BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
July 17, 2015
9:00 a.m.
Jerry Apodaca Education Building - Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

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APPEARANCES

COMMISSIONERS:

MS. CAROLYN SHEARMAN, Chair
MR. VINCE BERGMAN, Vice Chair
MS. KARYL ANN ARMBRUSTER
MR. JEFF CARR
MS. ELEANOR CHAVEZ
MR. JAMES CONYERS
MS. PATRICIA GIPSON
MS. CARMIE TOULOUSE

STAFF:

MS. KATIE POULOS, Director, Charter School Division

MS. JULIE LUCERO, General Manager, Options for Parents

MR. JOSHUA GRANATA, Assistant Attorney General, Counsel to the PEC

MS. BEVERLY FRIEDMAN, Custodian of Records and PED Liaison to the PEC
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ATTACHMENTS

1. Visitors Attending Meeting - Sign-In Sheets

2. Report, Herb Torres to PEC, re Southwest Schools' Status

3. ASK Academy Governing Council Meeting Minutes, 5/14/15
THE CHAIR: Ladies and gentlemen, by my
clock, it is 9:00 a.m.

I will call to order this regularly
scheduled meeting of the New Mexico Public Education
Commission. I would ask that everyone silence your
phones or electronic devices, please.

Our next order of business is roll call,
and I've asked Commissioner Bergman to take over,
since Commissioner Peralta will not be here today.

Commissioner Bergman?

COMMISSIONER BERGMAN: Commissioner

Gipson?

COMMISSIONER GIPSON: Here.

COMMISSIONER BERGMAN: Commissioner

Toulouse?

COMMISSIONER TOULOUSE: Present.

COMMISSIONER BERGMAN: Commissioner

Conyers?

COMMISSIONER CONYERS: Here.

COMMISSIONER BERGMAN: Commissioner

Bergman is here.

Commissioner Shearman?

THE CHAIR: Yes, here.

COMMISSIONER BERGMAN: Commissioner

Armbruster?
COMMISSIONER ARMBRUSTER: Here.

COMMISSIONER GIPSON: Madam Chair, at the present time, you have six Commissioners here. You do have a quorum.

THE CHAIR: Okay. Thank you very much. I declare we do have a quorum, and we'll proceed with business.

Next item is Pledge of Allegiance and Salute to the New Mexico Flag. And I will ask Commissioner Ambruster to lead us in both of those.

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

THE CHAIR: Do you feel kind of lonely over there on that side?

COMMISSIONER ARMBRUSTER: Yesterday was my vaccination. That's all I'm going to say.

THE CHAIR: What can I say?

COMMISSIONER ARMBRUSTER: I'm just going to move my things out.

COMMISSIONER BERGMAN: Madam Chair?

THE CHAIR: Yes, sir.

COMMISSIONER BERGMAN: Before we get started, because we did a word of silence for the church victims at our last meeting, I would ask we have a word of silence for those four Marines and
their families who were killed by terrorists,
whether our government describes it as a terrorist
act or not.

It's bad enough that our sons and
daughters die in places like Afghanistan and Iraq.
When they're not even safe in their offices on our
own soil, it is a sad situation. So if we could
just have a brief moment of silence to remember
those families?

THE CHAIR: Absolutely, Commissioner.

Thank you.

(Moment of silence.)

THE CHAIR: Thank you all for that. Let's
move on to the next item on the agenda, which is
Approval of the Agenda. I would remind everyone
that we can reorder things on the agenda, but we may
not add to it.

So any corrections or suggestions on the
agenda?

Cindy, would you please note that
Commissioner Carr is now here, so that we have seven
members? Good morning.

COMMISSIONER CARR: Good morning.

(Commissioner Carr enters meeting.)

THE CHAIR: Anything on the agenda?
Hearing none, the Chair would entertain a
motion to approve the agenda, as presented.

COMMISSIONER TOULOUSE: Madam Chair, so
move.

THE CHAIR: Thank you, Commissioner
Toulouse.

COMMISSIONER GIPSON: Second.

THE CHAIR: Do I have a second -- from
Commissioner Gipson.

Any discussion?

All those in favor, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Any opposed, please say "No."

(No response.)

THE CHAIR: The motion passes unanimously.

Please let the record note that
Commissioner Eleanor Chavez is now in attendance.

Thank you.

(Commissioner Chavez enters meeting.)

THE CHAIR: So I believe we are now up to
eight. Good morning, Commissioner.

COMMISSIONER CHAVEZ: Good morning.

THE CHAIR: Next item on the agenda is
approval of the minutes. Those are in your notebook
under Item -- Tab No. 3. Are there any corrections
to the minutes of the June 18th special meeting?

June 18, 2015?

Okay. I have a couple. Could I ask you to look at Page 16? First is line 19. If you'll look at that line, please, it says, "Second page," semicolon, "on Page 4."

I believe that should be "Page 3."

Then on line 20, it begins with, "Nos. 18 and 19 on Page 4." Again, I believe that should be "Page 3."

Next item I have is on Page 97, on line 8. I believe the word "this" should be deleted.

On Page 155, line 14, the second word in that line currently is the word "is," I-S. I believe it should be the word "in," I-N. "In January."

Those are the only corrections I see.

Does anyone have any others?

Hearing none, the Chair would entertain a motion for the minutes, as corrected.

COMMISSIONER CARR: So moved.

THE CHAIR: Thank you, Commissioner Carr.

Do I hear a second?

COMMISSIONER ARMBRUSTER: Second.

THE CHAIR: From Commissioner Armbruster?
COMMISSIONER ARMBRUSTER: Sure.

THE CHAIR: Thank you. Motion from Commissioner Carr, second from Commissioner Armbruster, to approve the June 18 minutes, as corrected.

Any discussion? All those in favor of approving the minutes of June 18, as corrected, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Any opposed, please say "No."

(No response.)

THE CHAIR: The minutes are approved, as corrected.

Now, let's look at the June 19, 2015, regular PEC meeting minutes.

Any corrections to the June 19th, 2015, regular PEC minutes?

(No response.)

THE CHAIR: Hearing none, the Chair would entertain a motion.

COMMISSIONER CONYERS: So move.

THE CHAIR: Commissioner Conyers moves to approve the minutes. Do I hear a second?

COMMISSIONER GIPSON: Second.

THE CHAIR: Commissioner Gipson?
Any discussion?

All those in favor of approving the June 19th, 2015, minutes, as presented, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Any opposed, please say "No."

(No response.)

THE CHAIR: The minutes are approved unanimously.

Next item on the agenda is Item No. 4, Carl Perkins Update. Mr. Spencer?

MR. SPENCER: Good morning.

THE CHAIR: Good morning. Please introduce yourselves for the record.

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

DR. PEREA: My name is Dr. Elaine Perea. I'm the Deputy Director of College and Career Readiness.

THE CHAIR: Thank you very much.

MR. SPENCER: So Madam Chair, members of the Commission, since the last time we met, I did introduce Dr. Elaine Perea as one of our colleagues in College and Career Readiness. She was our
education administrator for high schools that were
programmed under the reserve set-aside of Perkins.
And since that time, she has been elevated to Deputy
Director of the Bureau.


MR. SPENCER: So in the agenda for your
item of Carl Perkins Update, we provided with -- to
you a copy of the federal award notification that
the State received on July 1.

In that federal award letter, you will see
that the feds give an advanced allocation of
$2,395,191. And that happens to be a portion of the
State's October 1, 2015, anticipated award of
$8,098,622. So we, just part of the cycle, receive
July 1 allocations that we can make awards to
schools for the '15-'16 school year, won't be until
October 1 that the State will receive its final
award notification from the fed. At that time,
we'll be making final awards to the school districts
and post-secondary institutions that are supported
through this particular grant set-aside.

In your packet, you were given what was
called a Carl B. Perkins Budget Calculator for
2015-'16. It's about a half-sheet of data in a
table format from an Excel program. And I just want
to draw your attention to that to just give you the information as to how the federal award is distributed.

And so when you take a look at the State's October 1 estimated award of $8,900- -- I'm sorry -- $8,098,620, 80 percent of that award must be given to local institutions for program implementation.

And those local institutions would be your secondary schools, State-authorized charter schools, district-authorized charter schools that would apply, and then also two-year colleges, whether it's a community college or an extension of a four-year university offering an associate's degree in career/technical education. So 85 percent of the dollars must flow in that way.

The State exercises the ability to take the 10 percent reserve off of the 85 percent allocation. And what that reserve is for is to implement new programs, perhaps in a research-based type model. We're looking at best practices that can be replicated across the State, as we move career/technical education initiatives forward.

So you can see that we take 10 percent of the 85 percent for reserve activities. We support the High Schools That Work initiative, Ten Key
Practices around continuous improvement in schools.

We had a shift in who we were supporting this coming school year, '15-'16. Prior to this, we were supporting approximately 13 schools using the High Schools That Work model effort, redesigning around career/technical education. Many of those schools had been receiving that particular allocation for about ten years or so, and others, less than that, maybe six years. We have one that was less than four.

But nonetheless, we redesigned the grant application for High Schools That Work to make sure that it wasn't just the school improvement model and organizing around the career/technical ed theme, but really ensuring that there was embedded academic integration of career/technical education and academic core content area; and then also formalizing a partnership with the local workforce development board in that region.

As such, we sought to fund four High Schools That Work applications, one school in each one of the four workforce board regions. And we were able to do that; but we're in final negotiations with one school; that school would be Taos Municipal Schools.
We also support the JAG program which is Jobs for America's Graduates. It's a dropout prevention initiative centered on career/technical education. So those are two activities under the 10 percent reserve set-aside. And you can see, then, that the formula allocation to the local education agencies, a long-standing policy that the dollars are split 50/50 between post-secondary and secondary schools. And so you can see that the allocations to the schools would be, in the aggregate, $3,097,722.92.

Leadership: It says 10 percent of the total basic grant; so that would be the 10 percent of the $8 million award. Those activities have mandated expenditures pursuant to the Federal Act; so that support for non-traditional participation. So this is the activities that we can undertake as a state to support schools to encourage male students in looking at career opportunities that might be female-dominated; and then, vice versa, assisting students that are of female gender into looking at opportunities and employment opportunities that are dominated by the male gender.

We have state institutions. Federal law says it's a minimum of a dollar expenditure. We've
allocated $10,000. And last year, we had indicated
that we funded a grant application on a competitive
basis to the School for the Visually Impaired. This
year, that has been awarded to School for the Deaf.
And that was a two-year grant application that they
submitted for.

Then you see that there's a remainder for
State-level leadership activities, $729,000.
There's a portion of that, approximately -- a little
over $500,000 investment in the career/technical
student organization. So as you're working in your
constituencies, and you see signs of Business
Professionals of America, DECA, Future -- what is
it -- the Technology Student Association, things of
that sort, those student organizations are supported
from this set-aside.

In addition to that, there is also some
leadership work, where we contract for technical
assistance in developing programs-of-study models
that schools would be able to adopt and implement at
the local level. And then also a set-aside for
salary for State-level staff to provide technical
assistance to the local education agencies and
post-secondary institutions on program-of-study
development, State accountability, and things of
that sort, to help them move that CT initiative forward.

You see here that there's the administrative set-aside of 5 percent of the basic grant. And that's for, really, staffing the College and Career Readiness Bureau's unit of Carl Perkins support. So staffing salaries come from here, general office supplies, materials, and travel to schools.

This grant does require a dollar-for-dollar State match. And you might be looking at this and saying, "Well, the State match is more than the federal admin is, if it's dollar for dollar."

But take a look at the footnote. There was a year, approximately four or five years ago where the dollar over-expended by $633. And therefore, we get to get that supplement every year. And part of that is because there's a "maintenance of effort" clause on this grant, as well. And our maintenance of effort for this grant is tied to that State match.

So every year, we've got to make sure we shore up an additional $633 that we're pleased to get.
So that's the report on the financial aspects in terms of how that grant gets distributed.

I'm going to go ahead and turn this to Dr. Elaine Perea to talk about the performance targets. But we do have a condition on this federal award, because we did have one performance target at the secondary level.

As we reported to you back in January that -- in December, I think -- that we didn't meet a performance target in the secondary set-aside; so now we have to implement some corrective action plans and technical assistance and support to schools to help them bring their performance up in that category.

DR. PEREA: Thank you, Mr. Spencer. Madam Secretary and the Commission, I'd like to talk to you guys a little bit more about the performance levels. We spoke of them over the winter, as Mr. Spencer indicated. And at that time, you were given two spreadsheets with lots of little numbers on them. And you have another copy of them in your packet again this time.

And I apologize for the tiny print. I'll try to maybe give you a heads-up on -- on the things that you need to pay attention to.
What these are, the grant requires us to meet performance targets in a variety of areas related to academic attainment, proficiency in reading and mathematics, graduation rates, student placement. And then there are a couple of indicators at both the secondary and post-secondary level that are looking at students preparing for careers in the what we call "non-traditional" career fields.

So for women, non-traditional career fields would be heavy manufacturing, automotive welding. Those sorts of things are not careers that you typically see a lot of women in.

For men, teaching and health are careers that are non-trad for men -- or for males.

The State has struggled with these indicators for several years. And as of last school year, we missed the participation at the secondary level for the third consecutive year.

And so at the bottom of the secondary page, you'll see 6S1 and 6S2. Those are the indicators that I'm talking about, the non-traditional participation. And at the far right are the targets that we've agreed upon. These are -- these are pretty close to what we had
presented in January.

The only one that significantly changed was the graduation rates. We had tried to ask that it be held constant. The feds pushed back on us and said, "No, you have to increase your target."

So -- so that one, the target for this year is 91 percent. And we're going to -- we're going to do everything that we can to make sure that happens. I do have, I think I told you last time, some very -- some data that I'm really proud of. And that is that our CTE students are graduating at almost 20 percent above our State average; so CTE does work.

But the non-trad participation is, we have to now develop a one-year corrective action plan that we report to the feds every quarter what our plan is and where -- and how our progress is going. We send them a quarterly progress letter.

The first of those letters is due August 19th. And in order to develop that plan, we will be convening a Webinar, a digital meeting, to -- with all of the secondary Perkins recipients so that we can brainstorm some corrective actions to help us get our non-trad numbers up.

In digging deeper in the data, what we do
know is that our data problem in New Mexico is a boy problem more than a girl problem. We actually have good participation from our girls into the non-traditional classes. It's the boys that don't want to take those -- those female courses. And so, in particular, health, which is a -- which is a career field that many of our schools have a focus on, and that there's a lot of opportunity in the state, will probably be part of whatever plan we develop to improve our non-traditional participation rates.

So that's -- that's the plan of what we're doing with that.

I believe you received 46 pages or so of -- of federal printout. At the top of it is a form that looks like this (indicates) that says, "Attestation of Final Agreed Upon Performance Levels." We call this our "FAUPL," "Final Agreed Upon Performance Levels."

And what that says is that -- is that we have agreed that the performance targets that were negotiated in the late winter are what New Mexico is going to be held accountable for.

So all of that, for those 46 pages, are all of the detail that's been summarized in these
two tiny-print pages; so you can -- you can choose
to look at either side of those.

MR. SPENCER: And so the final two bullets
on your summary sheet is just to give you a staffing
update. We still have one-and-a-half vacancies that
exist. We do have a half-time position in the
Bureau. So one-and-a-half vacancies still exist
with the Carl D. Perkins staff.

However, we do have a posting that should
be going out next -- actually, no. We have
two-and-a-half vacancies. We'll be interviewing for
one next week. There will be another posting going
out the week after, and we still haven't received
SPO approval to post the half-time position. That's
been something that's been lingering for quite some
time that needs to be reconciled and resolved.

Then finally, the Office for Career
Technical Education will be here to do a formal
monitoring visit of the Carl D. Perkins grant. The
activities -- last time they were in the state was
approximately 2008. This is scheduled for
September 14th through the 18th. Seems that
everything is progressing both on our end, and also
on the federal government side in terms of the
planning and logistics.
They did add to from the 2008 monitoring to this monitoring. What's different is that they'll be going out to schools. And they want to validate that, you know, what these schools are applying for and how they're using these dollars to implement a program of study and the transition between the secondary and the post-secondary institution yields value-add outcomes, and what they say they're going to do, they're doing.

And so it looks like they'll be selecting some secondary, post-secondary schools to visit within about a 100-mile radius of Santa Fe to visit during that week and look at the collaboration between secondary and post-secondary institutions.

So that will be part of the monitoring visit, as well as taking a look at the systems that the Department has for validating the data reporting the data, things of that sort; and also the financial cash management systems in our Administrative Services division, as well. So we'll keep you apprised and posted of the outcomes of that or how that's progressing along the way.

So that, Madam Chair, members of the Commission, concludes our report.

THE CHAIR: Thank you very much. I
appreciate both of you. Are you asking for the Commission to take any action today, or this is simply information?

MR. SPENCER: No, ma'am. This is information only.

THE CHAIR: Okay. Thank you both for being here. We always appreciate hearing from you. Carl Perkins is so important. We thank you.

MR. SPENCER: Thank you.

THE CHAIR: Any questions from any Commissioners? You started to get up.

Any questions? Any comments?

COMMISSIONER ARMBRUSTER: I -- I -- I did.

THE CHAIR: Commissioner?

COMMISSIONER ARMBRUSTER: So what are some ideas that one might share with schools of how you get men -- boys, whatever -- into non-traditional -- I can understand why the girls are going there. But for guys, I'm wondering if it's cultural, part of it? So what are some things that you would suggest to do?

COMMISSIONER PERALTA: I just attended a federal best practices Webinar that the feds put on on non-traditional education. And the suggestions they had were actually very simple. Having -- well,
sounds very simple.

Having somebody of that gender present,
especially bringing people in from industry who are
working in the field, whatever the field is. So
that doesn't sound all that hard, coupled with a --
a fairly new company that -- that I've been in
conversation with. What they do is they do digital
presentations all over the country.

They have about 1,500 businesses. Many
businesses have -- they -- they have obligation --
they obligate their employees to do outreach of
different sorts. And so what this company has
figured out is a way to digitally connect employers
and their employees with the classroom.

And I think this actually offers a great
opportunity for our rural students, because teachers
can facilitate this interaction, where, for example,
a female robotics engineer might talk about her
experience in the profession.

So how do we get the boys in? We're going
to be looking, as I said, in the health fields, at
really having a push of men who are in health who
are not doctors; because -- because, for CTE, you
know, we're kind of down a level. We're looking at
people who are nurses, people who are X-ray
technicians, people who are phlebotomists, and getting those people to actually have a presence in the classroom so that boys can see that there are, in fact, men that are in the health-care profession. Also, simple things like having your marketing materials -- having boys in the picture can make a big difference. A lot of the same things we know are true for cultural differences and for making minorities feel they're welcome in careers works the same.

COMMISSIONER ARMBRUSTER: Just as a woman, oftentimes the jobs that are traditionally women's jobs are also lower paying jobs. So in a sense, it's a little confusing. Because I totally agree with you on the non-traditional. That's not the point.

But -- so you're sort of asking boys, to be successful in this grant, to go to lower paying jobs that are traditionally women. And that's a hard thing.

COMMISSIONER PERALTA: Fashion designers make a lot of money.

COMMISSIONER ARMBRUSTER: Knowing how many clients are out there, yeah.

COMMISSIONER PERALTA: So I think you can
be successful. And for me, I think that the federal push is really about making sure that people are in the job that's right for them and that we make sure that everyone has the opportunity to pursue whatever they like and that gender stereotypes aren't what blocks them.

MR. SPENCER: And if I can add to that, I think another strategy and approach is that, in New Mexico, we have a statute that every student, beginning in grade eight, have a next-step plan. And that needs to be developed in consultation with a teacher, counselor, parent, significant adult, and the student, and really trying to promote, within the mid-school, the area of career exploration and taking a look at the job interest inventory, a skill set inventory that a student might have, but to also take that data and think about that in a serious way to help students guide toward the career path that they might be interested in or have a skill set for.

So I think that's also part of it. And it's the implementation, with fidelity, of ongoing, check-in with that student in terms of does their interest persist, or does it change in exploring what options and opportunities exist for those kids; because, you know, when you're looking at a skill of
a student, you need to take a look at the skills and
take a look at the occupations that are available.

   Many kids, if you ask them, "What do you
want to be when you grow up," they don't know. I'm
not sure some adults know what they want to be when
they grow up.

   If you can change the paradigm by the
question, rather than asking, "What do you want to
be when you grow up," it's, "What do you have a
passion for," or, "What problem do you want to
solve?" Because I think that you can get more
interest from kids about that passion, then back
that passion into what occupations exist that help
you achieve that goal.

   THE CHAIR: Okay. We thank you -- again,
thank you very much for being here. Any other
questions?

   MR. SPENCER: Thank you.

   THE CHAIR: We look forward to hearing
from you again.

   MR. SPENCER: Thank you.

   THE CHAIR: Thank you very much.

   Item No. 5, Report from PED Leadership.

   Katie?

   MS. POULOS: Chairwoman, Commissioners,
some updates from -- from PED leadership are that
New Mexico was cited in a White House report this
month for its efforts in closing the achievement
gaps through its student performance-centered
accountability measures. They cite increases in our
NAEP results and AP participation and success rates.

New Mexico was highlighted, along with
other places where great student gains have taken
place, including Washington, D.C. Public Schools,
Denver Public Schools, and the State of Tennessee.

There's a copy of the report, and I can
provide that to the Commissioners, the link to get
access to that report.

The PED has also announced awards for
$1.3 million of funds to provide social workers to
middle schools. Through a competitive application
process, ten districts and charters were awarded
20 social workers to provide added supports for
middle school students and reduce truancy.

Mission Achievement and Success Charter
School was a successful charter applicant.

The PED has announced rewards for
$2.5 million in funds to provide districts and
charters truancy and dropout prevention coaches in
middle and high schools. The aim of the program is
to reduce truancy and dropout rates through added
supports to students.

Seventeen district and charters were
awarded coaches, including New America-Las Cruces,
Media Arts Collaborative Center, Academy Trades and
Technology, Robert F. Kennedy Charter School, and
Mission Achievement and Success Charter.

THE CHAIR: Very good. Thank you very
much for that.

Questions of the Director?

COMMISSIONER CHAVEZ: Yeah, I have a
question.

THE CHAIR: Commissioner Chavez?

COMMISSIONER CHAVEZ: Do you have the
breakdown of those, of that information, in terms of
which schools specifically got the grants for the
social workers and the -- what was the other one?
The dropout -- the dropout prevention?

MS. POULOS: I can get that information
and send that out.

COMMISSIONER CHAVEZ: Yeah. That would be
great. Thank you.

THE CHAIR: Anything else? Any other
questions?

Hearing none, thank you very much.
Let's move to Item No. 6, Discussion and Possible Action on Charter School Amendments.

Katie, if you would take over that one?

And I would ask any representative from New Mexico International School who might be here today to please come down to the table.

MS. POULOS: Chairwoman, Commissioners, the request from New Mexico International School is a request to amend their charter so that it does not specify the number of students that can be served in each grade level; but, rather, a commitment to serve the number of students allowable within their enrollment cap.

The Charter School Division supports this amendment request. This is an issue that's covered under the nondiscretionary waivers with regards to whether there needs to be a certain number of students within the classroom sizes; so this is about the class size limits, again.

One thing that CSD did want to note for the Commissioners -- and the only -- and I'll explain why it's relevant to the discussion today. It's not relevant to the amendment on the table today. But in the minutes, where the school board approved the request for this amendment, there was a
discussion that the reason for this was because the school did want to create combined grade-level classrooms; so, for example, a four-five grade level.

I think it's important that the Commissioners know that and that the school knows that; but it needs to be clear that the amendment request today is only with regards to the class size limits. And by making a decision on that, the Commissioners are not approving the school's plan to create those mixed-grade classrooms.

I do think that it's important -- I've had discussions with Mr. Knouse -- that it is important, if the school wants to move forward with that, I believe that they need to submit another amendment request to be able to implement that educational plan.

I do believe that, based on looking at the school's charter and their application, that it does not include an educational plan that would -- would have mixed-grade classrooms in it. Again, that's just to make sure that everyone is clear that that -- that a vote on the amendment today with regards to class size limits would not approve the plan from the school side to go forward with those
mixed-grade classrooms.

THE CHAIR: Thank you for that. Let me just ask Commissioners that we consider the amendment first, just the amendment to remove the limit on how many students are in a classroom. And then if we want to discuss the mixed grades in the classroom, we'll do that afterwards. But let's just consider the amendment first.

Good morning. If you would introduce yourself, please?

MR. KNOUSE: Good morning, Madam Chair.

THE CHAIR: Push the button down.

MR. KNOUSE: Is it on? There's a clip holding it down.

THE CHAIR: Oh, it's on. Yes.

MR. KNOUSE: My name is Todd Knouse, K-N-O-U-S-E. And I am the head administrator of the New Mexico International School, which is a State-chartered charter school in Albuquerque New Mexico. And I am, as Director Poulos stated, requesting an amendment to our charter in regards to the class size cap that's specified.

THE CHAIR: Okay. Commissioners, do you have questions regarding their amendment request? Does everyone have a copy of it?
Okay. Josh tells me the minutes are sufficient to support this amendment request.

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: What is the general class size -- you're in Albuquerque; right?

MR. KNOUSE: Yes, ma'am.

COMMISSIONER ARMBRUSTER: What's the general class size in a K-5? Because you're a K-5 school; correct? What is a traditional Albuquerque school's class size?

MR. KNOUSE: So that would vary by grade level. But right now, what I'm looking at is our class sizes of 22 in kindergarten.

The first-through-third average is -- let me give you last year's; because I'm not for sure -- 22. The first-through-third average was 20-and-2/3. And the four-five average was 20.

So I'm being presented with some different enrollment this year. As anybody can appreciate, the enrollment varies, specifically in the upper grades at this point.

THE CHAIR: Can you just remind this Commission of the statewide limits on class size?

MR. KNOUSE: Yes, Madam Chair. The statutory loads are 20 for kindergarten, an average
of 22 for first through third, and an average of 24
for fourth through sixth. And that's 22 -- 22 --

THE CHAIR: And you had 22, or did last
year, in your kindergarten?

MR. KNOUSE: That is correct, Madam Chair.

We do have a waiver in place for that particular --

THE CHAIR: And you have an aide in that
classroom?

MR. KNOUSE: Yes, ma'am.

THE CHAIR: Any other questions,

Commissioners?

COMMISSIONER CHAVEZ: I have a question.

THE CHAIR: Commissioner Chavez?

COMMISSIONER CHAVEZ: So if this -- if
this was approved, how -- how are you anticipating
the class sizes to change in each of those grade
levels?

MR. KNOUSE: So at this point, I'm in a
little bit of a different situation, in that I
was -- I wasn't really prepared for the
interpretation that was coming from CSD in regards
to the combo class. I was planning on solving the
situation by making a combination class. I hadn't
anticipated that the -- no mention of a combo class
in the educational plan, meaning that, therefore, we
wouldn't be able to proceed with that.

So that has been my primary plan at this point, which in which case [verbatim] would have had combo classes of 25; so just slightly above the State average. They're not excessive.

So what I'm looking at doing is working with the Director and the CSD to still continue looking for this as the solution, but coming to you again in August with another amendment request allowing me to proceed with the combo class.

In truth, Commissioners, we really don't know, until I open my doors, who's coming. This whole point could disappear. I'm just trying to have enough flexibility, as the administrator at the school, to make sound decisions for those students.

THE CHAIR: Commissioner Carr, did you have a comment?

COMMISSIONER CARR: Not yet. But when we get pretty much --

THE CHAIR: Okay. So the question before us at this point is the amendment. Did we want to agree with the school to remove that 22-student classroom limit that was previously approved as an amendment for this school?

Commissioner Carr?
COMMISSIONER CARR: I know all of you remember; but the original minutes from the school's board -- not board. It's --

MR. KNOUSE: Governing council.

COMMISSIONER CARR: Governing council -- I can't get past it.

MR. KNOUSE: Same thing.

COMMISSIONER CARR: This was a way to help the school's budget, not a way to improve the school.

So I just simply -- you know, and maybe it's not that big of a deal. But on principle, I can't vote for anything that I think actually brings the -- what you're striving for actually backwards. It may help that extra student that gets to come to your class; but I don't think it's good for the rest of the students in the class.

So just for that reason, and that reason alone, I can't -- I can't vote for this.

COMMISSIONER TOULOUSE: I thought this was an automatic waiver. Madam Chair, isn't class size an automatic waiver?

THE CHAIR: I think the answer to that is when they put it in their charter --

COMMISSIONER CARR: Yes.
THE CHAIR: -- how many students they will have, the max number of students they will have in a class, then that overrides any waiver, because they've said how many they're going to have.

So, actually, in fact, they're just removing what they said in their charter. But now that does bring up another question for Katie or for Josh. If they want to remove that number, then are they in a waiver situation where they could ask for a waiver, and it would no longer be up to us? Josh?

Katie?

MS. POULOS: So, Madam Chair, Commissioner Toulouse and Commissioners, to go back to kind of the question, this is a nondiscretionary waiver with regards to class loads and class sizes. And that's why CSD does recommend the approval of this amendment request; because the waiver is automatic.

It's correct that the school did have, in their -- in their contract that they would have these class sizes. But with the waiver that allows the statutory waiver, so that they're not required to meet those statutory class loads, they're asking to amend their contract or their charter with the Commission because they feel at this time it's prudent to do that for their school.
And, again, that's why CSD does support this. Certainly, again, to the later issue, I think CSD has had conversations with the school about the importance of student achievement, about the importance that this is about the students and ensuring that they are prepared as they move forward, however they decide to implement this, and with whatever requirements for amendments that there are, that their focus is student achievement and student success.

MR. KNOUSE: Madam Chair, may I address Commissioner Carr's concern?

THE CHAIR: Please do. Please do.

MR. KNOUSE: I very much, Commissioner Carr, appreciate your position. And in truth, I agree with the idea of making decisions not based on financial issues. And last year, Commissioner, you were on the board when a similar situation came up, and I was here representing the school in that regard.

It's a slightly different situation at this juncture, in that I'm looking ahead at enrollment that's different from what is being presented to me, based off initial input. And -- and while I would like to make no decisions that are
financially based, in truth, we -- that is how we fund our schools. They are funded on enrollment. And so any -- any -- any decision that has something to do with enrollment, there will be some factor in terms of the revenue that that generates. The issue that I'm being presented with at this point, I really do believe, is child-focused; because if I were to be required to maintain this class size cap of 22, the way those numbers are working out would end up being more like classes of 17 and 15, which I don't believe the school can fiscally support.

So I -- I am making this decision that is both child-centered, as well as fiscally sound. At least, that's my intent.

Thank you, Commissioner.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Excuse me. I would also like to note that at least in the last couple of years, throughout all the performance contract negotiations and the performance framework negotiations, I think virtually every school has asked for this kind of flexibility, to have varying class sizes each year, as long as they stay under their enrollment cap.
So this is not an unusual request; this is a fairly routine request. Those other schools do have that flexibility under their contracts and their framework.

So I just wanted to note that for Commissioners.

THE CHAIR: But let me just be clear in my mind. This is not giving anybody carte blanche to have 50 students in a classroom. You still have to comply with the statewide mandates of class sizes and/or waivers to those class sizes; just so we're clear on that.

MR. KNOUSE: Correct.

COMMISSIONER ARMBRUSTER: So if you're -- I'm just trying to understand this. So if you're not changing the cap, and you're just changing the amount of students in each class, how does that affect the budget? I just don't understand that.

MR. KNOUSE: It would come down to hiring an additional teacher.

COMMISSIONER ARMBRUSTER: Oh. Because you're having more classes.

MR. KNOUSE: That's correct.

Madam Chairwoman, I'm sorry. I'm mixing my terms up. Thank you.
THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: I just have one question. You just said that there -- you've got the possibility, if we didn't give you the waiver, that you'd have a class of 17 and 15. So are you looking at 32 in a classroom?

MR. KNOUSE: Possibly, yes.

COMMISSIONER GIPSON: Okay.

MR. KNOUSE: If I don't proceed with the combo class. And, again, I hadn't seen that as an issue at this point; so I will be working very closely with my CSD liaison to -- and in conversation with the Director, after this has been brought to my attention, what they're looking for is something that really needs to be done for a successful combination class to be done, anyway.

And in the ten years that I taught in the classroom, five of those were in mixed-grade classrooms. And they were -- and what I had to do to make those successful was make new instructional plans myself, as the teacher.

And so I am -- I'm fairly confident that I can guide my staff in terms of what needs to be done for that to proceed. I just wasn't -- I wasn't ready to have to have that approved by the
Commission, as well. But if that's the direction
of -- of my leadership, then that's the direction
I'll follow.

THE CHAIR: Okay. So my example was
50 students in a class. You're saying 32. So I'm
going to ask Katie or Julie, whomever would like to respond, if you have 32 students in a classroom,
what accommodation has to be made? You've got one
teacher, and what else, to assist that teacher with those 32 students?

MS. LUCERO: Madam Chair, members of the Commission, no, I am not really sure what Mr. Knouse's intent is now. He could move forward
in a four-five multi-age classroom without an assistant. So I think the question really needs to be presented to him, "What is his plan?"

Now, in my experience in education, 32 is a pretty large number. So the plan would need to be very, very concise and thought out in order for it to be successful.

THE CHAIR: Okay. And I'm leading the discussion into the area where we're not really considering it; but I think it has a ramification to approving this amendment or considering this amendment.
MS. POULOS:  Madam Chair and Commissioners -- and, again, I just want to remind the Commissioners that Mr. Knouse has the waiver.

MR. KNOUSE: Correct.

MS. POULOS: And this is the nondiscretionary waiver on those class loads. So those statutory requirements on those class load sizes don't apply because the waiver is in place.

It, again, is really the question of the contract and whether the Commission feels comfortable with amending the contract. And CSD recommends approval of this amendment, because the school does have that statutory waiver.

THE CHAIR: Has the school applied for that waiver?

MR. KNOUSE: Yes, Madam -- I actually applied last year, if you recall, when this came up; so I applied in February of this past year.

THE CHAIR: Okay. Thank you very much.

Any other questions or comments, Commissioners?

Hearing none, the Chair would entertain a motion.

COMMISSIONER TOULOUSE: Madam Chair? I would make the motion, if you're ready.
THE CHAIR: I would just remind Commissioners --

COMMISSIONER TOULOUSE: Right.

THE CHAIR: -- there are three possible motions listed on your Executive Summary page. Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I move to approve the amendment presented by New Mexico International Charter School to amend Part 5, Section B, Subsection 2, "Grade levels, class size, and projected enrollment," on Page 35 of their charter, as described in the amendment request form.

THE CHAIR: Thank you. You've heard the motion. Do we have a second?

COMMISSIONER CONYERS: Second.

THE CHAIR: Second by Commissioner Conyers. Motion by Commissioner Toulouse. Is there discussion?

Hearing none, Commissioner Bergman, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner
Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: No.

COMMISSIONER BERGMAN: Commissioner

Chavez?

COMMISSIONER CHAVEZ: No.

COMMISSIONER BERGMAN: Commissioner

Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Madam Chair, that is a six-to-two vote in favor of the motion.

THE CHAIR: Thank you very much. The motion passes by a vote of six to two.

And now might I make a recommendation dealing with the combo class information that's in our -- in our notebooks? I would suggest that that discussion be delayed until the school comes forward
with an amendment request for us to consider when
you possibly have more information.

And I understand the problem with that is
school's already going to be in session. But I
don't think we can approve this today, or even deal
with it today, because it is an amendment, or would
be an amendment, and we do not have a formal
amendment request before us.

So that's the only way I see to deal with
it. If anyone else has a different suggestion or
idea, we'd be glad to hear it.

Okay? Is that all right with everybody?
As good as we can do.

MR. KNOUSE: I would be very happy to do
that and present another amendment.

THE CHAIR: So if you'll work with CSD?
MR. KNOUSE: Very happy to do so.
THE CHAIR: We thank you for being here
today.

MR. KNOUSE: Thank you, as always, Chair.

Thank you.

MS. POULOS: Madam Chairwoman,
Commissioners, the next amendment --

THE CHAIR: Let me -- just one second.

Before we get started, I would like to ask
the representatives from La Promesa to come forward to the table. I see Dr. Maestas is having a little difficulty getting around today. If you'd rather stay where you are, certainly, we'll make arrangements to be able to hear you.

But if you all would like to come forward to the table, please do.

Katie, while they're getting settled, if you'd like to go forward, please?

MS. POULOS: Commissioners, La Promesa Early Learning Center has applied for an enrollment increase to increase their enrollment cap from 375 students to 425.

CSD is recommending the approval of this enrollment cap increase. Based on an analysis of the school's current academic performance, CSD notes that, with the three-year letter grade, the school maintains the three-year school grade average of a D. This -- this letter grade average has -- if you look at the individual year letter-grade averages, has shown an increase over time.

And an in-depth look into the points for each of those letter grades shows that over the past three years, for each of those three years, the overall score on the letter-grade report card has
increased in points.

Additionally, CSD received the school's short term -- Short Cycle Assessment data and did an analysis of that data. The findings from that analysis were that, over time, over the past three years, the school has consistently seen improved academic performance on their Short Cycle Assessment. That is why CSD is recommending this enrollment cap increase; because the academic performance of the school does appear to be improving, based on all the measures CSD has.

THE CHAIR: Thank you very much.

Good morning, everyone. If you would like to introduce yourselves, please, and let us hear from you.

DR. MAESTAS: Good morning, Madam Chair, members of the Commission. I’m Analee Maestas. And I’m the executive director of the La Promesa Charter School.

MS. VELASQUEZ: I am Gloria Velasquez, and I am the principal of La Promesa Early Learning Center.

MR. ABEYTA: Good morning. My name is Carlos Abeyta. I am the curriculum specialist.

MS. MATTHEWS: I’m Patricia Matthews for
the -- attorney for La Promesa Early Learning Center.

DR. MAESTAS: Thank you. This morning, we do come before you to request an increase in our enrollment cap. And it's primarily based on our academic needs in regards to fully implementing our dual language program to be pretty much in line with what -- our performance indicators that have been proposed to you. They would be closely aligned with those indicators, as well as the current assessments that are being used to evaluate the academic performance of our students.

The increase would allow us to fully implement our dual language program, as our model calls for one Spanish -- one bilingual teacher serving students' home language, and a second teacher, an ESL-endorsed teacher, serving the other part of the day. It's a 50/50 model. And so that would allow us to fully implement our dual language program, K through 8.

So with that, I stand for any questions.

THE CHAIR: Thank you very much. Do you have questions, Commissioners?

Commissioner Carr?

COMMISSIONER CARR: I just have one
question for you. How’s your staffing situation shaping up?

DR. MAESTAS: We are actually very fortunate, in that we have highly qualified teachers. Our teachers are endorsed in bilingual or ESL. And that is a requirement for teachers to come to our school. And we’ve been really fortunate that we haven’t had to do too much advertising for our teachers. We actually have teachers coming to us.

COMMISSIONER CARR: Very good. Thank you.

DR. MAESTAS: Thank you.

THE CHAIR: Let me just ask for clarification on my part. I’m reading the amendment request. First of all, it says the amendment request applies to 2015 through 2020 charter contract. I want to be very clear.

What are you asking for? An increase of 50 students beginning in the ’15-’16 school year, or an increase of 50 students per year, through the 2020 end of the contract?

DR. MAESTAS: It -- it would --

Madam Chairman, members of the Commission, it would include 50 students for this current year, and then 50 students later. We do not anticipate that’s going to happen overnight.
We are very careful in regards to the openings that we do have in each of the grade levels. Although we have a very high waiting list, they're not in the right grade levels; so we can't accept students unless there are openings in those particular grade levels.

THE CHAIR: So you're asking for an increase of 100 students in your enrollment cap?

DR. MAESTAS: Yeah, over the --

MS. POULOS: Madam Chairwoman,

Commissioners, when I read this amendment request, it very specifically says from 375 to 425. It does not presume, under the language that's written in the request, any additional increases.

And I believe that those would have to come before the Commission.

DR. MAESTAS: Yes.

MS. MATTHEWS: Madam Chair, members of the Commission, I'm sorry.

THE CHAIR: It's a little confusing.

MS. MATTHEWS: The intent is 50, total.

THE CHAIR: Fifty, total.

MS. MATTHEWS: And if we need an additional 50, the school would come back to you for an additional 50. I'm sorry if that was confusing.
THE CHAIR: Thank you for that clarification.

The other question I wanted to ask, again, for clarification, Commissioners, if you all remember, we asked this school to come back and renegotiate their performance framework indicators. They went back. They took a second look at their data and realized that their students have performed much better on their Short-Cycle Assessment last school year, and came back and were agreeable to higher indicators.

They also told us in that meeting with, I believe, the same group that because -- and teachers had told them that -- because they had pushed so hard during that school year to bring up student success to arrive at those higher test scores, that because of that extra effort that was required -- my words, not theirs -- six of their teachers had resigned.

Now, these were teachers that were very good, that had received merit pay, the whole bit, very good teachers. So they lost six teachers. Now they're coming back and asking for increased students in their school. They're going to have new teachers. And I'm just a little
1 concerned that, with new teachers, new to their school, new to their requirements, and with an increased student load, we're going to be asking a lot of them to hit those numbers that were negotiated in their new performance framework.

2 However, having said that, I'm going to support this amendment for an increase of 50 students. The school has worked very hard, very hard, to bring this information and to bring those test scores up. And I am certainly willing to give them an opportunity to continue that high level of student performance.

3 But I did want to bring that issue to you. I think Commissioner Carr touched on it with his question. But I just wanted to be real clear that that came up during our renegotiation, and we're aware of that issue.

4 Commissioner Bergman?

5 COMMISSIONER BERGMAN: I want to explore that a little further; because in our first negotiation, which I was present at -- I was not present at the second one -- you had -- you told us then that you had two teachers in each of the grade levels, except six and eight. And when I asked why, your rationale then was that you did not have the
budget to hire the second teacher in those two
classes.

Now, adding 50 students, are you going to
be able to have two -- two teachers now in every
class? Are you going to have the budget? Or are
you still going to have a shortfall, especially in
light -- I had not heard that about the six
teachers. So have you replaced those six? Are you
going to be able to add the other two?

DR. MAESTAS: Madam Chair, members of the
Commission, first of all, the 50 will have to be
phased in, because we don't automatically get budget
immediately, because it's prior year funding; so we
would have to phase it in.

In regards to the teachers, we do look for
highly qualified teachers. And, yes, we did lose
teachers, teachers that programmed very well and
that were highly qualified, as well. And I, too,
Madam Chair, would be very concerned, had we not
been able to find those certified teachers, because
it is a special skill to have a bilingual endorsed
teacher and to be able to have a teacher that's
proficient enough in that Spanish language to
implement the program.

But with the -- the hiring that we have
completed, we do know that they will be able to
maintain the quality of program that we have in
place. And so -- so our plan is to try to phase in
those 50 students. We may not be able to get all 50
this year because of our funding. And we really
need to look at our waiting list to see how many
kids we could get in within our budget, our current
budget.

COMMISSIONER BERGMAN: Okay. Thank you.
Thank you, Madam Chair.

THE CHAIR: Any other comments or
questions?

Commissioner Ambruster?

COMMISSIONER ARMBRUSTER: You can go
first.

COMMISSIONER CHAVEZ: I wanted to ask
about your class sizes.

DR. MAESTAS: Okay. Our -- Madam Chair,
members of the Commission, Commissioner Chavez, our
class sizes range currently from 15 to 20 students,
K through 8. Our kindergarten students -- our
kindergarten class loads right now are at about 16,
17; correct?

MS. VELASQUEZ: (Indicates.)

THE CHAIR: Now, Commissioner Armbruster?
COMMISSIONER ARMBRUSTER: I was just being nice.

What I remember, because I think I've been with you a number of times, is that the goal was to get a sixth-grade teacher and an eighth-grade teacher. So I just don't know how that works. So if we grant that increase in size -- so you would be hiring a sixth-grade teacher and/or an eighth-grade teacher, and then finding kids who are applying who are either -- I guess you're keeping your fifth-graders --

DR. MAESTAS: Uh-huh.

COMMISSIONER ARMBRUSTER: -- right? -- who would be your sixth-graders, and keeping the seventh-graders who would be eighth-graders, instead of having them go to a different school; is that correct?

DR. MAESTAS: Madam Chair, Commissioner Armbruster, Commissioners, the way that that would work is that we would look within our budget to see if we could at least hire one teacher at this point and be able to phase in the others because of prior year funding.

We do already have the students. We have a waiting list of students. And so it would be a
matter of funding the appropriate teacher and being able to, at least for this year, be able to hire the one teacher.

And, again, our adjustment wouldn't occur until January. So it would really mean that we would have to be very careful in regards to our budget; but that would allow us the flexibility to continue to grow that sixth- and eighth-grade classroom.

COMMISSIONER ARMBRUSTER: So I was correct. You're not going to be taking in more fifth-graders, for example. You're taking in sixth and eighth?

DR. MAESTAS: No, no. Yes, that is correct.

MS. POULOS: Madam Chairwoman,
Commissioners, I just wanted to follow up on the -- or the comment that they would be phasing in the 50 students, and get a little more clarity on that, or at least alert the Commissioners.

Our understanding is the school already has a waiting list of 156 students; so I just wanted to follow up on that, because it seems that according to the statements in the amendment request, those 50 students, certainly plus, are
already there.

DR. MAESTAS: Yes, yes. Dr. Poulos, they are there. But our budget -- we have to look within our budget to make sure that we can make that stretch to hire two teachers, as opposed to one teacher. And, of course, our budget would not be adjusted until January; so that would really make sense in terms of us being very careful in our budget to ensure that we can -- we can support that.

MS. POULOS: And so I wonder if the school is saying they want to lay out what that phase-in plan would be, if there's a plan, or if it's not a plan yet.

DR. MAESTAS: Well, you know, if we can afford to hire two teachers, we will. But a lot of it is based on what the level of our teachers are, where our budget sits. There's a lot of factors in regards to our budget. So we really have to look closely.

If we can hire two teachers, that's exactly what we would want to do, to implement the program completely.

THE CHAIR: Okay. Any other comments or questions?

COMMISSIONER CHAVEZ: Yeah, I had a
question.

THE CHAIR: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yeah. This is with
regard to your budget. So when are you going to
know -- you know, is it based on the attendance this
year? Or what actually are you -- when are you
going to know exactly that you can hire one or two
more teachers? When will you know that?

DR. MAESTAS: Well, we are currently doing
that right now. As we hire teachers, the level of
pay per teacher varies from a Level I, II, or III,
ranging from $30,000 to $50,000. So if I were able
to definitely say, "I can hire a teacher at a
Level I," you know, that could very possibly happen
that I could hire two teachers.

If I can't find a highly qualified
teacher, if I can't find a Level I, and there's a
Level II or a Level III, then that's more costly.

So those are some of the factors that we
have to play into. And that's what we're looking at
right now, because we have hired our staff. So we
are working the budget to look at where are we
financially? What is it that we can afford?

So in August or September, we should have
a definite, you know, answer for you in regards of
whether we were able to hire two teachers or one
teacher for this year.

COMMISSIONER CHAVEZ: But for this year --
I just want to be clear -- can you hire at least one
more teacher?

DR. MAESTAS: We could possibly hire two,
depending on that level and depending on our budget.

COMMISSIONER CHAVEZ: But you can hire at
least one.

DR. MAESTAS: Yes.

THE CHAIR: Other questions or comments,
Commissioners?

I -- is it just clarification of what's
already been said?

DR. ABEYTA: I was just going to add that
I think this is a question of efficiency. And that
efficiency leads to a question of effectiveness of
the school. With the additional cap number, it
gives us an opportunity to plan better.

The questions that we have here is, well,
maybe, maybe not. Well, it's because we don't know
how many students we have. And we definitely don't
want to say, "Well, we're going to keep the
fifth-grade students at a certain number," because a
lot of those students have already come with us this
far. And we don't want to eliminate fifth-graders to acquire, or to get more sixth-graders or more seventh-graders.

The additional number of students within the cap would allow us the opportunity to plan better. Simple as that. Plan for teachers, plan for budget, and, most importantly, in my case, because I deal with curriculum, plan for curriculum. And that leads to effectiveness of the school.

THE CHAIR: Anything else, Commissioners?

Any other discussion?

Hearing none, the Chair would entertain a motion. And I again remind you there are -- there is wording for possible proposed motions in your Executive Summary.

Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I move that the Public Education Commission approve the amendment presented by the La Promesa Early Learning Center to increase their enrollment cap from 375 to 425, with the condition that the school provide approved board minutes, because the school has increased the overall score on school grades in each of the last three years and has provided end-of-year Discovery Short-Cycle Assessment data that
demonstrates substantial growth in student achievement levels in each of the last three years.

(The Chair consults with PEC counsel.)

THE CHAIR: So we're talking about final minutes. Okay.

You've heard the motion. May we have a second?

COMMISSIONER GIPSON: Second.

THE CHAIR: Motion by Commissioner Bergman; second, Commissioner Toulouse -- pardon me -- Commissioner Gipson -- to approve the amendment request presented by La Promesa Early Learning Center, as noted in the official record.

Is there further discussion? Hearing none, Mr. -- pardon me?

COMMISSIONER TOULOUSE: Madam Chair, I'd just like to point out I may now vote on this school. Just, for all of those people who have seen me, for two-and-a-half years, excuse myself. My relative there has successfully transitioned from eighth grade into a rising ninth-grader at another school that's here today.

So thank you.

COMMISSIONER GIPSON: I know you have to --
COMMISSIONER TOULOUSE: Recuse from another school, yes.

THE CHAIR: Commissioner Bergman, may we have a roll-call vote, please?

COMMISSIONER BERGMAN: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER BERGMAN: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.
COMMISSIONER BERGMAN: Madam Chair, that is an eight-to-zero vote in favor of that motion.

THE CHAIR: Thank you. The motion passes unanimously.

DR. MAESTAS: Thank you.

THE CHAIR: Thank you for being here.

Have a good year.

MS. MATTHEWS: Madam Chair, members of the Commission, I would really like to ask a favor of the Commission. Ms. -- or Dr. Maestas needs to get off this leg. Would it be at all possible for us to consider the item that's on the agenda, which is -- we've already gone through the approval of that final academic indicator. That's really that's all that's left.

Is that possible to move it -- it is Item No. 9A -- to move it so that she could head back to Albuquerque?

DR. MAESTAS: Before my husband finds out I'm here.

COMMISSIONER GIPSON: I've got no problem with it.

THE CHAIR: Commissioners, is that all right with everybody? Do we need to vote on changing the agenda?
No?

Okay. Just from consensus, all right, we will move now to Item No. 9A.

Katie, if you would like to go ahead and present, please?

MS. POULOS: Madam Chairwoman, Commissioners, in the materials for today's meeting, you'll find a summary of the revised performance indicators.

There's a table that identifies what the prior indicators were that were the indicators that were voted on and rejected for the academic framework, as well as a description of how those indicators have been revised into the new -- new indicators that are being proposed for today's vote.

Based on the information that CSD has and has evaluated, CSD recommends approval of the academic performance framework indicators, as provided in the framework that was negotiated.

THE CHAIR: Thank you very much. Does the school have any statement they'd like to present?

DR. ABEYTA: Madam Chair, members of the Commission, other than just to let you know that we are ecstatic about our academic growth this past year. We're excited also about the challenge that
we have before us for the coming year. We believe that our goals and the challenge of getting up to a 90 percent achievement rate is quite challenging.

But we -- we're willing to do that, and we're -- we're excited to attempt our -- our growth rate to meet the “Exceeds” standards is 85 percent. That's quite challenging, as well. But considering that we had close to that this past year -- we were, like, at 84 percent -- we believe that with a little bit more push for our teachers, and, you know, better -- well, just a smoother organizational structure, we're going to be challenged to do that.

So we -- we request that you approve our -- our frameworks.

MS. VELASQUEZ: Madam Chairman, can I address you also, and say that --

THE CHAIR: Cindy, you have the name?

Please go ahead. I wanted to be sure.

THE REPORTER: Yes, I do.

MS. VELASQUEZ: And say that, yes, in spite of the fact that last year we did lose the number of teachers that we did lose, I think that going through the improvement plan of structure that was put before us, we have a very sound basis of continuing that work that we started last year.
And I know that there will be no doubt that we will continue to improve and do better, because we have set a very firm foundation as to how our school needs to proceed in order to reach those high academic levels that we expect from our students.

THE CHAIR: Thank you very much for that. Any questions from Commissioners, or comments?

COMMISSIONER GIPSON: I would just like to --

THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: -- congratulate you. And through the renegotiations, I certainly got a better understanding of why the enrollment cap amendment was necessary; so I appreciate that.

DR. MAESTAS: Thank you.

THE CHAIR: Anything else, Commissioners? Again, I would remind Commissioners, there is a proposed motion on -- on your Executive Summary.

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I just have a quick question before I make a motion.

THE CHAIR: Uh-huh.
COMMISSIONER ARMBRUSTER: Do we have the signed minutes? It says "No. 2" down here.

THE CHAIR: Do we have final minutes?

MR. GRANATA: They're just draft minutes. They were provided.

THE CHAIR: So the motion is correct that we do need final minutes.

COMMISSIONER ARMBRUSTER: Thank you. I move to approve the 2015-2016 Performance Framework with Performance Indicators for La Promesa Learning Center, with the condition that the school provide signed and approved minutes by their governing council.

THE CHAIR: Okay. You've heard the motion by Commissioner Armbruster.

Do we have a second?

Commissioner Chavez, are you seconding?

COMMISSIONER CHAVEZ: Sure.

THE CHAIR: All right. Thank you very much.

You've heard the motion and second. Do we have any further discussion?

Hearing none, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner
Bergman votes "Yes."

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER BERGMAN: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Madam Chair, that is an eight-to-zero vote in favor of that motion.

THE CHAIR: Thank you very much. The 2015-'16 performance frameworks for La Promesa Early Learning Center are unanimously approved with the
condition of signed and approved final minutes.

Thank you so much for being here.

DR. MAESTAS: Thank you very much. And thank you for moving up the item. I truly appreciate it. And thank you.

THE CHAIR: Appreciate you being here.

Thank you, all.

Commissioners, let's take a short break till -- let's come back at 10:30. Okay.

(Recess taken, 10:19 a.m. to 10:32 a.m.)

THE CHAIR: Ladies and gentlemen, I call back into session this meeting of the Public Education Commission. Does that mean we have -- we're one short? We're two short?

COMMISSIONER BERGMAN: We have six. We have a quorum.

THE CHAIR: We still have a quorum. Okay.

Karyl Ann, would you mind going out to the lobby and seeing if any of the Commissioners are out there?

COMMISSIONER ARMBRUSTER: Oh, yeah. Yeah.

THE CHAIR: We're going to give our two missing Commissioners a little bit of time to get in here.

Let's go ahead and move forward with
Agenda Item No. 7.


Please notice that an item -- or a descriptor has been added to Schools of Concern, which says, "Actions may include requiring a corrective action plan and the potential of a suspension or revocation of the school's charter."

That clarification was recommended by our attorney, and so it is now part of our agenda item.

Katie, if you would like to move forward, I -- first, I guess, do we have anyone here from Southwest Learning Centers? Please come down.

MS. POULOS: Madam Chairwoman, Commissioners, very quickly before that, two things. One is the school has provided reports that they would like the Commissioners to have. They've provided those to us today, if the Commissioners would like us to pass those out.

THE CHAIR: Is that all right with everyone? Please do.

MS. POULOS: Also, as a preliminary matter, we did want to alert the Commissioners to additional material I provided in the binder. That
is a table that I have provided for the
Commissioners, where all the schools that have
ongoing corrective action plans, improvements,
revocations, non-renewals, or simply a request by
the Commissioners for regular updates and
monitoring.

What I would propose is that -- and I've
spoken with the Chairwoman about this -- for future
months, what we would do is regularly provide this
table, and only specifically identify schools on the
Schools of Concern agenda item that have --
THE CHAIR: May I interrupt you just for a
minute, please? Do we have one report here, or two?
COMMISSIONER GIPSON: Two. I passed two
separate --
MR. TORRES: No, it's just one report.
There's a total of 15 copies in two different files.
It's just one report.
COMMISSIONER TOULOUSE: I looked at it as
one and passed them on.
COMMISSIONER GIPSON: That's my fault. I
didn't look before I passed the second batch down.
THE CHAIR: Is everybody ready?
COMMISSIONER CARR: There's just one.
THE CHAIR: There's just one report; many copies, but just one report.

COMMISSIONER ARMBRUSTER: I'm ready.

MS. POULOS: So, again, I was just addressing the preliminary matter to let the Commissioners know that because we're providing that summary table, in future months, rather than including all schools, even those that don't necessarily have any substantive update that would need consideration or action by the Commissioners, we would limit the Schools of Concern list to schools where there is a new or substantive matter that the Commissioners may need to take action on.

Otherwise, the updates will be provided in that table.

With regards to Southwest Learning Centers, the Commissioners have requested regular updates on the school. This would be a prime example of a school that we would include in the table, unless there was a substantive matter that would take consideration and action.

We don't have an update at this time, other than to say the representatives of the school did request the opportunity to provide this report to the Commissioners and have an opportunity to
address the Commissioners today; and so I will turn it over to them.

THE CHAIR: Okay. Please, if you would identify yourselves?

MR. TORRES: Madam Chair, members -- Madam Chair and members of the Commission, my name is Herb Torres, and I'm the interim head administrator for the Southwest Learning Center Schools and the SAMS Academy. And to my left is the principal at the SAMS Academy, Coreen Carrillo.

THE CHAIR: Okay. Did you have a presentation for us, or are you here for questions?

MR. TORRES: Madam Chair, members of the Commission, I simply wanted to provide you with some information regarding the status of what the conditions the schools are in currently, the work that we've done since I've been named the interim head administrator.

And that's reflected in the report. I apologize that I -- that I was not able to get it to you in time to put in your packet. But I'm going to leave it with you. That's the reason I brought you a hard copy. I also sent an electronic version to Ms. Poulos, so that if she wanted to forward that to other people, she certainly could electronically.
I will stand for any questions. If there is anything in particular that you would like for me to address or respond to, we are here to do that.

I can certainly highlight some of pieces of the report, if you'd like me to do that.

THE CHAIR: Commissioners, what's your pleasure? Would you like Mr. Torres to highlight this report, or do you want to read it on your own?

COMMISSIONER BERGMAN: Read it.

THE CHAIR: Read it on your own?

All right. Let's move to questions, then. Do you have any questions for the school?

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I have a couple of questions. What are the conditions of your governance councils for all your schools? Are you fully -- do you have at least five members for each of your governance councils?

MR. TORRES: Madam Chair, Commissioner Toulouse, the current status is that we have one of the governance councils -- there are a total of four, as you know -- one of the governance councils -- and I believe it is the secondary school -- that is in the process of completing recruitment and selection and election of their last
member.

All our councils at this point do have five members. We have had a number of resignations to the councils in the last several weeks. And fortunately, because the councils have been active in recruiting and looking to bring new folks on, those resignations have not reduced the numbers to less than four at any one time.

And so currently, we do have five. We anticipate that the one council that is missing -- the one member -- will soon, perhaps in their next meeting, whether it be in the last of July or the first of August, we will bring on a fifth person to that council.

COMMISSIONER TOULOUSE: And to follow up on that, Madam Chair, do you have arrangements for them to get the financial training, then, for all these new folks?

MR. TORRES: Absolutely. Absolutely.

COMMISSIONER TOULOUSE: Because at some point, I'm sure you'll get your own finances back, I would hope. And we need everybody certified.

The second part of what I have is when we were doing the contract negotiations, and we came up with the four schools, and we really said we could
not justify the mid-school, are there plans being
worked to figure out how to handle that mid-school
and whether to move those students down or up?

Or are you working on those plans; because
I know there's been such a changeover, and I'm
curious?

MR. TORRES: Absolutely, Commissioner
Toulouse. In my report, I've actually addressed
that, specifically.

COMMISSIONER TOULOUSE: Okay.

MR. TORRES: And I would just refer you to
what the report indicates. But we are moving
forward on that. I will tell you, because of the --
and the report reflects that -- it has a significant
financial impact by doing the consolidation. And
we -- we will be reviewing what specifically the
financial impact will be on the schools and come
forward with a recommendation or a plan of action to
the Commission, as well as to the PED, for how soon
we can move forward on that.

But it's something that is on our agenda.
We are certainly looking at it. We understand the
concerns of the Commission. And we also are
reviewing that for what is in the best interests of
the schools and the students.
COMMISIONER TOULOUSE: Thank you.

MR. TORRES: You're welcome.

THE CHAIR: Other questions, Commissioners? Commissioner Carr?

COMMISIONER CARR: You have a lawyer present. They probably told you not to bring certain things up: resignations; so that -- how many people resigned and why.

MR. TORRES: Again, Madam Chair, Commissioner Carr, in the report, I've reflected to you the status regarding their staffing currently. To date, as far as teaching staff, as of last week, we received one resignation from one of our teachers at the SAMS Academy. The teacher resigned for personal reasons, family reasons. She needs to stay home and be active with -- more active with her daughter in supporting her family.

That is the only teacher resignation that we have received to date. And prior to the end of -- or at the end of the school year, in May, we had received a couple of resignations from educational assistants.

And those are the only resignations that we have, as far as teaching staff and support staff.

As far as administrative staff, we have
taken action, since I've been on board -- I came on
board on April 23rd -- we have taken actions, along
with review by attorneys, to terminate
administrators that were involved with the school
previously. And that's also reflected in the
report.

And the previous acting head
administrator, Mr. Al Baysinger, who was the
principal of the schools and had been moved into the
position of acting head administrator, had resigned
effective at the end of June; so he is no longer
with the school, either.

COMMISSIONER CARR: What about your board
members?

MR. TORRES: The board members, again,
Madam Chair, Commissioner Carr, we have had
resignations from two members of the secondary
school. Mr. Kit Turpen, who was the chair of the
secondary school governance council, has resigned;
and Mr. Mike Sanchez has resigned from the secondary
school.

As far as -- let me think. As far as the
SAMS Academy or the primary or the intermediate
council --

(Mr. Torres consults with Ms. Carrillo.)
MR. TORRES: We had a resignation earlier from the SAMS Academy governance council of Mr. Darron Knight. He is no longer on the SAMS Academy governance council, either. And those are the most recent resignations.

Prior to those resignations on the board, the boards had been missing numbers that would complete their numbers to five; and so they've been working very actively during the time that I've been on board to get back to those numbers up to five.

COMMISSIONER CARR: You don't have the same council members, governance council members, on any of these -- you don't have -- let's put this question maybe more clearly.

Do you have any council members who are on more than one council?

MR. TORRES: No, sir. Madam Chair, Commissioner Carr, no council member serves more than one council.

COMMISSIONER CARR: And just a suggestion, too, of course; it would be easier to find council members if you only have three versus four.

MR. TORRES: I understand.

COMMISSIONER CARR: And we would strongly urge that you do that.
I also have continuing questions about a forensic audit that should have been -- that should have taken place.

MR. TORRES: Madam Chair,
Commissioner Carr, I can tell you that in my conversations with Mr. Paul Aguilar, the Deputy Secretary for PED, regarding the forensic audit, that work continues. And I have not been given any specific date as to the completion of that work.

COMMISSIONER CARR: Okay.

MR. TORRES: We -- I will inform the Chair -- I will inform the Commission that on Monday, the 20th, we will be having our exit meeting with the auditors that have completed the audit for the last year.

COMMISSIONER CARR: Did Dolly Juarez continue to get paid while she was on administrative leave?

MR. TORRES: Madam Chair, members of the -- Commissioner Carr, she was on administrative leave, and was receiving -- was receiving compensation. She was terminated at the end of -- she received a letter of termination at the end of May.

COMMISSIONER CARR: And, I'm sorry. I
didn't -- I'm not sure if you answered my question.

MR. TORRES: Commissioner Carr, to my knowledge --

COMMISSIONER CARR: Uh-huh.

MR. TORRES: To my knowledge, she was on administrative leave with pay up until the time we terminated her in May.

COMMISSIONER CARR: All right. Thank you.

THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: What's the status of the principal positions in the -- because you indicate here that you've got three principal positions that have resigned.

MR. TORRES: Madam Chair, Commissioner Gipson, currently, Ms. Carrillo serves as the principal of the SAMS Academy. When I came on board, there was a principal. Ms. Carrillo had been assigned the principal midyear at SAMS Academy. And in addition to her role as a principal, there was a director of operations at that site. That position at this point has not been filled. And my intentions -- well, at least at this point, my intention is the interim head administrator is not to fill that position.

That individual acted as a -- as a
director of operations at that particular site. She
also provided some support at the secondary school
and intermediate and primary school in Albuquerque
at the Candelaria site.

But that position is no longer active.
The individual resigned at the end of June. And my
intention at this point is not to fill that position.

As far as the principalship at the
secondary, primary, and the intermediate school,
Mr. Robert Pasztor, who was in the role of an
administrator, as an assistant at those schools, has
now been moved into the position of principal for
the intermediate, the primary, and the secondary.

We are pursuing an assistant principalship
for those schools to assist him at those three
schools. Ms. Carrillo will not have any assistance
at her school. She will be the sole administrator
on her campus.

COMMISSIONER GIPSON: The CFO position?

MR. TORRES: The CFO position has been
advertised. We received applications. We closed
that on the 15th; although, we indicated we would
leave it open until the position was actually
filled, in the event we didn't get appropriate
applications.

We've received applications, enough to schedule interviews. Interviews have been scheduled for next week, and my hope is that we can bring somebody on shortly thereafter.

COMMISSIONER GIPSON: Okay. Thank you.

THE CHAIR: Pardon me, Commissioner Gipson. What position was your question about? I didn't hear clearly.

COMMISSIONER GIPSON: The three principal positions listed in the document as resignations, and the CFO.

THE CHAIR: The CFO, the chief financial officer. Okay. Commissioner Carr?

COMMISSIONER CARR: I have one more question. This was a -- you know, this is a question that's technically none of our business, in a way. However, considering the situation that your school is in, and considering the salary that the one director received that is no longer here, who is actually probably one of the main people who are subject -- persons who are subject to the investigation, I'm going to ask you, anyway, what is the salary of your directors right now? Can you tell me that, please?
MR. TORRES: Madam Chair,

Commissioner Carr, off the top of my head, the head administrator position, which is in process of application, review, interviews, and selection, the governance councils, as a joint council, came together in -- I want to say -- late May and took action to hire Dr. Dan Patterson as a facilitator for the selection, recruiting, and hiring process for the head administrator.

We -- the advertisement that was put out on that position has -- went out approximately a week and a half to two weeks ago. It closes on the 22nd of July. The committee is meeting to review all applications received by the 22nd, on the 23rd. We have since posted -- we are getting ready to post a joint meeting of all governance councils for the 24th, in the event that, from those applications and four interviews that have already been conducted as of the 15th of this month, the board is ready to make a determination.

If they're not, then they will continue with further interviews on August 4th and 5th and will then take action following that.

The salary for that position has been advertised as negotiable. I will assure you that it
will not be what was previously being paid to that
director. And it will be significantly less and
more in line with what a typical school
superintendent might be receiving in a school
district in New Mexico, probably short of
Albuquerque.

THE CHAIR: Commissioner Carr, are you
finished?

COMMISSIONER CARR: Yes, I'm finished.

THE CHAIR: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes. So can you get
a little bit more specific? I'm sure that you have
set some parameters -- right? -- in terms of what
you're looking at for salary.

MR. TORRES: I want -- Madam Chair,
Commissioner Chavez, I want to say that the salary
range probably will start somewhere in the vicinity
of $140,000, and negotiable from that point.

COMMISSIONER CHAVEZ: And does that
include -- does that include benefits, or is that
just the base salary?

MR. TORRES: That would be the base
salary, plus benefits.

COMMISSIONER CHAVEZ: I have another
question.
THE CHAIR: All right. Go for it.

COMMISSIONER CHAVEZ: In your -- I was looking at your report. And basically, you -- you indicate that the budgets for all the schools have been approved.

MR. TORRES: That's correct.

COMMISSIONER CHAVEZ: Are those budgets online?

MR. TORRES: The -- I don't know that the PED has put those online at this point. The schools will be putting those online shortly.

COMMISSIONER CHAVEZ: So they're on the school websites?

MR. TORRES: Yeah.

COMMISSIONER CHAVEZ: Great. Thank you.

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Several quick questions.

You're a K-8 school -- a K-12 school?

MS. CARRILLO: Seventh through twelfth.

COMMISSIONER ARMBRUSTER: The whole shebang is --

MS. CARRILLO: Fourth through twelfth.

COMMISSIONER ARMBRUSTER: How many schools, total, in this whole Southwestern --
MR. TORRES: Madam Chair, Commissioner Armbruster, in overall numbers, we're probably close to 1,100 or 1,200 students from primary, intermediate, secondary, and SAMS Academy.

COMMISSIONER ARMBRUSTER: And on your teacher salaries, do you have the Albuquerque teacher's type salary, or do you pay more since --

I'm new on here -- but the new --

MR. TORRES: Madam Chair, members --

Madam Chair and Commissioner Armbruster, our -- we have a salary schedule that was created this year in the work that I've been doing with our finance folks that are on -- now currently helping us with our finances. And that salary schedule, for both EAs and for teachers, is comparable to the APS salary schedule.

We've discovered that in some areas, it is above, and in some areas, it is below. Our intent is to hopefully be competitive with our surrounding areas, and we'll be making adjustments in future years.

At this point in time, we cannot pay less than that; but certainly, we can pay above that, if necessary.

COMMISSIONER ARMBRUSTER: And about how
many students are -- I know this varies between fourth and twelfth; but in general, say, your middle school and high school, what is the class size?

MR. TORRES: At SAMS Academy, the number is what, Coreen?

MS. CARRILLO: We're at 280.

MR. TORRES: That's a seven through twelve.

COMMISSIONER ARMBRUSTER: Each class has about 20.

MS. CARRILLO: 34 to 40; it's online, Madam Secretary and Commissioner.

MR. TORRES: The -- Madam Sec- -- Madam -- Commissioner Armbruster, the concept of the schools, both for the SAMS Academy and for -- and for the secondary and intermediate schools, is that these are virtual schools. So when we talk about numbers being 30 to 40, it's what the lab accommodates; because we don't have a traditional teacher/student classroom arrangement, if you'll -- if you'll take a look at what our schools reflect as far as their curriculum and how they provide their instruction.

The secondary schools and the SAMS Academy are online virtual schools, with support from teachers that are there throughout the time that
students are there working online.

COMMISSIONER ARMBRUSTER: So student --
the students come to the school, or they stay home?
And go online, I mean.

MR. TORRES: They do -- they must come to
the school for a certain amount of sessions during
the course of the day. They must spend time at the
school for that -- for their instruction. And in
addition to that, they do receive some instruction
at the school that is not online, since there's PE
and other related -- we have a SMART lab
arrangement, so that they also work in a SMART lab
that is at the school. And so they do come for a
number of hours that they must report to the school.
And then they do some work, as well, at home.

COMMISSIONER ARMBRUSTER: Got it. Thank
you.

THE CHAIR: Anything else on the report
from Southwest?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER GIPSON: I just have one more
question.

THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: You indicated, in
the bullet on payroll, that you have some
challenges, and you're going to make adjustments. Can you just expand on that a little bit? Because you indicated that you might be able to pay above with some teacher salaries; but then you indicate that you've got some payroll challenges.

MR. TORRES: Madam Chair, Commissioner Gipson, overall, the financial situation of these schools, without knowing what the audit is going to reveal -- and we'll know that on the 20th -- and so what we've done is we've built the budgets for this next year. And quite frankly, I must caution you, and I want to give you a caveat to that.

We certainly did not have the amount of time that we would have expected, or that we typically would spend in creating the budgets for any school. My experience over 43 years in public education and having been a former superintendent, budget building starts in December, if not sooner. as you start looking at where your program is going and where you need to plug in dollars to support the types of programs that you anticipate providing to your students the following year.

And so I came on board on April 23rd. We had a change of contractor that was taking over our accounts payable, our budget development, and our
payroll, effective May 1st. So I had from May 1st
until May 29th, at which time we had to submit our
budgets the last of May, first of June, to try to
put all of that together, plus get them up to speed
to make sure they didn't miss any payrolls and to
make sure they didn't miss any bills paid.

And that's been a challenge; and that's
been a crisis. And we've had some issues that we've
had to address with some vendors that obviously were
not paid timely. But they've been patient with us,
and we now are getting back on track.

So to answer your question, we knew that
when we looked at previous years' budgets and where
they were, and using that, if you will, as a
skeleton to move forward, that we -- and had met --
met all of the needs of the schools this last year,
based on previous years' budget, we used that as
kind of a basis to move from, and just tweaked it
very immediately.

Now, the cash position, the cap -- the
cash outlay and the cash position, the cash that is
left in these budgets that is being moved from
previous year to this year that has been budgeted
shows that the schools are in a good and sound
financial and cash position.
So there will be some potential for moving dollars through the appropriate processes of PED and requesting budget adjustments. And that's what I'm anticipating, that we're going to have to make some budget adjustments.

And I just want to tell you that one of those areas where we're going to have to make some budget adjustments, we've already identified only 15 days into the new budget. And that is that this school was not previously -- these schools were not previously providing probably the amount of special ed support services, teacher resources, as we've identified that need to be there. And so we already have identified that we'll need to add probably somewhere in the vicinity of about two-and-a-half FTEs in the special ed area as far as special ed teachers.

And so those will be resources that will have to be shifted into that line item in order to cover those expenses of those new hires.

THE CHAIR: I appreciate very much you being here today and you being very candid with us, because we've been hearing, "No, no, there's not much turnover. There hasn't been much loss of teachers or governance council members or students.
Things are going very well."

   Perhaps it's semantics, and I understood
what I thought they were saying, and maybe that's
not what it's saying. Frankly, I'm hearing schools
that are in disarray and have been in disarray.
Budgets weren't started when they should have been.

   And I understand about that. They're very
hard to put together, and it takes a lot of work.
There were people on the ground that should have
been doing that at all of these schools. And I'm
very surprised that it didn't happen.

   I'm surprised you're mentioning their
special ed shortages. That's something we need to
look into. I'm very alarmed, quite frankly, that it
seems like to me the school is -- the schools, all
of them -- are in turmoil. And I really thought
that was under more control, had been brought under
control.

   And -- and maybe you're just being more
honest with us, and I'm hearing it for the first
time. Maybe it was being said before, and I simply
was not understanding the severity of what was going
on; but I think we have some schools that are in
real difficulty, and I think we need to take a
strong look at this, along with what you all are
doing.

Sounds like, to me, you know what you're doing; but it also sounds like there's a huge job and a lot to be done. And I'm very concerned. I just want to make that statement. And I think there are things that need to be quickly looked at, if they're not already being looked at.

Julie, did you have a comment?

MS. LUCERO: Madam Chair, members of the Commission, yes, I actually did want to comment on this. And I've actually had discussions with the school. We finished our monitoring visit and preparing those reports for the Commission. And we -- with Mr. Torres, as well, during budget review, the special ed concern was raised about services being provided. So we've been in communication with the school about that, and CSD will continue to monitor that particular concern.

THE CHAIR: Okay. Thank you.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I want to comment and thank Mr. Torres for being as open with us; because in the past, some of the previous people have been adversarial, and it's been unpleasant, I think, for both sides to have sat and
listened.

And we're all here for the students. Basically, I don't care about the adults; I care that the students are getting what they need. But I had heard -- which is why I asked the question about the governance council -- I had heard, within the communities, of -- that there were turnovers on your governance councils, and I was concerned that you -- that they might not be up to standard, because I was getting, completely out of this chain of information, but -- because I get from others.

But I do want to say I think this presentation today may be setting us back in the right direction of us having a better picture of what's going on and how to help deal with those students as school starts; because I think we're, all of us, sitting here waiting for that FBI report, which, knowing the FBI, could be another five years, ten years away.

And it's too bad that everybody is in limbo on exactly what -- you know, if you have proof of something you can deal with it. When you have allegations of something, and they're being handled by somebody else, it's hard. And I'm sure it's even harder for the ones of you at the school.
But I do appreciate your attitude today,
and I'm sure it will continue, and I appreciate
that. Thank you.

MR. TORRES: Madam Chair, and Commissioner
Toulouse, let me -- I'd like to just briefly
respond, in case there are other questions and
comments to Commissioner -- to Chairwoman Shearman's
comments.

I hope that you -- and, again, I apologize
for the fact that I wasn't able to get you the
information that I've provided you in writing today
before your meeting today. My intent was to provide
it to you sooner.

One of the things that you'll read in
my -- in my report is that the work that I'm doing
with the four schools and their governance council
is not my only work that I'm doing at this
particular time. I also serve as a consultant to
the Las Cruces Public Schools. I reside in
Las Cruces; I intend to continue to reside in
Las Cruces; I have been residing in Las Cruces,
while also residing in Albuquerque, and been going
back and forth between my responsibilities, because
I -- I made a commitment to the Las Cruces Public
Schools that I would not leave them and shirk my
responsibilities and commitments that I had made there.

I just want to make sure that you understand that what I've reported to you today has been a -- hopefully, as honest and as open a response to your questions and your concerns. I understand what you may have been receiving in the past; but what I've given you today is as open and as transparent as it possibly can be.

I would differ with Chairman Shearman's assessment, only from the fact that as you read the report, I hope you see that these schools are not schools that are in turmoil at this point. These schools are going forward. Registration is going extremely well. We will fill these schools again with our enrollment, based on the registration that's going on now and the response that we've received from our registration efforts and recruitment efforts.

Parents and students and teachers, quite frankly, have been -- fortunately, have been kept out of the fray that's been going on with these schools. And most of it has been happening at the governance council levels and at the management level, particularly the upper management level.
But it has affected some of the school management issues. We've addressed -- I believe we've addressed all of the personnel issues that needed to be addressed. We've dealt with folks that needed to be terminated. We've accepted resignations, or encouraged resignations, from folks that needed to be. Those are some of the first actions that I had to take when I came on board.

And we've moved forward to try to make sure that we closed the fiscal year successfully and that we had a successful graduation for both the SAMS Academy and for the secondary schools at the end of the last school year.

That happened. And I want to tell you that the activities that have gone on in the summertime, including the ones that I've reported in my report, were done successfully. The staff that is on board and the staff that is returning and the staff development activities and professional development activities that we are planning for and already have in place to start the new school year are, quite frankly -- no different than you'll find in any other school, whether it be a charter school or a public school -- is that fortunately, the support that I've received from those folks that
have stayed on board and that remain on board, such as Ms. Carrillo, Mr. Pasztor, Ms. Huber, we have moved forward, and we have spent the time that has been necessary to address everything that needs to be addressed to make sure we're ready to open the doors in August when we open the doors for registration with our parents, as well as our students coming to school, to the point that we have negotiated new lease agreements with our landlord for the properties that we have on Candelaria.

We've also submitted our application for reimbursement for those facilities to the PSFA and the PSCOC, and those have been approved.

And so we are in the process of doing a -- the landlord is currently in the process of doing a complete roof -- reroofing job of that facility, because that’s been needed for a number of years and hasn't been addressed.

And so I hope that my openness and honesty today with you does not reflect, and did not reflect, a state of alarm; because, quite frankly, I believe that the schools are in better shape today than they were when I came on board at mid-April.

THE CHAIR: Thank you for that. Other questions?
Commissioner Chavez?

COMMISSIONER CHAVEZ: Yeah. So I have a question in terms of your -- your class sizes. Are you -- you said that they were 34 to 40, the class sizes for the SAMS Academy and the secondary; right?

MS. CARRILLO: Yeah.

COMMISSIONER CHAVEZ: So -- or -- 34 to 40. But, anyway -- and you also said that they are required to come in for a certain amount of -- I guess, like, class time or whatever you call it.

MR. TORRES: Yes.

COMMISSIONER CHAVEZ: So how many -- and for lack of a better word -- shifts of kids do you have coming into the school throughout the day?

MS. CARRILLO: Madam Secretary and Commissioner Chavez, we have three shifts a day, three sessions a day. And each session holds -- we've got, in main lab, 111 seats. SMART lab, we have 35. PE is about 30. And that -- that's happening three times a day.

COMMISSIONER CHAVEZ: Okay. So then my question, in terms of the special ed kids --

MS. CARRILLO: Correct, uh-huh.

COMMISSIONER CHAVEZ: So how do you -- how do you provide services? Sort of give me a picture
of that.

MS. CARRILLO: Well, our online program, e2020, Edgenuity, has -- you can put modifications on with their program. And then we also have actually two special ed teachers in the main lab. The PE teacher is a special ed teacher. And we monitor and make sure and support the students.

We are hiring a special ed -- we hired a special ed teacher yesterday, and she's come in to talk to me. And I've told her how I want it to look in our model, since we're online. And I want it to be an inclusion model, where she is there supporting those children, daily, with each session.

COMMISSIONER CHAVEZ: What are your numbers in terms of special ed kids?

MS. CARRILLO: Oh, we just looked at our list. The -- I'm thinking at SAMS Academy, out of 280, we have about 14 special ed kids, students.

COMMISSIONER CHAVEZ: And the high school?

MS. CARRILLO: That's seven through twelve.

COMMISSIONER CHAVEZ: Okay. And then in the lower grades?

MS. CARRILLO: In the primary, they have, out of their 111 students, I think they have, like,
12, 13. I'm just estimating right now. I really
don't have them exact.

MR. TORRES: Madam Chair, Commissioner
Chavez, as we look at all four schools, the FTEs,
the full-time equivalents of staff that was
dedicated to special ed in previous years, including
last academic school year, was .85 of an FTE. So
those -- those folks that were providing special ed
services were providing services by being able to
write the IEPs.

They case-managed the IEPs for the
students that were identified. They -- the students
were given whatever supports through the
modifications, through the virtual program that was
done. But as we reviewed this for the new school
year -- and that's what I referenced earlier, and
the folks from the Charter School Division at our
technical review addressed that -- we also had
looked at that initially and hadn't had an
opportunity, as part of our budget building, to
truly spend the amount of time that we have since
then.

And so we are going into this next school
year from a .85 -- 85 -- .85 FTE staffing of special
ed at all four schools, to a 2.5 -- 2.75 that we're
adding, for a grand total of 3.0 FTEs next year in
special ed, which is, quite frankly, much more
appropriate and will meet the needs of those kids
much more so than we've been doing in the past.
And I think that's been the issue that the
Charter Schools Division has raised in previous
reviews with the school.

THE CHAIR: Thank you very much for that
clarification. Could I suggest that as
Commissioners have an opportunity to read this
report, that if other questions come to mind or
cconcerns that you would like to have responded to,
that you forward those to Katie and ask the school
to respond to any other questions they might have?
Because I know it's really hard for me to read a
report and hear what's being said at the same time.
So if there are other questions, Katie,
would that be all right with you that they come to
you and you take those on to the school?

MS. POULOS: (Indicates.)

THE CHAIR: Okay. We thank you very much
for being here. It was nice to meet you. Oh, I'm
sorry.

Commissioner Bergman?

COMMISSIONER BERGMAN: I would like to
suggest to this Commission that we ask them to come back in our August meeting. If you look at our calendar, we don't have an August meeting; but we do have an August meeting. It's going to be during the tour, our annual tour.

Right now, it's scheduled for Wednesday, which is August the 19th, if folks want to mark that on your calendar. We have to totally finalize that; but it will be finalized very soon.

I think it will be appropriate, because maybe they'll have those audit results in, and maybe they can come in and talk about what those audit results were. Just my suggestion.

THE CHAIR: Do the school representatives, or Katie or Julie, do you have any idea when those audit results will be made available to the public? Not to the school, but to the public?

MS. POULOS: We do not have that information available at this time. When they are available, we will ensure that's an item on the Commission's agenda, to review and discuss those.

THE CHAIR: Okay. Thank you so much. We appreciate you being here. Thank you. Look forward to seeing you again.

MR. TORRES: Madam Chair, members of the
Commission, thank you for your listening to us and supporting us, and we look forward to being at your meetings in the future. Either I will be here, or we'll have a representative that will be able to continue to keep you informed of our school's progress.

THE CHAIR: Okay. Thank you so much.

MR. TORRES: Thank you.

MS. CARRILLO: Thank you.

THE CHAIR: The next school is Dream Diné.

If we have folks from that school, please come on down.

Katie, whenever you're ready.

MS. POULOS: Madam Chairwoman,

Commissioners, again, the information that we have as an update is available in that table that was provided in your materials.

The representatives from the school have a much more robust update, including new information that has been available this week; and so I will let them speak and provide that update.

MS. BEERY: Good morning, Commissioners.

THE CHAIR: Good morning. I'm sorry. I'm choking to death up here.
Please introduce yourselves, and we'd love to hear what you have to say.

MS. BEERY: Good morning, Commissioners. My name is Sandy Beery, B-E-E-R-Y, and I'm the head administrator of the Dream Diné.

THE CHAIR: Pardon me. I didn't hear what you said. You are Sandy Beery, and you are?

MS. BEERY: I'm the head administrator of Dream Diné.

THE CHAIR: You're the head administrator.

MS. BEERY: I'll explain in a minute.

MR. SOSA: Good morning, Commissioners. My name is Gavin Sosa. I'm the director of operations for Dream Diné Charter School.

MR. HOGUE: Good morning, Madam Chair and members of the Commission. I'm Clarence Hogue. And I'm a governing council member.

THE CHAIR: Is the person sitting behind you also with you?

MS. BEERY: She's supporting us.

THE CHAIR: All right.

MS. BEERY: She came down close for moral support.

THE CHAIR: Please go ahead.

MS. BEERY: In answer to your question of,
"Excuse me. You're what," I entered into a contract with Dream Diné on July 1st to provide administrative services while they conduct a search for a permanent administrator. They are, rightly so, looking for an administrator from that area and one who is the right fit for that school.

I have a lot of experience in charter schools with administration and with contracting and have offered my services to help them keep things moving forward and get some pieces in place in their new facility: Curriculum, staffing, those kinds of things.

So we are here today to talk specifically about a fire alarm system, as you recall, from the June meeting. That was the issue. And that's what the facility piece is. That's where we are.

So I would like to start at the beginning and give you, as my mom would call, the Reader's Digest version of how we are at the point we are.

First, we do not have any occupancy yet. Second, we are the first school on the Navajo Nation, for those of you who are new to the Commission. I don't know if you realize that. So this is a new process for all those agencies that need to do some work and inspection for us.
So here's the Reader's Digest version.

In March, the CID came and did an inspection, gave us a correction notice that basically said we need a fire alarm system.

So we went to the Navajo Nation, and the fire marshal came out from the Navajo Nation and referred us to their contractor, Brown & Associates. Most of you have heard this already, so that's why I'm going quickly. If you have questions, I'll answer them later.

Referred us to Brown & Associates for review of the plans and the code and the process.

We scheduled -- we finally got to the point where we could schedule for the Navajo Nation fire marshal to come out on July 13th; that would have been Monday. He came, along with a contractor who installed the fire alarm system and a representative from Brown & Associates, which was the request to have all those people there. And they all inspected. That inspection is finished, and it is complete.

The next step was to have CID come back. Mr. Blackman came on Tuesday, and he did the inspection and said that he felt he could give a temporary E-Occupancy, because the State Fire
Marshal needed to sign off on the fire alarm system.

He said he would probably come back on Thursday; that would have been yesterday. He called on Wednesday and said, "No, you need to speak with the State Fire Marshal. He has to sign off on this."

I want to make it clear that our understanding, from a document we received from the Navajo Nation in March, was that the AHJ, the "Authority Having Jurisdiction" -- I find it surprising they use the "H" for "Having" -- the Authority Having Jurisdiction, that letter said the Authority Having Jurisdiction was the Navajo Nation Fire Marshal. And our understanding, as well, is that there is only one AHJ for a facility, not two.

So, Mr. Sosa called the fire marshal yesterday, who indicated he wouldn't be able to speak with us because he actually got married yesterday. However, he did give us his boss's phone number, who Gavin has been trying to reach since 2:00 yesterday afternoon and has not heard back.

My interpretation of the situation is we have done due diligence to do everything we can to get this taken care of, including calling the fire marshal about every hour and not hearing back yet,
leaving messages.

And I feel like we're at the point where we're trying to figure out how to facilitate a conversation between two agencies who aren't sure who the AHJ needs to be.

I have contacted John Hooker with the PSFA to see if he could provide me any information about, you know, the PSFA did not pay for the fire alarm system; we did. We fundraised for that. So he's not sure who the jurisdiction would be; but he was going to do some digging, because we are not hearing from the fire marshal's office yet; so we are trying to find that answer.

My thought -- but I don't have any proof -- is that when we get an answer between these two fire marshals, we'll have an E-Occupancy; because the CID did not say there was any other issue, other than now, apparently, the State Fire Marshal needs to sign off.

So we need to be able to have an opportunity to talk to the State Fire Marshal and connect him with the Navajo Nation fire marshal and let them figure out who actually has the authority to approve it, so then CID can give us our E-Occupancy; because everything else is done at this
point.

THE CHAIR: When's your first day of school, scheduled?

MS. BEERY: August 17th.

THE CHAIR: Is that when teachers come back, or is that when students arrive?

MS. BEERY: Teachers come back on the 10th.

THE CHAIR: So, actually, August the 10th.

MS. BEERY: Would be the first day of staff.

THE CHAIR: You need the E-Occupancy for teachers, as well, do you not?

MS. BEERY: No. We only need E-Occupancy for students.

THE CHAIR: So we're talking about the 17th, for sure.

MS. BEERY: Correct. Yes, ma'am.

THE CHAIR: My concern -- and I went back and read the minutes from the last time we talked about this. My concern, and the concern of this Commission, as reflected in those minutes, is that when it's time for the doors to open for school, that there are doors to open.

So what is your backup plan -- and I
understand frustration. Believe me, I do. But what 
is your backup plan, if you can't get that 
E-Occupancy prior to August the 17th? Is the prior 
facility available to the school, the one you used 
at -- was it Hogback last year?

MS. BEERY: At Hogback?

THE CHAIR: Is that available?

MS. BEERY: We have vacated that facility.
But let me let Gavin speak to that -- Mr. Sosa -- 
speak to that, because he's actually in Shiprock and 
having conversations more readily than I am at this 
point.

MR. SOSA: Thank you, Madam Chair, 
Commissioners. We have vacated that facility in 
Hogback. But just earlier this week, on a whim, the 
Hogback Chapter president, Mr. James Pioche, stopped 
by and encouraged us to continue looking into using 
it for their own -- because we're able to pay them 
rent; because for their chapter, it was a great 
relationship.

So he's encouraged us to continue that 
potential partnership. But as Sandy had said, 
because of where we are, having our fire alarm 
installed, it's been approved by the Navajo Nation 
fire chief, it is our full anticipation that the
steps have been taken that needed to be taken to be
granted E-Occupancy, until that conversation takes
place.

THE CHAIR: I just need a "yes" or "no."
Is the Hogback facility available to you if your new
facility is not ready?

MS. BEERY: Yes. Yes, Madam Chair.

THE CHAIR: Okay. Any other questions or comments?

Also, in reading back through those
minutes of the previous meeting where we talked
about this, we talked about a two-week window, that
if this facility was not ready two weeks before the
school year started, we needed to know it, and --
and to be aware of that and to take whatever action
was necessary to ensure that the students had a
classroom with an E-Occupancy to attend.

So I guess what I'm going to say at this
time is just stay in real close contact; because we
just honestly need to know, at least two weeks
before the school year starts, where you all are.

MS. BEERY: Madam Chair, I actually have a
question about that. So I know that I will send a
copy of the E-Occupancy to the CSD. How do I know
that you all will get it soon thereafter? Because I
want you all to know when we get it as soon as I can.

THE CHAIR: I have great confidence they will be sure we have it.

MS. POULOS: Madam Chair, Commissioners, we will, as soon as we receive that, immediately forward it on. We were hoping that it would be in the past day or two and had full plans to e-mail it out immediately.

THE CHAIR: Do you have both the director and the general manager's e-mail addresses?

MS. BEERY: Yes, Madam Chair, we do.

THE CHAIR: If you would just be sure they both receive it, it should not be a problem.

Commissioner Bergman?

COMMISSIONER BERGMAN: Hopefully, we won't have to have a public flogging of the leaders of CSD; so I think they'll do it.

THE CHAIR: Or of the school or of anybody.

Other questions or comments, Commissioners?

COMMISSIONER ARMBRUSTER: I just have --

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: This is not
about all of that.

So how many teachers and students are in the school?

MS. BEERY: So we -- I'm going to let Gavin answer about the students, because he's been enrolling students consistently since the end of school.

And we have two regular classroom teachers and three EAs. And we are -- I'm in the process of interviewing for those now. I should hopefully finish those interviews on Monday.

COMMISSIONER ARMBRUSTER: And so you have -- and how many students, then? Gavin's going to tell me?

MS. BEERY: Yeah, he is. I don't know what our cap is. I don't know how many we have.

MR. SOSA: Madam Chair, Commissioner, Commissioners, we had 14 students in year one, a single class. Currently, we believe 13 out of those students are returning. We have one family we know has moved. And we have 15 new enrollment for second year. And we were capped at 30 for our second year. So we're very close to our cap now.

And as Sandy had mentioned, that's our staffing plan is for two lead teachers and three
educational assistants.

COMMISSIONER ARMBRUSTER: And what about special ed? Disabilities?

MS. BEERY: One of the teachers I'm interviewing is dual-licensed. And currently, we are also -- we were K-1 last year, kindergarten-first grade. We're going to be kindergarten-first-second grade this year.

I'm anticipating, based on conversations with Gavin, about two students who will probably be in the SAT process very soon after school starts. But just a reminder to those of you -- Commissioner Armbruster knows; she's a special ed teacher.

But at the earlier grades, it's really a SAT process, unless you are having students enroll who have been in a preschool developmentally delayed program or something like that. So I'm hoping at this point to be able to hire a dual-licensed teacher to be able to help facilitate that with 30 students.

And one of my plans there is to create a three-year staffing plan, based on the growth of the school and the addition of the grades, so that we can plan financially for the appropriate licensure and positions we need to support those children.
THE CHAIR: Is that it?

COMMISSIONER ARMBRUSTER: Yes. Thank you.

THE CHAIR: Let me just clarify what I heard you say. You said two teachers and three EAs; correct?

MS. BEERY: Yes, correct.

THE CHAIR: If you have kindergarten, first, and second grade, how are you going to cover those with only two teachers?

MS. BEERY: So we have mixed age groupings in our charter. It's a key component of our educational plan. So there will be mixed groupings, with relatively even amounts in those classes.

THE CHAIR: Okay.

Other questions or concerns?

Hearing none, thank you all for being here. We look very forward to getting that E-Occupancy.

MS. BEERY: Yes, ma'am. So do we. Thank you very much.

THE CHAIR: And I'm sure you all are, too.

Next is Walatowa. If we have anybody here representing that school, please come on down. I don't believe I see anyone.

Katie, would you go ahead, please?
MS. POULOS: Madam --

THE CHAIR: Anyone here from Walatowa?

MS. POULOS: Madam Chairwoman,

Commissioners, Walatowa has been added to the Schools of Concern list because, as part of the annual monitoring visits that Julie was discussing in other contexts, this school failed to complete the annual monitoring report; and, therefore, CSD staff has been unable to do a complete evaluation of the school's compliance and performance.

And at this point, CSD has had -- or attempted to have -- multiple communications with this school and has been unable to get the materials it needs to complete that evaluation.

The school unfortunate circumstance, because the school really is doing great things and does have good academic success, especially with regards to the graduation rate for their students and showing substantial improvement.

At this point, we think it may be prudent to ask for a corrective action plan from the school to ensure that they are able to get the materials to CSD that are required, so CSD can complete that evaluation.
THE CHAIR: Thank you. Any questions or comments?

Commissioner?

COMMISSIONER ARMBRUSTER: I'm sorry.

Could you tell me where the school is located? What city?

COMMISSIONER TOULOUSE: Madam Chair, it's Jemez Pueblo.

COMMISSIONER ARMBRUSTER: Got it. I just don't know where it was.

COMMISSIONER CHAVEZ: Just a quick question. Do you know why they're not here? Were they contacted?

MS. POULOS: This is an issue that we were discussing yesterday. We were told during the Executive Committee meeting that these schools did need to be contacted by the -- the PEC's counsel. So CSD was not able to, didn't want to overstep their bounds to contact these schools that were on the Schools of Concern list.

THE CHAIR: So, Josh, do you know if they were contacted?

MR. GRANATA: I wasn't aware that I was supposed to contact them. If I was supposed to contact them, then it was my mistake, and I
apologize.

THE CHAIR: That letter that Katie wrote and we sent on to you and you said you hadn't had a chance to look at it.

MR. GRANATA: I thought that was coming from CSD.

THE CHAIR: I understood you said you would do it.

MR. GRANATA: Well, whatever.

THE CHAIR: A misunderstanding, then.

Okay. So they -- was that the only contact that would have been made with them, or were they otherwise contacted by CSD?

MS. POULOS: With regards to their placement on this agenda item, that would have been the only communication. Again, CSD didn't want to overstep their bounds. CSD has been in communication with the school in attempts to get this information completed.

Scott, do you have anything you'd like to add?

MR. BINKLEY: Yeah, I can.

MS. POULOS: This is Scott. He is one of our liaisons, and he is the liaison to that school.

MR. BINKLEY: My name is Scott Binkley.
So, Madam Chair, Commissioners, I'm the liaison to Walatowa. And as you all know, the due date for the -- the monitoring tool was June 15th. The -- the preliminary site visit was given to them on May 14th.

Between May 14th and the deadline of June 15th, I had five conversations with them about that deadline. And I've got documentation for all those things.

Finally, I was able to reach somebody on the phone on the 28th of June, and they did submit on the 30th; but it's an incomplete submission. So I do not have goal data to do an analysis of whether they met their goals.

THE CHAIR: Scott, do you have any idea, has there been some turnover in administration of the school or anything that would account for this lack of communication.

MR. BINKLEY: The best indication that I have was a phone conversation I had with Mr. Tony Archuleta, who consults for the school. And he indicated to me that there was possibly a family emergency, that the director, Mr. Arrow Wilkinson, had to leave the state and was gone in -- for some time, possibly a month.
I have not spoken with Mr. Wilkinson since the site visit, personally. I've spoken with another one of their consultants, Dr. Jamie Tymons [ph], who has been working on their data and has done the lion's share of the reporting for their monitoring visit.

THE CHAIR: That's not mine.

MR. BINKLEY: That's not me.

THE CHAIR: Any other comments or questions, Commissioners?

COMMISSIONER CARR: Looks like we're ready to rock.

COMMISSIONER ARMBRUSTER: I have a question.

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: This is semi-off the subject, actually. Does this school take the PARCC assessment?

MR. BINKLEY: Yes. Yes, they do.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I'd just like to suggest that even though they're not here, since all they're talking about is perhaps requiring them to work with CSD to do a corrective action plan, is we go ahead and proceed with that;
because, obviously, if they don't get the data in to evaluate the goals, we can't do the other work that's required.

So that's got to have a short-term function, anyway. So that would be my suggestion. Let's do a motion. Let's vote on it, and then let Scott continue to try to establish communication with somebody at Walatowa.

COMMISSIONER CARR: Sure.

THE CHAIR: Okay. I would note that there is a suggested motion in your packet, if anyone would care to make that motion.

MS. POULOS: To direct the Commissioners, that's on Page 4 of Item 7. That motion language is available on Page 4 of Item 7.

THE CHAIR: Thank you.

COMMISSIONER GIPSON: Okay.

THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: Sure. Madam Chair, I move to have Walatowa High Charter School work with CSD to create a corrective action plan to ensure all items on their monitoring instrument are completed in a timely manner.

THE CHAIR: Thank you.

You've heard the motion. Do we have a
second?

Commissioner Toulouse?

Motion and second.

Do we have any discussion?

Hearing none, Commissioner Bergman, may we have a roll-call vote, please?

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER BERGMAN: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOLOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Conyers?
COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Madam Chair, that is an eight-to-zero vote in favor of that motion.

THE CHAIR: Thank you. The motion passes unanimously.

Next item is Mission Achievement and Success Charter School. If we have representatives of that school, I invite them to come down.

MS. POULOS: Madam Chairwoman, Commissioners, the update from CSD on this, this school was on the PEC's agenda last month for a corrective action plan with regard to special education services. The Commission's action at that time was to request a corrective action plan.

After the decision was made, rather than being able to communicate with the school, the school retained counsel, and counsel has been communicating with PED counsel on this matter. CSD has requested, from PED's General Counsel's Office, guidance on how to proceed at this time.

The General Counsel's Office is looking into the matter and believes that more time is needed on their end to look -- and PED's end -- to
look into this matter.

THE CHAIR: So what is the recommendation from CSD at this point?

MS. POULOS: At this point, CSD believes that the prudent thing to do is to allow CSD to continue to work with PED's counsel to get more guidance on how to move forward with this issue and bring that back to the Commissioners at the point that we have that guidance with regards to what this issue is.

So it may be that at this point, we need to put the corrective action plan on a hold and wait for additional legal guidance.

THE CHAIR: Okay. Thank for you that. If the representatives of the school would please identify yourselves?

MS. MYERS: Hi. I'm JoAnn Myers. I'm the principal of the school.

THE CHAIR: Okay.

MS. PEÑA: I'm Jennifer Peña. I'm the special education coordinator.

MR. LANGSTON: My name is Bruce Langston. I am the board president.

MS. MATTHEWS: Patricia Matthews, Matthews Fox, attorney for the school.
THE CHAIR: Thank you. If you have a presentation for us, we would love to hear that.

MS. MATTHEWS: Madam Chair, members of the Commission, yes, we would like to make a presentation; although the Charter Schools Division has asked the -- I suppose their request is that there's a delay in completing a corrective action plan. The action of the Commission --

MS. POULOS: I'm sorry. Can I interrupt, Madam Chair and Commissioners?

What CSD is recommending at this point is not a delay in completing, but, at this point, a delay in any action and waiting for further legal guidance from the Office of the General Counsel.

MS. MATTHEWS: So I just want to be very clear, Ms. Poulos, that you're requesting that at -- there is no corrective action plan on the table.

MS. POULOS: That at this time any -- any action that has been taken be put on hold, or not -- no action continue to move forward until CSD has received further action, at which point we can update the PEC, and they can determine what appropriate action is at that time.

MS. MATTHEWS: I'm still not real clear; but okay. We'll see what the Commission has to say.
(The Chair consults with Mr. Granata.)

THE CHAIR: Please go ahead, Ms. Matthews.

MS. MATTHEWS: Thank you, Madam Chair, members of the Commission.

The school would like the opportunity to respond. As you know, I was here and was not -- had not been forewarned that this was going to come up on the agenda, so was not representing the school on this issue at the time.

But as you know, last meeting, which was June 19th, the Commission voted to put the charter school on a corrective action plan, I'm not exactly sure based on what premise, because I don't know what documents you had in front of you. I can only assume that the only document that we've seen was the only document that you've seen, which was that May 29th, 2015, memorandum from Charter Schools and the Special Ed Bureau to Deputy Secretary Aguilar.

So what we'd like to do today is have the opportunity that we were not -- or the school was not provided on the 19th to address the concerns that were bulleted in that memorandum.

I think it's very important for the school also to be able to respond to public comment that was made during that meeting that, in hindsight,
when looking at the transcript, and while I was sitting here -- my impression is neither here nor there -- but certainly, if you look at the transcript, there was substantial -- or information and comments made the school should have the opportunity to respond to because of the nature of those comments.

So I would like just to quickly go through the presentation that I have. All of you were copied on a letter that I sent, dated July the 4th -- I don't have anything else to do in my life; I think I've heard that from a Commissioner before -- and sent it to you outlining our response and rebuttal to the action of the -- of taking -- or imposing a corrective action plan, and, in particular, the fundamental ground level -- or the premise upon which the corrective action was taken or imposed, and, right now, has actually had substantial implications at the Department level because the Department has reduced the school's budget on the allegations that there's -- that services were not provided to students, gifted students, at the school in the fiscal year '15.

So at this point, I just remind you all of one point. And we're using this term "corrective
action plan" pretty, I believe, loosely. But if you look at the statute -- and I think Ms. Shearman understands the impact, because the quote she made at the last meeting was, "When we're working for a corrective action plan, it's a little more of an issue than rather just working with them on something, to my notion, anyway," which is correct.

The statute looks at a corrective action plan as something substantial. In fact, it is close to having grounds for revocation or nonrenewal of a charter school.

So I'm not very clear. I would like for some clarity; but that's for another day. But certainly, the concept of putting a school on a corrective action plan implies some significant impropriety. And I believe it would be directed towards the grounds for nonrenewal, revocation, et cetera. And so that's troubling when it's used in that manner and in that term, because I believe, by statute, it has significant implications. And that concerns the school greatly.

As you heard earlier, they were awarded certain grants for probably -- that were based somewhat on merit. They have been recognized by the Legislative Finance Council for their good work in
the middle schools. And so I think it's important. And Mr. Henderson will talk more about the merits of the school.

So I am concerned that there's no -- my primary concern, as the attorney for the school, was there effectively no notice. [Verbatim.]

This school, on -- learned that it was going to be listed as a School of Concern, and possibly have a corrective action plan imposed, just by happenstance. And thank goodness Ms. Friedman does such a great job at her public liaison position that she sends out the agenda timely and people get the opportunity to look at it. That's how this school learned it was going to be on the agenda for a potential corrective action plan.

They were not given any notice about that, except for that. So they're very concerned about the due process question. And having the opportunity to come before the Commission and tell their side of the story is, from my perspective as their counsel, critical.

As of today, the last action I've already mentioned taken by the New Mexico Public -- so there's no corrective action plan that's been presented. The school hasn't had any communication,
other than -- that's not true. Subsequent to this meeting, Ms. Myers did meet with the Special Education Bureau to discuss what the issues were. There still has not been a letter of findings by Special Ed or by the Charter Schools Division identifying any impropriety, any violation of rule, et cetera, issued to this school, to date.

So whether or not they're represented by counsel or not doesn't mean they shouldn't have notice of whether or not they've violated rules or policies of the Department or Special Education or what have you. But to date, they have not received that notice.

They received the notice through their business manager, their budget has been cut for $150,000, based, apparently on the May 29th memorandum. But we still don't know why that happened.

I do want to quickly remind you that leading up to your vote on the 19th, the Charter Schools Division did their annual site visit report. There was no preliminary report issued. The school has not received any information out of the site visit report that there's impropriety in their special education program.
In late April, early May, somewhere about that time, there was some beginning communications between Ms. Lucero and the Charter Schools Division -- of the Charter Schools Division and Special Education wanting to notify MAS that they were going to come up and do a special education visit. There was no document -- there was no statement in the letter saying they were looking for something in particular. They didn't use the word "audit." They came to an agreement on the date. They visited the school on May 8th.

And when they came to the school, that's when this issue of whether or not the people providing the services under the IEP for gifted students actually held the endorsement that is in State regulation.

So no notice. So let's just say, assumingly, that that turned into an audit. Well, you'd think after an audit, findings from the audit would have emerged in writing so that the school would have the opportunity. That never happened.

In fact, Ms. Myers voluntarily, based on misinformation, in my mind -- legal mind -- that -- voluntarily offered that all of her teachers would get the gifted endorsement, and she would do
whatever they apparently -- she would address some of the concerns that the Charter Schools Division and SpEd -- or S-E-B -- SEB -- called "SEB" -- raised at that meeting. And so she voluntarily did that by e-mail. No response. Again, no written findings. Nothing.

So the very first time they find out about this, as I've already said, they were put on that agenda.

Ms. Myers immediately requests -- or as soon as she could -- requests -- the same day; let's just put it that way -- "Why are we on this list of concern?"

Ms. Lucero's response apparently was, "We'll talk to you about that on Monday," which was the -- she asked on Friday. This was the following Monday.

And apparently, during that conversation, some of the questions about your -- qualified folks for providing gifted services came up; but still no documentation about what was the issue.

And so it took an e-mail from the board president to Charter Schools Division on the 17th, again requesting, in writing -- and this was after the Commission denied an extension of addressing
this on your agenda -- asking, in writing, "What
is -- what's the issue, so we can be prepared, or we
can respond in some manner?"

It was not until then that they received a
copy of the May 29th memorandum from Charter Schools
and Special Ed to Mr. Aguilar.

And so that's the first time they knew
that these were specific issues. And even that
memorandum -- and I'm sure Mr. Carr has looked at it
carefully -- has no -- has no citation of the
violation. There's no regulation cited. There's
nothing cited in that memorandum as a violation.

And so they alleged that they didn't
provide services based on folks with gifted
certificates; but they don't say what law was
violated. And Ms. Myers has repeatedly asked, "What
did we do wrong? Tell me where the law is. Where
does the law say we have to do it exactly like
you're telling us we have to do it?"

And we contend that we're not getting a
response to that.

So those are the things that I'm hoping
that I can work out with Mr. Hill. I have been in
communication with Mr. Hill. I think Ms. Poulos has
alluded -- or stated that in the opening -- that he
and I are going to try to work through. But certainly, we still have no specific understanding, other than that memorandum.

So I sent the letter to you. And, again, if you look at the memorandum, every single one of the allegations in the memorandum is focused -- and even Mr. Pahl, during his presentation, said to you that this was all about the school not providing gifted services by gifted endorsed teachers.

I'm not going to go through my memorandum, other than to tell you, in summary, I spent a long time researching policies, manuals, everything on the website I could find. I am very aware of the regulations.

But there is nothing in statute, and there's certainly nothing in the special ed regulation that mandates that services provided for a child with an IEP and who is gifted must hold this endorsement.

Even if it is the policy of the Department, it's not stated anywhere. There is such confusion internally, if you look at the policies of the Department, that it is not unlikely that even if you were trying to do your very best, you would walk away from looking at the law and looking what's in
writing with, "I'm not sure what I have to have."

And it certainly -- it's even more affirmative than that. It's not just -- you know, it's not very clear, black and white. There is black-and-white language in policies of this Department, and very specific language in the regulation that exempts gifted educators from the requirements of the special education students.

In other words, the Public Education Department exempted from federal regulation, in the State regulations, the federal requirement of having highly qualified teachers provide special education programs. So if they wanted to, they should have amended the regulation addressing special education to include the required endorsement that they passed a regulation for in 2010, '11, or '12, somewhere in there.

So it's just not clear is my response. And in fact, I would argue there's enough guidance and policy statements out there, you'd walk away from it believing you don't have to have any special endorsement to be providing services to gifted.

So bottom line, the premise of the allegation against the school is that. These services -- all of the services the school
provided -- and they can definitely document and
demonstrate they provided these services -- for
which they were paid, and for which there -- and
I'll let Ms. Myers address the allegations that were
in the comments -- but overall, you know, they
provided these services.

And so the allegation is -- from what I
understand from this memo, is essentially, those
services don't exist at all, because there's no
endorsement. And so because there's no endorsement,
everything that you did for those kids, every
program you provided, every curriculum, every
modification will not count; and so we're going to
yank your money. And that's exactly what they did.

And so we're -- there's going to be an
ongoing dispute about the budget. I understand
that's not within your jurisdiction; but certainly,
that's problematic for me.

So, again, today, we have not received
anything in writing from the Charter Schools
Division. But I guess they're still working with
General Counsel to try to figure out where they're
going.

So what we're asking of the Commission
today is for you to rescind the corrective action
plan. It -- it already has ramifications. They’ve been contacted by people: "Oh, do you need some help with your special education program? We know you're on a corrective action plan."

I mean, these -- it's not taken lightly by the community out there when you hear a charter school is on a corrective action plan. It has -- it has its -- it has its ripple effect.

We'd ask for the Charter Schools Division to provide a response to the July 4th letter so that we're clear about what is the concern. Please provide it in writing, or otherwise retract the May 29 memorandum.

And we're ask- -- that's what the Charter Schools Division asks for. I understand that's not within your purview.

I'm going to ask that you allow Ms. Myers to respond and Mr. Henderson to comment.

We'd also ask for the Charter Schools Division to retract some of the statements made at the June 17th meeting, where there was definitive statements that they violated the law. And these were such -- and I think Mr. Pahl, if you recall, had to even apologize for how steadfast he was about the comments in defending the Charter Schools
1 Division, such that I think Mr. Carr's response was,
2 like, "Oh, my, has there been fraud or malfeasance?"
3
4 And so those kinds of comments, I think,
5 were -- I think Mr. Carr was probably coming back
6 with his head spinning like, "Oh, my gosh. Do we
7 have another" -- I'm not going to say the name --
8 "situation?"
9
10 So also, that in the future, that the
11 Commission have a policy that the Charter Schools
12 Division give -- give these schools -- give this
13 school, in particular, notice before -- and allow
14 them to come before you before you impose a
15 corrective action plan.
16
17 I think that I put in my letter that I was
18 very concerned about an Open Meetings Act violation,
19 and it appears there was some attempt to correct
20 your agenda to address that, because there was no
21 way for this school to know you were going to
22 actually impose a corrective action plan that day.
23
24 And then going forward -- and you know I'm
25 not trying to be hostile; that was not the intent
26 for us to come here today -- it just feels like we
27 needed to have the opportunity to set the record
28 straight and have the opportunity to, going forward,
29 working with the Charter Schools Division in good
faith and work with the Commission in good faith.

If, in fact, we walk away from an
investi- -- you know, a review of all this
information, discussions with the Charter Schools
Division, with, most importantly, Special Education
Bureau, who should be the entity that is overseeing
special education and compliance, if we walk away
with concerns, then we come back to you.

But having a corrective action plan on the
table without any definitive violations I think is
very harmful to the school.

So that's our primary ask for today is for
the Commission to rescind that motion and allow me
to work with the Department, the school to work with
the Department, and figure out, "What -- what did we
really need to do here. What is really the issue?"

MS. POULOS: I'm sorry, Madam Chair and
Commissioners. I think at this point, can I just
address a couple of things, which is CSD did make
that recommendation after an investigation that was
conducted not by CSD, but by Special Education with
CSD staff present.

But, again, at this point -- and CSD has
not communicated or responded to that July letter
because that was a letter from counsel, and, thus,
PED's counsel is now responsible for those communications, and CSD cannot engage in those communications.

CSD is seeking the guidance of PED's counsel with regards to those findings. And I should say not just CSD, but, in fact, CSD with Special Education, because, again, Special Education was there conducting the audit. CSD staff was present and participated; but it was based on guidance with regards to what those requirements are that is from Special Education.

Those requirements are from Special Education. In fact, Special Education staff is here today. But at this point, because counsel is responsible at this point for those communications, and also is actively -- has actively stated that this issue, this matter, is one that they need to investigate further.

And so I just wanted to clarify that's where we are. And I think I'm not making the recommendation of rescinding or not rescinding, but agree that at this point, CSD does not believe anything can go forward with this because we do need legal advice from counsel.

THE CHAIR: Okay. Thank you.
Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, before we let the others speak, let me say this.

I agree with Ms. Matthews -- please don't have a heart attack -- particularly as to the corrective action plans. I've noted before that those are definitely a step up from an improvement plan. It is statutory, established by statute what is involved in a corrective action plan. And I believe that this Commission occasionally, in its zeal to be sure that we provide the first class oversight to the schools that fall under our oversight, that when we receive a report like this, our first reaction is, "Oh, wow, and we need to do something."

Well, I think perhaps, we may, in that zeal, get little ahead of ourselves sometimes when there's some kind of, especially here, the school disputes what PED is telling them. I think in those cases, before we jump in the middle of it, my future recommendation would be that we let the process play itself out, and when it's resolved, then we can get involved, if it is necessary for us to get involved.

I think we probably may have been a little premature on this one. That's my personal --
speaking personally now.

So I think we probably do need to back
off. That would certainly be my recommendation.

But we've got other Commissioners here. Thank you,
Madam Chair.

THE CHAIR: All right. Let's hear what
the other representatives of the school have to say.
Then let's hear what our attorney has to recommend
to us. And then we can discuss it a little further.

Will you all go ahead, please?

MS. MATTHEWS: May I correct the record --
Ms. Shearman, I apologize for interrupting
you.

May I just correct the record one more
time? A, there was never a notice of an
investigation. There was no investigation.

And B, there was never a formal notice of
an audit.

And C, there has been no findings from
Special Education Bureau to date.

So I just want that very clear on the
record. If there have been findings, we'd like to
see them in writing.

COMMISSIONER TOULOUSE: Madam Chair, I
would also like to make one correction. I hate to
correct you, Ms. Matthews. But your governance
council's chair name is "Langston."

MS. MATTHEWS: Did I say "Henderson"?

COMMISSIONER TOULOUSE: You said

"Henderson" twice; but I would like for Bruce to
have his name correct.

MS. MATTHEWS: You know, Ms. Toulouse.

This is my old brain going. Unfortunately, I wrote
the name "Henderson" once, and it's done.

COMMISSIONER TOULOUSE: I understand it.

And because I will not be able to participate in a
vote on this school now, because I now have a -- the
relative who was in La Promesa is now registered for
this school. So I won't really be able to
participate. But I did want to get Bruce's name
correctly.

And I didn't mean to say anything against
your brain, because mine is older than yours; so...

MS. MATTHEWS: I apologize.

THE CHAIR: Please go ahead.

MS. MYERS: Thank you. So I just wanted
to take a moment to just address some of the items
that were in the minutes.

And it's not with an intention of trying
to be contentious or confrontational. But I really
feel like with the stuff that was said in the
minutes, since we weren't here, I really feel like
it's important that our side of some of that stuff
is reflected in the current minutes here.

So on Page 90, there is a reference to
that we couldn't be here for a scheduling conflict.
And, again, I have to emphasize. I don't say this
to try to cast stones or to cause issues. But I
want to make it really clear -- and I think
Ms. Matthews already addressed this -- but I want to
reiterate.

We weren't notified. The only way I found
out was opening an e-mail on that Friday evening
when it first came out on June 12. And immediately
that evening, I sent e-mails saying, "What is this?"
I truly had no idea what it was.

And I got responses throughout the weekend
that, "Hey, we'll talk on Monday."

So it was Monday that I was first
informed that this is just about gifted endorsement.
And it was referenced that, "This is not an 'I got
you.' We just have to fix it."

At that time, truly, I'll be honest, I
didn't even know that coming before you for this was
some type -- I mean, I still knew that it was kind
of not good to be in front of you for something like this.

THE CHAIR: Ms. Myers, may I ask you a question?

MS. MYERS: Of course.

THE CHAIR: I don't have it in front of me right now. But I remember a memo -- an e-mail -- I think it was an e-mail --

MS. MYERS: Right.

THE CHAIR: -- from you --

MS. MYERS: Correct.

THE CHAIR: -- as I recall, asking that this item be taken off the agenda, because no one from your school could be in attendance. This was prior to the meeting; is that correct?

MS. MYERS: Not really -- well, yes and no. So let me clarify. Sorry. June 12th was when the public notice went out. I made contact with Charter Division via e-mail on that weekend. On Monday, I had a direct telephone conversation with Charter Division about this.

I had asked, after I kind of finally conceptualized, like, what this was about, I sent an e-mail to Charter Division saying, "Can you please request that this meeting is postponed, until" -- we
couldn't be here physically because I was in
New York at a conference. Ms. Peña was in Florida.

THE CHAIR: That was prior to the meeting.

MS. MYERS: But that was the first
notification we had that there was something.

THE CHAIR: I just wanted to get the time
frame down.

MS. MYERS: I just wanted to clarify the
conflict. I just wanted you guys to be aware, yes,
we were notified a week in advance of the meeting.
We couldn't be here. The conflict was we had
already had professional development plans, not in
New Mexico, and our board chair was not available,
just to provide a little clarity.

And then, again, Ms. Matthews provided
that. I wanted to add to that a little bit. And we
did. We requested the delay of the meeting on that
Monday -- I don't know what day that was -- Monday,
June 16th. We were denied on the delay and stuff
just because we felt that it was so important that
we were here. But anyway, moving on.

Also, on Page 90, it makes reference --
and again, Ms. Matthews addressed it, so I'm being a
little redundant here -- but that, you know, there
was a Special Ed audit. The e-mail and the
conversations were, "We're just visiting for special ed." So again, there was no notice to us that, "Hey, we've got a concern somewhere."

And subsequent to that, after the PEC meeting, I requested a special ed meeting, just to get clarity on what is this, and where is this coming from? And even in that meeting, I asked, "What flagged everybody that there was some concern that you were concerned about," and not just trying to hide anything, but more about, "Where did the concern come from," because if anybody would have flagged this, that, "Hey, we've got a concern," we would have been concerned and we would have jumped up and done something.

So I just want to put that out there, because I think saying an "audit" implies that we knew that there was an issue, and you're coming and you're looking at something.

Unh-unh. When that visit happened, that was a visit. There was some conversations in the visit about -- the gifted endorsement absolutely came up. And we made it clear, "No, here's what it says where we don't have to have the endorsement. We do provide services."

Because this was a back-and-forth
conversation about, "When you say we're not
providing services, it makes it sound like we're
taking money and not giving services. Please don't
say that. You can say that the teachers don't have
the endorsement; and they don't. And here's where
it says we don't need that. But we do provide
services."

So that conversation happened. But from
our vantage point, this was a discussion; this was a
dialogue. And they shared with us the gifted
waiver, which I would like you to know, the gifted
waiver, we could apply for this. And it's literally
a piece of paper I submit to the State, and they
sign off on it. And now those teachers are endorsed
with a two-year endorsement.

I brought a copy of it.

So that's all that's involved.

And once they shared that, I was, like,
"Well, we could do that." And then we could work
with CNM. We, on our own, did that, just to work in
good faith. Even though, again, we said, "There's
nothing that requires that; but we don't mind doing
it. Certainly, like, we'll work if it's going to
help them to be better teachers," and things of that
nature.
So I don't want to imply that we had no idea there was a -- but it was a dialogue. From our vantage point, this was a complete dialogue.

So the first notification that we got that this was a big concern was when that public notice went out. And you have to imagine our surprise when we saw ourselves on the public agenda, and then notifying the board saying "Hey, heads up," and people are asking, What's this about?"

And my response is, "I don't know. I will let you know as soon as I hear something."

So then on Page 95 -- and, Commissioner Carr, like, I completely respect why you asked. I would, too. You've got to understand that that's why we -- we were so concerned, because we're, like, "This makes it look like we're just funneling money in and, like, using it how we want, when there's an implication in a memo that we're not providing services, but you're paying for it."

And then when we saw the minutes -- and, you know -- and Matt Pahl -- and I respect -- I don't have contentious relations; so I don't want this to come across as that way. But when he said, "We give the school money, and we expect them to use it properly," that just implies we're doing
something that we're -- so I completely respect and understand where your concern came from. But you've got to understand our concern, as a school, when that's out in the public minutes that it looks like MAS is just funneling, you know, $150,000, and we're just spending it however we feel like, that didn't happen. Those children got service.

So at the risk of being obnoxious -- I was truly not trying to be obnoxious when we sent you that information via e-mail. We couldn't be here. And I felt so strongly that you can't just get a memo and read that at surface value and not have some type of response from us, and data.

I showed you the data, not to be obnoxious. I was not trying to -- people commented, "Yeah, there's a lot of stuff you said."

I was not trying to be obnoxious. I was trying to show you every kid, minus the names -- these are the names --

THE CHAIR: Could I ask you something?

MS. MYERS: Of course.

THE CHAIR: Slow down a little bit.

MS. MYERS: "Slow down." I'm sorry.

THE CHAIR: I'm watching Cindy, and there's smoke coming --
MS. MYERS: I started slow. I can't help it. I'll slow down. Just do this. (Indicates.)

So -- and I won't go through the data and the numbers; but I brought it, and I promise I won't go through it all. But I want you to know, using Scholastics information -- this is not JoAnn's, just, arbitrary, "These kids made more than expected gains."

Our kids are making -- our gifted kids, just to, again, put the service out there, that they did get service -- six times expected growth, 1.75 times expected growth, 4.8 times expected growth. 2.5 times expected growth. 2.7. 4.3. 9 times. I'll stop. I'll slow down.

My point is we truly weren't trying to send that to be obnoxious. We sent that because we wanted to show you, these kids got services. You do not make gains like this without getting it. These aren't arbitrary numbers I made up. This comes from Scholastics Technical Manual. You look at the child's lexile, their grade level, and that will tell you how many gains should this child make in one academic year.

I can show you kid after kid where the gains are substantially higher, which is -- again, I
sent it to you for the purpose to provide some evidence, since we couldn't be here to speak, that our children did get service, and they made huge gains, far more than what is expected for those kids to make.

So then the -- so anyhow, that was the part about Page 95 that was very alarming to us to read something like that. And again, I fully respect why you ask. I would have, too. That's why we questioned it. And we're, like, "Wow, this does not look good for us."

Then on Page 100, Charter Division referenced pulling our policies. And our policies specifically state -- we have our policies. We turned them over to Ms. Matthews, just to look, to say, "Are we missing something somewhere that we're not following? There's nothing in there that says our teachers must have a gifted endorsement."

We provide gifted services. And it's not that we're trying to get around anything. It's clearly stated that you don't need it, which is why we do it with special ed teachers. So there are teachers, special ed teachers, that are providing the service. They just don't have the endorsement. And, again, even though Ms. Matthews
clarified it's clearly in the law that you don't
need this, we'd be willing to get it. If it's going
to help to make them better, we don't have a
problem. What we have a problem is having a
corrective action claiming that we broke some law,
having money taken from our budget saying we didn't
provide service, and then having stuff out in the
public suggesting that we did something really bad;
we did something wrong. That was our concern with
that part.

The end. All right.

MS. MATTHEWS: Did you want to ask any --
I guess you're going to hold questions?

THE CHAIR: We -- yes, I assume we will.

MS. MATTHEWS: Sorry.

THE CHAIR: I'm looking. We get mean
around lunchtime.

MS. MATTHEWS: We don't want you to be
mean.

MR. LANGSTON: Madam Chairman,
Commissioners, I don't want you to be mean, either.
I, actually, as you can see, have a few things that
I wanted to go over. But at the end of the day, the
information that needs to be out, I think is now
out. I think that counsel and Ms. Myers were able
to convey our position.

There's just some things that you have to stand up, and you have to speak against. We are very interested in having a great relationship with the Charter Division, PED, everyone. This isn't a matter of trying to be contentious, to use -- or, to echo Ms. Myers, it's a matter of you have to stand up for what's right when it's right.

These kids are getting service. These kids are excelling under this service. And if the question is we're going to either slice some of these kids out and say, "You don't get this service," or the question is, is, "We don't like the way you're doing the services," I don't think it's against the law to be different.

And that's really what the -- the bottom of the accusation is. We do it differently. But it's effective; it's working, okay? And it's within compliance of the law, as far as any of us can see.

So I don't know -- I really don't know how we got here. But I think the recommendation both from PED and our counsel is the right thing that needs to happen. It's the fundamental equity, fairness, that needs to happen for us to go back, sit down, and figure out what we both are talking
about here; because we don't know.

And I'll stop there. Thank you, ma'am.

THE CHAIR: Thank you. Okay.

MS. MATTHEWS: I don't have any more,
Mrs. Shearman. I know you're looking at me. "she's
going to say something else." I promise.

THE CHAIR: Before we go to questions, I'd
like to hear from Josh on what his thoughts and
recommendation would be.

MR. GRANATA: Madam Chair, Commissioners,
first I'd like to say that at the last meeting, it
was my understanding -- and I think the Commission's
understanding -- that the school was put on notice.
And obviously, there is some issue as to what that
notice was and whether the school was provided
adequate notice.

At this time, considering the fact that
there's uncertainty regarding the law that hasn't
really been settled, what I would recommend to the
Commission is actually to rescind the motion. I
think that the school has been put on notice that
there is a concern, both by CSD and the Commission.
I think that procedurally, pursuant to the relevant
section of the Charter School Act, that the school
and CSD are working to remedy the problem.
And so until the Commission hears from PED regarding their understanding of the law for providing special ed services to those gifted students, I recommend that the Commission rescind the motion, and the parties work together to try to solve the problem to go forward.

THE CHAIR: Thank you. Now, Commissioners, do you have questions?

COMMISSIONER CARR: I'll be quick, because my name was invoked so many times.

The -- when Matt Pahl gave that report, you know, it was, like -- I'm glad I asked the question, because if I hadn't asked the question, Matt wouldn't have actually pulled back a little bit; because he -- I think he didn't realize what it was sounding like.

And so now, we've got a very important question clarified, and you guys made a fantastic case. And I think we should do what our attorney recommended -- recommends.

THE CHAIR: Any other -- Commissioner Gipson?

COMMISSIONER GIPSON: I certainly agree on the rescinding. But I think there is an outside
issue of a clarity on giving notice. I think we have to take a greater look at that.

THE CHAIR: I thought we did.

COMMISSIONER GIPSON: I know. I know.

But obviously, there's a black hole there; so that that's only fair to -- to all parties involved that there be reasonable notice, and that you're made aware that there's -- so that, I think we need to look at that.

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I concur with Ms. Gipson. And I also -- this is just a general comment and not specific to you at all. But it seems that numerous schools have issues with special ed. And I don't know, like -- they've been there from three years or whatever, three or four years. And I'm almost -- and I hate to say this to you, Julie, because it's, like, let me give you one more thing to do -- but it's almost like the special ed was just like the biggy -- it's a biggy even finding teachers; it's a biggy even because it's a federal program -- at least the disability -- not so much the GATE -- but that somehow, when we are looking at these schools, somehow like within the first month that they're in operation, maybe we need to see if
they actually have special ed there; because if they
go for years, which they have -- which MAS has --
that doesn't seem as expeditiously -- how do I want
to say that? -- it's just -- it just seems like why
are we waiting three years to find this out, in a
sense? You know what I mean?

And we've had the whole thing with the
special ed in other schools, more on the disability
area. So I don't know how to do that. But somehow
it seems like when we look at any school, we should
be looking to see if that special ed part is there,
because it's a pretty huge part of the -- of
everything.

And I don't know how to do that. And I'm
so sorry, Julie, to say that to you, because --

MS. POULOS: Commissioner Armbruster,
Commissioners, we have -- and I believe it was
mentioned at the last meeting, but I'm not quite
sure so, I just want to reiterate if it was, or
mention it if it wasn't. CSD is planning to -- to
implement a new first-year monitoring protocol,
which would include visiting the school within the
first month of operation to ensure everything is
going smoothly, that everything is looking good and
that all of those important things are in place.
And so that will be happening. And probably in October, we will be bringing a report to the Commissioners so that they know how those visits went and providing notice to the school after the visit about any findings, giving them an opportunity to take care of those, so that we can move them forward expeditiously and with notice and in the proper ways.

COMMISSIONER ARMBRUSTER: And one more thing -- and I don't know how to do this, either. I'm sure it's way above my pay grade. But, you know, there's levels of concern and Schools of Concern and -- Schools of Concern.

And I'm not sure how to -- it's a language thing. It's not an issue; it's a language thing. And I'm looking at what you gave us that was on my thing here. But I can understand that if I were a parent at any school, and I read, "Oh, my gosh. My school is a School of Concern," that it might alarm me. So I don't know how -- I don't have the answer to that. I'd love to just give it to you.

MS. POULOS: Actually, on my notes here on action steps out of this meeting, one of those is some communication with Mr. Granata, and then a memo of some sort out of his office or mine of how CSD
thinks we should be using these, and how we're using them as a statutory basis for what we're doing moving forward. So I'll certainly plan to bring that to the Commissioners at the next meeting so that we can take care of that concern quickly, also.

COMMISSIONER ARMBRUSTER: Thank you.

THE CHAIR: Commissioners, you've heard the recommendation from our attorney. What I'm hearing said around the table -- it seemed like everyone thinks that is the direction we need to go, unless someone has a different idea and also will bring that forward now.

I think it's time for a motion that we do that, and let's take action on this issue and bring it to closure at this point.

Would anyone care to make that motion?

Commissioner Bergman?

Commissioner Gipson?

COMMISSIONER GIPSON: Madam Chair, I move to rescind the June 19th, 2015, decision of the Public Education Commission to require Mission Achievement and Success to complete a corrective action plan.

THE CHAIR: Josh, is that sufficient?

MR. GRANATA: That's great.
THE CHAIR: You've heard the motion. Do we have a second?

COMMISSIONER ARMBRUSTER: (Indicates.)

THE CHAIR: Motion by Commissioner Gipson, second by Commissioner Armbruster, as noted on the official record.

Is there further discussion?

COMMISSIONER TOULOUSE: Madam Chair, remember, I'm recusing from this?

THE CHAIR: All right.

COMMISSIONER GIPSON: Six degrees of separation.

THE CHAIR: Hearing no further discussion, knowing that Commissioner Toulouse is not going to vote on this issue, Commissioner Bergman, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER BERGMAN: Commissioner
Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Commissioner

Toulouse abstains.

Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Commissioner

Bergman votes "Yes."

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Madam Chair, that

is a seven-to-zero vote, with one abstention, in

favor of that motion.

THE CHAIR: Thank you very much. The

motion passes. We will monitor this and keep in

close contact and see where legal takes us. Thank

you very much.

MS. MYERS: Thank you.

MR. LANGSTON: Thank you.

THE CHAIR: Commissioners, let's take

lunch. I'm hearing that said. How long do we want?

An hour? Thirty minutes?

COMMISSIONER TOULOUSE: Forty-five.

COMMISSIONER BERGMAN: Let's do 45. Be

back at 12:15 or something.
THE CHAIR: 12:15?

COMMISSIONER BERGMAN: Or 1:15.

THE CHAIR: We'll be back at 1:15. We're in recess.

(A recess was taken at 12:24 p.m., and reconvened at 1:16 p.m., as follows:)

THE CHAIR: Ladies and gentlemen, we are back in session. We are at Item -- Agenda Item 7B, which is Anthony Charter School.

Katie?

MS. POULOS: Madam Chairwoman, Commissioners, Anthony Charter School is on the agenda, not as a School of Concern, but simply as an agenda item.

This was a school that the PEC voted not to renew at the December 10th, 2014, Commission meeting.

On May 8th, Judge Mathew granted a stay to Anthony Charter School pending the appeal that was a stay of the closure. The effect of the stay was that the school would not be closed until the appeal was resolved.

PED Office of General Counsel is communicating with the charter school and their counsel, and CSD does not have any additional update
at this time.

THE CHAIR: Thank you for that. Any questions?

All right. Let's move on to Item C, Notice of Charters Looking for a New Facility. And I know you have one, which is Taos Integrated School of the Arts.

MS. POULOS: And there are no other updates, besides that school is looking for a facility.

THE CHAIR: They're just looking.

MS. POULOS: That's correct.


MS. POULOS: So on this report, we wanted to give the Commissioners an update on the new application process. Applications were received on July 1st. Our application reviewer teams, which include internal CSD staff, external business managers, and external educators, are in the process of reviewing those applications, preparing -- they've reviewed them individually. They are coming to a team consensus on their evaluations of those written applications, and they will be preparing for the capacity interviews, which will be taking place,
I believe, next week and the week after, the week of the 27th and maybe the first week of August.

In your materials, CSD has provided the Commissioners with a draft new application time line that includes some of the important dates for the Commissioners to be aware of. That includes the submission deadline, the distribution of the new applications to the Commissioners, the dates of the capacity interviews, the date that the preliminary analysis will be provided to both the PEC and to the applicants, the date of community input hearings, the date the final analysis and recommendations will be provided to the PEC, and the date of the PEC hearings.

I believe the Commissioners felt that this was an important part of the process that they needed to approve these dates. Specifically, I think, the ones that were not previously approved as part of the new application packet approval are the dates of the preliminary analysis and the final analysis. All other dates were previously part of that. And language is provided for the Commissioners on Page 8 of Item 7 to approve that time line.

The other piece that I wanted to provide
the Commissioners is an update on the dates of the
community input hearings. I have worked with
Commissioner Bergman and the Executive Committee to
provide dates for those hearings. Currently, the
proposed schedule is that on Monday, August 18th, we
would --

THE CHAIR: 17th, Katie.

MS. POULOS: I'm sorry. August 17th, the
Commissioners would hold two public hearings, one in
Gallup and one in Grants or Laguna. The next day,
Tuesday, August 18th, there would be three hearings
in Albuquerque. On Wednesday, August 19th, there
would be the PEC meeting, as well as potentially
negotiations on frameworks that needed to be
renegotiated.

Then on Thursday, August 20th, there would
be two hearings, one in the morning in Deming, one
in the afternoon in Silver City.

And then on Friday, August 21st, another
one in Deming.

COMMISSIONER GIPSON: So we have two in
Deming?

MS. POULOS: Yes, there are two schools
that are proposing to be located in the Deming
school district. And so both of those hearings
would be held in Deming, for purposes of location, travel, as well as having a good site to hold a hearing.

COMMISSIONER BERGMAN: They will be on different days, though.

COMMISSIONER GIPSON: Right.

COMMISSIONER BERGMAN: We'll have one in the morning in Deming. And then we'll drive to Silver City -- I understand it's about an hour and 15-minute drive. We'll do that one in the afternoon, come back. That way we can all leave from Deming in the morning and can all leave from there. That's why we did it that way.

THE CHAIR: Just a couple of notes that I have. This document of August the 17th, the week of August 17th, for the input hearings trip, is still in the works, because locations have to be found for all these hearings, hotels suggested, where called by the staff may get a special rate on rooms, and we need to know that.

We also need to know which Commissioners plan to attend which hearings. We need to have at least three Commissioners at each and every hearing. If we have more than that, that's fine. We can have a quorum. We can have everybody there.
So we need to know that. So if you would
communicate that with Beverly, to let her know which
hearings you plan to attend, which days, and then
we'll get the rest of the information with Katie,
and we'll put that all together, we'll work through
Katie and Beverly on that.

MS. POULOS: And, Commissioner, to
facilitate the other Commissioners being able to
determine whether or not they want to participate,
would you like me to send out a preliminary schedule
with the school names, school districts, and the
location, city-wise? Not exact address?

COMMISSIONER BERGMAN: Once you have all
the venues, please.

MS. POULOS: Should we do it before we
have the venue? Because we have the cities.

COMMISSIONER ARMBRUSTER: Just what you
have would be nice.

THE CHAIR: I think that would be a good
idea. But, like "Grants/Laguna" is not definite
enough.

MS. POULOS: And that one, I will actually
have an address, because the school -- it will
potentially be the location where the school is
proposing to be located. So I've got that.
COMMISSIONER BERGMAN: I think it's going
to be on the Laguna Pueblo. It's not really going
to be in Grants.

THE CHAIR: Yeah. The more information we
get so that everyone can make informed decisions,
the better off we'll be. But just remember, we've
got to have at least three people at every hearing;
so please try to arrange your schedules.

Commissioner?

COMMISSIONER CONYERS: How much advance
notice do you need whether we will be there or not?

THE CHAIR: If we get in a tight spot
where we don't have three, I'll start calling. But
other than that, you know, you can tell us at the
last minute that you're going to show up.

COMMISSIONER CONYERS: As I mentioned, I'm
subject to jury duty the month of August; so I won't
know.

THE CHAIR: If you will be in addition to
the three, that will be great. But it's not -- so
this information will be coming probably more than
once.

The other thing we do need to formally
adopt is time frame. We do that every year so that
the dates are pretty well formalized so that
everybody knows when stuff's going to happen.

So you got the draft of the new
application, time line for 2015, in front of you.
If someone would like to make a motion to approve or
accept this, I'd appreciate it.

Commissioner Chavez?

COMMISSIONER CHAVEZ: I'll make the
motion. I move that we accept the time line, as
it's laid out in the draft document.

THE CHAIR: Thank you. Do we have a
second to Commissioner Chavez' motion?

COMMISSIONER CARR: Second.

THE CHAIR: Motion by Commissioner Chavez,
second by Commissioner Carr, to approve the new
application time line draft for 2015, as presented.

Any discussion?

All those in favor, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Anyone opposed, please say
"No."

(No response.)

THE CHAIR: Okay. This is our calendar
for the remainder of this cycle.

Is there anything else -- oh, I know. One
other thing, kind of just a housekeeping thing.
Katie, I have the script for the hearings that the Chair always reads and goes by. But we will need handouts and a sign-up sheet for each one of those hearings. The sign-up sheet is for people who want to speak.

And I believe Linda Olivas did that last year, so she probably has it. And then the handouts are for people to pick up that have contact information if they want to send in further information after the hearing. It has the website address and so on; and I believe Linda also has that.

But we need both of those for both -- for all the hearings.

Commissioner?

COMMISSIONER BERGMAN: Since the Chair mentioned the script, these are scripted. They're scheduled to last 90 minutes. They run on a time line, just like when we vote on the applications and stuff. They sometimes do run over -- a few have run over -- it depends on how many questions we, as Commissioners -- sometimes we ask a lot of questions; sometimes we don't. It just varies from group to group.

But you can normally figure about an hour
and a half, and then we schedule about a half an
hour in between, if they're in the same location.
That's the way it works. I wanted the new
Commissioners to know that.

COMMISSIONER ARMBRUSTER: But we get to
eat, too?

COMMISSIONER CARR: Didn't used to.

THE CHAIR: Okay. Then let's move on to
Item No. 8, Discussion and Possible Action on
Katie, I'm going to defer to you on this one.

MS. POULOS: Madam Chair, Commissioners,
the table in your materials, on Page 1 of Item 8,
identify the application submissions that CSD
received on July 1st. It provides information
regarding the application process benchmarks for
each of the submissions.

CSD received nine submissions on July 1st.
Eight of those submissions, as you'll see in that
table in your materials, met the requirements of
submission -- of notice of intent to apply to both
the Commission, and then providing evidence to CSD
of that same notice to the school district in which
they intended to be located, prior to the statutory
deadline of the second Tuesday of January, which
this year, was January 13th.

Eight of those schools also complied with
the statement that's on Page 5 of the Part A of the
new charter school application kit that states,
"Attendance at technical assistance workshops are
mandatory for new applicants."

Those technical assistance workshops were
provided in March, April, and May.

One of those applicants -- I'm sorry.
Aside from those eight applicants, there was one
additional applicant. That applicant did not meet
those two requirements; rather, on July 1st,
submitted a notice of intent to apply to the Charter
Schools Division. The Charter Schools Division has
not received notice of proof of the district notice.
And that submission, the individuals on that
submission did not attend the technical assistance
trainings as required, again, on -- in that
statement on Page 5 of Part A of the new application
kit.

CSD is presenting these applications to
the Commission for their acceptance of the
submissions or their rejection of those submissions.
The first eight, again, met those requirements. And
then CSD is leaving to the Commissioners whether to accept or reject all of those; but wanted to identify the difference between the first eight and that ninth one that was identified.

Would you like me to read through the names?

THE CHAIR: Please read through the names of those schools that you are recommending for acceptance.

MS. POULOS: So the eight that met all of the requirements, as identified in this table, are Academic Opportunities Academy, Columbus Community School, Desert Willow School, Entrepreneurship High School, Six Directions Indigenous School, which was formerly identified as Gallup Intertribal Community School. New Mexico Gateway Academy, SAHQ Academy, and the STEAM Academy, which was formerly identified as -- and I'm going to mess this up -- Kawaik'a High School of Tradition and Technology.

COMMISSIONER CARR: Not bad.

MS. POULOS: The applicant that did not meet the requirements, as identified previously, is Southwest Institute of Science and Health. I believe there may be representatives from that entity here today.
THE CHAIR: Commissioners, I would recommend that we first direct your attention to those schools that -- or those applicants that have been recommended for acceptance by the Director.

COMMISSIONER ARMBRUSTER: Can I just get a clarification on one -- on one point? So when it says -- on these two -- one's STEAM and one's the Six Directions, like, they are schools now, and they're just changing their names, or they're not --

THE CHAIR: They would not be on this list unless they are a brand new application for a brand new school.

COMMISSIONER ARMBRUSTER: Oh, I see.

Thank you.

MS. POULOS: They're applicants who between -- during the time between January and the submission, have been the same individuals -- have been the same -- all the material information has been the same. Simply, the proposed name has changed; but we wanted to make sure both of those names were identified.

COMMISSIONER ARMBRUSTER: Thank you.

THE CHAIR: You've heard the recommendation, Commissioners. Do you have any discussions or questions on the ones being
recommended for acceptance?

Hearing none, the Chair would entertain a motion on those named schools.

Commissioner Bergman?

COMMISSIONER BERGMAN: (indicates.)

COMMISSIONER GIPSON: The man of few words.

COMMISSIONER BERGMAN: Thank you, Madam Chair.

Madam Chair, I would move that the -- my brain just went south. Yeah, it's not that -- I'll start over.

Madam Chair, I move that the Public Education Commission accept the applications of the following prospective charter schools: Academic Opportunities Academy, Columbus Community School, Desert Willow School, Entrepreneurship High School, Six Directions Indigenous School, New Mexico Gateway Academy, SAHQ Academy, and The STEAM Academy.

THE CHAIR: Thank you. You've heard the motion. Do we have a second?

COMMISSIONER CARR: Second.

THE CHAIR: Motion by Commissioner Bergman, seconded by Commissioner Carr, to accept the applications of the named schools.
Is there any discussion?

Commissioner Bergman, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER BERGMAN: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Madam Chair, that
is an eight-to-zero vote in favor of that motion.

THE CHAIR: Thank you. The motion passes unanimously.

Now, we'll take up the Southwest Institute of Science and Health. If there's anyone here representing that application that would like to come to the table, you're welcome to do so.

Katie, does CSD have anything else?

MS. POULOS: Other than the information provided, CSD does not have any additional information.

THE CHAIR: Thank you. If you all would please identify yourselves?

MR. MONTAÑO: Madam Chair, Honorary Commissioners, my name is Jacob Montaño, and I am -- Jacob Montaño. And I am one of the founders for the Southwest Institute of Science and Health.

MR. IVEY-SOTO: Madam Chair, Commissioners, Daniel Ivey-Soto, counsel for Southwest Institute of Science and Health, also known as SWISH.

THE CHAIR: Okay. Do you have a statement, or are you standing for questions?

MR. IVEY-SOTO: I have a couple of things I'd like to say, if we may, on behalf of the school.
And before I do, to lessen any confusion between another school that existed until recently in the Santa Teresa area and this school, I am going to do my best to refrain from using the term "we," so that it's clear who one is speaking of.

The other thing is, I do just want to point out that I recognize that sometimes I get a little excited when testifying. And -- and I have -- I'm not intending any disrespect by that. And I have learned that I have an instant -- a meter, if I look over at Commissioner Toulouse, who will let me know to lower my voice.

When I was a department chair at Manzano High School, there was a request by the -- by the parents to change final exams from being over two days to being over three days. And -- and the school restructuring council considered that request. And I also sat on the school restructuring council as the representative of the National Federation of Teachers. And we worked out all of the problems.

There were issues with the bus schedule; we worked those out. There was issues with funding; the parents raised the money. There were issues with the contract, which were resolved, in order to
allow this to happen. And in the end, the school administration at Manzano just looked at us at the end and said, "You know what? We're just not going to do this."

I recognize that "won't" is a higher burden to overcome than "can't." Nonetheless, I would like to see if we can do that here, understanding the hurdle that we have to overcome, which was expressed most recently by the fact that you just -- just adopted a final schedule of visitations that did not include our community.

The -- so the first issue is, I think -- now, let me try to dispose of this -- is that -- is attendance at the technical meetings. That is not, as a matter of law, a requirement. That is, as a matter of policy, a requirement. But attendance at those technical meetings does not exist in statute and does not exist in administrative rule. So that is -- so our failure to do that did not violate any law and is not an impediment to the consideration of the application, even if it may have violated a policy of what is preferred.

So then the question becomes why did we not file the notice of intent to have a charter school back in January, and why did -- why did
SWISH -- excuse me -- not file a notice of intent to have a charter school back in January, and under what circumstances could this Commission choose to accept that without opening the floodgates and undoing the -- that expectation?

And I refer to it as an expectation, because what the law says in 22-8B-6B, is it does say -- in fact, the first sentence -- "No later than the second Tuesday of January of the year in which an application will be filed, the organizers of a proposed charter school shall..." -- used the word "shall" -- "...provide written notice to the Commission and the school district in which the charter school is proposed to be located of their intent to establish a charter school." period.

Now, if that were of the entire paragraph, we wouldn't even be sitting here right now. But there's one more sentence. That second sentence says, "Failure to notify may result in an application not being accepted."

So -- so when the Legislature adopted this, there was a definite "may" placed in there, which gives this Commission the authority to accept.

Now, why did SWISH not file a notice of intent? SWISH seeks to be a medical arts-themed
high school in the Santa Teresa area. The reason why is, in January of 2015, Health Sciences Academy did exist. Health Sciences Academy was a medical arts-themed high school in the Santa Teresa area. Health Sciences Academy had no notice that it might not exist until April. That creates what is known as the "Doctrine of Impossibility"; it was otherwise impossible to do -- to have complied then.

So then we go to the question of what is the purpose of the notice of intent? The purpose of the notice of intent, on the one hand, offers a nice box on a form that, if not filled in, means the form should be rejected. What else does the notice of intent provide? I think functionally, what the notice of intent provides is it gives a clue to this Commission that people who submit an application in July -- at some point during June or by July 1st -- actually were thinking about what it means to run a charter school.

They didn't wake up one morning and say, "Oh, I think we should get in the charter school business"; but instead, they were actually thinking about what it means to run a charter school.

In the case of SWISH, the people involved with SWISH know what it means to run a charter
school. The reason the people involved with SWISH
know what it means to run a charter school is
because many of the people involved with SWISH,
candidly, were involved with Health Sciences
Academy.

Now, this Commission made a decision at
its last meeting, at the special meeting, to revoke
the charter of Health Sciences Academy. And Health
Sciences Academy has the opportunity, if it wants
to, to file an appeal.

Health Sciences Academy, frankly was
problematic from day one. We recognize that. Some
of the founders of Health Sciences Academy -- and
forgive me for speaking bluntly -- were corrupt and
engaged in corrupt practices. And for all the work
that the Health Sciences Academy community did after
the April of 2017 [verbatim], between April and
June, to try to rectify that situation, to try to
clean up what happened, at the end of the day, it
wasn't enough, because at the end of the day, this
Commission, on a five-four vote, felt that a
statement needs to be made that if -- if -- at least
that's how I interpreted it -- that if a school
engages in certain practices, that school shall not
exist.
Understood.

Like I said, Health Sciences has the opportunity to appeal. The people who are focused on the children that were involved in Health Sciences Academy made the decision, instead of trying to relitigate the past, we would like to build the future. We would like to create a new school, the Southwest Institute for Science and Health, SWISH. And so those people got together -- and this happened, actually, I will tell you, after the last governing council meeting that took place of Health Sciences Academy, before it went out of existence.

And at that last governing council meeting, there were over 90 members of the community who showed up. Now, those of you who have served on school boards, how often do 90 people show up to a school board meeting? And those people showed up begging for an opportunity, an educational option, in that community.

Faced with the choice of relitigate the past or building the future, we have so far made the decision that we want to build the future. And, thus, Health Sciences Academy has not, to date, filed a notice of appeal. But the Southwest
Institute of Science and Health has filed an application to become a charter school.

Now, one of the issues that came up, not -- in the hearing was the disruption of the education of 15 students who enrolled from Texas. This is -- I will -- well, I won't. I understand the concern that came to putting that in. But please recognize that closing the school -- even if the school needed to be closed, closing the school, Health Sciences Academy, has disrupted the education of 200 families.

And there are times you need to close a school; I understand. But what SWISH is asking for is the opportunity to lessen the disruption to those children's education, after a year, to have the opportunity to come back and provide the education that these families are so excited about and so desperate for.

It's interesting, the -- the -- the real -- I mean, I suppose, winner at this point, as far as we have been informed, is Connections Academy, because the families down there have made a decision. They're not going back to Gadsden. It's not a decision we've advised on. It's a decision they've informed us about. And they're seeking
another opportunity. And lacking a school in their community, they're looking for an online opportunity.

We'd like for them to have a real education with real classroom experience, not an online education experience. And that's what we want to provide for them: SWISH.

Let me answer a few issues that I have heard, either directly or indirectly.

There are some members -- not all members -- we have actually two Ph.D.'s on our proposed board, one who works at Doña Ana Community College, the other one that works at NMSU. There are some members of the governing council proposed that are holdovers from the governing council of HSA.

First of all, that is a matter that could be negotiated if this charter application were to be considered. But I will also tell you that those are the most cynical people on any decision that comes up. Those people don't take anyone's word for anything. They're not trusting of anyone at this point because of what happened to the Health Sciences Academy. Those are actually the people you want there.
Second of all, I -- other than my work and the work of Abby Lewis, everyone involved with this school, proposed school, SWISH, is in Doña Ana County, every single person. There is no one from outside that community who is working on this.

There was a question that came up a couple of meetings ago in another context about, "So how do people get paid as these things happen," certainly, in terms of appeals and this kind of stuff, and, "Does it come out of SEG, et cetera?"

I will have you know that right now, there is no money for everyone. Everyone is a volunteer, and that includes the lawyers.

There is a big difference between sitting out for one year and sitting out for two years. And the big difference between sitting out for one year versus two years is the disruption, though it may be necessary, to children's education is exacerbated by having a two-year hiatus of educational options versus a one-year hiatus of educational options.

Second, there are some practical considerations in terms of -- of the fact that there is a building that is E-rated, and that they're -- given the real estate market, in one year, it may be possible to reacquire that facility in a fresh
lease; in two years, it will not be.

There is furniture that the PED is sitting on from HSA that they will have to redistribute. If there is the possibility of this school existing, SWISH, existing in that same community, it may be possible for SWISH, at an appropriate cost, to acquire that from PED, but at less than what the cost would be retail to repurchase everything brand new.

The distinctions between one year and two years are significant. But the main distinction goes back to children. This is child-centered. This is -- I understand the adult problems that led to the need, felt need of this Commission to close the -- close HSA. And that message has been sent, and that action has been taken. The question is what of the children and what of their education?

And you have a core group of people who are committed, who want to look at that issue and to -- and to be able to address it.

Finally, how are you not opening the floodgates? What makes us so unique?

Well, one thing that makes this group unique, SWISH, is that the core group involved with SWISH is the same core group that when they came
before this Commission as HSA in a hearing, did not deny, did not deflect, but admitted, the wrongdoing that had happened. That is unique, people who are able to look in the mirror and say, "We understand the problem."

Second of all, these are people who worked, that this Commission has seen, did the work they did between April and June -- although it was not sufficient -- to get that school into compliance.

So that's where you're not opening the floodgates. There's a uniqueness about that that allows this Commission to make that decision without committing yourself to other people.

But like I said, in the end, what we're trying to do is to build a future for these students and these families who have placed their trust in the education that they thought they were going to receive, that they were promised to receive, and they're not able to receive because adults behaved badly, and which we now, SWISH, would now like to fulfill that program.

Thank you.

THE CHAIR: Thank you.

Commissioner Bergman?
COMMISSIONER BERGMAN: I don't jump -- but I would like to clarify something that Mr. Ivey-Soto said at the beginning. The vote that we took was not on the hearing schedule. We have a time line that we follow each year that runs from now through the end of September. And that sets all the dates that CSD is going to give us various pieces of information. That did not include that hearing schedule. So we did not vote on that.

That -- so you have -- nobody's been excluded from that hearing schedule yet.

MR. IVEY-SOTO: Okay. And I appreciate that clarification. From the back seats, that was not evident.

COMMISSIONER BERGMAN: I wanted to clarify that. That was not what we voted on.

Thank you, Madam Chair.

THE CHAIR: Okay. Let's call on Josh next, please.

MR. GRANATA: Madam Chair, Commissioners, I'm going to -- I've already explained to the Commission, through a memo, some of the law that the Commission needs to consider. I'll just kind of briefly go over the portions that I think are relevant for this discussion.
I think what Mr. Soto has outlined is very accurate in terms of what the law is.

The Charter School Act, Section 22-8B-6 Subsection B, states that, "No later than the second Tuesday of January of the year in which the application shall be filed, the organizers of a proposed charter school shall provide written notification to the Commission and the school district in which the charter school is proposed to be located of their intent to establish a charter school. Failure to notify may result in an application not being accepted."

And the important word for you to consider is the word "may." The Legislature gives this Commission discretion, so that if the notice of intent is not timely filed, there may be circumstances where the Commission will still accept that notice of intent.

The rule that was promulgated pursuant to that statute essentially copies that paragraph B. It's reflected in NMAC 6.80.4.1. It's called, "Notice of Intent to Establish a Charter School." It's listed as subsection C, and it basically says the same thing, except at the very end of the sentence, at the end, "Failure to provide timely..."
notification may..." -- again, the same word -- "...result in an application being rejected, unless the organizers can demonstrate good cause why timely notification was not given."

And so your task today is to determine whether or not the reasons that were elicited by Mr. Soto are good reasons, or good cause, for why the notification wasn't timely.

THE CHAIR: Okay. Thank you.

Commissioners, do you have comments?

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I -- as all of you probably know, I'm going to find what Mr. Ivey-Soto said probative for me in making decisions. I think he lined up most of the things -- because I have been concerned from the very beginning what's happening to 200 kids. But I would also like to ask for some information from Mr. Montaño about Gadsden Schools. What kind of career-technical education would these young people have available to them, as opposed to what they're losing now if they went back to those schools?

Because my impression is this school gave them hope of being educated for a job where they didn't feel they were going to get it. But am I
correct?

MR. MONTAÑO: Madam Chair, Honorary Commissioner, yes, ma'am, you are correct. I've been a -- or I was formerly administrator for the Gadsden Independent School District for approximately 12-and-a-half years before moving over to the charter side of the world in January of this last year at what's formerly known as the Health Sciences Academy.

What the Academy offered were career pathways and next steps, if you will, for students interested in the medical and health fields, from EMTs to nursing assistants to biomedical engineering, so on and so forth.

The Gadsden Independent School District, to my knowledge, does not offer that same type of career pathway. They do -- and I'm not speaking badly of the district for which I proudly served, and it's a great place to be -- but they do offer different pathways. But those pathways are very, let's say -- I want to say genuine, but not really. They're pretty much all the same for the students that attend there.

Specific to health, no, ma'am, there is not -- not to my knowledge.
COMMISSIONER TOULOUSE: Thank you. My point on asking that question had to do with the fact that, first, number one, we heard from the Carl Perkins folks today. They were having trouble getting kids into the health care -- young males into the health care. I mean, to me this is an issue.

But I'm not criticizing public schools. But I know that charter schools were set up to meet needs that are not met generally or not met in a specific way in a regular, large public school. And so it seems to me that my support for this school is -- because this does offer a hope for these people.

I spent 30 years in the Human Services Department. I know where these kids and their families are coming from. And I know what it can do when you offer them hope. I see that at Cesar Chavez High School in Albuquerque. I saw that when I was on the CNM Board, and people coming in there.

And I just hate to cut off an option for young people again. I don't -- as I said to another school earlier, "I don't care about the adults. I care about the kids."

When I worked in Human Services, I got in
trouble with my bosses a lot, because I'd say, "I don't care what this does for you folks in Santa Fe, if it makes it easier for someone in Santa Fe. If it's making it harder for my employees on the line and for the people whose benefits we're dealing with, then my job is to deal for those clients of the programs and for the frontline people who are delivering that service."

And I just feel like we have another chance; because I know -- we all know there were problems. I think that we probably made a huge mistake last summer when we had an emergency meeting and allowed that school to open when they had not been -- had everything lined up in their June meeting. We held a meeting on June 30th to do it. We made a mistake.

But I think we've closed the school. If the school's not going to appeal, then we've handled that problem.

I just -- I think these kids need another chance.

MR. MONTAÑO: If I may, Madam Chair, Honorary Commissioner, and to further support your point exactly, I returned -- we just had a rally where the parents of the school just had a rally
this last Wednesday at 7:00 across from the school in an open desert area. And they showed their support by signs to keep the school open; but more so that something like that was actually needed in that community and in that area.

And I implore you -- and I think I've asked you before, where I've invited you to please come down to that area, come and see where we're at, see the demographics. See where we're located. Give us an opportunity.

You know, since April 17th up until the last time I was here -- and I'm sure you're probably getting tired of seeing me; I look very familiar to you by now -- you know, it always seems like we've been one step behind with everything. And I've worked so hard since the time I got to the charter in cooperating, not only with the Public Education Department and the CSD, the Charter Schools Division, but also in coming here and visiting with you all and representing the school, and not going away.

I'm not going away now, either. That's how important it is. And I would just ask for your consideration in regards to at least -- you know, given the circumstances -- and we all know what the
circumstances were -- and believe me, if I would have known that some of the things going to happen would have happened, of course, I would have followed those time lines with the things that you have in place.

But I don't care to rehash what's in the past, but just to move forward and to offer something to a special group of students and a special community. Something like that is very, very, very much needed, I assure you.

Thank you.

THE CHAIR: Mr. Montaño, let me ask you a question. I know this school, because of your involvement, the people that are holdovers on the governance council and so on and so forth, there's a close -- there's a group of people involved in this that are very interested.

How many of the people from HSA would move over and be employed by SWISH? Would you, for example, be employed by SWISH?

MR. MONTAÑO: Yes, ma'am. I would be honored if they would have me, of course.

THE CHAIR: And what about others?

MR. MONTAÑO: Yes, ma'am.

MR. IVEY-SOTO: Melanie Beegle, and we
don't know beyond that.

MR. MONTAÑO: Melanie Beegle, ma'am, was my administrative assistant. And I really don't know beyond that. Due to the circumstances of our last meeting -- well, I had to let some people go, and rightly so. They needed to find jobs, ma'am.

THE CHAIR: But do you see them -- should SWISH be approved, you would expect them to come over and be -- at least apply and probably be employed?

MR. MONTAÑO: Oh, yes, ma'am, most assuredly.

THE CHAIR: Okay. Are you aware that there is -- I can't find it now. Help me find it, what I'm referring to. "The proposed head administrator or other administrative or fiscal staff was involved in another charter school whose charter was denied or revoked for fiscal management or the proposed head administrator or other administrators or fiscal staff were discharged from the public school for fiscal mismanagement," that is one of the reasons why the application could be denied? We're not talking about denying.

MR. MONTAÑO: Right.

THE CHAIR: But I am simply saying, should
that application go forward, those people cannot be part of the school, could not be part of that proposal, the way I read the law.

MR. IVEY-SOTO: Chair Shearman, what we read in that is that is a cause for denying the application.

THE CHAIR: That's what I said.

MR. IVEY-SOTO: And we do agree that that would be cause for denying the application. And -- and if, in the negotiations, that were a sticking point, we would certainly respect the position of the Commission on that matter in terms of either finding a different head administrator, if the Commission were not comfortable with -- with a holdover head administrator, or -- or a denial of the application outright.

That is -- but that is -- so, yes, we are aware of that. And -- and frankly, the feedback that we have gotten from -- as HSA was going through the -- through the process of leading up to the hearing, the feedback that HSA got with regard -- from the PED with regard to Mr. Montaño was that -- was that his presence was one of the only reasons they were willing to even consider entering the stipulations, because of the work that he'd done.
Now, that is a different consideration that this Commission will have to make. And we recognize that. We recognize the Commission may, at some point, say, "You have a choice. Either Montaño is involved, and we're going to deny you, or Montaño is not involved, and we'll continue to consider this application."

We recognize that.

THE CHAIR: Were you aware of that, Mr. Montaño?

MR. MONTAÑO: I was not, Madam Chair. But, again, to me -- and only to me -- that's not important. What's important, of course, is the students. They come first.

THE CHAIR: Thank you.

MR. MONTAÑO: Thank you.

THE CHAIR: Commissioner Bergman, did you have a question?

COMMISSIONER BERGMAN: I didn't have a question. I just wanted to remind my fellow Commissioners, there were seven or eight groups that sent a notice of intent in January to this Commission. And unfortunately, they did not follow the statute, and they did not notify the local school district. And you remember, we discussed
that in a meeting earlier this year. And this
Commission did vote, and a letter was sent to every
one of those saying that because they did not follow
the statute, that they would not be allowed -- their
applications would not be accepted because they did
not follow the statute.

I just wanted to remind you of that.

Thank you, Madam Chair.

THE CHAIR: Thank you.

Katie, you had a comment?

COMMISSIONER GIPSON: Just -- I'm sorry,
no. You go ahead.

MS. POULOS: Madam Chair, Commissioners, I
wanted to clarify one thing on the point -- and this
is a little late in replying -- but on the point
that Mr. -- Commissioner Bergman made, but, also,
Mr. Ivey-Soto. With regards to the schedule for the
community input hearings, but also with regards to
the ongoing review of the applications, part of how
the CSD uses the notice of intent is to be able to
plan its work, its need for external reviewers and
those contracts.

And so since July 1st, CSD has gone
forward with the plan it was able to make prior to
that time, based on the notices of intent.
Certainly based on the Commission's decision, CSD will go forward, as appropriate, and will -- if the Commission accepts this application, will determine how to obtain the reviewers necessary and schedule the meetings necessary to -- to -- I'm sorry -- to review that -- that application, if it's accepted.

I think what CSD will need to do is seek some clarity from the Commissioners on how that timeline should work. It will be a challenge to -- for that to occur within the time limit all other applications are going through.

But CSD will seek that guidance from the Commissioners, if necessary, based on their vote.

THE CHAIR: Thank for you that.

Commissioner Gipson?

COMMISSIONER GIPSON: I'm very aware of the needs of the area. I have walked many a street through that area. So my concern is, I understand the need for choice; but I'm also concerned about a good choice.

And I'm concerned about the hurried nature of putting this together. I know several of us said that we would be very comfortable if you came back before us next spring. But that this -- to me, just seems like it's too much too soon.
And I had significant concerns outside of the administrative issues, that, with the previous school, for half the year, special ed services were not provided. And I -- and to me, that's not a good choice. And if we're going forward with the same -- virtually the same group, I have an issue with that, because if you're looking at choice, and you're looking at underserved, you're looking at a community with special ed students that are the most underserved.

And I have a deep concern over those that did -- were not provided the services for those past six months of the school.

THE CHAIR: Thank you, Commissioner.

Other comments or questions?

Commissioner Carr?

COMMISSIONER CARR: Does CSD have a recommendation on this?

THE CHAIR: Yes, they made it.

You already made it? Did I miss -- did I space it out?

MS. POULOS: I think CSD has given the information to the Commissioners with regards to those -- those deadlines. Ultimately, this is the Commission's authority to determine whether they
want to -- my mind's going blank on the word -- but exercise that authority to waive or not require the statutory requirements.

Additionally, CSD, you know, doesn't feel that they can necessarily make a recommendation on whether there was a finding of good cause on the part of the Commissioners or not for the delay in providing that notice of intent, ultimately.

I think your attorney would probably advise you that we can't make that recommendation of whether it was good cause or not.

COMMISSIONER CARR: Okay. I'd like to -- I mean, yeah, we can -- it may, in the statute. But I don't know if the floodgates still aren't going to be opened wide.

You made a convincing argument, Mr. Ivey-Soto. I -- and in fact, your whole presentation was excellent.

The -- I would say education is not being denied. There is a place for them to go. If that -- if that were the case, I would -- I wouldn't have voted to close the school in the first place, you know. But there is another place for them to go.

We always talk about putting children
first; and I do, too, you know. But there -- like I said last time, it's very -- you know, when children are involved, it makes everything that much more difficult, of course, and it makes it a tough decision, as always.

It's important that we show our children that people are held accountable. It's important that we -- you know, we had disruptions in our education all the time. And -- and it's never a good thing. You know, the worst disservice we do for our children is underfunding education, as we have been for the past 20 years.

The -- it -- I -- and here's the other issue, and you answer it. You can -- Mr. Ivey-Soto, you can answer that one for me.

How -- by putting in an application and you changing the name, how is that not just undermining our previous decision?

MR. IVEY-SOTO: I appreciate that question very much. And, actually, it ties into what Commissioner Gipson just raised, as well. And that is that there is a -- there is a -- first of all, there is a year where there is no school there. And along those lines, let me just pivot real quick.

Yes, putting together the application was
a little harried and somewhat rough, absolutely.

But we didn't ask to waive the planning year. We didn't ask to say, "Oh, just approve us, and we'll just come back with a different name in September," which would have been undermining the decision made by this Commission.

Instead, we said, "No, we want to use that planning year to make sure that we get this right. We want to use this planning year to make sure that -- that the school is properly planned, properly set up, in order so that -- so that there is no emergency meeting."

There is no last minute decision, "Are you ready to open or not?"

Because -- because this -- this is -- having a medical arts option, as was discussed by the Carl Perkins people who were here earlier today, is a vital component in making sure people can work their way out of their economic situation.

Now, how are we not just simply undermining the decision of this Commission because we didn't just simply turn around the next day and file an appeal, but instead, we said, "We'll take the year time-out; we'll come back as a different school"?
There are -- there is -- there are no
legal links between Health Sciences Academy and
SWISH. There's -- it's not a question of did you
cancel contracts. Health Sciences Academy, as a
legal entity, no longer exists, as we sit here
today. And instead -- and part of what's important
for children to understand is there's a consequence
for behavior. And part of what's also important for
children to understand is that that consequence
having been realized, there is still an opportunity
for self-actualization.

COMMISSIONER CARR: I'm done.

THE CHAIR: Okay. Thank you. Any other
comments?

Commissioner Ambruster?

COMMISSIONER ARMBRUSTER: Get James first.

THE CHAIR: I called on you.

COMMISSIONER ARMBRUSTER: I get to go. I
want a clarification, and then I do have a couple of
comments.

So if I'm understanding this correctly,
you are not reopening in August, or whenever school
starts. You're talking about 2016; correct?

MR. IVEY-SOTO: That's correct.

COMMISSIONER ARMBRUSTER: I was right. I
was right. Never mind. We were just discussing that. I wanted to clarify that.

And in the interim year, should that occur -- I mean parents -- we bad-mouth traditional schools here, because we're the charter school people. But at the same time, parents have power to talk to the school board and Gadsden, and say, "We want something done."

They do have that power. If you can get 90 people, to me, to go to a charter school hearing, or whatever the word would be, they can also go and make demands of the school board. They're elected people, and they've elected them.

Now, whether they chose to vote or not, I can't say. But they should have.

And I would say, too, that this Carl Perkins grant must be part of Gadsden already, because there's -- isn't that who they serve, those schools? I would hope that they would -- in the interim year, somehow we could get some of that going, because, of course, we all heard the presentation this morning.

My other concern is that it was not discussed at length -- but the scores. Even from --
that's out of the scope of this discussion.

COMMISSIONER ARMBRUSTER: Oh, okay.

THE CHAIR: Those scores were never a part
of the hearing --

COMMISSIONER ARMBRUSTER: Okay. I can
drop it.

THE CHAIR: -- and not part of the closure
of that school. So let's stay away from that, okay?

COMMISSIONER ARMBRUSTER: I'm done.

THE CHAIR: Okay. Thank you. You are?

COMMISSIONER ARMBRUSTER: Thank you.

THE CHAIR: Commissioner Conyers?

COMMISSIONER CONYERS: Yes. We've -- I
frequently find myself conflicted on these
situations. But we've addressed the -- the -- you
know, not filing the notice of intent. But there
were four other areas of, I guess we'd say,
noncompliance. And I'm guessing those are
important, or we wouldn't have those in there:
Notifying the district, and the training.

I know Katie -- or can someone address why
those are important, as well? I think I know,
but --

THE CHAIR: Well, the Commission decided
that the training was mandatory.
COMMISIONER CONYERS: Okay.

THE CHAIR: We voted on that.

MR. GRANATA: Let me address it.

THE CHAIR: Okay, Josh.

MR. GRANATA: Madam Chair, Commissioners, the portion of the statute which requires notification to the district is basically analogous to the notice of intent provided to the Commission. All of the deadlines are the same, and all of the discretion that the Commission has is the same. And so it's basically the same legal argument.

I just remind the Commission to -- if -- there are two proposed motions within your binders. The one to accept is obviously pretty straightforward. The one to deny is also straightforward.

But if the Commission does decide to deny accepting the application, what I would ask is that the Commissioners list the reasons why the organizers have not demonstrated good cause for not timely filing the notice of intent. That really is the central issue is whether or not the organizers have demonstrated good cause as to why they missed that January deadline.

So I just ask for some reasons explaining
how the organizers haven't shown good cause in that area.

THE CHAIR: All right. So further discussion?

MR. IVEY-SOTO: And, Madam Chair, also if I could just let the Commission know, we did, contemporaneous with sending the NOI with the application to the Commission, we did also send it to the Gadsden Schools, both by e-mail and by registered letter. And we do have their signed --

THE CHAIR: In July?

MR. IVEY-SOTO: Yes, correct.

COMMISSIONER TOULOUSE: Madam Chair, I just want to point out, too, is if we accept this, it doesn't come now. We're not reopening the school. We're not doing anything but saying they can present to us again.

Our real vote comes the end of September. And that -- my vote may not be the same then if we go ahead with this, because I want to hear then what the school does.

But I would like to give them that chance to present a whole new school to us so that we can actually take a vote on this. This is just the application. I know it adds one more hearing for
us; but other than that, we're not committing to
anything except to listen again.

THE CHAIR: I would just remind my fellow
Commissioners, though, we have set a precedent. We
did not accept those other applications that did not
comply with the rules of the notice. And if we
choose to do something different today, I think we'd
have to circle the wagons and reconsider those
others. I don't think we can handle one, one way
and one, another way. I don't.

Josh might have a different opinion on
that. But as Commissioner Bergman said, we did turn
down half a dozen or more because they did not
properly follow the process of the notice, the
requirements; so just -- just --

COMMISSIONER TOULOUSE: Madam Chair, there
wasn't good cause on those. There's good cause on
this one.

THE CHAIR: How do you know there is?

COMMISSIONER TOULOUSE: Well -- but they
could have come back at us with that, too.

THE CHAIR: One did, if you'll recall.

COMMISSIONER TOULOUSE: But it wasn't what
we considered good cause.

I think this one has enough good-cause
reasons. I know people have their minds made up, just like I do; but I just need to make my statement on -- no, on the record --

COMMISSIONER CARR: I don't.

COMMISSIONER TOULOUSE: I just --

THE CHAIR: I think Commissioner Chavez has been waiting a while.

COMMISSIONER CHAVEZ: Yeah. Thank you, Madam Chair.

You know, I -- some of the things that I'm going to say really have already been said. I think that -- you know, very convincing presentation. I think that, you know, I go back to January, when we denied those other applications because they didn't meet the criteria. And I have some grave concerns in terms of, you know, whether or not we are opening the floodgates, because if we do it for one, then we've got to do it for everybody; right?

I think the other piece, too, is that, you know, I looked up, you know, which schools are in the Gadsden School District; right? And there's a number of high schools in the different communities in that area; right?

And I don't know where the kids from your school are coming from. I'm assuming that they're
coming from the -- a wide area; right? Not just one particular geographic area in that -- in the Gadsden School District.

But I have to agree with some of the things that Commissioner Armbruster said in terms of if parents feel strongly about having a health sciences curriculum within a particular school, then maybe this is the opportunity for them to organize and ask that the school board create that kind of a curriculum in each of those schools.

I know that in one of the schools in that area -- and I don't remember which one it is -- but those kids also have an opportunity to get an Associate's of Arts degree from the community college. So I would assume they have an opportunity to also focus on health sciences.

So I'm not totally convinced that this is the only school that offers that kind of an opportunity.

I also think that, you know, for me, this is -- you know, maybe some of the folks are gone; not everybody's gone. So the school isn't necessarily a brand new school. You've changed the name. You've promised to do some things differently, and I think you will, because you've,
you know, learned that what you've done in the past
didn't work, and it had grave consequences.

But I think that, you know, opening the
floodgates and -- I think that creates a big problem
for us. It may not create a problem for you. But
it creates a big problem for us in terms of being
consistent and being fair.

THE CHAIR: Thank you, Commissioner.

Are we ready for a motion?

Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I move
that -- excuse me again -- pursuant to New Mexico
Statutes Annotated 22-8B-6B, the Public Education
Commission not accept the application for Southwest
Institute of Science and Health, which did not
follow the due process notification requirements of
the aforementioned statute, did not attend the
mandatory training, and have not demonstrated good
cause for not timely filing that notice of intent.

And I will read the statute.

"No later than the second Tuesday of
January of the year in which an application shall be
filed, the organizers of a proposed charter school
shall provide written notification to the Commission
and the school district in which the charter school
is proposed to be located of their intent to
establish a charter school. Failure to notify may
result in an application not being accepted."

Josh, is that sufficient?

MR. GRANATA: Madam Chair, Commissioner
Bergman, I would ask that you explain some of the
reasons that the Commission would find for not
finding that there was good cause.

COMMISSIONER BERGMAN: How do I explain
not finding a notice of intent. How do I explain?
How do you explain that? And not attending the
mandatory training? I'm not sure I follow.

MR. GRANATA: I guess the question is, the
school failed to submit the application in January.
They've explained some reasons why they failed to
submit -- or that notice, rather -- in January; and
so the reasons that the Commission has for finding
that their reasons aren't good cause.

COMMISSIONER BERGMAN: I think we'd better
take a five-minute break or something here. I think
we'd better have a short conversation about that.
I'm not sure what to say. I'm not sure how to
explain it. To me, it's self-explanatory.

COMMISSIONER TOULOUSE: Madam Chair? You
have to explain why you're considering they don't
have good cause. You can't just say, "They didn't
do it on time."

You have to say, because they gave you a
good cause presentation, why we don't accept that?
Isn't that correct, Mr. Granata?

MR. GRANATA: Madam Chair, Commissioners,
Commissioner Toulouse, that's correct.

If the Commissioners recall, during the
last -- when the Commission did not accept the
applications for these other schools that failed to
timely notify, each school put on a presentation and
tried to explain why they failed to notify, and the
Commission made their decision based on those --
based on the school's explanation.

And for each one of those, the Commission
found those schools did not have good cause. Those
schools knew the deadline and missed because of
various reasons. The Commission rejected it because
those schools did not have good cause.

Today, the organizers of the school have
explained to the Commission the reasons they failed
to timely file their notice of intent. So this
Commission needs to find -- at least explain on the
record, I would say -- why those reasons aren't
sufficient.
It's a tough position that this Commission is in. I understand that. I'm just trying to explain that this is what the law requires.

In terms of what the Secretary would look at, or a judge would look at in looking at the PEC's decision, if the PEC simply said that the school didn't have good cause, they need to say why it doesn't have good cause.

COMMISSIONER BERGMAN: I would then state that, one, we only had one school come to us of that group there. They appeared before -- one school. And they were -- and if I remember right, their reason was they were afraid that the local school district might retaliate against them for applying for a charter school.

We let them offer that. We still voted to not accept their application.

I don't know what other reason to offer for this, except that this group did not decide to send this application until this Commission revoked HSA, and then it became imperative that they file an application --

COMMISSIONER TOULOUSE: That's the reason.

COMMISSIONER BERGMAN: -- to try, as they have said themselves, to avoid that two-year gap.
They wanted just a one-year gap.

COMMISSIONER GIPSON: You just got it.

You just said the reason.

COMMISSIONER BERGMAN: Is that going to be sufficient, Josh?

THE CHAIR: We do not find that a compelling reason to accept their application.

COMMISSIONER BERGMAN: Do I need to word that in the motion? Is that what you're now saying?

MR. GRANATA: What I would suggest, Commissioner Bergman, is that the motion is already on the table. I would suggest that if there's a second, there's a second.

And then what the Commission can do is follow it with more discussion, and through that discussion elicit further reasons, and then perhaps adopt those reasons as the reasons why the organizers do not have good cause. And that would be part of the motion, as well.

COMMISSIONER BERGMAN: I guess we need a second, don't we?

THE CHAIR: We don't have a second yet.

You heard the motion from Commissioner Bergman. Do we have a second?

COMMISSIONER CHAVEZ: Second.
THE CHAIR: Commissioner Chavez? Thank you very much.

We have a motion by Commissioner Bergman, second by Commissioner Chavez.

Do we have further discussion?

COMMISSIONER BERGMAN: Do we have further, quote, reasons, unquote?

COMMISSIONER TOULOUSE: I have no reasons, so I can't give you any. I can just tell you what I think you needed to say.

THE CHAIR: Commissioner Carr?

COMMISSIONER CARR: A question came to my mind that might help other members, too. I don't know. I -- and I don't know if we've ever done that. Can -- is it possible to waive a planning year? Or is that too -- is that etched in stone? I'm trying to remember how the statute reads.

COMMISSIONER BERGMAN: You're talking about opening the barn door.

THE CHAIR: Please don't do that.

COMMISSIONER BERGMAN: They'll all ask to immediately start up in a month. Please. Yeah, please.

COMMISSIONER CARR: Yeah, I actually -- I think if we -- if they applied next year and --
THE CHAIR: But, Commissioner Carr, really, let's go back to the scope.

COMMISSIONER CARR: Am I getting too far off?

THE CHAIR: Let's look at the reason -- if you are thinking about the motion, what were the reasons that, in your mind, were not good cause?

COMMISSIONER CARR: I -- I have nothing. I have nothing further to offer on that.

THE CHAIR: Okay. May I say, the one thing -- the first thing that comes to my mind is the statement that the application -- the notice was not filed in a timely manner is that they didn't note there was a need for a school at that time.

I don't find that compelling for me to allow this application to be accepted.

Commissioner?

COMMISSIONER BERGMAN: I would just remind, Commissioner Gipson gave a perfectly good reason, the hurried nature of this application after the fact, after the revocation. It was done in less than a month.

COMMISSIONER GIPSON: Right.

COMMISSIONER BERGMAN: Normally -- that's one reason why the Legislature, I believe,
established the notice of intent the first week in January and then set the deadline for July 1st was to give these groups that six months to put together a quality application. So this certainly was a hurried application. That, in my mind, at least, would have some sway with me.

THE CHAIR: Do you agree with that, Commissioner?

COMMISSIONER GIPSON: I do.

THE CHAIR: Now, we have two reasons. Are you writing down --

COMMISSIONER BERGMAN: Not unless we make some more.

THE CHAIR: So far, we have noted two reasons. Josh, is that sufficient?

MR. GRANATA: (Consults with Chair.)

THE CHAIR: So, Commissioners, you've heard the two reasons that have been stated thus far; is that sufficient to you, or do others come to your mind?

Jeff, anything come to your mind?

COMMISSIONER CARR: I can't think of anything else.

THE CHAIR: Okay.

So, Josh, what are you saying? We amend
the motion, or ask that these two reasons be
attached to the motion, or what's the correct thing
to do?

MR. GRANATA: Madam Chair, Commissioners,
perhaps the correct procedure would be to go ahead
and vote on the motion, and then, depending on the
outcome of the motion, vote on adopting the reasons
that the Commission has elicited during the
discussion of that motion.

THE CHAIR: Okay. So we can do it as a
two-step process? Did everyone hear that?

Okay. So if you're ready, let's vote on
the original motion. If the motion passes, then we
will vote on are the reasons for that vote, okay?
Is that all right with everybody?

MR. IVEY-SOTO: Madam Chair, may I close
very quickly?

THE CHAIR: Pardon?

MR. IVEY-SOTO: May I close very quickly?

THE CHAIR: You know, generally, we ask
that you respond to questions and then leave it at
that.

Commissioners, it's up to you.

COMMISSIONER BERGMAN: I think it's up to
Josh. We have a motion and second before the floor.
I believe -- can we now talk -- guide us here.

    THE CHAIR: I think we need to vote.

    COMMISSIONER CARR: Yeah, we need to vote.

    THE CHAIR: Okay? Please hold on. All right. Is everyone ready to vote?

    Commissioner Bergman, may we have a roll-call vote? And I would remind you, or you please remind everyone, a "Yes" vote is to reject the application; a "No" vote is to accept the application.

    COMMISSIONER BERGMAN: Commissioner Chavez?

    COMMISSIONER CHAVEZ: I'm sorry. Could --

    COMMISSIONER BERGMAN: A "Yes" vote is to not accept the application; a "No" vote is to accept the application.

    COMMISSIONER CHAVEZ: Yes.

    COMMISSIONER BERGMAN: Yes? Commissioner Chavez votes "Yes."

    Commissioner Gipson?

    COMMISSIONER GIPSON: Yes.

    COMMISSIONER BERGMAN: Commissioner Toulouse?

    COMMISSIONER TOULOUSE: No.

    COMMISSIONER GIPSON: Commissioner
Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Commissioner

Bergman votes "Yes."

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner

Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Carr votes "yes."

Madam Chair, that is a seven-to-one vote in favor of that motion.

THE CHAIR: The vote is seven to one to not accept the application from SWISH.

Now the discussion centers on what are the reasons that the Commission chose to not accept.

(The Chair consults with Mr. Granata.)

THE CHAIR: Josh has corrected my language. It's to adopt the reasons.

The notes I have for the reasons that we would propose to adopt are that the document was -- application was very hurriedly done. The entire
process was hurriedly done. And we did not accept
their explanation why the notice of intent was not
timely filed, and that the organizers did not
realize the need for a new school at the time the
notice was due.

Did I state those correctly?

Are there any others that you want to add
to the list?

(The Chair consults with Mr. Granata.)

THE CHAIR: So if everyone is all right
with those, I would -- the Chair would entertain a
motion to adopt those reasons, as stated.

Commissioner Gipson, would you care to
make this motion?

COMMISSIONER GIPSON: Madam Chair, I move
that the PEC accept --

COMMISSIONER BERGMAN: Adopt.

COMMISSIONER GIPSON: -- adopt -- adopt
the reasons, as stated on the official record.

THE CHAIR: Thank you very much.

COMMISSIONER CARR: Second.

THE CHAIR: Motion by Commissioner Gipson,
seconded by Commissioner Carr, to adopt the reasons
as stated on the official record.

Is there any discussion?
Hearing none, may we have a roll-call vote, please?

COMMISSIONER BERGMAN: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: No.

COMMISSIONER BERGMAN: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER BERGMAN: Madam Chair, that is a seven-to-one vote in favor of that motion.
THE CHAIR: By a vote of seven to one, the
motion to adopt the reasons has passed.

Anything else on this agenda item.

Thank you for being here today.

MR. IVEY-SOTO: Thank you.

THE CHAIR: We move on to Item No. 10 --
pardon me -- 9B, the ASK Academy.

If you all would come down, please?

Katie?

MS. POULOS: Madam Chair, Commissioners,
at the June 19th meeting of the Public Education
Commission, there were questions about the version
of the framework that was presented in the
Commissioners' materials for the academic
performance framework for the ASK Academy. A
corrected version has been provided in the materials
for today's meeting.

An outstanding question remaining in the
document presented -- the document presented
contains the phrase, "as shown on the attached
dsample report."

The school wishes to remove reference to
the reports and the report itself.

CSD is comfortable that it can evaluate
the school's performance in relation to the
performance framework expectations without that language in question and without the sample report, but also feels they could do the same with those. So at this point, there really isn't a recommendation.

THE CHAIR: Let me just ask. The table that we're talking about, is it the table that Julia Barnes presented during negotiations? Because I'm getting confused, okay?

Please identify yourself for the record.

MS. DOVE: Sure. My name is Connie Dove. I'm the Director of Advancements. And it is; although, again, there was another -- another version that Ms. Barnes provided after this last Commission meeting again.

THE CHAIR: But is it the one we looked at the day of negotiations?

MS. DOVE: Well, no, because it's been amended yet again.

THE CHAIR: So what is this document we're looking at? If this is not the one we negotiated with, then -- or maybe it's not in here.

MS. POULOS: These materials don't have that report. And I don't believe I had it. I can see if we can get it from old materials really
quickly. Would you like me to do that?

THE CHAIR: What matrix? What table are we being asked to accept today?

MS. POULOS: I think what we're looking at today is the framework, which is in your materials. And that framework, whether you want, "as shown on the attached sample report," which everyone saw as part of the negotiations, is my understanding. And at that time, it was that report, and those were the materials.

I can see if I can get that and have it printed and brought down.

THE CHAIR: But you're saying it's not the table we looked at and negotiated on that day.

MS. DOVE: No, because there was a -- you know, we discussed that language actually being taken out. And so our understanding is that the language was taken out, as far as the sample report, because there were -- we had some problems with the sample report as to what it --

THE CHAIR: What matrix? What report are we using, are we being asked to use?

MS. DOVE: So we're requesting that there not be an attached sample report, that we just demonstrate growth by our measures that were
presented.

   THE CHAIR: What measures?

   MS. DOVE: The -- what meets our target,
   what -- let me just pull it up here.

   THE CHAIR: What is "one full year's
   growth"? How is that being determined?

   MS. DOVE: Well, according to Discovery,
   one year's growth is one standard error. What
Ms. Barnes was using was standard deviation, which
was six or seven years' growth in six months, which
is why we took issue --

   THE CHAIR: I recall very clearly, she
   said --

    MS. DOVE: Yeah. Yeah.

    THE CHAIR: But, see, I can't support this
   if it's not what we negotiated. If this is not the
   same document using the same matrix that she
   presented that day, and that's what we talked about,
   then that is not the same thing. It's using a
different matrix.

    MS. DOVE: Well, the same matrix was used.
   But Ms. Barnes added some labeling, because there
was some labeling and some typographical errors and
   things in the -- in the sample report, which was
kind of another reason why we wanted it to be a
Discovery document.

And in talking -- discussing after the negotiations session, she had provided the standard error report by Discovery. We agreed that that was what would be utilized. And -- and then -- so I was surprised when the incorrect version of the performance contract was in your materials.

MS. POULOS: Madam Chair?

So the reason that I said CSD feels comfortable that they could enforce the performance indicators without the attached report is that they can -- that CSD would be able to go to Discovery and get Discovery's growth targets from each student. And I would feel comfortable with that.

But, again, that was -- I wanted to let the Commission have that decision-making and simply didn't have a recommendation either way, because I felt that the CSD could -- because it, to me, seemed clear enough that we would just need to get the Discovery scales or report at the time.

THE CHAIR: See, one of the reasons that we agreed to everybody use the same Discovery document, the one that Julia had that day, is that it seems when you call Discovery, you get one answer, and when you call Discovery, you get
another. That's what we were hearing.

So we standardized on one document so that everybody had the same piece of paper in front of them that said, "Here is the score. If your beginning score is here, here's where you need to be to show that full year's academic growth."

I don't know why we're not staying with that.

MS. DOVE: Well -- and, actually, Madam Chair and members of the Commission, what Ms. Barnes drew her Excel document that she created was from this standard error Discovery report. The school has never disagreed that we shouldn't use the Discovery standard error report.

It's just when -- Ms. Barnes would describe it as a standard deviation rather than a standard error, which is a very different measure. We just wanted to be clear that what we were utilizing was actually from the Discovery standard error, not a standard deviation, which is a very different measure.

THE CHAIR: So we're talking semantics.

It was a column label up at the top of that column. She was saying "deviation"; you're saying "error."

MS. DOVE: "Standard error."
THE CHAIR: But were the numbers the same?

MS. DOVE: I didn't go through every number. It appeared that they were standard error numbers. I didn't go through the entire table that she provided.

THE CHAIR: The numbers that you looked at, did the beginning number and the ending number agree with the document we were looking at that day of negotiation? Were they the same?

MS. DOVE: The ones that I looked at, yes. But, again, how she was defining use of that number was two standard errors, not one standard error. And I think that we need to get that directly from Discovery. I think Discovery is very clear as to how growth is demonstrated per child, as Ms. Poulos has said.

THE CHAIR: She said very clearly that her discussions with Discovery said it was double. And she took that standard error, or deviation, whichever word we want to use, and double it, and that's how that number in the final column was reached.

Now, are you disagreeing with doubling that standard error/deviation number?

MS. DOVE: Well, the other report that she
provided to us said that a standard error of one -- of one, not two, actually represented growth. There was a sample -- an example given at the bottom of that page that said that they were applying the principle to individual students at different levels.

And so for some students, then two errors would actually represent growth, maybe a more advanced student. And so, again, it's -- it's not -- it's not so clean as to be able to say for every child, it is one error.

What I think Ms. Poulos is saying is that Discovery actually provides that information for us to say, "For this child, starting here, they need to be here in order to demonstrate growth."

THE CHAIR: I just don't want to get into a situation where we're applying one set of numbers for your school --

MS. DOVE: Absolutely.

THE CHAIR: -- and a different set of numbers for another school.

COMMISSIONER ARMBRUSTER: Madam Chair?

THE CHAIR: Yes.

COMMISSIONER ARMBRUSTER: Katie and Julie, you may be the people, as -- so when I'm reading
this, it says that "85 percent" -- blah, blah, blah,
blah, blah -- "and/or the student tests at
Achievement Level 3 or 4."

So in order for a student to test at
Level 3 or Level 4 on that test, it must be whatever
number is there; right? Or wrong?

MS. POULOS: Maybe these are two different
numbers. The first is that they can meet with
growth. Let's say you had a student who doesn't
achieve at Level 3 or 4, that means they're not kind
of at that proficiency level. So a student who's
not performing at proficiency level could also meet
these expectations by the amount of growth they've
achieved over the years. They may be a
non-achieving student, but they've grown a
substantial amount, which would indicate that they
are making progress with that student.

COMMISSIONER ARMBRUSTER: True.

THE CHAIR: So, Commissioners, I can't
remember right off the top of my head who all was
there for negotiations that day.

COMMISSIONER GIPSON: (Indicates.)

THE CHAIR: You were?

COMMISSIONER GIPSON: Yeah, I was.

MS. MATTHEWS: Madam Chair, members of the
Commission, Patricia Matthews on behalf of ASK.

I'm puzzled that we're having -- to me, what was -- and, in fact, it's worded that way -- this is a "sample report." So the question is not how the school is going to measure growth or academic proficiency. They're going to use Discovery; they're going to use these percentages to make that determination.

So when you get the scores from Discovery, it's going to be the actual scores.

What you have attached as a sample report does you no good, because it references no particular student. It may have been last year's student for ASK; but it was a sample to show what that growth would look like.

But as Ms. Poulos has already said, they can pull that data out of Discovery, based on this coming year's academic growth. And that's your question. It's not what's in this sample report.

They're going to calculate it as you've stated in the performance indicators.

THE CHAIR: Then why is it important that the sample report not be attached?

MS. MATTHEWS: Because it doesn't have any bearing on any particular kid. It's last year's
growth.

THE CHAIR: If it doesn't have any bearing, why does it matter if it's attached?

MS. MATTHEWS: That's what we're asking you, not to attach it.

THE CHAIR: But why would it matter if it were attached?

MS. DOVE: Because the sample report also comes from multiple years, Commissioner. And that was a concern, too. Again, an actual document for Discovery, we would be -- we're fine with that. We're fine with this -- and that's where I thought -- I think we all thought that was where we were with the PED, as well.

And so, again, I thought it was just -- I thought it was submitted in error, that that -- that sentence showed up again, because that was already discussed and eliminated. So I just assumed it was an error that you got the version that you did.

COMMISSIONER GIPSON: Madam Chair, my understanding was that was just presented as a sample and that the information would be gained at the end of the Short Cycle, and that that's how -- that Discovery determines that. And I'm comfortable, being there, not having that sample,
because I don't think it has any -- it doesn't have any use for me, you know, because that's all it is. And I'm comfortable with they're going to go, and they're going to input their data, and it's going to be -- they're going to -- Discovery is going to show that growth or not show that growth. But that chart there is not going to have any value for us being able to assist their goals -- or for them, even.

MS. DOVE: And Madam Chair, and Commissioners, again, know that the ASK Academy doesn't determine what growth is. We get that directly from Discovery. So we get that in the report. So we can't manipulate that. That's just provided.

THE CHAIR: I remember, at one point in the negotiations, you all were suggesting using New Mexico cut scores. Now, that's not -- that's not --

MS. DOVE: No, that's not. This is national.

THE CHAIR: All right. I think I'm okay with this. As I said, I just want to make sure we're not using one set of data for one school and something else for another school with the same
test. I just want it to be as fair as possible.

MS. DOVE: I agree.

COMMISSIONER GIPSON: Madam Chair, I think we've used, through the negotiations, that same language, the fact that -- I know we've used the samples. But I think the -- to me, the understanding, through the negotiations I've been, is that that information is going to come from Discovery. They made the growth; they didn't make the growth. Okay?

THE CHAIR: And do we have -- do we have minutes?

MS. DOVE: You do. I've provided them.

MS. POULOS: Madam Chair, Commissioners, Julie has copies of the final, approved minutes.

THE CHAIR: Oh, okay. Okay.

MS. POULOS: Final, approved minutes that have been signed.

THE CHAIR: Okay. So are we looking at the first proposed motion?

Commissioners, are you ready for a motion?

I would suggest to you that on Page 1, right after the tab for ASK Academy, there are proposed motions, if you would like to choose one of those.
COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: I will read the motion, if my eyes are still functional, and my brain and my mouth are connecting.

I move to approve the 2015-2016 Performance Framework with performance indicators for the ASK Academy, as presented in the materials from today's meeting, with the revisions discussed specifically with regard to the deletion of the phrase, "as shown on the attached sample report," unquote.

THE CHAIR: Thank you.

Do we have a second?

COMMISSIONER GIPSON: Second.

THE CHAIR: Motion by Commissioner Toulouse, second by Commissioner Gipson, to approve the 2015-'16 Performance Framework for the ASK Academy as stated in the official record.

Is there further discussion?

Hearing none, Commissioner Bergman, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.
COMMISSIONER BERGMAN: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER BERGMAN: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER BERGMAN: Madam Chair, that is an eight-to-zero vote in favor of that motion. THE CHAIR: Thank you very much. The motion passes unanimously. Thank you, all.

MS. DOVE: Introduction?

MR. BARBOUR: Madam Chair, I would like to introduce our new general manager, Dan Busse, for
the ASK Academy. My name is Daniel Barbour. I've been a director and will be assistant principal. Daniel Busse is our new general manager, and I'd like to introduce him to the Commission today.

THE CHAIR: Glad to have you on board.

MR. BUSSE: Thank you.

THE CHAIR: All right. Item No. 10. Katie?

MS. POULOS: Madam Chair, Commissioners, at the last meeting, CSD had indicated an intent to report on the improvement plans that were assigned by the Commissioners I believe back in October, it may have been, when the last round of letter grades were issued. And those were assigned based on the performance of schools under the A-through-F letter grading system.

CSD has been working very hard to do that. And it does require a review of evidence. We have been working to try and get that evidence from those schools, and have, in some cases, been able to; in other cases, we're still working to do that.

Additionally, we're working to kind of follow the paper trail and make sure that the Commissioners have all relevant information. I hate to say that we did not do what we said we were going
to do, but just bring it today; but I felt it was more prudent to ensure that everything was correct.

And so we will be bringing that -- because everybody has now had about three months' notice to get it done, we will be bringing that at the next meeting to let the Commissioners understand where all the schools are on the improvement plans and determine if any further action is needed at that time.

THE CHAIR: Great. Thank you.

Do you have any questions of the Director?

All right. Let's move on to Item No. 11, Discussion and Possible Action on Proposed PEC Attorney and Proposed Scope of Work.

Commissioners, I'd like to withdraw this item from today's agenda. We discussed this at some length in the work session. There were quite a few questions. And the general consensus was, at that time, that it needed more work and it needed some clarification.

I have those questions written down, and I will try to follow up on that and perhaps have something for us at the August, or maybe even September meeting, if that meets with everyone's approval.
Do we need to vote to --

MR. GRANATA: No.

THE CHAIR: All right. Then let's move on to Item No. 12, which is Discussion and Possible Action on Joint Resolution -- House Joint Resolution 4, Creating a 13-Member State Board of Education.

And I will defer to Commissioner Carr on this discussion.

COMMISSIONER CARR: Sorry. I wasn't able to make it to the work session. I had it mixed up in my head. I actually came at about 12:30.

THE CHAIR: Missed it by that much.

COMMISSIONER CARR: I'm -- you know. And I just -- I don't know what I'll chalk that up to.

COMMISSIONER ARMBRUSTER: Old age.

COMMISSIONER CARR: I'll chalk it up to not old age; but it's summer, and I'm not paying attention to things like I should, maybe.

The -- this -- I -- this is pretty much the form in which it was originally voted on in this Commission a couple of years ago. I'm not of anything more than that. It's simplified, because -- well, the law's going to be very complicated.
When this actually goes in front of the Legislature, it's several pages long. Senate Joint Resolution 2 was extremely complicated. House Joint Resolution 4. Then the other one that was submitted, they were all a little bit different. So whatever we -- if you decide you want to vote to -- to support this or not, it'll be -- it'll go through the mill of the Legislature and be changed up anyway.

I see that, like I said last time, as a long-term thing. You guys can read it. I won't read it for you. It basically goes back to the, "Be it resolved the New Mexico Public Education Commission supports an amendment to our State Constitution giving oversight and regulatory authority to the New Mexico Public Education Commission to rename the New Mexico State School Board in regards to budget, licensing, and policy."

Basically -- and it does say, "Be it further resolved, the Secretary of Education be appointed by the New Mexico Board of Education," like it was in the past. And something that is different from the past is that they should "hold the New Mexico Education Administrative Certification," which requires six years of teaching
experience, as a minimum, by the way, "And be it
further resolved that if a vacancy occurs," the
Public Education Commission would appoint new
members.

Like I said, I see this as a long-term
thing. If the makeup of the House changes next
year -- well, not next year, but the year after --
then this could have a possibility of getting passed
through then. Other than that, I do see this as a
long-term and -- long-term issue. Maybe not. Maybe
it'll be shorter than we think.

But -- so I open the floor for discussion,
and I would like to have a vote on this today.

THE CHAIR: Okay. That was going to be my
question. Are you asking for a vote today?

COMMISSIONER CARR: Sure. I'll go ahead
and make the motion.

I move that we vote to support an
amendment to the Constitution regarding the Public
Education Commission, which I did not name correctly
in here.

COMMISSIONER CHAVEZ: Second.

THE CHAIR: I'm sorry. Who said that?

COMMISSIONER CHAVEZ: Me.

THE CHAIR: Okay. Commissioner Chavez?
All right, Commissioners. We have a motion by Commissioner Carr, seconded by Commissioner Chavez, to support the amendment to the Constitution regarding education that Commissioner Carr just presented.

Is there discussion?

Commissioner Bergman?

COMMISSIONER BERGMAN: One, this is such a vague and short document, I wouldn't be comfortable voting it for it anyway, just because it's so short and vague.

The third bullet says, "The Public Education Commission shall appoint a resident from the district from which the vacancy occurred."

That's not standard practice. For elected positions, if somebody is in a elected position from multi-counties, the county commissions in each of those counties suggests the replacements for a vacancy, not the place that has the vacancy. So that's in there.

I have stated my position on this before. Obviously, I disagree with Commissioner Carr. I would like to inquire of Commissioner Carr, even you, yourself, stated last month that this probably hasn't got a chance in this upcoming Legislature.
Based on even your own statement on that, why even submit it at this time?

I'll reiterate what I said then, that I firmly believe this is interfering with us getting the legislation so we can actually get the things we need to budget and all those other things that we've now spent three years talking about and three years going to the LESC and asking them to do bills. And they have done a couple. One didn't ever get out of committee; one actually got passed a year ago, and the Governor vetoed it because the Governor and the Secretary view this as what we're trying to do as an attack on them, and they're entitled to their opinion.

I disagree with their concept of that. We're not attacking them. We're just asking for the things that this Commission needs to support our work.

And I believe this interferes with that. So I would just ask Commissioner Carr. Why submit it this year -- wait a year -- I know you're thinking next year's election may change the makeup of the Legislature. It might; it might not. Why submit it this year? Why not just give it a year's rest.
COMMISSIONER CARR: I'm submitting this now to give the new Commissioners a chance to support this. We should continue to support this, regardless of the political climate, because it's the right thing to do.

It is not vague. It's quite clear, quite precise. And like I said, I could put House Joint Resolution 4 here, which is exactly what I want, too, which is completely worded the way I would be comfortable with.

The fact that we might be in violation of the law by doing the last part, filling vacancies, would be -- that would go through the judicial committee and be thrown out anyway.

Your arguments are really weak. Doing something because it's the right thing to do, not doing it because you're scared you're going to offend somebody is offensive to me. I -- I'm going to do the right thing. I don't care who gets upset.

And the timing of it is that this Commission, and the new Commissioner -- the old Commission, I should say, when we voted on it before, it was an eight-to-one vote, Mr. Bergman, you being the only one.

So we supported this overwhelmingly
before. And I see no reason not to go ahead with it
at this time, because it probably will be placed in
legislation again next year, even though it may not
have a chance. Probably doesn't. I think we should
continue to support it. I think we should be on
record as supporting it.

I want to be on the right side of history
here, on record, always, as supporting something
that is the right thing to do, regardless of
partisanship.

And I'll tell you, the next Democratic
governor will probably hate me if this ever gets
through, because he'll want that power.

COMMISSIONER ARMBRUSTER: "She."

COMMISSIONER CARR: Or "she."

So I still strongly ask that you vote in
favor of supporting this.

COMMISSIONER BERGMAN: May I respond just
briefly?

THE CHAIR: Hold on. We have a question
on -- yes. Commissioner Chavez seconded, yes.
There was a question as to whether or not your
motion was seconded.

COMMISSIONER CARR: All right.

THE CHAIR: And I apologize. Please go
COMMISSIONER BERGMAN: I would just note, Commissioner Carr, that you were perfectly entitled to think that this is the right way to go. But do not denigrate me because I do not think -- I'm perfectly entitled to think it's not the right way to go, because I do not think it's the right way to go. I'm entitled to have my opinion.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I also am not sure this is the right way to go at the moment. I think this is going backward. I think we need to go forward.

I know that we don't have a chance in hell of dismantling a department this large. And that's what will -- somebody will try to do as soon as we're -- they will downsize it. That's exactly what will happen with this.

I want to go forward. I see us making inroads now. I think this will stop those inroads that we're making in getting things through the Legislature now.

I would like to hold this back, not because I disagree with it totally, but for now, and make some more steps forward in doing things like
getting our own budget, getting our own staff, and then coming back and saying, "Let us go from here. We've proved we can handle the staff. We've proved we can handle a budget. Let us go forward," because I just -- I don't want to spin our wheels, and I don't want to lose some of that momentum I think that we're building slowly.

So at this point, I would rather support this two or three years down the road when we have made those inroads and gotten some of the power we have to have right now. And I just think this will stop that in its tracks, if we support it. Somebody puts it in, and we individually can take a stand. But as a Commission, we take a stand, I think the Commission loses, then, when we ask for other things.

I'd rather you brought it back to me two years from now, if we've gotten at least our own budget. Thank you.

THE CHAIR: Having gotten our own budget would be a wonderful step to have taken. Further comments?

COMMISSIONER ARMBRUSTER: I had a comment -- I have a question, actually. This is okay, about this?
THE CHAIR: Sure.

COMMISSIONER ARMBRUSTER: So I guess it was 2003 or something like that. But before that, we had a Public Education -- Commission.

COMMISSIONER GIPSON: A State School Board.

COMMISSIONER ARMBRUSTER: A State School Board. And then we voted -- and I know I did -- for a Secretary of Education. Am I correct on this? Are you following me, because I want to make sure I am correct.

COMMISSIONER CARR: A Superintendent of Education was what the title was at the time.

COMMISSIONER ARMBRUSTER: But it ended up being a Secretary of Education, and that person was Dr. Veronica Garcia, who was an administrator.

COMMISSIONER CARR: She was.

COMMISSIONER ARMBRUSTER: What we're asking for is to redefine, in a sense of what that -- whether it's a Secretary of Education of New Mexico -- it could be that from the United States, for all -- from my point of view.

But we are, in the second paragraph here, talking about the fact that that person, redefining what the Secretary of Education --
THE CHAIR: Everything --
COMMISSIONER ARMBRUSTER: Is that correct?
THE CHAIR: -- would be different.
COMMISSIONER CARR: Oh, yeah.
COMMISSIONER ARMBRUSTER: But this would
be a big different thing, too.
COMMISSIONER CARR: All of it. Go back
the way it was, pretty much.
THE CHAIR: Any further discussion,
Commissioners?
We have a motion and a second on the floor
to, in essence, endorse this amendment -- pardon
me -- this resolution to support the Constitutional
amendment, as presented by Commissioner Carr.
Let's have a roll-call vote.
COMMISSIONER BERGMAN: Commissioner
Conyers?
COMMISSIONER CONYERS: I'm trying to
think. No.
COMMISSIONER BERGMAN: Commissioner
Bergman votes "No."
Commissioner Shearman?
THE CHAIR: No.
COMMISSIONER BERGMAN: Commissioner
Ambruster?
COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER GIPSON: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Chavez?

COMMISSIONER CHAVEZ: Yes.

COMMISSIONER BERGMAN: Commissioner Gipson?

COMMISSIONER GIPSON: No.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: No.

COMMISSIONER BERGMAN: One, two, three, four -- Madam Chair that is five "No" votes, three "Yes" votes.

THE CHAIR: Wait. I have six noes and two yeses.

COMMISSIONER BERGMAN: No. Commissioner Ambruster, Commissioner Carr, and Commissioner Chavez all voted "Yes."

THE CHAIR: I'm sorry. I didn't write you down.

COMMISSIONER BERGMAN: Everyone else voted "No." That's a five-to-three vote against the motion. The motion fails.
THE CHAIR: The motion fails on a five-to-three vote. Okay?

Let us move on to Item 13, which is Report from the Chair. And I only have one item that I would like to bring before you today, and that's the NACSA conference that's going to be held in Colorado, close to Denver, in October.

If you will notice in your materials on the -- on the flip side of the cover sheet for this conference, there is a P-Card Travel Request form. Beverly needs this form filled out, and she needs a firm commitment by you, if you plan to go, by Monday, so that monies can be gathered up and arrangements be commenced to be made.

So she needs to hear from you no later than Monday. She said you can fill this out and mail it to her, if you so choose, as long as it gets mailed Monday. But it all needs to happen Monday.

Can I just ask, off the cuff, how many of you think you might, at this point, be interested in going? Armbruster? Bergman?

COMMISSIONER GIPSON: I've made my hotel reservations already.

THE CHAIR: So we're talking about three people.
COMMISSIONER GIPSON: $111, actually.

THE CHAIR: You all need to be working very closely with Beverly on getting your reservation and all those things.

COMMISSIONER GIPSON: At the Omni? I'm staying where the conference is.

COMMISSIONER ARMBRUSTER: I am not. But it's okay.

COMMISSIONER GIPSON: Can I just ask, does the -- do I still make the plane reservations, or will they be made for me, because there's a chance I may be driving.

MS. FRIEDMAN: If you let me know that you're going to commit to go, let me work with you individually, and I'll tell you how it all works.

COMMISSIONER GIPSON: Okay. Okay. All right. Thanks.

THE CHAIR: Commissioner Ambruster, would that work for you, as well?

COMMISSIONER ARMBRUSTER: Right.

THE CHAIR: Just to work with Beverly?

COMMISSIONER ARMBRUSTER: I actually communicated with Beverly. You thought I paid for it; but I did not pay for it.

THE CHAIR: Are we good?
MS. FRIEDMAN: Thank you, Madam Chair.

Was the third person Vince?

COMMISSIONER BERGMAN: Yes.

MS. FRIEDMAN: Okay. All right.

THE CHAIR: Thank you all very much on that.

Item 14 is PEC Comments. I am going to start with Commissioner Gipson, and we'll just go around the table.

Any comments?

COMMISSIONER GIPSON: Not at this moment.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: No, ma'am.

THE CHAIR: Thank you.

Commissioner Conyers?

COMMISSIONER CONYERS: No.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: No, I'm done.

THE CHAIR: Nothing else from me.

Commissioner Carr?

COMMISSIONER CARR: No.

THE CHAIR: Commissioner Ambruster?

COMMISSIONER ARMBRUSTER: Did you say this?

THE CHAIR: Now's the time, if you're
going to.

COMMISSIONER ARMBRUSTER: For some of you, but not all, not to violate the Open Meetings Act, I got my little CD from you, Beverly. And it came, and it said, "Postage Due, $1.12."

So I wrote four other people, just not to -- and I simply asked if they had postage due on theirs. And they said, "Oh, no."

And I thought, well, how come I do?

So I trotted my little body down to the Post Office to ask them, and said, "You know, she never makes mistakes."

And I said, "Nine other people got this, and no one else had to pay."

I was just extrapolating from my small group.

And he told me that they have sort of an obsessive-compulsive clerk in Los Alamos who said that because this was more than a quarter of an inch, and it contained a CD, it must go as a parcel. Honestly. I even have the receipt.

But this was weighed as a letter and not a parcel.

I said -- so, I said, "Do you find that odd that not eight other people -- or nine other
people got this?"

I think she's been doing this for a very long time.

And so I checked with two postal carriers, one who was my substitute person, and one who was our regular one. And I said to both of them -- because I didn't know if they had already paid the $1.12, because it's not a big deal -- and I'm not giving you a receipt.

But they said the same thing that I just said about this one clerk. They said, "If she doesn't get her hands on it, it goes through; and if not, it doesn't."

I just thought it was funny. I'll give this to you so you can see it.

THE CHAIR: I feel you should test that for your travel reimbursement, if you have a receipt. See if it'll fly.

COMMISSIONER ARMBRUSTER: I mean, really? I just thought, oh, my gosh.

MS. FRIEDMAN: Madam Chair, may I ask Commissioner Ambruster, what was in the envelope?

COMMISSIONER ARMBRUSTER: The one that you sent to all of us, a CD and a letter.

COMMISSIONER GIPSON: The new school
applications.

MS. Poulos: That was sent out of the CSD office.

Commissioner Armbruster: I'm not blaming you. I said, "Are you kidding me?"

MS. Poulos: Just so Beverly didn't feel --

MS. Friedman: No. My response to that is that our mailroom does a lot of mailing. And it probably just didn't get the postage on it.

Chair: It got the same.

Commissioner Gipson: We all got it.

Commissioner Armbruster: We all got it.

Chair: People, people, please. Her machine is smoking again. She can only hear one at a time.

Commissioner Armbruster: It's fine. I wasn't upset. I just thought -- (indicates). It was levity.

Chair: Commissioner Chavez?

Commissioner Chavez: I don't have anything.

Chair: All right. Do we have anyone signed up for Open Forum?

MS. Friedman: I'll go look, but I don't
think so.

Can I just ask -- can I ask that all of the original folders come back to me for your reimbursements? And if you did have lunch or anything, if you could just pick up your things and put them in the trash?

THE CHAIR: Will do. We'll wait for you to tell us if we have anyone for Open Forum.

COMMISSIONER TOULOUSE: Can we adjourn?

THE CHAIR: We can't. We're waiting on Open Forum.

COMMISSIONER TOULOUSE: Some of us need to move.

MS. FRIEDMAN: No.

THE CHAIR: Is there anyone?

MS. FRIEDMAN: No one.

THE CHAIR: No. Now, I would entertain a motion.

COMMISSIONER TOULOUSE: So move.

COMMISSIONER GIPSON: Second.

THE CHAIR: All those in favor of adjournment, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Any opposed?

(No response.)
THE CHAIR: We are adjourned.

(Proceedings adjourned at 3:18 p.m.)
BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on July 31, 2015.

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