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BEFORE THE
PUBLIC EDUCATION COMMISSION
SANTA FE, NEW MEXICO

TRANSCRIPT OF MEETING PROCEEDINGS
April 11, 2014
9:00 a.m.
Mabry Hall - Jerry Apodaca Education Building
300 Don Gaspar
Santa Fe, New Mexico

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1 APPEARANCES

2 COMMISSIONERS:

3 MS. CAROLYN SHEARMAN, Chair
 4 MR. EUGENE GANT, Vice Chair
 5 MR. VINCE BERGMAN, Secretary
 6 MR. JEFF CARR
 7 MS. MILLIE POGNA
 8 MR. GILBERT PERALTA
 9 MR. JAMES CONYERS
 10 MS. CARMİ TOULOUSE

11 STAFF:

12 MS. JULIA BARNES, Interim Director, Office of Options
 13 for Parents, Public Education Department

14 ALSO PRESENT:

15 MS. ABBY LEWIS, PED Counsel

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1 COMMISSIONER SHEARMAN: Good morning,
2 ladies and gentlemen. I call to order this
3 regularly scheduled meeting of the New Mexico Public
4 Education Commission. I hope everyone can hear me.
5 I know my voice is pretty awful, but it will get
6 better.

7 Secretary Bergman, may we have a roll
8 call, please?

9 COMMISSIONER BERGMAN: Commissioner Carr.

10 COMMISSIONER CARR: Here.

11 COMMISSIONER BERGMAN: Commissioner
12 Conyers?

13 COMMISSIONER CONYERS: Here.

14 COMMISSIONER BERGMAN: Commissioner
15 Peralta?

16 COMMISSIONER PERALTA: Here.

17 COMMISSIONER BERGMAN: Commissioner Pogna?

18 COMMISSIONER POGNA: Here.

19 COMMISSIONER BERGMAN: Commissioner

20 Toulouse.

21 COMMISSIONER TOULOUSE: Present.

22 COMMISSIONER BERGMAN: Commissioner Gant.

23 COMMISSIONER GANT: Here.

24 COMMISSIONER BERGMAN: Commissioner

25 Shearman.

1 COMMISSIONER SHEARMAN: Here.

2 COMMISSIONER BERGMAN: Commissioner
3 Bergman is here.

4 Madam Chair, you have eight members
5 present. You do have a quorum.

6 COMMISSIONER SHEARMAN: Thank you very
7 much. We do officially have a quorum. I will note
8 that Commissioner Parker is not with us today, but
9 he had let us know in advance that he would not be
10 here today.

11 Pledge of allegiance, please, Commissioner
12 Peralta. Salute to the New Mexico flag,
13 Commissioner Conyers.

14 (Pledge of allegiance.)

15 (Salute to the New Mexico flag.)

16 COMMISSIONER SHEARMAN: Thank you both.
17 Statement of aspirations. Commissioner
18 Toulouse.

19 COMMISSIONER TOULOUSE: Madam Chair,
20 fellow members, audience, I did a lot of thinking
21 last night on the way up today about what the
22 statement of aspirations should be, because right
23 now I'm kind of depressed with the whole world, so I
24 decided, well, aspiration is where we need to be,
25 not necessarily where we are, or even encouragement,

1 but hope as to where we should be. And what I
2 decided I see most lacking but would like to see
3 everybody go toward and that I see this Commission
4 working toward, is a team work and a friendship
5 approach, not an adversarial approach. And I think
6 our schools need to teach that, I think our
7 political system needs to do it, I think our
8 families need to do it, and I think one of the
9 places it's easier to start are in our small charter
10 schools. They're smaller and easier to deal with.
11 And you may have one or two problem kids; you don't
12 have 100 problem kids.

13 And I think that I remember back and I
14 knew consistency in school. When I was in
15 Albuquerque back in the dark ages, we had John
16 Milne, the superintendent for many, many, many
17 years. The president of the school board was S.Y.
18 Jackson for many, many years, and there was
19 consistency, we knew it, we knew who they were, your
20 principal stayed at the school, your teachers were
21 consistent, were not being moved around. And I
22 think that I had a sense of security that today's
23 kids don't.

24 So I would like to see, as we go forward
25 with Mr. Bergman's ideas of goals, that should also

1 be a goal that we should have, ask people to
2 consider, is teaching teamwork, unity, and working
3 together rather than bullying, opposing, win or
4 lose, rather than everybody should win. And so
5 that's what I'd like us to aspire as a group to do.
6 Thank you.

7 COMMISSIONER SHEARMAN: Thank you,
8 Commissioner. Appreciate that.

9 May I just ask that your electronic
10 devices be turned down or off or whatever to prevent
11 interruption? And I would also like to introduce
12 our reporter today, Mary Abernathy Seal, and we
13 thank you for being here. Next item on the agenda
14 is approval of the agenda.

15 COMMISSIONER CARR: So moved.

16 COMMISSIONER SHEARMAN: I have a motion
17 from Commissioner Carr to approve the agenda
18 presented. Do I hear a second?

19 COMMISSIONER PERALTA: Second.

20 COMMISSIONER SHEARMAN: Commissioner
21 Peralta. Any discussion, changes, whatever?
22 Hearing none, all those in favor, please say, "Aye."
23 Any opposed, please say, "No." The agenda is
24 unanimously approved.

25 COMMISSIONER SHEARMAN: Item number 3 on

1 the agenda is approval of the minutes for the March
2 28th regular meeting and the work session on March
3 27th. And I know we did not receive these minutes
4 until yesterday afternoon late. So it's been a
5 scramble. We've had these -- our last meeting was
6 only two weeks ago, and it's very difficult to get
7 meeting minutes out in that short length of time.

8 So I would ask, Commissioners, if you feel
9 comfortable with going ahead or if you'd like to
10 take a few minutes and read through the minutes as
11 is. I know Commissioner Gant tells me he has had
12 the opportunity or taken the time, and he has read
13 through the minutes. I have read through partial.
14 I haven't made it all the way through.

15 So what is your preference? Shall we move
16 ahead, or do you want to take time to read them now?

17 COMMISSIONER POGNA: Move ahead. I move
18 that we move ahead.

19 COMMISSIONER SHEARMAN: I'm hearing move
20 ahead.

21 COMMISSIONER BERGMAN: Move ahead.

22 COMMISSIONER SHEARMAN: Move ahead? All
23 right. Thank you. That's move ahead.

24 Let's first consider the March 27 work
25 session minutes. Do I hear a motion?

1 COMMISSIONER TOULOUSE: Madam Chair, I
2 move approval of the March 27th working session
3 minutes.

4 COMMISSIONER SHEARMAN: Thank you. We
5 have a motion for approval. Do we have a second?

6 COMMISSIONER POGNA: Second.

7 COMMISSIONER SHEARMAN: Commissioner Pogna
8 seconds. Any discussion? All those in favor of
9 approving the March 27 work session minutes, please
10 say, "Aye." Any opposed, please say, "No." The
11 March 27 working session minutes are unanimously
12 approved.

13 May we consider the March 28th public
14 meeting minutes at this time?

15 COMMISSIONER GANT: Madam Chair.

16 COMMISSIONER SHEARMAN: Commissioner Gant.

17 COMMISSIONER GANT: Madam Chair, I did
18 read through them, and they're really comprehensive
19 and really straightforward and with not a lot of
20 mistakes.

21 I did find four errors that need to be
22 corrected, though. Page 37, line 7. And I'll just
23 go right on through it. You really don't need to
24 find it. They have a word in there, "dormant,"
25 which should have been "dominant." And there's a

1 line 38, this is the one I really had to guess at
2 until I read the rest of it. It says -- it's line 6
3 and 7. It says, "I guess I will chair the meeting,"
4 and I didn't understand that last night -- it was
5 late -- what I was saying. But what should be put
6 in there also is that at that moment Commissioner
7 Gant became chair for the meeting until Commissioner
8 Shearman returned. Okay?

9 Page 57, line 22, the word "crew" is in
10 there. It should be "curve." Also on page 58, line
11 7, the word is corde, C-O-R-D-E. The word again
12 should be curve, C-U-R-V-E.

13 Other than that, I find no other mistakes,
14 Madam Chair.

15 COMMISSIONER SHEARMAN: Thank you,
16 Commissioner Gant. Any other corrections or
17 comments? Commissioner Bergman.

18 COMMISSIONER BERGMAN: Not a correction.
19 Just on Commissioner Gant's first correction, I
20 think there probably are a few New Mexicans that
21 might think we are a dormant state, but other than
22 that, I had nothing. Thank you.

23 COMMISSIONER SHEARMAN: Thank you for that
24 comment. Anything else? The Chair would entertain
25 a motion. Do we have a motion on the floor for the

1 minutes?

2 COMMISSIONER GANT: Not yet.

3 COMMISSIONER SHEARMAN: May we have a
4 motion for the March 28 minutes?

5 COMMISSIONER CARR: So moved.

6 COMMISSIONER SHEARMAN: Motion by
7 Commissioner Carr. Do I hear a second?

8 COMMISSIONER BERGMAN: Second.

9 COMMISSIONER SHEARMAN: Commissioner
10 Bergman, to approve the March 28 minutes as
11 corrected. Any further discussion? All those in
12 favor, please say, "Aye." Any opposed, please say,
13 "No." The March 28 minutes as corrected are
14 unanimously approved.

15 COMMISSIONER SHEARMAN: Item number 4 is a
16 report from PED leadership. The Secretary is not
17 here, and I understand that Deputy Secretary Aguilar
18 is in an ERB meeting, and will try to get here if he
19 can, but it's not likely.

20 COMMISSIONER SHEARMAN: Moving on, 5,
21 discussion and possible action on charter school
22 amendments, Julia.

23 MS. BARNES: Good morning. The first
24 amendment we have is from Amy Biehl High School.
25 Actually, we don't have any amendments for a

1 contract today. These are just two schools that are
2 looking to make amendments. I saw Mike May. Come
3 on up.

4 Amy Biehl High School is looking to do a
5 slight increase in their enrollment cap so that they
6 don't ever hit the -- go over the enrollment cap.
7 So it's kind of a little bit of a security blanket,
8 potentially. I have spoken to Mr. May and he says
9 that their building could certainly handle the
10 additional students, so that the building has the
11 capacity to do that. And the Charter Schools
12 Division recommends this amendment.

13 MR. MAY: Thank you.

14 COMMISSIONER SHEARMAN: Good morning.

15 MR. MAY: Good morning, Madam Chair.

16 COMMISSIONER SHEARMAN: Commissioners, do
17 you have questions or comments? Commissioner Gant?

18 COMMISSIONER GANT: Madam Chair, the only
19 comment I have is that -- and I don't have a
20 statement yet from PSFA, although I have asked for
21 it. I did hear what you had to say, Julia, about
22 they have capacity. That's their word. But I would
23 also like some kind of documentation from PSFA to
24 the fact that they do have the room, because I do
25 not want -- they have been in that building since

1 they were originally chartered; right?

2 MR. MAY: No, sir, Madam Chair,
3 Commissioner Gant. Oh, push the button? Madam
4 Chair, Commissioner Gant, we moved into that
5 building in 2006, so we've been there, yeah, since
6 then.

7 COMMISSIONER GANT: Regardless, I think we
8 need some kind of statement. And in the future,
9 Madam Chair, Commissioners, I think we need some
10 kind of statement in our documentation.

11 MS. BARNES: You want a document from PSFA
12 or --

13 COMMISSIONER GANT: Yes.

14 MS. BARNES: Do you have something in --
15 I'm happy to get it from PSFA, or you and I can.

16 Do you have something, though, in your
17 records already that shows the capacity from when
18 you moved in 2006?

19 MR. MAY: I have to go back and look, but
20 I don't believe we do, Madam Chair and Ms. Barnes,
21 with that. The school has also -- the enrollment
22 cap has been at 300. We have steadily grown towards
23 that, and are now flirting with that consistently,
24 so it's not that the school is looking to expand
25 exponentially, but we want to make sure we're not

1 putting ourselves in an awkward position regarding
2 that limit.

3 COMMISSIONER GANT: Madam Chair, I
4 appreciate that. I will go along with this, but
5 again, I need -- it would be nice to have that
6 documentation in the file and in the future all
7 others that come forward, in my view -- talk to the
8 rest of the Commission on that -- but I really
9 think -- because we're getting charters that are
10 really getting crowded. So thank you.

11 MS. BARNES: And CSD wouldn't have any
12 problem with the amendment being approved on the
13 condition that we provide that documentation. We
14 can get that for you.

15 COMMISSIONER SHEARMAN: Other questions or
16 comments, Commissioners? Hearing none, the Chair
17 would entertain a motion on this amendment request.

18 COMMISSIONER PERALTA: Madam Chair, I move
19 to approve the amendment presented by Amy Biehl High
20 School to amend their cap from 300 to 325.

21 COMMISSIONER SHEARMAN: Thank you. Do I
22 hear a second?

23 COMMISSIONER CARR: Second.

24 COMMISSIONER SHEARMAN: Motion by
25 Commissioner Peralta, second by Commissioner Carr to

1 approve the amendment request by Amy Biehl High
2 School to amend their cap from 300 to 325 students.

3 Is there discussion?

4 Secretary Bergman, may we have a roll call
5 vote, please?

6 COMMISSIONER BERGMAN: Commissioner
7 Conyers?

8 COMMISSIONER CONYERS: Yes.

9 COMMISSIONER BERGMAN: Commissioner
10 Peralta?

11 COMMISSIONER PERALTA: Yes.

12 COMMISSIONER BERGMAN: Commissioner Pogna?

13 COMMISSIONER POGNA: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Toulouse?

16 COMMISSIONER TOULOUSE: Yes.

17 COMMISSIONER BERGMAN: Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER BERGMAN: Commissioner Gant?

20 COMMISSIONER GANT: Yes.

21 COMMISSIONER BERGMAN: Commissioner

22 Shearman?

23 COMMISSIONER SHEARMAN: Yes.

24 COMMISSIONER BERGMAN: Commissioner

25 Bergman votes yes.

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

3 COMMISSIONER SHEARMAN: Thank you. The
4 motion to approve the enrollment cap for Amy Biehl
5 High School from 300 to 325 is unanimously approved.
6 Thank you very much for coming.

7 MR. MAY: Thank you, Madam Chair and
8 Commissioners. I appreciate it.

9 COMMISSIONER SHEARMAN: Thank you.

10 MS. BARNES: The second amendment we have
11 is from East Mountain High School. Again, I think
12 that this is a school that is looking towards
13 renewal next year and are ahead of the game in
14 looking carefully at what things they may want to
15 bring to clean up their charter. I think CSD views
16 this as kind of a cleanup of their educational
17 programming. We recommend approval of this
18 amendment, and I will let Doug Wine present it.

19 COMMISSIONER TOULOUSE: Madam Chair, I'm
20 sorry, I'm still asleep. I need to recuse myself
21 from that school.

22 COMMISSIONER SHEARMAN: All right. Thank
23 you. Please go ahead.

24 MR. WINE: Madam Chair, members of the
25 Commission, we have had a humanities construct where

1 English and math have been combined for the past,
2 I'm going to guess, about eight years or so, eight
3 to ten years, and since the onset of the Common Core
4 and since our mission of preparing students to
5 succeed in college has occurred, we used to think
6 that this is the easiest way to explain it, that
7 English and math, 1 plus 1 might be 2 and a half.
8 And as a teacher said recently, 1 plus 1 is turning
9 into being 1 and a half.

10 We're not getting the English, we're not
11 getting students to learn to read and write as well
12 as we'd like, and we're not getting students to
13 understand history as well as we would like. We
14 find that sort of combining the two is making the
15 two subjects weaker, and so what we're trying to do
16 is separate into English and history, so that we can
17 focus on both of them.

18 What we say here in our rationale I think
19 is really clear and if you notice, it's a lot of the
20 bead language of the Common Core, trying to make
21 sure we have specific college-ready skills,
22 analytical and argumentative writing, and then
23 analysis of historical periods --

24 THE REPORTER: I'm sorry, could I get you
25 to read a little more slowly? Thank you. Would you

1 start that sentence --

2 MR. WINE: So what we're looking for,
3 right, is very Common Core driven, that we need to
4 improve college-ready skills of close reading,
5 analytical and argumentative writing, and then
6 analysis of historical periods and their meanings,
7 and then several other critical thinking and deeper
8 learning constructs.

9 Are there any questions?

10 COMMISSIONER SHEARMAN: Thank you. Are
11 there questions from Commissioners? You have heard
12 the presentation.

13 Julia, CSD recommends this?

14 MS. BARNES: We do. We consider it an
15 excellent school that's cleaning up their
16 educational program, working towards their renewal
17 next year.

18 COMMISSIONER SHEARMAN: Thank you very
19 much. The Chair would entertain a motion.

20 COMMISSIONER GANT: Madam Chair.

21 COMMISSIONER SHEARMAN: Commissioner Gant.

22 COMMISSIONER GANT: I move to approve the
23 amendment presented by East Mountain High School to
24 clarify their educational programs as described in
25 their amendment documentation.

1 COMMISSIONER SHEARMAN: Do I hear a
2 second?

3 COMMISSIONER BERGMAN: Second.

4 COMMISSIONER SHEARMAN: Motion by
5 Commissioner Gant, second by Commissioner Bergman to
6 approve the amendment brought by East Mountain High
7 School to clarify their educational program.

8 Is there further discussion?

9 Secretary Bergman, may we have a roll call
10 vote, please?

11 COMMISSIONER BERGMAN: Commissioner
12 Peralta?

13 COMMISSIONER PERALTA: Yes.

14 COMMISSIONER BERGMAN: Commissioner Pogna?

15 COMMISSIONER POGNA: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Toulouse abstains. Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER BERGMAN: Commissioner
20 Conyers?

21 COMMISSIONER CONYERS: Yes.

22 COMMISSIONER BERGMAN: Commissioner Gant?

23 COMMISSIONER GANT: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Shearman?

1 COMMISSIONER SHEARMAN: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Bergman votes yes.

4 Madam Chair, that is a seven-to-zero vote
5 with one abstention in favor of the motion.

6 COMMISSIONER SHEARMAN: Thank you,
7 Mr. Secretary. The vote to approve the amendment
8 presented by East Mountain High School passes
9 unanimously. Congratulations.

10 MR. WINE: Thank you very much.

11 COMMISSIONER SHEARMAN: The next item on
12 the agenda is number 6, update on charter school
13 contracts.

14 COMMISSIONER TOULOUSE: Madam Chair, this
15 will be the last abstention. I need to abstain on
16 the New Mexico School for the Arts because I have a
17 relative attending. Thank you.

18 COMMISSIONER SHEARMAN: Thank you very
19 much.

20 MS. BARNES: I will just note for the
21 Commission that this is actually not on your agenda
22 as an action item, so I don't know if Commissioner
23 Toulouse needs to abstain from a discussion, but she
24 can do whatever she wants, just for clarification.

25 These are two contracts -- actually, I

1 want to say that we have been doing a great job
2 getting through the contracts. There are two that
3 are still in process from early on, and you all had
4 asked for an update on where we are. I anticipate
5 both of them coming before you in the May meeting.

6 La Academia Dolores Huerta is our
7 Las Cruces school. They are preparing a series of
8 amendments and have presented to us some draft
9 indicators. We're going to get them into the shape
10 that we like to see them, and then we'll get them
11 back to that negotiating committee, which was
12 Commissioner Bergman, Commissioner Gant, and
13 Commissioner Parker, I think. So we'll get those to
14 that negotiating team, but we are on track for them
15 coming forward in the May meeting. They are a
16 district school coming over, so some of the
17 protocols are newer to them. So anyway, we're
18 trying to do a better job of making sure they
19 understand what's going on. I think they're on
20 track.

21 They will be presenting a document to move
22 forward with a move, so actually I'll confer with
23 Commissioner Gant, make sure that we have everything
24 that you all need for that. So I think there will
25 be three amendments and a contract approval for you

1 in May.

2 The New Mexico School for the Arts was one
3 of our first schools that negotiated as -- I'm just
4 giving you a report. I too am conflicted out with
5 that school, but I just happen to know what's
6 happening, so I'll tell you what's happening,
7 although I probably will have someone else from CSD
8 present it next time.

9 They raised some contract language --
10 actually, that school's the one that started a lot
11 of the technical changes you approved last month,
12 and they were the first school to raise the issue on
13 the financial framework. You fixed both of those
14 and we got through those, both of those issues, on
15 the March meeting. We're just giving us enough time
16 to get the documents to them and their board enough
17 time to approve. From everything I'm hearing, there
18 will not be a problem with them moving forward. So
19 they, as well, will be at the May meeting.

20 I'm happy to take questions, but all
21 along -- and, in fact, if you look at the schedule,
22 we have spaces for schools that roll over, because
23 sometimes from the negotiation to getting it finally
24 approved, it can take a little while. So I don't
25 view it as anything out of the ordinary. In fact,

1 I'm kind of proud of us that we only have two.

2 Everything else is on track.

3 COMMISSIONER SHEARMAN: Thank you for that
4 update. Commissioners, do you have questions?
5 Hearing none, thank you, Julia.

6 Let's move on now to item 7, approval of
7 charter school contracts.

8 Julia.

9 MS. BARNES: We have two schools that have
10 successfully negotiated. We'll start with New
11 America School New Mexico. In fact, I think they
12 win the I'm Ahead of the Game Award.

13 Come on up to the table. This will give
14 me an opportunity to tell you generally what we've
15 been doing.

16 On the 28th you all approved technical
17 changes to the contract template and also a
18 financial framework and a few technical changes to
19 the performance indicators. So with both of these
20 schools presenting today, we incorporated those
21 changes right away. The reason they get the very
22 early award is, they held a second board meeting.
23 They have already approved the documents in their
24 final form, so this is our first pristine set of
25 contract documents. He actually has what is her

1 second set of approvals, and I'm happy to pass them
2 around. She actually did make 15 copies, so I have
3 them right here. You have their first set of
4 approvals in your packet, but we now have a second
5 set, and I'll let you guys introduce yourselves and
6 we can move ahead.

7 One last thing, we do recommend approval
8 of this contract. And if I can look at my notes, I
9 can tell you who was there. Commissioners Shearman,
10 Bergman, Gant, and Commissioner Pogna. Commissioner
11 Pogna, I think you were there all day, although I
12 was a little worried maybe you had to leave for one
13 meeting. But I think I'm representing that she was
14 at both.

15 MS. MATHIS: Thank you. My name is
16 LaTricia Mathis, the principal of the New America
17 School, New Mexico.

18 MR. SILVA: My name is Fred Silva. I'm
19 the governing president.

20 COMMISSIONER SHEARMAN: Thank you. Do you
21 have a presentation, or you're here if we have
22 questions of you?

23 MS. MATHIS: Commissioner, I'm here in
24 case you have questions for me.

25 COMMISSIONER SHEARMAN: Thank you very

1 much. We appreciate you being here.

2 Commissioners, do you have questions?

3 Julia, I just want to clarify. The
4 document that's in our notebook -- is that the
5 document that we're being asked to approve, or is it
6 the document you have there?

7 MS. BARNES: The document in your notebook
8 is the correct document. That's what I'm asking you
9 to approve. It contains the technical changes and
10 contains the correct financial framework. What they
11 brought to us today is, they were able to meet
12 earlier this week and their board has also approved
13 it. So I think you're ready just to approve these
14 documents in your packet, because their board has
15 already approved it.

16 COMMISSIONER SHEARMAN: Thank you for that
17 clarification.

18 Commissioners, any discussion, questions,
19 comments? Commissioner Bergman.

20 COMMISSIONER BERGMAN: Julia, I just want
21 to be -- this has the new framework and everything
22 in it, everything that we have changed here
23 recently; is that correct? Or is that going to have
24 to be incorporated later?

25 MS. BARNES: It has the new framework in

1 it, and actually, I'll just show that to you. I do
2 want to really thank Amy Chacon of my staff. She
3 has started fixing every set of documents, so we
4 started with the schools we knew were going to -- so
5 she has already incorporated them, and I'll just
6 show you that. If you can flip through back to the
7 performance framework, which is, I think, the third
8 blue page back, on page 7, is the correct financial
9 performance framework.

10 MS. LEWIS: Page 6. Our packet starts on
11 page 6.

12 COMMISSIONER SHEARMAN: Page 6.

13 MS. BARNES: Flip back to the performance
14 framework. The financial framework is what we
15 replaced. And it's on 6 or 7. I couldn't say. How
16 could my copy be different than your copy?

17 MS. LEWIS: Yours is on page 7, mine is on
18 page 6. It's just mine.

19 MS. BARNES: So just confirming, that is
20 the financial framework that was approved. And we
21 are moving forward with every school that we've
22 negotiated with, so that this financial framework
23 gets into everyone's financial -- their performance
24 indicator for this year. This is just the first
25 school to approve it.

1 COMMISSIONER SHEARMAN: Thank you for
2 that.

3 Commissioner Bergman.

4 COMMISSIONER BERGMAN: Actually, again
5 Julia, I noticed you had an Exhibit 2 in here,
6 waivers. Now, these waivers -- they still have not
7 been approved by the Secretary; is that correct? Is
8 this more for our information?

9 MS. BARNES: Well, it is; if you recall,
10 the law does require, because we're always in a
11 little bit of tension with this law, even though you
12 don't approve waivers, they are required to be in
13 the contract. So we do talk about them, I know as
14 you recall, and so they become an Exhibit 2 of the
15 contract for your information, is basically it.

16 I do want to add to that, though, the law
17 does say that the waivers are good for the contract
18 term, so I spoke to general counsel, Dan Hill, about
19 a protocol for taking all of these Exhibit 2s,
20 making sure they go through the Secretary's office
21 and are approved. We will give the school an
22 opportunity to be able to explain those waivers in
23 more depth to the Cabinet Secretary, but that way,
24 you would approve the contract, you would have
25 reviewed the waivers, and the Cabinet Secretary will

1 have signed off on the waivers for the term of the
2 charter, which I think will give us a lot of clarity
3 that everyone has kind of signed off on the things
4 they're responsible for.

5 Schools can later come back and ask for
6 additional waivers with the Cabinet Secretary. If
7 that happens, we'll put in a new Exhibit 2. But
8 this way, particularly a lot of the schools -- maybe
9 this school -- have some alternative school days and
10 things that we just want to make sure the Cabinet
11 Secretary has had an opportunity to look at.

12 I know that when Sue Fox and I spoke about
13 it yesterday, she was very much wanting the schools
14 to be able to present those to the Cabinet
15 Secretary. But ultimately, I hope to have your
16 signatures on the contract, the Cabinet Secretary's,
17 on the Exhibit 2.

18 Sue, did you want to add anything? I
19 speak for Sue quite often, and she's so good at
20 speaking for herself.

21 COMMISSIONER SHEARMAN: CSD recommends
22 this contract?

23 MS. BARNES: Yes, we do.

24 COMMISSIONER SHEARMAN: Thank you.

25 Commissioners, any further questions,

1 discussions? Hearing none, the Chair would
2 entertain a motion. Commissioner Bergman.

3 COMMISSIONER BERGMAN: Madam Chair,
4 Commissioners, I would move that the Public
5 Education Commission accept this contract,
6 performance contract, and its associated performance
7 framework documents for approval by this Commission.

8 COMMISSIONER SHEARMAN: Thank you. Do I
9 have a second?

10 COMMISSIONER PERALTA: Second.

11 COMMISSIONER SHEARMAN: Motion by
12 Commissioner Bergman. Second by Commissioner
13 Peralta to approve the contract with associated
14 documents as presented. Commissioner Bergman.

15 COMMISSIONER BERGMAN: Actually, I don't
16 think I mentioned that it was for New America.
17 Should I reword the motion, or can we just add the
18 words "for New America" in there?

19 MS. LEWIS: You did or did not mention?

20 COMMISSIONER BERGMAN: I don't think I
21 mentioned it in hindsight.

22 MS. LEWIS: I think it's fine in the
23 context, but if you'd like to amend it, that's fine,
24 too.

25 COMMISSIONER BERGMAN: As long as we all

1 are on the same page.

2 COMMISSIONER SHEARMAN: We have a motion
3 and second to approve the contract of the New
4 America School as noted on the record.

5 Commissioner Bergman, may we have a roll
6 call vote, please?

7 COMMISSIONER BERGMAN: Commissioner Pogna?

8 COMMISSIONER POGNA: Yes.

9 COMMISSIONER BERGMAN: Commissioner
10 Toulouse?

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER BERGMAN: Commissioner Carr?

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER BERGMAN: Commissioner
15 Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Peralta?

19 COMMISSIONER PERALTA: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant?

21 COMMISSIONER GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Shearman?

24 COMMISSIONER SHEARMAN: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Bergman votes yes.

2 Madam Chair, that is an eight-to-zero vote
3 in favor of the motion to approve the contract for
4 New America.

5 COMMISSIONER SHEARMAN: Thank you. The
6 contract with the New America School is unanimously
7 approved. Congratulations.

8 MS. MATHIS: Thank you very much.

9 COMMISSIONER SHEARMAN: Thank you.

10 MS. BARNES: I will add, while he's
11 signing it, that we are trying to get all the
12 documents signed and in there.

13 The other thing we're starting to do --
14 thank you so much; congratulations -- the other
15 thing we're starting to do is pull from your meeting
16 minutes the front page of the minutes and the pages
17 that are associated for this school, for example,
18 whatever pages they'll be, and we're also putting
19 that in there. So there's just been so much
20 confusion in the past that we thought we'd try to
21 standardize the process so that it's very clear.
22 Those will be held in our R drive, be held in the R
23 drive. But we're doing that with your form
24 approvals, we're doing that with all of these, so
25 that they're just right there. You can see what you

1 approved, and nobody has to remember, "Which meeting
2 was that?"

3 COMMISSIONER SHEARMAN: Thank you very
4 much.

5 MS. BARNES: We have one more school, if
6 we're ready to move on.

7 Commissioner Bergman looked like he had a
8 question.

9 COMMISSIONER BERGMAN: Well, I was just
10 going to say that I thank Julie for all her hard
11 work, and she just seems to be full of all these
12 good ideas, and I'm very pleased by that.

13 COMMISSIONER SHEARMAN: Absolutely.

14 MS. BARNES: I'm just -- disorganization.
15 I don't know. My husband says that I'm very
16 organized today, but he said that in not the kindest
17 way he possibly could have. So thank you.

18 Creative Education Preparatory Institute
19 is next. This school is a school that we recommend
20 approval of the contract and the performance
21 framework. This was a subcommittee again of
22 Commissioners Shearman, Bergman, Gant, and Pogna.
23 And I do believe, though, that you all are going to
24 approve again after this meeting.

25 So my understanding is that the Commission

1 should approve these documents. You have the
2 correct documents in front of you. Their board has
3 approved an earlier version, but has not yet
4 approved these technical contract changes and the
5 financial framework. However, I understand the
6 school is going to do that. So we will send these
7 back to them after your vote, if you approve them,
8 and we will get their board minutes showing that
9 they have approved the same form that you have.

10 So I believe that you -- if you choose to
11 approve them as you have them, and on the condition
12 that they go back to the CEPI board for their final
13 approval. Again, CSD recommends approval of the
14 contract and performance documents.

15 COMMISSIONER SHEARMAN: Thank you, Julia.
16 Commissioners, you have heard the recommendation
17 from CSD. Do you have questions?

18 COMMISSIONER GANT: Madam Chair.

19 COMMISSIONER SHEARMAN: Commissioner Gant.

20 COMMISSIONER GANT: Madam Chair, it's not
21 particularly on the contract, but last night I read
22 through the audit findings which we received, and I
23 am disturbed, frankly. You have significant
24 deficiencies in a couple of areas, and you have a
25 bunch of findings that, in my view, shouldn't even

1 happen. Can you explain all these, please?

2 MS. SANCHEZ: Madam Chair, Commissioner
3 Gant, I'm Susie Sanchez, and I'm actually the school
4 business manager. And yes, I was displeased and
5 frustrated, and one of the things that -- when our
6 former principal left and Mr. Arthur came on board,
7 one of the things that I had been asking for and
8 finally happened was to have a full-time assistant,
9 which I have this year, who is competent and who has
10 financial background. So when we switched over from
11 being under APS into state charter, all the new
12 demands that came on us and just -- it was
13 overwhelming for me. And like I said, I had a
14 part-time assistant, and this year I have a
15 full-time assistant, and we have more oversight.
16 And all I can do is apologize and say, you know, it
17 is part of the financial framework. You won't see
18 this again on our file.

19 COMMISSIONER GANT: Madam Chair, I reread
20 and reread, and thought, okay, things could happen.
21 But you also have a repeat, based upon what I read.
22 And I think somehow we need to have a continuing
23 follow-up on this school. And I don't know if you
24 want to put that as a condition, fellow members,
25 but -- and my other condition would be they provide

1 through the CSD their detailed plan to correct this.
2 I see what they say they need to do. Those are just
3 words. It's not a plan. And I think as one of the
4 conditions, we need a detailed plan for how they
5 plan to fix this stuff, because again, there's a
6 repeat in here this year. And basically, that's
7 what they need.

8 And the other condition is, continue close
9 scrutiny by -- close follow-up by the CSD on their
10 financials.

11 Of course, Madam Chair, the rest of the
12 Commission needs to agree to these two conditions.
13 Thank you.

14 MS. LEWIS: Julia, we're thinking the same
15 thing.

16 MS. BARNES: I was just going to clarify,
17 since so many schools are in transition, where they
18 are and where they aren't and then Abby, listen to
19 what you have to say. This school is coming under
20 contract right now. The financial framework they're
21 agreeing to will start in July and will be reported
22 on the following August, frankly, so a long time
23 from now.

24 Just first, how does the financial
25 framework and how does the performance framework

1 take care of an issue like this in the future when
2 they're under contract? The financial framework and
3 the improvements that I think resulted from that
4 financial framework is, for example, there's a whole
5 section on the audit. I think that's what Susie is
6 referencing; that if she was under -- if they were
7 under contract right now, this is exactly the kind
8 of thing they would already be needing to report to
9 you on.

10 So there would be a couple of different
11 ways to do it. One is to have them comply with the
12 financial framework this year. We could have them
13 do just that part. And again, if you go back and
14 find that same page, 7, you can see exactly what
15 they would report on if they chose to report using
16 that form.

17 Abby, I'll defer to you in terms of what
18 you were thinking.

19 MS. LEWIS: Well, I just wanted to
20 clarify. You're talking about -- you're proposing
21 to put conditions on the approval of the contract
22 versus the approval of the school which you already
23 did? Or to add to the contract?

24 COMMISSIONER GANT: Madam Chair, members,
25 Ms. Lewis, what I really want to know is how they're

1 going to fix this. I don't care how we do it. I
2 want to know how this is going to be fixed, and I
3 want it in black and white in details. It can be a
4 separate document, whatever you want to do. I agree
5 we're going to approve the contract. Okay? I have
6 no problem with that. Then I got this, and I
7 thought, you got to be kidding me, you know. So I
8 don't know how we can do it. I'm not a legal -- but
9 we need some kind of plan from this school because
10 we can't go on like this.

11 MS. LEWIS: Julia, did you say their
12 governing council had already approved the contract,
13 or no?

14 MS. BARNES: The governing council
15 approved the earlier version prior to your technical
16 changes prior to the financial framework. My
17 suggestion -- and maybe Sue has one, as well -- is
18 that we separate the issues and we look at
19 requesting or requiring the school to fill out the
20 financial framework this year, before their new
21 contract starts with their audit findings right now.
22 Next year, their board and you all, if you approve
23 the contract, they'll have a contract for next year
24 and a financial framework for next year. So if
25 there's more audit findings next year, they'll take

1 care of them, as well, but my thinking is
2 Commissioner Gant wants something done now. My
3 suggestion would be to either have them require or
4 agree to fill out the financial framework this year,
5 and report back to you. It's a little technical.
6 It's awkward. I'm just trying to think of the best
7 legal mechanism to get us there.

8 Sue, do you have any --

9 MS. FOX: Well, I agree with Julia's
10 suggestion that we separate the issues. I don't
11 think the school has any problem agreeing to fill
12 out the financial framework. Basically you're
13 looking at doing that for this contract term, and
14 then keeping -- we don't have a contract this term.
15 But this term, this five-year term that they're
16 currently in, and keeping the contract as a separate
17 matter, rather than attaching that as a condition to
18 the contract. Because then it gets a little wonky
19 and fuzzy, I think, for the tripartite lawyers'
20 group here.

21 But you don't have any problem doing that
22 financial framework. It's a matter of, I guess,
23 doing maybe -- it's not on the agenda, technically,
24 but maybe we can just informally agree to do that.

25 COMMISSIONER SHEARMAN: In my mind, I

1 agree, we're dealing with a contract and then we're
2 dealing with these audit issues. Might I suggest,
3 let's go ahead and deal with the contract, and then
4 let's discuss the audit issues and how we would like
5 to deal with that, and what kind of information we
6 would like to have, or what kind of follow-up we'd
7 like to have.

8 MS. LEWIS: Except unfortunately, as Sue
9 pointed out, that's not on the agenda. So if you
10 separate it out from the contract, then I believe
11 you're getting close to an Open Meetings Act
12 problem.

13 MS. BARNES: We can also bring this back
14 in the May meeting, because I don't think it's going
15 to be hard to find an answer to this.

16 MS. FOX: And the school can just, in the
17 meantime, go ahead and start working on that, so we
18 can formalize that.

19 MS. BARNES: And just so -- I'm always
20 trying to make sure you all understand these
21 contracts and performance frameworks as well as I
22 do. In order to complete the financial framework,
23 one of the things we heard from the business
24 managers is that all answers to the financial
25 framework questions will not be answered until July

1 30. We could do the audit part first. But all of
2 those reports are not going to be ready. So just
3 for your information, the net result of the changes
4 to the financial framework is that our whole rollup
5 to you each year will be in early August. That
6 still works for us, but I'm just adding that. We
7 can do the audit piece right now. The remainder of
8 that financial framework, they don't have all the
9 answers, because all the reports aren't done.

10 COMMISSIONER GANT: Madam Chair.

11 COMMISSIONER SHEARMAN: Commissioner Gant.

12 COMMISSIONER GANT: I agree with the
13 solution. I just needed one to fix it. That's all
14 I needed. Thank you.

15 COMMISSIONER SHEARMAN: Thank you. Any
16 further discussion?

17 Commissioner Bergman.

18 COMMISSIONER BERGMAN: It just occurred to
19 me, if you go ahead and do a financial framework
20 right now, with these audit findings, I presume it
21 would also be acceptable as you do that framework,
22 you also put your little plan in there for how
23 you're going to fix that, and we do it all in one
24 little piece. Does that sound logical to you folks
25 and Julia, Madam Chair?

1 MS. LEWIS: Madam Chair, I guess the first
2 question I have, based on your phrasing, when you
3 say "plan," are you speaking of a corrective action
4 plan under the statute or just using that word in
5 general?

6 COMMISSIONER BERGMAN: No, I heard their
7 lawyer use the word "informal," and we just don't
8 want to informally violate the Open Meetings Act.

9 MS. BARNES: The one thing I might add is,
10 anytime you have got a document, you can test and
11 see if it does what you want to do. If we were to
12 agree informally with the school and come back and
13 report to you in May, the audit section of the new
14 financial framework asks exactly that. What has the
15 school done to correct it? So it says, "When was
16 the last audit? What was the text of the
17 specifically identified section regarding the
18 school? Were any findings from the last released
19 audit" -- which would answer Commissioner Gant's
20 question of were there any repeat audits? "Any
21 material weaknesses? What has the school done to
22 correct the findings? If they were repeat findings,
23 what was the repeat, why, and what have you done to
24 correct it?"

25 So far, the document is good enough.

1 COMMISSIONER CARR: I'm happy.

2 MS. BARNES: Me, too.

3 COMMISSIONER SHEARMAN: All right.

4 Further discussion on the contract? Hearing none,
5 the Chair would entertain a motion.

6 And Julia, let me just ask you one time
7 again to state this contract that we have in our
8 binders is still subject to technical changes and
9 inclusion of the financial framework; is that
10 correct?

11 MS. BARNES: A little bit differently.
12 The documents you have are correct. They need to go
13 back to the school for their approval of the correct
14 documents. So your documents are correct. You may
15 approve them as in your binder. We will then send
16 them back to their board for their board's approval,
17 but the documents are correct.

18 COMMISSIONER SHEARMAN: All right. Thank
19 you very much.

20 With that clarification, the Chair would
21 entertain a motion. Commissioner Toulouse.

22 COMMISSIONER TOULOUSE: Madam Chair, I
23 move that we approve the contract as in our binder
24 for the Creative Education Preparatory Institute.
25 All of these get very different names. It's hard to

1 remember what they are when you see the initials.

2 COMMISSIONER SHEARMAN: Thank you very
3 much.

4 COMMISSIONER CARR: Second.

5 COMMISSIONER SHEARMAN: Motion by
6 Commissioner Toulouse, second by Commissioner Carr
7 to approve the contract of Creative Educational
8 Preparatory Institute as is contained in our
9 binders.

10 Further discussion, Commissioners?

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

13 COMMISSIONER BERGMAN: Commissioner
14 Toulouse?

15 COMMISSIONER TOULOUSE: Yes.

16 COMMISSIONER BERGMAN: Commissioner Carr?

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER BERGMAN: Commissioner
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER BERGMAN: Commissioner

22 Peralta?

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Pogna?

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER BERGMAN: Commissioner Gant?

2 COMMISSIONER GANT: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Shearman?

5 COMMISSIONER SHEARMAN: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Bergman votes yes.

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

10 COMMISSIONER SHEARMAN: Thank you. The
11 contract of Creative Education Preparatory Institute
12 is passed unanimously. Thank you very much.

13 MR. ARTHUR: Thank you, Madam Chair.

14 COMMISSIONER SHEARMAN: All right. Let's
15 move on to item number 8, update on progress of
16 AIMS@UNM concerns.

17 And I just have a statement to read and I
18 think that will probably take care of the item.

19 Subsequent to our March 28th, 2014,
20 meeting, we received advice from our legal counsel
21 that any decision made at this, our April 11, 2014,
22 meeting regarding AIMS@UNM in Rio Rancho would be
23 premature. She advises us -- pardon me, she advised
24 us that more time was needed to collect all the
25 relevant facts and documents to work with the

1 respective parties to come to a conclusion.
2 Therefore, there will be no decision made on this
3 issue today. AIMS@UNM will appear again on our May
4 9, 2014, agenda. Thank you very much.

5 Commissioners, I suggest at this point we
6 take about a ten-minute break. We'll come back at
7 10:00.

8 (Recess from 9:51 a.m. to 10:02 a.m.)

9 COMMISSIONER SHEARMAN: I call back into
10 order the meeting of the New Mexico Public Education
11 Commission. I call back into order this meeting of
12 the New Mexico Public Education Commission. Please
13 let the record indicate that there are one, two,
14 three, four, five, six Commissioners in the room.
15 When the other two make it here, I will so announce.

16 Let's move on to item number 9, Report
17 from Options for Parents and the Charter School
18 Division. Julia.

19 MS. BARNES: Good morning again. So the
20 first kind of standing item in my report is a
21 discussion of where we are with forms. So I just
22 wanted to tell you where we were. We should have up
23 quite soon a new list on the CSD web page with all
24 of the forms that you have approved. Actually, I
25 was hoping to have those binders and CDs for you

1 today, but I'm not going to -- I don't think I'm
2 going to make it. So we'll have it for you for the
3 next meeting. They're also going to be posted
4 online.

5 Again, what we have done is gone back to
6 the PEC meetings where you approved the various
7 forms, and that's just going to be -- the form is
8 going to be there and then your approval is going to
9 be behind it, so that it's clear when things were
10 approved. That is in process and ready.

11 We are going backwards and back to every
12 school that has negotiated this year, including the
13 seven schools that will do their second performance
14 framework, so that everybody's under the same
15 framework, and we are even going to ask the schools
16 from last year to let us make the technical
17 corrections to their contract. It's up to them if
18 they'll do it or not. Frankly, my personal opinion
19 is that they should, because I think a lot of the
20 changes that we made to the contract clarify issues
21 for charter schools.

22 So if luck goes my way, everybody will
23 have the same documents. We'll keep you updated on
24 that. Again, Amy Chacon from my office has done a
25 great job of going back and reviewing each set of

1 documents, so we're in good shape there.

2 Let's see -- you had asked for --

3 COMMISSIONER SHEARMAN: Julia, while
4 you're looking for that, let me ask that the record
5 reflect that Commissioner Carr and Commissioner
6 Toulouse are now back in attendance.

7 MS. BARNES: I'm going to come back to a
8 couple of discussions that I want to have, so let me
9 go on and give you the updates for the schools. But
10 then I'm going to come back to a couple of things in
11 my report.

12 You had asked for kind of a standing item
13 on the school closures. We are -- we did clarify
14 with general counsel, Dan Hill, that we're moving
15 forward on Ralph J. Bunche. Sandy Berry will be
16 contacting the school.

17 There was that letter from the Cabinet
18 Secretary indicating that the appeal was not
19 appropriately submitted to the Cabinet Secretary, so
20 from PEC and PED's perspective, the school closure
21 is moving forward. It is getting late in the year
22 and things need to move pretty quickly. But that
23 approval to move forward with that was given
24 yesterday, and the school has been asking what will
25 be the closure protocol? We will use, of course,

1 the same closure document that you have approved.

2 The Learning Community Charter School.

3 We're moving forward as well with that closure.

4 There has not been, to my knowledge, a decision by
5 the district court judge on the appeal. However, as
6 you know, the Cabinet Secretary upheld your
7 decision, so we're moving forward with that closure.

8 I do have a bit of good news in that their
9 files seem to be in good order. Our concern is
10 always that student records are in good shape for
11 the students to be able to move on to where they're
12 going. So the first round of those reviews showed
13 that school was in good order. I don't know if
14 they're in great order, but they're in good order.
15 So that's a relief.

16 So again, we're going to start to move
17 forward full steam on both of those, both schools.
18 No one can really predict when a district court
19 judge will make a ruling. But I do keep hearing
20 that mid-April looks like the time that we may hear,
21 but we'll hear when we hear. You'll hear when we
22 hear.

23 Let's see. We have three schools that are
24 still on the schools of concern list. One is the
25 International School at Mesa del Sol. We spent -- I

1 think Ron Christopherson spent eight hours with Sean
2 Joyce yesterday, so I told him I would just update
3 you on where we are. They are on track to have a
4 contract coming forward to negotiate for you at the
5 May meeting, so yesterday they spent a long time
6 doing the draft worksheet. We are looking to have a
7 negotiation session on April 28. I think
8 Commissioner Bergman will address who can attend
9 that negotiation session, a little bit of a later
10 agenda item, so we might put that off.

11 They are choosing goals that meet the
12 conditions that you placed on that school, and that
13 gets the school to be stable. Their board did
14 confirm to the community that they will stay open
15 next year. They believe they have the budget for
16 next year and they're looking closely at how to
17 increase enrollment. And they will come forward, I
18 believe, with a transportation request. However,
19 Paul Aguilar has asked our office to make clear that
20 if we recommend a transportation amendment, that
21 does not mean that the Public Education Department
22 will provide them with transportation funds. Those
23 are two different questions, and two different
24 processes, and he is aware that several schools are
25 making what is essentially a late request for

1 transportation funds. So that's outside of your
2 purview, outside of our purview. I just wanted to
3 make that clear, that to the extent they come
4 forward with a recommendation, the funding aspect of
5 it is separate.

6 I will tell you that the International
7 School at Mesa del Sol is hopeful about funding
8 because -- and actually are using a model where they
9 may have a couple of transportation hubs where
10 parents can drop students off closer to their homes
11 to be transported to the school.

12 I think we will be in shape. But I do
13 want to thank the Commission for allowing them to
14 delay the negotiations. That causes an additional
15 trip, an additional set of negotiations, so for
16 those of you that accommodate that, thank you. Do
17 you want me to do all three schools, or would you
18 like to -- do you have any questions on that for me?

19 COMMISSIONER SHEARMAN: I think that's
20 fine.

21 MS. BARNES: Sage Montessori Charter
22 School. I think you have an update in your
23 executive summary. They have decided not to move
24 forward with an early contract. And I guess,
25 speaking for myself, I wish they had. Because I

1 think it's a good way for a school like the
2 International School and a school like La Tierra to
3 really confirm that they're on track for success,
4 but it's their choice. You all had indicated that
5 you were open to that, but it's up to them.

6 So we do have our eye on that school and
7 we will continue to monitor them. Rachel Stofocik
8 from my office will continue to do an update, and if
9 at any point you want to ask the school to come to a
10 presentation, we would certainly pass that message
11 along to them, although I think that we're feeling
12 better in general about all of these schools. I
13 told the Cabinet Secretary, I'll tell you, I think
14 this contracting process and the amount of attention
15 you are paying to the schools causes schools to look
16 at what they're doing. And of course, they're
17 interested in their students succeeding. But I
18 think the process allows us to identify schools of
19 concern more readily and gives them an opportunity
20 to improve. That's my own personal opinion.

21 Moving on to La Tierra, there is an update
22 on that school, as well. And actually, I think a
23 member of their board and their interim, I think
24 interim, Sandy Davis, is here. She is the interim
25 principal there. They're here to listen, unless you

1 would like to ask them questions.

2 They are moving forward with a contract
3 negotiation and again will discuss the timing of
4 that. We're suggesting putting McCurdy, who's
5 actually here, as well -- although McCurdy is not on
6 the agenda, but she must love our meetings, so she
7 just comes a lot -- but they were proposing some
8 later dates and a July approval for both of those
9 schools. We'll discuss that a little bit later.

10 And again, with new leadership both at
11 Sage and La Tierra, I think CSD is feeling
12 cautiously optimistic about those schools, but we
13 are going to keep them on our schools of concern.
14 Again, we will get the update. Rachel happens to
15 have both of those schools as the liaison, and she
16 will continue to give updates, so unless there's
17 questions of us or of the school...

18 COMMISSIONER SHEARMAN: I do have a
19 question, Julia, on Sage Montessori. Did they
20 indicate why they chose not to come under contract
21 early? I mean, I know it's an option, they didn't
22 have to. I just am curious. I think it's a really
23 good way to get organized.

24 MS. BARNES: I do, too. I do know -- and
25 actually, I think Sandy Davis considered it, too.

1 It's extra work when you're already trying to pull a
2 school forward, and so it takes that extra emphasis
3 to come forward. And for example, Sean Joyce was
4 with us yesterday working on the worksheet rather
5 than in his school yesterday. I think it will
6 ultimately achieve great outcomes for his kids, but
7 it does feel like an extra project.

8 So that's the only reason, is I think each
9 of these schools is kind of running as fast as they
10 can. And whether they prioritize the contract or
11 not, you and I think alike, so we both think that's
12 a good way to make sure.

13 I also tell schools often that I think
14 they're in better shape when they have come and told
15 you what they're trying to do, so that you know the
16 school better than if they come in front of you when
17 things are really desperate. And I think that's
18 strong protocol.

19 I'm actually going to switch in just a
20 second to what I recommend you do on amendments, and
21 one of those is that if a school has a lot to do and
22 they're really remaking themselves and they're
23 really working on it, it makes some sense to me to
24 do a presentation to you one meeting before they
25 come forward the next meeting, because often you

1 give guidance to them on what you want to see. I
2 think that is sound practice. But I also know it's
3 more work.

4 COMMISSIONER SHEARMAN: Thank you for that
5 explanation.

6 Commissioner Gant.

7 COMMISSIONER GANT: Julia, has Sage
8 Montessori given any indication when they plan to
9 move? I note it is stated there that they don't
10 like their building, it's insufficient, so is there
11 any indication when they want to do this?

12 MS. BARNES: I'm sorry I didn't have
13 Rachel here. And I may speak to her and get back to
14 you. So I'm hoping that this is right. Actually,
15 if anybody's in the audience that knows. There are
16 several schools that are looking to kind of switch
17 out in a couple of buildings, and I'm not entirely
18 sure about it. But one or more buildings previously
19 housed charter schools, and so there's a
20 conversation with Sage and a couple of other schools
21 that they may move into some of those. And it's a
22 little bit premature to bring it to you, but I do
23 know that when I asked them about whether they
24 brought PSFA into the process, the answer I get is,
25 well, the buildings they're looking at were previous

1 charter schools.

2 So I think they're in process, because
3 there's as much an opportunity to kind of upgrade as
4 anything else, and I'm happy to try to -- well, I
5 know Rachel is training our notice-of-intent schools
6 today, so I may not be able to reach her. Let me
7 clarify what they're doing and get that to the
8 executive committee. Rachel is so good, I frankly
9 rely on her and sometimes I don't know everything
10 she knows, because I rely on her expertise. Let me
11 get that to the Executive Committee with a little
12 clarity. I know it was premature to bring it to you
13 now.

14 COMMISSIONER GANT: Madam Chair, Julia,
15 their comment, they were previous charter school
16 buildings -- that's not enough.

17 MS. BARNES: Right.

18 COMMISSIONER GANT: The statute says they
19 will go to PSFA. So I would strongly urge them to
20 do it sooner than the last minute, as usual. Thank
21 you.

22 MS. BARNES: I'm getting pretty good at
23 channeling what you want me to say, so I think I
24 have already said that. But I'll just reiterate
25 that you actually said it.

1 COMMISSIONER GANT: Okay.

2 MS. BARNES: That's the update on the
3 schools, and I do want to just pause there, make
4 sure there's no other questions on the schools,
5 because knowing that it was a little bit of a
6 shortened agenda, I did take the opportunity to add
7 some more things that I wanted to discuss, but I
8 want to make sure there's no other questions on the
9 schools.

10 Commissioner Bergman.

11 COMMISSIONER BERGMAN: You didn't discuss
12 La Tierra. Is just what you have here in the
13 executive summary what you would report on them at
14 this time?

15 MS. BARNES: Yes, and that they are coming
16 forward with contract negotiations that we will
17 discuss. And actually, we were just saying La
18 Tierra is one of the schools that we're going to ask
19 be placed on your June agenda so you can hear
20 comprehensively what they're doing and what they're
21 looking to do in advance of negotiating a contract
22 with them. So we will have them actually -- would
23 you like Sandy Davis to come give a little update on
24 how they're doing? She's here.

25 COMMISSIONER SHEARMAN: Commissioners?

1 Yes, that would be good. Thank you.

2 MS. BARNES: We put you on the spot? No
3 pressure.

4 COMMISSIONER SHEARMAN: Please introduce
5 yourself so the reporter gets your names correct.

6 MS. DAVIS: I'm Sandra Davis. I have been
7 in the charter schools for a while, was the
8 principal at Turquoise Trail Charter School for 12
9 years, and retired, and back at La Tierra now to
10 support their program.

11 MS. HILL-CAP: Hi, I'm Julie Ann
12 Hill-Capp. I am a governing council member for two
13 years now, and I was a school nurse for, gosh, about
14 seven years.

15 MS. DAVIS: What I would say about La
16 Tierra at this point -- I have been there only three
17 weeks. I see a very strong instructional program,
18 and what they need -- I think that their charter was
19 much broader than what can really be accomplished in
20 a small school, and I know that in the last PEC
21 meeting I attended, there was a concern addressed to
22 Ed Wood, who was the head learner at that time,
23 about the enrollment, and we currently have 74
24 students, and the enrollment cap is much larger than
25 that.

1 And what I know, being there, is that the
2 current building that we are in temporarily, we
3 can't take more children than we have. And there
4 are ongoing negotiations. I think we're very close
5 to getting into a building that will be renovated
6 this summer, so that we can expand.

7 We had a very successful lottery, so we
8 have a lot of students on the waiting list who want
9 to enter the school. I think that there were only
10 one or two students that do not intend to return. I
11 think that that has to do with the strong program
12 that is evident in the school. I think -- I'm
13 hoping that all the teachers return. We have
14 excellent board members who are really committed to
15 that program.

16 So I am happy to answer any questions, or
17 Julie Ann, if you'd like to say something more.
18 That's my experience in the short time that I have
19 been at the school.

20 COMMISSIONER SHEARMAN: Thank you for that
21 information.

22 Commissioners, do you have questions?
23 Concerns? Issues?

24 Again, I would just reiterate Commissioner
25 Gant's request that you be sure and coordinate all

1 of your building activities with PSFA.

2 MS. DAVIS: That has already occurred.
3 They have worked with PSFA and have the approved
4 letter. They are currently working -- the school
5 was previously a middle school in the Espanola area.
6 It's on the Ohkay Owingeh property, and so the
7 negotiation is going on with the Tsay Corporation
8 and then the tribal council who has to approve the
9 use of the school. They are putting forth \$600,000
10 toward renovation in the building. And so we're
11 very pleased with the plan. It's just getting that
12 final lease signed. They do have a lease from us,
13 from the board, in hand to be approved.

14 COMMISSIONER SHEARMAN: Thank you very
15 much.

16 Other issues? We appreciate your
17 presentation. Thank you.

18 MS. BARNES: Any other questions on
19 schools? Okay.

20 I would like to actually ask the Executive
21 Committee if this might be a good meeting where,
22 actually, we have a little bit of breathing room, as
23 we could be done early today, so I did want to get
24 some direction on several things that we're working
25 on with you, and CSD is working on in general, and

1 just see what you wanted to do about them.

2 The first is on indicators generally, so
3 when we negotiate with the schools, you all have
4 already done your template, A through F, on the
5 academic. We just redid the financial framework,
6 and the organizational framework is the compliance
7 document. That's in your template.

8 Then we have these negotiations which I
9 think at this point everybody's done one or more
10 negotiations, so you have got a real sense of what
11 they feel like. But that's where the schools bring
12 forward what they want to do, and what fits with
13 their mission-specific goals, and then any other
14 supplemental goals.

15 And it is a fascinating, fascinating
16 conversation. And we from CSD -- because now we did
17 seven last year -- I don't know, I think we're
18 through maybe eight to ten this year. We're going
19 to end up with I think 14 by the time the new
20 schools and everybody comes in. Actually, I think
21 my numbers might even be at bit low.

22 So we're starting to get a critical mass
23 of these indicators. And the question I have is
24 whether you all would like to have us present at a
25 working session what we're finding from a higher

1 level, or not. Because we're doing the work within
2 CSD, and maybe you're tired of working sessions, and
3 I could really understand that. From our
4 perspective, it really warrants a lot of thought.

5 Many schools are bringing forward
6 short-cycle assessment indicators. First there's a
7 little bit of a tension with that, because a
8 short-cycle assessment is primarily intended to be
9 used in the classroom, and to improve, you know, or
10 more immediately improve student instruction.

11 So for example, we're now thinking when we
12 propose a short-cycle assessment, to also propose an
13 indicator that just requires the schools to tell us
14 how they're using it in the classroom. They can
15 give me any answer they want. I just want them to
16 be doing it, because we do hear these stories that,
17 you know, sometimes the data is in the closet.
18 Well, data in a closet isn't as helpful as data in a
19 classroom. So that's a way that our indicators
20 could move our schools in the direction they're
21 hoping to go.

22 Also, we just had a really interesting
23 negotiation yesterday with some testing for English
24 language learners and Spanish language learners, and
25 the software companies' information on how we can

1 use this indicator varies tremendously from -- they
2 have no information for us. They have some, but
3 it's done this way, or that way. So one question I
4 have for discussion from you is: You know, are you
5 interested and would you like to -- would you like
6 us to bring forward for you at a working session
7 what we're finding? Would you like to participate
8 in that conversation at a broader level in addition
9 to discussing it school by school?

10 And then the second point I want you to
11 know is these -- I'll call them short-cycle
12 assessments, but they're not all short-cycle
13 assessments. Using these as indicators is no easy
14 task, and gosh, we're getting just a whole lot of
15 different information from a whole lot of different
16 companies. So we're trying to come up with the best
17 way to use that assessment for an indicator, but I
18 want it pretty clear that it's all over the board.

19 COMMISSIONER SHEARMAN: If I might just
20 speak first, I think a working session, as you say,
21 to bring these issues forward would be very good. I
22 think we also need a session to look at what we've
23 been doing, what we think is working, what's working
24 well, what perhaps could work better if perhaps it
25 was done a little differently. But I think an

1 overview of what we've done, where we are, and where
2 we'd like to be would be very appropriate, in my
3 mind.

4 Other comments? Commissioner Bergman.

5 COMMISSIONER BERGMAN: I, of course, echo
6 those comments. And Julia, we do need a session,
7 but let me just state, as I read your summary here,
8 it kind of sounds like you -- I may be
9 misinterpreting it. You're talking about a
10 standardized set of indicators for all these
11 schools, and that's never going to work because all
12 the schools are different.

13 Now, if PED wants to have some standards,
14 although we had a discussion on standards and
15 targets yesterday, too, because the attorneys don't
16 necessarily like the word "standards." They more
17 lean towards the word "target." But we have
18 something like 62 or 63 schools that fall under our
19 umbrella right now, and every one of them is
20 different. As we saw yesterday, every one of them
21 has a baseline that they're working from that is
22 different.

23 And I can see where we might have some
24 general concepts that are the same, but as far as
25 saying, "Well, this is this kind of school, it's a

1 Spanish-English immersion," like yesterday, "so this
2 is the indicators we're going to use for any of
3 those schools that fall under that umbrella," I
4 would be totally opposed to that. That does not
5 work. Because of our discussion yesterday, it just
6 shows that each school -- we're going to have to
7 have different indicators, one, because different
8 schools have different areas of concern and need.

9 It was pointed out yesterday that Cien
10 Aguas has a fairly good report card based on their
11 past history, but the area that they really got hung
12 up on in this last state report card was their
13 lowest 25 percent was an F. Well, they didn't need
14 our advice. They knew they needed to concentrate on
15 that lowest -- and the goals that we negotiated
16 yesterday all revolve around getting that lowest 25
17 percent off that F grade and get them to
18 functioning, and it was just strictly logical. If
19 they improve that lowest 25 percent, the school
20 overall is going to improve. It's a logical
21 progression there.

22 So standardized indicators I would be
23 opposed to. But as a framework, perhaps, a starting
24 point, but even if you say a starting point, that
25 makes it be real difficult, because this school has

1 a lot further to go than some of the others we're
2 dealing with.

3 MS. BARNES: That's a good point. And let
4 me clarify what's in our minds. So if a school says
5 they want to use the Discovery short-cycle
6 assessment and they want that to be an indicator, I
7 think that we ought to know how an indicator using
8 the Discovery short-cycle assessment should operate.

9 So that outer shell. Then the
10 conversation when we know the tool that we're using,
11 we're going to use that tool consistently, then you
12 all then should negotiate targets for those schools
13 and what they're going to achieve and how they're
14 going to achieve it.

15 But how Discovery works should be the same
16 for any school that uses Discovery, and they were
17 going to use this chart to make the determination or
18 whatever. And then I think you should note -- and
19 let me know if we still agree at the end of this --
20 but I think you should know if PED has a standard
21 already, and if they have set something, you know.
22 They have set graduation targets. They have set,
23 you know, targets for English language learners.
24 And to the extent -- that should be information that
25 you should know, either that you're having them meet

1 that, or you know, we're all working to bring them
2 up.

3 So from my perspective, while you may set
4 different targets for a school using the Discovery
5 short-cycle assessment, how we look at Discovery
6 should be the same. I mean, we've got to know how
7 Discovery works and how it operates and which
8 reports we use and that kind of thing. So that's
9 within my mind.

10 And actually, that was raised very much
11 with the negotiation yesterday. They raised four
12 indicators that we hadn't looked at, how those tests
13 worked. So Rachel went and found out how the test
14 works. And actually we found out that PED is not
15 that happy with some of how that's working. But we
16 wanted to bring that information to the meeting for
17 you because how do you make a decision if you don't
18 have that context?

19 COMMISSIONER BERGMAN: You raise a great
20 point, and as all my fellow Commissioners probably
21 know, PED is providing a list of all these various
22 assessments to all the schools and they get to
23 choose from menu A, menu B, and so in some cases we
24 are talking one school is using Discovery, the one
25 yesterday is using something called Access, which I

1 had not heard of before, which is approved by the
2 PED. So sometimes we are comparing apples and
3 oranges when we're talking about how the kids are
4 being evaluated within the various schools, and that
5 is our American way.

6 I don't think it would be appropriate for
7 PED to say, "You're going to use Discovery, whether
8 you like it or not."

9 So that's why they give a list of --
10 people have freedom of choice. So yeah, there's so
11 many components that go into this kind of
12 discussion. But I definitely agree we need a
13 full-day work session here, as if we didn't already
14 have plenty of opportunities to gather together and
15 enjoy this fellowship. But yes, some
16 standardization is fine, but there's got to be some
17 flexibility built into it, too.

18 COMMISSIONER SHEARMAN: Commissioner Gant
19 and then Commissioner Carr.

20 COMMISSIONER GANT: Chairman, members,
21 others, I agree we need a work session. I really
22 don't get tired of work sessions. What I get tired
23 of is not knowing what I'm talking about. So work
24 session will -- that's what wears me out, when I
25 don't know what I'm talking about. And driving up

1 here to a meeting, if I'm going to -- if it's a
2 valuable meeting, something that gets accomplished,
3 I have no problem. I just put an audio book on and
4 those miles just disappear. So I would recommend a
5 work session on anything you want to do that
6 educates us.

7 COMMISSIONER SHEARMAN: Commissioner Carr.

8 COMMISSIONER CARR: Madam Chair, members
9 of the Commission, you know, the short-cycle
10 assessments have been an issue for a good number of
11 years, especially concerning data and whether we're
12 getting the data in a timely manner. We do have
13 standardized tests already. The New Mexico SPAs,
14 and then we're going to the PARCC assessments next
15 year, and those are all going to be the same.

16 What I want to see in charter schools that
17 are supposed to be the incubator and -- not
18 incubator, but I guess the scientific laboratory for
19 improvements in our educational process and things
20 that we can take from them is have the charter
21 schools maybe have the capability of doing things
22 that public schools, traditional public schools,
23 can't do. How effective are the short-cycle
24 assessments? Are there other things that can be
25 done? Is this -- is it a waste of time? Do we need

1 to change it? You know, those are -- the
2 traditional public schools don't really have a
3 choice except in what they use, a short cycle.
4 There are many classes that have no use for it at
5 all, and subject areas that have no use for it at
6 all.

7 So I'd like to see that in charter
8 schools. I would simply want them to say, "Hey,
9 this is -- we're doing this, and what we found out
10 was that maybe this works better, and this is why,
11 and we'd like to see those reports," you know.

12 How were they transferring the data and
13 making it useful into the classroom? That's
14 extremely important. And if that's something that
15 everybody else can use, then that's good.

16 I think there's a lot of misinformation in
17 regard to how charter school teachers are evaluated
18 versus traditional public school teachers. And in
19 that regard, if the charter schools have a better
20 idea, maybe they should be given the freedom to look
21 at some alternative routes of evaluation instead of
22 it coming from top down. Public schools don't have
23 that option, but the charter schools should have
24 that option. Maybe we should look at that. There's
25 a lot of issues and a lot of problems around the new

1 evaluation system that's coming down the pike. And
2 charter schools could be an avenue of improving
3 that. So something to look at.

4 So yeah, a work session would be good. I
5 would have a lot of suggestions in that regard. I
6 mean, there's a -- we obviously have a lot of
7 charter schools who are doing an outstanding job.
8 We have a lot of charter schools who are doing a
9 mediocre job. And we have a lot of charter schools
10 who we've -- not a lot, but we have some that we
11 closed. So this decades-long experiment that we're
12 doing nationwide should show some fruit that's
13 available to our children. All right? And it
14 shouldn't be ever -- or shouldn't ever be political.
15 It should be what's good for the kids, and a working
16 session I think would help bring that out.

17 COMMISSIONER SHEARMAN: Thank you,
18 Commissioner. Other comments?

19 Julia, are you requesting a full-day,
20 half-day session? What do you think timewise you'd
21 need or is needed?

22 MS. BARNES: Let me think about that. I
23 think actually Beverly might even have a working
24 session, not next month, but in June.

25 MS. FRIEDMAN: No, in May.

1 MS. BARNES: I think we're using it for
2 negotiations.

3 MS. FRIEDMAN: Oh.

4 MS. BARNES: So I think it's June the next
5 time. I think it's on for a full day. Let's look
6 at that. I don't ever mean a full day, but I think
7 we can start later in the morning and accommodate
8 that. If we could start with the actual work that
9 we're doing, you know, what has been working, what
10 can be improved, and then look at the indicators,
11 those are pretty urgent on my list.

12 And then perhaps, actually, after they got
13 a little while longer to roll out the teacher
14 evaluations, we might be able to get a presentation
15 to you. Because I certainly know that PED is
16 working hard on the teacher evaluations system and I
17 know they're working with charters too. So I'm not
18 sure -- that might be more appropriate for a PEC
19 meeting and we can talk about that a little bit
20 later. Let's keep the one that we have on our list,
21 which I think is in June, and I'll get an agenda for
22 you. But I'd like to focus on how is the overall
23 process working, and this conversation of
24 indicators.

25 COMMISSIONER SHEARMAN: I don't think we

1 have one already scheduled in June. I certainly
2 don't see it on the calendar.

3 MS. FRIEDMAN: Madam Chair, Commissioners,
4 and Julia, we have -- the day before the meeting
5 this room is reserved for either a work session or
6 another day for meeting, and so you could use this
7 room on the 12th, I believe, and the meeting is
8 scheduled for the 13th. And I have that same
9 schedule for all of the meetings. There's a day
10 before each of your single-day meetings.

11 COMMISSIONER SHEARMAN: Okay. And then I
12 think we need to keep in mind that Secretary
13 Skandera said that she would like to come and meet
14 with us in either June or July when school grades
15 come out.

16 MS. BARNES: That has to be out at least
17 in July. School grades don't come out until the 5th
18 or the 10th of July.

19 COMMISSIONER SHEARMAN: So perhaps July.
20 Maybe even August?

21 MS. BARNES: Or August, correct.

22 COMMISSIONER SHEARMAN: August would be
23 bad.

24 MS. FRIEDMAN: Madam Chair, you do not
25 have any meetings scheduled basically for August.

1 You have a week of traveling that's to the new
2 charter school applicants' places, but you do have
3 that week in August that's blocked out. So that if
4 you only needed three of those, you could have a
5 meeting one of those days.

6 COMMISSIONER SHEARMAN: Right.

7 Julia, could I ask you to coordinate with
8 the Secretary, knowing what our schedule is in
9 August, that if we don't have applications enough
10 that it takes a whole week, then we might could use
11 one of those days for a meeting. But if we're going
12 to take a full week of travel to those community
13 input hearings, I don't know how we can squeeze in a
14 meeting. I mean, we'd have to work out something.

15 MS. BARNES: We'll take a look at that. I
16 think a conversation in the late summer or early
17 fall would be great with her, so I think it's an
18 opportunity to touch base between PED and PEC, but
19 there's no real exact urgency as to a specific day.

20 COMMISSIONER SHEARMAN: She just was the
21 one who mentioned -- I thought she said June or
22 July. But whatever. So if you'll just coordinate
23 that with her, please.

24 MS. BARNES: We certainly will do that.
25 Okay. Moving on to --

1 COMMISSIONER SHEARMAN: Have we decided a
2 full day or a half day, friends?

3 COMMISSIONER BERGMAN: I really think we
4 need to lean more towards a full day, because
5 there's going to have to be a lot of discussion on
6 these indicators, and I think Julia is going to have
7 a lot of good information for us.

8 COMMISSIONER POGNA: Perhaps three-fourths
9 of the day.

10 COMMISSIONER BERGMAN: As you said, start
11 a little later in the morning.

12 MS. BARNES: Start later in the morning.

13 COMMISSIONER SHEARMAN: What time is
14 later?

15 COMMISSIONER GANT: 9:00.

16 COMMISSIONER SHEARMAN: 9:00? Because if
17 we're talking about starting later in the morning so
18 some of us can drive in that morning, unless we wait
19 until noon, I can't drive in and be here at 9:00,
20 you know. So if we start at 9:00, that should give
21 us a good amount of time.

22 COMMISSIONER BERGMAN: Yes.

23 COMMISSIONER SHEARMAN: All right, so 9:00
24 on the 12th.

25 MS. FRIEDMAN: The 12th.

1 COMMISSIONER SHEARMAN: I don't have a
2 calendar.

3 MS. FRIEDMAN: June 12th.

4 MS. BARNES: Okay. I do need to give you
5 a heads-up, actually, on one specific thing. Last
6 year three schools out of the seven used Discovery
7 short-cycle indicators. Two are elementary schools
8 and one is a high school.

9 Discovery short-cycle assessment as an
10 indicator, we've been able to look at that system
11 and see how it worked and come up with an agreement
12 with the schools as to how we would implement the
13 indicator that you all negotiated.

14 Discovery, though, for high school is done
15 differently, and I am just telling you, I'm unclear
16 and unsure that we can use that indicator for
17 Anthony Charter School and the high school. So I'm
18 giving you a heads-up that we're talking about what
19 to do about that. They don't have national
20 information on what high school students should be
21 achieving that allows us to show one year's growth,
22 and they say things like, "Well, you set that."

23 Well, how do we set that? I don't have
24 any context to set that. So I'm just giving you a
25 heads-up. We're working with the school. I'll

1 actually talk to the Executive Committee about it.
2 I thought we were going to be successful with all
3 three schools, but because of the high school
4 information, I'm not sure. And unless we can
5 utilize your indicator as you negotiated it, we're
6 going to need to bring it back to you. So I'm just
7 worried about that one school and that one
8 indicator. They do have several other indicators,
9 but anyway, we're going to probably have to come
10 back to you with a proposal.

11 Anyone want to comment on that except that
12 I'm not happy about it?

13 Okay. Three other topics that I just
14 wanted to have you understand.

15 There is an annual report required by the
16 Public Education Department on charter schools due
17 to the Governor and the Legislature and everybody
18 listed who gets those reports, and it was done last
19 year. That was the first year that we did the
20 report. And we're going to do it each year into the
21 future. The language actually of the act is on page
22 4 under tab 9 of my executive report.

23 I did want you to know what we have to do,
24 which is not what we did last year, which is provide
25 a report on how charters are doing. We have been

1 using A-through-F data and we've been mining that
2 data a little further down, and it does also ask us
3 to compare charters to noncharters.

4 I have been saying this pretty regularly
5 recently. I think that most of us want all
6 New Mexico kids to succeed. We don't just want
7 charter kids to succeed or regular kids to succeed.
8 So why we're comparing the two feels a little bit
9 like not the correct question, but since the
10 Legislature asked us that question, we will also
11 compare them.

12 But the data last year -- actually,
13 Commissioner Carr, you were just raising it. 81
14 percent of all charters received an A, B, or C
15 grade. So that means 19 percent of our charters did
16 not. And several of those were new schools and
17 several -- two of those schools you will have
18 closed.

19 So I'm hoping that charter schools -- I
20 don't want a charter school to get an A and another
21 school not to get an A. You know, to me, it's not a
22 comparison. But I did want to tell you about that.
23 And I would like to bring some of that data to you,
24 just to show you that in the fall.

25 And the other thing that we're doing that

1 I am really interested in is starting to look at
2 which events in kids' lives impact their learning.
3 And charters can often target students with high
4 mobility, with English language, English language
5 learners or dual language learning, special ed.
6 Certain of our schools have a higher percentage of
7 special ed. than other schools do. And poverty. So
8 that is collected in the A-through-F data, and
9 actually, knock on wood, we've actually hoping to
10 bring on board someone who can really mine a lot of
11 data for us through A through F. So I just want to
12 raise that for you, let you know that this is a
13 requirement. The report requires us to do things
14 that we will do.

15 And we have them looking -- it also asks
16 us to look at the difference between authorizers.
17 Mark Tulley was here earlier. Last year, at least,
18 there was really no difference between the
19 authorizers. I am kind of interested to see the
20 success rate of all the work that you're putting
21 into it.

22 So again, I don't really know why we would
23 want a best authorizer. Why wouldn't we want all
24 authorizers to be excellent? But it starts to look
25 at that. I did want to raise that, just to let you

1 know.

2 That report from last year is on our
3 website and I'm happy -- you were provided a copy,
4 but it got kind of lost in the shuffle, I think,
5 from last year and it just scratched the surface of
6 where I think we can go.

7 So along with what you're saying,
8 Commissioner Carr, I think this is an opportunity
9 that's actually required of us, but I did want to
10 say that it is a PED report, but I do want to bring
11 that information of what we're finding to you.

12 Question?

13 COMMISSIONER CARR: You're talking about
14 comparing the authorizers at the local school board
15 member level to us. Are all of them together? Is
16 that what you're talking about?

17 MS. BARNES: Well, it was hard to do last
18 year, because you and Albuquerque are the only ones
19 that have a statistically significant number of
20 schools. And then, what we did -- which doesn't
21 make any sense to me at all -- we combined everybody
22 else into an "other" category. Well, that combined
23 Cruces and Gadsden and Farmington and Santa Fe and
24 Las Vegas. Well, combining them into an "other"
25 category told us nothing. But also, if you only

1 have one or two schools and you have 62 schools,
2 it's also not a great comparison.

3 So really, the answer to that is, it
4 really comes down to looking at Albuquerque and
5 looking at you. We did do last year a spotlight on
6 Albuquerque, because they have state-authorized
7 schools, they have public schools, and they have
8 locally chartered schools. There was no real
9 difference between the two authorizers.

10 And again, it's a comparison that I'm not
11 happy with, but charters look like they're
12 succeeding more than regular public schools. But
13 why would we applaud that? So the reality is that,
14 almost statewide, a couple things came out of it.
15 Charters across the board, 81 percent, got an A, B,
16 or C grade. They improved a lot from the first set
17 of grades to the third grade. So I think they're
18 responding to A through F, my guess is probably
19 because they know these are high-stakes decisions
20 for them. So I do believe that charters are looking
21 carefully at A through F.

22 The other thing -- and I thought it was
23 really interesting -- is if the data showed
24 anything -- it didn't particularly show this for
25 charters -- if a school is a SAM school, charter or

1 not, they are so completely outperforming and
2 succeeding with those kids that are in the SAMs
3 category that what it really showed is that regular
4 schools, charter or regular schools, struggle with
5 the SAMs students; and the schools that are created
6 to address those students' needs, however they're
7 created, are doing a much better job. And that
8 was -- that's not even a charter statement. But it
9 was real -- I mean, it makes logical sense, because
10 the people that are passionate about those
11 second-chance schools love those people and love
12 those kids, and those kids love those schools.
13 That's clear.

14 And so Commissioner Toulouse, gosh, I was
15 so hopeful after looking at that. I thought that
16 was really neat.

17 COMMISSIONER SHEARMAN: In some of the
18 presentations we've had during the contract
19 negotiations, that really shines through, that
20 commitment to those students. It's pretty
21 empowering to work with. Very nice.

22 Commissioner Gant, did you have a comment?

23 COMMISSIONER CARR: I did have another
24 follow-up question to what I was asking. So NACSA
25 compares charter authorizers from all the states,

1 don't they? Don't they give us a report?

2 MS. BARNES: Yes. Yes, they do and it's
3 based on policy decisions that they have made. So
4 for example, our state doesn't rank terribly high --
5 well, it ranks very high, because we have one of the
6 best charter school laws in the country in terms of
7 accountability. The one -- they view it as a
8 negative -- I'm not sure that I do -- is because you
9 all -- and I don't know about APS -- but it's
10 allowed in the state to allow less than a five-year
11 charter, that there are some schools that you have
12 on a three-year charter because you're watching
13 them.

14 NACSA doesn't subscribe to that
15 philosophy. Their philosophy is open or closed, and
16 you all have had a gray area. I personally agree
17 with that. So yes, they rank you, but you're kind
18 of dinged for that, and I don't know why you should
19 be dinged for that.

20 So anyway, you are always going to rank
21 high because you have high accountability. So it
22 already has kind of told us what we want to know
23 from that. So I'm not sure we're going to get new
24 information from them. I don't know. At this
25 point, we're breaking new ground. I think we are.

1 I think the performance indicators and our
2 commitment to the accountability is probably at
3 least up there with any other state that's really
4 working on it.

5 COMMISSIONER SHEARMAN: Thank you very
6 much.

7 COMMISSIONER CARR: Continued follow-up.
8 I'm sorry. So I'm interrogating her. So does NACSA
9 compare -- I don't know how many states have
10 multiple authorizers, but do they make the same kind
11 of comparisons that you're being asked to make?

12 MS. BARNES: I just added it to the
13 working session so I can bring you a more
14 comprehensive report on NACSA. What I want to say
15 is that our law was based in the philosophies
16 of NACSA. So I think that my guess is, without
17 looking, that this kind of comparison and comparing
18 local probably came from them initially, but I don't
19 know that.

20 So let me put part of that agenda on the
21 working session to bring in the national
22 perspective. Actually in our law, you're encouraged
23 to look at the national perspective. Let me bring
24 that information back to you.

25 COMMISSIONER CARR: And one other quick

1 comment is that I understand that there's going to
2 be possible legislation to make us the only
3 authorizer. And you know, I think maybe I should
4 have made that part of my legislative report, but
5 that's nothing that's confirmed or not. So the data
6 that you're coming up with could have an effect on
7 that legislation.

8 MS. BARNES: So far the data is showing no
9 difference. The data is showing a difference
10 between charter and noncharter. And it's really
11 showing a difference between SAM schools, success on
12 Q1 kids and other schools' success on Q1 kids.

13 Anyway, that's why I want to bring it to
14 you. I mean, I'm actually bringing you the data
15 that just says, "This is what the data says."

16 I'm not trying to -- I'm not intending to
17 come in and put some spin on it, one way or the
18 other, because the fact is, 81 percent of charters
19 made an A, B, or C grade. That's just a fact. And
20 then we can do what -- then, of course, I go and
21 study the 19 percent, because that's what I do,
22 because I'm apparently never satisfied. But that's
23 what I think our job is. But anyway, it's your job
24 to see where we go with what the data tells us. So
25 we're going to try to bring it to you.

1 COMMISSIONER SHEARMAN: Thank you.

2 MS. BARNES: I have got a few more, two
3 more.

4 COMMISSIONER SHEARMAN: Are we ready to
5 talk about amendment protocols?

6 COMMISSIONER GANT: Madam Chair, members,
7 just a comment. When we're comparing traditional
8 public schools with charter schools, we're comparing
9 red apples and green apples. So when we say 81
10 percent make A, and there was -- you know, there has
11 to get down in the weeds as to why. And that's very
12 hard to do. So last year, in October, whenever it
13 was, that Tony said all that stuff, my hackles
14 really went up, because, oh, aren't we glowing. But
15 it wasn't why. And that's just a little rub on me,
16 because when we start doing that, we start to put
17 down the traditional public schools and what they
18 do, and we should not be doing that, because charter
19 schools should, in my view, be doing better. Okay?

20 MS. BARNES: Well, and what I'm hoping to
21 do on the report this year -- I mean, we're going to
22 answer the questions the Legislature has asked us,
23 and one of them is a comparison. But that doesn't
24 need to be our focus. Our focus, my focus, at
25 CSD -- I only work with charters, so I just want to

1 look at that group. How is that group doing?

2 Because that's the group that I work with.

3 And then if the Legislature has asked us
4 to compare, then we'll do a chart that puts that
5 comparison. But again, I just think it's a false --
6 I don't know why we would want to compare. Why
7 don't we compare to, you know, the kids in Finland
8 who are doing fantastic and love where they live and
9 their state? And let's shoot for that. Let's
10 compare -- why would we compare against each other?
11 There's -- you know, the hackles go up for you and
12 me.

13 And my personal experience raising three
14 children in this state is that children go all over
15 the place. They go to charter, they don't go to
16 charter, they go where they need to go, and what's
17 best for them. So everyone deserves an excellent
18 education.

19 COMMISSIONER GANT: Very good.

20 MS. BARNES: So I'm just going to bring
21 the data to you. We will put in what the
22 Legislature requires. I'm warning you, they require
23 a comparison, but we'll bury that a little deeper in
24 the report this year.

25 COMMISSIONER BERGMAN: Madam Chair, I do

1 want to say this. Apparently some legislators have
2 been upset that CSD there was making some
3 comparisons between the charters and the public.
4 And I wish I had had that part of the statute in
5 front of me when they were upset, because they may
6 be upset, and they may be rightly upset, and it may
7 not be the best policy, but they put it in the
8 Charter School Act themselves. The Legislature
9 mandated a comparison.

10 So I don't think you can have it both
11 ways. I don't think you tell CSD to make a
12 comparison in the annual report and then complain
13 about it later on. I'll just make that -- thank
14 you.

15 MS. BARNES: And the second says, "The
16 annual report shall include a comparison of the
17 performance of charter school students with the
18 performance of academically, ethnically, and
19 economically comparable groups of students in
20 nonpublic schools."

21 Well, what we're going to do, really,
22 directly -- those are fascinating conversations:
23 Academically, ethnically, and economically
24 comparable groups of students. Our students who are
25 moving around a lot, our students with ELL, our

1 students -- you know, and those are already split
2 out in the annual report. Those are the categories
3 we're looking at. But we will look at them from a
4 student perspective, and then it's not that hard to
5 then also throw in the children and compare.

6 Shall we move on?

7 Two other topics, charter amendment
8 protocols. We've been talking about this.

9 As you are well aware, a lot of schools
10 end up with a lot of amendments when they do the
11 contract negotiation. So we're coming -- I'll tell
12 you what we're proposing, and then I want to make
13 sure that's what you want us to do.

14 If it's a technical or small or more minor
15 amendment that cleans up something -- for example,
16 the two you saw here today -- if they had been
17 negotiating their contracts, we would have suggested
18 it all be done on the same day, because it's a minor
19 cap improvement and it's a minor change, and it's a
20 cleanup, in our view.

21 We are proposing to do those cleanups on
22 the same day when they negotiate their contract and
23 at the same time.

24 The more major conversations -- either a
25 school is really doing a total revamp, like Sandy

1 Davis was just talking. Our thought is to separate
2 probably those amendments or at least a presentation
3 to you on the amendments from -- and have that
4 before, a meeting before they come forward to you
5 for the contracts, because if it's major, I think
6 it's helpful for them to get input or a decision
7 from the full Commission before we go into the
8 negotiation session.

9 So if it's minor, we're going to do it at
10 the same time as the contract and clean up
11 everything at once. Our proposal is that if it is
12 more major, to either have them come and tell you
13 the direction they're going, if they actually
14 brought the amendment on that day -- that doesn't
15 matter -- or to go ahead and get the amendments
16 cleaned up.

17 I wanted to check with you on that. I
18 wanted to see what you thought. Amendments are
19 driving us a little bit crazy. We're going to
20 manage them even tighter so that you have everything
21 that you need. We even had one day when we had put
22 a charter on for amendments, and then the charter
23 school didn't realize they were supposed to show up.
24 We're like, "Where are they?"

25 So that's just the confusion. But I

1 wanted your direction.

2 COMMISSIONER SHEARMAN: If I could make
3 one comment before Commissioner Gant and anyone
4 else, I want to speak. I think it might be helpful
5 if we could have a list, and maybe it doesn't have
6 to be all-inclusive, but, "These are minor, these
7 are major," and maybe it would be a very short list,
8 but I think when we're doing things like this, we
9 need to be very clear. "We can do this during
10 negotiations of the contract. This must come to PEC
11 as a separate item so that there's no ambiguity
12 there."

13 Okay?

14 MS. BARNES: The only thing I want to add
15 to that, Commissioner Shearman, is that they're not
16 thinking about this much until we get towards the
17 negotiation. And then all of a sudden, we'll hear a
18 lot. So that's the part that's hard to manage, is
19 that they'll say, "Oh, by the way, we're moving."

20 "What do you mean, 'Oh, by the way, you're
21 moving?'"

22 But that's how they thought of it. "Oh,
23 shoot, we need to tell the PEC that."

24 COMMISSIONER SHEARMAN: "We need to tell."

25 MS. BARNES: It comes up helter-skelter.

1 COMMISSIONER SHEARMAN: I really think
2 there has been enough emphasis on it, and will
3 continue to be, that hopefully that won't be
4 happening so much. I think in the past there has
5 been this sort of feeling that whatever you do is
6 fine; just tell the director, and it's good, and
7 then they know. Or something.

8 And I think that word has probably gotten
9 out that that's not the way it's going to happen
10 anymore. But I would still like somehow to develop
11 this list of minor and major, at least as a starting
12 point.

13 Commissioner Gant.

14 COMMISSIONER GANT: Madam Chair, members,
15 it's just my way of thinking. I kind of like what
16 you kind of said, was that the amendments come to us
17 the meeting before. All that work is done. They
18 just come for the contract. And we don't fool
19 around with it until the last minute. And they
20 should learn -- I mean, not wait until the last
21 minute on any subject. I mean, if they are
22 paying -- if their governance council is really
23 paying attention to what the school is doing and
24 what they plan to do, it shouldn't be hard. It's
25 not rocket science to figure out what they want to

1 change or amend. So get it here a month early. Get
2 the amendments out of the way. And if we have to
3 think about it, then we have a month to think about
4 it, whether they were minor or major. Some of them
5 turn into minor -- I mean major when they thought
6 they were minor.

7 So that's my way of thinking. The
8 protocol should be a month before final negotiations
9 or whatever. I don't care. Just get it out of the
10 way, because you know you got to do it. It's not
11 that painful.

12 MS. BARNES: The minor ones, they actually
13 aren't really thinking about it until we get into
14 the negotiations. The other side of bringing them
15 here twice -- which is why I think we're proposing
16 to bring major amendments here a month before -- is
17 we are pulling the head of school out of the school.
18 And you know, today we did great because I think we
19 got rid of every head of school that could go back
20 to their school within an hour and a half or
21 something. But it worries me when we pull them out
22 of their school for, you know, two full days.

23 COMMISSIONER SHEARMAN: Commissioner
24 Toulouse.

25 COMMISSIONER TOULOUSE: Madam Chair, you

1 know, this isn't -- the negotiating the charters and
2 all the things that go along with it now are still a
3 new process to everybody. Is there any reason why
4 we should not, before the next round of
5 negotiations, even people start thinking, I've got
6 to redo it this year, that we send out a
7 communication jointly from the Charter School
8 Division and the PEC stating, "These are the things
9 we need to have brought to us before, you know,
10 you're chartered. These are the things we'll need
11 to discuss at the time we do your charter. Please
12 think about it now, not at the last minute."

13 You know, I think it would be helpful to
14 communicate with them more often with us as a
15 Commission and in conjunction with the Charter
16 School Division, so they understand it's a team that
17 works here, and without them we couldn't do it, but
18 without us, they can't approve it.

19 And it just seems to me like it's time to
20 notify them, now that we've been through this
21 process and everybody learned pretty much what we're
22 going to be facing.

23 COMMISSIONER SHEARMAN: Julia, do you have
24 a reaction to that?

25 MS. BARNES: Only that we tried to do

1 that. This just is -- I think it's part of what I
2 like about the contract, but it's not until we
3 really start to work with them to prepare that
4 worksheet that they really start to pay attention.
5 So we can continue to get that word out, and I think
6 that that's good. Can we try this idea that major
7 revamps come to you the meeting before, but we can
8 allow them minor amendments on the day of the
9 contract, and see how that works? That's something
10 I have my eye on.

11 COMMISSIONER SHEARMAN: Commissioner
12 Bergman.

13 COMMISSIONER BERGMAN: Madam Chair,
14 actually, I stated in our last meeting that my
15 rationale for why I was discouraging us doing it at
16 that point, but I have also had a month to -- a
17 couple of weeks to think about it, and I believe I
18 do agree with the problem, as the lawyers would say,
19 is the definition of what is minor.

20 Now, one of the schools wanted to change
21 one word in their mission statements. So should all
22 this paperwork be filled out, and should we all be
23 bothered when they change one word in their mission
24 statement? We probably should have been able to
25 just say, "Go ahead, let's change it."

1 And we're seeing it with the mission
2 statement. For some reason, they're coming to these
3 negotiation sessions -- and it partly may be because
4 we say on the document -- Julia and I have had this
5 discussion -- "If you want to change your mission
6 statement, go ahead and do it."

7 So we're encouraging them sometimes to
8 come and do this kind of thing. Is an increase that
9 we just had today from 300 to 325 -- that was just a
10 small increase. Is that major or is that minor? Is
11 an enrollment cap change major or minor?

12 But I think if the Commission members were
13 comfortable, I think we have discovered, yeah, we're
14 generating a whole bunch of paperwork for
15 amendments, and I think my rationale before was
16 sound, but I also think maybe it needs to be
17 changed. So that would be up to my fellow
18 Commissioners.

19 I'm perfectly comfortable -- I'm at most
20 of the negotiations, so I guarantee anything that
21 they propose is being given a great deal of thought,
22 and we normally have a pretty good discussion about
23 it within the negotiation session.

24 So if the Commission would be comfortable
25 with giving the negotiators a little flexibility

1 there, then yeah, I think we can cut out some of
2 this paperwork.

3 COMMISSIONER SHEARMAN: And I think, too,
4 that we're not accepting their amendments during the
5 negotiations. We're simply allowing them to include
6 them in their contract document. And then it must
7 come before the entire Commission to be voted on.
8 So I think that's it. But I'm serious, I think if
9 we had a list of what's major and what's minor, and
10 maybe even some detail to that list, it would help
11 us move this process forward. Commissioners?

12 COMMISSIONER BERGMAN: Just the one fly I
13 would see in that ointment is, if we come to our
14 meeting ready to approve a contract and a
15 Commissioner or two Commissioners say, "I don't like
16 that," then what do we do? Then we've got -- we
17 follow this schedule, the school is ready to get
18 their contract.

19 So that is the one fly in the ointment.
20 So I would say there have to be a major concern by a
21 Commissioner to trigger that kind of situation. I'd
22 hate to mess up the process at that point, is my
23 observation.

24 COMMISSIONER SHEARMAN: Other comments?

25 Okay. Julia, thank you. Continuing.

1 MS. BARNES: Just to clarify, so if
2 there's a minor amendment, we could go ahead and
3 change it in the contract and flag it for the
4 Commissioners?

5 COMMISSIONER BERGMAN: Why don't you give
6 the Chair your list?

7 MS. BARNES: Okay, great.

8 COMMISSIONER BERGMAN: Start with the
9 definition of what you guys think is major and
10 minor.

11 MS. BARNES: And then see where we go with
12 it. Okay, great.

13 The last one -- and I raise it to see if
14 you want to put this on for later discussion or what
15 you want to do about it -- several of the schools
16 have asked -- you created a list of -- a template of
17 all the indicators and then they negotiate the
18 mission-specific ones and supplemental ones if they
19 want to. There is no decision now about whether any
20 of them get weighted more or less. It was raised
21 last time by Cesar Chavez, who said, you know, "Once
22 we negotiate the academic framework, I don't care if
23 it's mission-specific, I don't care if it's
24 supplemental; they're all the indicators to me."

25 But they made a point of putting that back

1 in, as if it mattered what it was called. And it
2 can only matter what it's called if it is treated
3 differently. They're all treated the same.

4 Now, I can bring you nationally what
5 different states are doing. Are they giving one of
6 the indicators, like academic, more weight than
7 organizational or not? And is there any indicator
8 within that? I have actually asked Abby to speak to
9 what you may be able to do or not do.

10 CSD is not going to weight anything. We
11 will highlight for you -- and I've been trying to
12 say this consistently to the schools -- we will
13 highlight for you where schools have exceeded the
14 standard, because that's where we're looking to
15 push. We're looking for schools to really achieve a
16 great outcome for kids. But we're not going to
17 weight it for you. We're just going to highlight it
18 for you.

19 And so I just raise it because I think
20 it's in the schools' minds. The schools are nervous
21 about not making all of these indicators. We hear
22 that in the negotiation sessions all the time. So I
23 thought I'd raise it, maybe for a later
24 conversation, maybe for a conversation today. But
25 it is a topic I think you should at least think

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1 about.

2 COMMISSIONER SHEARMAN: Commissioner
3 Bergman.

4 COMMISSIONER BERGMAN: Again, I don't want
5 to belabor the point, but Julia, the point is
6 perfectly valid. I have sat through all but one of
7 the negotiations. I have only missed one. They're
8 not really saying it out loud except that you can
9 tell from some of the questions they're asking. But
10 the schools are really fearful that we're out to
11 hang them on these goals. You can just see the
12 wheels turning. "Boy, if I don't make one goal in
13 this performance framework, are they going to try
14 and put me out of business?"

15 They really are concerned, and I have
16 no -- I wish I had a solution to how to allay their
17 concerns. It's important to understand goal-setting
18 theory and the goal-setting process. I fully assume
19 that some of these schools are not going to make one
20 or more of their goals. And my first one -- I'm not
21 going to rush to put a school out of business
22 because they missed one goal. We're going to
23 discuss in the next session of the performance
24 analysis, the framework analysis, when we go to the
25 second and third year, "Okay, you missed this goal.

1 How are you going to make the goal the next time?"

2 But they really are fearful that --
3 they're so concerned about their school, they're
4 afraid we're going to try to put them -- I wish they
5 didn't have that perception, because that's not our
6 mind-set, I don't think. As everyone has said
7 today, we want them to succeed, and goals is a part
8 of the succeeding.

9 So I don't know how to address that issue,
10 but I just want you to know, they are really
11 concerned that, "Boy, if I don't make this goal,
12 what's going to happen to my poor school?"

13 So that is certainly their mind-set.

14 MS. BARNES: We are now, on academic
15 indicators, ensuring that we have four levels:
16 Exceeds, meets, does not meet, and falls far below.
17 Because to the extent that you do need to make a
18 decision to close a school, there should be a fourth
19 category. This really was -- fell far below. So
20 for a while we were thinking, Do we need four? We
21 have settled on the fact that we need four only
22 because I think that that differentiation between
23 "does not meet" and "falls far below" may be
24 important in the future. Abby, did you want to add
25 anything?

1 MS. LEWIS: As far as the weighting,
2 ability to weight?

3 MS. BARNES: Yes.

4 MS. LEWIS: Julia and I talked about this
5 a week ago or so. We both agree that the law is
6 silent on it, so you know, kind of the answer you
7 get is: It depends which lawyer you ask and if it's
8 convenient or not. So you know, if you wanted to do
9 it, a lawyer might say, "Well, the law is silent,
10 and if they really wanted to forbid you from doing
11 it, then they would have put it in the law."

12 The lawyer on the other side would say,
13 "Well, the law doesn't explicitly allow it, and
14 therefore you can't do it."

15 COMMISSIONER SHEARMAN: Well, you know, it
16 seems to me that we have just now really gotten down
17 to weighting the applications. And in my mind, I
18 almost have to use a document for a while before I
19 feel comfortable with adding weight to any part of
20 it. I think truly, we have weight in this document
21 now with the "exceeds" and the "meets" and like
22 that. I mean, an "exceed" is going to mean more to
23 me than "does not meet." So right now, I think we
24 need to leave it alone and use this document for a
25 while, and then look at it with the eye to: Do we

1 want to tweak anything or change weights or anything
2 like that? My personal opinion.

3 Anyone else have a thought?

4 Commissioner Toulouse.

5 COMMISSIONER TOULOUSE: Madam Chair, I
6 think the schools are going to have to get used to
7 this process, too. We can't stop them from being
8 afraid it's going to be used against them. All we
9 can do is make sure we do a positive approach each
10 time we talk to people, and eventually the word will
11 get around. Because there's no way that anybody who
12 is fearful is going to stop being fearful until they
13 have gone through the experience. And so to me,
14 it's one of those moot points that we just -- we
15 stay positive and let them learn from our attitude.

16 COMMISSIONER SHEARMAN: Well put. Well
17 put.

18 Julia. Anything else?

19 MS. BARNES: No. So here's what I'm
20 taking away. As we get the PED annual report data,
21 which will be after A through F, we'll put that on
22 the agenda and show you what that is.

23 We will place less emphasis on the
24 comparison and more on what charters are doing.

25 We will bring you more data on various

1 concepts.

2 School amendment process. I will get a
3 list of major and minor. That's good clarity and
4 what we need for each. I'll pass that through the
5 Executive Committee, and then we'll see where we go
6 with that. And then we can get that to the schools
7 and also to CSD staff so they know better how to
8 prepare these amendments.

9 And then we'll just put off any
10 conversation on weighing the indicators, but we will
11 continue to, one, make sure that there's four
12 indicators on all academic goals; and two, that we
13 highlight for you when they have exceeded.

14 So that's what I'm taking away.

15 I'll just say, on item agenda 10, we don't
16 have anything to report.

17 COMMISSIONER SHEARMAN: Well, that
18 certainly is short and sweet. Then let's move to
19 item number 11.

20 COMMISSIONER SHEARMAN: That's the PEC
21 meeting calendar, and we've already discussed that a
22 little bit. But I want to be sure and ask Beverly
23 first to bring us up to date and point out a
24 potential problem issue with the calendar.

25 MS. FRIEDMAN: Madam Chair, Commissioners,

1 I'd like to just mention that it has been just two
2 weeks since your last meeting, and I'm getting many
3 meetings together, setting the agenda, and
4 everything was really somewhat rapid over the past
5 two weeks.

6 We've got another meeting in October that
7 is generally the same time frame. You have a
8 two-day meeting in September, on the 25th and 26th,
9 to actually approve or deny new charter school
10 applications, which is usually a fairly intense
11 meeting. And it's down for two days. We may need
12 one day, we may need two.

13 But you will notice that ten days later is
14 another meeting, and we would run into some of the
15 issues, shall I say, that we did having this
16 particular meeting. And one of the main issues was,
17 we did not receive the minutes until yesterday
18 afternoon, and the minutes are contracted basically
19 with Bean, and we are required to provide those
20 minutes for the public within ten days of the
21 meeting, ten working days. And so they usually
22 supply us with the minutes on the Thursday or the
23 Friday, either yesterday or today, because that's
24 ten days after the meeting. So that was one issue
25 that we had with the meeting.

1 Also, we had the agenda-setting conference
2 call with the Commissioners the Monday after the
3 meeting, which is kind of quick.

4 And just putting all of the information
5 together, it's very difficult to do it in two weeks.
6 It can be done. We did do it. But what I would
7 recommend is that you move the October meeting date
8 to the next Friday, if you wish; or, depending on
9 your wishes, you know, if you wanted to cancel it,
10 I'm not sure.

11 I will be checking with the New Mexico
12 Coalition of Charter Schools to see when their
13 conference is, because last year we had a little bit
14 of a disconnect with them as far as the November
15 meeting, and I know that the same as the spring
16 budget workshop, you all would like to attend
17 probably some of their sessions for their meeting in
18 November. And so I can contact them, see when their
19 meeting is going to be, and see whether the 14th of
20 November, which is slated as your next -- your
21 meeting in November -- is the correct day to
22 coincide with their conference. And so we can look
23 at that.

24 But my recommendation would be to move the
25 date of the October 10th meeting. And I'd also like

1 to mention that I will not be here in June, for the
2 June meeting or the work session, but I would like
3 to introduce to you Kimberly Ulibarri. She is the
4 PED legislative liaison for the Department, and she
5 has been helping me this week with the PEC, and you
6 saw her at meeting two weeks ago, and she will be
7 following up and helping for the June meeting dates,
8 so you will have coverage.

9 COMMISSIONER SHEARMAN: Thank you very
10 much. We look forward to working with you.

11 MS. FRIEDMAN: I'd also like to mention,
12 Madam Chair and Commissioners, that she is the one
13 who put your Rules of Order together for this
14 meeting.

15 COMMISSIONER SHEARMAN: Okay.

16 Commissioners, before we get too much
17 further into the discussion on the calendar, with an
18 eye towards possibly changing something, I recommend
19 that you go to tab 13 and pull out the negotiation
20 calendar, and let's make sure that we're not
21 double-booking ourselves.

22 MS. BARNES: Madam Chair, if I can tell
23 you just two changes to this negotiation calendar,
24 one is April 28th, is the International School at
25 Mesa del Sol, additional negotiation in the

1 afternoon. I know Commissioner Bergman can be
2 there, and I think we were going to speak --
3 Commissioner Toulouse can come, and we're good.
4 Thank you for accommodating that school.

5 The second is that --

6 COMMISSIONER SHEARMAN: Hang on just a
7 second. I have got two calendars here.

8 MS. BARNES: Yes. The one with the -- the
9 one with the color is the new one.

10 COMMISSIONER SHEARMAN: Okay.

11 MS. BARNES: And the color part is what
12 I -- I'll tell you what the color is, is if we've
13 changed a liaison, the colors change. But at the
14 bottom, we are proposing schedules for the two
15 schools, actually -- which are diehards and are
16 still here -- for their negotiation sessions. At
17 the back two pages, McCurdy and La Tierra. We're
18 proposing that they both come before you in the July
19 meeting, and that would be a negotiation -- we made
20 up the date of June 12, but both of them to be on
21 June 12th. We just did the backwards planning like
22 we did before.

23 I actually have not confirmed June 12th
24 with any of you, I don't think.

25 COMMISSIONER BERGMAN: My thoughts are

1 always if we put it the day before a meeting, that's
2 great, so one driving trip instead of two. So I'm
3 perfectly on board with that.

4 MS. BARNES: We just messed it up, then.
5 I just double-booked it.

6 MS. FRIEDMAN: I was going to mention that
7 from the previous conversation, if you were going to
8 have a work session day, you have booked it June
9 12th.

10 MS. BARNES: It would have to be June 11.
11 I just double-booked us.

12 COMMISSIONER SHEARMAN: So you're
13 proposing negotiations on June 10th?

14 MS. BARNES: No. How about the 11th?
15 That would be Wednesday, the 11th. There would be a
16 working session on the 12th, and a meeting on the
17 13th.

18 COMMISSIONER SHEARMAN: Oh, okay.

19 COMMISSIONER BERGMAN: I can live with
20 that. Can the schools live with that? So this is
21 going to come June 11th, then.

22 MS. BARNES: Sandy Davis, June 11th? Is
23 that okay.

24 MS. DAVIS: Instead of June 6th?

25 MS. BARNES: No, the negotiation was -- I

1 think we had said June 12th. You're talking about
2 the day the worksheet is completed, so the
3 negotiation --

4 MS. DAVIS: Yes.

5 MS. BARNES: So that would be good. We
6 would do that in Santa Fe. Because we've got
7 Espanola and -- it's the Espanola day.

8 MS. DAVIS: Okay.

9 MS. BARNES: Both schools from Espanola.
10 So we'll be in Santa Fe.

11 COMMISSIONER BERGMAN: I was thinking
12 Albuquerque, but Santa Fe would be fine.

13 MS. BARNES: We can be right here. It
14 works well.

15 COMMISSIONER SHEARMAN: For the ones on
16 the 11th?

17 MS. BARNES: June 11th, two negotiations.
18 June 12th, working session. And I know some of the
19 Commissioners can't make those working sessions.
20 I'm always -- maybe you can more in the summer, but
21 I'm always willing to talk to you or bring you up to
22 speed. And I know you miss because you have to.

23 COMMISSIONER BERGMAN: Would we need to
24 coordinate with Beverly? Would it be possible for
25 you to see if Mabry is available on the 11th also?

1 MS. FRIEDMAN: That's what we're doing
2 right now.

3 COMMISSIONER BERGMAN: So we could do all
4 this in one place, instead having multiple
5 locations.

6 MS. FRIEDMAN: Exactly.

7 COMMISSIONER SHEARMAN: Let me just be
8 clear. For the June 11th negotiations, which
9 schools are we talking about?

10 MS. BARNES: McCurdy Charter School and La
11 Tierra, the two schools that are opting in to early
12 contracts.

13 COMMISSIONER SHEARMAN: Okay. All right.
14 So we change what's on the schedule from the 12th to
15 the 11th.

16 MS. BARNES: This schedule is now wrong.
17 Yes.

18 COMMISSIONER SHEARMAN: Okay.

19 COMMISSIONER BERGMAN: I'm going to have
20 to go home -- I got about 20 different schedules
21 now -- and shred everything or I'm going to confuse
22 myself at one point.

23 MS. FRIEDMAN: Madam Chair, I'll get the
24 corrected schedule from Julia and send it out to all
25 the Commissioners.

1 COMMISSIONER SHEARMAN: Okay. So now
2 we're still needing to talk about the meeting
3 schedule on October 10th. Would it be your wish to
4 change it to October 17th? The 24th?

5 COMMISSIONER BERGMAN: We can't do the
6 24th, because I believe that's the week of the NACSA
7 convention in Miami. The 17th is good, but some of
8 us are going to be gone the week of the 24th.

9 COMMISSIONER SHEARMAN: Thank you for
10 remembering that.

11 COMMISSIONER BERGMAN: I think that's the
12 correct date, isn't it, Beverly?

13 MS. FRIEDMAN: That's correct, it is.

14 COMMISSIONER BERGMAN: I knew it was
15 sometime that week. Probably the latter part of the
16 week.

17 MS. FRIEDMAN: Yes.

18 COMMISSIONER SHEARMAN: Commissioner
19 Pogna.

20 COMMISSIONER POGNA: Madam Chair, I move
21 that we change our date to October 17th from the
22 10th.

23 COMMISSIONER SHEARMAN: Change the date to
24 October 17th. Is that all right with everybody?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER SHEARMAN: Do we need to vote
2 on that, to change a meeting?

3 COMMISSIONER BERGMAN: I don't think so.

4 COMMISSIONER SHEARMAN: Okay. So by
5 consensus, we are changed our October meeting date
6 from the 10th to the 17th.

7 And all of our negotiations should be
8 completed in June; is that correct, Julia? You
9 don't see them going any further than that,
10 negotiations?

11 MS. BARNES: I don't see any going any
12 further than that.

13 COMMISSIONER SHEARMAN: Okay. Anything
14 else on the calendar that we need to discuss? Okay.
15 Thank you all very much.

16 COMMISSIONER SHEARMAN: Let's look at item
17 number 12. Commissioner Carr, do you have a report
18 for us?

19 COMMISSIONER CARR: I don't have anything
20 new, Madam Chair.

21 COMMISSIONER SHEARMAN: Okay. Thank you
22 very much.

23 COMMISSIONER SHEARMAN: The next item is
24 number 13, Commissioner Bergman. We just talked
25 about negotiation schedules. Anything else you need

1 to bring to us?

2 COMMISSIONER BERGMAN: Nothing in my book,
3 no. We're done with my part, yes.

4 COMMISSIONER SHEARMAN: Okay.

5 Next is PEC committee assignments and
6 liaison roles. The only changes or requests to
7 change that I got was Commissioner Parker asked to
8 be added to a couple of committees. The Library
9 Commission, the PSCOC, and the Indian Education
10 Advisory Council.

11 Beverly correctly pointed out that he is
12 not on one of the standing committees, Charter
13 School or Career Technical, or so forth. But since
14 he's not here, and I can't ask his preference, I'm
15 going to leave it at that point until I can visit
16 with him and see where his preference lies. So
17 we'll leave that alone.

18 Next item, PEC meeting comments. I'm
19 sorry, did I miss somebody?

20 COMMISSIONER POGNA: Comment. Is this
21 where I'm going to do a comment?

22 COMMISSIONER SHEARMAN: Oh, okay. Okay.
23 I'm getting there. I'm just there, and you're
24 reminding me you're ready. Okay. Commissioner
25 Pogna has information from NMPSIA.

1 COMMISSIONER POGNA: Yes, I do. Can you
2 hear me? I serve on the Risk Committee of NMPSIA,
3 and sometimes they give us snapshots of some of the
4 problems that -- the risk problems at some of the
5 schools. And so they made copies for me that I
6 could share with the Commission today, and I thought
7 you might be interested in some of the problems.

8 And this was the Mora School, Mora School
9 District. I want you to notice the first item, the
10 first item you'll notice. The first page, we were
11 rather amused about it. They have a heater -- the
12 heating vent next to the sprinkler system. And so
13 they have had a lot of water damage, because the
14 heat goes on and the sprinkler goes on.

15 Anyway, sometimes they give us these
16 photos, so I asked them to make copies for the
17 Commission members so you will get an idea. But we
18 don't get them very often.

19 The other item I wanted to tell you about
20 is NMPSIA directors invited me to attend the Golden
21 Apple Teachers Awards on Friday. It was a luncheon,
22 and it was just tremendous. It was a huge crowd at
23 a luncheon. There were nine teachers that were
24 selected. Seven were present to make their
25 speeches. The student -- a student selects --

1 nominates the teacher. So then the student gets to
2 make a speech, and the teacher does. It was just
3 really tremendous. I enjoyed it very much. Thank
4 you.

5 I am taking a little much time, but I
6 don't talk usually, so I have used some back time.

7 COMMISSIONER SHEARMAN: Thank you,
8 Commissioner Pogna. It's always interesting to look
9 at some of the problems that are uncovered at
10 schools, but I have to tell you, a couple of these
11 look like my storeroom at home, so I don't have too
12 much to say about that.

13 COMMISSIONER POGNA: They said to be
14 careful to hire people who are not collectors or
15 hoarders.

16 COMMISSIONER SHEARMAN: That's true.
17 That's true. Thank you so much.

18 Back to PEC comments, discussion of travel
19 by PEC Commissioners.

20 I asked you all to decide and let us know
21 at this meeting, if you could, whether or not you
22 intend to attend the NACSA convention in Miami. And
23 as Commissioner Bergman pointed out, it's later in
24 the month in October. Could we have an indication
25 of who plans to attend?

1 COMMISSIONER GANT: Let's see. Would you
2 hold your hands up again? Beverly, you want to take
3 a head count here of who wants to go? Hold your
4 hand up high so she can see you, like in a school
5 room.

6 MS. FRIEDMAN: Four.

7 COMMISSIONER GANT: Looks like four people
8 want to go. You might want to be able to tell them,
9 fellow Commissioners, where you want to depart from.
10 Some of you might want to depart from Albuquerque,
11 some of you might want to depart from Timbuktu, who
12 knows. But let her know where you want to leave
13 from.

14 MS. FRIEDMAN: Madam Chair and
15 Commissioners, I will be contacting you individually
16 because I think that sometimes people want to leave
17 on one day, come back on another date, and different
18 things like that. So I will be contacting you
19 individually.

20 COMMISSIONER SHEARMAN: And I believe
21 Commissioners Bergman had a really good suggestion
22 on flights to Miami.

23 COMMISSIONER BERGMAN: I wanted to let you
24 know, I mentioned that, until American cancelled it,
25 we can fly directly from Roswell to Dallas and then

1 direct flight to Miami. So my wife is already
2 looking for the best possible fare. And are you one
3 of us that's going? You might want to fly out of
4 Roswell, too.

5 COMMISSIONER SHEARMAN: Yes, I do. But
6 when we went to Memphis a couple of years ago, your
7 people did everything. All the flights, all the --
8 everything. Now, is that the way PED prefers to do
9 it, or can we make our own reservations and get
10 reimbursed?

11 MS. FRIEDMAN: What I'm looking at right
12 now is, number one, this is in next year's budget.
13 And so everything I can do now is basically
14 tentative. And what I'm looking at is that Deputy
15 Secretary Paul Aguilar spoke to the Commission a few
16 meetings ago about a transportation card that was
17 going to be available, and that transportation card,
18 my understanding of it -- which is at the first
19 level of understanding -- is that that card will
20 provide the airfare and the hotel, so you will not
21 have to pay for the airfare or the hotel, that we
22 will take care of that totally. And the only thing
23 that you would have to provide to me are your meals
24 and taxi, parking, and that type of thing.

25 Now, everything would be handled ahead of

1 time, but the major thing with out-of-state travel
2 is that all of your travel needs to be approved by
3 the Governor's office. And so as soon as the new
4 budget gets approved and I have money in your
5 account for this travel, in July, then I will put in
6 for that out-of-state travel and get the approvals
7 on that, and we'll go from there. And many of the
8 meals with the NACSA conference are covered with the
9 NACSA registration.

10 COMMISSIONER BERGMAN: And I knew I was
11 going to have to work very closely with you. This
12 card -- is it a credit card, but it will be in your
13 possession, not our possession?

14 COMMISSIONER SHEARMAN: That's right.

15 MS. FRIEDMAN: Exactly.

16 COMMISSIONER BERGMAN: Because normally,
17 my wife is my travel agent. So if she finds a
18 favorable fare, she's going to have to act
19 immediately to secure the fare, see, which means she
20 has to give them a credit card at that point. So if
21 I go that route, I'm taking -- I guess the trip may
22 be on me if it's not approved, which is not
23 necessarily a problem.

24 MS. FRIEDMAN: Commissioner Bergman, let
25 me see how this all works. I mean, it may be an

1 option. I may be able to use the card and then --
2 or we can use it the other way, where I can
3 reimburse you.

4 COMMISSIONER BERGMAN: By her constant
5 checking, she has many times found very favorable
6 fares, actually cheaper than anything you can get
7 anywhere else. So she always acts immediately when
8 she finds that fare.

9 MS. FRIEDMAN: And I think that's
10 wonderful.

11 COMMISSIONER POGNA: Madam Chair, are
12 there any other options, if there is budget left,
13 that we could go to another education conference of
14 some kind?

15 COMMISSIONER SHEARMAN: I think probably
16 the first thing would be if there's budget money
17 left, and then if there's something that you wanted
18 to attend and there was money left, bring it forward
19 and let us consider it.

20 COMMISSIONER POGNA: Okay. Like right
21 now?

22 COMMISSIONER SHEARMAN: No, because we
23 don't know how much money we're going to have now.
24 It's a new budget year.

25 COMMISSIONER POGNA: Because if there are

1 any pennies left for PEC travel, I would like to go
2 to an educational conference.

3 COMMISSIONER SHEARMAN: All right. Please
4 do bring it forward.

5 COMMISSIONER POGNA: Thank you.

6 COMMISSIONER SHEARMAN: That's the NACSA
7 conference. I did want to remind you of the School
8 Law Conference, and it's put on by the New Mexico
9 School Boards Association and the Cuddy Law Firm.
10 It's always very good. It's June 6th and 7th this
11 year, at the Hotel Albuquerque. And PEC
12 Commissioners' registration fee would be waived if
13 you would like to attend.

14 I would like to thank Deputy Secretary
15 Aguilar for our new chairs. They're very nice. We
16 don't have to get cushions to sit on and all those
17 things.

18 The other thing I'd like to bring up is,
19 this is Commissioner Gant's name tag. A previous
20 administration had these made. I think it was a
21 previous chair, as a matter of fact. I'm not as
22 flush as some people. I think it was Dennis Roch,
23 and he was single at the time and he had lots of
24 money. So he had everybody a name tag made, and
25 these are the magnetic kind. I was going to get

1 these made in Artesia at our printing shop. They
2 don't do these.

3 So I think we need desperately name tags,
4 not so much necessarily for our meetings, but when
5 we go to other meetings and other gatherings where
6 we can introduce ourselves. But having a name tag,
7 you are quickly identified.

8 I am asking Beverly and Julia to please
9 work with Paul and to see if we can get name tags
10 for all the Commissioners. And I think this is a
11 really nice one. It's magnetic, so it doesn't, you
12 know, tear up your clothes. It's nice. It's
13 readable. It's all that stuff. So if you want to
14 make a copy of this one, Julia, or Beverly, or
15 whomever, to see if we can get it. And I know it's
16 plastic, but it looks like metal. It looks really
17 cool. So I'm formally asking that we be provided
18 with name tags.

19 MS. BARNES: Okay.

20 COMMISSIONER SHEARMAN: Okay. Thank you
21 all very much. Are there other comments from
22 Commissioners?

23 COMMISSIONER GANT: Yes.

24 COMMISSIONER SHEARMAN: Commissioner
25 Toulouse.

1 COMMISSIONER TOULOUSE: Madam Chair, I
2 just want to take a minute to say, I went and
3 visited one of the charter schools in my area last
4 week, because they invited me, and they're straight
5 down Gibson from my house. And it was the Mission
6 Achievement and Success Charter School, which I have
7 to write down because I can't remember names like
8 that. It's not one that sings. And they're in
9 their second year now. They came before us a few
10 meetings back and asked for transportation.

11 And I was incredibly impressed with this
12 room after room of middle school kids who actually
13 were having fun learning. And if that's the
14 atmosphere we get in most of our schools -- and I
15 was invited into one seventh-grade class, because
16 what they do is, they take their -- these are almost
17 entirely kids out of the poorer areas in Albuquerque
18 who don't come from families that even have GEDs,
19 much less high school educations or anything. They
20 take their seventh-graders to UNM and CNM to see a
21 campus. No, that's the sixth grade. The seventh
22 graders, they're taken on an overnight trip and
23 going down to New Mexico Tech and New Mexico State.
24 They're take the eighth-graders into Arizona to see
25 a different school, different state, out-of-state

1 schools, to all three of the universities in
2 Arizona, and some of their community colleges.

3 But each of those kids -- they asked them
4 to tell me where they were going to go to school.
5 And because it was the week of the Final Four, we
6 had a number of boys who wanted to go to the
7 universities who were in the basketball tournament,
8 but we had a number of kids who actually had
9 reasonable ideas already, as seventh graders, that
10 they were going to go to college.

11 And I simply was impressed by that
12 approach to these kids, to begin taking them, when
13 they're sixth graders, to see campuses. And I just
14 wanted to bring that forward and put it in our
15 minutes that I don't know if other schools do it,
16 because I normally have not been invited anywhere.
17 But I know Bruce Langston, the chair of their board,
18 and he called and asked, and I could see absolutely
19 no reason why I didn't want to go down and spend a
20 morning looking at that school.

21 I also think that it's amazing that they
22 provide free breakfast, lunch, and dinner to every
23 one of their students.

24 COMMISSIONER GANT: Title I money.

25 COMMISSIONER TOULOUSE: Yes, but not all

1 of them are eligible for it, and the ones that are
2 not eligible, they're doing. And I'm just saying
3 they have gone to a dinner hour because they now
4 open at 7:00 and they stay open until 6:00, and they
5 do a lot of tutoring and after-school -- and because
6 of parents' work schedules, and so they're using
7 that other time.

8 The other thing they do is, they provide
9 the school uniforms for all the kids. They are
10 paying for Young American Football League and some
11 of the other sports for their kids who want to
12 participate.

13 And again, I don't know how common any of
14 that is, but I was just impressed on how well it's
15 already working, and how spontaneous the kids were
16 to talk to me, and then quiet down as soon as they
17 got through talking, and let other people speak.

18 I'm not used to middle school kids being that
19 polite. So that's what I most was taken with. High
20 school kids, yes, if they're not whispering to each
21 other; and grade school kids usually behave. But
22 middle schoolers -- anybody who knows, it tends to be a
23 different issue.

24 I just wanted to put that in the record,
25 because it was part of my learning experience about

1 our charter schools, and it was a very positive
2 experience. Thank you.

3 COMMISSIONER SHEARMAN: Thank you.

4 Commissioner Carr.

5 COMMISSIONER CARR: Yeah, I too visited
6 Taos Academy two days ago to look at their new
7 building that we approved. And it was a great
8 building. You know, I toured the facility before,
9 but I got another tour of it. They have -- you
10 know, they do all their core classes on computer,
11 but then they have all these -- like what they call
12 STEM classes. And one of our finest local musicians
13 was in there teaching kids about music in one of
14 those STEM classes. I have known him for years, and
15 that was pretty cool. So again, a lot of really
16 nice, fun things. The kids were having a wonderful
17 time.

18 You know, I told -- Traci Filiss is the
19 director of that school who I have known for
20 probably 15 years. I told her, I said, Yeah, these
21 are things -- this is actually something -- this
22 program that she's established is something she
23 tried to do under the auspices of a public school
24 six or seven years ago, and the local school board
25 and superintendent didn't want to do it. And you

1 know, to me, it's one of those schools that -- it's
2 actually fulfilling -- it's really fulfilling a
3 function of what a charter school should do, and
4 it's also something -- gives us an idea of -- like,
5 this is something that local traditional schools
6 should be doing, as well.

7 Also, I brought some copies of -- three
8 copies of the Reporter, if you didn't get this
9 article electronically, on education exodus,
10 which -- I don't know if the Santa Fe Reporter is
11 the epitome of journalistic excellence all the time,
12 but this is a very informative article and I brought
13 it in case anybody wanted to take a look at it. I
14 think we have no idea what we're looking at in
15 regard to teachers exiting the education profession.
16 I think it's going to be much more serious than we
17 realize.

18 COMMISSIONER SHEARMAN: Thank you.
19 Commissioner.

20 Commissioner Gant?

21 COMMISSIONER GANT: Madam Chair, members,
22 Monday night I had -- my wife and I had dinner with
23 the associate superintendent for curriculum from
24 Las Cruces Public Schools. It's a regular thing we
25 do. Anyhow, he surprised me with the following. He

1 said that the district -- you can check out other
2 districts -- had just received from the PED the
3 evaluations for the lower grades in elementary for
4 music, art, and PE. These are the evaluations
5 teachers have to give the kids before the end of the
6 semester.

7 And I sat there stunned. There's
8 professional development that needs to be done.
9 They have to figure out how to do the evaluations,
10 on and on and on. This is just a continual thing
11 between the PED and the districts. It's the last
12 minute, "Hey, you, you got to get this done," they
13 jumped through their tails last November when the
14 PED says, PE -- band and others will not count for
15 PE credit, and all of a sudden they had to back off
16 and do all this to make things happen, waivers, et
17 cetera. The last-minute things.

18 So I would suggest, Julia, you check on
19 this. Because this is going to affect charter
20 schools, also, if they have to do these evaluations,
21 and where is the money come from to do it? Guess.
22 It doesn't come from the PED. It doesn't come from
23 the legislature. It comes out of the back pockets
24 of the districts with the charter schools. And what
25 classroom do they take this out of?

1 So I was really taken aback by this. And
2 this is just another example of how the districts of
3 the charters are getting slammed at the last minute.
4 I realize I shouldn't be talking about that in the
5 building, but it really upset me. It really upset
6 me, and you know me. I'll tell you what upsets me.
7 Thank you.

8 COMMISSIONER SHEARMAN: Thank you,
9 Commissioner.

10 Commissioner Conyers.

11 COMMISSIONER CONYERS: I had a kind of a
12 comment back on 14. I know I'm down as being on two
13 committees which, to my knowledge, have never met.
14 I'm not sure what the significance of those are, and
15 so I was just wondering what all that means, really.

16 COMMISSIONER SHEARMAN: Let me see.

17 COMMISSIONER CONYERS: I mean, are they
18 supposed to be meeting? I'm not looking for more
19 work, but...

20 COMMISSIONER SHEARMAN: You're on the
21 New Mexico School Boards Association.

22 COMMISSIONER CONYERS: I'm talking about
23 the committees.

24 COMMISSIONER SHEARMAN: The strategic
25 planning. Are those the two you're talking about?

1 COMMISSIONER CONYERS: Yes, those are the
2 ones I'm on.

3 COMMISSIONER SHEARMAN: Have you gone to
4 some of the school board meetings? The board of
5 directors meetings for PEC?

6 COMMISSIONER CONYERS: You're talking
7 about the liaison work; right?

8 COMMISSIONER SHEARMAN: Yes.

9 COMMISSIONER CONYERS: Okay. I always
10 attend those. I'm a member of the board of
11 directors, so I do that. And I did represent PEC at
12 one time on that. I'm going up above that to the
13 committees.

14 COMMISSIONER SHEARMAN: The top ones,
15 you're talking about?

16 COMMISSIONER CONYERS: Right.

17 COMMISSIONER SHEARMAN: You know, I don't
18 know that our strategic planning committee is active
19 right now. I'll just tell you, I don't think we've
20 had a directive to do any strategic planning.

21 Certainly you did -- I believe your committee was
22 active last year, were they not, Gilbert?

23 COMMISSIONER PERALTA: We met with Larry
24 at one initial time. I believe at that time it was
25 me and former fellow Commission member -- I can't

1 remember his name.

2 MS. FRIEDMAN: Michael Canfield?

3 COMMISSIONER PERALTA: Canfield, yes.

4 That's correct. So I do know that the PED had
5 formulated a strategic planning document already.
6 We visited with Larry, talked about what our input
7 would be like. I think it was the feeling between
8 Mr. Canfield and I that if there were things that
9 involved PEC and strategic planning ideas, strategy,
10 what have you, it would be embedded into the PED
11 strategic document.

12 I believe that Andrew had asked -- we had
13 brought it back to the PEC at a meeting thereafter,
14 and asked for any other members about the idea of
15 not reinventing the wheel and just kind of
16 collaborate together with PED and Larry and so
17 forth, and I believe we didn't get any feedback on
18 that. And then since then, I think I was solo for a
19 while until we just recently did the two additional.

20 COMMISSIONER SHEARMAN: Right. Right.
21 Well, maybe it's time to ask that you make contact
22 again with Larry and maybe work through Beverly and
23 Julia, and see if there's -- what kind of activity
24 is going on in that area and what input we can have.

25 COMMISSIONER PERALTA: Sure.

1 COMMISSIONER SHEARMAN: Okay. Thank you,
2 Commissioner Conyers. Anything else?

3 COMMISSIONER CONYERS: No, I guess I still
4 don't know, but okay.

5 COMMISSIONER SHEARMAN: Okay.
6 Commissioner Peralta, anything from you.

7 COMMISSIONER PERALTA: No, ma'am.

8 COMMISSIONER SHEARMAN: Commissioner
9 Pogna, Commissioner Bergman?

10 COMMISSIONER BERGMAN: Actually, I'll just
11 weigh in on the strategic planning thing, because I
12 happen to know the state statute specifically states
13 that the PEC will work in conjunction with the PED
14 in the formulation of the PED strategic planning,
15 and the PED has consistently and conveniently
16 overlooked that state statute. The last strategic
17 plan came out and we were not involved in that, and
18 I know it would be a ton of work, but they obviously
19 must have focus groups, meetings, all kinds of
20 things. So I guess this Commission has to decide,
21 do we want to insert ourselves in that process and
22 commit Gilbert and his committee to doing all that
23 work? But I guarantee the statute says PEC is
24 supposed to be involved in that.

25 COMMISSIONER SHEARMAN: Yes. Yes.

1 COMMISSIONER CARR: On that topic, it's
2 always been a hot topic of mine. I just had
3 forgotten about it for a while. We were actually
4 advised by an attorney, before the AG's office came,
5 that we could do our own. And that is quite
6 possibly the only way we will ever be involved in
7 it. So if you guys want to do your own, I'm more
8 than willing to actually come up with a template
9 over the summer and bring it forward, if you want.
10 And if you don't, then I won't.

11 COMMISSIONER POGNA: Madam Chair. Madam
12 Chair.

13 COMMISSIONER SHEARMAN: You're not on the
14 strategic planning committee?

15 COMMISSIONER CARR: No.

16 COMMISSIONER SHEARMAN: Are you
17 volunteering?

18 COMMISSIONER CARR: Only if we're going to
19 do something.

20 COMMISSIONER SHEARMAN: Okay.
21 Commissioner Pogna.

22 COMMISSIONER POGNA: Madam Chair, I served
23 on the committee for a number of years, and we had a
24 very difficult time with PED. They would not send
25 us the materials, they would not appear at our

1 committee meetings. It was just very, very
2 difficult. So when I had the chance to move, I did.
3 But there was no cooperation with the PED.

4 COMMISSIONER SHEARMAN: So Commissioner
5 Peralta, perhaps we're going to put this monkey on
6 your back and ask that you look into contacts with
7 the PED, see how much our input would be welcomed to
8 their strategic plan, if we could do one as an
9 overall for both of us, or come back to us with a
10 recommendation that we do our own. So how about
11 that? We'll ask that you be on the next meeting
12 agenda and we'll discuss this item a little more
13 fully.

14 Beverly, if you would please make a note
15 of that.

16 Any comments from anyone else?

17 COMMISSIONER BERGMAN: Let me ask
18 Commissioner Carr. If we did our own, I assume you
19 would presume that our strategic plan probably
20 would -- since our entire focus is on pretty much
21 charter schools, are you proposing to do a separate
22 strategic plan for PED that they would just ignore
23 anyway? What kind of a strategic plan are we
24 talking about, I guess is my question.

25 COMMISSIONER CARR: What does the statute

1 say?

2 COMMISSIONER BERGMAN: The statute just
3 mentions -- probably a strategic plan for the whole
4 PED.

5 COMMISSIONER CARR: Exactly.

6 COMMISSIONER BERGMAN: So yeah, you may be
7 right, we don't have a statutory thing to do our
8 own.

9 COMMISSIONER SHEARMAN: Well, that's why I
10 said, let's put this item on the next agenda. Abby
11 can perhaps do a little research for us in the
12 meantime and we can have a good discussion.

13 COMMISSIONER TOULOUSE: Madam Chair, I
14 would think that at a minimum, we would do our own
15 and send it to ask to be included in the overall PED
16 strategic plan.

17 COMMISSIONER SHEARMAN: That's a thought.

18 COMMISSIONER BERGMAN: That's a good
19 suggestion. Minority opinion or something.

20 COMMISSIONER SHEARMAN: You got it.

21 Anything else, friends?

22 MS. BARNES: I just have one thing. I'll
23 be gone starting next Thursday, and I'll be gone for
24 the following week. I think we're in good shape. I
25 think we'll be all ready for the negotiations, but

1 particularly for the executive committee, I thought
2 I'd tell you.

3 COMMISSIONER BERGMAN: The sky is falling,
4 the sky is falling.

5 COMMISSIONER SHEARMAN: Friends, I'm
6 really trying to make us get us out of here by noon,
7 because I don't think we've ever done it before, and
8 I believe we've got like a minute or two. So is
9 there anything else?

10 Next item on the agenda -- oh, open forum.
11 Beverly, did we have anyone sign up?

12 MS. FRIEDMAN: No.

13 COMMISSIONER SHEARMAN: Thank you very
14 much. The next item is adjourn. Do I hear a motion
15 to adjourn?

16 COMMISSIONER CARR: So moved.

17 COMMISSIONER POGNA: Second.

18 COMMISSIONER SHEARMAN: All those in
19 favor? Any opposed? We are adjourned.

20 (The meeting adjourned at 12:00 p.m.)
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23
24
25

1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

SS

3
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