BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

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

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APPEARANCES

COMMISSIONERS:

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

STAFF:

MR. MATT PAHL, Interim Director, Charter School Division
MS. JULIE LUCERO, General Manager, Options for Parents
MR. JOSHUA GRANATA, Assistant Attorney General, Counsel to the PEC
MS. BEVERLY FRIEDMAN, Custodian of Records and PED Liaison to the PEC
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THE CHAIR: I call into session this regularly scheduled meeting of the New Mexico Public Education Commission.

Mr. Secretary, may we have a roll call?

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Present.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Present.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Here.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Here.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Here.

COMMISSIONER PERALTA: Commissioner Chavez?

(No response.)

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Here.

COMMISSIONER PERALTA: Commissioner
Shearman?

THE CHAIR: Here.

COMMISSIONER PERALTA: Commissioner Peralta is here.

Madam Chair, we have eight of ten members present.

THE CHAIR: Thank you. I declare we have a quorum with eight of ten members present.

Next is the Pledge of Allegiance and Salute to the Flag. And Commissioner Bergman and I are on the agenda.

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

THE CHAIR: Thank you, all. Next item is approval of the agenda. I would remind everyone that we may reorder the agenda, move things around; but we may not add things to the agenda.

Is there any discussion on the agenda?

COMMISSIONER TOULOUSE: Madam Chair, move approval.

THE CHAIR: Thank you. Commissioner Toulouse moves approval of the agenda. I need a second.

COMMISSIONER GIPSON: Second.

THE CHAIR: Which? Commissioner Gipson?
Thank you.

Motion and second to approve the agenda.

All those in favor, please say "Aye."

(Commissioners so indicate.)

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

(No response.)

THE CHAIR: The agenda is approved.

Item No. 3 is the PEC Meeting Minutes of

March 13, 2015.

Are there any corrections or additions, deletions, whatever, to the minutes?

I see no one with corrections or additions to the minutes. And, Cindy, you are absolutely ruining my reputation. I have -- we thank you for your great work.

Hearing no corrections to the minutes, may we have a motion on the minutes, please?

COMMISSIONER GIPSON: So moved.

COMMISSIONER ARMBRUSTER: Second.

THE CHAIR: Was that Commissioner Gipson?

Commissioner Gipson moved to approve the minutes, as distributed. Commissioner Armbruster seconds.

All those in favor of approving the minutes, please say "Aye."

(Commissioners so indicate.)
THE CHAIR: Any opposed, please say "No."

(No response.)

THE CHAIR: The minutes are approved, as distributed.

Item No. 5 is Discussion and Possible Action on Health Science Academy; though I believe we have some other --

COMMISSIONER BERGMAN: You jumped over No. 4.

THE CHAIR: I certainly did. Thank you so much. I'm just trying to get this meeting going right away now.

Let's go to Item 4, Report from PED Leadership. Mr. Pahl?

MR. PAHL: Thank you, Madam Chair. I can smell the burning rubber in the room, we're going so fast.

I have a few announcements from PED leadership. The first, and a very important one, is that the Charter Schools Division has named a new director. "Katie Poulos" is her name. She's currently the deputy director at the Arizona -- at Arizona Statewide Authorizers; so she has experience working with authorizers. She's a former teacher and has a legal background, as well. So we are
excited about the skill set that she brings to the PED and the services she'll be able to provide for the PEC.

She will start next Monday. We couldn't quite get her out here for this meeting; but all the Commissioners can expect at least a phone call or at least a request for a personal meeting so she can get to know each of you moving forward.

So we're excited to bring Katie on board and wish -- wish her the best as she gets started and ask you to welcome her, as you've been so welcoming to the rest of our staff. So that is our first announcement.

Second, the PARCC window, the first window was just completed a couple of weeks ago. There's something to note here that's important. First of all, we have some charter representatives in the audience. The first big thing is just a big thank you to all of them. It was a heavy lift. It was a heavy lift for people at the State, for all the people on the ground, whether they were in a district school or a charter school. And it was for something.

We were the highest -- the -- out of all the states that took the PARCC exam, the highest
proportion of our students took the exam on a computer. Eventually, 100 percent of students will take this assessment on the computer. 85 percent of our students in our state took it, and that was the highest of any state that took the assessment.

So we're going to continue to have growing pains. This is a new thing. The logistics of it are difficult. But given that we're 85 percent of the way there, I think our future difficulties will be minimized. So it's something that we can celebrate as a state together, that we were able to obtain such a high rate of taking the test on the computer. So that's a -- that's a great thing.

I just have a couple of comments, being -- this being my last final meeting and full -- you'll see more of me; I'm not leaving the PED. But I just want to thank all the Commissioners.

I am -- maybe it's because I'm still young; but I'm a sucker for the process. I think it works. It doesn't look good. It's ugly. Whether it's at the Legislature -- any legislative body has their strife; but it's designed to be that way. We work well because each of the Commissioners are dedicated to the work that we do for the students in the state.
And I just want to say that I appreciate serving you. We don't always agree, and we're not supposed to. So I appreciate all the hard work that our Commissioners put in as unpaid civil servants and elected officials. So thank you all for your hard work. I know you'll continue it.

I was no factor in your hard work; but I know you'll continue it, and I just want to thank you for the last 11 months.

THE CHAIR: Well, Matt, I think on behalf of all the Commissioners, we want to thank you for the job you've done. We know you came in sort of -- just sort of accepted the job and walked in and said, "I'm going to learn it and do it," and doing another job at the same time, which is a tremendous effort.

You've been very easy to work with, and we've gained a lot of your knowledge, along while you were learning it. So we appreciate the job you've done, certainly appreciate the staff that you put together. You've got some really, really outstanding people on that staff. You had some already, and added some -- some really great folks. I think Katie is going to come into a situation that's going to be a lot easier, I think, maybe,
than the situation you walked in, being so short-staffed when you came in.

So we're looking forward to your continued great stuff, and we hope to see you around.

MR. PAHL: You will see me plenty. And I want to let everyone know in the room that in my future -- in my current role here at PED and in any future role I'll always be an advocate for high-performing charters.

COMMISSIONER GIPSON: Great, thank you.

THE CHAIR: Appreciate that.

All right. Now we are to Item 5. But I believe, Matt, that you are looking for some additional people from here in the building that are going to join us for that discussion. Are they here yet?

MR. PAHL: Madam Chair, they're scheduled to be here at 9:45. What I would request is that maybe we can move through the amendments, the next agenda item, and switch those two.

THE CHAIR: Okay. Do we need a vote on that? Just do it?

Okay. Commissioners, if it's all right with you, let's move on to Item No. 6, which is Discussion and Possible Action on Charter School
Amendments.

Mr. Pahl? And I believe Julie is going to help you with this one.

MR. PAHL: Uh-huh. Madam Chair, members of the Commission, La Resolana Charter School is first up on the list.

Do we have any representatives from La Resolana? Not at this time?

Maybe we'll move on to the next school -- Julie, are they planning on having representatives here?

MS. LUCERO: They didn't say; so...

MR. PAHL: They were invited to come and requested to come; but they're not here today. So if we're comfortable moving forward, maybe we can hear the amendment and then make a decision,

Madam Chair.

THE CHAIR: That's fine.

MR. PAHL: Madam Chair, La Resolana Charter is requesting a new facility at 230 Truman,
Northeast, Albuquerque, New Mexico. The Charter School Division recommends approval of in amendment with the following conditions: That approval is contingent upon them securing an E-Occupancy rating for that building prior to moving in.
I'll just kind of hand it over to Julie for a second and see if she has anything to add to that. Anything to add on La Resolana?

MS. LUCERO: No, there is nothing else.

MR. PAHL: Okay.

THE CHAIR: I'm noticing on their application for amendment, their rationale, the second bullet says, "E-Occupancy certified." Is that referencing this facility?

MR. PAHL: Madam Chair, we haven't seen the E-Occupancy certificate at this point; hence our contingency for the approval on that.

THE CHAIR: They are indicating they have it; but you all have not seen it yet.

MR. PAHL: Yeah, uh-huh.

THE CHAIR: Okay.

Commissioner Peralta, has there been any discussion at PSCOC on this facility or this E-Occupancy?

COMMISSIONER PERALTA: No, Madam Chair, there hasn't. The information I got from PSFA, from Martica, is that La Resolana has got an above-average-rated NMCI on facilities; so there's no concern.

THE CHAIR: Above-average rating.
COMMISSIONER PERALTA: Yes, ma'am?

THE CHAIR: And what does that -- what does that indicate, Commissioner Peralta? Does that mean they've got work to do? Can they move into the building, even if it has an E-Occupancy with this rating? Well, if they get the E-Occupancy, that means they can move in, of course.

COMMISSIONER PERALTA: My understanding from Martica is they're in good standing to make the change of facilities.

THE CHAIR: Okay. We'll also ask our attorney if he finds their board minutes, their governance council minutes in order that indicate they approve the -- this amendment.

MR. PAHL: And I can see it on the agenda as Item 7B, in case we're searching.

COMMISSIONER CARR: Madam Chair?

THE CHAIR: Commissioner?

COMMISSIONER CARR: May I make a comment while he's looking, for efficiency?

I -- you know, I looked this up. And this school is located right on Loma Linda Park. It's a really nice area. I just wanted to -- most of our schools aren't located in nice areas like that; so it sounds pretty good.
COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: If I'm not wrong, isn't this where the Ralph Bunche school was?

MR. PAHL: I believe it is the old Ralph Bunche building, yes.

COMMISSIONER TOULOUSE: I know the facility they're moving out of is the one behind the Mission Achievement and Success school that they're planning to use, because we approved them for the -- you know, K-through-5 grades. So I know that they were -- they're certainly planning on that move.


COMMISSIONER TOULOUSE: Because then it will give them that whole little area where they are. So -- okay, thank you. I was pretty sure it was where Ralph Bunche was.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: I just wanted to note that former Commissioner Gant would be very pleased to see their lease payment actually is falling almost by half in their new facility. He would be very excited about that. So I'll speak for Mr. Gant, I guess, about that.

COMMISSIONER GIPSON: I'll let him know.
THE CHAIR: And our attorney indicates to me that the governance council minutes are in order approving this amendment.

Further discussion concerning the amendment on La Resolana moving to a new facility?

Hearing none, the Chair would entertain a motion. And I would remind you that on the Executive Summary page, there are various wordings for suggested motions, should anyone choose to use that wording.

Commissioner Gipson?

COMMISSIONER GIPSON: Madam Chair, I move to approve amendment presented by La Resolana Charter School, requesting a new facility located at 230 Truman, Northeast, Albuquerque, New Mexico. And I'm assuming I have to deal with the condition, because it's an E-Occupancy; correct? Okay.

With the following condition, that -- an E-Occupancy approval.

THE CHAIR: Thank you. Do we have a second?

COMMISSIONER BERGMAN: Second.

THE CHAIR: I'm hearing Commissioner Bergman.

So a motion by Commissioner Gipson,
seconded by Commissioner Bergman, to approve the anticipated request from La Resolana Charter School for a new location, pending E-Occupancy.

Further discussion?

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

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."
Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The motion passes unanimously approving the amendment request of La Resolana. Thank you.

Mr. Pahl?

MR. PAHL: Madam Chair, the second school on our agenda requesting an amendment is La Promesa Learning Center. As a representative from La Promesa comes up, I'll explain the amendment a little bit; although I think the school will be able to put a little more meat on the bone as far as why they're requesting this.

La Promesa Learning Center is requesting an enrollment cap increase from 375 students to 425 students. We are recommending approval of this amendment. And that deserves an explanation.

Generally, when we have a low-performing school, a school that's consistently gotten a grade of a D, we aren't interested in them serving more students. That is from a statewide perspective and something that you can expect consistency from, from the Charter Schools Division, both now and in the
However, when we look at the surrounding schools, the schools that surround La Promesa, they're not any better than La Promesa. The surrounding schools have grades of a D or below, much like La Promesa; and their trajectory and how they're faring on the report card is actually moving downwards. This is consistent in all the surrounding middle schools for La Promesa.

That's why we're approving this enrollment cap increase. We are not excited about D schools serving more students; but when they -- when they represent the best option in that area for students, we have no choice but to say, "This is what we want to have happen."

If they're requesting an enrollment increase, then, again, they have their programmatic reasons; and they're valid. We recommend this amendment.

I'll just make a note, too, that La Promesa -- we have noted the school grade and that it's been consistently low. It is moving upwards, and they have been a very good actor as far as engaging with the CSD and engaging with the opportunities that are provided by the PED to
improve their performance at their school site.

So we're excited for good things to come with La Promesa. And because of their area schools and how they compare with those, we do recommend approval of this amendment.

COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Commissioner?

COMMISSIONER TOULOUSE: I'm sorry. I am -- it's still early in the morning for me. I need to recuse myself from this item, because I have a cousin attending the school.

THE CHAIR: Thank you. Mr. Secretary, if you'll make note of that please?

Commissioner Bergman?

COMMISSIONER BERGMAN: I would just like to amplify a little bit on what Director Pahl stated. We have had discussions in the past as a Commission on when amendments should come forth, et cetera, et cetera. Some come forward in the contract negotiation process. And this happens to be the case in this one.

And when we got to it, I believe, because of the letter grade on the school, that it was probably more important for this particular school that the entire Commission be given the opportunity
to weigh in on this. So that is why we have this
today. I asked them to remove it from the
performance framework and bring it forth at our next
meeting; and that is what they've done at my
request. I wanted you all to know that.

Thank you, Madam Chair.

THE CHAIR: Is this the school we have the
agreement with that -- okay. So their school report
card score on the agreement was to increase 5 points
in a year; so before they could add any students.
Is that correct?

MR. PAHL: Yeah, I think -- Madam Chair?

Madam Chair, members of the Commission, we
recommend approval of this amendment. It is outside
of an agreement that the school has with the PEC.
And I think that's where it would be important to
hear the school's perspective on why they want the
enrollment cap increase.

I think this might also be an opportunity
to revisit the -- the agreement. And I'm putting
that out there as an impartial observer of that
agreement. But it does seem to be an aberration.
We don't have any other agreements for enrollment
caps with other schools.

And so I just want to point out that it is
different from the other schools in how we've done
enrollment cap increases. So we've decided to treat
this request as any other school requesting an
enrollment cap increase.

But -- it's up to you, Madam Chair. But potentialiy, it would be good to hear from the
school on why they're requesting this.

THE CHAIR: Okay. Let me just say,
particularly for our new Commissioners, this school
came to us -- I believe it was two years ago; is
that correct?

DR. ABEYTA: That's correct.

THE CHAIR: Asking for an enrollment
increase. And the deal we worked out with them was
that their final score on their grade report card
had to increase 5 points from year to year in order
for them to add 50 students -- only 50 students --
after adding 5 points.

We were looking for growth; we were
looking for increased student achievement. And at
that time, the -- the agreement -- the settlement
agreement that we reached was agreeable to all
parties.

I am not at all in agreement with
scuttling that agreement that the Commission and the
school and their attorney worked out. An agreement is an agreement. And unless there is some overriding reason why we should not continue with that agreement, I am personally not in favor of not honoring that agreement.

And I see -- of course, we don't have 2014 scores yet. But I see the 2013 score was a 36.1. The 2012 score was a 35.6. So they came up not even quite 1 point; and that's not the 5 points that were required in the agreement.

So in my mind, I would not support an increase in the enrollment cap at this time.

COMMISSIONER GIPSON: I think the 2014 --

THE CHAIR: Am I looking at the wrong thing?

COMMISSIONER GIPSON: Yeah, I have a 2014.

THE CHAIR: Sorry, 39.85. So how much of an increase is that?

COMMISSIONER GIPSON: 44.3 was the 2014.

THE CHAIR: Am I not looking at the -- I don't see a 2014.

COMMISSIONER BERGMAN: They must have missed your page. I think, this one.

THE CHAIR: I don't see a 2014. Thank you. So let me start that over.
From 2013, when it was a 39.85, to 2014, at a 44.30 -- could somebody do the math and tell me what that is?

COMMISSIONER BERGMAN: Slightly under 5.
THE CHAIR: Slightly under 5.
Any other comments?
MR. PAHL: Madam Chair?
THE CHAIR: Mr. Pahl?
MR. PAHL: Thank you Madam Chair. I want to make a statement on behalf of the CSD, that we like the idea of attaching enrollment growth to the performance of a school. I think it's a wonderful idea. But our -- the reason why we're bringing this to you is because it isn't consistent across. So we do -- I just want to -- I did share earlier that that idea of allowing our best schools to grow is a great one.


Let me just also say -- perhaps I'm just missing something else -- but I don't see a copy of governance council minutes.

Anyone else find them?
COMMISSIONER GIPSON: No.
THE CHAIR: Any other comments,
Commissioners?

Do we have questions for the representative of the school?

Commissioner Carr?

COMMISSIONER CARR: I'm looking at the 2014 report. And it shows the current standing, F, school growth at A. And you break down a little bit.

But in the -- it looks like they've got more bonus points in 2014 than before. I find it very difficult in trying -- I know one of the ways we decide whether or not to bring a charter school in is we judge how are the other schools in the community performing. And we all have problems with the grading system, you know, as well. And I know that charter schools also have some differences. And then we also look at lots of other things in regards to charter schools.

But again, this calls to attention -- my point, always, is traditional public schools are -- are judged on their school grade. We judge charter schools on their school grade and other things. The whole purpose for charter schools is to be exceptional, not a little bit better, you know.

And I -- I just find it a sorry state of
affairs that all the schools in that area are D.
I'm hoping that the grade is wrong, you know, or at least for some of them.

And I -- I have a -- I'm going to have a difficult time voting to approve this. And I know it's right on the line here. And -- and I would like to see a greater difference between your school and the local schools before I would want to be able -- be able to vote on increasing your enrollment.

THE CHAIR: Commissioner Peralta?

COMMISSIONER PERALTA: Yeah. Madam Chair, Commissioners, I'd just like to just kind of elaborate a little bit on Mr. Pahl's comment on the Division about whether we don't necessarily like to increase enrollment on schools that are D or Fs; and, granted, we have an area there of multiple schools that are D or F category.

I just have a difficult time processing that if we allow an increase on a D school, and next year they either maintain that grade or regress, that there's possibilities that we have other D or F schools that are wanting to have the same exception to the rule, and that all we're doing is adding to the problem with adding more kids to D or
failing schools.
And so I'd like to stick to the rule. And regardless of the surrounding area and that there are no better performing schools, to me, that's not a good reason.
Therefore, I am -- I am not in favor of the change. Thank you.
THE CHAIR: Thank you, Mr. Commissioner.
Other comments?
COMMISSIONER GIPSON: Madam Chair, I have to agree with Commissioner Peralta and Commissioner Carr. I think I'd be far more comfortable a year from now seeing an increase in growth and an increase in the school grade before I'm comfortable enough to have an increase in the enrollment.
THE CHAIR: Commissioner Bergman?
COMMISSIONER BERGMAN: We do have the rationale in the document for this. But I think at least it would be appropriate if we asked the school why they're doing this, why they're wanting to -- so I'm going to ask you why you -- why are you asking for this cap increase, if you can explain that to myself and the fellow Commissioners?
DR. ABEYTA: Thank you, Mr. Bergman and Commissioners.
We are a dual-language school. That means that we teach half of the day in Spanish and half of the day in English. All of our classes, except for two, have two teachers, one that teaches the Spanish component and one that teaches the English component.

I think one of the reasons why we aren't reaching the goal is because we are lacking a couple of teachers. And the reason -- and those -- we're lacking a couple of teachers in two grades. And we're unable to get those teachers on board because we have a cap.

And that cap is at 375 now. We'd like to take it to 50 more students. That would give us an opportunity to get those two classes that only have one teacher that are teaching the English and Spanish component on their own, it would give us the opportunity to get two additional teachers that would teach just like the rest of the school is doing: One teacher teaches the Spanish component, and the other teacher teaches the English component. That's our -- that's our biggest rationale.

For the past couple of years since I've been there, our biggest struggle, especially at this time when it comes to budgeting and trying to design
our program, is trying to balance the fact of which
students are the ones that we're going to accept in
those particular grade levels that we don't have any
space for and which students are the -- are going to
be booted out.

I understand that charter schools -- in my
ideology, as well, I understand that charter schools
should be better than public schools. And ideally,
it would be great if we had all of these great
students flocking to a good charter school.
Unfortunately, up to this point, what we have is a
lot of students that can't really make it in the
public school flocking into the charter schools.
That's kind of the reality of it and
ideally, I know that charter schools were meant to
be designed to accept a certain type of student.
And the -- we appreciate your -- your comments, and
we're pleading with you to allow an additional
increase so that we can design our program to -- to
be the ultimate program that we can have.

By design and by theory and by research,
the best type of program in a dual-language method
or methodology is to have two teachers in every
grade level, one teaching the Spanish component and
one teaching the English component.
Currently, we have two grade levels where there is only one teacher. And it's very difficult to find teachers who have both a bilingual endorsement and a TESL endorsement. And those are other issues, you know, that we're having.

But the biggest struggle is trying to balance off the numbers in order to design our programs to be most effective. And we're asking you to please reconsider, or consider, allowing those additional students that we're asking for so that we can provide a good program, or a solid program, where we're lacking a couple of -- a couple of teachers.

COMMISSIONER BERGMAN: Thank you for that explanation. Let me ask this question. What is your current enrollment?

DR. ABEYTA: Our current enrollment, Mr. Bergman, is 375 students.

COMMISSIONER BERGMAN: So you are at your cap.

DR. ABEYTA: We currently have -- up to yesterday, we had 369 students. And I don't know if this makes any difference; but this year, we had 150 students on the waiting list.

THE CHAIR: Thank you very much. Anything
COMMISSIONER BERGMAN: Thank you, Madam Chair.

THE CHAIR: Did you get a name?

THE REPORTER: No.

THE CHAIR: Would you give the court reporter your name, please, for the record?

DR. ABEYTA: Yes, ma'am. My name is Dr. Carlos Abeyta. And I am the curriculum specialist for La Promesa. And I want to say that Dr. Analee Maestas, who is the director of the school, is at a bonding -- another real important meeting. It's a bonding meeting for capital outlay.

THE CHAIR: Thank you very much for that.

Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, just -- excuse me. Just some clarification on the meeting minutes.

The school had passed this -- their governing board passed this in December; but the documentation wasn't clear. We asked them to re-- reapprove this at a meeting that took place earlier this week. But they did not have a quorum.

So they have approved it in the past. The documentation wasn't quite there. So any -- if the
Commission considers approving this, we would want it to be contingent on approval by the governing board.

COMMISSIONER ARMBRUSTER: Madam Chair?

THE CHAIR: Yes, please.

COMMISSIONER ARMBRUSTER: I'm conflicted with the school in that one expects that if you're in a charter school, you certainly are getting the same students that everybody else has and that you believe, starting a charter school, that you can do better than surrounding schools, which may be slightly true, but not enough.

It is a dual-language school. And what I'm most concerned about in their request is I was at this negotiations. And what concerns me is the students; because in -- please correct me, Mr. Carlos -- but it's -- they have two classes of pre-K and K and 1 and 2 and 3 and 4, until you get through 5; but for 6, there's just one. Am I correct?

DR. ABEYTA: 6 and 8 at this time.

COMMISSIONER ARMBRUSTER: So what happens is -- what bothers me for children is in fifth grade, half the kids have to leave -- maybe not quite half, a third -- have to leave because there's
only one sixth grade. And then they get them back in seventh, and then they have to lose them again in seventh, because there's only one eighth.

So for me, just the fact that kids are coming and going, and they don't get any preference to get back in, because it's the lottery thing -- whatever. They just go back into the lottery. And I find that just somewhat disconcerting, because they're asserting -- and I have no reason to doubt you -- that you need this five to seven years.

So you're just getting to there, and then you have to leave for a year and maybe get back, but maybe not get back.

So I'm concerned about the setup of the -- does that make any sense to you? -- of how people come and go all the time. And I think that's why they're asking for the cap, because they want one more sixth and one more eighth, which would continue all of the kids through, not so much getting new ones, as not losing the ones you have.

Is that right?

DR. ABEYTA: That's correct. And that's a struggle that we have every year. If it's not sixth and eighth grade, it's another grade or two other grades.
THE CHAIR: So you have an enrollment management issue.

DR. ABEYTA: Because of the cap.

THE CHAIR: Any other questions?

Comments?

Let me just say one thing. Remember in the agreement, there is a passage that says you may add two years together to get those 5 points. So if you -- if your score increases .55 next year, you will have the 5 points then to ask for the enrollment increase without -- without question.

Commissioner?

COMMISSIONER CONYERS: Yeah. I just -- out of curiosity, how do you decide which students don't come back, then? Is there, like, a reverse lottery? Or how does that work? Is it self-select or --

DR. ABEYTA: You know, I've been there for two years, and I haven't been in that process. I'm assuming that it would be, by policy. And our policy says by lottery. So I'm not sure.

COMMISSIONER CONYERS: Okay. Thank you.

Another comment I'd like to make is -- and I know we have various issues with the grading system. And I do prefer it to the previous AYP
approach that -- where everyone would be failing by this time, probably. And I do believe you can have a D school that's still doing a lot of good things.

I've -- the district I came off recently from the board had some D schools. And they're -- I consider them good schools. And when Priority Schools came in to look at them, they really didn't have a lot of suggestions on how to do things better.

So I do think you can have a D school and still have a good school.

THE CHAIR: Thank you, Commissioner.

Other comments?

COMMISSIONER BERGMAN: I do think it's already been alluded to that are those kids -- and when they get to the sixth grade, and when they come back again to the eighth grade, is there a disservice being done to those kids that have to leave the school because there's not a classroom available for them with a teacher in it? That's something I just wanted to reinforce that to think about that for a second.

And I know we have to do things in a certain way and everything. But let's just think
about that for a moment; because I believe -- here again, this did come up in the negotiation. And I think we're talking -- your classes have 20 students -- your sixth-grade class right now, for instance -- or your fifth-grade class -- would have 40 to 50 students.

DR. ABEYTA: Right.

COMMISSIONER BERGMAN: And they can only accommodate up to 25 in the one class.

DR. ABEYTA: That's correct.

COMMISSIONER BERGMAN: So there's a potential for 15 to 25 kids, as was noted, leaving the school. And then apparently, they come back in the seventh grade again, if they can get in through the process, because it is the lottery process. And then, again, they have to go through that again in the eighth grade.

So that's something to think about, anyway. This -- we seem to be getting a lot of unique situations on this Commission lately; and it's always a challenge, I think. But I wanted to make that point.

Thank you.

THE CHAIR: And I said a minute ago, it sounds like you have an issue with enrollment
management. It seems to me that you could
manipulate the number of students in each grade
level so that it made it where students don't have
to drop out. Perhaps a few fewer students in
second, third, and fourth grade will allow you to
have more sixth-grade or seventh-grade students,
whatever grade level you need.

    That's -- that's what I was alluding to
when I said "management." I do not know
particular -- all the particulars of your school;
but that certainly would seem like an option, to me,
to look at. Just a thought.

    Any other comments, Commissioners?

COMMISSIONER ARMBRUSTER: I think, if I'm
understanding this correctly -- which could be
not -- the issue is not having less students in
second, third, fourth, say, because it's that they
want two teachers, one who's teaching in English and
one who's teaching in Spanish. If they don't have
two teachers in each level, then they can't do that.
That was my understanding of that.

    What I would also be concerned about,
though, if we were to approve this with
conditions -- if we can do that -- is the
English-speaking children -- who came in
English-speaking, not the ones who are becoming English -- but the native English speakers' scores be disaggregated from the whole, so that we could see that -- what are those students doing? Because they are English-speaking children; they're not -- they're somewhat ELL in Spanish.

But that's not what the test is -- the Short Cycle Assessments aren't testing in Spanish; their testing in English. So I'd want to see more of those -- the growth in that, for English-speaking ones, because --

THE CHAIR: Thank you. Any other comments?

DR. ABEYTA: Madam Chair, if I could --

THE CHAIR: Yes, sir.

DR. ABEYTA: -- interject once more?

The -- I understand also the agreement that we had before. And now that the testing has changed from SBA to PARCC, I don't know when it's going to be -- when we're going to be able to correlate the testing scores from SBA to PARCC. I'm assuming that it's going to take years before we can actually begin to even try to correlate the numbers in the different tests.

So our next opportunity, in my opinion, is
going to be three, four years down the road, to come
and ask for another increase, based on, you know,
based on the -- on the testing formula that you
all -- you know, that we have as an agreement.

THE CHAIR: And I think we all have that
same concern. We don't know how the PARCC results
are going to roll out. We don't know how they're
going to compare. And next year, we might have to
face a different situation, and perhaps, in light of
that, redo that agreement, if that's necessary.

But I think this year, from '13 to '14, we
do know that the growth was not adequate to meet the
terms of the -- of the agreement; and so for this
year, I think we need to honor that agreement, give
the school another year to grow their students some
more, to make some progress, and then let's revisit
this issue.

And I believe your school is up for
renewal -- is it next year?

MR. PAHL: Just renewed.

DR. ABEYTA: Madam Chair, we just got
renewed for an additional five years.

COMMISSIONER BERGMAN: We just did the
contract negotiation. It's a done deal.

THE CHAIR: I knew they were in that mix.
somewhere. Thank you for that.

DR. ABEYTA: We also just went through a national accreditation, and the school came out higher than normal -- or higher than average in all cases.

THE CHAIR: Thank you for that.

Commissioner Carr?

COMMISSIONER CARR: Quick comment, Madam Chair and members of the Commission, is that, you know, when it comes time where all the -- when the PARCC scores come out and we're judging all the schools in your particular area, if you're significantly higher than your neighborhood schools, we definitely would be looking at approving your numbers, you know, because, yeah, we probably would have to throw this agreement out at that point, maybe, you know, somehow. I don't know how we'll do it.

But the members of this Commission are very reasonable. And when they see things like that, we will -- I think we will act accordingly.

THE CHAIR: Thank you, Commissioner.

Any further comments?

Hearing none, the Chair would entertain a motion.
COMMISSIONER PERALTA: Madam Chair?

THE CHAIR: Commissioner Peralta?

COMMISSIONER PERALTA: Madam Chair, I would move to deny the amendment presented by La Promesa Learning Center requesting an enrollment cap increase from 375 to 425 students, due to the fact that the performance agreement standards were not met, and also due to the fact that they are a D school.

THE CHAIR: Thank you very much.

COMMISSIONER CARR: Second.

THE CHAIR: Commissioner Carr seconded the motion.

Is there any further discussion?

Mr. Secretary, may we have a roll call?

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: No.

THE CHAIR: Let's --

COMMISSIONER PERALTA: Excuse me, Madam Chair. This is a motion to deny the school enrollment cap, I guess would be --

COMMISSIONER CONYERS: I understand. I understand the motion.

COMMISSIONER PERALTA: All right.
Commissioner Peralta votes "No" -- I mean --
sorry -- votes "Yes." Got confused, Mr. Conyers.

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: No.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse recused.

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: No.

THE CHAIR: I'm sorry?

COMMISSIONER ARMBRUSTER: No. No.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, the vote is 4 to 3, with one recused, in favor to deny the school in increasing enrollment.

THE CHAIR: The amendment is denied by a vote of 4 to 3. Thank you all very much.

If we have anyone from the J. Paul Taylor School that would like to come up to the table at
this time?

Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, J. Paul Taylor school is requesting a new facility located at 406 West Court in Las Cruces, New Mexico. The Charter School Division recommends approval of this amendment. And we have a couple of conditions.

We were working with the school's administrator to make sure that we had proper documentation. J. Paul Taylor is up here for another agenda item; so we decided to work with them. And that's why you'll see an additional contingency of -- of board minutes that reflect that the board approved this.

So we recommend approval of the amendment. We would like to see that the governing board reflects approval of the amendment request.

In your binders, you'll see individual -- and potentially, the school administrator can explain these -- but they're really statements from each of the board members that said, "Yes, I approve this," at a meeting in May.

We want official board minutes. So we have reason to believe that the board will approve
them, and this will allow the school administrator
to e-mail those to us instead of making a separate
trip to Santa Fe from Las Cruces.

And, secondly, approval is also contingent
on E-Occupancy. This building is being built right
now for J. Paul Taylor; is that correct?

MS. RISNER: Yes, sir.

MR. PAHL: So it's being built for the
purposes of the school, and we would expect it to
have that E-Occupancy rating. Thank you.

THE CHAIR: Thank you. Just for
clarification, before we ask you for your comments,
is this a facility that the school district is
providing for the school?

MS. RISNER: Madam Chair, members of the
Commission, yes. They are developing a complex for
charter schools. They hope to add more. But right
now, we'll be moving in next to Alma d'Arte. And
the school district has worked closely with us to
design a facility that meets our needs, and it's
under construction.

THE CHAIR: Thank you very much. If you
have a statement, please give your name and whatever
you'd like to say.

MS. RISNER: I'm Cynthia Risner,
R-I-S-N-E-R. And I'm the head administrator of
J. Paul Taylor Academy.

I'm really proud of our school. Fabulous
things are happening. But we do have eight
portables and four interior classrooms. And one of
the big components of our school is building the
community.

And the staff and the parents have done an
admirable job of that, given these constraints; but
we would like a place where we're all under one roof
and also have a center meeting room, so we don't
have to rent one.

My apologies, if this should have been --
if this should have come before anything was
started. I interpreted -- and I guess I shouldn't
have -- that I needed to get permission -- or
actually, my -- the person following me next year --
would need to get permission prior to the move to
ensure that there is an E-Occupancy. So I thought
that's when you requested the approval.

However, my governing council is
100 percent behind it, and it's on our May agenda.

THE CHAIR: Thank you very much.

Commissioners, do you have questions?

Commissioner Carr?
COMMISSIONER CARR: I'm looking at your facility on a satellite map, too.

MS. RISNER: The current one, sir.

COMMISSIONER CARR: It's the one on West Court is the new one?

MS. RISNER: Yes, sir.

COMMISSIONER CARR: And it -- I should probably have looked at the other one, too; but -- I'm sure this is a better -- going to be a much better facility. And I'm looking at a vacant lot that's -- is that a vacant lot.

COMMISSIONER GIPSON: It's a park, Pioneer Park.

COMMISSIONER CARR: That's exactly what I wanted to know. So you've got a park a block away. Is there playground facilities there?

COMMISSIONER GIPSON: Excuse me.

COMMISSIONER CARR: What's that park like?

COMMISSIONER GIPSON: It's a lovely treed, open-space park, small park for children's playground. But it's part of the historic tradition, original part of Las Cruces.

MS. RISNER: And, Commissioner Carr, I neglected to mention that yes, the park is there, and there's also a large area. It will not have
playground equipment immediately. Our foundation is
working on that. But we have chosen to put every
penny into making the building what we needed,
because that's harder to change at a later date.

Right now, the center we're occupying was
a former day-care center, and our middle-schoolers
have done a fabulous job of adjusting and taking it
in stride.

COMMISSIONER CARR: Very good. Thank you.

COMMISSIONER GIPSON: May I just add?

It's also very close to the museum downtown. So
it's within walking distance to the downtown. So
there's a lot of cultural -- and museums in the
area.

COMMISSIONER CARR: All right.

THE CHAIR: Okay. Any other comments,
Commissioners?

Mr. Pahl?

MR. PAHL: Just a brief one, Madam Chair,
in case anyone is connecting dots between the two
agenda items that J. Paul Taylor is on the agenda
for today. The second one is a financial concern.
But because of this school building's relationship
with the school district, we're not concerned that
that financial concern will impact any of the on- --
the proceedings with the construction of the
building.

THE CHAIR: All right. Thank you for that
clarification. And your recommendation is for
approval with the conditions of E-Occupancy and
formal governance council minutes approving this.

MR. PAHL: Madam Chair, members of the
Commission, that's correct. And we'll continue to
work with Ms. Risner as we get those minutes from
her and send them to the Commission.

THE CHAIR: Commissioners, are you ready
for a motion?

Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I move
that the Public Education Commission approve the
amendment presented by J. Paul Taylor Charter School
requesting to move into a new facility located at
406 West Court, Las Cruces, New Mexico, subject to
the conditions that the school provide the governing
board minutes reflecting approval of this amendment
request, and, of course, being contingent on
obtaining E-Occupancy for the facility.

COMMISSIONER CARR: Second.

THE CHAIR: Thank you. Motion by
Commissioner Bergman, second by Commissioner Carr,
to approve the motion with the two conditions, as stated.

Is there any further discussion?

Hearing none, Mr. Secretary, may we have a roll-call vote, please?

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Shearman?
THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that is 8-to-0 in favor of the motion.

THE CHAIR: Thank you. The motion passes unanimously. We hope you enjoy your new facility.

MS. RISNER: Thank you. I'm sure we will.

THE CHAIR: Thank you very much.

We have completed Item 6.

Mr. Pahl, are your folks here? Could we take just a few-minute break before we begin with Item 5?

MR. PAHL: Yes.

THE CHAIR: Ladies and gentlemen, let's come back at five after 10:00.

(Recess taken, 9:55 a.m. to 10:07 a.m.)

THE CHAIR: Ladies and gentlemen, I call back into session this meeting of the Public Education Commission. We're returning to Item No. 5, Discussion and Possible Action on Health Science Academy.

Mr. Pahl?

And I understand you have some folks with you today. And I would ask that they come up to the table, please, so that you can use the mic and we'll be able to hear you if we have questions for you.
MR. PAHL: Madam Chair, members of the Commission, I'll allow the PED staff to introduce themselves and mention their titles, as well. They were integral in some of the follow-up work that we'll be discussing here with the school in question.

MS. MARRUJO-GALLEGOS: Good morning, Madam Chair, members of the Commission. My name is Eileen Marrujo-Gallegos. I'm Director of Operations here at the Public Education Department.

THE CHAIR: Thank you.

MR. HILL: Good morning, Madam Chair, members of the Commission. I am Dan Hill. I'm the General Counsel at PED.

MS. SAIZ: Good morning, Madam Chair, Commissioners. My name is Molly Saiz. I'm the Audit and Accounting Bureau Chief.

THE CHAIR: The Accounting Bureau Chief?

MS. SAIZ: Audit and Accounting.

THE CHAIR: Thank you very much. Please go ahead.

MR. PAHL: Madam Chair, members of the Commission, you all have a memo in front of you. I'm going to read that into the record. And I think at that point, we'll probably have a robust
conversation.

"Due to fraudulent enrollment processes, inappropriate governance, financial conflicts of interest, violations of Procurement Code, and management instability that has persisted since the opening of the school in August 2014, the Charter Schools Division at the Public Education Department recommends that Health Science Academy's charter be revoked.

"PED Staff conducted a site visit on March 18th and 19th in 2015 and verified these issues."

I'll now go over a summary.

"During the March 2014 PEC meeting, Commissioner Bergman indicated there were allegations the school was recruiting students from Texas. According to minutes from that meeting, Commissioner Bergman asked Raphael Nevins, the school's founder and current board president, quote, 'Are you going to be taking kids from Texas that live in Texas in your school,' end quote.

"Mr. Nevins replied, quote, 'We are not recruiting in El Paso; to be direct as an answer to you, no,' end quote.

"On February 19th, 2015, PED received a
complaint from a staff member at HSA..." -- sorry,
"HSA" is "Health Sciences Academy" -- "...that the
school was enrolling students from Texas and asking
them to provide false New Mexico addresses on their
registration forms.

"CSD staff contacted Mr. Jacob Montañó,
the school's current administrator, who validated
the claim and immediately took action to disenroll
these students.

"The Charter Schools Division, in
coordination with the Public Ed Department's Office
of General Counsel and Audit Division, immediately
met to determine how to investigate these claims
during the scheduled March 18th and 19th site visit.

"In testing ten selected student
residences, PED Staff found one student residence
was physically located in Texas. The student's
address of record is shown to be 300 Magnolia
Street, Anthony, New Mexico, area code 79821. PED
auditors searched through zillow.com and
googlemaps.com prior to the site visit. The only
known address was 309 Magnolia, Anthony, Texas, area
code 79821. It is approximately 12.4 miles from the
school. Auditors visited that location during the
site visit.
"HSA Staff and administration corroborated in separate interviews that Ms. Norma Gotzmann [ph], the school's night program coordinator and recruiter, gave students from El Paso, Texas, New Mexico addresses to use on their application. When she was interviewed by CSD staff, Ms. Gotzmann stated she checked every student enrolling to assure that they had a current utility bill and a New Mexico driver's license.

"However, Mr. Montaño disenrolled 19 students who admitted to him they are residents of Texas and were instructed by Ms. Gotzmann to use a New Mexico address on their enrollment forms.

"Further, it appears HSA has submitted students in its student counts for the purpose of generating State funding when these students are not participating in HSA programs or who have incomplete enrollment information. PED auditors found one student shown as 'out,' meaning no longer attending HSA, but was counted, meaning enrolled and in attendance, as of the 120-day verification mark.

"Data from the 120-day verification mark is used with other counts to determine the allocation of public school support and the State Equalization Guarantee. The student" is noted as
listed -- as listed as -- I'm sorry.

"The student noted is listed as living at
231 Archangel, Chaparral, New Mexico, area code"
8801- -- "88081. This address was also used by
seven other students. Of the eight students using
the same address, five have been disenrolled, and
two are still enrolled at HSA. One of the students'
statuses is unknown, because there was no file on
site for that student.

"During their site visit, PED Staff
conducted an audit of student enrollment files.
Staff found 14 of 272 student files were unverified
and not considered acceptable to verify valid
registration.

"127 of 272 student files were unverified
due to missing documentation.

"182 of 272 student files did not have
documentation of previous student records.

"Eight out of the 272 students tested for
enrollment and attendance records could not be
verified, due to missing documentations or files
that were not located.

"And 6 student files could not be located.

"Despite these discrepancies, the school's
enrollment count was 272 students.
"Further, PED obtained a listing of student addresses from the administrative assistant and noted two students with a Texas zip code. One of the two students was disenrolled on January 29th, 2015, including students from another state.

"In-student [verbatim] counts artificially inflates the school's State Equalization Guarantee."

And that's the funding that they get from the State funding formula.

"This is in violation of State statute and is likely a criminal offense.

"Auditors found governance issues at HSA. Administrators both past and present have all indicated Mr. Nevins was directly involved with the day-to-day operations of the school, an inappropriate role for a governing board member. The involvement went as far as firing an employee when a former administrator at the time refused to.

"This information was given to CSD staff in a phone conversation with a former administrator on the morning of November 14th, 2014, the day after his contract with the school was terminated. Later, the fired employee was reinstated as a teacher in the school's night program.

"Additionally, one former administrator
contacted the New Mexico Attorney General and filed a complaint about Mr. Nevins' interference in school operations and made accusations about fraudulent misuse of school funds.

"During the site visit, Staff found the board president purchased items on his personal credit card and requested reimbursement after the fact from the school for those expenditures without advanced approval. This is in violation of the State Procurement law and the school's internal policies and procedures.

"Separate interviews conducted by PED Staff corroborated that Mr. Nevins has submitted invoices for payment without following protocol or internal controls.

"PED found that the governing board approved a travel reimbursement policy for the members of the governing board. It appears that individual board members will be reimbursed at a lower rate than the employees in accordance with board policy.

"Per board policy, a member may be reimbursed with prior approval of the governing board for travel, out-of-pocket and other expenses incurred while performing as a governing board.
member on school business, in accordance with the
New Mexico Mileage and Per Diem Act.

"In a review of the four reimbursement
packets reviewed for Mr. Nevins, all expenses were
incurred prior to the execution of the purchase
order, and there is no documentation that the board
made prior approval of those expenses.

"PED auditors noted that HSA does not have
proper internal control over Open Meetings Act
requirements, document processing, or document
retention. The agenda for a special meeting on
March 12th, 2014, did not meet the 72-hour posting
requirement. Three meetings did not have the
minutes included in the permanent record, and
12 meetings do not have the posting date included,
and the auditors were unable to determine the
posting date.

"During PED auditors' review of the
minutes, it was noted that Ms. Nancy Duhigg serves
on both the HSA and Healthy Futures, Incorporated,
boards. This brings us into a potential conflict of
interest that we found during our site visit.

HSA is leasing their building from Healthy
Futures, Incorporated." I'll refer to them as
"HFI."
"The company also provides lunch services to the school. The food service contract dated August 5th, 2014, is signed by Raphael Nevins, president of Health Sciences Academy, and by Norma Gotzmann [ph]. Norma Gotzmann [ph] is the secretary for HFI, as well as the school's night program coordinator and recruiter.

"Further, Mr. Nevins is married to Lorna Samraj, the former CEO of Healthy Futures, Incorporated, who also signed the food service management company equivalent worksheet and purchased items with her personal credit card, which was then reimbursed by HSA.

"According to several governing council members, Ms. Samraj has taken minutes at the governing board meetings, as well.

"In a review of HSA’s board minutes, the governing board passed a conflict of interest waiver resolution specifically for Carmen Burciaga, a board member at HSA at the time. Those same minutes confirmed this action item did not have a quorum vote. There were three board members present at the meeting, which make a quorum; but there was not a quorum for this action item because Ms. Burciaga abstained from voting.
"The resolution references statutory sections that cover employees of a local public body; however, Ms. Burciaga is not an employee of HSA; she's an employee of HFI.

"PED found that Health Sciences Academy allows Ms. Burciaga to do a significant amount of the food and food services purchases on behalf of Health Sciences Academy," end quote.

The next issue I wanted to cover is one that has been brought to the Commission several times since the school has been founded.

"The school has had four head administrators since July 2014. In interviews with Charter School Division Staff, all four of those administrators have indicated there are significant issues with Mr. Nevins interfering with day-to-day operations of the school. The current head administrator, Mr. Montaño, has begun to implement internal controls and follow required protocols.

"The school's procurement process, as well as the HSA policy, is not being adhered to effectively. There are significant inadequacies of internal control in order to comply with the New Mexico Procurement Code.

"PED staff found HSA does not have a chief
procurement officer named as of, or after, January 1st, 2014. Auditors also found, per review of board minutes, there were expenditures made prior to the formal opening of Health Sciences Academy. Board members were not privy to, nor approved, quote, 'important planning year expenses,'" end quote.

"The purchases are subject to the Procurement Code and established Health Sciences Academy policy, since the payment would come from public funds.

"In review of the reimbursements paid to the former administrator at the school, the auditors noted the documentation was incomplete for three of the four reimbursement packets. The purchase order was prepared with -- after the expenditures had been made.

"It is noted for food services, there are receipts with the food and food supplies purchased with no expenditure code supporting the breakdown of the purchase.

"Auditors found that HSA reimbursed a former administrator $12,568.05 from August 2014 to December 2014, during the opening of Health Sciences Academy."
"Lastly, the auditor reviewed board
minutes and found there was no board action to
approve Healthy Futures, Incorporated, to apply for
federal or other competitive grants on behalf of
Health Sciences Academy.

"Since this activity is outside of the
governing board and administration, it would be
difficult to track such activity, including
receiving of monies on behalf of HSA that are not
physically received by HSA."

Madam Chair, our next steps in this
process from PED are to alert other appropriate
authorities, particularly the Office of the State
Auditor. We've -- this school has been a School of
Concern since August. We've been concerned about
the stability of the leadership there. We found new
issues that are -- that are fraudulent and that are
pointing towards larger systemic problems at this
school.

It is very unlikely and nearly impossible
that this school is serving students well with a --
with an unsound leadership -- not -- sorry --
"unsound" is the inappropriate term -- with the
movement they've had in leadership, which is the
keystone of a school running well. And these
problems, we recommend revocation of the charter.

THE CHAIR: Thank you, Mr. Pahl.

Commissioners, do you have questions?

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, what is our action now to revoke this charter? What do we do?

I know I've had concern since before we opened because I have a friend who's known a number the people who have left the school and reported things. And I think you and I had some talks at the beginning, where I had had information and gave it to you, and it was too early for us to go any farther.

But I -- never having been in this position, because I'm not -- haven't been on this Commission that long -- this is my third year -- to actually revoke one of one that is just barely chartered, what is our procedure?

THE CHAIR: Josh, would you like to respond to that, please?

MR. GRANATA: Madam Chair, Commissioner Toulouse, and other Commissioners, pursuant to the Charter School Act, Section 22-8B-12K, "A charter may be suspended, revoked, or not renewed by a
chartering authority if the chartering authority
determines that the school did any of the following:

"No. 1, committed a material violation of
any of the Commission's standards or procedures set
forth in the charter contract."

"No. 2, failed to meet or make substantial
progress toward achievement of the Department's
minimum educational standards or student performance
standards identified in the charter contract.

"No. 3, failed to meet generally accepted
standards of fiscal management; or...

"No. 4, violated any provision of law from
which the charter school was not specifically
exempted."

And so pursuant to that statute, this
Commission has the authority to revoke the charter
and essentially close the school.

COMMISSIONER TOULOUSE: Madam Chair,
Mr. Granata, does that mean we can do it at this
meeting, or we have to give them advance notice and
then go ahead with it?

MR. GRANATA: Madam Chair, Commissioner
Toulouse, Commissioners, it's my understanding that
the Commission, if it so chooses, can make a motion
to close the school at this meeting, and then a
procedure will be in place to allow for the school
to have a hearing and go forward from there.

COMMISSIONER TOULOUSE: Thank you.

THE CHAIR: Mr. Hill, I would call on you
if you have any legal -- further legal opinions that
you might like to share with us at this time.

MR. HILL: Madam Chair, members of the
Commission, I think Assistant Attorney General
Granata laid out the procedural framework very well
for the Commission. I think in terms of the work
that the Department has done in responding on pretty
short notice to the concerns and complaints that
were raised, I want to note two things:

One, there is a member of the school --
administrator from the school present, Mr. Montaño.
And I think, you know, without being -- without
saying too much, I think we should recognize that
Mr. Montaño has been a good actor and has assisted
with the investigation and has taken appropriate
responses to the very alarming concerns raised. And
so whatever action the Commission takes, I think
it's worth noting that Mr. Montaño has done, I
think, admirable work there.

That being said, our opinion still is that
the issues that were raised and then verified
warrant revocation.

And Assistant Attorney General Granata laid out the four bases for revoking a charter under the Charter Schools Act. I think with regard to the facts that — that Mr. Pahl laid out, there are a number of — I think at least two bases under that provision that justify revocation.

So the first basis that — that I think applies is 22-8B-12, Subsection K(3); and that's a failure to meet generally accepted standards of fiscal management.

A number of the items raised by Mr. Pahl in his presentation show a lack of internal controls at the school. And those — that lack of internal controls, I think, goes beyond a mere — a minor issue or a minor finding that you would receive on an audit and suggests that there are material weaknesses that really go beyond the school being in compliance with generally accepted accounting standards. And so I think that, in and of itself, would justify revoking the school's charter.

Some of the outcomes of those lack of internal controls are having contracts where there is a clear conflict of interest, having internal accounts payable processes that just don't catch
what should be caught, is pretty major violations of the procurement code. Having payments approved when no payment order was in place -- excuse me -- no purchase order was in place at the time that the activities were taking place, as an example.

I think that also leads into another basis for revoking a charter, which is violation of a provision of law from which the charter is not specifically exempted.

So there are a number of -- I think multiple grounds, for revoking the charter under this basis.

One, with regard to the conflicts of interest, the Charter School Act, 22-8B-5.2, makes very clear that a member of the governing body of a charter school cannot contract with an entity where that governing body member, him or herself, or a member of that governing body's immediate family is a -- has a financial interest in that entity.

And so we see multiple examples of this.

Mr. Nevins appears to -- that his wife was the presidency of an entity where the school was leasing a facility and contracting for services with. That would violate the statute. It renders the contract voidable at the discretion of the
authorizer, the Department, or the charter school.

In addition, another board member, Ms. Burciaga, appears to be actually a board member and an employee of that entity. That would also violate the statute.

And they separate from the conflicts of interest, with regard to the enrollment counts, the -- what appear to be submission of false claims to the Department as to their student membership. That also violates statute that the charter school hasn't been exempted from.

All schools, including charter schools, are required to submit membership reports to the Department annually. We take counts at four separate periods during the year. The Public School Finance Act -- it's 22-8-42 -- states that, "Any person falsifying a record, account, or report required to be kept or filed pursuant to the Public School Finance Act is guilty of a petit misdemeanor and shall, in addition to all other civil or criminal penalties, forfeit his or her office or employment."

The act of submitting a membership report to the Department that, one, has -- has false information -- so the allegation that was confirmed
was that there were students who were submitted at
counting periods who were actually not attending the
school -- so had withdrawn prior to the counting
date, still submitted as a student -- that violates
that provision of law, and it is, in my opinion, a
false claim that was submitted to the State
resulting in a payment to the school -- or
potentially resulting in the payment to the school
in increased SEG allocations.

The other part to this concern, or the
violation, is by submitting student counts that
include students where their attendance and
residence information has been falsified, in the
opinion of the Department, also violates that
section of the statute.

So by submitting a student enrollment
report that lists a number of students as New Mexico
residents when, in fact, they are not New Mexico
residents, again, would be a false claim, and is
generating monies potentially from those student
counts that the school's not entitled to.

I think, given these concerns, our opinion
is they're each independent bases -- or an
independent basis -- for revoking the charter. It's
a very serious matter to submit a false document to
the State, particularly when it's generating funding. When we're talking about SEG allocations, that's really taking funding away from other students and schools by inflating your student count.

So the SEG is, in a sense, a pie, based on the membership of individual schools. If one school is inflating its numbers, it's taking more than it's entitled to, and that has an actual effect on other schools in the state.

The dollar values may not be extremely high; but it's still an egregious action that we believe warrants revocation.

The involvement of the charter school governing body members in contracts with entities that have a financial interest, this is also serious and appears to be a widespread activity at the school.

And so I think -- and that's in addition to just the general lack of internal controls, lack of Generally Accepted Accounting Principles, or standards, that would protect the school from these sort of things happening, going forward.

I can't say strongly enough that we feel that these actions warrant revocation, and we're
happy to entertain questions, if you have questions.

As Mr. Pahl indicated, the Department is referring these -- these -- this information to the State Auditor's Office, as well as the Department's independent public accountant -- or auditor -- Axciom, in addition to referring it to other law enforcement agencies for potential criminal prosecution.

THE CHAIR: Mr. Pahl?

MR. PAHL: I'd just like to add two comments, just to reiterate the comments about the current administrator, who is taking all the appropriate action. I just want to be on record saying that.

Second of all, the scope of this 19 students, 6 students, it may seem small; but with their current enrollment, that's getting close to 10 percent of their student body. If this was happening earlier in the school year, when their enrollment counts were lower -- we are -- yes, the numbers seem small; but given the entire student population, I would make an argument that it's actually a significant piece of the enrollment that they're counting that is -- that is subject to some of the findings that we're hearing here.
So I just want to make that clear, that the scope -- those numbers sound small; but when we're talking about 250, 270 students, it makes a significant proportion of the total enrollment of the school.

THE CHAIR: Thank you, Mr. Pahl.

Commissioner Bergman?

COMMISSIONER BERGMAN: I would like to ask Mr. Hill, do you -- those colleagues that are with you today, do they have any additional information that might help inform a decision that's not already in Mr. Pahl's memorandum?

(Department representatives indicate.)

COMMISSIONER BERGMAN: Thank you, Madam Chair.

COMMISSIONER GIPSON: I have a question.

THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: I am curious and concerned about the finances now, about who's controlling them. Are they still in control of those finances?

MR. HILL: Madam Chair, Commissioner Gipson, other members of the Commission, yes, the school is still -- the Board of Finance of the school has not been suspended by the Department. So
the school still controls the finances.

And as we noted at the outset, Mr. Montaño has been a good actor and has been cooperating with the Department. And we feel like we can -- we feel like the risks in terms of the school's finances are of a nature that did not warrant suspending its Board of Finance.

I think -- make two comments on that. One, a number of the allegations here don't have to do with ongoing activity or day-to-day operations at the school. The conflicts of interest, the student enrollment concerns, appear to be activities that have stopped, or are not ongoing. And so it's not an instance where we feel like the -- the actual business office of the school has been compromised.

And then aside from that, my understanding is the school's been on month-to-month reporting with the School Budget Bureau for some time. And so it would be -- the amount of time where the school wouldn't be looked at from a finance perspective is pretty small in this case. And so it didn't warrant revoking the Board of Finance of the school.

COMMISSIONER GIPSON: Thank you. Can I?

THE CHAIR: Yes, Commissioner Gipson.

COMMISSIONER GIPSON: Now, my larger
concern is with the students. And I'm assuming the
same process would go through as with other
closures. But would that be expedited? Are we
looking at closing by June? Or what -- you know,
what's our time frame here? I would think sooner
than later, but --

MR. PAHL: Madam Chair, members of the
Commission, this is a unique situation, given the
point we're at in the school year. And so what I
can provide is what I think will happen; but
this may change depending on the action the
Commission takes today.

And that would be that the students are
able to complete the school year at that school.
And any -- if they have gone through their lottery,
if they've had one, or gone through their enrollment
process, then the students who are lined up to
attend next year would be notified that that is not
an option if the school was to be closed.

So my best inkling as to how we would move
forward is we would allow these students to complete
this school year.

COMMISSIONER ARMBRUSTER: Madam Chair?

THE CHAIR: Let me just make one comment.

It's my recollection -- and Commissioner
Bergman and Commissioner Carr, you may remember also -- in a school that we closed in the past, the motion to close that school included when that school should be closed; so "end of the school year" or a date that coincided with the end of the school year, I believe, is what we used in the past.

Certainly, we -- we talked about this in another school that we closed. And the Commission made it well-known that they would never consider closing a school -- well, I shouldn't say that -- in that particular instance, the Commission made the decision not to close the school during the school year, to let it finish out the school year, for the benefit of the students. So just that point of interest.

Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Thank you, Madam Chair. I just had three kind of -- just for my information -- it's not even about this event. I wanted to know what was the mission of -- why they wanted -- I'm going to say three, so hold on here. You know, like, it's the Health Science Academy. And I just wondered what that -- what their goal was, different from public schools, for the charter, and what grade levels it covered. And
do we have any data on how students are doing through a short circle -- hello -- Short Cycle Assessment?

Those are just my questions. It has nothing to do with this.

MR. PAHL: Madam Chair, members of the Commission, Health Sciences Academy was meant to link up a curriculum that had to do with careers in the health sciences and really have those students career-ready, or college-ready, in a health-science-related field.

So that was the niche they were fulfilling in Southern New Mexico.

The grade levels that they served -- and I'm going to look over to our liaison. I believe they were 8 through 12.

MR. WOODD: Phase-in.

MR. PAHL: How many grades were they serving currently? Just eight?

MR. WOODD: I'm bringing it up. I want to make sure I give you the absolute --

MR. PAHL: So their charter allows them to serve 8 through 12; but they were phasing in and growing. So over the course of two, three, or four years, they would serve that full grade span. And
we'll get that number from Mr. Woodd in just a moment.

Your final question, Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: I was wondering if we had any Short Cycle Assessment data indicating how the students were doing, because it is about them.

MR. PAHL: Yes. Madam Chair, Commissioner Armbruster, I don't have any on hand; but we'll try and dig some up, and as the conversation moves forward, we'll have that information for you.

The reasons why we're bringing this to us were not for student performance at this point in time; but given the -- the issues and transgressions that we are seeing, it is, again, unlikely that kids are -- kids are thriving there.

COMMISSIONER ARMBRUSTER: And that's fine. That's -- of course, that is my concern. I don't have any issue with all of the things that you all have presented. And I'm glad, and thank you for being so on top of that.

COMMISSIONER CARR: Madam Chair?

THE CHAIR: Commissioner Carr?

COMMISSIONER CARR: So I just want to --
sounds like, though, it's made clear, but I just
wanted to make sure it's perfectly clear that
there's no reason, for the sake of the students,
that we should consider closing this school earlier
than the end of the school year.

MR. PAHL: Madam Chair, members of the
Commission, as Mr. Hill and myself have stated, and
Mr. Woodd, who has been in direct contact with the
school, the day-to-day administration of the school,
Mr. Montaño, we feel confident in that the
day-to-day operations there are operating at a level
that they should be able to close the school year,
and students should be able to move forward with
their academic program.

COMMISSIONER CARR: Okay. What is the
official last day of school for students?

MR. WOODD: May 21st.

MR. PAHL: May 21st?

May 21st, Madam Chair.

THE CHAIR: May 21st. Thank you.

COMMISSIONER CARR: And one more,
Madam Chair. When we do the -- do the -- I think
Josh should help us word the motion.

THE CHAIR: He is.

COMMISSIONER CARR: Okay.
THE CHAIR: Mr. Pahl?

MR. PAHL: Madam Chair, I have just an answer to Commissioner Armbruster's question. One of them is that they currently serve students in Grades 7 through 10; but their charter allows them from 7 through 12.

COMMISSIONER ARMBRUSTER: I just needed a complete package here. Thank you.

THE CHAIR: Mr. Pahl, clarify for me. I know somewhere in this memo, you refer to a complaint that we had received some time ago from a former employee -- I believe it was an administrator -- of this school, who not only brought their concerns to us, but also took them to the Attorney General's Office.

MR. PAHL: Yes.

THE CHAIR: All of the issues and concerns and complaints that have come to you and to members of this Commission since this school began operation, the school, the administrators, and the board members, are aware of those complaints and concerns, are they not?

MR. PAHL: Madam Chair, members of the Commission, yes. That was brought to us -- they're blending together, because the school has been a
School of Concern each month. But I do remember
some questions from Mr. Carr about who -- this had
to do with a firing of a staff member by a governing
board member. And I remember some of the
discussions between Commissioner Carr and myself in
the public setting during the hearing about who
actually conducted the -- the termination of that
employee.

If you'd like, we can -- we can dig back
and just cite the meeting that we brought that. But
that was as a result of a complaint that was brought
to both us and the AG's Office.

THE CHAIR: I think -- I just wanted to be
sure, in my own mind, that this is not the first
time this school has heard that CSD, PED, and the
Commission is aware of issues, concerns, and trouble
at the school, that it's been an ongoing dialogue
with the school, letting them know about these
concerns.

MR. PAHL: Madam Chair, members of the
Commission, that is correct. I can't recall a month
where they haven't been a School of Concern since
their -- their beginning.

The other thing I would just note is that
during the site visit, we did notify the school that
we would be bringing extra staff, because there were additional concerns, as well. They were let -- let that be known ahead of time; so -- and they -- the school's administration worked with us diligently to provide documentation and work with us while we were on site.

But any time we're bringing extra staff because there are additional concerns, that would be another indication to the school that there are issues that we're looking into that potentially need to be resolved. So in addition to those monthly meetings, where we talked about the -- the movement of their leadership, and then the multiple transitions they've had to go through -- we've mentioned the conflict of interest that was reported by the Las Cruces Sun News, and we also brought forth that report, that comment, the request from the Attorney General about the firing of an employee by a board member.

What's new today are the enrollment issues that we've uncovered through our site visit.

THE CHAIR: Thank you.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I have a concern whether they've revoked their Board
of Finance or not, about the governance council and its composition. And is Mr. Nevins still around? He lives in my neighborhood, and I have not seen him or his wife, Dr. Samraj, for months now. And I wonder if they're even in the state; because I know Mr. Nevins has gone to several other states and started charter schools. I don't know which ones; I think maybe in the Midwest, Illinois, or somewhere. And I've had concerns from the first time I met him -- he was brought to me by a former legislator, who's another cousin of mine. I have a big family.

I just wondered, do we have a full governance council when they meet? Are they meeting? And I would have severe concerns on the financial piece, if we still have the same governance council members.

MR. MONTAÑO: May I speak, please?

MR. PAHL: Madam Chair, can we let Mr. Montaño --

THE CHAIR: If you will just pull up a chair here and use the microphone, please, so we can hear you.

MR. MONTAÑO: Yes, ma'am.

THE CHAIR: If you would introduce
MR. MONTAÑO: Good morning. My name is Jacob Montaño, and I am the present director at the Health Sciences Academy, where I've been just recently employed for approximately the last three-and-a-half months.

Madam Chairperson, Commissioners, it's very hard for me to sit in the audience and listen to all of the things that are being said at a school where I presently represent the administration; but I can assure you, when I came aboard, an awful lot of the things that I'm hearing now were brought to my attention. And I want you to rest assured that those things have been resolved, and I've worked very, very hard at resolving them.

I'm really here to speak to you on the behalf of the students, because that's why I left a job, a very comfortable job as a public administrator, where I've been for the past -- or an administrator -- for the past 22 years, and a teacher for the nine that preceded that, all public education.

But I moved into the charter environment as an administrator because of what the school offered the students in our location. And it's just
disheartening to hear a lot of the improprieties
that are no fault of theirs, nor mine, nor the
wonderful staff that I work with, but through
possibly the fault of someone else.

I'm not here to point fingers or lay blame. I'm just here to represent those fine
students that I represent and also the parents of
those fine students.

Presently, we have enrolled 132 daytime
students and approximately 61 nighttime students.
We have already had a recruitment process, where we
have already enrolled an additional 50 new
seventh-graders coming from sixth grade. We're
filling up very, very quickly.

And it's just sad, because we have
something really terrific going on.

But I'm here to let you know that
oftentimes, we have to make a stand for what's
right. And I'm here to make a stand for what's
right for kids. That's why I'm an educator. And
I've tried to cooperate fully, and to the best of my
knowledge, with Mr. Woodd, Mrs. Lucero, the other
fine auditing members of their staff, in regards to
opening our books and letting them come in and visit
with us. We have absolutely nothing to hide. And
I've worked very, very hard at making sure that
everything is done correctly.

So the questions in regards to finances
and things of that nature, I believe you can rest
assured that there will be no even act of
impropriety. We work very closely with the Vigil
Group with regards to assuring that everything has a
process -- excuse me -- of procurement. And we're
working diligently in the right direction.

We have a very rigorous curriculum that
we've designed and developed for health sciences,
specifically, for those students in that area that
may wish to become a nurse, a nurse practitioner, an
EMT, an OT, a PT -- the list goes on and on and on.
And if you could come into the school now -- I
haven't been there that long -- if you could come
into the school now -- and I think that Mr. Woodd
would verify this -- the culture of the school and
the direction of the school has changed.

My only regret is that I wasn't there
since the beginning. But an awful lot of the things
that are being said and so on and so forth, believe
me, and believe me when I tell you that there's no
one that feels that pressure more than I in regards
to trying to do what's right for kids.
And it's been a tough haul. And it was
tough for me to show up today, and now to listen to
this is even tougher. But if it means doing what's
right by kids, then I'm all for it, because that's
the type of person, teacher, administrator that I
want to represent. And everything on the behalf of
those students and what's best for kids is what I'm
all about.

So if we close down or if you decide to do
that, then that, of course, is your decision. But
please know that it is going to affect an awful lot
of people, but most notably, the fine children that
live in that area, the heel of New Mexico, if you
will. Texas is not even but a half a mile away, the
Texas border. Mexico is but three miles away. It's
all right there. So it encompasses just quite an
array of students, both daytime and night.

So I would just ask, please, if you have
questions that I may address, I'll address them
openly, honestly, to the best of my knowledge.
Again, I have not been there very long; so please
excuse me ignorance, if you will. But I'm open for
any kind of questions and in any manner to support
the school or the students that it represents.

THE CHAIR: Mr. Montaño, we appreciate you
being here today and your open and honest statement
to us.

MR. MONTAÑO: Yes, ma'am.

THE CHAIR: Let me just clarify in my own
mind. The school opened in August of 2014; is that
correct?

MR. MONTAÑO: Yes, ma'am.

THE CHAIR: And how many administrators
has that school had before you?

MR. MONTAÑO: To my knowledge, there were
four administrators before me. And I've kind of set
the record, Madam Chair. So I feel pretty good
about that.

THE CHAIR: Absolutely. And I don't want
to put you on the spot; but could you answer
Commissioner Toulouse's question as to the
whereabouts of the president of your governing
council? Do you -- is he -- have you seen him
lately?

MR. MONTAÑO: No, ma'am. I believe he's
vacationing. I'm sorry. That's the honest --

THE CHAIR: No, we're asking you for your
honest responses, and that's what you're giving us.

Commissioners, do you have any other
questions?
Commissioner Bergman?

COMMISSIONER BERGMAN: Since you have a night component and what -- I think you said 61 students -- are they on the same time line as the day school? Will their last day of school be whatever the official day -- or are they on a separate time line?

MR. MONTAÑO: Yes, sir, Mr. Bergman. Their school will end also May 21st. They attend school essentially from 6:00 to 10:00 at night, Monday through Thursday.

COMMISSIONER BERGMAN: Thank you. I think there is a sense of urgency here, especially when I heard him say that there's 50 new kids already signed up for next year, that we certainly need to keep that in mind, too.

Thank you, Madam Chair.

THE CHAIR: Thank you.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I think that school speaks to the conundrum of we have all kinds of control over the school and absolutely none over the governance council, except making sure they're a Board of Finance and that they have a minimum number of members; because it seems to me
from day one, the problems with this school that I have heard -- and I have friends in Santa Teresa and all who have kept me apprised of a lot of things, many of which I have brought forward -- it's not fair to close the school for the students, teachers, and administrators.

But what do we do with a governance council that we can't control and who has continued, even after some warnings, to do these sorts of things? And I just wish there was something short of us closing the school, but, you know, not -- not putting us in a position we have to just let that governance council go forward, regardless of what the administration is doing.

I'm very impressed with our administrator here and his response. And we approved the school because of the first administrator, who wasn't even on there by the time we got it through the planning year. And I think that's been the problem since.

And I just -- is there some compromise here? I don't see it, because of our inability to control the governance council.

THE CHAIR: Thank you, Commissioner. Are there further comments or questions?

COMMISSIONER ARMBRUSTER: Is there -- I'm
sorry. Is there an answer to Commissioner Toulouse's -- are there alternatives to this? I'm just --

THE CHAIR: I'm asking our attorney.

MR. GRANATA: If you would just give me a second, please?

COMMISSIONER ARMBRUSTER: Oh, keep going.

THE CHAIR: I will say, from my experience in the past, there is not. But let's see if Mr. Granata might can -- or Mr. Hill? Would you have a thought on that?

MR. HILL: Madam Chair, members of the Commission, I think I'll have to defer to your counsel. I don't represent the Commission, so I don't want to be giving you legal advice on that.

I do echo the sentiment that it's disheartening to see a lot of good things going on at a school, but a lot of bad management going on with the board.

The concern that I think the Department has is Mr. Montaño has been courageous; he's been very admirable and should be commended in his actions. He ultimately is employed by a board who has fired four administrators.

My guess is if they're allowed to continue
unfettered, they won't be so happy to have Mr. Montaño serving, since he's been so cooperative with investigations into their activities.

And so it's hard to parse the -- the good things that have gone on, or that there are evidence of, in terms of people behaving very ethically in terms of reporting things and taking actions, with then ultimately, the management of the school, the board behaving very inappropriately, in our opinion.

And so I think, to the comments made by the Commissioners, there is a sense of urgency, both for the students in terms of making sure they know where they're going to be attending school next year, if there's going to be a change, but also for the staff members at the school. These are folks who are -- my opinion -- are in education for the right reasons. They're approaching the end of the school year expecting to have a school to return to next year. And it's important for them, as well, to have clarity as to whether they need to make other arrangements, whether the school is going to be operating next year.

And sort of to close my comments, I think the hope that I have is the good activity that's going on can be recognized, and perhaps the
community will -- will take the lead and say, "There's great things going on at the school; let's reorganize and have another charter started with a better board."

Unfortunately, the Department -- in my opinion, the Commission -- doesn't have the authority or maybe even the power in terms of being a part of that community to bring that action to fruition. But my hope is if there's really good things going on, it's recognized and can be continued in some way.

THE CHAIR: Thank you, Mr. Hill.

Mr. Granata?

MR. GRANATA: Madam Chair, Commissioners, let's see. According to Statute 22-8B-12 in terms of the PEC's oversight of schools, Subsection (F) states that based on the performance review conducted by the chartering authority, essentially the chartering authority may take appropriate corrective action or exercise sanctions against the school.

So it does appear that the PEC can impose sanctions upon the school, if it so chooses.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Well, I would just
like to note, going back to Mr. Pahl's memorandum again, in this particular case, we have the interrelationships and the entanglements with the other third parties that are involved in this that are also apparently connected in some way, shape, or form to Mr. Nevins and his wife.

And I, certainly -- I'm not sure we can do one thing with all those entanglements and leave them in place.

And like I say, I've already used the term "urgency" once. It is there, and it is sad; but I think we really need to move forward in this situation.

And I would echo Mr. Hill's comment. I would hope there is another group in that area -- and Mr. Montaño sits here today. Maybe he has the ability -- he could perhaps be involved in that.

So I would hope, yes, that someone might pick up the ball that has been dropped and carry it forward. That would require a new application and things like that. It's a local decision. That's -- we are not involved in that to any great extent anyway.

I just wanted to make those points. Thank you.
THE CHAIR: Are we ready for a motion, Commissioners?

COMMISSIONER PERALTA: Madam Chair, I --

there -- Mr. Bergman and General Counsel feel that -- alluded to some of my thoughts when we're talking about options, other options for this school. And, again, thank you, Mr. Montaño, for your presence and your high compassion for kids and staff.

And I can assure you this Commission, if we had to vote based just on that, we would definitely side on the kids and the teachers. But again, I think it's just -- the school has great ideas about what they want to do for the kids and their careers and their futures. It's just sad that it just fell under some bad leadership and some people that don't have local ties to that area and are just kind of just out and about planting bad schools, in my opinion.

I just feel like we probably need to just go ahead and scratch this and hopefully get the school started over with some local flavor, people that have a vested interest in the community that are there and that are present and working along the
same philosophy and lines that you are, Mr. Montañó.
And I think that that's just my feelings. Thank
you.

THE CHAIR: Commissioner, thank you.

Commissioner?

COMMISSIONER ARMBRUSTER: Does Mr. Nevins
have other schools over which he -- I don’t know --
that he started? I'm not even sure what language to
use. But is this the only one here in New Mexico?

THE CHAIR: Not in New Mexico, not as far
as we know in New Mexico.

Is that correct?

MR. PAHL: Madam Chair, Commissioner
Armbruster, that's correct.

MR. HILL: Commissioner -- Madam Chair,
and Commissioner Armbruster, one action that the PED
will take, based on comments made at this meeting,
of Mr. Nevins being involved in schools in other
states, is to make the U.S. Department of Education
Office of Inspector General aware of the findings
that we have and of Mr. Nevins; so if there are any
other schools that are being investigated by the
U.S. Department of Ed, they can link the
investigations together.

And, Madam Chair, I believe Mr. Montañó
did -- is wondering if he can ask a question of the Commission.

THE CHAIR: Certainly.

MR. MONTAÑO: Madam Chair and Commissioners, is there not an allowance to -- to remove possibly -- and I'm speaking just purely, maybe, out of ignorance -- but to remove a governing board president and possibly a board, and have the Commission sanction a good board, to where a good governing board would be put in place, whether through election or appointment, in regards to moving the school forward?

Because I feel that if you take away that one chief component that's killing something, and it's just one thing, it's unfortunate, because it's going to affect so many. But the one thing, if you could take it out, take the poison out and move forward, you know, it would certainly -- it would certainly work, without -- without a doubt. The school would move forward.

THE CHAIR: Let me ask Mr. Pahl to respond to that.

MR. PAHL: Madam Chair, members of the Commission, and Mr. Montaño, you know, something we're finding, just as a narrative that I think is
coming about through our charter environment right now, is that we focus on administrators, good administrators, like yourself, Mr. Montaño. But when an administrator leaves the school, the school changes, for the better or for the worse.

And we need to focus on, as a charter community, having good, strong boards that have the same expectation for administrators that make sure there isn't as much variance between different administrators.

Charter schools right now rise and fall based on who's leading them. That leadership should come from governing boards, and not necessarily not from administrators; but the expectation should be from the board that regardless of who's fulfilling that position, the expectation is there, so the performance of that school stays high or grows and becomes high.

And the reason why I mention that is because I -- the comments of Mr. Montaño's are correct. If there's a way we can just extract the bad thing and allow the good stuff to keep going, I would agree with that.

But when the bad thing is the governing board -- and I don't think we've gotten an answer
whether we can just replace the board. But the
governing board is the linchpin -- or should be the
linchpin -- of the leadership and success of a
school.

So I would just maintain that it's awfully
difficult, but appreciate the comments, Mr. Montaño.

THE CHAIR: And I would comment -- I've
been on this board for six years, and we've closed a
few schools. It's probably the hardest thing we do.
It is the hardest thing we do. We're here because
we like kids; we like education. And when we close
a school, we know what we're doing.

But we also know that we're doing it for
the kids, because if they're in an unstable
environment, we question how good their education
can be. When your administrator changes every few
months, that's bound to affect the school and the
teachers.

So as Commissioner Bergman says, there is
a sense of urgency here. The employees of this
school, the students, the parents, families of this
school deserve our best consideration and most
notice that we can give them if we, in fact, are
going to close their school; so they can begin to
make other arrangements.
We have to do the hard stuff. That's how come we get paid so much for doing these jobs. But you have to love education -- and I hear you do, too.

MR. MONTAÑO: Yes, ma'am.

THE CHAIR: But we love kids, and we want the best for them. And my personal feeling after reading this and hearing what's been said today, is this cannot go on. So -- Commissioner Carr?

COMMISSIONER CARR: I don't know exactly where to begin with this, except for the fact that I think it should be made clear by the Public Education Department, by the PEC, by the Attorney General's Office, by the State Auditor's Office, that this type of thing won't be tolerated.

And what we have on paper is all we know. We don't know if law enforcement isn't going to come down, like they did with another school, and pick up boxes of papers and maybe close the school on the spot. We don't know.

We -- you've invested -- you've done a great investigation. We don't know all the answers. Maybe this is the tip of the iceberg. Maybe all the problems have been dealt with. We have a lot of unknowns here.
One of the reasons why it's so important that we need to pick outstanding charter schools is the fact that they're a brand new school. They have no institutional memory, no establishment of a history within a community. And if they don't come out on firm footing from the beginning, then it's going to be a problem for the children.

I find it insidious to think that corrupt people hide behind children. You know, I'm not saying you're doing that. But -- and we always have to look at the best interests of the children. And we also have to look at the best interests of the children for the whole state, for the whole community. And it's very difficult.

Another reason why it's so important that before we allow a school to open, that it be on firm footing, because we are talking about children. And it is a horrible disruption to change -- to move them from one place to another.

And it is those corrupt people that have put this school in this situation. And I say that "allegedly," corrupt people. But, you know, it's -- it's something that all the members of this Commission who have been here for a long time -- and I have a feeling what Gene Gant would be saying
right now. I have a feeling what, you know --
everybody that's been here long-term -- and even the
people who haven't been here that long, who I think
are already coming to realize -- is it's -- these
are some of the things that we've been worrying
about for years. And we continue to worry about.

So keeping all that in mind, I think it
was important for me to put that on the record and
have that said.

THE CHAIR: Thank you, Mr. Carr.

Any other comments?

Commissioner Bergman?

COMMISSIONER BERGMAN: Well, I've just
been sitting here thinking about how I might word
this. Those of you who have been around me for a
while as we've sat on these, the very last thing I
ever want to do is revoke a school. I want to be
sure that we've explored all these other options,
that -- because of the kids.

But I am just concerned, and that's what
I'm telling myself, because of the entanglements in
this particular instance and whether we even have
the authority to remove a board ourselves. I'm not
sure we do, actually. I believe our only option in
this particular case is we revoke it or don't and
ignore what's going on.

So I think that's the question before us today. Thank you, Madam Chair.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I think we need a motion pretty soon; although I'm not sure I'm ready to make it.

But I would like to ask, when it says we can sanction a school, can we sanction the school by saying their board can no longer handle the finances and request that PED take over the finances and let the administration go through into next year because they've had only one year and review them again next spring?

THE CHAIR: Well, Mr. Pahl -- Mr. Granata is busy at the moment. But let me go back to what Mr. Hill was saying earlier when he was reading from 22-8B-12. And I'm no attorney, Mr. Hill. You might prefer to read that yourself.

But Section K, where you were reading, says, "A charter may be suspended, revoked, or not renewed by the chartering authority if the chartering authority determines that the charter school did any of the following."

And that's when he referred to "committed
a material violation of any of the conditions."

He also talked about "violating any provisions of law."

The other two conditions are "failed to meet substantial progress towards academic movement and failed to make generally accepted standards of financial management."

My personal thinking is this school has moved beyond sanctions. When you make these -- when you have these kinds of charges, when you've made these kinds of violations, you're beyond sanctions. You're into suspend, revoke, or not renew.

Now, either of the attorneys may want to speak to that; but that's -- that's what's in front of me, and that's what you were speaking to, Mr. Hill.

MR. HILL: Madam Chair, members of the Commission, not giving legal advice or a legal opinion, I think the Department's opinion is that the actions that were uncovered as a result of investigation warrant revocation.

And to maybe tie up some of the comments that have been made, I think it's unfortunate in this school that you have a lot of good activity going on and good people. But at the end of the
day, the board of the school is responsible for
holding the administrator accountable. And it seems
like we have the reverse of the administrator
holding the board accountable.

And as I sit here before you, I believe
this body's responsibility is also to hold the
schools accountable, the management of the schools
accountable. And I think it sends a message to the
charter community as a whole that if the boards
participate in egregious behavior, it's -- there
will be action that will be taken.

And so I think for those reasons,
unfortunately, revocation is what we believe is
warranted here.

The Department, no matter what the PEC
does, will work with the school to try to transition
the students if the school's being closed, or figure
out a solution for -- if there's a solution to be
had, for keeping that school community together.
And so we'll work to try to minimize its impact on
the students.

But given the nature of the actions that
are outlined in the memorandum, we feel revocation
is warranted.

COMMISSIONER ARMBRUSTER: Mr. Pahl? I
just -- if this point of information -- so when -- assuming this occurs, does the PED work with parents and students to get them placed in -- wherever? Or do they say, "Oh, this school is closed, good luck"?

MR. PAHL: Madam Chair, Commissioner Armbruster, depending on how the school engages with PED, that might be done by the school itself. Ideally, it's done by the school itself. They have the relationship already. And when they recognize closure is imminent -- as noted by Mr. Montaño, he cares about those students, and he wants to let them know those options.

In lieu of that happening by the school, we would be able to provide assistance in writing more formal communication. But those informal channels are something that the schools definitely have, and so we'd be helping them to identify other options for the schools that they could include in their communication.

So I guess the bottom line is we collaborate with them; but ideally, it's something that's driven by the local school that is going through closure.

COMMISSIONER ARMBRUSTER: Thank you.

THE CHAIR: Commissioners, Mr. Granata has
received a communication from the school's attorney, and I have asked that he read that for all of us to hear, and into the record, as well.

MR. GRANATA: Madam Chair, Commissioners, yesterday a letter was received by Beverly, sent to the Chair. I've asked that Beverly print the letter and give it to each Commissioner. So I can -- I can read it into the record, if you'd like, or the Commission can go ahead and take a break and read the letter. It's up to the Chair.

THE CHAIR: What's your recommendation?

COMMISSIONER BERGMAN: I would prefer reading it into the record.

THE CHAIR: Would you like for it to be in the record?

COMMISSIONER BERGMAN: I would think so, unless you're uncomfortable with it.

MR. GRANATA: That's fine.

"Dear Ms. Shearman."

And this letter is -- it was sent via e-mail dated April 16th, 2015. It's from a firm, Wiggins, Williams & Wiggins, out of Albuquerque.

"We represent Health Science Academy's governing board. HSA is an agenda item on the Commission's April 17th, 2015, meeting agenda.
While HSA looks forward to fully responding to any and all concerns that may be raised regarding its operations, we thought it might be helpful to provide you with the following information in advance of that meeting.

"On April 14, 2015, during Raphael Nevins’ and my call with representatives of the Public Education Department, Matt Pahl expressed concern about HSA student records and ostensible deficiencies in a number of student files secured by the administrator and his staff.

"Specifically, Mr. Pahl indicated that during the March 19th, 2015, PED audit and CSD site visit, the CSD team was unable to confirm that certain student files were complete and/or missing from the administrative custodian secure and fireproof location at HSA. We have confirmed that HSA maintains its student files in two fireproof cabinets that are secured at HSA’s offices — "office."

"In addition, we note that to further address compliance with PED rules and regulations relating to custody of student records, HSA’s president, Mr. Nevins, and vice president of the governing board, plan to hold a special board
meeting within the next ten days and to address the matter with the administrator, Jacob Montaño.

"The governing board intends to recommend that Mr. Montaño provide a detailed plan to assure these issues do not arise again, strongly consider additional administrative staff training from ACR hyphen NM, experts in records maintenance for charter schools and STARS reporting protocols, and direct administrative consultation, Ron Haugen, to oversee HSA's administrative staff who have custody of student records to assure they follow all PED protocols and maintain the privacy of these records.

"During our April 14th, 2015, call, Mr. Pahl expressed concern regarding whether Mr. Nevins was involved in the day-to-day personnel matters at HSA. Mr. Nevins was involved in one personnel matter during a leadership transition, after he was informed of what appeared to be questionable conduct by HSA staff that occurred in front of HSA students.

"The matter was resolved in consultation with Mr. Montaño, the new administrator, counsel, and the governing board. Mr. Pahl has a question whether Mr. Nevins posts HSA positions. We note that Ron Haugen was designated NMREAP, authorized
representative for HSA, by Ruben Mirabal.

"In the summer of 2014, however, prior to
HSA's receipt of funding, Mr. Nevins' wife paid for
the NMREAP account; and thus information relating to
NMREAP was sent to Mr. Nevins' attention.

"Finally, during our April 14, 2015, call,
Mr. Pahl asked that the use of credit cards by HSA
governing board, contrary to the procurement code
requirements." [Verbatim.] "Mr. Nevins explained he
uses his credit card for travel expenses to and from
governing board meetings. He also recalls an
incidental charge to help pay for an emergency
purchase of burritos for students when the HSA
kitchen was not operative.

"We hope this information is helpful to
the members of the Commission, and we thank you for
the opportunity to address you."

Signed by Lorna M. Wiggins.

THE CHAIR: Thank you. And I will just
let the Commission know I did not receive this
letter, or this e-mail, directly. I have received
this morning, just now, a forward of this e-mail
from Ms. Friedman.

Commissioner Peralta, did you indicate you
were wanting to speak?
COMMISSIONER PERALTA: Yes, Commissioner Shearman. I am ready to make a motion, if the Commission is done with --

THE CHAIR: Are we ready for a motion?

COMMISSIONER CONYERS: I have one question.

THE CHAIR: Commissioner?

COMMISSIONER CONYERS: Previously, you were reading, and the term "suspension" came up. And I really don't know what that means or what that implies for the charter. Do you --

THE CHAIR: I don't think anybody else does, either.

COMMISSIONER CONYERS: Okay.

MR. GRANATA: No, I'm not aware.

COMMISSIONER CONYERS: Great.

THE CHAIR: All right. Commissioner Bergman?

COMMISSIONER BERGMAN: I just heard of this letter myself, and I just glanced at it again. I think I would like to note that it addresses a number of the issues that are in Mr. Pahl's memorandum; but I notice there's no word in this letter about the addresses and the students from Texas being enrolled in the school. I notice that
is missing. I just wanted that on the record also.

Thank you, Madam Chair.

THE CHAIR: Thank you.

Commissioner Peralta, if you're ready,

please go ahead.

COMMISSIONER PERALTA: I, Commissioner Peralta, move to revoke the charter for Health Sciences Academy and close the school by May 21st, 2015, pursuant to Section 22-8B-4.2, and the Charter Schools Act, and that the Commission adopts the reasons for revocation as presented by the CSD and the PED at today's meeting.

THE CHAIR: Thank you. We have a motion.

Do we have a second?

COMMISSIONER GIPSON: Second.

THE CHAIR: Motion by Commissioner Peralta, second by Commissioner Gipson, to agree with the recommendation of the Charter School Division to revoke the charter of Health Science Academy, effective May 21st, 2015.

Any further discussion?

COMMISSIONER TOULOUSE: Question. Call the question.

COMMISSIONER ARMBRUSTER: I have a question.
THE CHAIR: You call the question. When you call the question, at this point, what does that mean?

COMMISSIONER GIPSON: No more discussion.

COMMISSIONER TOULOUSE: No more discussion.

THE CHAIR: No discussion. Vote. Sorry, Commissioner.

COMMISSIONER ARMBRUSTER: That's fine.

THE CHAIR: We have to vote. Commissioner Peralta, may we have a roll-call vote, please?

COMMISSIONER CARR: You don't have to accept the question; but okay.

COMMISSIONER PERALTA: May I remind the Commission a "Yes" vote is to revoke the charter?

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Reluctantly, yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."
Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that is an 8-to-0 vote in favor of the motion to revoke the charter.

THE CHAIR: Thank you, Mr. Secretary. The motion carries unanimously to revoke the charter of the Health Science Academy, effective January 21st, 2015.

Thank you for being here, sir. Thank you all for your help, and we appreciate all your work.

I'm sorry. Let me correct myself. The closure is effective May 21st, 2015.

Thank you all for being here.

Commissioners, is this time to break for lunch, or do we want to continue on through? I would recommend a break for lunch and then come back
in an hour.

Can we do that? Is that all right with everybody?

Let's be back at 12:30. Thank you, all.

(A recess was taken at 11:23 a.m., and reconvened at 12:30 p.m., as follows:)

THE CHAIR: I call back into session this meeting of the New Mexico Public Education Commission.

I would ask that the record please note that Commissioner Carr is not back from lunch yet. We'll notice when he arrives.

The next item on the agenda is Report on Connection -- Report from Connections Academy on the PARCC Testing.

If you guys would like to come forward? And we thank you for being here. If you would just please introduce yourselves for the record, and then I think we've got some questions. Or maybe you would rather do your report first, and then we'll have questions. Why don't we do that?

MS. TRUJILLO: Okay. Good afternoon, Madam Chair, and Commissioners. My name is Athena Trujillo. I am the principal at New Mexico Connections Academy.
I would like to introduce Dr. Penny Wilson, assistant principal at New Mexico Connections Academy, and our testing coordinator, Mrs. Lindsey Edwards.

THE CHAIR: Glad you're here.

MS. TRUJILLO: Before I get started, I want to take this opportunity to welcome the new Commissioners to our authorizing body. It's great to see new faces. And thank you for what you do for charter schools.

I also wanted to thank Commissioner Carr -- he's not here right now. He intended to visit New Mexico Connections Academy, was unable to make it, but sent a representative instead. And so that was fun for us to show us -- to allow us to show them what we do in our school.

And I also wanted to thank Mr. Matt Pahl for all the work and support you've given to New Mexico Connections Academy. You have been very much appreciated.

Well, New Mexico Connections Academy currently serves 801 students across the state. And New Mexico law requires each public school to test its students in prescribed State testing for the '14-'15 school year.
This is the PARCC PBA, Grades 4 through 11 H3; and NM SBA Science, Grades 4, 7 and 11; and our PARCC EOY, which we are currently immersed in, for Grades 4 through 11 and H3.

At New Mexico Connections Academy, we have several guiding principles that all staff communicate to families about our State testing. We remind families that public school students are required to participate in State testing. We help inform them about the consequences to the school and how testing impacts all stakeholders, that each one of us has a piece of accountability for testing.

We assure families that our school and our curriculum prepares our students for success. We navigate the emotional conversations with calmness and stay focused on the student, because testing is an emotional, controversial item in today's public education.

And we remind students to use SMART assessment strategies to do their best.

So far this year, our participation rate is lower than it was last year. We were rated a C school on the school grade; but our grade was dropped to a D, because we missed the 95 percent participation rate by 4/10 of a point.
This year, with the political climate out there about opting out, we have seen a turn in our students and parents doing just that, again, opting out of testing.

So out of 703 students who were testing, 596 of them did turn out for the PARCC PBA, and pretty close to that for the NMSBA test in Science, which is approximately 84 to 85 percent of our student population.

63 students just did not participate. They didn't show up. 31 refused to test, often sending us opt-out forms from other districts that they found, or just sending letters to state -- say -- state that, "Our children will not be opting out" -- or "will not be taking the test."

Currently, we have 61 fourth-graders enrolled, 78 fifth-graders enrolled, 74 sixth grade, 107 seventh grade, 105 eighth grade, 161 ninth grade, 118 tenth grade, and 73 eleventh-graders.

I think my colleagues here would say that when we did the PARCC PBA test, that the most common grade bands for students opting out who were no-shows to testing ranged in the seventh and eighth grades, for whatever reason.

So how are the PARCC assessments
administered in our environment?

Students are tested at assigned locations across the state. This year, we had 23 locations. And we assign our students based on their hometown area, look at hometown population, set up testing sites so that our families are not required to travel more than an hour to a testing site in order to test our students.

And this year, the tests were administered via paper and pencil.

Our State testing plan is quite lengthy, because there are certain steps to go through. And knowing that this would be a -- an online test, we had to determine whether we were able, as a school, to give State tests online-based because of a lack of infrastructure, which is kind of contrary to the thinking of an online school, because that's how we do our schooling.

However, reaching kids across the state, these states [verbatim] are required to be proctored. And so looking at our infrastructure, we knew what a chore this was going to be, and we started planning at the beginning of the school year.

So in the meantime, we requested a waiver
from the Public Ed Department with our State testing plan for the following year, assuring that there would be online testing.

   We established a testing schedule for the school. We identified students by location and set up testing sites, like I talked about. And we addressed how we would be our special populations.

   Along with that was the ordering process of PARCC and measured progress tests. And this rotated, based on the three different testing windows that we had.

   And then we had to secure the testing locations. We utilized colleges, universities, and hotels to test our students. We even -- we even used a bank, I believe, a bank conference room.

   We definitely had to set up data views within our system for parents and students, to confirm their participation, for us to communicate their locations, the dates, and to provide documentation that they could easily access, print out, and have on-hand to inform them about our locations and such for our testing for the year.

   We did start the year with newsletters from me stating, "State testing is coming up. You've made a commitment when you enrolled with our
school that yes, you will -- you confirmed that you
will participate in State testing."

We also set up the communication process,
principal letters, newsletters, system
communication, homeroom teacher phone calls, EIVR --
which are robotic calls -- calls for scheduling when
students miss testing; so there was continuous,
ongoing communication throughout the year.

We scheduled teachers to travel to the
23 site locations for all three State-assigned
tests. We had to hold -- excuse me -- our teacher
test training. We completed test participation data
views for tracking. So when our kids came to our
testing site, we would immediately enter into our
system that we use the fact that they did
participate; and then those students who did not
show up for testing that day received phone calls
directly from teachers encouraging them to show up,
because we always included a makeup testing day
following the test day itself.

We then were immersed in packing tests and
materials for each testing site, with security
measures in place for storage, transporting,
administration, and check-in for our test materials,
check in testing materials after each site for
confirmation, secure storage, until return. And then we packed the tests to return to vendors for shipping after each administration, much like many public schools do.

There was a question about estimated costs to date with regard to our State testing. So far this year, we have expended $22,000 on teacher travel, approximately $2,500 on administrative travel. Our testing supplies, the tests themselves, have cost us approximately $20,340. Our conference room or rentals of college rooms has cost us $17,000; and hotel rooms for teachers, $3,500, which is an approximate subtotal of $66,000.

And because we are ending our PARCC EOY administration, we expect to incur approximately $13,000 more in expense, which is approximately $79,000 total.

State testing problems and how they were addressed:

Online testing, we -- like I began earlier, we requested a waiver for the paper and pencil. And in order to address the additional tests and traveling for teachers for this school year, we began looking into vendor support for this endeavor.
How are we going to do this? Is there someone out there that can support us with the infrastructure, with the leasing of computers? Because buying computers for our school kids across the state, storing them in our facility, preparing them for the testing, did not seem feasible and would not be financially sound.

So we were looking into a possible vendor who would support that piece of the testing. And around November-December, we came to the conclusion that we didn't find vendors who were prepared to help us do that; and so this is when we petitioned the State for the waiver.

Test participation and the boycott movement has been another issue for us. Like I explained earlier, last year was our first year. We worked hard to ensure that our families showed up. Because of one student, we received a 94 -- 96.4 percent participation rate. And as I've discussed, it dropped this year, based on our testing numbers right now, because not only is the boycott of State testing a New Mexico issue; it seems to be a country issue.

Schools have no recourse. You can't withdraw them; you can't punish them. There is an
exception -- you know, there is no exception. You have to accept that they choose, for personal reasons, not to do that.

Parental choice and virtual schooling:
Families that are attracted to charters and online learning think out of the box. And many of them are home-school families and families who need virtual education due to medical or scheduling reasons. And I believe for the very same reason that these families found our school are the very same reasons that caused them to be more likely to refuse State testing.

We continually examine opportunities to help families see the value in assessments and accountability. And throughout the year, as a principal, I have sent out letters to try to cajole or to include parents in understanding the value of testing for their students, and that the schools are not the only stakeholders, that the kids themselves are stakeholders; the parents themselves are stakeholders. After all, what is the purpose of the test?

I remember being in third grade a long time ago taking the Iowa Test of Basic Skills. To me, it was a challenge. I thought, "Ooh, I want
to" -- but, that's my thinking. But testing has been around. We test for a lot of things. Teachers test, you know, different careers test.

But people have their own personal opinions.

The number of assessments was a little bit of concern. With the advent of PARCC in New Mexico, it's increased the numbers of days and the duration of the test. This may be a barrier for our families who travel to testing locations.

It also increases our travel time as a school and rental costs for sites and hotels for staff to administer these tests.

Time:

The process began at the start of the school [verbatim] with the following things to get the information about State testing: Information sessions that we held across the state about our school. Enrollment. When students enroll -- like families enroll, there is a button that they click, "Yes, I confirm that I will have my child participate in State testing."

Nothing happens if they don't do that; but we do remind them that they did tell us that they would be a part of testing.
All of our teachers, when students enroll in our school, receive a welcome call, and that is part of the dialogue during the welcome call. Once again, I address the principal's letters. And I recently sent out another letter after NMSBA Science reminding them about testing. Our school newsletter has talked about State testing since the beginning of school.

Time:

Then we look at planning and what it takes to plan for the tests and to make sure that all pieces are in place. And this brave lady chose to be our DTC this year and did a tremendous amount of work with the support of her colleagues.

And then it comes time for testing, which has taken us -- we've been on the road for quite some time, and we're all pretty tired; but we're almost done.

So suggested considerations for the future:

When I think about this -- I mean, this is one person's suggestion. What we in New Mexico are experiencing, as well as the experience of other virtual schools and traditional schools, is not unique anymore. Other states are examining policy
changes to help balance the focus of accountability with the culture and the anti-test movement.

Here are three suggestions from Arizona that the State may want to consider when trying to balance these priorities:

95 percent test completion rate. Schools testings fewer than 95 percent will have their school grade dropped.

In Arizona, they have done a scaled score for schools. So our school, at the place it is now, 95 percent or higher, they're looking at having a B for that school; 85 to 94 percent, a B. We would make a C again this year. Well, I can't say that, because we don't know what our scores are. But 75 to 84 percent.

So it's more -- it's more evenly weighted, instead of saying, you know, my testing participation was the result of one student. That was hard to swallow.

Consequences, maybe, for failure to test. We have State accountability; we have school accountability; we have teacher accountability; we have administrator accountability. Where is the parent and student accountability?

And then consideration of -- of mobility
in State testing: Students moving.

You know, I -- it's interesting that even in USA Today, there was a cartoon with two little kiddos standing against a brick wall. And they have T-shirts that say, "Opt Out of State Testing."

It says, "My parents say this is just the start. The movement is spreading to all 50 states."

So it's out there, and it's upon us, and it's impacting every -- every school.

That's about all I have. Questions?

THE CHAIR: Thank you very much for that presentation.

Cindy, would you please note that Commissioner Carr is now with us? Thank you much.

(Commissioner Carr has re-entered hearing room.)

THE CHAIR: Commissioners, do you have comments or questions?

Commissioner Carr?

COMMISSIONER CARR: Okay. This brings up a few questions. And one of them, you know, is -- so I know you guys have some -- you have get-togethers, and then you also have to get together for testing. Do you require immunization?

MS. TRUJILLO: Yes.
COMMISSIONER CARR: Interesting. That's something I never thought of when you first came -- when this school first came before us, how would that be handled, you know. How do you handle the Short Cycle Assessments?

MS. TRUJILLO: The Short Cycle Assessments have been approved through the PED and are part of our educator effectiveness plan. And we utilize -- in -- I'm looking for the term -- we have LEAP and Scantron, which are a test that kids can access within the system. And we utilize those as our Short Cycle.

COMMISSIONER CARR: Okay. The Secretary of Education and the Governor of this state have a philosophy that I don't ascribe -- that I don't agree with it. And it's, "No excuses." I heard a lot of excuses today. And believe me, I understand them all, and -- and I commiserate with you on your situation.

The opt-out movement is a symptom of something. And I've talked with those students who have led those movements in Albuquerque and Santa Fe. Those students -- and I'm not going to give a big speech here. But some of those students were pepper-sprayed. Students around the state were
told they couldn't play sports. They were intimidated. Some students were locked in their schools.

You can't do that, of course. And I don't want you to.

MS. TRUJILLO: I wouldn't.

COMMISSIONER CARR: I'm just saying -- and those students are intelligent; they're well-informed; their opinion is intelligent and well-informed. Whether or not they're right or not, it's not up to me to decide. It's up -- that's the Court of Public Opinion to decide.

But, you know, I think this is something -- this is an issue I'm not sure you necessarily thought of, or the school thought of, or the statewide side of your schools that are in existence now, two of you -- and we've got two more that are applying -- thought about that much.

And $79,000, that does not include the expenses of the parents. It does not include the expenses of what the State is paying out in a five-year contract with Pearson. There is an awful lot of money here involved.

If I go with what the philosophy of the Secretary of Education and the Governor is, if she
was sitting here in my student population, I would think she would say, "I'm sorry. No excuses. That's your tough -- you need to get going." Right?

    MS. TRUJILLO: Uh-huh.

    COMMISSIONER CARR: I'm not going to say that. And that's -- that's a -- that's a different -- you know, that's -- that's an issue that we have to -- to deal with. And we have to make sure that there's not a -- that we're being fair to charter schools as opposed to traditional public schools.

    And I think it's -- it's just -- I can't -- you know, just like the last issue we dealt with before lunch, you know, these are issues that are coming up because we've decided to make certain changes in education, I think, most of the time, for good. There's a lot of really good charter schools out there. There's a lot of things happening that's good for -- for kids. And I think computers are the place for some kids.

    But I just wanted to make that statement, and I -- for the record. Thank you.

    THE CHAIR: Commissioner Bergman?

    COMMISSIONER BERGMAN: Well, I'm from Roswell. So I have a Roswell bias, to some extent.
I know I have students in Roswell that are a part of your school.

Was Roswell one of your testing sites?

MS. TRUJILLO: Uh-huh.

COMMISSIONER BERGMAN: What other area -- who did you pull in? Did you pull in Artesia and Ruidoso and places like that?

MS. TRUJILLO: We went to Artesia. We were in Hobbs, Silver City, Gallup. I liked Gallup, because I could go jewelry shopping. Our largest testing area is, of course, Albuquerque. We tested in Santa Fe. We tested in Chama. We tested in Las Vegas, Raton, Los Lunas, Clovis.

MS. WILSON: Alamogordo.

MS. EDWARDS: Las Cruces.

MS. TRUJILLO: Santa Rosa.

COMMISSIONER BERGMAN: It sounds like you covered the bases. Most people hopefully didn't have to travel too far to bring their kids into your testing.

MS. TRUJILLO: No.

COMMISSIONER BERGMAN: I wanted to touch on just one thing you said that wasn't necessarily part of the brief you were given.

You mentioned you have 801 students. I
may have to ask Director Pahl about that. My memory
is your initial cap was 500 students. What is your
current cap?

MS. TRUJILLO: Our cap is 2,000 over the
five years of our school, and there were projected
enrollment numbers.

COMMISSIONER BERGMAN: Yeah, I thought
there were some step limits in there somewhere;
so...

MS. TRUJILLO: We've looked at that
carefully, and it doesn't state that. What it does
state is over a five-year period, we will enroll no
more than 2,000 students.

COMMISSIONER BERGMAN: I know we don't
normally do step enrollments. We'll probably have
to think about that in the future. Okay, I think
that answers my question now. That's pretty good
growth in a short amount of time.

MS. TRUJILLO: Yes.

COMMISSIONER BERGMAN: How have you
integrated all those kids? Any problems?

MS. TRUJILLO: No. Been hiring new staff.

And, you know, our enrollment changes, you know.
Kids enroll, find out it's not the right setting for
them; they'll withdraw. New people enroll.
But it's remained pretty consistent this year.

COMMISSIONER BERGMAN: There was an article, I think, in yesterday's Albuquerque Journal. Some teachers in the Albuquerque area, apparently, experienced some problems in administering tests to special ed kids. How -- do you have special ed kids in your program?

MS. TRUJILLO: Yes, we do.

COMMISSIONER BERGMAN: So did you experience any problems? How did you integrate them? Some of them had headphones. Some of them required people to actually help them read the questions, or something. It was a newspaper article.

MS. TRUJILLO: It depends on the accommodation for the child. Because we were paper and pencil, typically, it's a small group, a one-on-one, read aloud, large print. So they're specifying accommodations through their IEPs that we address. And so it meant, you know, additional staff members at these sites to address the accommodations of those children.

COMMISSIONER BERGMAN: What would you have done if one of those kids couldn't travel? Would
you have gone to their home community, a one-on-one administration?

MS. TRUJILLO: Yes, we could have. And I'll tell you, we had one family with two newly enrolled students. The mother lost her car and couldn't get her kids to testing. Really felt strongly about testing. So one of my staff members sent them bus fare. And they took the bus to the testing site.

MS. EDWARDS: We had another family that did not have access to a vehicle. So we worked with the church that they attend. And someone was able to give them a ride to the church, and we drove our -- our staff member drove from Santa Fe down to Ruidoso to that church to test that child.

COMMISSIONER BERGMAN: Thank you for that. Thank you, Madam Chair.

THE CHAIR: Thank you.

Commissioner Peralta?

COMMISSIONER PERALTA: I want to go back to your -- your site -- you said you had 23 sites throughout the state. And I'm assuming that your -- your teacher that was assigned to each site was someone -- somewhat geographically close, I'm assuming. That may not be the case in all cases.
As you mentioned, Santa Fe lady went down to Ruidoso, or what have you. In most cases, did you try to accommodate the closest teacher to that geographic area?

MS. TRUJILLO: Yes. Well, there were several factors. Most of our teachers work out of our office site here in Santa Fe. So they're traveling. But we also try to pair second-year teachers with first-year teachers, so that the environment -- the testing environment wasn't too unfamiliar for them. So that could have, you know, impacted a teacher coming from another location that was a far enough distance.

We do have two teachers in Las Cruces, one teacher in Lemitar, one teacher at Elephant Butte, one teacher in Farmington.

MS. EDWARDS: Folsom, Cimarron.

MS. TRUJILLO: One teacher in Folsom, one teacher in Cimarron; so we did try to work that out geographically.

COMMISSIONER PERALTA: So about -- on average per site, about how many students?

MS. TRUJILLO: It just depended.

MS. EDWARDS: Yeah.

COMMISSIONER PERALTA: Any of the sites
with 25 or greater?

MS. TRUJILLO: Albuquerque, we had 266.

MS. EDWARDS: Santa Fe, Rio Rancho, Las Cruces.

COMMISSIONER PERALTA: How did you address the 25-to-1 ratio, as the administrator?

MS. TRUJILLO: We made sure that we had enough staff members at that site. And so when we created our testing schedule, we made sure that we had enough staff members; so our testing window was extended a bit, within the State testing window. But the testing wasn't everybody testing at once.

COMMISSIONER PERALTA: Any proctors used?

MS. TRUJILLO: This year, we had enough staff members that we did not need to use proctors.

COMMISSIONER PERALTA: And all certified; correct?

MS. TRUJILLO: Yes.

COMMISSIONER PERALTA: Any -- with some of the teachers that might have been comfortably near the geographic area, if that teacher -- were there any teachers that had a child that might have been in that testing site?

MS. TRUJILLO: We have one teacher who works out of Lemitar who has a student in the
school. And we made sure that he tested in a
different testing area. I believe she brought her
child down to the Santa Fe area, and he tested
there.

COMMISSIONER PERALTA: Okay. Thank you.

MS. TRUJILLO: Uh-huh.

THE CHAIR: Thank you. Other --

Commissioner?

COMMISSIONER ARMBRUSTER: I have a whole
list. I totally understand where you're coming
from, and actually think it's an absurd rule,
because it's -- you have no control over whatever it
is. And since charter schools came about because
everyone wanted a choice, then you also get a choice
of whether you want your child tested on an
instrument, whether -- I don't know what that tells
them, necessarily.

You're doing short-term, Short Cycle
Assessments. Doesn't that tell you, like, the
strengths and weaknesses and the grade level of the
child?

MS. TRUJILLO: Yes.

COMMISSIONER ARMBRUSTER: I'm not familiar
with those two; but I'm assuming that they're like
everything else.
MS. TRUJILLO: It shows us growth and skill.

COMMISSIONER ARMBRUSTER: So parents know what their kids are doing; so taking this test wasn't going to show them much more. And maybe in different areas. So I agree with you; I wouldn't hold that against anyone.

So with 800--whatever kids that you have -- so how many students does each teacher have? Or how many teachers do you have, whichever way you want to answer that?

MS. TRUJILLO: Well, we do have a larger homeroom population for our teachers, based on our virtual environment, through a waiver with the Public Ed Department. For example, our elementary teachers are at 45/50.

COMMISSIONER ARMBRUSTER: Okay. And so you have a teacher who delivers the curriculum to special ed students?

MS. TRUJILLO: Yes.

MR. WILLIAMS: Yes, we have special ed teachers.

MS. TRUJILLO: Several of them.

COMMISSIONER ARMBRUSTER: Several? And when they were taking the tests at these different
sites, which obviously you had to do, how did they -- how many days did they take that test? Over how many days?

MS. TRUJILLO: The first test administration, because of the type of test, it was not only multiple-choice, but short-answer, the testing times were a little longer. So we did -- I believe we did the ELA portion one day, and then the math portion the next day. During this administration, it was one day with makeup testing days to follow.

COMMISSIONER ARMBRUSTER: I'm sorry. So the ELA, they did in one day. And then they did math a second day? So everyone was there twice.

MS. TRUJILLO: For the PBA portion of the testing.

MR. WILLIAMS: Then they have to come back for the End Of Year testing, which is where we are right now. And that's a one-day test, ELA in the morning, and then math to follow. The fourth- and fifth-graders take less -- or fewer tests than the older kids. So theirs is over a little bit sooner. But it's a one-day test with a makeup day to follow.

COMMISSIONER ARMBRUSTER: Have you figured that -- is that part of the $79,000.
MS. WILSON: Yes, that was the expected $13,000 more.

COMMISSIONER ARMBRUSTER: So when you're doing special ed, do you have a diagnostician who tests them and retests them; so you -- within the school itself?

MS. WILSON: Right.

COMMISSIONER ARMBRUSTER: Okay. Okay.

Thank you.

MS. TRUJILLO: Thank you.

COMMISSIONER ARMBRUSTER: You've done a lot.

THE CHAIR: Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, I just had one question. You mentioned the training sites. And that's a lot of running around. After going through this year, you know, your student populations will change next year. But would you -- would you have more sites? Fewer sites, as a result of going through this the first time?

I guess, what's the take-away practice doing the process this way this time around? I'm just curious.

And thanks for indulging me, Madam Chair.
THE CHAIR: Good question.

MS. TRUJILLO: You know, I think that we were pretty thorough. Our sites changed from last year, because, of course, our numbers increased. I don't think added too many more from last year. But they're so spread out across the state that I think they'll work appropriately with more numbers.

MR. PAHL: Okay.

THE CHAIR: Yes. Go ahead, please.

COMMISSIONER PERALTA: One more thing came to mind. And so with PARCC and the online application and the online process of doing this assessment, a lot of schools throughout the state, charters or public, went ahead and did the -- the test preparations. There are websites there that parents, students, teachers could take their kids to, you know, to get ready for the PARCC and then -- and get acclimated to the system and what have you.

Was any of that going on prior to the testing with your kids? And then with the change going from that to paper and pencil, what -- did you see anything different about that, or -- talk to me about that piece.

MS. TRUJILLO: No. The exercise, "The Day at the PARCC," and then the online for parents and
students, they could look into some of those things through accessing that website. But we didn't do anything like that, because I believe at that time, we had determined that the infrastructure wasn't there. And that's when we had requested our waiver and received it.

But information, any PED information regarding, you know, the PARCC assessment itself was distributed to families. We kept them informed.

MS. EDWARDS: And teachers did work with the paper-based examples, the sample paper tests. Many teachers sent those out. We went over them in live lesson. The kids were introduced to them. So that piece of it was done, but perhaps differently than other schools that would administer by computer.

COMMISSIONER PERALTA: Okay.

THE CHAIR: Let me ask one question before I forget it. Did you have very much of a problem of a student showing up for, say, part of a testing, but not all of it?

MS. TRUJILLO: We had a few of those instances; but just a few.

THE CHAIR: And what -- what was the problem?
MS. TRUJILLO: What comes to my mind is a parent sending me a web mail to say, "So-and-so finished, but he's sick. He won't be able to attend."

And so we say, "Well, he can always come to this site," you know. "We've rescheduled families for the May 4th administration in Albuquerque."

So some of them take advantage of that.

THE CHAIR: Okay. I don't mean to rush this discussion. But Julia needs to meet with the negotiators for the Montessori school. And I think there's a need to get that done right away.

So for -- if we pretty well have asked all the questions we needed to, I thank you for being here.

COMMISSIONER CARR: I did have one quick question.

Sorry. I was looking at New Mexico Virtual Academy. That's commonly referred to as the K12 school in Farmington.

They have a B grade this last go-round.

Have you thought about consulting with them and seeing what they did --

MS. TRUJILLO: I have consulted with them.
I've spoken with Deborah.

COMMISSIONER CARR: Okay. Thank you.

COMMISSIONER ARMBRUSTER: Even shorter, really short.

So when you're doing this on paper and pencil, did -- were they only allowed to write so many words? Because what happened in Los Alamos, for example, is if the kids wrote too many words, it erased it, all of it. The whole thing went away. And they didn't tell you how many words you could do.

MS. TRUJILLO: You know, the kids were provided, in the test booklet, I think, front to back, two pages. Logically, as a teacher and a school administrator, two pages are usually not filled in. So they had plenty. But there was a time limit for these tests; so they did have a time.

COMMISSIONER ARMBRUSTER: And that was the issue; because it kept erasing everything they wrote.

THE CHAIR: That had to be the online test.

COMMISSIONER ARMBRUSTER: It was online. That's why I was wondering if the paper and pencil had a different criteria or whatever.
MS. TRUJILLO: I think the criteria was the same. It was just the format by which they were entering their information; so...

THE CHAIR: Thank you so much. We're always interested in how a new school and a unique school does things. So we appreciate you all being here.

Any other quick questions? Okay. Thank you so much.

MS. TRUJILLO: Thank you so much for asking us here.

THE CHAIR: Thank you. Julia, you know who the Commissioners are --

MS. BARNES: Toulouse, Bergman, and Armbruster. I just need them to come outside.

THE CHAIR: How long do you think you need?

COMMISSIONER CARR: Five-minute break.

THE CHAIR: Sure. Let's just take a break while they're -- we won't do anything while they're not here.

(Recess taken, 1:08 p.m. to 1:18 p.m.)

THE CHAIR: Ladies and gentlemen, we are back in session. I call on Commissioner Carr first for clarification.
COMMISSIONER CARR: Oh, right. I wanted to clarify for the record. I was not here when -- what was her name? What was the principal's name?

THE REPORTER: Ms. Trujillo.

COMMISSIONER CARR: Ms. Trujillo made a statement in regards to the fact that I could not make it to visit her school, that I sent a representative. And it made it sound like I sent a representative from the Commission, which I did not. And I did not intend to visit that school as a member of the Commission, only as a teacher.

THE CHAIR: Okay? All right.

If we're ready, let's move on to Item No. 8, Report from Options for Parents, Charter School Division, Discussion and Possible Action.

First of all, on Schools of Concern.

Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, before I jump into Schools of Concern, just two quick comments:

The first is I really liked the fact that we asked a school to come up here and use that as a learning opportunity. I thought the questions were great, even beforehand. I think it's something we're all struggling with is how virtual schools do
these things.

    So I appreciate the Commission requesting that.

    Second of all, I got a message from one of our LESC friends. And he noted, you know, while we were going through our agenda item with Health Sciences Academy, if -- and we don't know if the Charter School Subcommittee is going to be meeting in the interim again. But this idea of how do we treat boards, how do we intervene with boards that are in trouble is something that I just encourage all of our members, and I'll keep in mind with my other role at PED which involves that subcommittee, to really be thinking about asking those questions and seeing if we can't make some changes happen that give us some more flexibility to really tackle the -- the issue, instead of having to potentially take more drastic measures, if that is indeed the case.

    So just a couple of comments there that came up earlier.

    Our first schools -- School of Concern is Southwest Learning Centers. We've done -- Southwest has been a School of Concern since the FBI investigation started, and we haven't gotten much
new information on -- on that. However, there's
movement at the school that suggests things are
turning around. And there's knowledge of -- of
investigation findings, or something, is making
people leave. Their board members were leaving at a
fast rate.

At one point, they did not have enough
board members for a quorum. They did recruit a
board member. So their board members are in place,
and they do have a quorum. They meet the minimum
requirements at this point in time. That was a
development probably over the last six weeks that
they went under the -- the required amount for a
quorum, and then got themselves back up there.

If you'll remember, the PED is acting as
their Board of Finance; so there is accountability
there. Not just accountability, but much higher
accountability for their expenditures. So that's
been in place for the last several months.

Further, their administrator, Al
Baysinger, has announced that he will be leaving at
the end of the school year. And I'm going to have
to backtrack a little bit. I may have made a
statement that's too strong about findings from an
investigation. I don't know that that's true.
Something is happening that -- or some -- all I can do is note that there's a lot of transition happening right now. So my apologies for misspeaking earlier.

But that -- those are the current developments at the school. I think it's nice to know that Mr. Baysinger is leaving this far in advance. That's going to allow the school to hopefully make a transition that's appropriate. I think that's always an ideal situation when we have a couple of months to find that new administrator. And I do believe they have people with administrative licenses that could -- in the building that could act as the administrator at the building.

But those are the new developments right now. Nothing formal or informal has been shared with us about the investigations from the federal government. And we are still concluding our own forensic audit; and as per the process there, we do not get any findings.

So, again, apologize for alluding to that. I think that's speculation. But there has been some staff and board member movement that we weren't necessarily seeing before.
THE CHAIR: Mr. Pahl, there are three schools at the one location and one other school on the other side of town. So there's four boards. Which boards -- board or boards -- went under -- they're supposed to have a minimum of five members?

MR. PAHL: Yeah.

THE CHAIR: How many of those boards went under five?

MR. PAHL: Madam Chair, members of the Commission, I was not clear earlier. That was Southwest Secondary that this occurred with, that actually went under the amount for a quorum, and then -- and are now at the level which they would have a quorum.

We haven't heard about many board members leaving the other schools on their particular boards.

THE CHAIR: Okay. But the minimum number of board members is five. Do they have five or just enough to have a quorum of a larger number?

MR. PAHL: Madam Chair, members of the Commission, Julie is going to look into that. I'm under the impression that they have three right now, which gives them enough to just operate. But, yes, they are -- they would be short board members.
But that's what I think. We'll have Julie find out the specifics.

THE CHAIR: If they just have three, that's a violation of their charter.

MR. PAHL: Yeah. So --

MS. LUCERO: Madam Chair, members of the Commission, they do have three. They had one, and they just added two more. And that update was on April 14th.

COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: And they have -- is it 45 days to get the additional board members before the Secretary appoints for them? Am I correct in that number?

MR. PAHL: Madam Chair, members of the Commission, I'm not sure if it's 45 or 60. But we will have to go back and look at when the vacancies began to determine whether they have eclipsed that deadline or not.

THE CHAIR: And they are aware that they can't just operate with three?

MR. PAHL: Madam Chair, members of the Commission, we've received e-mails from the school that they are actively trying to recruit board members right now. But as you could imagine,
they're probably having some difficulty.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I would like to ask, was -- do we have any idea that when we were in negotiation with them in March, they knew this? Because we did have discussions with each one of those schools about the governance council membership and keeping it up, and the time limits. And since we negotiated all three of those in March, I would have a problem if we hadn't been informed during those negotiations.

MS. LUCERO: Madam Chair, Commissioner Toulouse, they did bring it up during that negotiation session, that they were under that time -- they were not down to one at the time of negotiations. I think they were down to three, if I remember correctly. Commissioner Bergman, do you remember?

COMMISSIONER BERGMAN: I think it was brought up; I believe it was discussed. And we impressed upon them the urgency of filling those other two seats. But because of all the other ripple effects of what's going on, as Director Pahl just noted, there are probably not people lining up to serve on those boards.
COMMISSIONER TOULOUSE: I guess I was under the impression, though, that they had a list of people ready to bring in; because it was not a discussion of, "Oh, we're in trouble."

It was, "We know we have a problem, but we're in talks with somebody else -- with other people."

So I'm just concerned if they went down to one right after that.

MS. LUCERO: They did go down to one, I think, within a couple of days of the negotiation session. But they were under during negotiations, and they did mention it, so...

COMMISSIONER TOULOUSE: I'm just -- it just -- Madam Chair, it does bother me, though, that it obviously was an issue if they lost two immediately after negotiations, that that wasn't something presented to us at the time. I really did get the impression that they were sure she'd be able to fill those positions during the time frame at that point, which would have been by now.

MS. LUCERO: Right. And I have some e-mail threads that will tell me exactly when they dropped -- I think they dropped down from 3 to 2 and then 1. There was constant communication with our
Division to them that they needed to replace those members. They knew that -- during the session, that they were in trouble, even though the number had already fallen below the requirement at that time.

THE CHAIR: Other questions?

COMMISSIONER BERGMAN: Here, again -- thank you, Madam Chair.

I, of course, am concerned anytime a board goes below the limits. But there is a cure for that. And I think -- I know you will research it. But I thought the last rewrite of the Charter School Act did drop it from 60 to 45. What is more concern to me, sitting here right now, today, because that is the first I've heard of Mr. Baysinger leaving. My impression was he was kind of the block that was holding it all together.

So I am going to be very -- I would like to have immediate notice when they replace him. I'm going to want to know what the background and all that -- as you would do anyway, because that does concern me a little bit.

Thank you, Mr. Pahl, Madam Chair. Yeah.

THE CHAIR: Commissioner Carr?

COMMISSIONER CARR: So that brings to mind maybe a quick thought, maybe you, or the new
director who comes in, to do an exit interview. Those are quite often very informative.

THE CHAIR: Okay. Are we ready to move on?

Mr. Pahl?

MR. PAHL: Thank you, Madam Chair, members of the Commission. The next School of Concern on our list is Creative Education Preparatory Institute. And we use the acronym "CEPI" for them. So I'll be referring to them throughout. And we have some folks from the school that are going to come up here, and maybe we'll have them introduce themselves real quick.

THE CHAIR: If you all would, please introduce yourselves for the record.

MS. BOHANNON: Certainly. My name is Elisa Bohannon. I'm the interim principal/director. E-L-I-S-A. And my last name is B-O-H-A-N-N-O-N.

MS. ROMERO: My name is Pam Romero, and I'm the president of the governance council.

MS. FOX: And I'm Sue Fox, legal counsel for the school.

THE CHAIR: Okay. Thank you.

MR. PAHL: Madam Chair, members of the Commission, two PED Staff members visited the school
on Monday, March 16th, this year. The Charter School Division reviewed files during the visit and discovered a few issues. According to S.T.A.R.S., CEPI has not identified ELL students for the last three school years, '13, '14, and '15.

After reviewing student cumulative files, we found that not all students had been given a home language survey and, 15 of the students have indicated a language other than English. These 15 students had not been given English Language Proficiency assessments to determine their language needs, and they do not receive services.

When administration was questioned on the matter, they stated that the prior administration did not agree with this federal mandate.

The CSD reviewed 11 electronic copies of special education files. Two of the students are identified as gifted, and eight students identified as special education, with a range of disabilities such as health impaired, specific learning disabled, or emotionally disturbed. Of the eight students with disabilities, five students are on a career pathway for graduation. Only two of these eight students receive maximum special education services.

Currently, over 50 percent of students
with disabilities are on a career pathway. And schools should not have more than 10 percent of their students on this pathway without proper justification.

So just a couple of things we found during our review of the -- the student files. One thing I'll note, and that Julie mentioned, is -- we talked about this in preparation for the meeting -- is that we mentioned that the prior administration didn't agree with the mandate, because this group here has been very cooperative in working with us and ensuring that we are -- we get the school on the right track.

However, these are -- these are issue -- these are federal issues, and the requirements come from the Office of Civil Rights. So we will have to take the appropriate action and also note that the school has been cooperating as we -- as we move forward, particularly on the English Language Learner front.

THE CHAIR: Would you care to respond?

MS. BOHANNON: I'd love to respond. So I've been in this --

THE CHAIR: Please pull that mic real close.
MS. BOHANNON: How do I do this? Am I supposed to push something?

MS. FOX: Is it on?

MS. BOHANNON: So, Madam Chair and members of the committee, I have been interim principal since mid-February. And so this has been a -- you know, a fast turn-around for me, too. And during that time, we've been very proactive.

And when we met with the team that came, the two ladies, we are very proud of the school that we have, and we're doing everything we can to remain proactive and do everything that we need to do within the federal guidelines.

So with that in mind, as soon as we got done with our visit, we reissued home language surveys the following day, didn't -- we didn't waste a heartbeat in doing so. We also went through every one of our student files. And we have identified 17 students which we are going to give the ELL -- the WAPT screener on Tuesday and Wednesday of next week.

It was a little bit unfortunate of the timing of the visit because we had our spring break that took a week of that. But it didn't stop me from getting in touch with people that could support
us, within the ELL, and even the special education component.

So as far as the ELL component goes, we have screenings scheduled for Tuesday and Wednesday, and then we'll move forward from there. But we want to be very cooperative. We're very proud of our school, and we're going to do everything we can to stay in compliance.

THE CHAIR: Thank you. I don't know -- the question that jumps into my mind is -- is these students have missed services pretty much all this year? Were they students at the school last year? Or the majority of them, how long have they been students at the school?

MS. BOHANNON: I would say the majority have been there for two years.

THE CHAIR: So is there some way to give them extra time, extra services, something perhaps to make up for some of this lost time?

MS. BOHANNON: We're certainly willing to do whatever it takes to help these kids. We have a very dedicated staff, and we'll do whatever it takes to go above and beyond to help these kids. They've been given a disservice, and now that we know about it, all we can do is move forward.
THE CHAIR: I'm just curious. Most teachers are aware of the needs for special education students; they can almost identify them before they're tested. Did you not have staff, teachers, people in the school questioning why there were not special education students being served in the last two years?

MS. BOHANNON: I don't remember a question of special education students not being served.

MR. PAHL: Madam Chair, just to clarify?

THE CHAIR: Maybe I misunderstood.

MR. PAHL: It's the English Language Learners that there was no action towards identification. And as a result, subsequently, no specific services directed towards ELL students.

THE CHAIR: Okay. ELL. So again, my question is pretty much the same, though. If a student is struggling with English, and Spanish is their first language, and they're not getting help, I just am curious that somebody didn't say, "Why is this student not getting some help, some special services?"

Did anything like that happen?

MS. BOHANNON: No, not to my knowledge, no. But as I said, I'm brand new here; so...
THE CHAIR: Okay, thank you.
Commissioner Bergman?

COMMISSIONER BERGMAN: I appreciate your assurance that you have taken immediate steps to rectify this situation. And you have done that.
That is correct.

MS. BOHANNON: Oh, absolutely.

COMMISSIONER BERGMAN: And you're working closely with the Charter School Division.

MS. BOHANNON: Absolutely. And we're also working very closely with the PED Multicultural Bilingual Department. We've hired a consultant to come and help us. We have jumped on this.

COMMISSIONER BERGMAN: Along the lines of the Chair's question, are some of the -- did some of the students that fell under this situation, if they have fallen behind, are you bringing -- what -- in other words, if they were behind, are they being caught up? Or is that not part of the mechanism? Did they not fall behind?

MS. BOHANNON: It -- these students that we have identified in the file, some of them -- some of the home language surveys stated that yes, it was another language. Sometimes it was a little convoluted, and we didn't know.
So I added two more students to the initial list. All we can do is move forward from here. It is not clear whether or not this has adversely affected them or not. But all we can do is move forward from here; and if they need that additional instruction, we'll go above and beyond to provide it.

COMMISSIONER BERGMAN: I'm glad to hear you're assurance of that. Director Pahl, I've been a long-time citizen of this great country. I was not aware I had the option to ignore any federal law that I didn't like.

THE CHAIR: The IRS comes to mind, doesn't it?

Any other questions?

Okay. We thank you very much for being here, and we would really like to have an update from you.

MS. BOHANNON: We would love to provide it for you. We're very excited; so thank you for your support, everybody.

THE CHAIR: And we would like to hear from you, though, sometime soon after the school year starts next year on how things are going.

MS. BOHANNON: Great. Thank you.
THE CHAIR: Thank you.

Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, our next School of Concern is another one who's been here for a little while. And that's Dream Diné. Well, I'm editorializing today. I'll say at this point, it's probably better for them to stay in their non-permanent facility. They've been there this whole year, and their permanent facility is not yet ready.

They have recently installed a fire alarm. That is their last step towards obtaining E-Occupancy at that facility. So they have met that requirement.

Where they're running into some hurdles is the -- is that the difference between the building code, fire safety code, life safety code that's utilized for the State versus the Navajo Nation. They need to essentially comply with both of these.

And so they're finding a few wrinkles here and there that they -- they do think they're going to be able to move into the school before the end of the year; but they have extended their lease at the Hogback Chapter House to be there for the remainder of this school year.
So they will not be moving students this school year; they will remain at Hogback and continue to -- to do everything they need to make sure that their originally contemplated site is up and running for next school year.

**THE CHAIR:** How many students do they have?

**MR. PAHL:** I don't know their -- is it 15?

**THE CHAIR:** 15?

**MR. PAHL:** 15.

**THE CHAIR:** I don't know how we can prevent this from ever happening again. I just don't know. But this -- this must have been quite an ordeal for the families, the students, and the people at the school, trying to -- every few weeks, they think they're going to move, and -- oh -- but it doesn't work, and parents having to transport their kids quite a distance to this site.

I wish there was a way that we could require that your permanent -- or your E-Occupancy certified site that you plan on using is ready before you get to start school. I wish we could do that.

**MR. PAHL:** Madam Chair, members of the Commission, I think this is a conversation for the
next couple of months to consider for a requirement for the commencement of operations. When we did Dream Diné, we knew they were close. And we -- at the time, we accepted that as -- you know, if you're close to securing that facility, you have identified it, we know you have access to that site; but it doesn't have E-Occupancy yet.

I think we -- I think after this ordeal with Dream Diné, I think we will need to jump start a conversation on what's acceptable for facilities when we do that commencement; because that is in May, just two months before they'd be opening their doors to students. So I do think we have a mechanism.

Now, we all know facilities move quickly, and that we'll have to discuss what our parameters are and maybe potentially doing commencements with contingencies, that "You have access to that building on July 1, and if you don't, we have another planning year in front of us."

Those are just some ideas. It's a conversation that Julie and I have had and that we'll share with Katie, the new director, and obviously bring that conversation to you in the coming months.
But I don't think anyone -- like you said this has been hard on just about everybody involved with the school and probably isn't behooving the 15 students that are attending.

THE CHAIR: Well -- and they started out with more students. They've lost students. And I assume some of the reason is -- is because of this distance that the parents were having to transport them. And I think we also need maybe to define what is close (indicates), because they may have said they were close; but it turned out they weren't even in the same --

MR. PAHL: You're right.

THE CHAIR: -- atmosphere.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I have some concerns, and I think maybe Commissioner Conyers will hopefully agree with some of what I'm saying, that when you're dealing with the bureaucracy of the Navajo Nation, we can't control any of them. And we can -- I would think if we get too many more, we do need to come up with some way to talk directly to tribal officials at times.

But it's not fair to hold schools on reservations to different standards than it is
otherwise, because then I think we're getting into a
civil rights violation. And I think we need to find
a way that this Commission can somehow communicate
with the tribe, or any of the tribes; because I
see -- you know, we have another pueblo one this
time. And I just think this one, we shouldn't blame
on the school.

And I also want to say, when you talk
distance, and somebody living on the reservation
talks distance, it really can be a very different
concept of distance. And Hogback is not that far
beyond where I think some of these families may have
been living in the first place, because the
population that runs all along that road and in
Kirtland and Fruitland on the other side of the
river, and Waterflow and all of that, and the
Navajos who are on the -- one side -- on the south
side of the river, as opposed to the non-Indian land
on the north, that it gets to be a very complicated
issued on where the distance is.

But I just want to make sure that we give
our tribal schools a fair shake, because I think
they have a right to go do what they're doing. And
I don't think that their arrangement is really that
bad at the moment.
I'd be frustrated, too; but I've seen the Navajo Tribe work very, very slowly for very many years. And I don't -- I just don't want to tar this school with the brush of Navajo bureaucratic personalities.

Thank you.

THE CHAIR: Thank you. Well, now that it's on the radar, we'll let Julie and Katie work with it. Okay.

COMMISSIONER ARMBRUSTER: Madam Chair?

THE CHAIR: Yes.

COMMISSIONER ARMBRUSTER: Could you tell me when the school began?

THE CHAIR: In August.

COMMISSIONER ARMBRUSTER: Oh, it's brand new.

MR. PAHL: Yeah, its first year. Yeah.

THE CHAIR: Anything else?

Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, our next School of Concern is J. Paul Taylor. Ms. Risner is here. If you wouldn't mind coming up? Thank you.

We have a financial concern. This was unearthed by our -- by our School Budget and Finance
Bureau here at the PED. And they've been working with the school. What we have here -- and I've given a letter that was written and sent to the school, actually, this morning, and Ms. Risner has a copy and has seen this -- that the school -- the monthly report findings refer to several funds with negative cash balances as of the end of last month. And there were funds that were over-expended at the function level.

This has -- this has amounted to over-expenditures of about a little over $85,000. And so we've asked the school to put together a plan to -- to see how they'll end the school year in the black. As of now, they are -- are about $85,000 short. The PED has forwarded them a month's worth of SEG to keep them afloat.

And so I'll turn it over to the Chair.

But I'm sure the Director has some comments there, as well.

A. But I think those capture the basics of the letter of what's happening there. And they are working with School Budget to remedy their situation.

THE CHAIR: Thank you. If you would introduce yourself on the record and then --
MS. RISNER: I'm Cynthia Risner, R-I-S-N-E-R. I'm the head administrator at J. Paul Taylor Academy.

Madam Chair, Commissioners, a little bit differently -- and part of this is naivete -- it was not unearthed. We went forward and said, "We have a problem."

And it was an interesting -- it was an interesting experience.

We do have a problem. We have not, at this point, overspent $85,000. Our budget shows that there's $85,000 more than there actually is. However, I think we'll be able to take care of it.

I -- I was foolish enough with my financial head to say -- to say, "Well, let's see if they can help us out a little bit." And not a wise move, not a wise move at all.

However, we are -- I'm not going to speak specifically about the letter, because I -- I just got it, and I don't want to say something that's not true or I can't back up. So I'll try to answer any questions you have.

We are making steps to take care of the shortfall. I will not be able to leave as much for the move as, you know, we, too, are moving. And
that will occur next school year. And I was hoping
to have some more left for whoever follows me,
because I'm resigning this year.

And that won't be in place, but that's an
example of something we can cut. Some of these
where we go over in one area, there are other areas
where we need to transfer the funds. So there was
some sloppiness there. And I will not -- I will
not -- I will not say there was not.

A couple of little side issues. We had
expected our eighth grade to be larger. That was
what was projected, and that's what we had. We had
the parents sign intentions to return. And they
didn't show up.

And I am thoroughly enjoying our
middle-schoolers. I'm an elementary person. But
they're a different breed. And the sixth, seventh,
they might want to go somewhere else because their
best friend is going. Things change there more
rapidly.

In light of that, we're working on the
numbers, of course, for next year, and we're going
as low as you can go, because we realize you just
can't count on the middle school.

Julie has experience at high school and is
good at that. I have experience with elementary.

We can predict that. Middle school is just hysterical.

On the 40th day, that was our absolute lowest enrollment. We had a couple of families move out, because we have waiting lists in all grades, K through 5. Our kinder waiting list is currently at 50. But that was our lowest day. We had two families move out, and they each had multiple children, and the new ones haven't started.

So that's just the luck of the draw. And I do wish that we could look at something that might take care of those situations. And that is why Julie thought perhaps it might be wise to ask for some assistance, because our average this year has been 196 throughout the school year.

Our SpEd bill is high. I called this morning, because I wanted to make sure we had the latest figures, and things could change with testing. We currently have 195 students, 71 of whom are special ed students. That's 37 percent.

Mr. Aguilar expressed concern and said that he felt an audit was in order. I would welcome an audit. I know we do a good job on our special ed records.
Furthermore, it's one of those compliments that hurts. We get more and more special ed families. When I received the current number today of 71, I was also told we're getting three new students next week; that will bring us to 198. And all three of them are special ed.

We are currently being recommended by the Las Cruces Association of Autistic Parents. We're being recommended as a school to take the children to.

And, you know, I'm not going to say bad things. I'm not going to say, "Poor me," because it's a challenge, and I've seen great things happen with these children.

We're a smaller environment, and we can provide some more nurturing and one on one than you can in a larger environment.

I'll just give you one example, because I know you don't want to hear about all my kids. One student who came to us, he had been through fifth grade in self-contained autistic classes, joined us his sixth-grade year, and the next year he ran for student council president and had to speak in front of the group.

So I'm not saying we're wonderful. I'm
saying a smaller environment, a different kind of
situation, more active learning, has worked with
some of the children.

One thing that has been put in place that
really helped was the monthly -- the rent payments
previously were allotted quarterly; now, they're
monthly. So that helps, because that's $12,000 a
month.

Let me see where we are.

PARCC -- and this was a surprise on me,
because I thought, like many others did, I thought
we were going in 100 percent ready. I had written a
grant. We had all the computers we needed. I had
to spend an additional $12,000 to $13,000 -- I don't
have the exact figure -- on just hardware, make sure
everything was going to function correctly.

And I found it necessary to hire a techy
to be there every day that we were administering it,
because otherwise, we'd go down, and we couldn't
help the kids. We needed to get it done.

So that was something else that we need to
budget into, not for the hardware, but for the help.

I think our charter is very, very healthy.
I'm listening to the governing council issue
smuggly; we have 11. And as you remember last year,
I came and asked for an increase. "Hmmm, can that many people work together?"

Boy, can they. Our governing council is on fire. The school would not function without them. They go to trainings. They're creating a Southern New Mexico Charter Governing Council group, because there's nobody to support them down there.

So overall, I'd say our school is very healthy. We made smaller environment mistakes. We're going to project lower. We're going to move some line items. And of course, we're going to tighten our belt. And I think we're going to come out okay at the end of the year.

THE CHAIR: I see one of the issues is growth units.

MS. RISNER: Uh-huh.

THE CHAIR: So as you said, you predicted growth that didn't happen.

MS. RISNER: Right. With the eighth-graders. We knew pretty well where the others were going to be. But middle school is interesting. I adore them; but they keep you guessing.

THE CHAIR: And that will get you.

MS. RISNER: Yes, for sure. So we
mispredicted, uh-huh.

THE CHAIR: Questions, Commissioners?

Commissioner Bergman?

COMMISSIONER BERGMAN: This is to both of you, actually. Director Pahl, you used the word "plan" in your remark. Are you and Julie putting together some kind of a plan to help the school get through this? Or are they just going to be -- what's in this letter from Mr. Wolfe? Is that going to be the plan?

MR. PAHL: Madam Chair, Commissioner Bergman, the coordination around the budget will happen between the school administrator and School Budget. We have a specialized bureau just for that who have dealt with situations like this.

The plan will come from Ms. Risner. She's already explained some of the steps they'll take. And it's that kind of communication that will happen between Budget and her school. And Budget will keep us apprised of any significant developments as they move forward.

COMMISSIONER BERGMAN: I think if the School Budget Bureau is involved, it should be rectified. Of course, you won't be around probably when it's finally rectified, apparently.
MS. RISNER: No, sir. But I have to thank the Commission, because you all are supporters of charter schools. And I think charter schools can do amazing things. I've never worked harder in my life, and I've never felt more rewarded than what I've seen with the children.

Simply put, there are too many items I cannot believe in that we're being forced to do, and it's time for me to honorably leave, rather than to put up a fuss while I'm leading a school.

COMMISSIONER BERGMAN: Thank you for your service. Thank you, Madam Chair.

THE CHAIR: Commissioner Conyers?

COMMISSIONER CONYERS: Just to comment on what you had to say about mid-school students kind of takes me back. I spent 16 years in a junior high, where I was either the school counselor or the principal. And I feel like I'm still in recovery from that. But I feel your pain, yes.

MS. RISNER: But that being said, they are -- they are enjoyable. I guess when I describe them, the best thing I come up with is Great Dane puppies. They're big; they're growing; they don't know what's going on; they're full of emotion.

I just adore them, and I love working with
them. But you never know, because the tide is going
to turn with their best friends.

   THE CHAIR: That's true. That's true.
   All right. Further questions? We thank
   you very much for being here.
   MS. RISNER: Thank you.
   THE CHAIR: We agree with you. We think
   you have a great school, and this, too, will get
taken care of.
   MS. RISNER: Thank you.
   THE CHAIR: Thank you very much.
   Mr. Pahl?
   MR. PAHL: Madam Chair, members of the
   Commission, I'm going to have Julie Lucero replace
   me for the remainder of the items on the agenda
today.
   Thank you, all. And I know you're -- you
guys know you're in good hands with Julie; so thank
   you.
   THE CHAIR: Thank you, Matt. Enjoyed
   working with you.
   MR. PAHL: Agreed. Thank you.
   COMMISSIONER CARR: Yeah, Matt. Me, too.
   MR. PAHL: Thanks, Jeff. Thanks, Julie.
   THE CHAIR: You know, we used to have two
chairs over there for CSD folks. And one of our chairs has disappeared. So -- you're on it?

COMMISSIONER CARR: We have ten Commissioners.

COMMISSIONER TOULOUSE: Now we have ten of us.

THE CHAIR: Well -- but there was always one -- an additional chair over there. And somebody has absconded with one of our chairs.

That's okay. We're glad you're sitting in that chair now. Please go ahead.

MS. LUCERO: Okay. The next item is the Anthony closure template. You'll see that included in your binder. And this is just an update of where things are at.

If you have questions on the template, I'm open to those. I think that we continue to meet. We have another closure meeting next week. And the process moves forward until we hear otherwise.

THE CHAIR: Okay. So -- and are you pretty well on track with all of these dates, target dates?

MS. LUCERO: Madam Chair, members of the Commission, yes. And our closure team lead, our contractor, is -- she works -- she focuses only on
closure; so it's really easy for her to make sure that these deadlines are -- we're on the right track.

THE CHAIR: Any questions for Julie?

COMMISSIONER CARR: Just -- yeah. Is there -- is there an appeal in process or not?

THE CHAIR: Yes, and the appeal hearing was Tuesday --

COMMISSIONER CARR: Oh, okay.

THE CHAIR: -- before the Secretary. And the ruling, I believe they have -- I believe the Secretary has 60 days for the ruling. But I know that the attorney for the school asked that could it possibly be expedited, because the end of school year is so close.

COMMISSIONER CARR: Of course.

THE CHAIR: So --

MS. LUCERO: Madam Chair, members of the Commission, the next item is a list of all the new applicants. I wanted to make sure that it was very clear which schools were moving forward.

So this is the most current list of new applicants. I know, in an upcoming agenda item, we're clarifying a school that was removed from the list. So this is a complete list.
Now, I want to note that Mr. Granata and I have been in contact over a school that was removed from the list, and we could not find a correct address to reach them. So we're still working on that.

THE CHAIR: Well -- and I notice New Mexico Online Prep will be a statewide charter school, online -- yeah, online; but no specific location was given for its business offices. Is that not a requirement?

MS. LUCERO: They intend to locate in Albuquerque. That's where they provided their district notice. But the business office -- I don't know if that's actually a requirement. The only requirement is where the school will reside.

So I'm guessing their business office would also be at the place of the school location.

THE CHAIR: Okay.

MS. LUCERO: Madam Chair, members of the Commission, "Not specific." We can clarify with that school what they mean by "Not specific."

THE CHAIR: I'm sorry, Julie. Say that again.

MS. LUCERO: We will clarify with the school what they mean by "Not Specific."
intention, when speaking with them, was Albuquerque; but I'm not sure why it's noted here as "Not specific." I think some schools aren't understanding that they may serve students from the State of New Mexico; and I think maybe that's why they have the "Not specific" there.

But like Santa Fe Connections has their site here, their main site here in Santa Fe, theirs will be in Albuquerque.

THE CHAIR: Okay. All right.

Any questions on the notices of intent?

All right. Julie, thank you.

MS. LUCERO: The next item is the Planning Year Checklist. And I'm in constant communication with the three new schools. So you will see their checklist updated. Their next deadline is June. They are all moving forward in a positive way.

Two of the three schools already have a facility, which is very good news. DEAP is the one school that is not -- has not finalized that location or the facility yet. But I can verify that all these documents are in order and meet with them, and they're in really good -- really good condition.

COMMISSIONER BERGMAN: Thank you, Julie.

I want to note for the record that the Chair has
taken a phone call she cannot avoid. So she's
taking that call and has stepped out of the room.

    What was it that was said many years ago?
"I guess I'm in charge right now" is kind of -- so
anything else, Julie, in that area?

    COMMISSIONER CARR: Not the person to
quote.

    MS. LUCERO: Members of the Commission,
no, I will keep in constant communication with these
brand new schools and really keep in close contact
with the school that does not have a facility to get
consistent updates.

    COMMISSIONER BERGMAN: Questions anyone?
I have Commissioner -- or Chairman
Toulouse. Commissioner Toulouse.

    COMMISSIONER TOULOUSE: Yes, sir, I
appreciate the title; but it's not one I want. But
thank you very much.

    Julie, on DEAP, will we -- my impression
is they will not have the same problem as Dream Diné
is having with a facility. But could that occur
with them, as they're also on reservation?

    MS. LUCERO: Commissioner Toulouse,
members of the Commission, it appears that they're
running into problems because of similar -- of
similar situation as the other, as Dream Diné. But they also are very confident that they will have a facility soon. They just don't have one pinned down yet; but yes, running into some issues with tribal lands, those type of issues.

COMMISSIONER BERGMAN: I will now note that Commissioner Carr has had to leave the room, also. Let's see. One, two, three, four, five, six -- we still have a quorum; so we'll keep going, I believe.

Thank you.

Are we ready to move on then, Julie? Are you finished, Commissioner Toulouse?

COMMISSIONER TOULOUSÉ: Yes, sir.

COMMISSIONER BERGMAN: All right. Are we ready to move on, Julie?

MS. LUCERO: Yes, Commissioner. The next item is Notice of Charter Schools Looking for a New Facility.

This is a new item we've added to the report. We will know all schools that are just looking. They haven't pinned down a site yet. Now, we do have J. Paul Taylor. This was when we didn't have the amendment; but now we actually have a full amendment, so we'll remove them.
But the two charter schools that are
currently looking for a new facility are the
New Mexico School for the Arts and South Valley Prep
Charter School.

COMMISSIONER BERGMAN: Well, this is just
more of an informational notice, then.

MS. LUCERO: Yes, Commissioner Bergman.

It's informational. This will be the way we will
note a school is looking for a facility.

The next step will be an amendment to
their charter.

COMMISSIONER BERGMAN: Have they had any
success, or are they still looking?

MS. LUCERO: I -- New Mexico School for
the Arts, I think, has just purchased -- or they
have received property. And South Valley Prep,
they've been looking for a long time, and I'm hoping
they find something soon.

But no, they have not pinned down a
particular site.

COMMISSIONER BERGMAN: Questions from
Commissioners?

Thank you, Julie. Does that finish this
item?

MS. LUCERO: Uh-huh.
COMMISSIONER BERGMAN: Now, I note for the record the Chair is back again and in charge.

THE CHAIR: I wouldn't know about that.

COMMISSIONER CARR: We weren't talking to each other.

THE CHAIR: I thank you for allowing me to take care of some family business. What did you just finish?

COMMISSIONER BERGMAN: We finished Item No. 8; so now we're ready for Item No. 9.

THE CHAIR: Item No. 9, Possible Discussion and Possible Action on Performance Frameworks and Contracts for the Following Schools."

Is Julie -- Julia going to be here, or, Julie, you're going to do this for us?

MS. LUCERO: Madam Chair, members of the Commission, Julia and I did not discuss whether she would be here. In the future, if you would like her here for this portion, we can definitely include her. It just was not a conversation. But yes, I can definitely move forward.

THE CHAIR: If you feel comfortable doing it, let's just move ahead.

Julie, let me call on you, then.

MS. LUCERO: Our first school is
Las Montañas. And we do have representatives from the school here.

In the packet, you will see framework, contract, and any documentation that goes along with that. They have received approval from their board. And I'll let them introduce themselves.

MR. ROBINSON: Good afternoon,

Madam Chair --

THE CHAIR: Good afternoon.

MR. ROBINSON: -- Commissioners,
Commission members. I'm Richard Robinson, Academic Dean, Las Montañas Charter High School.

MR. MARTINEZ: I'm Caz Martinez, teacher, and Mr. Robinson's assistant.

DR. ROJAS: Dr. Rojas. I am the data analyst for this school.

THE CHAIR: Do you need any spellings, Cindy?

THE REPORTER: No, ma'am.

THE CHAIR: Okay, thank you. Julie, please go ahead.

MS. LUCERO: So during our negotiation session, we came to some goals that everyone agreed upon. So during this meeting, we'll just approve the framework and the contract with those negotiated
goals. They have not been changed since then. It is exactly what was negotiated at the session.

You'll also see information -- there are board documents of approval. You will see any evidence supporting the data with their goals. And the final contract. These are ready to be presented and approved as final documents, if you decide to do so.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Let me make the comments that I make each year as we get started with this process, is I was at all four of these negotiations. I never leave the room if I'm not satisfied personally that I have done the best I could do in the goals that we negotiated.

We always try and take into consideration the makeup of the student body; although it's understood in New Mexico that everybody is going to learn, and everybody can learn, no matter what their economic status is or anything else. I firmly believe that myself. So that's why I consider myself a fairly tough negotiator when we talk about these performance indicators in the area of academics.

I am comfortable with the goals that we
negotiated with this school. I was comfortable with the negotiations. I found them to be very cooperative in their efforts. They were very sincere in the desire that they want their students to excel. They want their students to grow. And that seems to be the buzz word this year. We're going to look at academics, but we're also going to apparently be looking at growth. So we're going to be concerned with a lot of things as we go forward from this.

But I will state that I fully intend to vote for this contract.

Thank you, Madam Chair.

THE CHAIR: Thank you. I would just also point out something new this year is the sign-in sheet; so that if there are questions, we will know who was there from the PEC, who was there from the school. And you'll notice Commissioner Bergman, Commissioner Gipson, and I were there. Julie was there from CSD. Amy Chacon was there. She's the liaison with the school.

Then if you would care to turn over to Page 4, where the goals begin -- it's in Section 2.1 -- this school chooses to use the MAP's Short Cycle Assessment. And I agree with Commissioner
Bergman, I thought they agreed to rigorous, but attainable, goals. They feel like their students are perfectly capable of attaining at this level.

So are there any questions from anyone on this negotiated document? The new stuff is really the goals, I think.

MS. LUCERO: Madam Chair, members of Commission, I must add that this school is really pushing themselves. They are expecting lots of growth from their students. And so I really do want to acknowledge that they are pushing their students. They're one of our schools that set the highest goals.

COMMISSIONER GIPSON: I would just like to add that it was a little bit of a tough battle to get them to actually back down a little bit, because they were looking to set their goals so high that we were a little concerned they would not be able to reach that. And that's unusual. And I want to thank you. It was my first day of negotiations.

THE CHAIR: That's interesting. Any -- gentlemen, do you have any comments? You're satisfied with this? Your governing council is satisfied with it?

MR. ROBINSON: Madam Chair, Commission
members, yes, we did -- in the extensive presentation to our governance council, and, you know, they were in full understanding. And they complied with it by vote.

And, you know, we were happy to be in the company of negotiation with you all and come to the -- the numbers that we did. And we worked diligently to prepare and give you, you know, what we came up with and how we're going to achieve those.

So we're fairly comfortable at this point, and we're just looking forward to moving on as an institution and working towards meeting those targets that we set.

THE CHAIR: Thank you, sir. Hearing no further questions, the Chair would entertain a motion on the charter school performance framework for La Montañas Charter High School.

COMMISSIONER BERGMAN: I don't see a sample; so would you like me to take a stab at the first one, then?

THE CHAIR: Yes, please.

COMMISSIONER BERGMAN: Madam Chair and Commission, I would move that the Public Education Commission approve the presented performance
contract with the associated performance framework
that was -- for the year 2015 and '16 -- and I don't
believe I said the name -- for Las Montañas Charter
School. I think I got it.

THE CHAIR: We have a motion. Do we have
a second?

COMMISSIONER GIPSON: Second.

COMMISSIONER PERALTA: (Indicates.)

THE CHAIR: Commissioner Peralta?

Motion by Commissioner Bergman, second by
Commissioner Peralta, to accept the performance
framework for 2015-'16, and contract, for
Las Montañas Charter High School.

Any further discussion?

Mr. Secretary, may we have a roll-call
vote, please?

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner
Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner
Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner
Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner

Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner

Peralta votes "Yes."

Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner

Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Madam Chair, that

is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you. The motion passes

unanimously. The performance framework and contract

is approved. Thank you, all, and have a great year.

MR. ROBINSON: Thank you.

THE CHAIR: Julie, I notice there is a

place in here where the school has signed and a

place for me to sign. Is this the one you want me

to sign, or do you want a different one?

MS. LUCERO: Madam Chair, I have a binder

with all the signatures required of you, and they're

all tabbed, and it will be an easy process at the
THE CHAIR: We'll do that then. Next school, please.

MS. LUCERO: The next school coming forward is Aldo Leopold. I do not believe there is anyone here to represent the school.

We have included the same framework, paperwork, contract, sign-in sheet, and any data that would support the goals that they are presenting. The framework and contract are exactly what were negotiated during the session, as well.

You'll notice we approached this school just a little different to include growth and proficiency. I think we started getting just a little bit better at doing that as negotiation sessions went on. That is the only difference you will see moving forward for goals, either for Discovery or any type of traditional Short Cycle Assessment that we use. So these are exactly the goals that were negotiated during that session.

MS. LUCERO: Madam Chair, members of the Commission, the other -- the other pieces we're trying to include are if we are expecting a year's growth, we're including either a chart that shows exactly what one growth [verbatim] means. That's
either included in the worksheet, or as an
attachment, as well. And in Aldo Leopold's case,
it's actually within the framework; so you'll be
able to see exactly what one year's worth of growth
is for each grade level.

THE CHAIR: Okay. Commissioner Bergman?

COMMISSIONER BERGMAN: While the Chair is
looking there, those that have attended a
negotiation with me -- and that's everybody in this
panel has been to at least one in the last couple of
years -- one of the questions I always ask,
particularly the schools that identify themselves as
an at-risk school with that student body, the first
question I always ask them is, "How many kids are
coming into your school that are behind? Are they
coming in one grade level behind or two or three?"

And sometimes the answer, in many cases,
is they are arriving two to three grade levels
behind.

And so when a school proposes a goal that
says, "Well, we're just going to be real happy. We
want to grow all our students one year," those of
you who have sat in with me this year, you've heard
me ask, "Well, then, how are you going to catch up
those kids that are coming in one or two or three
grade levels behind, if you're just going to grow
them one grade level a year?"

That is a question I ask. And we always
have a very robust discussion after I ask that
question, because, "Oh, well, we'll catch them up."

But that won't work. That basis doesn't
work. So we -- I can assure this Commission that we
always have those kind of discussions. And here
again, in light of those discussions, we try to come
up with reasonable, attainable goals that fit the
situation. They might not always be as high as we
probably would like to have them. But I -- I
believe we set a school up to fail if we set the
goals so high, they obviously can't make them.

So it's just one of those things.
Sometimes you just have to go with you're sitting
there; you're looking at the data; you're looking at
the school; you're considering their students;
you're considering how many of them are behind a
grade level or two. And all of these things have to
be factored in as we try and negotiate these things.

And these -- you would see if you read
this document, these goals are not quite as high as
the previous ones; but they are attainable goals and
they are, I believe, challenging and a stretch, as
some of us prefer to use the term, a "stretch" for you.

And in this case, yes, I believe they are for this school; so I wanted to share that thought with you.

We -- we have discussed just about everything before we're done in those negotiations.

Thank you, Madam Chair.

THE CHAIR: Okay. And just to make my point, I'm really -- I am really adamant on Short Cycle Assessment goals. And this school wanted a couple of other mission goals first. But they do have their Short Cycle goals, their 3.1 and 3.2 of the frameworks that we get on Page 7 and continue on over to Page 8. And they are -- it took a while; but we -- we helped them understand that they really needed to challenge their students. They have good students, and we felt like these were reasonable for them. So I was very satisfied --

COMMISSIONER GIPSON: Uh-huh.

THE CHAIR: -- with what we were able to work out.

Any other discussions? Hearing none, the Chair would entertain a motion on the framework and contract for Aldo Leopold Charter School.
COMMISSIONER GIPSON: Madam Chair?

THE CHAIR: Commissioner Gipson?

COMMISSIONER GIPSON: I recommend that the Public Education Commission approve the charter school performance framework for the academic school year of 2015-2016 for Aldo Leopold Charter School.

THE CHAIR: And contract.

COMMISSIONER GIPSON: And contract.

THE CHAIR: Thank you very much. Do I hear a second?

COMMISSIONER BERGMAN: Second.

THE CHAIR: Motion and second to approve the performance framework and contract for Aldo Leopold for 2015-2016.

Any discussion?

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

COMMISSIONER PERALTA: Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?
THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Madam Chair, that is 8 to 0 in favor of the motion.


Let's move, Julie, next to who?

MS. LUCERO: Our next school is Southwest Primary. The worksheet is exactly the same as negotiated in our session. They also have set reasonable goals that CSD feels comfortable with.
I do also want to note that Ms. Barnes and I work regularly on data, and we consider all the things that you ask for, like students that aren't reading at grade level and what expected growth is. If a student, for example, is in eleventh grade reading at fourth-grade level, they're expected to grow more. We consider that in our data, just to reassure you. We have daily conversations on these things, as well.

But Southwest Primary is exactly as negotiated in the session. We are presenting it in that form.

THE CHAIR: Thank you. Commissioner Bergman?

COMMISSIONER BERGMAN: In light of what we heard earlier today, I think I want to make some comments about these next two schools, which are both Southwest schools. I -- as I indicated, Mr. Baysinger was at both of these negotiations. He was they're negotiator. That's why I'm concerned that he's leaving.

However, I want to be sure we do not punish the students at these schools for behavior by past adults that were there. And the schools, two years ago, were excellent schools. Because I think
of some of the ripple effects from what all is going on, we have seen a little slippage, I think, on the report cards in some areas.

So I'm going to vote for these. I'm comfortable with what we negotiated, the goals we negotiated and everything. But I know we're all going to be watching very closely. Because of some of those ripple effects and Mr. Baysinger's departure, we certainly do need to keep our eye on the situation.

I wanted to state that, because just like I say, I was a little concerned when I heard Mr. Baysinger was leaving.

Thank you, Madam Chair.

THE CHAIR: Thank you very much. Any other comments or questions?

Again, I would direct your attention to Page 4, where their Short Cycle Assessments are listed. We're pushing hard for those. Thank you.

Any other comments? The Chair would entertain a motion on Southwest Primary.

Before we go any further, let's -- Julie, do we have a copy of their governance council approval of this --

MS. LUCERO: Madam Chair, members of the
Commission, yes. Each packet has approval. And we even have included the recommended language that we would use in their board meeting. For example, we did not bring Southwest Secondary forward, because they didn't have a board to approve these contracts. But each of these schools that I have brought forward today have all their documents in order.

THE CHAIR: Good. Thank you very much.

Thanks for thinking about that.

Is there a question or a motion?

COMMISSIONER BERGMAN: A statement, actually.

THE CHAIR: Okay.

COMMISSIONER BERGMAN: I looked at their document. Actually a "Mr. Ken Chapman" is the chair of this governing council. It's not Mr. Baysinger. I just wanted to make sure everybody understands they do have a board chairman that is not Mr. Baysinger.

THE CHAIR: He's not the board chairman.

COMMISSIONER BERGMAN: It says here, "Ken Chapman, Chair of the Governing Council."

I wanted to make sure everybody understands that he's not the Chair. Mr. Chapman is the Chair so there's not any confusion later on.
Yeah. Thank you.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, after our discussion that we had with closing a one-year school, it's really hard for me to make this motion, because I see much bigger problems here. But I -- having participated in this, I will move that we approve the charter school performance framework for the year 2015-2016 for Southwest Primary Learning Center, and this -- and the contract for, the period of the contract.

THE CHAIR: Thank you. Any -- second?

COMMISSIONER ARMBRUSTER: Second.

THE CHAIR: Motion by Commissioner Toulouse, second by Commissioner Armbruster, to approve the performance framework and contract for Southwest Primary for 2015-2016.

Further discussion?

Mr. Secretary, may we have a roll-call vote, please?

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes.

COMMISSIONER PERALTA: Commissioner Shearman?
THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: No.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

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

THE CHAIR: By a vote of 7 to 1, the contract and performance framework of Southwest Primary for 2015-'16 is approved. Julie?

MS. LUCERO: Madam Chair, members of the Commission, the last school is Southwest Intermediate. And you will see the framework and contract are exactly as negotiated. You will also
see all the documents necessary, board approval, and any documentation to support their data.

Their goals, also, CSD feels are appropriate, and the contract seems in good order.

THE CHAIR: All right. Any discussion?

COMMISSIONER TOULOUSE: Madam Chair, I would like to point out that the board chair for this school is the wife of the board chair for the one we just approved.

THE CHAIR: Oh.

COMMISSIONER TOULOUSE: That's just a note for the record.

COMMISSIONER BERGMAN: I don't believe that's illegal.

COMMISSIONER TOULOUSE: No, it's not. It's just a point of interest. And I also would like to say, Madam Chair, that this is a school that we need, and they understand needs to be consolidated with their secondary school if it continues.

So we negotiated it with that in mind, that you really shouldn't have two administrations and two small school allowances and whatever for the same sixth-, seventh-, and eighth-graders, just one in a more traditional setting and the other with the
secondary online program. So thank you.

THE CHAIR: Thank you. Thank you.

Any other comments?

Hearing none, the Chair would entertain a
motion on Southwest Intermediate.

Mr. Bergman, I'm looking at you.

COMMISSIONER TOULOUSE: I did the last
one.

COMMISSIONER BERGMAN: Madam Chair, I
would move that the Public Education Commission
approve the performance contract and the associated
performance frameworks for the Southwest
Intermediate Learning Center for the 2015-2016
academic school year.

THE CHAIR: May we have a second? I'm
looking at you, Mr. Conyers.

COMMISSIONER CONYERS: I'll second that.

THE CHAIR: Thank you very much. This is
getting late in the afternoon, sort of like pulling
teeth.

We have a motion by Commissioner Bergman,
seconded by Commissioner Conyers, to approve the
Southwest Intermediate Learning Center's performance
framework and contract for 2015-2016.

Any further discussion?
Mr. Secretary, may we have a roll-call vote, please?

COMMISSIONER PERALTA: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER PERALTA: Commissioner Carr?

COMMISSIONER CARR: No.

COMMISSIONER PERALTA: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER PERALTA: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: Yes.

COMMISSIONER PERALTA: Commissioner Conyers?

COMMISSIONER CONYERS: Yes.

COMMISSIONER PERALTA: Commissioner Peralta votes "Yes."

Commissioner Gipson?

COMMISSIONER GIPSON: Yes.

COMMISSIONER PERALTA: Commissioner Bergman?

COMMISSIONER BERGMAN: Yes. I thought I voted on it. I guess not. Yes. I vote "yes."

THE CHAIR: Vote twice.
COMMISSIONER PERALTA: Madam Chair, that is a 7-to-1 vote in favor of the motion.

THE CHAIR: Thank you. By a vote of 7 to 1, the motion passes to approve the contract and performance frameworks for Southwest Intermediate School.

Let's move to Item No. 10 on the agenda, Report from the Chair with Discussion and Possible Action.

I wanted to talk about a couple of items under notices of intent. And the first line -- pardon me -- the first item is online schools. I -- we have discussed in a work session yesterday, and to some degree in another couple of meetings, questioning whether the notice of intent for a statewide online school should be sent to every school district in the state.

The requirement is that the notice be sent not only to PEC, if they're requesting the State start -- State-chartered charter school, but also be sent to the local district where they will be located.

Since they're statewide, my contention is they're located everywhere.

So in a work session yesterday, we talked
about asking the Attorney General for an opinion on what "location" means for a statewide online school. And I would ask for your discussion on that. And if we agree, then we will see what we need to do to get that letter written.

Is anyone opposed to that idea? Maybe that's the easiest thing.

Okay. Then I would ask for a vote on that issue. Let me just make the motion.

I will move that the Public Education Commission request of the Attorney General's Office an opinion on whether a proposed online, statewide charter school must notify every district in the state of their intention to file an application.

COMMISSIONER CARR: Second.

THE CHAIR: Thank you, Mr. Carr. Do we have discussion?

COMMISSIONER CARR: I -- I think I wanted to -- I mean -- I saw your opinion, Josh. I -- I'm still -- I think we should include in that letter the opinion of whether all State-chartered charter schools are considered districts or not. And, if so, I think they should be notified.

So certainly, the two cyber schools in the state should be notified, you know. Not that I'm a
big fond supporter of either one of them, but I think that's fair.

So I -- I think it wouldn't hurt to include, you know, those two options.

So the question -- two questions being, should State-chartered charter schools also be notified? And the second part of that question, which would be nice to be clarified is, "Are State-chartered charter schools considered districts," because they are -- they do act as such.

THE CHAIR: Do you have any response to that, or shall we just include that in the letter?

MR. GRANATA: We'll just include it.

THE CHAIR: I will amend my motion to include what Mr. Carr has just asked for.

COMMISSIONER CARR: I'll okay my second.

THE CHAIR: Any further discussion? The motion before us is to request an Attorney General opinion as to whether proposed notices of intent for online state -- for online State-chartered charter schools must they notify every school district in the state, must they notify every State-chartered charter school in the state, and must they notify other online schools in the state?

COMMISSIONER BERGMAN: Madam Chair, you
said, in your first sentence, "online State-chartered schools." I think you meant to say "online virtual." You said "State-chartered schools." Were you referring to the two existing online charter schools, because they're not both State. One's local, and one's State. Maybe it might be better to reword --

THE CHAIR: Then I would reword that to say any "online charter schools."

COMMISSIONER CARR: Then the third question was, are State-chartered charter schools school districts?

THE CHAIR: Okay, let's include that.

All right. You've heard that convoluted motion, and I'm going to attempt to repeat it. Does everybody feel comfortable with what the motion says?

All right. Are we ready for a vote? May we do a voice vote? Or should we do --

MR. GRANATA: Yeah, just do -- a voice vote is fine.

THE CHAIR: Mr. Granata is telling me a voice vote is okay; so let's do that.

All in favor of the motion, please say "Aye."
(Commissioners so indicate.)

THE CHAIR: All opposed to the motion, please say "No."

(No response.)

THE CHAIR: Motion carries. We will write the letter to the Attorney General's Office.

The second item I'd like to ask you about, yesterday, again in the work session, we talked about for at least this year, anyway, to notify by letter all districts in the state that we do have applications -- no -- we do have notices of intent to file applications from how many virtual schools?

MS. LUCERO: Madam Chair, there's two.

THE CHAIR: Two. That we do have notices of intent from two virtual schools, simply to let them know and to include in that letter the proposed locations of those schools, so that the districts will know where the community input hearings will be held, should they choose to attend, to make their thoughts known.

COMMISSIONER CARR: And Madam Chair, should we not also notify the State-chartered charter schools?

THE CHAIR: Well, we didn't discuss that. We just said the districts.
COMMISSIONER CARR: Oh, okay.

THE CHAIR: What's your pleasure, Commissioners? Should we notify State-chartered schools or just districts? Commissioner?

COMMISSIONER TOULOUSE: Madam Chair, I think at this point, till we get something set up by next year for what's going on, I think we can just notify the districts, because I don't think that most of the students in our charter schools are going to be attracted to a new online school. If they were going to do that, they're already -- know their -- or the online schools; or their school is -- like the Southwest Learning, is basically online anyway.

COMMISSIONER CARR: Well, I mean, I would -- sorry, Madam -- I would state that the charter schools lose students to virtual schools all the time; so it does affect them. And they do move to those.

COMMISSIONER TOULOUSE: Madam Chair, Commissioner Carr, I wasn't saying they didn't go. I just don't think it's the huge flow that tends to come, and I'm still not convinced that these are mostly kids coming out of a public school, as opposed to they are home-schooled students.
transferring over to these schools, and money that
was never going to anybody for them is now being
taken out of the regular charter schools -- I mean,
the regular public schools and going to those
families; because I do know the charter schools are
marketing specifically to the various groups of
home-schooling parents.

THE CHAIR: Let me just ask Julie. If we
said, "Let's send this out as an e-mail to all the
districts," how much more work would it be to
include all the State-chartered schools?

MS. LUCERO: Madam Chair, members of the
Commission, it really wouldn't be much more work.
And I would guess that a couple of State-chartered
schools would attend, and others wouldn't. It would
be up to their discretion whether they wanted to.
But it wouldn't --

THE CHAIR: Just, then, in the interest of
more -- more people being aware of what's going on,
then let's say we'll send it to the districts and to
the State-chartered schools, as well.

Commissioner Bergman?

COMMISSIONER BERGMAN: Well, then, Julie
is going to have to pin down where that one online
school is going to be, so we can tell people where
it's going to be. We can't do the e-mail until we can tell people where that school is going to be.

MS. LUCERO: Madam Chair, Commissioners, yes, I will make sure we have an exact location.

THE CHAIR: I am further going to say if we send out this, now, e-mail, that we ask the CSD to do it for us, with the information that we've talked about here.

MS. LUCERO: Madam Chair, members of the Commission, yes, we'll do that. And we'll save -- we'll have copies for you, as well.

THE CHAIR: That'll be great.

Any further discussion?

Commissioners, I think so it might be a good idea for us to vote on this, so that we're officially on the record.

So let me make the motion that the PEC send online communications to all New Mexico school districts, as well as all State-chartered schools, notifying them of the notices of intent received from possible online schools.

Okay? Will that get it?

May I have a second?

COMMISSIONER CARR: Second.

THE CHAIR: Motion and second. You've
heard the motion. Any discussion? Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: So did this now exclude -- I guess is Connections? -- because they're not a State charter.

THE CHAIR: They are a State charter.

COMMISSIONER ARMBRUSTER: Is the other one a State charter?

THE CHAIR: But the district will get a letter.

COMMISSIONER ARMBRUSTER: Got it. Okay. I just -- they just sounded different to me.

THE CHAIR: Let's vote, please.

All those in favor of the motion, please say "Aye."

(Commissioners so indicate.)

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

(No response.)

THE CHAIR: Motion carries. If you would take care of that, Julie, we'd appreciate it.

Ladies and gentlemen, we have just dispensed with Item No. 10. Let's go to 11, please.

COMMISSIONER BERGMAN: What happened to Diné Learning Academy? You had it on the bottom of Item 10.
MS. LUCERO: Madam Chair, members of the Commission, we just wanted to note on the record they were a school that was removed from the process because they didn't notify the district. It was unclear at the last meeting what kind of documentation they really did. It was more than likely they didn't have it. We wanted to confirm on the record they were removed. They are aware they're no longer in the process.

THE CHAIR: The eyes aren't working anymore. I thought it said "Dream Diné." Diné. So there's no action we need to take?

MS. LUCERO: I would just say, just for the record, noting they are no longer in the process because they did not provide district notice.

THE CHAIR: Okay. So, Commissioners, we talked about that in a meeting before. And somehow they got left off the list. So maybe we better be doubly sure of what we're doing here and move that Diné Learning Academy be removed from the notices of intent list for failure to notify the local district.

COMMISSIONER BERGMAN: Second. Was that a motion?

THE CHAIR: That was a motion.
Absolutely.

All right. Motion and second.

Any discussion?

All those in favor, please say "Aye."

(Commissioners so indicate.)

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

(No response.)

THE CHAIR: It carries. Thank you very much.

Now, Commissioner Bergman, your turn.

COMMISSIONER BERGMAN: All right. I believe Beverly just passed out the very latest schedule for the charter school negotiations. And the reason for that is that ASK Academy was scheduled at a time when they did not work out. And so they requested that they be delayed to a later date, and that then, of course, had to fit our schedule.

And I believe they were put on -- yeah, they were added to the May 13th date. Let me get my other schedule out here. We still have just two sessions that need to be -- actually, it's just one session. According to my records, right now, for the May 13th and the May 14th negotiations, I have myself, Commissioner Conyers, Commissioner Shearman,
and Commissioner Armbruster are scheduled for those.

Then we have one final session that had
not been scheduled yet. That is May 20th for two
negotiations and May 21st for one. And those
negotiations will be in Albuquerque.

And it's the Masters Program, Turquoise
Trail, and Tierra Encantada. And then that process
will be done for another year, or at least for this
year.

So I am going to put myself down, of
course. Commissioner Shearman, do you wish -- so we
have two openings there.

COMMISSIONER TOULOUSE: Madam Chair, I can
do the 21st, too.

COMMISSIONER BERGMAN: I think we have a
couple of folks that haven't been to any yet.

Commissioner Conyers, I know I believe
you -- did I say you were on -- yeah, you're on the
13th. Did you have any interest in coming back the
following week, or is that --

COMMISSIONER CONYERS: I can do that.

COMMISSIONER BERGMAN: Commissioner
Peralta, your schedule does not allow -- did you
want to do any, or --

COMMISSIONER PERALTA: Yeah, my intention
is to at least attend one. We're getting pretty close to the EOY PARCC assessment here in the next couple of weeks. So sometime -- one after the -- after next week, maybe, might --

COMMISSIONER BERGMAN: Well, the only one that's left is the 20th and 21st, if you're available for those. Or if not, that's fine.

COMMISSIONER PERALTA: Yeah.

COMMISSIONER BERGMAN: We've got you pretty busy with the PSCOC and PSFA.

COMMISSIONER PERALTA: Yeah, let me go ahead and just not.

COMMISSIONER BERGMAN: I just wanted to be sure you had the opportunity, so you didn't feel -- so Mr. Carr has not done one yet. Do you have any interest?

COMMISSIONER CARR: No.

COMMISSIONER BERGMAN: Okay. So now I need one or two volunteers for the 20th and the 21st.

THE CHAIR: Carmie, what are you volunteering?

COMMISSIONER TOULOUSE: Madam Chair, I can do those if you don't have another volunteer.

COMMISSIONER BERGMAN: Anyone else?
COMMISSIONER CONYERS: I can do it, if you need me to.

COMMISSIONER BERGMAN: I really just -- if you want to be there, I'd be happy to have you there. Four is our maximum. I'm not asking for any more than four. I'm worried if we get to five, it's not a quorum, but it's close to a quorum. I'm keeping it down to four people.

If no one else wants it, if you'd like to come back the next week, we'd be glad to have you.

COMMISSIONER CONYERS: Sure.

COMMISSIONER BERGMAN: Okay. So Toulouse and Conyers. We're scheduled up, Madam Chair. We're -- we're.

COMMISSIONER ARMBRUSTER: Is this different from the one I printed off last night off the computer?

COMMISSIONER GIPSON: Not if it's from Beverly's e-mail from last night. This is the same one.

COMMISSIONER ARMBRUSTER: I keep writing "newer" and "newest."

MS. FRIEDMAN: There's a date on the front.

COMMISSIONER CONYERS: Madam Chair?
THE CHAIR: Oh, I'm sorry. Commissioner Conyers?

COMMISSIONER CONYERS: I'm sorry. I just checked my calendar. I'm going to be teaching a class for the college that starts that week; so I'm not available after all.

COMMISSIONER BERGMAN: We're very flexible. I just scratched you out. So you've been scratched out, whatever that means.

THE CHAIR: What did you scratch him out for?

COMMISSIONER BERGMAN: For the 20th and 21st. We still have three -- if a fourth decides they want to come to that, they're welcome to come.

MS. FRIEDMAN: Madam Chair?

THE CHAIR: Yes.

MS. FRIEDMAN: May I ask Commissioner Bergman to let me know who is going to be at the ASK Academy, so I can add it to your schedule?

COMMISSIONER BERGMAN: That's the same group. That's the -- that's myself, Commissioner Conyers, Commissioner Shearman, and Commissioner Armbruster. We'll be at both that day, Monte Del Sol and the ASK Academy.

MS. FRIEDMAN: Okay. And for Taos?
COMMISSIONER BERGMAN: And that's the next day. We'll all be at the next one, too, as it stands now, yes.

MS. FRIEDMAN: Mr. Bergman, Ms. Shearman, Ms. Armbruster, and --

COMMISSIONER BERGMAN: Mr. Conyers, for that one.

MS. FRIEDMAN: -- Conyers.

THE CHAIR: Are we done?

All right. Let's move to Item 12.

Commissioner Peralta, anything from PSCOC?

COMMISSIONER PERALTA: Okay. Basically, the last couple of meetings have all been focused on the upcoming school year, 2015-'16, for the capital outlay awards cycle. There's our six scenarios that are kind of being tugged around between council members, and so we are still in the process of making a determination on how those awards are going to be planned out for the schools that have applications in for improvements.

And so I believe -- my understanding is, is that at this next meeting, which is May the 2nd, I believe, is -- should be a time when a definite vote will come to take place for how those monies are going to be disbursed to schools.
And that's basically it. That's the bulk of the conversation that's going on with the council; so...

THE CHAIR: Okay.

COMMISSIONER PERALTA: And with that, I'm going to depart, as I have two birthday girls waiting for me.

THE CHAIR: They happen to be twins, do they?

COMMISSIONER PERALTA: Yes, ma'am.

THE CHAIR: Tell them "Happy Birthday" for us.

COMMISSIONER PERALTA: All right. Thank you.

THE CHAIR: All right. Thank you, Commissioner.

Let's go on to Item 13, PEC Committees and Liaison Reports.

Does anyone have anything they want to bring to us this afternoon? Commissioner?

COMMISSIONER BERGMAN: I'm going to keep this very brief, because I'm -- like the rest of you, I want to get on the road, too.

I did attend the School Budget Workshop last week. Actually, they did a legislative report.
I saw a couple of items I thought I found interesting. They don't necessarily pertain to us directly, but they directly pertain to our charter schools that fall under our oversight. So I thought I would read them.

Apparently, they were put in House Bill 2, which I believe is the funding bill; and so I believe that's appropriate. I assume that makes them lost, since the funding bill passed and everything.

One of the things says -- and I'm going to quote it here -- "The Secretary of Public Education shall not distribute a school district's or charter school's State Equalization Guarantee distribution after the first reporting date, which is October 14th, 2015, if, by that date, the school district or charter school has not conducted an assessment of its student assessment practices using a Public Education Department-approved audit tool and submitted the results of that audit to the Public Education Department and the local school board or governing body of the charter school.

"The Public Education Department shall provide a report of the assessment audit results to the LESC by December of 2015."
Now, I notice that we are conspicuously absent from that group. So I think this Commission should probably ask CSD, since I believe they are going to see this information, that we probably would be interested -- I could see where this might affect negotiations somewhere down the road, if they're -- I'd like to know what they're saying about assessment practices and everything.

So, Madam Chair, I would suggest that you might wish to ask CSD to include us when they finally do get whatever data that does come out of that part of that statute.

THE CHAIR: Julie, is it your understanding you all will get that data?

MS. LUCERO: Madam Chair, Commissioner, we will -- we will get data such as that. And we will report back.

THE CHAIR: Thank you very much.

COMMISSIONER BERGMAN: And I will go on here. There was another thing buried in that thing.

It said, "Increased charter school enrollment pursuant to an authorizer-approved increase in existing enrollment cap shall be considered a new formula-based program."

So when we provide a school with an
increase in their enrollment cap, that sounds to me
like they're going to default going into some new
category or group; because I wrote here, "Ask Julie
about this."

And then it went on and said other things
like, "Notwithstanding the provisions of Section
22-8-23.1," blah, blah, blah. But that sounds like
it could certainly affect certain charter schools if
we give them an enrollment cap increase.

MS. LUCERO: Madam Chair, members of the
Commission, yes. And that language surprised new
charters originally; but it looks like it will
impact very few this year.

But what currently happens, the way I
understand, is schools get membership funding and
then projected growth. So those that ask for an
enrollment cap, they get money basically twice, for
membership and for that growth projection. So now
they'll only get one -- in a sense, a
double-dipping -- they won't get twice.

I'm not sure if it's for one year; I don't
know if that's something that will continue. But I
think it will impact few charters this year.

There's maybe five that did get an
enrollment cap. Only two are for the upcoming year.
Those are the two we approved recently; I think Mission Achievement and Success and Albuquerque Sign Language Academy. I'm not sure if it impacts only them, or if it does impact them; but...

COMMISSIONER BERGMAN: Thank you for that, Julie. I'm not sure this was -- the explanation was not totally clear. But I wrote down that it was included in Senate Memorial 135, which apparently passed. It states, "On or before January 1st of each year, beginning in 2014, and every time a Chief Procurement Officer is hired, each State agency and local public body shall provide to the State Purchasing Agent the name of the State agencies or the local public body's Chief Procurement Officer and information identifying the State agencies or local public body's Central Purchasing Office, if applicable."

I believe that would also apply to charter schools, and I believe it would have been effective -- we had a school today that we voted on that did not have a Chief -- an identified Chief Procurement Officer. So if I'm reading that correctly, every charter school is supposed to have a Chief Procurement Officer.

MS. LUCERO: Madam Chair, Commissioner
Bergman, yes, exactly. In fact, charter schools have known about this for a while. When I was in a school as an administrator, we were aware that administrators, people signing POs, would need to take the test as an officer. So it's not new to them. Some people may think they're hearing about it for the first time. But now it's actually -- they need to get it done; so yes, it would affect charter leaders and their business managers.

COMMISSIONER BERGMAN: I hope this is the final note I made. There apparently is a new reporting requirement in the financial area, and I'll read it here.

"Each local superintendent or person in charge of the fiscal management of a charter school shall provide quarterly reports on the financial position of the school district or charter school, as applicable to the local school board of the school district or the governing body of the charter school, for use in reviewing the financial status of the school district or charter school. The Department shall develop the forms to be used for the financial reporting required under this section."

And it further goes on to say what should
be in the position.

Now, here again, I don't see that we were mentioned in there; but I suspect if our schools are filing some kind of a quarterly report, it might be nice if we had them; although, we are buried in paperwork already. I would leave that up to the Commission.

THE CHAIR: Do you all get those, Julie?

MS. LUCERO: Madam Chair, members of the Commission, now -- most schools report quarterly. Now, there are a few schools that if the Budget Bureau finds that there may be a concern, that report monthly. So we do know if the school is reporting monthly or quarterly.

We don't actually look at the reports. We kind of keep a closer eye, if it's a monthly piece; for example, I think today, they mentioned that the school we talked about earlier was on monthly reporting.

Normally, we don't dig through those reports. But if there is a concern, we're notified, and we would come to you, just like we did with the School of Concern with J. Paul Taylor. Those are things we bring to you, as needed, not necessarily that we review the reports. They just notify us if
it's something we need to look at.

THE CHAIR: Sounds like it's working.

COMMISSIONER BERGMAN: And finally, the speaker, the main speaker this year was actually a very well noted New Mexico forensic auditor. And she had some comments that I found interesting, because we place a certain amount of faith in audits of our charter schools.

She was not speaking about anything in particular; so don't infer that. But she stated only 3 percent of frauds are discovered by an external audit, because most auditors are not asking the right questions. 3 percent.

So while we love to have faith in these auditors, I hope people are asking the right questions.

I guess I've always fallen into that trap. If they've got a clean bill of health in an audit, everything must be just doing great. When she said that, I wrote it down, because that kind of flabbergasted me. I just thought it was worth noting. Most of the fraud is uncovered actually by insider tips.

Thank you, Madam Chair.

THE CHAIR: Thank you, Commissioner.
Bergman. Any other reports or liaison comments?

Do we have any old business?

Seeing none, let's go to PEC Comments.

THE CHAIR: Let me start with Commissioner Gipson.

COMMISSIONER GIPSON: I'm fine.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Nothing. Thank you, Chairwoman.

THE CHAIR: Commissioner Carr?

COMMISSIONER CARR: No.

THE CHAIR: Commissioner Bergman.

COMMISSIONER BERGMAN: I'm good.

THE CHAIR: Commissioner Armbruster?

COMMISSIONER ARMBRUSTER: No.

THE CHAIR: Commission Conyers?

COMMISSIONER CONYERS: I have something.

It's just kind of a thinking out loud. But earlier in the day, when we were talking about, you know, revoking a charter, it was brought up that suspension is an option; but no one knew what that was.

And so I'm wondering, is there a way to determine -- I mean, can the Attorney General give an opinion? Should we ask the new director to
research what other states do if they have something like -- I mean, seems like that could be a viable option, if we figured out what it was. Has that been discussed before, or --

THE CHAIR: I think we've had this same discussion of, "What is suspension?" And sort of the resulting talk was, suspension is the same as revoking. You suspend a charter; it's not in operation.

COMMISSIONER ARMBRUSTER: It doesn't sound like it's forever. When you suspend something, it seems like it's, "For six months, we'll do this, or one year." And "revoke" sounds like forever.

COMMISSIONER GIPSON: Well, what do you do for half a year?

COMMISSIONER ARMBRUSTER: Well, I just think that's what I would interpret it to be, for me.

THE CHAIR: Mr. Granata, would you look into that for us?

MR. GRANATA: I will be happy to take a look at that.

THE CHAIR: All right. And I have nothing else to say. Thank you, all.

Beverly, do we have anyone for Open Forum?
MS. FRIEDMAN: No, ma' am.

THE CHAIR: Thank you very much.

Mr. Granata, do we need an Executive Session?

MR. GRANATA: Madam Chair, Commissioners, we don't necessarily need an Executive Session. If the Commission would like we can discuss some of the items that are on the Executive Session under -- on the agenda.

I can just tell you that there hasn't been any word received from the Public Education Department regarding the Columbus Charter appeal. And that's all I'd like to say on the record.

THE CHAIR: Okay. Can you say that the decision -- has it come down on Anthony yet?

MR. GRANATA: And additionally, the decision hasn't come down for Anthony Charter School, as well.

As the Chair indicated earlier, the hearing was earlier this week. And so once I find out, or once the Chair finds out what the decision is, the Commission will be notified.

THE CHAIR: So thank you very much for that information. We will not go into Executive Session.
Is there anything else from anybody?
The next item on our agenda is Adjourn.

Would anyone care to make the motion?

COMMISSIONER CARR:  So moved.

THE CHAIR:  Does anyone second?

COMMISSIONER ARMBRUSTER:  Second.

THE CHAIR:  Everybody votes. We're adjourned. Thank you very much.

(Proceedings concluded at 2:55 p.m.)
BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on April 27, 2015.

Cynthia C. Chapman, RMR-CRR, NM CCR #219
BEAN & ASSOCIATES, INC.
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

Job No.: 1945L (CC)
VISITORS ATTENDING PUBLIC EDUCATION MEETING
April 17, 2015

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