and he didn't.

9           Representative Stapleton tried to call the  
10 vote. Before they could even get a second,  
11 Representative Roch said, "We're not through with  
12 debate yet."

13           And the question could have been raised,  
14 "When are we going to be through with debate?" The  
15 answer would be, "When that sixth Republican walked  
16 into the hearing room."

17           That's when we had the vote. I felt bad;  
18 but there was no way they were going to have that  
19 vote when it was 6-to-5, even though that was what  
20 Representative Trujillo wanted to do.

21           That's the way the game is played. That's  
22 the way it was played for 62 years when the  
23 Democrats controlled the House, and now it's the way  
24 the game is being played with the Republicans.  
25 Politics always intrudes, and good bills don't



1 always make it. I believe ours was a good bill.

2 That's where we stand on that. Okay. Any  
3 other committees that have anything to report at  
4 this time?

5 I see nothing, so this --

6 COMMISSIONER TOULOUSE: Commissioner  
7 Bergman, I would like to add to your comment. While  
8 I was not able to make it up there, with modern  
9 technology I was receiving ongoing texts from  
10 several of the folks who were asking you questions,  
11 or who were there during the entire time. So I was  
12 following it and forwarding them on to Chairwoman  
13 Shearman.

14 So we both felt like we were at least  
15 there.

16 VICE CHAIR BERGMAN: I didn't know that;  
17 so that's the benefits of the modern age, I guess.

18 Anything else in that -- No. 17, Old  
19 Business.

20 This is something that Commissioner  
21 Shearman added last time, in case we wanted to go  
22 back in to address any old business. I'm not aware  
23 of anything that we need to address under that  
24 category today. Commissioner Shearman said nothing  
25 to me about it.

1           Anybody have anything they want to address  
2 under Old Business?

3           Then I will move on from that one, then.  
4 Item 19, we have Open Forum -- oh, PEC Comments. I  
5 thank you. That's why we have legal counsel.

6           No. 18 is Public Education Commission  
7 Comments. So I guess I'll start over here to my  
8 right. Commissioner Toulouse, do you have anything  
9 to add today?

10           COMMISSIONER TOULOUSE: As usual,  
11 Mr. Chair, I think I've said enough. Thank you.

12           VICE CHAIR BERGMAN: Commissioner Peralta?

13           COMMISSIONER PERALTA: Not at this time,  
14 Mr. Chair.

15           VICE CHAIR BERGMAN: Thank you.  
16 Commissioner Conyers?

17           COMMISSIONER CONYERS: Kind of a question  
18 here. I know, previously, we talked about when you  
19 had the training for the charter school  
20 applications, you might invite the PEC members to  
21 attend that. Are you still planning to do that?

22           MS. LUCERO: Commissioner Bergman,  
23 Commissioner Conyers, yes, we will invite you to all  
24 of the upcoming trainings for the new applications.

25           COMMISSIONER CONYERS: Okay, great. Thank

1 you.

2 VICE CHAIR BERGMAN: Let me just explore  
3 that for a second. Is there any probable conflict  
4 in that? Let me ask our legal counsel. If we, as  
5 Commissioners, attend a training for a school that  
6 we then will be evaluating their application, is  
7 there any reason why we shouldn't go to that  
8 training, in your opinion?

9 I just wanted us to be on firm ground.

10 MR. GRANATA: Commissioner Bergman,  
11 Commissioners, I don't imagine there would be a  
12 concern for -- well, I guess the only concern is  
13 whether or not there's a bias for that particular  
14 Commissioner. I guess -- let me think about that a  
15 little bit more before I answer the question.

16 I don't -- just off the top of my head, I  
17 don't believe it's a concern; but I'd like to think  
18 about it a little bit more.

19 VICE CHAIR BERGMAN: I would like you to  
20 do that. I am not opposed to that. I, in the past,  
21 have asked why we cannot go to these kind of things.  
22 But we want to make sure that we don't, by  
23 attending, give them an out if we decide we have to  
24 take certain action on their applications.

25 Commissioner Armbruster?

1           COMMISSIONER ARMBRUSTER: I'm going to try  
2 to go back to Josh's training last month about the  
3 Open Meetings thing. So if several people wanted to  
4 go to one of these trainings, might we need to say,  
5 "Well, who wants to go to this training that's going  
6 to be in -- whatever -- Las Cruces?" Because we  
7 shouldn't have more than -- whatever number -- five?  
8 Six?

9           VICE CHAIR BERGMAN: Why don't you make  
10 that --

11           COMMISSIONER ARMBRUSTER: Is that true?

12           VICE CHAIR BERGMAN: If we show up in twos  
13 and threes, does it increase the bias, if it's  
14 possible?

15           COMMISSIONER ARMBRUSTER: You can't  
16 have --

17           COMMISSIONER GIPSON: If it's five of us,  
18 is it a meeting?

19           VICE CHAIR BERGMAN: Six is a quorum.

20           COMMISSIONER GIPSON: Six is; so it would  
21 be of concern if six of us showed up at the  
22 training.

23           MR. GRANATA: I would recommend only four  
24 at a time; but let me consider the whole issue.

25           COMMISSIONER ARMBRUSTER: So that, then,

1 when this -- and Julie's going to send that to us --  
2 it's almost like we would have to say, "Yes, I can  
3 go," and then if there's too many, one won't go?

4 VICE CHAIR BERGMAN: Just like we do with  
5 the -- for that very reason, yeah. Let's don't  
6 all -- we don't want to show up as a herd.

7 COMMISSIONER GIPSON: We don't want to  
8 intimidate some people, too.

9 VICE CHAIR BERGMAN: That's why I say  
10 there are some very legitimate concerns. Keep us on  
11 solid ground. I'm sure the Chair would, also. We  
12 don't want to do anything that harms our process  
13 with those applications.

14 Did you have anything else, Commissioner  
15 Conyers?

16 COMMISSIONER CONYERS: No.

17 VICE CHAIR BERGMAN: Commissioner Gipson?

18 COMMISSIONER GIPSON: Nothing today.

19 VICE CHAIR BERGMAN: Commissioner Chavez?

20 COMMISSIONER CHAVEZ: I don't have  
21 anything.

22 VICE CHAIR BERGMAN: Commissioner  
23 Armbruster?

24 COMMISSIONER ARMBRUSTER: I'm always going  
25 to say something. I want to actually thank you for

1 helping. It's like being a student again. It's not  
2 all that easy. And I wanted to thank you for  
3 explaining things; because it's -- there wasn't  
4 really a website to go to -- read, "How do you do  
5 this, and what do you need to do?"

6 And I needed to ask questions, because I  
7 didn't know the answers. And I think it helped me,  
8 anyway, to have you explain some more and do that.

9 VICE CHAIR BERGMAN: I appreciate those  
10 comments. And that comes from our experience. In  
11 our first year, we were pretty much to be seen and  
12 not heard that first year. And that -- and we  
13 didn't get a lot of explanation.

14 And I just feel that -- I hope it's  
15 helpful to you if I choose to do that.

16 COMMISSIONER ARMBRUSTER: It's helpful to  
17 me, myself, right now.

18 VICE CHAIR BERGMAN: Everything we do has  
19 a reason, whether it's apparent or not.

20 Anything else in PEC Comments?

21 I have nothing further. I've talked  
22 plenty.

23 So -- now we're to Open Forum. Julie, is  
24 someone keeping that list?

25 MS. LUCERO: Commissioner, we do not have

1 anyone that has --

2 VICE CHAIR BERGMAN: No one has signed up  
3 for Open Forum. Here again, we do not have any  
4 need.

5 Then we're down to Item 20. Do we need  
6 an Executive Session today?

7 MR. GRANATA: Yes, just briefly.

8 VICE CHAIR BERGMAN: So that will be our  
9 final order of business. We will be going into  
10 Executive Session here in just a moment; so  
11 everybody will have to leave anyway.

12 This is a great time for you to leave.  
13 Thank you for your being here today. We appreciate  
14 everybody taking the time to sit through our meeting  
15 and find out what it is we do here.

16 We do need a motion to go into Executive  
17 Session. What do we need to say? Oh. Do I need to  
18 read this -- do you want me to do it? Do I need to  
19 hit the gavel and --

20 I will make the motion, folks. I move  
21 that the Public Education Commission move into  
22 Executive Session, under 10-15-1, parentheses, H,  
23 parentheses, 7, regarding threatened or pending  
24 litigation. A, Rio Rancho v. PED and PEC; B,  
25 Anthony Charter School Appeal; C, Columbus Charter

1 School Appeal.

2 Do I have a second?

3 COMMISSIONER TOULOUSE: Second.

4 VICE CHAIR BERGMAN: I have a second. I  
5 have a motion by myself, and a second by  
6 Commissioner Toulouse. Do we need a roll-call vote,  
7 or is this just a --

8 MR. GRANATA: No.

9 VICE CHAIR BERGMAN: All those in favor,  
10 say "Aye."

11 (Commissioners so indicate.)

12 VICE CHAIR BERGMAN: All opposed?

13 (No response.)

14 VICE CHAIR BERGMAN: Looks like it's  
15 unanimous.

16 MR. TOLLEY: Mr. Chairman, I'm going to  
17 turn your microphones off.

18 VICE CHAIR BERGMAN: And, Mark, once  
19 again, thank you so very much. This has been a  
20 great deal for us. We appreciate it.

21 MR. TOLLEY: Come on back next month.

22 VICE CHAIR BERGMAN: Okay. Let's take  
23 just a very brief comfort break, quick out and back,  
24 please. No more than five minutes. Then we'll  
25 begin.



1 (Brief recess taken.)

2 (Executive Session conducted  
3 off the record.)

4 VICE CHAIR BERGMAN: I am going to bring  
5 the Public Education Commission out of the Executive  
6 Session we were just in, back into a regular  
7 session. I will note for the record that only items  
8 that are on the original motion were discussed in  
9 our Executive Session. No new business was  
10 transacted. And do I need to --

11 MR. GRANATA: That's good.

12 VICE CHAIR BERGMAN: And that's it.

13 COMMISSIONER TOULOUSE: Move we adjourn.

14 COMMISSIONER ARMBRUSTER: Second.

15 VICE CHAIR BERGMAN: I was -- do we have  
16 anything else we want to discuss? We're ready to  
17 go. I have a motion to adjourn. Do I have a  
18 second?

19 COMMISSIONER ARMBRUSTER: Yes.

20 VICE CHAIR BERGMAN: We have a motion and  
21 second. All in favor, say "Aye."

22 (Commissioners so indicate.)

23 VICE CHAIR BERGMAN: All opposed?

24 (No response.)

25 VICE CHAIR BERGMAN: We are adjourned.

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(Proceedings adjourned at 12:45 p.m.)

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1                   BEFORE THE PUBLIC EDUCATION COMMISSION

2                                   STATE OF NEW MEXICO

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4  
5  
6  
7                                   REPORTER'S CERTIFICATE

8           I, Cynthia C. Chapman, RMR, CCR #219, Certified  
9 Court Reporter in the State of New Mexico, do hereby  
10 certify that the foregoing pages constitute a true  
11 transcript of proceedings had before the said  
12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the  
13 State of New Mexico, County of Albuquerque, in the  
14 matter therein stated.

15           In testimony whereof, I have hereunto set my  
16 hand on February 27, 2015.

17  
18  
19                                   *Cynthia C. Chapman*

20                                   Cynthia C. Chapman, RMR-CRR, NM CCR #219  
21                                   BEAN & ASSOCIATES, INC.  
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