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BEFORE THE
PUBLIC EDUCATION COMMISSION
SANTA FE, NEW MEXICO

TRANSCRIPT OF MEETING PROCEEDINGS
August 19, 2014
8:37 a.m.
Hotel Eleganté
2020 Menaul Boulevard, Northeast
Albuquerque, New Mexico

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1 APPEARANCES

2 COMMISSIONERS:

3 MS. CAROLYN SHEARMAN, Chair
 MR. EUGENE GANT, Vice Chair
 4 MR. VINCE BERGMAN, Secretary
 MS. MILLIE POGNA
 5 MR. J. TYSON PARKER
 MR. JAMES CONYERS
 6 MS. CARMIE TOULOUSE
 MR. J. TYSON PARKER

7
8 STAFF:

9 MR. MATT PAHL, Interim Director, Charter Schools
 Division
 10 MR. ED WOODD, Education Administrator, Charter
 11 Schools Division

12 ALSO PRESENT:

13 MR. JOSH GRANATA, PED Counsel
 14 MS. MARTICA CASIAS, PSFA Planning and Design Manager

15 I N D E X O F P R O C E E D I N G S

| | | | |
|----|-----|--|---|
| 16 | 1 | Call to Order and Roll Call | 5 |
| 17 | | Pledge of Allegiance and Salute to New Mexico flag | 6 |
| 18 | 2 | Approval of Agenda | 6 |
| 19 | 3-A | Approval of Minutes for July 10, 2014, Work Session | 6 |
| 20 | | | |
| 21 | 3-B | Approval of Minutes for July 11, 2014, meeting | 7 |
| 22 | | | |
| 23 | 4 | Report from PED Leadership | 8 |
| 24 | 5 | Discussion and Possible Action on Charter School Amendments | 9 |
| 25 | 5-A | La Tierra Montessori School of Arts & Sciences | 9 |

| | | | |
|----|-------------|---|-----|
| 1 | 5-B | The GREAT Academy | 9 |
| 2 | 5-C | The ASK Academy | 11 |
| 3 | 5-D | ASK Academy Mission Statement | 23 |
| 4 | 5-A | La Tierra Montessori School of Arts & Sciences | 27 |
| 5 | | | |
| 6 | 5-B | The GREAT Academy | 48 |
| 7 | 6 | Discussion and Possible Action on La Tierra Montessori School of the Arts and Sciences Contract | 51 |
| 8 | | | |
| 9 | 7 | Discussion and Possible Action of Year Two Performance Frameworks | 56 |
| 10 | 7-1 | Anthony Charter School | 56 |
| 11 | 7-2 | Horizon Academy West Charter School | 113 |
| 12 | 7-3 | North Valley Academy Charter School | 119 |
| 13 | 7-4 | Health Leadership High School | 122 |
| 14 | 7-5 | Media Arts Collaborative Charter School | 127 |
| 15 | 7-6 | New Mexico Connections Academy Charter School | 130 |
| 16 | | | |
| 17 | 7-7 | Cottonwood Classical Charter School | 133 |
| 18 | 8 | Report from Options for Parents and the Charter School Division | 134 |
| 19 | 8-A | Update on School Closures | 134 |
| 20 | 8-A-1 and 2 | 1. Ralph J. Bunche Academy; 2. The Learning Community Charter School | 134 |
| 21 | | | |
| 22 | 7-7 | Cottonwood Classical Charter School | 137 |
| 23 | 8-B | Schools of Concern | 142 |
| 24 | 8-B-1 | Southwest Learning Centers | 142 |
| 25 | 8-B-2 | Health Science Academy | 155 |

| | | | |
|----|-------|---|-----|
| 1 | 8-B-3 | Anthony Charter School | 157 |
| 2 | 8-C | Staffing Update | 158 |
| 3 | 9 | Discussion on William W. and Josephine Dorn | 160 |
| 4 | | Charter Community School and La Jicarita | |
| 5 | | Community School Regarding Enrollment and | |
| 6 | | School Grades | |
| 7 | 10 | Update from PSFA on All Schools Slated to | 174 |
| 8 | | Open for the 2014-2015 School Year | |
| 9 | 11 | 2014 and 2015 PEC Meeting Calendar | 182 |
| 10 | 12 | Report on LESC Subcommittee Meeting | 182 |
| 11 | 13 | PEC Legislative Committee Report | 190 |
| 12 | 14 | Report from PEC Charter School Committee | 190 |
| 13 | 15 | Open Forum | 191 |
| 14 | 16 | PEC Comments | 191 |
| 15 | 17 | Executive Session under 10-15-1(H)(&) | 193 |
| 16 | | Regarding Threatened or Pending Litigation | |
| 17 | 18 | Adjourn | 195 |
| 18 | | REPORTERS' CERTIFICATE | 196 |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |

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1 COMMISSIONER SHEARMAN: Good morning. I'm
2 sorry I let the time get past. I call into session
3 this regularly scheduled meeting of the New Mexico
4 Public Education Commission. I will ask Secretary
5 Bergman for a roll call, please.

6 COMMISSIONER BERGMAN: Commissioner Pogna?

7 COMMISSIONER POGNA: Here.

8 COMMISSIONER BERGMAN: Commissioner
9 Toulouse?

10 COMMISSIONER TOULOUSE: Present.

11 COMMISSIONER BERGMAN: Commissioner
12 Parker?

13 COMMISSIONER PARKER: Here.

14 COMMISSIONER BERGMAN: Commissioner
15 Conyers?

16 COMMISSIONER CONYERS: Here.

17 COMMISSIONER BERGMAN: Commissioner Gant?

18 COMMISSIONER GANT: Here.

19 COMMISSIONER BERGMAN: Commissioner
20 Shearman?

21 COMMISSIONER SHEARMAN: Here.

22 COMMISSIONER BERGMAN: Commissioner

23 Bergman is here.

24 Madam Chair, you have seven Commissioners
25 present. You do have a quorum.

1 COMMISSIONER SHEARMAN: Thank you. I
2 declare we do have a quorum. We'll move on to the
3 pledge of allegiance by Commissioner Bergman and I
4 will lead the salute to the New Mexico flag.

5 COMMISSIONER SHEARMAN: Thank you. Can
6 you hear me all right, or do I need to turn this
7 microphone on? Okay? In the back?

8 The next item on the agenda is approval of
9 the agenda.

10 COMMISSIONER SHEARMAN: I think you have
11 all had this for a few days. Any changes? Seeing
12 none, the Chair will entertain a motion.

13 COMMISSIONER TOULOUSE: Madam Chair, I
14 move to approve the agenda.

15 COMMISSIONER SHEARMAN: Motion by
16 Commissioner Toulouse, second by Commissioner Pogna
17 to approve the agenda as presented. All in favor
18 please say, "Aye." Any opposed, please say, "No."

19 The agenda is approved.

20 Item 3, approval of minutes, first for the
21 July 10, 2014, work session. Those are in your
22 binder under item number 3.

23 COMMISSIONER TOULOUSE: Madam Chair.

24 COMMISSIONER SHEARMAN: Are there any
25 corrections or additions to the minutes?

1 COMMISSIONER TOULOUSE: I just want to
2 move approval.

3 COMMISSIONER SHEARMAN: I have a motion to
4 approve the July 10 minutes as presented. Do I have
5 a second?

6 COMMISSIONER GANT: Second.

7 COMMISSIONER SHEARMAN: Motion and second
8 to approve the July 10, 2014, work session minutes.
9 All in favor please say, "Aye." Any opposed, please
10 say, "No." The July 10 minutes are approved.

11 July 11, 2014, meeting minutes. Any
12 corrections? Changes? Seeing none, the Chair would
13 entertain a motion.

14 COMMISSIONER GANT: Madam Chair, I move we
15 accept the minutes of 11 July 2014 as written.

16 COMMISSIONER SHEARMAN: Thank you. Motion
17 to accept the minutes. Do I hear a second?

18 COMMISSIONER BERGMAN: Second.

19 COMMISSIONER SHEARMAN: Second by
20 Commissioner Bergman to approve the July 11, 2014,
21 meeting minutes. Any discussion? All those in
22 favor please say, "Aye." Any opposed, please say,
23 "No."

24 The minutes are approved. Thank you very
25 much.

1 The next is item 4, report from PED
2 leadership. Matt, do you have anything for us?

3 MR. PAHL: Just a real brief item, Madam
4 Chair, members of the Commission.

5 (A discussion was held off the record.)

6 COMMISSIONER SHEARMAN: I apologize.
7 Please go ahead.

8 MR. PAHL: That's all right. Madam Chair,
9 members of the Commission, on August 15, we had our
10 deadline for our incentive pay pilot application
11 window. We had several charters apply. We will
12 review those applications in the next few weeks and
13 hopefully some of those charter schools will move
14 through with successful application with their own
15 locally created incentive pay pilots for their
16 schools. So just an update on that. By our next
17 meeting, we'll be able to announce how many charter
18 schools, who they were, and potentially share some
19 details from their plan. So thank you.

20 COMMISSIONER SHEARMAN: Thank you very
21 much. At this particular moment, before we start
22 the next item, I'd like to introduce our new
23 attorney, Josh Granata. Thank you. He's joining us
24 from the Attorney General's Office. We were sorry
25 to lose Abby, but by no choice or fault of her own,

1 she was not able to continue as our attorney, so we
2 look forward to working with Josh.

3 MR. GRANATA: Thank you. And I look
4 forward to working with this Commission. I'm
5 excited about it. Stepping into Abby's role, I
6 understand that there's a lot of work to be done and
7 I look forward to it.

8 COMMISSIONER SHEARMAN: Thank you so much,
9 and I'm glad you are ready for a lot of work. We
10 appreciate it.

11 Item 5, discussion and possible action on
12 charter school amendments. Mr. Pahl.

13 MR. PAHL: Madam Chair, members of the
14 Commission, La Tierra Montessori Charter School is
15 the first amendment on the agenda today.

16 COMMISSIONER GANT: I would like to hold
17 on that one. She is on her way.

18 COMMISSIONER SHEARMAN: So you want to
19 hold off on La Tierra? All right. Then let's go to
20 B, The GREAT Academy, please.

21 MR. PAHL: Item 5-B, The GREAT Academy
22 requests a change to their governing council
23 membership requirements to facilitate the
24 recruitment of new members. Currently at least two
25 parents must be on the governing counsel at all

1 times. The CSD recommends approval of this
2 amendment.

3 COMMISSIONER SHEARMAN: Is anyone here
4 from that school?

5 MR. PAHL: Doesn't look like it, Madam
6 Chair.

7 COMMISSIONER SHEARMAN: Do you feel
8 comfortable with going ahead with presenting this
9 amendment with no one here from the school?

10 MR. PAHL: Madam Chair, I think that's up
11 to you. If the Commission has questions on it, then
12 we probably should not move forward.

13 COMMISSIONER SHEARMAN: Commissioners, I
14 think this is on the agenda and we have a perfect
15 right to make a decision if we want to consider this
16 without representatives from the school here to
17 answer any questions we might have, or if we want to
18 table it over to the next meeting. What is your
19 pleasure?

20 COMMISSIONER POGNA: Let's continue.

21 COMMISSIONER SHEARMAN: Okay. You're
22 saying let's table it until the next meeting?

23 COMMISSIONER POGNA: No.

24 COMMISSIONER GANT: She wants to go ahead.

25 COMMISSIONER POGNA: I thought we'd go

1 ahead.

2 COMMISSIONER SHEARMAN: We can't ask
3 questions if they're not here. That's just my
4 concern. Okay?

5 COMMISSIONER GANT: Madam Chair, I
6 recommend we table this until the next meeting when
7 at that time they have folks from the school here.

8 COMMISSIONER SHEARMAN: Okay. In the form
9 of a motion?

10 COMMISSIONER GANT: Yes, it is.

11 COMMISSIONER SHEARMAN: Do I hear a
12 second?

13 COMMISSIONER POGNA: Yes.

14 COMMISSIONER SHEARMAN: Motion and second
15 to table item 5-B, The GREAT Academy, until possibly
16 next month when representatives of the school can be
17 here.

18 All in favor please say, "Aye." Any
19 opposed, please say, "No."

20 (A discussion was held off the record.)

21 COMMISSIONER GANT: Let's go ahead with
22 ASK Academy, please.

23 COMMISSIONER SHEARMAN: Item 5-C is the
24 ASK Academy. Mr. Pahl.

25 MR. PAHL: Madam Chair, members of the

1 Commission, the ASK Academy requests to expand the
2 grade levels to be served by the school from grade
3 seven to twelve, to grades six through twelve. The
4 CSD recommends approval of this amendment.

5 COMMISSIONER SHEARMAN: Do we have anyone
6 from the ASK Academy here, please? Please come
7 forward to the table. If you need to, bring up
8 extra chairs.

9 Mr. Pahl, would you talk about the grade
10 expansion first, please, and make CSD's
11 recommendation? And if you already did that, I
12 apologize. I didn't hear you.

13 MR. PAHL: No problem, Madam Chair. The
14 ASK Academy is requesting to expand the grade levels
15 it serves by one grade level, moving from a
16 seven-to-twelve span to a six-to-twelve span. If it
17 pleases the Chair, I would ask the ASK Academy
18 representatives to speak a little bit more to the
19 rationale to their amendment and yes, the CSD
20 recommends approval of this amendment.

21 COMMISSIONER SHEARMAN: Thank you. Would
22 you gentlemen at the table please introduce
23 yourselves, spell your name if it's unique, and let
24 us hear your rationale.

25 MR. STEPHENSON: Yes, ma'am, thank you.

1 Paul Stephenson, S-T-E-P-H-E-N-S-O-N, director.

2 MR. REEVES: Paul Reeves, the general
3 manager. R-E-E-V-E-S.

4 MR. BARBOUR: I'm Daniel Barbour. I'm the
5 director for ASK Academy, and the last name is
6 B-A-R-B-O-U-R.

7 MR. STEPHENSON: Now that we opened up a
8 seven through twelve, we found that as time went on
9 we were asking our parents and our community to
10 choose to send their children for one year to a
11 middle school for that sixth-grade year, and then
12 choose to move to the ASK Academy. Again, another
13 transition time for the children, to us at seventh
14 grade. And so we felt, looking at the charter as we
15 wrote it, seven through twelve, we looked at it
16 through the lens of the parents a little bit better
17 in our first five years, and we felt for the sake of
18 the parents and the family that it would be better
19 that we brought in sixth as an amendment year, to
20 come in and have it be a six-through-twelve
21 institution for the parents' sake, for the family's
22 sake.

23 COMMISSIONER SHEARMAN: Thank you for
24 that. Let me jump ahead just a little. I'm looking
25 at your second amendment request, and it's to your

1 mission statement. And I'm glancing through it once
2 again to make sure that your mission statement does
3 not specify grade levels. And I don't see it
4 here --

5 MR. STEPHENSON: It did not, ma'am.

6 COMMISSIONER SHEARMAN: I just wanted that
7 assurance. I certainly don't want to change
8 something in the charter before the mission reflects
9 that.

10 Commissioners, you have heard CSD's
11 recommendation and you have heard the rationale from
12 the school. Do you have any questions for CSD or
13 the school? Commissioner Gant?

14 COMMISSIONER GANT: Madam Chair, members,
15 sir, is your facility supportable for another grade,
16 for adding more children to the building?

17 MR. BARBOUR: Yes, currently it is. We're
18 also in discussions right now of having a school
19 built for ourselves, and so we're moving forward
20 with our expansion plans. But our current facility
21 can support our new enrollment.

22 COMMISSIONER GANT: Ms. Casias, should
23 they come to you -- let me introduce you before I
24 forget this, because I forget it all the time. You
25 do a lot of work for us and I can't even find it.

1 Go ahead.

2 MS. CASIAS: Madam Chair, vice-chair, I'm
3 Martica Casias. I work with PSFA, and we have
4 worked with the ASK Academy in their current
5 facility. They do have enough space at this time.
6 I'm not familiar with the proposed new location, off
7 the top of my head. But the current facility is
8 adequate.

9 COMMISSIONER GANT: Thank you.

10 COMMISSIONER SHEARMAN: Commissioners, any
11 other questions? Commissioner Parker?

12 COMMISSIONER PARKER: Madam Chair,
13 Commissioners, just out of curiosity, why was the
14 original charter set up with seven and not six
15 grades?

16 MR. BARBOUR: We've learned a lot in five
17 years since we have been in front of you before, and
18 we set up our charter seven through twelve based on
19 the licensure system of the state. Secondary
20 licensure for our project manager, which you know is
21 teachers, are seven through twelve. But research
22 really shows that every time kids make a transition
23 from school to school to school, achievement drops.
24 So we've listened to our parents and our community
25 and we've done a review of the research, and now

1 making one less transition to be able to come to the
2 ASK Academy, we expect to see better results from
3 our scholars.

4 MR. STEPHENSON: To elaborate, maybe, and
5 in the clarification of your question, too, because
6 we're a small school, as a teacher you're asked to
7 do many preps. You're going to teach many more
8 different courses because there's fewer of us. So
9 we had the perspective, not the parent perspective
10 that I referred to earlier, but a perspective of
11 curriculum. If I hire an individual that's not
12 secondary licensed, then they're not as flexible. I
13 can't have them teach a middle-school level and a
14 high-school level. If I hire somebody that's K
15 through 6 or K through 8, they can only teach the
16 middle-school-level courses, not jump into my high
17 school. So therefore, they're not as flexible to
18 use. That was our perspective when we wrote the
19 charter. Now we're seeing it through the lens of
20 the parents, and we wish to make the amendment.

21 COMMISSIONER SHEARMAN: Are there
22 questions or comments, Commissioners?

23 Commissioner Bergman.

24 COMMISSIONER BERGMAN: Thank you, Madam
25 Chair. I do note that you're not requesting an

1 enrollment cap increase to accommodate this, so I
2 believe you understand that you're going to be able
3 to get your sixth grade in without a cap increase;
4 is that correct?

5 MR. BARBOUR: That's correct. Our cap
6 enrollment is 600, so instead of 100 kids per grade
7 level, we'll end up with probably about 75 kids per
8 grade level.

9 COMMISSIONER BERGMAN: I guess that leads
10 to the question, how many sixth-graders are you
11 looking at for your first?

12 MR. BARBOUR: We really tried to manage
13 very sustainable growth, so we will bring in one
14 class of sixth graders our first year, and then two
15 classes of sixth graders our second year, as we
16 develop the curriculum with our project managers,
17 and allow that assimilation in, so that we
18 understand how they're going to be part of our ASK
19 family.

20 MR. STEPHENSON: A class is defined as a
21 number of 25.

22 COMMISSIONER BERGMAN: So it doesn't
23 adversely affect your student/teacher ratio.

24 MR. STEPHENSON: No, sir, not at all.

25 COMMISSIONER BERGMAN: Thank you. Thank

1 you, Madam Chair. I just wanted that on the record.

2 COMMISSIONER SHEARMAN: Thank you.

3 Commissioner Toulouse.

4 COMMISSIONER TOULOUSE: Madam Chair, I do
5 notice in their minutes that what the amendments are
6 is not spelled out and we've not accepted other
7 people when their minutes don't show what they voted
8 on. It simply says they voted on amendment 1 and
9 amendment 2. And I don't know -- I want to treat
10 everybody the same. And so that's why I'm bringing
11 it up.

12 COMMISSIONER SHEARMAN: Do you have a copy
13 of the governance council minutes with you, by any
14 chance?

15 MR. STEPHENSON: I do not, ma'am.

16 MR. REEVES: No, we do not.

17 MR. STEPHENSON: On the meeting they
18 approved the amendment?

19 COMMISSIONER TOULOUSE: Yes. It's here on
20 charter amendment item 11 on their minutes.

21 COMMISSIONER SHEARMAN: She's correct.
22 The minutes do not spell out what the amendments
23 specifically state, what you're specifically asking
24 for. And we need that in your governance council
25 minutes very specifically what the amendment is.

1 MR. STEPHENSON: So the amendment itself
2 is not sufficient if it's not in the minutes
3 verbatim?

4 COMMISSIONER SHEARMAN: Well, what is 1
5 and what is 2? You know. If we come back two years
6 from now, I don't think anybody would really be very
7 confident knowing what was 1 and what was 2.

8 MR. STEPHENSON: You mean of the two,
9 which was defined as 1 and 2?

10 COMMISSIONER SHEARMAN: I think it needs
11 to be specific, the amendment to increase the grade
12 levels and then the other one, the mission
13 statement.

14 MR. BARBOUR: Madam Chair, were they not
15 attached to our minutes as amendments when they were
16 sent in? Were the two amendments not attached to
17 the minutes when they were sent in? Or is that
18 something, an oversight, that we had with the
19 minutes?

20 COMMISSIONER SHEARMAN: The minutes
21 specifically need to reflect what the amendment is.
22 Okay? We just need to be very, very specific.

23 Commissioners, we have in the past -- and
24 I think we could again, if we chose to, today --
25 approve either one or both of these amendments

1 contingent upon governance council minutes that
2 specify specifically what the amendments were and
3 that they were approved by the governance council.
4 Commissioners, you can choose if you'd like to take
5 that.

6 COMMISSIONER BERGMAN: Madam Chair, I
7 would propose that we move ahead on that basis. At
8 their next meeting, if they specifically state the
9 amendments in their minutes, our September meeting
10 is already overcrowded and we can't push a ton of
11 stuff into September. We just won't have the time
12 unless we add a day for that meeting. So I would
13 approve that we go forward.

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 have no problem with that. I was just trying to
16 keep consistency with what we have been doing, and
17 also because -- not that it would ever happen -- but
18 you can vote on amendment 1 and amendment 2, but
19 when a form comes through to us, somebody could have
20 completely changed the amendment, and so you don't
21 have to have the specific wording, but the general
22 wording --

23 MR. STEPHENSON: To identify the two.

24 COMMISSIONER TOULOUSE: Right, and say,
25 "One is two."

1 MR. STEPHENSON: I apologize for that
2 oversight. Thank you for bringing that up.

3 COMMISSIONER SHEARMAN: Thank you for
4 catching that, Commissioner Toulouse.

5 We are looking at the amendment for the
6 ASK Academy to expand their grade level through
7 sixth through twelfth grade. Is there further
8 discussion? Hearing none, the Chair would entertain
9 a motion.

10 COMMISSIONER BERGMAN: Madam Chair, I
11 would move that the Public Education Commission
12 approve the amendment currently identified as
13 amendment number 1 in their minutes, to be corrected
14 at a future meeting, presented by the ASK Academy to
15 expand their grade levels from seven to twelve to
16 add sixth grade to go from six to twelve.

17 COMMISSIONER SHEARMAN: Thank you for that
18 motion. Do I hear a second?

19 COMMISSIONER TOULOUSE: Second.

20 COMMISSIONER SHEARMAN: Thank you. We
21 have a motion and a second to approve the amendment
22 for the ASK Academy to expand their grade levels
23 from seven to twelve to six to twelve, contingent
24 upon governance council approval specific in their
25 minutes. Any further discussion?

1 Mr. Secretary, may we have a roll call
2 vote, please?

3 COMMISSIONER BERGMAN: Commissioner
4 Toulouse?

5 COMMISSIONER TOULOUSE: Yes. It is early
6 yet. Yes.

7 COMMISSIONER BERGMAN: Commissioner
8 Parker?

9 COMMISSIONER PARKER: Yes.

10 COMMISSIONER BERGMAN: Commissioner
11 Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna?

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner Gant.

16 COMMISSIONER GANT: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Chairman?

19 COMMISSIONER SHEARMAN: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Bergman votes yes. Madam Chair, that is a
22 seven-to-zero vote in favor of that motion.

23 COMMISSIONER SHEARMAN: Thank you. The
24 vote is unanimous to approve the amendment request
25 by the ASK Academy to expand their grade levels to

1 include sixth through twelfth grades contingent upon
2 governance counsel approval.

3 Mr. Pahl, may we hear you on their second
4 amendment request concerning their mission
5 statement?

6 MR. PAHL: Yes. Item 5-D, the ASK Academy
7 requests approval of the rewording of its mission
8 statement to make the statement more succinct and to
9 delete the lifelong learning concept, as it is not
10 measurable. The Charter Schools Division recommends
11 approval of this amendment.

12 COMMISSIONER SHEARMAN: Thank you very
13 much.

14 Gentlemen, do you have a comment for us?
15 Not necessary, but if you have one, we'd love to
16 hear it.

17 MR. STEPHENSON: We really wanted our
18 mission to be able to be measurable, to be something
19 that we can -- and the phrase that we had initiated,
20 "sustaining a lifelong self-directed learner," once
21 they leave us it's hard to measure their life. So
22 that's kind of why we wanted to change that verbiage
23 so that our mission was a little bit more succinct,
24 as was stated, and could be measured by us while the
25 scholars are with us.

1 COMMISSIONER SHEARMAN: Thank you for
2 that.

3 Commissioners, do you have questions of
4 the school or Mr. Pahl? Hearing none, the Chair
5 would entertain a motion, remembering that we also
6 need governance council approval of this amendment,
7 as well. The Chair would entertain a motion.

8 COMMISSIONER GANT: Madam Chair, I move
9 that we accept the amendment as presented, also with
10 a notation that the school has to have the
11 governance counsel vote of approval also, in clear
12 minutes.

13 COMMISSIONER SHEARMAN: Do I hear a
14 second? Commissioner Parker.

15 Motion by Commissioner Gant, second by
16 Commissioner Parker to approve the mission statement
17 amendment presented by the ASK Academy contingent
18 upon approval of their governance counsel and
19 official minutes being presented. Are there any
20 other questions?

21 Hearing none, Mr. Secretary, might we have
22 a roll call vote?

23 COMMISSIONER BERGMAN: Commissioner
24 Parker?

25 COMMISSIONER PARKER: Yes.

1 COMMISSIONER BERGMAN: Commissioner

2 Conyers?

3 COMMISSIONER CONYERS: Yes.

4 COMMISSIONER BERGMAN: Commissioner Pogna?

5 COMMISSIONER POGNA: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Toulouse?

8 COMMISSIONER TOULOUSE: Yes.

9 COMMISSIONER BERGMAN: Commissioner Gant?

10 COMMISSIONER GANT: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Shearman?

13 COMMISSIONER SHEARMAN: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Bergman votes yes.

16 Madam Chair, that is a seven-to-zero vote
17 in favor of that motion.

18 COMMISSIONER SHEARMAN: Thank you very
19 much. The motion passes unanimously to approve the
20 amendment request to change the mission statement
21 for the ASK Academy. Thank you, gentlemen, for
22 being here.

23 COMMISSIONER BERGMAN: Madam Chair. I
24 have one question for you guys. I notice in your
25 minutes you had a amendment 3 that you voted on.

1 It's in your minutes. I just was curious. You
2 didn't bring it forward? On number 11 -- let's see,
3 where was it? The last sentence of B says,
4 "Mr. Smith made a motion to approve amendment number
5 3."

6 I guess you decided not to submit that
7 one?

8 MR. BARBOUR: No, sir.

9 COMMISSIONER GANT: I don't want to
10 complicate it. It is in there. I was just curious.

11 MR. STEPHENSON: It's probably a typo, is
12 what I'm guessing.

13 MR. BARBOUR: We'll research that.

14 COMMISSIONER BERGMAN: When you redo your
15 minutes, you should probably delete that reference
16 to number 3.

17 MR. BARBOUR: These two amendments, right,
18 we will, and also these two amendments are for our
19 renewal purposes, as well, because we'll be in front
20 of you again.

21 COMMISSIONER SHEARMAN: May I ask why you
22 gentlemen who are at the table -- never let some of
23 us read again. We keep finding things to ask you
24 about. I notice under item 11, discussion of
25 possible action, G, where you talk about Skype, is

1 this -- you're going to have some board members
2 participate in governance council meetings using
3 Skype?

4 MR. STEPHENSON: Yes, ma'am.

5 COMMISSIONER SHEARMAN: Just a question.
6 Have you checked with your attorney to make sure
7 that meets the open meetings requirements?

8 MR. STEPHENSON: Yes, ma'am, we did.

9 COMMISSIONER SHEARMAN: Thank you very
10 much. This Commission has been cautioned about that
11 as well, so we thank you for that.

12 MR. STEPHENSON: Thank you.

13 COMMISSIONER SHEARMAN: Thank you so much.
14 I appreciate it.

15 Ladies and gentlemen, now that Martica is
16 here, I recommend that we go back to item A, La
17 Tierra Montessori School. If there are
18 representatives of the school, would they please
19 come forward? And Martica, would you also come
20 forward, please? Because I believe we have some
21 questions for you. If you need extra chairs, just
22 bring them up.

23 COMMISSIONER SHEARMAN: Mr. Pahl, please.

24 MR. PAHL: Madam Chair, members of the
25 Commission, La Tierra Montessori School is

1 requesting an amendment to temporarily relocate part
2 of the school to a second campus while the school
3 waits for necessary changes to its future permanent
4 campus to be completed. That future permanent
5 campus has already been brought to the PEC and was
6 approved. As the school will speak to, due to
7 delays in getting that facility ready for the
8 school, they're requesting to relocate to this
9 location temporarily. The Charter Schools Division
10 recommends approval of this amendment.

11 COMMISSIONER SHEARMAN: Thank you,
12 Mr. Pahl.

13 May we hear from the school?

14 MS. LYNNE: Suzanne Lynne. I'm the head
15 learner at La Tierra Montessori School. Do you want
16 background on why we're doing this, how this
17 happened?

18 COMMISSIONER SHEARMAN: If you have
19 anything to add to Mr. Pahl's presentation. If
20 not...

21 MS. LYNNE: That's essentially the
22 situation that we're in, and it is temporary. So it
23 seemed like the best option for being able to stay
24 within the limits of the current school that we're
25 at, with the total enrollment that we have, and the

1 college has graciously agreed to enter into this and
2 offer us some extra space for this temporary period
3 until we can get into the permanent situation.

4 COMMISSIONER SHEARMAN: Okay. How long do
5 you think that that will be? I think it said in
6 here, but I'm not positive.

7 MS. LYNNE: So far, we've been okay on the
8 time frame for January in terms of the architect and
9 hiring the contractor and moving forward. So far
10 we're on the right path with this, for January.
11 We're actually hoping to move in in December, during
12 our holiday break, and then be able to start at the
13 new facility in January.

14 COMMISSIONER SHEARMAN: Thank you very
15 much.

16 Commissioners, do you have questions for
17 the school or for Martica as far as facilities?

18 COMMISSIONER GANT: I was just going to
19 introduce the motion.

20 COMMISSIONER SHEARMAN: Martica, have you
21 had an opportunity to look at these facilities that
22 they're moving into temporarily?

23 MS. CASIAS: Madam Chair, members of the
24 Commission, PSFA has been to look at the facilities,
25 but it's kind of a longer story. We went in July

1 potentially to look at two portables for the school
2 to move into for five months. We went to the
3 school. There was enough general education
4 classroom space, but we also called CID because it
5 didn't have the correct occupancy. It had an
6 occupancy for a nursery.

7 When CID came, they found there were some
8 nonpermitted electrical issues. So we wrote the
9 approval letter of the school saying, "The general
10 classroom space is okay. You need a change in the
11 occupancy and need to bring the portables up to
12 code."

13 So the college took a look at the expense
14 and decided that it really wasn't something they
15 wanted to undertake. So we had a call from the
16 school last week requesting an assessment.
17 Currently, a gentleman from our office, Brad
18 Jackson, is going to meet, I believe, Mr. Martinez
19 at the school at 10:00 this morning, and in
20 discussion with the college, the building that we're
21 looking at today is three years old, it has
22 classroom space, but we can't confirm if it's
23 adequate or not. And I do believe -- but I don't
24 know if it has an E occupancy. I'm assuming it's a
25 B, because the college owns it.

1 We were unable to do the assessment last
2 week. I was on vacation and there wasn't a message
3 on my phone to forward it to Brad.

4 So that's where PSFA is. We don't have a
5 current assessment on facilities that they would
6 like to move in. And on the other note, on the new
7 facility, we have been in contact with the
8 architect, looking at the plans, and expect a
9 submission shortly.

10 MS. LYNNE: Can I ask a question, please?
11 It was my understanding that there were two
12 portables that you inspected, and that one of them
13 was off the table because of that, because it was
14 too much of an expense. But the one that is
15 currently the preschool, that didn't require much
16 work, was still a viable option.

17 MS. CASIAS: Madam Chair, members, and
18 Ms. Lynne, I spoke to the college and Mr. Martinez
19 yesterday, so if the school plans to use one, it
20 still needs to have an E occupancy, change in
21 occupancy, but I'm not aware of what you plan to do
22 in that respect.

23 MS. LYNNE: It was my understanding that
24 the one portable that was previously the preschool,
25 then they just left recently -- they need to have

1 the E occupancy, but that it kind of had jumped
2 through the hoops of ensuring its safety, that the
3 architect came in and approved the electrical, and
4 that we just needed the variance for the occupancy.

5 COMMISSIONER SHEARMAN: Just for
6 clarification, let me ask, you're not occupying any
7 of these facilities yet, are you?

8 MS. LYNNE: No, we're not.

9 COMMISSIONER SHEARMAN: The students are
10 still in the original building. When do you have to
11 move students out of your original building?

12 MS. LYNNE: September 2nd school begins.
13 So when we originated this plan, we thought we
14 needed to move out two classrooms. But in terms of
15 numbers, we can have 80 at the Oñate Center, which
16 is where we are. So when we realized that one of
17 the portables may not be suitable but the other one,
18 that had previously been the preschool, would be,
19 numberswise we could move just the one class in
20 order to start school on time, rather than two.
21 That's why we wrote "one or two," but numberswise we
22 can do this if we just move the one.

23 COMMISSIONER SHEARMAN: But you have still
24 got to be able to move them into a facility that has
25 an E occupancy certification.

1 MS. LYNNE: Yes, ma'am.

2 COMMISSIONER SHEARMAN: You're sort of
3 stuck.

4 COMMISSIONER GANT: Madam Chair, members.
5 If I hear you right, Ms. Casias, you do
6 not have an E occupancy for either one of those
7 temporary buildings; is that correct?

8 MS. CASIAS: Madam Chair, Mr. Gant, we do
9 not at this time. PSFA does not have an E occupancy
10 for either building.

11 COMMISSIONER GANT: Nor do you have an E
12 occupancy for the other one that the college is
13 prepared to give up?

14 MS. CASIAS: Madam Chair, Mr. Gant, the
15 one at the college does not have an E occupancy,
16 either.

17 MS. MATTHEWS: Ms. Shearman, members of
18 the Commission, may I address? It sounds me as if
19 at 10:00 this morning, PSFA is at the college with
20 Mr. Martinez who's president of the governing
21 counsel. Is it possible to table this amendment
22 until later in the afternoon? We might have a
23 report back on the status of the building at that
24 time.

25 COMMISSIONER GANT: Madam Chair, members,

1 this meeting is over at 12:00.

2 MS. MATTHEWS: You're so optimistic,
3 Mr. Gant.

4 COMMISSIONER GANT: No, we start at 1:00
5 with the charter schools.

6 COMMISSIONER SHEARMAN: We're doing
7 hearings this afternoon.

8 MS. MATTHEWS: Maybe we'd have word by
9 11:00 or 11:30?

10 COMMISSIONER BERGMAN: Madam Chair, my
11 suggestion would be that we do a conditional
12 approval at this time conditioned upon PSFA issuing
13 the E occupancy for the new facility. And if PSFA
14 cannot, then they cannot move. And we know they
15 cannot move. So that would be my suggestion, so
16 they can move forward and we can move forward, do a
17 conditional motion.

18 COMMISSIONER PARKER: Madam Chair,
19 Commissioners, not to be doom and gloom, but what
20 will you do if an E occupancy is not available by
21 September 2nd?

22 MS. LYNNE: Well, I have given that some
23 thought. So as far as I can tell, we have two
24 options. Depending on how long the E occupancy
25 could take, maybe we have three options. I'm not

1 sure. It was my understanding that might not take
2 very long. But I'm really not 100 percent sure how
3 that works. We could either start school later and
4 wait; we could disenroll students so that we can
5 stay at our site; or we can find another site that
6 perhaps already has E occupancy that we can move to.
7 I think B was probably our worst option, having to
8 disenroll students, which is really something we
9 were trying very, very hard not to have happen. But
10 we have given some thought of the options that we
11 can pursue in order to start school with the kids we
12 have.

13 COMMISSIONER GANT: Madam Chair. I am
14 reluctant to give even a conditional. This is
15 health and safety of children. I can agree to
16 conditional amendment approvals for minute changes
17 and stuff like that. But when we are dealing with
18 the health and safety of children in buildings we
19 know nothing about, I'm very reluctant to do that.

20 And Ms. Casias, how long would it take,
21 even at 10:00 today, to sit down and look at all the
22 data and come up with an E occupancy for any of
23 these buildings?

24 MS. CASIAS: Madam Chair, Mr. Gant,
25 typically when we go out and do an assessment, we do

1 the measurements, we look at the building, we gather
2 all of that information, and we have to go back to
3 the office and enter it into our data base, because
4 in addition to E occupancy, the facility needs to
5 meet the average weighted NMCI. So we have to enter
6 the data into the database and get a report to see
7 if it meets.

8 Then at that point, we would respond to
9 the school in a letter and ask for construction
10 drawings so that it can be submitted to us so we can
11 do a code review. Then we send that on to CID to
12 actually get the change in occupancy. And this is
13 what happens at traditional schools, charter
14 schools, or the special schools. It's the same
15 procedure for everybody.

16 We could probably generate a score by
17 tomorrow if we don't do any other tasks, and then
18 we'd wait on the school to give us the construction
19 drawings. I'm not sure if the college already has
20 them or not. And then we do the code review
21 submission. For the code review portion we have up
22 to 21 days, but sometimes we can get the whole thing
23 in about 14.

24 MS. LYNNE: We have that rating for the
25 portable.

1 COMMISSIONER SHEARMAN: Please use the
2 mic, if you would.

3 MS. LYNNE: I was under the impression we
4 had that rating for the portable.

5 MS. CASIAS: Madam Chair, Mr. Gant, and
6 Ms. Lynne, we do have a weighted NMCI for the
7 portable, but still don't have an occupancy for the
8 portable, so that piece would need to be done.

9 COMMISSIONER SHEARMAN: Commissioners, I
10 personally understand Commissioner Gant's reluctance
11 to take the chance on putting children into an
12 unsafe environment, but on the other hand, I do have
13 faith in PSFA that they will do their due diligence
14 and they will not allow children into a building
15 that is not safe. I think if they issue an E
16 occupancy, then the building is safe.

17 Rather than hold this school up, I would
18 think we could get them a conditional approval,
19 conditional on the E occupancy being received prior
20 to children occupying whichever of the facilities
21 PSFA comes back and gives an E occupancy
22 certification to. If that can't happen by September
23 2nd, then we'll have to deal with that fallout. But
24 I think we do the best we can do today.

25 That's my recommendation. Commissioners,

1 what are your thoughts?

2 Commissioner Gant.

3 COMMISSIONER GANT: Madam Chair, as
4 reluctant as I am to this, I have an alternative to
5 your recommendation. And I need the lawyers, Josh
6 and Ms. Matthews, to make sure I'm not doing
7 something stupid.

8 I recommend that we may approve the
9 amendment to allow them to move, but we do it on the
10 condition that it not be approved totally today;
11 that Ms. Casias and staff go back to the Executive
12 Committee -- I'm not making a motion -- back to the
13 Executive Committee with all the necessary paperwork
14 for E occupancy, everything needed to allow them
15 into this building. Once that's given to the Public
16 Education Executive Committee, we make the final
17 determination.

18 Ms. Matthews? Do you have a comment?

19 MS. MATTHEWS: Yes. I'll defer to your
20 counsel, but it would seem to me if the motion is
21 worded correctly, giving the authority, delegating
22 the authority to the Executive Committee to just say
23 whether or not the condition has been fulfilled,
24 you're not actually voting again. You're just
25 determining whether or not whatever they give to

1 you -- that the condition has been filled as the
2 Executive Committee, and you sign off. Because the
3 action has already been taken to approve the motion
4 on condition.

5 Counsel, I don't know, from your
6 perspective, on an Open Meetings Act issue, it seems
7 to me the action is to vote on the motion that
8 states the condition, and the condition is
9 determined to be filled on the basis of information
10 provided to the Executive Committee. That seems
11 within the realm of the Open Meetings Act.

12 MR. GRANATA: I would concur with that
13 statement. So long as the action is done within the
14 open meeting, I would suspect that it would not
15 violate the Open Meetings Act, and I would just
16 suggest that the Commission, I guess, have a motion
17 to amend the agenda to add this specific topic to
18 the executive session so that the agenda, as well,
19 is in compliance with the Open Meetings Act.

20 COMMISSIONER SHEARMAN: Commissioners, you
21 have heard the recommendations. Do you have further
22 questions or comments?

23 COMMISSIONER TOULOUSE: Madam Chair, I
24 would like us to move forward as quickly as we can
25 with this E occupancy because, being as all of us

1 are parents or grandparents of children who either
2 have already started school or are getting ready to,
3 I absolutely cringe at their second option,
4 disenrolling, because at this point, too, where are
5 those children going to go? And that's why I would
6 like us to do everything in our power to see that
7 those kids have a school to go to that is an
8 adequate and safe school, but that they aren't
9 thrown out there to have no place to land. Thank
10 you.

11 COMMISSIONER SHEARMAN: Commissioners,
12 further comments? Questions? I'm being advised by
13 our new counsel that we are going to be looking at
14 two motions, if the Commission chooses: One to
15 approve this amendment contingent upon the E
16 occupancy being issued by PSFA; and then a second,
17 to add this item to our executive session agenda
18 items.

19 Ms. Casias.

20 MS. CASIAS: Madam Chair, if I may, there
21 are two things that need to be met. There's the E
22 occupancy and they have to meet or exceed the
23 average weighted NMCI. Those are the tasks before
24 PSFA.

25 MS. MATTHEWS: I'm a little flummoxed by

1 the concept of adding to your executive session. I
2 think the idea, Counsel, is that at a later date --
3 and Mr. Gant, correct me, if I'm wrong -- but at a
4 later date, during an Executive Committee meeting,
5 that they would assess whether or not, post today,
6 that the documentation was provided. So you
7 wouldn't be amending your executive session items
8 today, and I don't even know if that would be a
9 valid item for a closed session. So it seems to me
10 that you're having one motion on the approval, with
11 the condition that they present to the Executive
12 Committee all the documents necessary.

13 MR. GRANATA: Yes.

14 COMMISSIONER SHEARMAN: Agreed? Okay.

15 COMMISSIONER GANT: Madam Chair, just for
16 the record, Ms. Matthews is correct, and we've done
17 this in the past where the final decision has been
18 delegated to the Executive Committee after the
19 action has been taken in a regularly...

20 COMMISSIONER SHEARMAN: Okay. Yes.

21 MS. LYNNE: Madam Chair, when is the
22 Executive Committee? Does it have a specific
23 meeting date?

24 COMMISSIONER SHEARMAN: We don't. We'll
25 consider this whenever it comes to us.

1 MS. LYNNE: Okay. Thank you.

2 COMMISSIONER GANT: Madam Chair, if I may,
3 that is dependent upon what PSFA and Ms. Casias have
4 said. That's their timeline, not ours.

5 COMMISSIONER SHEARMAN: Commissioner, you
6 read the motion. Do you need to confer with counsel
7 on the wording, or do you think you have it?

8 COMMISSIONER GANT: Madam Chair, if I mess
9 up the wording on the motion, I'm sure you'll step
10 up.

11 COMMISSIONER SHEARMAN: Are you ready?

12 MR. GRANATA: I'm ready.

13 COMMISSIONER SHEARMAN: Commissioner Gant,
14 please.

15 COMMISSIONER GANT: Madam Chair, I move we
16 accept the amendment for La Tierra Montessori to
17 move into temporary facilities with the condition
18 that they must have an E occupancy and meet the
19 average weighted NMCI as determined by the Public
20 School Facilities Authority; and also on the
21 condition that the Public Education Commission
22 Executive Commission be delegated the authority to
23 agree that the conditions have been met.

24 COMMISSIONER SHEARMAN: You have heard the
25 motion.

1 COMMISSIONER TOULOUSE: I think it needs
2 to be "Executive Committee," not "Executive
3 Commission."

4 COMMISSIONER GANT: I stand corrected. It
5 is a committee.

6 COMMISSIONER SHEARMAN: So many C words
7 here. You heard the motion. Do we have a second?

8 COMMISSIONER BERGMAN: Second.

9 COMMISSIONER SHEARMAN: I'm looking at
10 Commissioner Parker, and he indicated a second.

11 The motion has been made and seconded to
12 approve the amendment presented by La Tierra
13 Montessori School to occupy a temporary location.
14 The condition is that they have an E occupancy and
15 the NMCI weighted index before they can move into
16 that facility, and those items must be presented to
17 the Executive Committee and the committee must agree
18 that both are completed before the school can move
19 into the facility. Have I got that? All right.

20 Any further discussion?

21 COMMISSIONER CONYERS: Just a point of
22 clarification. How then will the Executive
23 Committee decision be reported to the other
24 Commissioners?

25 COMMISSIONER SHEARMAN: We will work with

1 our attorney, probably have a telephone conference
2 call. That's what we usually do when we need to
3 talk about something, and then ask that Mr. Granata
4 forward that information to CSD and to the rest of
5 the Commission.

6 COMMISSIONER BERGMAN: I was just going to
7 note, we've already done part of it, and then CSD
8 will let you guys know as soon as they have heard
9 from us. That's how the process will work. So
10 you'll know, Director Pahl will know, and we'll
11 know.

12 MR. PAHL: Madam Chair, members of the
13 Commission, just to expand on Mr. Bergman's point,
14 CSD staff will follow up with you today after this
15 meeting to talk about what that process will look
16 like so we can move it through as quickly as
17 possible pursuant to PSFA's findings.

18 COMMISSIONER SHEARMAN: Fine. Thank you
19 for that clarification.

20 Further discussion?

21 Mr. Secretary, may we have a roll call
22 vote?

23 COMMISSIONER BERGMAN: Commissioner
24 Conyers?

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER BERGMAN: Commissioners
2 Pogna?
3 COMMISSIONER POGNA: Yes.
4 COMMISSIONER BERGMAN: Commissioner
5 Toulouse?
6 COMMISSIONER TOULOUSE: Yes.
7 COMMISSIONER BERGMAN: Commissioner
8 Parker?
9 COMMISSIONER PARKER: Yes.
10 COMMISSIONER BERGMAN: Commissioner Gant?
11 COMMISSIONER GANT: Yes.
12 COMMISSIONER BERGMAN: Commissioner
13 Shearman?
14 COMMISSIONER SHEARMAN: Yes.
15 COMMISSIONER BERGMAN: Commissioner
16 Bergman votes yes.
17 Madam Chair, that is a seven-to-zero vote
18 in favor of that motion.
19 COMMISSIONER SHEARMAN: Thank you very
20 much. The motion passes unanimously. Let's all
21 stay in touch.
22 MS. LYNNE: Thank you so much.
23 COMMISSIONER SHEARMAN: Thank you.
24 COMMISSIONER GANT: Madam Chair, members,
25 I was going to make a comment while ASK -- is ASK

1 still here? No?

2 Mr. Pahl, would you contact the folks from
3 the ASK Academy and make them understand, thoroughly
4 understand, that they need to be working with PSFA
5 on that new facility and not do like some have
6 tried?

7 COMMISSIONER SHEARMAN: And remember,
8 there is a two-step process when you're changing
9 facilities: Notification of this body, and then the
10 actual amendment request when they want to move,
11 just so we're all in the loop.

12 Ms. Matthews.

13 MS. MATTHEWS: Madam Chair, Commissioner
14 Gant, we're just absolutely aware of the
15 requirements for getting that new facility. So
16 we've been in touch. They have counsel.

17 COMMISSIONER SHEARMAN: Thank you for
18 that.

19 Commissioners, I have noticed that the
20 representatives from The GREAT Academy are here. We
21 tabled that item earlier because they were not here
22 to answer questions. Would we like to rescind that
23 table motion and go ahead and consider their
24 amendment now?

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 move that we take --

2 COMMISSIONER GANT: I'm the one making
3 motions.

4 COMMISSIONER TOULOUSE: Anybody can take
5 it off the table.

6 COMMISSIONER SHEARMAN: I thought the
7 person who made it had to take it off. Does it
8 matter?

9 MR. GRANATA: I'm not sure it matters, but
10 just to make it --

11 COMMISSIONER SHEARMAN: Let's be sure.
12 Commissioner Gant.

13 COMMISSIONER GANT: Madam Chair, I move
14 that we remove the tabled motion earlier on The
15 GREAT Academy.

16 COMMISSIONER SHEARMAN: Who seconded that?

17 COMMISSIONER BERGMAN: Second.

18 COMMISSIONER SHEARMAN: You seconded?

19 COMMISSIONER BERGMAN: I just did, yes.

20 COMMISSIONER SHEARMAN: Did you
21 originally, though?

22 COMMISSIONER BERGMAN: Actually, I don't
23 remember.

24 MR. PAHL: I believe it was Commissioner
25 Pogna.

1 COMMISSIONER SHEARMAN: We've had a motion
2 and a second to rescind the table of The GREAT
3 Academy, which is item 5-B. Any discussion? All
4 those in favor, please say, "Aye." Any opposed?

5 Thank you. You all are untabled. Please
6 come forward.

7 COMMISSIONER SHEARMAN: Mr. Pahl.

8 MR. PAHL: Madam Chair, item 5-B, The
9 GREAT Academy requests a change to their governing
10 council membership requirements. To facilitate the
11 recruitment of new members, currently at least two
12 parents must be on the governing council at all
13 times.

14 The CSD recommends approval of this
15 amendment.

16 COMMISSIONER SHEARMAN: Thank you very
17 much. Good morning.

18 MS. KEISHA MATTHEWS: Good morning.

19 COMMISSIONER SHEARMAN: If you have any
20 kind of presentation or anything you'd like to say
21 to the Commission, this is your turn.

22 MR. MATTHEWS: Jasper Matthews.

23 MS. KEISHA MATTHEWS: And I'm Keisha
24 Matthews.

25 MR. MATTHEWS: First of all, Madam Chair

1 and Commissioners, we want to apologize for not
2 being here at the time that the agenda item came up,
3 and we appreciate your flexibility in allowing us to
4 be here addressing this agenda item this morning.

5 COMMISSIONER SHEARMAN: All right.
6 Commissioners, you have heard CSD's recommendation,
7 you have heard from the school. Do you have any
8 questions on this amendment?

9 Commissioner Bergman.

10 COMMISSIONER BERGMAN: Thank you, Madam
11 Chair. It's not a question, but I am just curious.
12 I have no problem with your changing this to five,
13 as you have it worded here. I am just curious, most
14 schools now are giving themselves a range of members
15 so that they don't fall below. If you leave this
16 wording here, you can only have five members on your
17 committee, unless I'm mistaken. Maybe our attorney
18 will tell me differently. But I'm just curious why
19 we didn't do a range on this one. We've done a
20 range on all the others, Director Pahl.

21 MR. PAHL: Madam Chair, Commissioner
22 Bergman, that's up to the school and what they would
23 propose. So we did not guide them one way or
24 another. It was up to them.

25 COMMISSIONER BERGMAN: I guess my question

1 is: Is that how you want to keep it for now, to
2 just five members?

3 MS. KEISHA MATTHEWS: The wording is:
4 "Shall consist of no fewer than five," so you know,
5 in our estimation, that gives us some leeway above
6 five. We didn't consider adding a range.

7 COMMISSIONER BERGMAN: That's fine with
8 me. Whatever you want to do.

9 Thank you, Madam Chair.

10 COMMISSIONER SHEARMAN: Other questions?
11 Concerns?

12 Hearing none, the chair will entertain a
13 motion.

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 move that we approve this charter application
16 amendment for The GREAT Academy to change the
17 composition of their governance council.

18 COMMISSIONER POGNA: Second.

19 COMMISSIONER SHEARMAN: You have heard the
20 motion and the second to approve the amendment
21 presented by The GREAT Academy. The change: Their
22 board shall consist of no fewer than five qualified
23 individuals. Is there further discussion?

24 Commissioner Secretary, may we have a roll
25 call vote?

1 COMMISSIONER BERGMAN: Commissioner Pogna?
2 Yes.
3 COMMISSIONER BERGMAN: Commissioner
4 Toulouse?
5 Yes.
6 COMMISSIONER BERGMAN: Commissioner
7 Parker?
8 Yes.
9 COMMISSIONER BERGMAN: Commissioner
10 Conyers?
11 Yes.
12 COMMISSIONER BERGMAN: Commissioner Gant?
13 COMMISSIONER GANT: Yes.
14 COMMISSIONER BERGMAN: Commissioner
15 Shearman?
16 COMMISSIONER SHEARMAN: Yes.
17 COMMISSIONER BERGMAN: Commissioner
18 Bergman votes yes. Madam Chair, that is a
19 seven-to-zero vote in favor of that motion.
20 COMMISSIONER SHEARMAN: Thank you very
21 much. The motion passes unanimously.
22 MR. MATTHEWS: Thank you, Commissioners.
23 COMMISSIONER SHEARMAN: Thank you.
24 Let's go to item number 6, discussion and
25 possible action on La Tierra Montessori School of

1 Arts and Sciences contract. Originally, we had Abby
2 Lewis, our attorney, down. Are you prepared to deal
3 with this one?

4 Commissioner Bergman, you were in on the
5 negotiation of this contract. Would you care to
6 lead us in this item?

7 COMMISSIONER BERGMAN: Well, I certainly
8 can. Thank you, Madam Chair. The procedure is
9 always the same. We follow the same routine. I
10 believe that it was amenable to negotiation by all
11 parties, and I believe that the document as
12 presented is a suitable document and is ready to go.

13 COMMISSIONER SHEARMAN: Do we have
14 representatives from La Tierra still here? If they
15 would come forward, please.

16 Welcome again.

17 MS. LYNNE: Thank you.

18 COMMISSIONER SHEARMAN: I just want to
19 give you the opportunity to comment on this contract
20 as it was negotiated. I remember the negotiation
21 session. It was a good one. I feel like we came up
22 with some worthwhile and very good indicators for
23 student success for your school, but if there's
24 anything you'd like to visit or bring to the
25 Commission's attention, we'd appreciate hearing from

1 you.

2 MS. LYNNE: Madam Chair, Commissioners, I
3 feel very comfortable with it. We reviewed it with
4 staff and feel like the performance indicators are
5 strong. I feel good about that document.

6 COMMISSIONER SHEARMAN: Please introduce
7 yourself.

8 MS. BRENDEN: If I may, Madam Chair and
9 members of the Commission, I'm Marcia Brenden, the
10 co-Chair of the governing council. And I would just
11 like to thank the Commission. We are the first
12 charter school to enter into this early contract,
13 contractual relationship, with the PEC. I also felt
14 that our session was really worthwhile for setting
15 our young school, in our third year, on the right
16 path for measurable outcomes and for a refined
17 mission and so on.

18 I just want to thank you for being patient
19 with us. We hope that we're a good forerunner in
20 this process of entering into this earlier than in
21 the fifth year, and all of us on the governing
22 council and the staff of the school are grateful for
23 that, and our students will benefit ultimately.
24 Thank you.

25 COMMISSIONER SHEARMAN: Thank you for

1 that.

2 Commissioners, do you have questions or
3 comments? Hearing none, the chair would entertain a
4 motion on the contract for the La Tierra Montessori
5 School of Arts and Sciences.

6 Commissioner Bergman.

7 COMMISSIONER BERGMAN: Madam Chair, I move
8 that the Public Education Commission approve the
9 negotiated performance contract and its associated
10 performance framework between this Commission and La
11 Tierra Montessori School of Arts and Sciences as
12 presented here on the record today.

13 COMMISSIONER SHEARMAN: Thank you. Do I
14 hear a second?

15 COMMISSIONER PARKER: Second.

16 COMMISSIONER SHEARMAN: You have heard the
17 motion by Commissioner Bergman and second by
18 Commissioner Parker. Is there any further
19 discussion?

20 Hearing none, Mr. Bergman, may we have a
21 role call vote, please?

22 COMMISSIONER BERGMAN: Commissioner
23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Parker?

2 COMMISSIONER PARKER: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Conyers?

5 COMMISSIONER CONYERS: Yes.

6 COMMISSIONER BERGMAN: Commissioner Pogna?

7 COMMISSIONER POGNA: Yes.

8 COMMISSIONER BERGMAN: Commissioner Gant?

9 COMMISSIONER GANT: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Shearman?

12 COMMISSIONER SHEARMAN: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Bergman votes yes. Madam Chair, that is a favorable
15 seven-to-zero vote, all in favor of that motion.

16 COMMISSIONER SHEARMAN: Thank you very
17 much. Congratulations. By unanimous vote, your
18 contract is approved. And we do thank you for
19 coming forward and being the first to volunteer to
20 do an early contract. It was certainly a learning
21 experience for all of us. We look forward to
22 working with you. Thank you.

23 Commissioners, it is now 9:30. We've been
24 at this an hour, and this room is about to cause me
25 to melt. Let us take a few-minutes break and maybe

1 we can contact some maintenance people and get some
2 air-conditioning going in here. Okay? I have 9:34
3 by my clock here. Let's come back at a quarter of
4 10:00, at 9:45.

5 (Recess from 9:34 a.m. to 9:53 a.m.)

6 COMMISSIONER SHEARMAN: Ladies and
7 gentlemen, we're late getting started again. I
8 apologize for that. We're trying to get some
9 air-conditioning in this room. Hopefully we'll be
10 successful. In the meantime, everybody has a fan.
11 I'd like to move on to item number 7, discussion and
12 possible action of year two performance frameworks
13 for the following schools. First on the list is
14 Anthony Charter School, and Ms. Matthews is
15 distributing some information on that school as we
16 speak.

17 Mr. Pahl, if you would like to begin this
18 discussion, please.

19 MR. PAHL: Yes, Madam Chair, members of
20 the Commission. I'll start with just a couple notes
21 on this item as a whole with all the schools, and
22 then move specifically into Anthony. The Public
23 Education Commission, the schools that are listed on
24 our item today, and the Charter Schools Division
25 staff worked very diligently and worked under tight

1 timelines and turn-arounds to renegotiate
2 performance frameworks for charter schools that are
3 under the performance contract structure.

4 The negotiations were, on the whole, very
5 good. So we just want to thank the PEC, the charter
6 schools, and staff for their dedication in making it
7 happen today.

8 Item number 7, Anthony, we have
9 conducted -- and it's under a different agenda item,
10 so if you move on to item number 8, we have some
11 supporting documentation there. Anthony has been a
12 school that we've done some additional site visits
13 on because of some --

14 COMMISSIONER SHEARMAN: Hold on just a
15 second. Did you say we're moving to item number 8?

16 MR. PAHL: The supporting documentation is
17 in item number 8, so I'll ask you to flip over there
18 and potentially take those out if you're interested
19 in looking at those documents. The first document
20 is the 2013/14 performance framework for Anthony
21 Charter.

22 MS. MATTHEWS: May I have a copy of that,
23 Mr. Pahl? I don't have a clean copy.

24 COMMISSIONER SHEARMAN: Ms. Matthews,
25 would you please use the mic?

1 MS. MATTHEWS: Patricia Matthews, on
2 behalf of Anthony Charter School. May I have a copy
3 of that? I don't have a copy of the 2014/15
4 framework.

5 MR. PAHL: Amy will help you out with
6 that, right behind you. That copy of the
7 performance framework, Madam Chair, includes
8 comments from Charter Schools Division.

9 The other document I'll point you to is a
10 draft improvement plan for Anthony Charter. This
11 one started with work from our staff. It includes
12 feedback from the Chair and from the school's
13 attorney. So we think this is a collaborative
14 document that we can work on together over the
15 course of the next school year to ensure that
16 Anthony's performance on the framework is where they
17 want it to be, where the Commission wants it to be,
18 and where the Division aims for it to be.

19 So with that, I will hand it back to you,
20 Madam Chair, but those are the documents that we'd
21 like to focus on. Ed Woodd is here to answer some
22 questions. I'll note that Ed is now working as a
23 liaison with the school. Previously he was a second
24 liaison, so he is working off of notes from our
25 primary liaison, often, and also from notes from a

1 site visit conducted by our general manager and
2 other staff as a result of their elevated risk as a
3 charter school last school year.

4 COMMISSIONER SHEARMAN: Thank you.
5 Mr. Pahl, did you say general manager?

6 MR. PAHL: Yes.

7 COMMISSIONER SHEARMAN: Do we have a
8 general manager?

9 MR. PAHL: No, not at this time, but we
10 did at the time of that site visit.

11 COMMISSIONER SHEARMAN: Oh. Thank you
12 very much. I thought maybe something had gone on
13 and easily passed me by.

14 Commissioners, the process for Anthony
15 Charter School that I thought might be most workable
16 this morning, when we did the renegotiation for the
17 Anthony Charter School performance framework -- 2013
18 was the framework we were looking at. As we worked
19 our way through it, there were several items that
20 were marked "working to meet standards" and "does
21 not meet standards." And for most of those, I would
22 say all of those, Ms. Matthews questioned the grade
23 or the score that was given, and had information to
24 present on that score.

25 What I propose we do today is that we go

1 through the 2013/14 framework, looking at those
2 items that are scored and if there are questions,
3 comments, if there's a descriptor or information
4 from CSD, then I'll ask Mr. Wood to come up and give
5 the CSD response. If the school has information or
6 rebuttal that they would like to put forward at that
7 time, then we will hear those, so that everyone will
8 be heard. I know it's hot, and I apologize, but
9 this shouldn't take too long.

10 So if you're ready, let's start with the
11 2013/14 academic school year, Anthony Charter
12 School. I'm looking at page 3. This is the section
13 that is based on the report card that PED puts out
14 for all schools.

15 Initially, if you'll recall, we have these
16 frameworks in June. The Commission decided not to
17 consider them at that time because we did not have
18 all the information. Particularly we did not have
19 the school report card. We did not consider them in
20 July for the same reason. That is what put us in
21 such a time frame bind and why these renegotiations
22 had to be done by phone because we were waiting on
23 the report cards. The day before we started doing
24 these renegotiations, the report cards did come out.

25 So you will notice on required academic

1 performance indicators, state and federal
2 accountability system, the first rating that is
3 given, item number 1, is the school meeting
4 acceptable standards according to New Mexico's
5 A-through-F grading system? The score that is noted
6 is, "Does not meet standards." Pardon me. We're on
7 the wrong one. The one that should be marked is
8 "Falls far below." The school received a D or F on
9 the school's grading system.

10 Okay. And I do have a copy of that grade
11 report, Commissioners. It's readily available on
12 the PED website. I printed it off, and the final
13 grade is a D. That's what caused them to fall into
14 the "Does not meet standards" section, because they
15 received a D.

16 Does the school have any rebuttal on that?

17 MS. MATTHEWS: Madam Chair, members of the
18 Commission, no. It is what it is.

19 COMMISSIONER SHEARMAN: Thank you. Let's
20 move on then to mission-specific indicators. It's
21 item number 2. The first item is 2A, and these are
22 the mission-specific indicators that the school
23 negotiated with the PEC when they negotiated their
24 contract. The first one, "Are seniors enrolled in
25 the school on the 40th day of the 2013/14 school

1 year graduating with a high school diploma or
2 certification by the end of the 2013/14 school
3 year?"

4 You'll notice the score is "Exceeds
5 standards." I assume there's no discussion there.

6 Commissioners, let me just ask this. Do I
7 need to read every one of these, or do we just want
8 to focus on the ones where they do not exceed or
9 they do not meet standards?

10 COMMISSIONER BERGMAN: I would suggest we
11 go to just those, or we'll be here all day.

12 COMMISSIONER SHEARMAN: Does that suit
13 everyone?

14 MS. MATTHEWS: That's agreeable to us,
15 Madam Chair.

16 COMMISSIONER SHEARMAN: Let's go to 2B.
17 You will notice the score there is "Does not meet
18 standards." Their indicator was: Are students in
19 grades seven through twelve at Anthony Charter
20 School who have attended two semesters or more prior
21 to the 2013/14 school year, collectively referred to
22 as the identified students, applying strategies and
23 skills to comprehend information in reading that is
24 read, heard, and viewed as assessed through the
25 Discovery education short-cycle assessment?"

1 "Does not meet standards."

2 And I will ask Mr. Woodd to please give us
3 the CSD response there, and please find a microphone
4 to utilize so that everyone can hear you.

5 MR. WOODD: May I speak loud enough for
6 everyone to hear? Is this okay? I'll just use my
7 classroom teacher voice.

8 Madam Chair, members of the Commission,
9 the previous primary liaison to Anthony Charter
10 School, Ron Christopherson, and I visited the school
11 in April. At the time of our site visit report,
12 there was no short-cycle assessment data available.
13 There were discussions with the director of the
14 school at that time about the need to provide the
15 CSD with short-cycle assessment data as part of
16 their agreement with the CSD.

17 I do know that Mr. Christopherson
18 corresponded with the director of the school a
19 number of times since then, and we did not receive
20 any short-cycle assessment data from the school. In
21 a phone conversation on August 4th that we had with
22 the school regarding contract negotiations, the
23 director of the school, Mrs. Adolph, stated that the
24 Discovery assessment people told her their
25 assessment was not suited to high school, but I

1 would like to note that there are several high
2 schools in the state who are using Discovery for
3 short-cycle assessment data.

4 COMMISSIONER SHEARMAN: Thank you.
5 Anthony Charter?

6 MS. ADOLPH: I would just like to respond,
7 when they did come down in April, we had not done
8 the third testing. There was a statewide issue with
9 Discovery. They ended up opening that window for a
10 short time in April so that we could do the second
11 testing for the high school.

12 MS. MATTHEWS: Madam Chair, members of the
13 Commission, I think the bottom line is that, you
14 know, it would be Anthony's position that had we had
15 the goals stated as we are anticipating it for the
16 next school year, they probably would have met it
17 for reading, had we had the opportunity to present
18 that data. But that's not where we are today, and
19 so, you know, based on how the goal was stated, I
20 think "Does not meet standards" is consistent with
21 how the goal is stated.

22 I think Anthony would have liked the
23 opportunity to make their argument that here's our
24 reading data; based on average or above-average,
25 they would have made it. But that wasn't the goal.

1 I don't want to belabor 2B and 2C. I
2 think the school is going to concede that, in fact,
3 they did not meet the standards because we had to
4 use a goal that wasn't actually tied to the
5 Discovery and how Discovery measures student
6 progress.

7 So I think, Ms. Adolph, if I'm not
8 mistaken, 2B and 2C for the 2013/14 school report
9 card would stand. My point in my notes was the
10 following. And you'll see this replete throughout
11 the 2013/14 performance framework grade, and I'm
12 calling it that to distinguish that that's what
13 we're looking at, is that there were a number of
14 criticisms of the school for not meeting the June
15 15th deadline. Well, that's inconsistent with the
16 terms of the contract. The charter school was given
17 the report from Charter Schools Division, the annual
18 site visit report, on the 29th of May. The contract
19 between the Commission and the charter school says
20 that they have 30 days to respond to the information
21 provided in the site visit report, and so you'll see
22 throughout this document they are criticized for not
23 providing the information by June 15th. That's, I
24 believe, 20 days, if I can do math -- and I probably
25 can't. But as you all clearly can see, 30 days from

1 the 29th of May would be June 29th, at a minimum.
2 And then, of course, Mr. Christopherson -- I have
3 the e-mail, I provided it to Ms. Shearman, that
4 actually gave Ms. Adolph an extension until June
5 30th, by which substantial amounts of the
6 information we're criticized for here was provided
7 to the Charter Schools Division.

8 But I just start that as the preface for
9 going forward. I won't say that again over and over
10 again. But I did want to make that on the record.

11 COMMISSIONER SHEARMAN: Okay. Thank you.
12 And now those comments are for 2B and 2C?

13 MS. MATTHEWS: That's correct, Madam
14 Chair.

15 COMMISSIONER SHEARMAN: Mr. Woodd,
16 anything else from CSD?

17 MR. WOODD: No, Madam Chair.

18 MR. PAHL: Madam Chair, if you don't mind,
19 Madam Chair, members of the Commission, I'll just
20 note on the short-cycle assessment data that the
21 school was given multiple opportunities to submit
22 that data to us, and so when data isn't readily
23 available from a school, it's assigned to us, as
24 administrators, that the data is not something
25 that's used on a daily basis, and that it's not

1 something that the schools has intimate familiarity
2 with, which is something that we want, and through
3 this performance contract it's something that should
4 be driving student performance. So just a note
5 there on 2B and 2C.

6 MS. MATTHEWS: If I may respond, Madam
7 Chair, this is always an attorney's dream situation.
8 We have an empty third Chair. Mr. Christopherson is
9 not here. He had the keys, he had access to the
10 Discovery data that was provided by Ms. Adolph. So
11 he had access to the data.

12 So I mean, I understand Mr. Pahl's
13 perception, but he's had that access for a long,
14 long time and throughout the e-mail exchanges, you
15 can see where there's discussion about how he was
16 going to assist Ms. Adolph in assessing the data in
17 order to, quote, "tell the story of the charter
18 school," and unfortunately, he left before that was
19 completed.

20 So I'm not disputing that the data would
21 have probably showed what it shows, but as far as
22 the reading goal, it was never stated in a way that
23 we're going forward on, and I think that will be
24 helpful. So I don't want to really belabor the
25 point. I just want to make it on the record.

1 MR. PAHL: One quick note, not a rebuttal
2 to Ms. Matthews, but just a statement for the
3 record. The Charter Schools Division will not be
4 analyzing data for charter schools to tell the story
5 of their school. That is up to the administration
6 of the school pursuant to the goals that they have
7 in their charter school contract.

8 COMMISSIONER SHEARMAN: Okay. Thank you.

9 If we're ready, let's move on to item
10 number 3, and you'll note under 3A, the school
11 exceeded the standard. 3B, the school did not meet
12 the standard. And you will note, as CSD has an
13 explanation here, that no data was received by CSD
14 for this goal by June 15th. This has to do with
15 assessment of all students using the social skills
16 improvement system rating scale.

17 Ms. Matthews, is this the same concern you
18 raised earlier?

19 MS. MATTHEWS: I believe it is the same
20 concern. And in fact, I have sent to Mr. Pahl,
21 subsequent to this being issued, that document. And
22 it's Ms. Adolph's recollection that she did send
23 that to Mr. Christopherson prior to the June 30
24 deadline. So the SSI information was provided, and
25 it was merely -- they asked for confirmation or

1 affirmation that, in fact, they had met the goals
2 and in that document, I believe she sets out the
3 percentage that would have met the standard.

4 COMMISSIONER SHEARMAN: Let me just say at
5 this point, we heard this when we were doing the
6 renegotiation, the same concerns. And I believe
7 that CSD took it upon themselves to re-evaluate and
8 look to see when the data was accepted or when it
9 was received. I'm going to ask that you do that
10 again, please --

11 MR. PAHL: Yes.

12 COMMISSIONER SHEARMAN: -- and bring that
13 information to us in September. Would you, please?
14 And let's have some clarification. If the data was
15 received late, then let's know when. If it was not
16 received at all, let's know that, as well. So I
17 would charge you with that, Mr. Pahl, please, for
18 our September meeting.

19 MR. PAHL: Madam Chair, the CSD would
20 agree to that and be ready to present that at the
21 September meeting.

22 COMMISSIONER SHEARMAN: Thank you very
23 much. Let's move on to the next section of the
24 financial framework. This section is not scored.
25 You'll recall we started out the year with a

1 financial framework that several schools had
2 problems with, and asked that that framework be
3 rewritten, so this is the old framework that is in
4 the 2013/14 document, and it was not used. There
5 are no scores here. The new financial framework
6 will be included in the performance framework for
7 2014/15. But this one has no rating.

8 So let's go on to the organizational
9 performance framework. The first item is
10 educational plan. "Is the school implementing the
11 material terms of the approved charter application
12 as defined in the charter contract?" The score is
13 "Falls far below."

14 I would ask Mr. Woodd for the CSD's
15 response here.

16 MR. WOODD: Madam Chair, members of the
17 Commission, I have written underneath the item
18 number there, notes from the CSD site visit to them
19 March 25, 2014. The governing council agendas will
20 reflect strategic plan needs. A timeline was
21 developed with Ms. Adolph, Kelly and Julia, who were
22 formerly employed by the CSD at that time,
23 reinforced and addressing the elements and informing
24 the board as per the timeline at monthly meetings.
25 They will complete the EPSS as soon as access to Web

1 EPSS is completed. As of February Ms. Adolph had
2 felt that access was now available and that they
3 were no longer tagged as an elementary school in the
4 Gadsden School District. The data had been
5 reclassified, and ELL and STARS were available to
6 the school at that time, and they could then begin
7 to update their Web EPSS information.

8 Subsequent to that, I checked on the Web
9 EPSS for this past school year, and there is still
10 no data entered into that. It's closed now, so none
11 could be entered. But at the time that Web EPSS was
12 closed for the year, there was no data entered into
13 the system.

14 COMMISSIONER SHEARMAN: Thank you, Mr.
15 Woodd.

16 Ms. Matthews.

17 MS. MATTHEWS: So here's where my
18 confusion comes from. In the charter contract -- I
19 have forgotten the section, I believe it's section
20 6 -- we went through great lengths of identifying
21 but for and nobody would come to this school, and we
22 identified essentially the uniqueness of the school
23 as those material terms of the contract. So they
24 were things like the personal education plan, the
25 things that this charter school does uniquely that

1 they were promising they would continue to do.

2 That's not what this section of the
3 performance framework is evaluating. Rather, what
4 they're doing is, they're going through everything
5 else that's in the performance framework and
6 effectively dinging them twice. It seems to me the
7 question should be that you look at the contract
8 material terms, you identify what would be a
9 measurement for those terms, and you identify them.

10 Frankly, I can't really make sense of what
11 the comments are made by the CSD here. They're
12 certainly not linked back to the contract or the
13 terms in the contract. So if we're going to have a
14 contract and we're going to have material terms of
15 the contract identified therein, can we please
16 identify what they are and then where they're
17 falling short and why, and what that measurement is?
18 This, to me, has something to do with -- if we keep
19 going down the organizational framework, we'll see
20 the same goals reiterated and they're dinged again.
21 So I can't imagine that the Commission intended for
22 the charter school to be evaluated on the same thing
23 twice. And I know we've had many negotiations
24 together, we talked long and hard about what the
25 material terms were. Is that what they're

1 evaluating here? And if so, can you tell us what
2 part of the contract they're responding to so that
3 we know what they're looking for and can rebut
4 something?

5 But here it seems to me they just sort of
6 did a culmination of subsequent organizational
7 framework goals and stuck them here and said we
8 violated the material terms.

9 So I'm just not in agreement with that,
10 and I think that whole section -- it's not
11 articulating what they have done wrong and I don't
12 think -- I mean, I would disagree with the rating
13 that it falls far below.

14 COMMISSIONER SHEARMAN: My thought on
15 going through this performance framework is, there's
16 no place for the PEC meeting to say, "All right,
17 your performance framework grade is an A, B, C, D,
18 or F. This is simply information. And you
19 certainly brought up some worthwhile questions. In
20 the work session, we will work through those. For
21 now, I think it's on the record, and it's the best
22 that we can do, to know that these questions have
23 been raised and we'll move forward, if that's all
24 right with all parties.

25 Okay. Let's move on to 1B. "Is the

1 school complying with applicable educational
2 requirements?" Again, "Falls far below."

3 Mr. Woodd, is it essentially the same
4 explanation from CSD?

5 MR. WOODD: I'm sorry, Madam Chair, tell
6 me the number again.

7 MR. PAHL: 1B.

8 COMMISSIONER SHEARMAN: 1B. Under
9 education plan.

10 MR. WOODD: Yes, Madam Chair, it is that
11 there was no data entered into the EPSS website.

12 COMMISSIONER SHEARMAN: Ms. Matthews, are
13 your concerns still the same?

14 MS. MATTHEWS: I would just like to make
15 it very clear that goals and strategies were in the
16 EPSS, but it wasn't complete, and that's what I'd
17 like to have on record.

18 COMMISSIONER SHEARMAN: Thank you.

19 1C. "Is the school protecting the rights
20 of students working to meet the goal, working to
21 meet the standards?"

22 Mr. Woodd.

23 MR. WOODD: Madam Chair, we now have a
24 copy of the governing council's approved policy
25 regarding that, so that now is in our possession.

1 COMMISSIONER SHEARMAN: Say that again.

2 MR. WOODD: The governing council approved
3 policy is now in our possession. The CSD has that
4 document.

5 COMMISSIONER SHEARMAN: Okay. Was it
6 received by the deadline?

7 MR. WOODD: No, ma'am, it was not.

8 COMMISSIONER SHEARMAN: But you do have
9 it.

10 MR. WOODD: We have it now.

11 COMMISSIONER SHEARMAN: Thank you very
12 much. 1D.

13 MS. MATTHEWS: Ms. Shearman, I'd like to
14 put on the record, that's perplexing to me. The
15 school was approved not more than a year ago, about
16 a year ago, with a lottery policy on the books. We
17 have in the documents I presented to you a document
18 that, on the very bottom of it, says, "Approved by
19 the Charter Schools Division in 2012."

20 I just don't understand why the charter
21 school had to resubmit a policy they already had,
22 and they're being dinged because they didn't have it
23 to you, to the Charter Schools Division, by June
24 28th, which we would dispute. I just want that on
25 the record.

1 COMMISSIONER SHEARMAN: Okay. Thank you.
2 1D. "Is the school protecting the rights of
3 students with disabilities?" The score is "Meets
4 standards."

5 1E. "Is the school protecting the rights
6 of English language learners?" "Working to meet the
7 standard."

8 And if I might, Mr. Woodd, I'll just read
9 the CSD note. "The school did not upload the ELL
10 information to EPSS by the June 15 deadline."

11 It's still not there, the last time you
12 checked?

13 MR. WOODD: That's correct, Madam Chair.
14 There is no information at all in last year's EPSS
15 website.

16 COMMISSIONER SHEARMAN: Thank you.

17 MS. MATTHEWS: According to Ms. Adolph,
18 you don't put ELL information in EPSS. You put it
19 in STARS. And certainly, as I have noted in the
20 copy I have given to the Commission, that
21 information was provided to Mr. Christopherson. And
22 also, ACS sent a response document to the Charter
23 Schools Division, and if you had the opportunity --
24 which I know you don't -- internally, in this
25 document, there is information about the ELLS

1 program and compliance. So I would disagree. The
2 charter school submitted the information timely.
3 And I mean, I'm relying on Ms. Adolph to instruct me
4 about whether or not it should be reported in STARS
5 or in EPSS.

6 MR. PAHL: Madam Chair, there are fields
7 in the Web EPSS system that involve the ELL plan.
8 So what the note says and why the rating was the way
9 it was was not because the school didn't have any
10 ELL information, but that it was not input in their
11 Web EPSS, which was a requirement.

12 COMMISSIONER SHEARMAN: Okay. Thank you
13 for that clarification.

14 Let's move on to 1F. "Is the school
15 complying with compulsory attendance laws?" "Meets
16 standards."

17 1G. "Does the school meet the following
18 recurrent enrollment goals?" "Currently, or at the
19 time of this report, the school had the following
20 enrollment," which was 62. "Out of that total
21 number of students, the following students are
22 eligible for reenrollment." That is 52. The
23 standard that the PEC has set for the enrollment
24 goal is 85 percent of students who are eligible for
25 reenrollment, and that number would be 44. So the

1 school does meet that standard.

2 Business management and oversight, section
3 2. "Is the school meeting financial reporting and
4 compliance requirements?" "Meets standards."

5 2B. "Is the school following generally
6 accepted accounting principles?" "School meets
7 standards."

8 Governance and reporting, 3A. "Is the
9 school complying with governance requirements?"
10 "Working to meet standards."

11 Mr. Woodd, let me just read the CSD
12 response, if you don't mind. "During the site
13 visit, the CSD staff noted the following policies
14 needed to be written, revised, and/or examined by
15 legal counsel. Board of finance, Open Meetings Act,
16 inspection of public records, conflict of interest,
17 and antinepotism. By the June 15 deadline, the CSD
18 had not received revised and governing council
19 approved copies."

20 Ms. Matthews.

21 MS. MATTHEWS: Thank you. If you compared
22 this particular framework to the one that you
23 received during the negotiations, it's different.
24 If you look at the site visit report, the only thing
25 indicated on there, I believe, are inspection of

1 public records, conflicts, and nepotism. Board of
2 Finance. They didn't flag the Open Meetings Act.
3 This is the first we have seen it since we got this
4 from Ms. Lewis on the 12th.

5 So certainly if we were asked to provide
6 that, we certainly can. But we were never asked to
7 provide it, and it's not in their annual site visit
8 report, by the way.

9 As to the IPRO policy, that was absolutely
10 provided to Mr. Christopherson by the 30th. I have
11 given you a copy of it. A copy of the school's
12 conflict of interest policy was also provided
13 within -- I'm going by June 30 as the deadline,
14 based on the contract -- was provided within that
15 time frame, and Mr. Christopherson's documented
16 extension. That was also provided within the time
17 frame. And a conflict of interest policy was
18 provided, and I have given you a copy of all those,
19 Ms. Shearman.

20 So as far as I can tell, that should be
21 "Meets standards" as far as 3A is concerned.

22 COMMISSIONER SHEARMAN: Thank you for
23 that.

24 MR. PAHL: Madam Chair, if Mr. Woodd could
25 just speak to some of the documents we do have,

1 obviously, Ms. Matthews and ourselves were working
2 on different deadlines here, so there's going to be
3 a gap.

4 But Mr. Woodd, if you wouldn't mind just
5 speaking to some of the documents we do have now.

6 MR. WOODD: Yes, Madam Chair, members of
7 the board. We have received a number of these
8 policies from Ms. Matthews and the school. We do
9 have them in our possession now. However, even
10 though I'm not an attorney, it's my understanding
11 that schools are required to have these policies at
12 or shortly after the opening of the school. So
13 unless I'm mistaken there, this is not an issue that
14 was timely as of June 15th. It was timely as of the
15 opening of school.

16 COMMISSIONER SHEARMAN: Thank you for
17 that. Are we ready to move on?

18 MS. MATTHEWS: Is your position that you
19 didn't have them at all, or you didn't have them
20 revised?

21 MR. WOODD: Maybe didn't have them
22 revised, because remember, we --

23 MS. ADOLPH: September 27th.

24 MS. MATTHEWS: I just can't believe the
25 charter school didn't have the policies on the

1 books. I have been working with them for seven
2 years. So the fact that they -- is the allegation
3 that they didn't have them at all?

4 MR. WOODD: Madam Chair, at the time of
5 the site visit, where I was present, we asked for
6 copies of these policies and did not receive them.

7 MS. MATTHEWS: That information doesn't
8 necessarily show up in the documents.

9 COMMISSIONER SHEARMAN: So noted. Item
10 3B. 3B is: "Is the school holding management
11 accountable?" The score is "Meets standards."

12 Employees, 4A, "Meets standards."

13 4B. "Is the school respecting employee
14 rights?" "Working to meet standards."

15 "As of the writing of this summary, August
16 7, 2014, CSD could find no evidence to support
17 working to meet, other than a requested reference to
18 a policy stating, 'Does the school develop and
19 adhere to policies that demonstrate that the school
20 does not interfere in employees' rights to organize
21 collectively? The legality of which has been called
22 into question by the school's attorney.'"

23 Comments?

24 MS. MATTHEWS: So that it's on the record,
25 I think you heard my argument during the

1 negotiations, Ms. Shearman. First of all, what I
2 did do is, I went back to the charter contract. If
3 you look at the contract with the Commission,
4 there's no statement in there that they have to have
5 an affirmative policy that's not required by law
6 regarding collective bargaining on the books.

7 Also, the Charter Schools Division I'm
8 sure during the course of their annual site visit
9 was provided the handbook and if there was anything
10 in the handbook that would have been in violation of
11 an employee's right to collectively bargain, I would
12 assume they would have raised that point, as well.

13 I have asked the Charter Schools Division
14 to provide me with a regulation or a statute that
15 mandates that a school have an affirmative policy on
16 the books regarding that. There's some language
17 here in italics. I don't know what that is. I
18 think that may come out of an application. I don't
19 know what that is. But as far as holding the school
20 to working to meet standards when they have
21 substantially complied with every other item on this
22 particular 4B for a question that's dubious to me,
23 whether or not they even have to have such a policy,
24 what would be key would be to look at their policies
25 to determine whether or not they're actually

1 prohibiting or inhibiting an employee's right to
2 collectively bargain. And I don't think there is
3 any evidence, certainly none that's been provided,
4 that that's happening. And it's the law. That's
5 just simply the law, and we've said affirmatively in
6 our contract we will comply with the law, and they
7 do.

8 COMMISSIONER SHEARMAN: Thank you.

9 Mr. Pahl, before I forget, could I ask
10 that you add that to your list and check with
11 general counsel to see where we stand here? There
12 are some serious questions that we have.

13 MR. PAHL: Yes, Madam Chair. Ms. Matthews
14 and I have committed to working together on this
15 question, along with our general counsel and the
16 Public Education Commission, so know that that's on
17 our work plan for the next...

18 COMMISSIONER SHEARMAN: All right. Thank
19 you both.

20 4C. "Is the school completing required
21 background checks?" "Meets standards."

22 School environment. "Meets standards."

23 5B. "Is the school complying with health
24 and safety requirements?" "Meets standards."

25 Now, looking on my page 18, item 6, these

1 were the conditions that this Commission placed on
2 Anthony Charter School when they were renewed, if
3 you all recall. We initially renewed them for an
4 18-month period. CSD came back and said, you know,
5 18 months falls in a very awkward time frame, so
6 we'll make that two years. And we changed it to two
7 years. These are the conditions. And this school
8 will be coming back to us for a renewal this cycle,
9 so we will see them again.

10 These conditions, though, are very
11 important. Let's look at those starting with 6A.
12 "Has the school identified how the Discovery
13 short-cycle assessment aligns to the academic
14 program of the school?" By the way, this is
15 condition 2. "Falls far below standards."

16 As a CSD note, "As indicated in education
17 plan 1A above, the school did not report short-cycle
18 assessment data to the CSD by the June 15th
19 deadline."

20 Do you have that data now?

21 MS. ADOLPH: Yes, we do.

22 COMMISSIONER SHEARMAN: Has it been
23 submitted?

24 MS. ADOLPH: No, I wasn't aware that -- we
25 do have that data. Mr. Christopherson took it upon

1 himself to gain access to the Discovery data, and he
2 was --

3 MS. MATTHEWS: No, that's not what --
4 Ms. Shearman, are you asking, it says,
5 "Has the school identified how it aligns?" Is that
6 the data? Were you asking for the data or the
7 alignment? Because the alignment has been provided.

8 COMMISSIONER SHEARMAN: By the June 15th
9 deadline?

10 MS. MATTHEWS: I don't know when. I think
11 it probably was August 9th when I sent it to
12 Mr. Pahl.

13 MR. PAHL: Yes.

14 COMMISSIONER SHEARMAN: All right. So
15 noted that it's August 9th.

16 MS. MATTHEWS: Ms. Shearman, may I make a
17 point on the record? And I have a question,
18 actually, of Charter Schools Division, because I'm
19 looking at documents cold, so I have a question.
20 When I looked at their site visit report, it stops
21 at number 5. So the conditions of the charter I
22 don't see. And maybe, Ed, tell me if I'm wrong or
23 not, but I'm not seeing anywhere in there where it
24 specifically enumerated the renewal conditions and a
25 request for evidence. So the point of that would

1 be, when she's producing documents in response to
2 their site visit report, if 6 and all of those
3 renewal conditions weren't stated in the site visit
4 report, I think there would have been confusion
5 about when and how they were supposed to respond or
6 the time frame for it, and so I'm unclear about how
7 that was to happen. Can you answer that?

8 MR. PAHL: Yeah, I can. The site visit
9 report is a document we use for all schools, and so
10 it may not have renewal conditions on there, on the
11 site visit form. It doesn't mean that those
12 questions were not asked of the school during the
13 site visit. If I may, so this goes back to -- our
14 note says, "As indicated in another section." Just
15 regarding student data in general, we were finding
16 that we weren't receiving it.

17 So you know, that should be data that
18 starts in September and moves throughout the whole
19 school year. So you know, I'm speaking not from
20 primary information myself, as well. But there was
21 an issue with getting access to student data on the
22 Discovery assessment. So that's where that stands
23 for us right now.

24 MS. MATTHEWS: I just want to clarify.
25 The question was whether or not the information they

1 were asking for to demonstrate meeting the
2 conditions was part of the site visit report, to
3 which they were specifically required to respond by
4 a date certain. And I don't hear that to be
5 answered as yes. So I think although it might not
6 have been by June 30, we definitely have provided
7 the information.

8 And what I'm getting at, Ms. Shearman, is,
9 I want to be careful of holding them to the June 30
10 deadline for the information to demonstrate meeting
11 these conditions, because they weren't in the
12 original site visit report.

13 COMMISSIONER SHEARMAN: So you are saying
14 that the data has been --

15 MS. MATTHEWS: This assessment has been
16 provided.

17 COMMISSIONER SHEARMAN: On August 9, was
18 your recollection?

19 MS. MATTHEWS: That's right, Ms. Shearman.

20 COMMISSIONER SHEARMAN: Mr. Pahl?

21 MR. PAHL: Yes, August 9, which is well
22 beyond a point at which we can provide meaningful
23 information for the Commission. I think this
24 highlights our transition from moving to the old
25 site visit and the old structure of charter schools

1 to a new one, where this performance contract is the
2 driving document. And so potentially there are some
3 issues in transition there, both on the school's
4 behalf and ours, what's important and what do we
5 need to report to. That's just a general comment,
6 and if it pleases the Chair, Mr. Woodd has some
7 additional information.

8 COMMISSIONER SHEARMAN: Do you have
9 anything to add, Mr. Woodd?

10 MR. WOODD: Madam Chair, member
11 Commissioners, it's my understanding that the school
12 has been in possession of this information about the
13 conditions since the beginning of last school year,
14 so it's not that the information was just given to
15 them at the end of May. This was also discussed
16 thoroughly during the site visit report, and the
17 school administration was informed that they would
18 be required to send us this information in June.

19 So again, we're not asking for something
20 that they were unaware of, and we're not looking at
21 information that the school just suddenly became
22 aware at the end of May. This has been in their
23 knowledge for over a year now.

24 COMMISSIONER SHEARMAN: Let me just ask
25 for clarification, then. In the conditions that

1 were imposed on this school for renewal, was there a
2 date specified by which this information had to be
3 presented to CSD, to PEC?

4 MS. MATTHEWS: No, ma'am. I went back and
5 looked at the resolution and the contract, and
6 there's no specific date. In the original
7 frameworks, there are no specific dates.

8 COMMISSIONER SHEARMAN: All right.
9 Ms. Matthews, because we're starting with condition
10 number 2, I cannot remember what condition 1 was.
11 Do you have that information? Does someone have
12 condition 1?

13 MS. MATTHEWS: I believe it was they had
14 to present to you the board of finance documents
15 before they opened. That's a typical condition.

16 COMMISSIONER SHEARMAN: I know it's
17 something that has been done, but it's not on here.

18 All right, let's move on, then. 6B. "Has
19 the governing council conducted a strategic plan
20 that clearly indicates how the school will measure
21 progress in growing its Q1 population scores and its
22 Q3 population scores?" This is condition 3. The
23 score is, "Falls far below."

24 Mr. Woodd, would you give the CSD
25 response?

1 MR. WOODE: Madam Chair, members of the
2 Commission, we are now in possession of the
3 governing board's strategic plan. I don't know when
4 the document was originated or when it was finished,
5 but we have received a copy of it within the last
6 ten days.

7 COMMISSIONER SHEARMAN: And does it
8 specifically target the progress and growth of Q1
9 and Q3 populations?

10 MR. WOODE: It doesn't specifically lay
11 out goals, but it does address how they're going to
12 improve student learning.

13 COMMISSIONER SHEARMAN: The goal
14 specifically says, "How the school will measure
15 progress in growing its Q1 population scores and its
16 Q3 population scores." And you're saying the
17 document you have received more speaks to all
18 students?

19 MR. WOODE: Yes, ma'am. It does address
20 how they're going to work to improve those students'
21 scores. What it does not include is a metric on how
22 those will be evaluated.

23 COMMISSIONER SHEARMAN: Ms. Matthews, or
24 anyone with the school.

25 MS. MATTHEWS: Mrs. Shearman is asking how

1 the school plans to measure whether or not you have
2 made growth in those areas, and how that was
3 included in the strategic plan. I think probably
4 the answer is what Mr. Woodd has revealed, is that
5 it probably doesn't have a specific metric to do
6 that.

7 COMMISSIONER SHEARMAN: I have asked our
8 attorney, and he has agreed with my assumption that
9 since the condition very specifically says, "Clearly
10 indicate how the school will measure progress in
11 growing its Q1 population and its Q3 population,"
12 then the plan that you submit, if it's going to meet
13 this condition, is going to specifically have to
14 address those two populations with the metric on
15 clearly showing how that's going to be done.

16 MS. MATTHEWS: Understood. But I would
17 want to quibble, if I may. I mean, that's one
18 bullet. I'd ask Mr. Woodd if the rest of the plan
19 is substantially meeting those bullets. It seems to
20 me "Working to meet" would be a more appropriate
21 level of assessment.

22 COMMISSIONER SHEARMAN: Mr. Woodd, have
23 you had time to look at that strategic plan that
24 they presented? Does it meet all of the bullets on
25 6B except those that specifically speak to Q1 and

1 Q3?

2 MR. WOODE: Madam Chair, members of the
3 Commission, I have had an opportunity to read
4 through the document, although I have not studied
5 it. I did look specifically for the areas that it
6 addressed, and it did address each area that was an
7 area of concern, although I can't speak to the
8 detail of the plan at this point.

9 COMMISSIONER SHEARMAN: Would you be
10 prepared to do that in September, please?

11 MR. WOODE: I would, Madam Chair.

12 COMMISSIONER SHEARMAN: Thank you.

13 Commissioners, if you're ready. 6C, which
14 is condition 4: "Has the governing council clearly
15 stated the leadership competencies/indicators it
16 will use to evaluate the principal?" The score
17 given is "Falls far below." The note: Again, we're
18 back to the June 15 deadline. "The CSD has not
19 received the school's plan for evaluating the
20 director."

21 Mr. Woodd, do you have anything to add to
22 that at this time?

23 MR. WOODE: Madam Chair, at the time of
24 our contract negotiations on August 4, we were
25 informed that the board had decided that they were

1 going to use portions of the house evaluation, but
2 it's my understanding we still do not have the
3 specific evaluation in place, nor the director's
4 performance.

5 MS. MATTHEWS: I have it, Mrs. Shearman.
6 I thought I had forwarded it to Mr. Pahl, but it's
7 possible I got it in the last week and have not. I
8 think I got it last week. So I do have the
9 instrument, but...

10 COMMISSIONER SHEARMAN: And you will send
11 that?

12 MS. MATTHEWS: I will forward it to him.
13 And in fact, I believe it's in this packet of
14 documents I gave to you.

15 COMMISSIONER SHEARMAN: All right. Let's
16 move on. I'm sorry?

17 COMMISSIONER BERGMAN: Madam Chair, sorry.
18 I would just like to make a suggestion at this
19 point, since you are working on your October renewal
20 application. My suggestion would be, particularly
21 the one we discussed about the Q1 and Q3, that in
22 your renewable application you be very specific as
23 to answering those questions, so that they we don't
24 redo this again in a couple of months. So come to
25 us prepared then with some very specific ideas,

1 because I'm sure there's one person on this panel
2 that always makes a great insistence on goals, and
3 that person would like to see that information, and
4 it will save us some time in October and November.
5 Thank you.

6 Thank you, Madam Chair.

7 COMMISSIONER SHEARMAN: Thank you.

8 Commissioner Gant.

9 COMMISSIONER GANT: Madam Chair and
10 members, I would also support Commissioner Bergman's
11 statement that the CSD and the PED come prepared the
12 same.

13 COMMISSIONER SHEARMAN: Lots of
14 information.

15 All right. Let's move on to 6E. "Has the
16 governing council approved all school policies
17 required by school law?" The score given is,
18 "Working to meet standard."

19 CSD's response. Would you read it,
20 please, Mr. Woodd?

21 MR. WOODD: Madam Chair, members of the
22 Commission, again, by the time that this report
23 deadline was filed, we did not, although I will
24 state for the record that we have received all of
25 the revised and approved policies at this time.

1 COMMISSIONER SHEARMAN: Thank you.

2 Anything to add, Ms. Matthews?

3 MS. MATTHEWS: No. Thank you, Mr. Woodd
4 and Madam Chair.

5 COMMISSIONER SHEARMAN: Did I skip over
6 condition 5? 6D. "Has the school aligned its
7 curriculum to match needs of their student
8 population and identify how individualized learning
9 plans are created using a curriculum which aligns
10 with the mission of the school?" The score given
11 is, "Meets standards." I believe we have it.

12 I'm asking counsel if we can approve this
13 Anthony Charter School 2013/14 academic school year
14 performance framework with the notations that have
15 been made here today, the additional information
16 from CSD, the rebuttals and additional information
17 from the school. It's all on the record.

18 It seems to me the other thing we need to
19 ask is, we've been told that some of these items
20 have now been received, they are complete, so forth.
21 Could we also make part of that condition that this
22 framework be updated to reflect the information
23 that's been disseminated today?

24 MR. PAHL: Madam Chair, we can do that. I
25 want to caution, though, changing ratings based on

1 information we've gotten in late August. The idea
2 behind the terms, the renewal terms and some of the
3 other conditions, were that it has an impact
4 throughout the school year. We don't know that
5 these documents were -- and this is not an
6 accusation, but we don't know when the documents
7 were created or when they were implemented at this
8 time. What we do know is when we went to the
9 school, that they had not been.

10 And so I just want to caution us on
11 changing ratings based on information that we get
12 well after the fact.

13 COMMISSIONER SHEARMAN: Well, I'm no
14 attorney. But it seems to me that if we don't have
15 a specific due date, that we can't hold the school
16 accountable for not hitting a due date that we never
17 stated. Now, if there are some implied due dates,
18 then that, I suppose, needs to be considered, as
19 well. Somebody tell me where to go from here.

20 MR. PAHL: I'll say two things, and I
21 think it will encompass Ms. Matthews' point. The
22 main point of conflict here seems to be the due date
23 itself, which the lawyer for Anthony Charter School
24 believed, due to the performance contract, was later
25 than we had established. I believe the differences

1 are June 15th to June 30th. In many cases, the
2 information was not received by the June 30th date.
3 So even if you take the latter of the two deadlines
4 that we have established as either the school or the
5 Charter Schools Division, we're talking about
6 receiving data and information much after that
7 point.

8 MR. GRANATA: Madam Chair and members of
9 the Commission, unfortunately I'm not very well
10 versed in this area, and it does seem that there is
11 an issue regarding this deadline. Whether it's the
12 June 15th deadline, as CSD alleges, or, as
13 Ms. Matthews states, a later deadline, it seems like
14 that the parties need to try to figure out what the
15 actual deadline is before, I guess, the Commission
16 can really decide what to do at this point in time.

17 MS. MATTHEWS: Ms. Shearman, I would just
18 like to say the contract should drive the deadline.
19 I think there's a disconnect between the Divisions.
20 Apparently, they had a global deadline for all the
21 charters to respond, by June 15th, which ignored the
22 contract requirements. I think that 30 days is
23 actually not only just contract; that's statutory.

24 So for them to have had 30 days to respond
25 to the annual site visit, that's in the law and it's

1 at least in the contract, but I believe it's in the
2 statute. So that's a nonissue. If they didn't get
3 it until the 29th, that's pretty easy to calculate.

4 So I think what you asked them to do, what
5 you asked the Division to do earlier, was to go back
6 and ascertain what information they actually did
7 have by June 30 and make an assessment then whether
8 or not we should re-evaluate how they were assessed.

9 As to the conditions of the charter
10 renewal, I think we still have an argument, we have
11 a concern, that in the original framework and the
12 original contract -- and I looked for it -- there is
13 no stated deadline. I would have assumed the
14 conditions needed to be met by the time renewal came
15 around. That makes sense to me. We all know there
16 has been substantial changes in the Charter Schools
17 Division. This charter school has worked with
18 Mr. Barnes, Ms. Callahan, it's had
19 Mr. Christopherson. They have submitted documents.
20 It is somewhat unfair to expect them to keep track
21 of where Charter Schools keeps the documents, and I
22 think it's their opinion that they provided
23 documents some time ago. So I want to be fair to
24 everybody. I think it's important that we as the
25 Charter Schools Division -- I'm happy to work with

1 them and tell them where I'm coming from on the
2 dates when they would have gotten the documents and
3 help them flesh that out, if we could all be in
4 agreement that we come back at the next Commission
5 hearing and then take a look at -- perhaps by
6 then -- this is actually what we anticipated at our
7 negotiation, if you recall, Ms. Shearman. Mr. Pahl
8 wasn't there -- that we would have done that, but
9 that broke down in the interim.

10 So I would like to have that opportunity
11 to work with the Charter Schools Division, present
12 to you at your next meeting perhaps something that
13 we at least substantially can concur on of what they
14 had, when, and then you don't have to fiddle with
15 this until you look at it again.

16 COMMISSIONER SHEARMAN: Thank you for that
17 suggestion.

18 Please go ahead.

19 MR. GRANATA: And Madam Chair and
20 Commissioners, I agree with what Ms. Matthews has
21 said. It's probably in everyone's best interests to
22 continue this until September.

23 COMMISSIONER SHEARMAN: Okay.

24 COMMISSIONER BERGMAN: Madam Chair, I
25 think this must be the appropriate time. We have

1 discussed that we are going to have a work session.
2 Here again, for the audience's benefit particularly,
3 these are the first seven schools that had a
4 contract negotiated under the new Senate Bill 446,
5 though that also means they were the first seven
6 schools to do this performance framework. That bill
7 requires that every school that's under contract
8 does a new performance framework every year, so
9 there will be at least four frameworks in their file
10 when it comes time for their renewal again. In this
11 case, it will be just this one because they're
12 coming right back.

13 So that's why the attorneys are so
14 concerned with what the performance framework says.
15 What we discovered, since this is a new process,
16 this was the first group, just as we did with the
17 contracts, sometimes what comes out of the
18 legislature meets the real world and we discover
19 that lots of changes have to be made. That's what
20 we found out with the contract. They were totally
21 revised this spring because of what we learned in
22 that first round of contract negotiations.

23 Now we're going to have a work session on
24 the performance framework for that very same reason.
25 All these questions have come up that were not

1 anticipated. That's how any new system works. You
2 do the best you can, you make the best plan you can,
3 and then when you go through it the first time, then
4 you evaluate it, which is what we're going to do,
5 and you change it, if needed, and that's what we're
6 also going to do.

7 So in the past, we have invited
8 Ms. Matthews and Ms. Fox to come to our work
9 sessions. That would be -- whenever we do determine
10 a date for this work session -- it's still up in the
11 air, because it's like we don't have anything better
12 to do with our time. We're full right now.

13 Everybody's full. But I would suggest that we
14 invite Ms. Matthews and Ms. Fox to that session so
15 we get the input from the charter schools' side as
16 we do make those kind of important decisions.

17 Madam Chair, that would be my suggestion,
18 anyway.

19 COMMISSIONER SHEARMAN: Thank you,
20 Commissioner Bergman.

21 I would like to note, I think that what
22 you all are talking about is getting together well
23 before we have a work session and work through this
24 and bring it to reality.

25 MS. MATTHEWS: That's fine with me, as

1 long as I have a few days' notice.

2 COMMISSIONER SHEARMAN: All right. We
3 will ask Ms. Matthews, Mr. Pahl. We'll ask
4 Mr. Granata to also be part of that. Okay.

5 Commissioner Toulouse.

6 COMMISSIONER TOULOUSE: Madam Chair, I
7 have been sitting here for a long period of time
8 thinking in a lot of ways this was a waste of
9 everybody's time. We've had such a changeover in
10 staff and all these other things going on. You
11 know, I spent my entire working life as a
12 bureaucrat, and so I understand the bureaucratic
13 side of things. But I also learned that there are
14 times that you have to look at what went on. If the
15 school was working, as we're going to have done now
16 and go back, if they're legitimately working
17 honestly with the June 30, it has been absolutely
18 unfair to hold them to June 15th.

19 I also think that as this has gone on, we
20 don't even know what went on. There are too many
21 people that aren't here that were here when it
22 started. And I really would like to say, as we go
23 on, maybe we just need to clear the books on some of
24 this stuff because of this kind of thing. To me,
25 for the school people sitting here, at least 75

1 percent of this discussion has been meaningless.
2 The other 25 percent was very important, and shows
3 what we have to do to get ready for the next round.

4 But otherwise, I think the school has been
5 subjected to stuff, I think the Charter Schools
6 Division staff has been subjected to stuff that
7 wasted everybody's time, and I just want this on the
8 record that I would like us to find a way to move
9 forward without having to do this to every single
10 school that's going to come forward, because of all
11 of these changes.

12 You know, Mr. Pahl wasn't here when it
13 started. Mr. Christopherson is gone. Things didn't
14 get done. Decisions were made by people who aren't
15 here, and especially because our time is limited and
16 we have so much for everybody to do, that I would
17 like to see us move through the rest of this quickly
18 and fix it in a special session later. Thank you.

19 COMMISSIONER SHEARMAN: Thank you very
20 much.

21 Mr. Pahl.

22 MR. PAHL: Just one statement, Madam
23 Chair. In light of the comments by Commissioner
24 Bergman, we are learning how to make this process
25 better, and we look forward to working with

1 Ms. Matthews and Anthony. So thank you.

2 COMMISSIONER SHEARMAN: And I, too, would
3 like to second what Mr. Bergman said and add, you
4 know, the turnover in the Charter Schools Division
5 has been tremendous. It's almost impossible to get
6 anything done. People leave. As we've heard today,
7 you can't find their work, you can't get in their
8 computer, we don't have enough people to do the
9 work.

10 We have an acting director. And we
11 appreciate your work. You have a tremendous
12 learning curve.

13 We have no general manager. We just lost
14 our attorney. You know, this Commission needs to be
15 in a position where we can be more stable. So I
16 made that comment. I'm sorry if, because of all
17 these things that have gone on, our work is slow.
18 And we have to be slow in this hot room; it's
19 getting a little cooler. But we appreciate you
20 working with us. We're doing our best.

21 Thank you for that.

22 Let's move on. Are we going to table the
23 2013/14 performance framework until the next meeting
24 of this Commission after the attorneys and Mr. Pahl
25 can meet and bring us back some better information?

1 Is everybody okay with that? Good. Then somebody
2 make that motion, please.

3 COMMISSIONER PARKER: I move that we table
4 any decisions based upon the Anthony Charter School
5 until our next regular scheduled meeting.

6 COMMISSIONER SHEARMAN: Thank you very
7 much. Do I have a second?

8 COMMISSIONER POGNA: Second.

9 COMMISSIONER SHEARMAN: Motion and second
10 to table the Anthony Charter School until the
11 September meeting with the group meeting in the
12 meantime, bringing us additional information.

13 MS. MATTHEWS: Just to be clear, Madam
14 Chair, that includes the improvement plan and the
15 2014/15 frameworks, as well?

16 COMMISSIONER SHEARMAN: The '14/15
17 framework is not even on the agenda.

18 MS. MATTHEWS: Oh, I thought that was.

19 COMMISSIONER SHEARMAN: Or am I not
20 reading it correctly? I'm sorry. No. PSFA.

21 COMMISSIONER BERGMAN: They can improve
22 their framework today for the start of the school
23 year.

24 MS. MATTHEWS: Isn't that number 7?

25 COMMISSIONER SHEARMAN: Are we calling

1 this the year two performance framework?

2 MR. PAHL: It was the intent of the
3 Charter Schools Division, entering this meeting,
4 that we would be approving the available 2014/15
5 frameworks that just came out in negotiation.

6 COMMISSIONER SHEARMAN: Not looking at
7 2013/14?

8 MR. PAHL: No.

9 COMMISSIONER SHEARMAN: Commissioners, is
10 that all right with you, to move to the 2014/15
11 rather than looking at the 2013/14? We do need to
12 approve those. Most of them have new performance
13 indicators.

14 All right. We did need to go through this
15 work today with Anthony. Do we need to look at the
16 improvement plan draft that has been written, or do
17 we want to hold that until September, as well?
18 What's your recommendation there? Would the school
19 prefer to do it all at once, the improvement plan,
20 as well?

21 MS. MATTHEWS: Madam Chair, I think that,
22 you know, effectively, we have an agreement on the
23 2014/15 framework, so I don't recall that there was
24 anything. And unfortunately, I don't have a clean
25 version of it. I had Abby's version from Friday.

1 So as far as I recall, the version that we had, that
2 we worked through in our negotiation, we're ready to
3 go on that one.

4 COMMISSIONER SHEARMAN: What about the
5 improvement plan?

6 MS. MATTHEWS: I don't have a final
7 version of the improvement plan. Actually,
8 Mr. Pahl, is what you sent to me the version that I
9 redlined to Ms. Shearman on Saturday with all those
10 recommendations accepted?

11 MR. PAHL: Yes, all of them accepted.

12 And if I may, Madam Chair, I think the
13 idea at this meeting, at least from our perspective,
14 was to do an initial reading of that without
15 actually enacting the improvement plan.

16 COMMISSIONER SHEARMAN: No, for a first
17 reading only.

18 MS. MATTHEWS: So we could go ahead and I
19 think we're ready to consent to the 2014/15
20 framework and then do a first reading on the
21 corrective action plan, if that's the pleasure of
22 the Commission.

23 COMMISSIONER SHEARMAN: Let's do that.
24 Commissioners, let's find the 2014/15 performance
25 frameworks in your notebooks under item 7. Anthony

1 Charter School is first. You will notice in
2 essence, the framework is the same with the addition
3 of two additional indicators. If anybody finds
4 them, please let me know where they are.

5 MS. MATTHEWS: Madam Chair, they were
6 under the option -- these do not have page numbers.
7 I didn't do it, so I'm not going to apologize.
8 Under the optional supplemental indicator, boy, this
9 is --

10 COMMISSIONER SHEARMAN: All right. Have
11 you found it? It's got a cover sheet. It's pretty
12 close to the tab for 9. It's got a cover sheet on
13 it. It's pretty close to tab 9. It's almost at the
14 bottom of the information on tab 8.

15 MS. MATTHEWS: Madam Chair, I have to see
16 what Mr. Pahl has. I don't have the right one. I
17 don't have the 2014/15. I have what Abby sent to me
18 yesterday.

19 Madam Chair, if I could recommend we table
20 it, because I haven't seen whatever was the clean
21 version. Ms. Lewis sent me what she had from
22 yesterday. So I don't even have the final version.
23 What I saw that Abby sent to me was right, but I
24 didn't have a cleaned-up version. I don't even have
25 the document.

1 COMMISSIONER SHEARMAN: All right.

2 MR. PAHL: Madam Chair, may I? The CSD
3 was under the impression that this performance
4 framework had not been finalized yet, and so would
5 be either accepted under some conditions or tabled
6 until next September. We understood there were some
7 additional steps after the negotiation that needed
8 to be taken. And due to the transition with
9 Ms. Lewis, we were in a spot where we did not have a
10 finalized performance framework. Does that sound
11 correct to the other parties?

12 COMMISSIONER SHEARMAN: All right. So
13 we're going to table the Anthony 2014/15 performance
14 framework until the September meeting. Could I have
15 that in the form of a motion, please? Did you say,
16 "I so move"?

17 COMMISSIONER PARKER: So moved.

18 COMMISSIONER BERGMAN: Did we ever act on
19 his previous motion?

20 COMMISSIONER SHEARMAN: We have a motion
21 on the floor concerning the Anthony Charter School
22 2013/14 performance framework to be tabled until the
23 September meeting. Any discussion?

24 Mr. Bergman, may we have a roll call vote,
25 please?

1 COMMISSIONER BERGMAN: Commissioner

2 Parker?

3 COMMISSIONER PARKER: Yes.

4 COMMISSIONER BERGMAN: Commissioner Pogna?

5 COMMISSIONER POGNA: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Toulouse?

8 COMMISSIONER TOULOUSE: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Conyers?

11 COMMISSIONER CONYERS: Yes.

12 COMMISSIONER BERGMAN: Commissioner Gant?

13 COMMISSIONER GANT: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Shearman?

16 COMMISSIONER SHEARMAN: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Bergman votes yes. That is a seven-to-zero vote in
19 favor of tabling.

20 COMMISSIONER SHEARMAN: Anthony Charter
21 School 2013/14 performance framework will come back
22 to us in September. It has been tabled.

23 Now, let's move forward to the Anthony
24 Charter School 2014/15 performance framework and
25 associated documents that's in front of us. We've

1 had a request from the attorney to table this until
2 the September meeting. Commissioners, do I hear a
3 motion?

4 COMMISSIONER TOULOUSE: Madam Chair, at
5 the request of the Anthony attorney, I move that we
6 table this performance framework until our September
7 meeting.

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

10 COMMISSIONER PARKER: Second.

11 COMMISSIONER SHEARMAN: Motion and second.

12 Motion by Commissioner Toulouse, second by
13 Commissioner Parker to table the Anthony Charter
14 School 2014/15 academic year performance framework
15 until the September meeting. Any discussion?

16 Mr. Bergman, may we have a roll call vote,
17 please?

18 COMMISSIONER BERGMAN: Commissioner
19 Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER BERGMAN: Commissioner Pogna?

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Parker?

3 COMMISSIONER PARKER: Yes.

4 COMMISSIONER BERGMAN: Commissioner Gant?

5 COMMISSIONER GANT: Yes.

6 COMMISSIONER BERGMAN: Commissioner
7 Shearman?

8 COMMISSIONER SHEARMAN: Yes.

9 COMMISSIONER BERGMAN: Commissioner
10 Bergman votes yes. Madam Chair, that is a
11 seven-to-zero vote in favor of tabling.

12 COMMISSIONER SHEARMAN: Thank you. The
13 2014/15 academic year performance framework for
14 Anthony Charter School is tabled until the September
15 meeting. Thank you all.

16 MS. MATTHEWS: Thank you, Madam Chair,
17 members of the Commission, for your patience.

18 COMMISSIONER GANT: Madam Chair, members,
19 I do have one little comment. I am a little naive
20 and simple, but we went through six charter schools
21 for performance frameworks and all that, just like
22 we did Anthony. It seems strange to me that six can
23 do it and one can't. Just for the record, I just
24 don't get it. I just had to say that. Thank you.

25 COMMISSIONER SHEARMAN: All right. Let's

1 move on.

2 The next school is Horizon Academy West
3 Charter School.

4 MR. PAHL: Madam Chair, in your binders,
5 you have the performance framework for 2014/15 as
6 negotiated by the Executive Committee and the
7 school, as well as minutes that the governing
8 council of the school have approved this
9 performance.

10 COMMISSIONER SHEARMAN: We do have the
11 governing council minutes?

12 MR. PAHL: Yes.

13 COMMISSIONER SHEARMAN: Commissioners,
14 Mr. Pahl says it's in your binder. It's also in
15 this stack of documents that Amy handed out. It's
16 the second school, right behind the pink sheet.
17 It's Horizon Academy.

18 Good morning. Please introduce yourself
19 so we can get you on the record.

20 MS. CARTER: Cynthia Carter, C-A-R-T-E-R.
21 I am the director of Horizon Academy West. And so I
22 thank you for allowing me to come up this morning.

23 COMMISSIONER SHEARMAN: I just wanted to
24 be sure in my own mind really the only thing that
25 changed from 2013/14 to the 2014/15 performance

1 framework were the two new academic indicators that
2 we negotiated with you all?

3 MS. CARTER: That's correct, Madam Chair.

4 COMMISSIONER SHEARMAN: And those,
5 Commissioners, are on the things that are copied on
6 both sides. I can't keep up.

7 MS. CARTER: I believe it's page 3.

8 COMMISSIONER SHEARMAN: They're on
9 mission-specific indicators.

10 MS. CARTER: That's correct.

11 COMMISSIONER SHEARMAN: It starts with 2B,
12 and since these indicators are pretty much what
13 carried through to all the schools that we did, I'm
14 going to read these and then as we get to the other
15 schools, if they are significantly different, we'll
16 read them again.

17 2B says, "All students in grades
18 kindergarten through six at Horizon Academy West
19 will apply strategies and skills to comprehend
20 information in math that is read, heard, and viewed
21 as assessed through the Discovery identification
22 short-cycle assessment." To exceed the goal, over
23 75 percent --

24 MS. CARTER: Madam Chair, I believe that
25 75 percent was our 2013/14 goal. Our 2014/15 goal

1 starts with exceeds with a 10 percent.

2 COMMISSIONER BERGMAN: Bottom of page 2.

3 Would you like me to read it? I have it.

4 COMMISSIONER SHEARMAN: Please do.

5 COMMISSIONER BERGMAN: Under 2B, bottom of
6 page 2, the exceeds standards -- here again, for the
7 benefit of the audience, we believe, as a
8 Commission, in academic performance by all these
9 schools, and they agree with us, as they have shown
10 in their negotiations. But we believe exceeds
11 should do just that. It should be exceeds. And so
12 you'll see these have a great deal of vigor and
13 rigor in them.

14 I will now read it. "Ten percent or more
15 of full academic year K through sixth-grade students
16 will perform above average in math as indicated by
17 the comparative Discovery growth report comparing
18 test 1 to test 4, US Common Core math grade level
19 report and 65 percent or more of full academic year
20 K through sixth-grade students will perform as
21 average in math as indicated in comparative
22 Discovery growth report comparing test 1 to test 4,
23 US Common Core math grade level report," and that of
24 course adds up to 75 percent total to meet the
25 exceeds category.

1 COMMISSIONER SHEARMAN: Would you read the
2 meets and -- all four categories, please?

3 COMMISSIONER BERGMAN: Now, under "Meets
4 standard," a little lower standard, because they're
5 meeting the standards. "60 to 74 percent of full
6 academic year K through sixth-grade students will
7 perform as average or above average in math as
8 indicated by the comparative Discovery growth report
9 comparing test 1 to test 4, US Common Core math
10 grade level report."

11 And here again, for the benefit of the
12 audience, that means they're testing four times.
13 They test at the beginning of the school year, twice
14 in the interim, and the fourth test is the end of
15 the school. So our goals each time from the first
16 test, we're looking for improvement from that first
17 test to the fourth test.

18 Now, "Does not meet standard." "45 to 59
19 percent of full academic year K through sixth-grade
20 students will perform as average or above average in
21 math as indicated by the comparative Discovery
22 growth report comparing test 1 to test 4, US Common
23 Core math grade level report."

24 And then we have a "Falls far below"
25 standard. "Below 45 percent of full academic year K

1 through sixth-grade students will perform as average
2 or above average in math as indicated by the
3 comparative Discovery growth report comparing test 1
4 to test 4, Common Core math grade level report."

5 COMMISSIONER SHEARMAN: Thank you. And
6 essentially the same goal is in math and reading.

7 COMMISSIONER BERGMAN: Correct.

8 COMMISSIONER SHEARMAN: Do we have your
9 governing council minutes where they approved the
10 performance framework?

11 MS. CARTER: Yes, ma'am.

12 COMMISSIONER SHEARMAN: You have those?

13 MR. PAHL: You have them in your binder.

14 COMMISSIONER SHEARMAN: I wouldn't
15 guarantee that, because I'm looking for a lot of
16 things. That's why I asked, just to be sure.

17 Okay. So the school and the governing
18 council have agreed to this performance framework.

19 Commissioners, I will ask you if you are
20 ready to vote to approve the 2014/15 performance
21 framework of Horizon Academy West Charter School.

22 COMMISSIONER BERGMAN: Yes.

23 COMMISSIONER SHEARMAN: May I hear a
24 motion?

25 Commissioner Bergman.

1 COMMISSIONER BERGMAN: Madam Chair, I
2 would move that the Public Education Commission
3 approve and accept the 2014/2015 academic school
4 year performance framework for the Horizon Academy
5 West.

6 COMMISSIONER SHEARMAN: Thank you. Do we
7 hear a second?

8 COMMISSIONER PARKER: Second.

9 COMMISSIONER SHEARMAN: From Commissioner
10 Parker. Motion and second to approve the 2014/15
11 performance framework as presented for Horizon
12 Academy West Charter School.

13 Any discussion?

14 Commissioner Bergman, may we have a roll
15 call vote, please?

16 COMMISSIONER BERGMAN: Commissioner Pogna?

17 COMMISSIONER POGNA: Yes.

18 COMMISSIONER BERGMAN: Commissioner
19 Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Parker?

23 COMMISSIONER PARKER: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Conyers?

1 COMMISSIONER CONYERS: Yes.

2 COMMISSIONER BERGMAN: Commissioner Gant?

3 COMMISSIONER GANT: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Shearman?

6 COMMISSIONER SHEARMAN: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Bergman votes yes. Madam Chair, that is a

9 seven-to-zero vote in favor of that motion.

10 COMMISSIONER SHEARMAN: Thank you. The

11 motion passes unanimously. The performance

12 framework for Horizon Academy West Charter School is

13 approved. Thank you very much for being here.

14 MS. CARTER: Thank you, Madam Chair and

15 members of the Commission.

16 COMMISSIONER SHEARMAN: Thank you.

17 Next is North Valley Academy Charter

18 School.

19 MR. PAHL: Madam Chair, North Valley was

20 unable to attend the meeting today but felt very

21 satisfied with the progress made during the

22 negotiation session and felt comfortable with that

23 framework.

24 COMMISSIONER SHEARMAN: All right. And we

25 are in receipt of their governance council approval?

1 MR. PAHL: That's correct.

2 COMMISSIONER GANT: Madam Chair, members,
3 I'd like to make a note on the minutes for the
4 approval of North Valley, that this is one of those
5 very good motions. It's very detailed, and there's
6 no doubt about it. They all shoot exactly the same
7 way. Thank you.

8 COMMISSIONER SHEARMAN: Thank you. Any
9 further discussion on the performance framework for
10 North Valley Academy Charter School?

11 Hearing none, the Chair would entertain a
12 motion for approval of their performance framework
13 for the 2014/15 school year.

14 Commissioner Conyers.

15 COMMISSIONER CONYERS: I move that the
16 Commission approve the performance framework for
17 North Valley Academy Charter School for the 2014/15
18 academic school year.

19 COMMISSIONER SHEARMAN: Thank you. Do we
20 hear a second?

21 COMMISSIONER BERGMAN: Second.

22 COMMISSIONER SHEARMAN: Motion by
23 Commission Conyers, second by Commissioner Bergman
24 to approve the 2014/15 performance framework for
25 North Valley Academy Charter School.

1 Any discussion?

2 Commissioner Bergman, may we have a roll
3 call vote, please?

4 COMMISSIONER BERGMAN: Commissioner
5 Toulouse?

6 COMMISSIONER TOULOUSE: Yes.

7 COMMISSIONER BERGMAN: Commissioner
8 Parker?

9 COMMISSIONER PARKER: Yes.

10 COMMISSIONER BERGMAN: Commissioner
11 Conyers?

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna?

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner Gant?

16 COMMISSIONER GANT: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Shearman?

19 COMMISSIONER SHEARMAN: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Bergman votes yes. Madam Chair, that is a
22 seven-to-zero vote in favor of that motion.

23 COMMISSIONER SHEARMAN: Thank you. The
24 motion passes unanimously to approve the 2014/15
25 performance framework for North Valley Academy.

1 COMMISSIONER SHEARMAN: Health Leadership
2 Academy Charter School.

3 MR. PAHL: Madam Chair, members of the
4 Commission, it's Health Leadership High School.
5 It's misrepresented on the agenda but not on the
6 charter school documents.

7 COMMISSIONER SHEARMAN: I'm sorry. Thank
8 you for that correction.

9 MR. PAHL: And the other thing I'll add is
10 that Health Leadership High School was unable to get
11 their performance contract approved by their
12 governing council at this time, so you will not find
13 minutes in your binders to that effect.

14 COMMISSIONER SHEARMAN: Okay. And let me
15 just say to that, it was not the fault of the Health
16 Leadership High School governing council that they
17 have not had an opportunity to review this
18 framework; they did not get it in time. There are
19 two schools on this list that did not get it in
20 time, possibly even three. So our attorney, Abby
21 Lewis, and I think Josh, will agree that the
22 proposed motion, should you choose to make it, is
23 that we give approval to this -- pardon me. I move
24 that the PEC approve the 2014/15 Health Leadership
25 performance -- why am I reading this? Somebody else

1 needs to make the motion.

2 COMMISSIONER BERGMAN: Are we to that
3 point?

4 COMMISSIONER SHEARMAN: Yes.

5 COMMISSIONER BERGMAN: If we're to that
6 point, I'll read the motion, then.

7 COMMISSIONER SHEARMAN: Please do.

8 COMMISSIONER BERGMAN: Madam Chair, I
9 would move that the Public Education Commission
10 approve the 2014/15 Health Leadership High School
11 performance framework as negotiated contingent on
12 HLHS' governing council voting to approve the same
13 within a specified amount of time, which would be, I
14 assume, their next board meeting, of this provided
15 and notice provided both to CSD and to the Public
16 Education Commission attorney.

17 COMMISSIONER TOULOUSE: Second.

18 COMMISSIONER SHEARMAN: Let me just ask
19 one question. Mr. Ivey-Soto, when is the next
20 governance counsel meeting?

21 SENATOR IVEY-SOTO: Madam Chair, members
22 of the Commission, before I go any further, Daniel
23 Ivey-Soto. I-V-E-Y-S-O-T-O. The next governance
24 council meeting is actually this week, later on this
25 week. We're in the middle of a search for a new

1 director of the school. Our previous director got
2 tapped to be deputy superintendent of the Santa Fe
3 Public Schools. So we actually have three special
4 meetings this month. So we have it on the agenda to
5 be considered later on this week, on Thursday.

6 I will note to the Commission that the
7 governing council may elect to postpone
8 consideration until we have a new director named, so
9 that we can have that conversation with the director
10 about what these performance frameworks mean, and
11 the importance of compliance with the performance
12 frameworks. That is not to say that -- but that
13 would be happening before your September meeting.
14 It's within this month.

15 COMMISSIONER SHEARMAN: Okay. Because we
16 certainly need a window there. I think the latest
17 we could get these documents and this notification
18 from you would be -- Beverly's not here -- probably
19 the 10th of September. Our meeting is the 25th,
20 26th. So you could have that to us prior to the
21 10th of September?

22 SENATOR IVEY-SOTO: Yes, ma'am.

23 COMMISSIONER SHEARMAN: Thank you very
24 much.

25 SENATOR IVEY-SOTO: And I will also note,

1 this is the first week of school. I apologize that
2 no one else from the school is here. I am the most
3 expendable person.

4 COMMISSIONER SHEARMAN: Interesting way to
5 put it. Thank you.

6 We do have a motion on the floor. Did we
7 get a second?

8 COMMISSIONER TOULOUSE: I seconded.

9 COMMISSIONER SHEARMAN: You seconded it?
10 And did you have a comment?

11 COMMISSIONER TOULOUSE: No, Madam Chair.
12 As long as they do get the decision -- you know,
13 whenever there's a change in administration, there
14 are some things that you can delay and some things
15 you can't and simply present to that person as a
16 fait accompli. So I think as long as it's in time
17 for the deadline for our next meeting. But I would
18 hope they would approve it then if they don't have
19 somebody else to replace Gabriella anyway.

20 SENATOR IVEY-SOTO: Certainly. And Madam
21 Chair, this is my understanding, in terms of the
22 motion, where the motion says by a set date, that
23 that means September 10th.

24 COMMISSIONER SHEARMAN: We can
25 certainly -- yes. We can plug that in, September

1 10. Is that agreeable with you?

2 COMMISSIONER BERGMAN: Yes.

3 COMMISSIONER TOULOUSE: Yes.

4 COMMISSIONER SHEARMAN: All right. You
5 heard the motion and the second to approve Health
6 Leadership High School framework 2014/15, contingent
7 upon the approval by September 10 of their governing
8 council.

9 Any further discussion?

10 Commissioner Bergman, may we have a roll
11 call vote?

12 COMMISSIONER BERGMAN: Commissioner
13 Parker?

14 COMMISSIONER PARKER: Yes.

15 COMMISSIONER BERGMAN: Commissioner
16 Conyers?

17 COMMISSIONER CONYERS: Yes.

18 COMMISSIONER BERGMAN: Commissioner Pogna?

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER BERGMAN: Commissioner
21 Toulouse?

22 Yes.

23 COMMISSIONER BERGMAN: Commissioner Gant?

24 COMMISSIONER GANT: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Shearman?

2 COMMISSIONER SHEARMAN: Yes.

3 COMMISSIONER BERGMAN: Commissioner
4 Bergman votes yes. Madam Chair, that is a
5 seven-to-zero vote in favor of that motion.

6 COMMISSIONER SHEARMAN: The motion does
7 pass unanimously.

8 Thank you for being here, Mr. Ivey-Soto,
9 and we'll look forward to hearing from you by the
10 10th.

11 SENATOR IVEY-SOTO: Thank you, Madam
12 Chair. Thank you, members of the Commission.

13 Next is Media Arts. Do we have their
14 governance council approval?

15 MR. PAHL: Madam Chair, we do.

16 COMMISSIONER SHEARMAN: Good morning.

17 MS. VOIGT: Good morning, Madam Chair.

18 COMMISSIONER SHEARMAN: Please introduce
19 yourselves here, and then we'll get started.

20 MS. VOIGT: My name is Glenna Voigt. I'm
21 the principal of Media Arts Collaborative Charter
22 School.

23 MR. DUNPHY: I'm John Dunphy, of the
24 governing council.

25 COMMISSIONER SHEARMAN: Thank you very

1 much.

2 Commissioners, you have the 2014/15
3 performance framework in front of you. You also
4 have the minutes from their governance counsel where
5 it was approved. Do you have questions? Comments?

6 Hearing none, the Chair would entertain a
7 motion on approval of Media Arts' 2014/15
8 performance framework.

9 COMMISSIONER TOULOUSE: Madam Chair, I
10 would move that we approve the performance framework
11 for the ensuing year for the Media Arts
12 Collaborative Charter School.

13 COMMISSIONER SHEARMAN: Thank you very
14 much. We have a motion. Do we have a second?
15 Commissioner Pogna?

16 COMMISSIONER POGNA: Second.

17 COMMISSIONER SHEARMAN: Motion by
18 Commissioner Toulouse, second by Commissioner Pogna
19 to approve the performance framework for Media Arts
20 Collaborative Charter School for 2014/15.

21 Further discussion?

22 Commissioner Bregman, a roll call vote,
23 please.

24 COMMISSIONER BERGMAN: Commissioner
25 Conyers?

1 COMMISSIONER CONYERS: Yes.

2 COMMISSIONER BERGMAN: Commissioner Pogna?

3 COMMISSIONER POGNA: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Toulouse?

6 COMMISSIONER TOULOUSE: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Parker?

9 COMMISSIONER PARKER: Yes.

10 COMMISSIONER BERGMAN: Commissioner Gant?

11 COMMISSIONER GANT: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Shearman?

14 COMMISSIONER SHEARMAN: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Bergman votes yes. That's a seven-to-zero vote in

17 favor of that motion, Madam Chair.

18 COMMISSIONER SHEARMAN: Thank you. The

19 motion passes unanimously approving your framework.

20 MS. VOIGT: Thank you very much. Have a

21 great rest of the day.

22 COMMISSIONER SHEARMAN: Have a great year.

23 MR. DUNPHY: Madam Chair and

24 Commissioners, thank you.

25 COMMISSIONER SHEARMAN: Thank you.

1 New Mexico Connections Academy. Please
2 introduce yourselves.

3 MS. TRUJILLO: Good morning, Madam Chair,
4 Commissioners, Athena Trujillo, New Mexico
5 Connections Academy.

6 MR. JONES: Good morning. Chris Jones,
7 New Mexico Connections Academy.

8 COMMISSIONER SHEARMAN: Mr. Pahl, do we
9 have the governance council minutes?

10 MR. PAHL: We do for New Mexico
11 Connections Academy.

12 COMMISSIONER SHEARMAN: Do you have any
13 questions?

14 MS. TRUJILLO: No.

15 COMMISSIONER SHEARMAN: We thank you for
16 being here. We have the governance council approval
17 for New Mexico Connections' performance framework
18 for 2014/15.

19 Is there any discussion? Hearing none,
20 the Chair would entertain a motion.

21 Commissioner Toulouse, I'm looking at you.

22 COMMISSIONER TOULOUSE: Madam Chair, I did
23 the last one.

24 COMMISSIONER SHEARMAN: I know.

25 Commissioner Conyers.

1 COMMISSIONER CONYERS: I move that the
2 Public Education Commission approve the negotiated
3 2014/15 performance framework for New Mexico
4 Connections Academy Charter School as presented here
5 today on the record.

6 COMMISSIONER SHEARMAN: Thank you.
7 Commissioners, you have heard the motion.
8 Do I hear a second?

9 COMMISSIONER BERGMAN: Second.

10 COMMISSIONER SHEARMAN: Motion by
11 Commissioner Conyers, second by Commissioner Bergman
12 to approve the performance framework for New Mexico
13 Connections Academy for 2014/15. Any discussion?

14 Commissioner Gant.

15 COMMISSIONER GANT: Madam Chair, members,
16 I'm reading the minutes. I need some clarification.
17 It's under the "Call to order and roll call." It
18 says, "In the absence of a quorum of the governance
19 council." You did not have a quorum?

20 MS. TRUJILLO: No, we did have a forum. I
21 think there was a discussion at the beginning, the
22 meeting started, and one of the council members was
23 in another meeting, and you'll see he joined by
24 phone. Mr. Paul Gessing.

25 COMMISSIONER GANT: I got it.

1 COMMISSIONER SHEARMAN: You found it?

2 Good, thank you. Any other questions? Issues?

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

5 COMMISSIONER BERGMAN: Commissioner Pogna?

6 COMMISSIONER POGNA: Yes.

7 COMMISSIONER BERGMAN: Commissioner
8 Toulouse?

9 COMMISSIONER TOULOUSE: Yes.

10 COMMISSIONER BERGMAN: Commissioner
11 Parker?

12 COMMISSIONER PARKER: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Conyers?

15 COMMISSIONER CONYERS: Yes.

16 COMMISSIONER BERGMAN: Commissioner Gant?

17 COMMISSIONER GANT: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Shearman?

20 COMMISSIONER SHEARMAN: Yes.

21 COMMISSIONER BERGMAN: Commissioner

22 Bergman votes yes. Madam Chair, that is a

23 seven-to-zero vote in favor of the motion.

24 COMMISSIONER SHEARMAN: Thank you. Motion
25 passes unanimously. Your performance framework is

1 approved. Thank you all very much. Have a great
2 year.

3 MS. TRUJILLO: Thank you. You, too.

4 COMMISSIONER SHEARMAN: Now it's
5 Cottonwood Classical.

6 MS. BEERY: I have been texting with them.
7 He was at the same meeting I was, and he's almost
8 here.

9 COMMISSIONER SHEARMAN: He's almost here.

10 MS. BEERY: Yes, he's probably a couple
11 minutes away. So whatever you choose.

12 COMMISSIONER SHEARMAN: Thank you.

13 MR. PAHL: Madam Chair, they did not have
14 their governing council approve this.

15 COMMISSIONER SHEARMAN: This is one of the
16 ones where we don't have governance council
17 approval?

18 MR. PAHL: Exactly. So you'll note that
19 the performance framework is not included in your
20 agenda for that reason.

21 COMMISSIONER SHEARMAN: And again, they do
22 not have governance council approval, because they
23 did not receive the performance framework in time to
24 take it to their governance council. So if it's the
25 pleasure of the Commission, we can approve this with

1 the condition of government council approval, as we
2 did the previous one.

3 COMMISSIONER BERGMAN: I'm fine with that,
4 but since we did a specific date on the last one, do
5 we have someone from Cottonwood to give us a
6 specific date on this one so I can word it properly?

7 MS. BEERY: He just pulled in the parking
8 lot. Sorry. No. He's here.

9 COMMISSIONER SHEARMAN: I want to see him
10 come running in here. I really want to see that.
11 Let's just bypass this issue until Sam gets here.
12 And let's go on. In the interests of time, let's go
13 on to number 8. Report from Options for Parents.
14 And Mr. Pahl, let's start with A, update on school
15 closures, and then swing back when Sam gets here.

16 COMMISSIONER SHEARMAN: And then swing
17 back when Sam gets here.

18 MR. PAHL: Madam Chair, members of the
19 Commission, the closing of Ralph J. Bunche and the
20 Learning Community Charter Schools is nearly
21 complete. Sandy Beery is here to answer questions,
22 but you have been provided with updated closure
23 sheets. They have not admitted students, they are
24 not operational for this upcoming school year or the
25 school year that has just started within the last

1 week or two.

2 What I'll note is that the only other
3 action items have to do with the finances, which the
4 PED is working closely with the business manager of
5 the school, which for both schools is the Vigil
6 Group. So they're working with them to conduct
7 their audit for their last fiscal year and just make
8 sure the books are closed. So Ms. Beery is able to
9 answer more questions. She's been ushering us
10 through that process, but overall, that's where
11 we're at with both schools.

12 COMMISSIONER SHEARMAN: Okay. Good
13 morning.

14 MS. BEERY: Good morning. I'm Sandy
15 Beery. Thank you. Madam Chair, the business
16 manager at this point for these two schools is Edwin
17 Fernandez, and he's working with PED. I think he's
18 been under contract since July 1, I believe. But
19 he's working directly with the finance department at
20 PED to finish out the last of the pieces and prepare
21 for audit and those pieces.

22 COMMISSIONER SHEARMAN: Commissioners, do
23 you have any questions on the two school closures?
24 Do you have any questions on these two school
25 closures? I'm seeing someone back there. Yes?

1 MR. VIGIL: Yes, Madam Chair, I'm Mike
2 Vigil. I'm a representative of the Vigil Group, the
3 business manager. Just as a point of clarification,
4 Ralph J. Bunch Academy has actually contracted with
5 us for the closure. I just wanted to clarify that.
6 But we don't have TLC any longer.

7 MS. BEERY: I'm sorry, I wasn't clear,
8 because I'm not working directly with that piece.

9 COMMISSIONER SHEARMAN: Thank you.
10 Commissioner Bergman.

11 COMMISSIONER BERGMAN: Madam Chair, Sandy,
12 since this was the first time you have done this for
13 the CSD, when it's all said and done, I think this
14 Commission would appreciate maybe some kind of a
15 very short report from you on if you had any
16 suggestions, here again, how we're always looking at
17 better ways we can revise and streamline our
18 process. We think that's a very solid document, and
19 it is very clear and easy to follow. But if you
20 have suggestions, we'd like to hear them. Thank
21 you.

22 MS. BEERY: I will do that in the future,
23 yes. Thanks.

24 COMMISSIONER SHEARMAN: Thank you.

25 Any other questions of Ms. Beery?

1 We thank you for being here today.

2 MS. BEERY: You're welcome.

3 COMMISSIONER SHEARMAN: Sam came zipping
4 in the door.

5 Sam, if you would come up, please, and
6 we'll finish up with Cottonwood Classical. The
7 question on the table right now is, we know you
8 didn't get your performance framework in time for it
9 to go before the governance council. In the motion
10 we would like to include the date by which it can
11 get to the governance council and back to CSD and
12 PEC.

13 MR. OBENSHAIN: Okay. I'm Sam Obenshain,
14 executive director of Cottonwood Classical
15 Preparatory School.

16 Madam Chair, members of the Commission, we
17 are having our governing council meeting this
18 evening. So we intend to approve that contract
19 framework tonight.

20 COMMISSIONER SHEARMAN: And by what date
21 did you say, Sam?

22 MR. OBENSHAIN: Tonight, which is --

23 COMMISSIONER SHEARMAN: When can you get
24 it to us, the minutes?

25 MR. OBENSHAIN: I can get it to you

1 probably within a week. We'll have the minutes.
2 They won't be official because they won't be
3 approved until the following month, at our next
4 governing council meeting, but we can get you a copy
5 of draft minutes within a week.

6 COMMISSIONER SHEARMAN: Can we do with
7 draft minutes? When does your council meet in
8 September?

9 MR. OBENSHAIN: We'll meet the third
10 Tuesday of September.

11 COMMISSIONER BERGMAN: That's too late.

12 COMMISSIONER SHEARMAN: Is that too late?

13 MR. PAHL: Madam Chair, we did accept
14 draft minutes for Media Arts. It had "draft" on the
15 top, but because that was our record of what had
16 occurred, we decided in the interests of time that
17 we would accept that.

18 COMMISSIONER SHEARMAN: If we set the
19 precedent, then we're going to do it.

20 All right. So can you say that you would
21 have your draft minutes to us, to the PED, CSD, and
22 PEC by the first of September?

23 MR. OBENSHAIN: Yes, ma'am.

24 COMMISSIONER SHEARMAN: Would someone like
25 to make a motion? Commissioner Bergman.

1 COMMISSIONER BERGMAN: Madam Chair, I
2 would move that the Public Education Commission
3 approve the 2014/2015 performance framework for
4 Cottonwood Classical Prep, as negotiated, contingent
5 on their governing council voting to approve the
6 same by the September 1 and the copy of those draft
7 minutes presented to the CSD and the PEC.

8 COMMISSIONER SHEARMAN: Thank you.

9 Do I have a second?

10 COMMISSIONER PARKER: Second.

11 COMMISSIONER SHEARMAN: Commissioner
12 Parker. We have a motion and second to approve
13 Cottonwood Classical 2014/15 performance framework
14 conditional upon the approval of their governance
15 council and getting those minutes to us by the first
16 of September.

17 Further discussion? Commissioner
18 Toulouse.

19 COMMISSIONER TOULOUSE: Madam Chair, now
20 that I'm free to discuss on Cottonwood and to vote
21 on them, you know, I remember as a fairly new
22 commissioner that their governance council, when it
23 came to the contract, had some reservations and we
24 had to wait longer. I just want to make sure if
25 we're going to do this now that they're not going to

1 have the same kind of reservations on the
2 performance framework.

3 MR. OBENSHAIN: Madam Chair, Commissioner
4 Toulouse, we actually still have the same concerns.
5 However, the governing council has agreed to approve
6 the contract, but the conditions have not changed.
7 The concerns that we read into the record last year
8 remain the same. I just don't know if there was any
9 action on behalf of the PEC or the PED to address
10 those concerns. They were not articulated in the
11 framework. What we were told during our
12 conversation during the negotiation was that those
13 were PED issues, not PEC issues, and so our concerns
14 should be registered with the PED, not the PEC.

15 The governing council, as well as myself
16 and our administration, are still confused about the
17 role that the PEC plays and that the PED plays. The
18 concerns that we mentioned last time were the
19 contractual language that seemed not to hold the
20 authorizer accountable, but did hold the charter
21 school accountable. So those concerns have not been
22 addressed and still remain issues that our governing
23 council has had conversations about.

24 COMMISSIONER SHEARMAN: I invite you to
25 meet with Acting Director Matt Pahl and see if any

1 of those can be resolved.

2 MR. OBENSHAIN: I'd be happy to. Thank
3 you.

4 COMMISSIONER SHEARMAN: Commissioners, we
5 have a motion and second on the floor. Any further
6 discussion?

7 Commissioner Bergman, may we have a roll
8 call vote?

9 COMMISSIONER BERGMAN: Commissioner
10 Toulouse?

11 COMMISSIONER TOULOUSE: Yes, I suppose so.
12 I'm getting tired of voting yes.

13 COMMISSIONER BERGMAN: Commissioner
14 Parker?

15 COMMISSIONER PARKER: Yes.

16 COMMISSIONER BERGMAN: Commissioner
17 Conyers?

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER BERGMAN: Commissioner Pogna?

20 COMMISSIONER POGNA: Yes.

21 COMMISSIONER BERGMAN: Commissioner Gant?

22 COMMISSIONER GANT: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Shearman?

25 COMMISSIONER SHEARMAN: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Bergman votes yes. Madam Chair, that is a
3 seven-to-zero in favor of that motion.

4 COMMISSIONER SHEARMAN: Thank you very
5 much. The performance framework for Cottonwood
6 Classical for 2014/15 is approved. Thank you very
7 much, Sam.

8 MR. OBENSHAIN: Thank you all.

9 MS. FRIEDMAN: If I may say something, the
10 hotel has a lunch special, and since your meeting is
11 running late, if you would like to order a lunch
12 special, I can get it brought probably around the
13 end of this meeting, around 12:30, quarter to 1:00,
14 before your hearing starts.

15 COMMISSIONER SHEARMAN: Please do. If
16 anyone wants to order lunch, please let Ms. Friedman
17 know.

18 Let's move on. Mr. Pahl, I believe we're
19 ready for item B, schools of concern.

20 MR. PAHL: Yes, Madam Chair, members of
21 the Commission. Our first school of concern -- and
22 I guess this one is plural, schools of concern --
23 are the Southwest Learning Centers. To clarify what
24 that means, we are talking about four separate
25 entities that share some administrative staff and so

1 the concern spreads to all four of these schools.
2 Those schools are Southwest Secondary Learning
3 Center, Southwest Aeronautics, Mathematics and
4 Science Academy, Southwest Intermediate Learning
5 Center, and Southwest Primary Learning Center. I
6 have a statement that I'll read. The school's
7 attorney is here and other staff, if there are
8 questions of the school.

9 COMMISSIONER SHEARMAN: Let's invite them
10 to come up to the table, please.

11 MR. PAHL: Sure.

12 COMMISSIONER SHEARMAN: Before we go any
13 further, if the folks at the table would identify
14 yourselves, please.

15 MS. MATTHEWS: Madam Chair, members of the
16 Commission, I'd also like to recognize in the
17 audience that there is a member from each of
18 governing bodies of the schools. Mr. Kit Turpen is
19 here from Southwest Secondary Learning Centers.
20 Mr. Larry Kennedy is here from SAMS. Ms. Cheryle
21 Harbaugh is here from Southwest Intermediate, and
22 Mr. Ken Chapman was here. He may have had to leave.
23 Did he leave? Mr. Chapman came and went. He was
24 the president of the primary.

25 I also have with me today the interim

1 director, Mr. Al Baysinger, and Bobby Spinelli, who
2 is the new chief financial officer. Mario Guggino
3 is also a business manager at the school. And Ms.
4 Lujan -- you may know her from the Public Education
5 Department -- also works with the business
6 department. But we're here today to answer whatever
7 questions and give you a summary, if you like.

8 COMMISSIONER SHEARMAN: Thank you.

9 MR. PAHL: Madam Chair, members of the
10 Commission, on July 31, the Federal Bureau of
11 Investigation visited Southwest Secondary Learning
12 Center as part of an ongoing investigation. While
13 limited information on the investigation is known,
14 it may be associated with findings from a risk
15 review conducted by the state auditor. In a letter
16 dated August 5 the state auditor noted that
17 information from the risk review was shared with the
18 FBI as appropriate.

19 Southwest Secondary Learning Center and
20 Southwest Aeronautics, Mathematics and Science
21 Academy, or SAMS, were specifically named in the
22 state auditor's report. The other Southwest
23 Learning Centers, Southwest Intermediate and
24 Southwest Primary, are named as schools of concern
25 because of their close relationship to those schools

1 named in the review.

2 Dr. Scott Glasrud, the head administrator
3 of the four charter schools, had taken voluntary
4 leave and I think has since resigned in the wake of
5 the investigations.

6 The Public Education Department has been
7 and plans to cooperate with the FBI in their
8 investigation associated with the school. The
9 Charter Schools Division will continue to update the
10 Commission regarding the FBI's investigation and the
11 operating status of each of the Southwest Learning
12 Centers.

13 COMMISSIONER SHEARMAN: Thank you for
14 that. Does the school have a statement?

15 MS. MATTHEWS: Ms. Shearman, I did want
16 you to hear from both Mr. Baysinger and
17 Mr. Spinelli, but I did want to bring you beyond
18 what Mr. Pahl has provided to you, because certainly
19 we have been extremely busy working on following up
20 from what is transpired in the last few weeks. So
21 if I may, I'd like to provide you with that
22 information.

23 COMMISSIONER SHEARMAN: Please do.

24 MS. MATTHEWS: Okay. As Mr. Pahl stated,
25 the FBI came in on the 31st. I do think it's

1 important for the Commission to know that as a
2 result of the search warrant, the FBI took roughly
3 eight pallets of documents out of the school. So
4 although that's a lot of documents, I have been
5 assured, as have been the council members, that the
6 school is up and operating as far as the business
7 office.

8 We've been able to continue because,
9 frankly, most of everything was on the computer.
10 And we are also moving forward with the annual
11 audit, so that is on time, as far as I understand
12 it. We may have a few glitches as far as
13 documentation that we might have to dig a little
14 deeper this time. That was the 31st.

15 On the evening of August 5th, we were
16 issued the state auditor's report, but we had
17 already scheduled a governing body meeting. At that
18 time we placed Mr. Glasrud on administrative leave.
19 Subsequently he has resigned from the school.

20 I do want you to know also in the context
21 of all of the complications, there has been another
22 counsel hired to assist me, and his name is Mark
23 Baker, from the firm of Peifer, Hansen & Mullins.
24 So you know, we have a lot of hands on deck at this
25 point.

1 I do want to give the Commission this
2 information, which was shared with me by the FBI,
3 that there are no other individuals at this time or,
4 in fact -- I don't even want to say it that way.
5 There's no one else at this point in time that the
6 FBI is investigating and is of concern. So the
7 personnel at the school we all have confidence in,
8 and that's why I want you to hear from them.

9 I contacted Ms. Lewis also. I believe
10 she's shared that information with the Executive
11 Committee, if not the full counsel. As soon as we
12 got this information, we've assured the FBI, the
13 Public Education Department, with whom I have met
14 personally already, and Ms. Lewis, but now I'll
15 extend that to Mr. Granata, that we plan to
16 cooperate fully with the investigation and, in fact,
17 we've already started some internal work that we're
18 following up on.

19 As I mentioned, Dr. Glasrud submitted his
20 resignation on the 14th. And I just wanted you to
21 be clear that he wasn't paid out on his contracts,
22 unlike a similar position that's been recently in
23 the news. And he was paid for his 30-day notice
24 period, and so he has resigned under those terms.

25 I'll provide an update on some of the

1 issues -- well, a full update on the entire report
2 from the auditor, but I think I can probably fairly
3 soon provide you an update on the issues of the two
4 leases that were of primary concern by the auditor,
5 which is the Montgomery building and the airplane
6 leases. But I don't have enough information to give
7 that to you today.

8 The councils have been meeting diligently.
9 Everyone is in a semi-state of shock at the school,
10 including the governing bodies, so we're working
11 extremely hard to do everything as quickly as
12 possible to make sure that the school is up and
13 running. We have another meeting scheduled for this
14 Thursday, and key on that agenda is to suspend the
15 board policy wherein the head administrator has a
16 primary role in appointing members to the council,
17 so we'll have an interim policy so that we can fill
18 a few of the vacancies that are on a few of the
19 boards. But I wanted to be sure that you knew that
20 that policy, which was of concern in the auditor's
21 report, will be addressed on Thursday.

22 We also plan, on that agenda for Thursday,
23 to schedule some work sessions immediately to review
24 policies, primarily internal policies of control,
25 but also to do some board training on roles and

1 responsibilities and oversight, and take stock.
2 Also on the agenda for this Thursday is to take a
3 look at the finance and audit committees to make
4 sure that they are staffed appropriately and that to
5 the extent that they need assistance in
6 understanding their roles and responsibilities, we
7 will provide training.

8 Then of course, my next chore is to look
9 at responding to the state auditor's report and
10 provide a full response to the auditor and provide
11 the information that they may still need based on
12 some of the things he said there. So I'd like to
13 turn it over to Mr. Baysinger. He has some brief
14 comments about the current school year on behalf of
15 the schools.

16 COMMISSIONER SHEARMAN: Thank you.

17 MR. BAYSINGER: Good morning, Madam Chair
18 and members of the Commission. My name is Al
19 Baysinger, and I am the appointed hired interim head
20 administrator. I would like to assure the
21 Commission that we have a great staff, and everybody
22 has really pulled together on this. And we are in
23 the midst now of examining duties and
24 responsibilities of Mr. Glasrud. School will start
25 on time. It's functioning well. The internal

1 educational part of our school has done well in the
2 past, and hopefully will continue to do so. So
3 again, I would reassure you that the school will be
4 just fine. Our parents have been very supportive,
5 and the kids -- there's hardly been any negative
6 that's come out from our parents and kids. It's
7 just school for them.

8 I think probably the greatest concern from
9 what we know now is certainly with the audit report
10 and the financial part of it. Mr. Bobby Spinelli
11 was hired, he started on August 1st, the day after
12 the FBI made their cordial visit to us. And he is a
13 great hire and I have absolute confidence in him, so
14 we are as quickly as possible in the last two weeks
15 examining policies and putting things in place to be
16 done properly. I will entertain questions. I'll
17 let Mr. Spinelli maybe address some of those
18 specific things that we've already done to reassure
19 all the powers that be.

20 COMMISSIONER SHEARMAN: Thank you.

21 MR. SPINELLI: Good morning. As
22 Mr. Baysinger said, my name is Bobby Spinelli.
23 Madam Chair, members of the Commission, I do have 18
24 years of public school experience. I am a certified
25 public accountant. As Mr. Baysinger mentioned, I

1 did start with the school on August 1. He alluded
2 to some changes we made in the organization.
3 Actually we've restructured the administrative
4 duties of the organization.

5 Prior to my coming, the responsibilities
6 of head administrator and chief financial officer
7 were conducted by the head administrator. That's
8 the first thing we've done, is separate those duties
9 and responsibilities. It gives us greater internal
10 control and obviously, the head administrator is not
11 the final say-so in the financial operations, but
12 the chief financial officer will answer to the
13 board.

14 In my short time there, I will say that in
15 observing things within the business office, there
16 are strong internal controls in some areas. There
17 may be some procedures that we change, but
18 obviously, problems that have resulted have been
19 actually the problem with the head administrator
20 having financial responsibilities and authority over
21 the schools, and that has been corrected.

22 I might go ahead and mention also that it
23 came to my attention just this past week that much
24 of the unethical business conducted there at the
25 school was self-reported by the school, and I think

1 that says a lot. It actually came from within the
2 business office. So with that, I would entertain
3 any questions.

4 MS. MATTHEWS: I just want to say,
5 Mr. Spinelli was a little modest. He was a chief
6 financial officer for the Clayton Public Schools for
7 14 years, and he was chief financial officer for
8 Pojoaque Public Schools prior to coming to Southwest
9 Secondary. So I do want you to have a grasp of his
10 breadth of experience in the public school finance
11 area.

12 COMMISSIONER SHEARMAN: Thank you very
13 much for that. Before we see if the Commissioners
14 have any questions, as the Chair, I have a couple of
15 comments I would like to make. On advice of our
16 attorney, I am appointing our new attorney,
17 Mr. Granata, and the Executive Committee of this
18 Commission, which is myself, Vice-Chair Gant, and
19 Secretary Bergman, to work together to formulate a
20 corrective action plan for the Southwest Schools and
21 the SAMS, all four schools. PEC does not have the
22 budget nor the staff to conduct an investigation.
23 We are leaving that, of course, to the FBI and the
24 PED. We do have responsibility for oversight of the
25 school, and we feel corrective action is the correct

1 way to go to make sure that we know what's going on,
2 and that if there are those things that are
3 happening that under our authority or our need to
4 correct, that we become aware of those and that we
5 make sure that they are corrected. So that group is
6 now, please, put in order.

7 I also have a statement that I would like
8 to read from the Commission as to our history with
9 what's been going on. Let me say the New Mexico
10 Public Education Commission, as authorizer of all
11 state-chartered charter schools in the state,
12 remains very concerned about the recent state
13 auditor's review and criticism of the three
14 Southwest Learning Center charter schools and the
15 Southwest Aviation, Mathematics, and Science Charter
16 School. The Commission has been actively pursuing a
17 parent complaint that was filed with it over two
18 years ago. The complaint was immediately
19 hand-carried to the office of the state auditor for
20 investigation. The Commission is investigating all
21 options available to it for future actions that may
22 be taken regarding the Southwest Learning Centers
23 and SAMS. The Commission has received the
24 documentation from the state auditor's office,
25 understanding the gravity of the findings, and will

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1 make a final decision on action to be taken once the
2 investigative parties have completed their work.
3 That's where this Commission stands as of today.

4 Now, Commissioners, if anyone has any
5 questions for the representatives of the school, or
6 Ms. Matthews.

7 COMMISSIONER BERGMAN: Madam Chair.

8 COMMISSIONER SHEARMAN: Commissioner
9 Bergman.

10 COMMISSIONER BERGMAN: I'm not sure if
11 it's appropriate. Did the FBI confiscate the
12 students' records or are they still safe at the
13 school?

14 MR. BAYSINGER: I don't believe they took
15 any student records.

16 MS. MATTHEWS: Mr. Bergman and members of
17 the Commission, substantially I would say most if
18 not -- I mean I assume there are hard student
19 documents, but as you know, the school has a
20 substantial focus of online, and a lot of that
21 information is on the server, so they did not take
22 the server. They took a copy of it, but they didn't
23 take the servers.

24 COMMISSIONER BERGMAN: Thank you.

25 MS. MATTHEWS: I asked the same question

1 myself.

2 COMMISSIONER SHEARMAN: Good question. I
3 hear no further questions.

4 We thank you very much for coming forward
5 today and giving us the information. We look
6 forward to working with you and hearing from you
7 again.

8 COMMISSIONER BERGMAN: I would suggest
9 that this Commission keep these schools on the list
10 of schools that we have continual updates as
11 information becomes available. Thank you.

12 COMMISSIONER SHEARMAN: All right. Health
13 Science Academy. Mr. Pahl.

14 MR. PAHL: Madam Chair, members of the
15 Commission, Health Science Academy has been
16 identified as a school of concern due to significant
17 staffing changes immediately prior to the school's
18 opening. The acting administrator and another
19 teacher resigned just days before school was
20 scheduled to begin. The school opened as scheduled
21 on August 4 with approximately 180 students. CSD
22 has received assurances from the school's business
23 manager and the full-time administrator on the site,
24 Tony Archuleta, who's in the audience and coming up
25 now, that the school will be able to operate

1 according to statute and the contract established
2 with the Public Education Commission, but due to the
3 amount of turnover so close to the beginning of a
4 school year for a new charter, we thought it
5 appropriate to note them as a school of concern
6 because that start of the school year is important
7 especially for year one schools.

8 COMMISSIONER SHEARMAN: Okay. Thank you
9 very much for that. I appreciate it.

10 Good morning. Please introduce yourself.

11 MR. ARCHULETA: I'm Tony Archuleta. I am
12 the administrator for the Health Science Academy in
13 Santa Teresa. I took that position on August 1st.
14 The school has 167 students thus far, nine teachers,
15 and it's going very well. We had a tremendous
16 orientation. We had Congressman Steve Pearce, and a
17 lot of support from the community. It's really
18 turning out to be a great school, possibly the best
19 staff I have ever administered in my career. So
20 it's moving. And as you already know -- many of you
21 know me already -- this is the fourth charter school
22 that I have administered. So I welcome you to come
23 and visit.

24 I think you said you had seen the building
25 before, Ms. Toulouse, so I just wanted to let you

1 know that things are going well. I communicated
2 with Mr. Ed Woodd, our liaison, and I updated him on
3 how things were progressing.

4 COMMISSIONER SHEARMAN: Thank you very
5 much for that update. Commissioners, do you have
6 questions of Mr. Archuleta?

7 COMMISSIONER TOULOUSE: Madam Chair. I
8 know you don't live down there, but with the
9 problems now, are you down there every school day?

10 MR. ARCHULETA: Yes, ma'am, I live there.
11 I moved there. Yes.

12 COMMISSIONER TOULOUSE: Okay. Because I
13 think any new school, anyway, needs somebody. But
14 also, I would hope that with the new school, the
15 finances are going all right.

16 MR. ARCHULETA: Yes, we work with the
17 Vigil Group. I communicate with them daily
18 regarding any financial transaction.

19 COMMISSIONER SHEARMAN: Any other
20 questions?

21 We thank you very much for being here. We
22 look forward to getting a good report from you.

23 MR. ARCHULETA: Thank you so much.

24 COMMISSIONER SHEARMAN: Thank you.

25 COMMISSIONER SHEARMAN: Anthony Charter

1 School.

2 MR. PAHL: Madam Chair, we spoke together
3 at length, and I think we have a path moving
4 forward, so we will keep them on here probably for
5 September's meeting, so we can talk about that
6 improvement plan. But they have established a good
7 working relationship with myself and staff, and we
8 look forward to addressing the needs of the school.

9 COMMISSIONER SHEARMAN: Terrific.
10 Terrific. Thank you very much.

11 Let's move on to item number 9, discussion
12 on William W. and Josephine Dorn.

13 COMMISSIONER BERGMAN: Are we not going to
14 have a staffing report?

15 COMMISSIONER SHEARMAN: Oh, I missed it.

16 MR. PAHL: Madam Chair, members of the
17 Commission, we have had interviews for a general
18 manager and another liaison. So hopefully by the
19 time we meet again, we have two more statute members
20 to introduce you to.

21 COMMISSIONER SHEARMAN: That's great.

22 COMMISSIONER BERGMAN: Madam Chair? I
23 think this is an appropriate time for me to state
24 that, as we noted earlier, this next spring the
25 original seven charter schools will have to have

1 another performance framework negotiated. The 16
2 schools whose contracts we negotiated this spring
3 will then come up next spring for their new
4 performance framework. So within one year, we're
5 going to have to do 23 performance frameworks in
6 addition to all the other work that needs to be
7 done.

8 So I wanted it on the record that even
9 when you fill the positions you're doing now, CSD is
10 still going to need more staff. There's more work
11 each and every year and ultimately, every school in
12 this state of the 92 charter schools will either be
13 under contract with us or with their local
14 districts, and this work all is going to have to be
15 done. Ultimately if we end up with 70 or 80
16 schools, we're going to have 70 or 80 performance
17 framework negotiations to do every year, plus
18 whatever new work is coming along.

19 So I hope the legislature and PED are
20 listening to all this. Thank you.

21 COMMISSIONER SHEARMAN: Thank you,
22 Commissioner.

23 COMMISSIONER TOULOUSE: Madam Chair, I
24 have a question. How long does it take to bring
25 your new hires really up to speed to get into this

1 stuff? Because I have never seen anybody who could
2 come into a job, sit down at a desk, and be able to
3 do a full day's work that somebody who had been
4 doing the job had been doing for years. So what's
5 your time frame of putting those people on and up to
6 speed?

7 MR. PAHL: Madam Chair, Commissioner
8 Toulouse, being that we haven't hired someone yet
9 and don't know a start date, we don't know that.
10 But we have been working on a plan to really train
11 those new employees so they're ready to hit the road
12 as much as possible. But as you mentioned, as with
13 any new job, it takes some time.

14 COMMISSIONER TOULOUSE: Madam Chair, I
15 wasn't necessarily asking specific dates, but a time
16 frame. How long does it take from hire to being
17 able to at least meet minimum performance for a new
18 employee?

19 MR. PAHL: I can't speak to that, having
20 not hired someone yet.

21 COMMISSIONER TOULOUSE: Sorry to put you
22 on the spot, but I wanted that out there for people
23 to think about. Thank you.

24 MR. PAHL: Sure.

25 COMMISSIONER SHEARMAN: Now let's go to 9.

1 William W. and Josephine Dorn Community School and
2 La Jicarita. Let's ask the people from the Dorn
3 School to come up first, please.

4 Matt, do you have anything to bring to us
5 on this one?

6 MR. PAHL: Not at this time, Madam Chair.

7 COMMISSIONER SHEARMAN: Commissioners, I
8 asked that this item be put on the agenda, because
9 as I was looking at school grades, it really
10 concerned me, not only because this school has an F
11 grade -- they're not the only one in the state that
12 does -- but that their enrollment, according to the
13 PED website, is 10 students.

14 Now, would you all introduce yourselves,
15 please, and then let us hear from you?

16 MS. DORN-JONES: Madam Chair, members of
17 the Commission, my name is Diana Dorn-Jones. I'm
18 the executive director of United South Broadway
19 Corporation, which is a nonprofit community
20 development organization that addresses housing,
21 commercial revitalization, and youth development.
22 We are the founding organization of the Dorn Charter
23 School. So I'm here today with our most recent
24 principal from last year -- she's here with us again
25 this year -- Ms. Ellen Esquibel Bellamy. We also

1 had one of our parents here -- but she had to
2 leave -- who heads up our PTO, but she sends her
3 greetings and some information that Ms. Bellamy will
4 impart to the Commission this morning.

5 I know that you want to talk a little bit
6 about the attendance and also the financial
7 viability of the organization, as well as what we're
8 doing now in terms of our grades. So I can tell you
9 that United South Broadway has made a commitment
10 from the inception of the school to support the
11 school because it's a struggle.

12 We've learned a lot. Let me say that.
13 And what we do know is that what does not kill you
14 only makes you stronger, and we're trying to get
15 stronger and stronger every day. This is not an
16 easy process, but it's a meaningful process and
17 something that's really needed in the community, and
18 I think we're starting to make those turns that show
19 that the school is on the pathway to success.

20 As a founding member that has my parents'
21 name hanging on that school, I'm really fortunate
22 because the governance council as well as the
23 principal allows me to take an active role. If
24 you'll read the charter, we also committed to
25 working with the school through its inception and

1 getting it started through its first five years, or
2 more, whatever it takes.

3 And I do remember coming before the
4 Commission once before and Commissioner Gant asking
5 me, "How long are you prepared to support that
6 school?" Because we support it. We're also the
7 landlords. And that's one of the ways in which we
8 can offer some savings and some support to the
9 school, because we can control the cost of the
10 lease. So you can look at the lease now and see
11 that it is well below market rate for the amount of
12 space and the quality of space that the school
13 occupied, which I think is a real support because as
14 I look at charter schools, that's a real struggle,
15 your facilities. So we hope that what we're
16 providing in terms of technical expertise, around
17 administration, as well as some financial support,
18 is what it's going to take to move the school
19 forward.

20 Freudian slip. We have over 40 students
21 now. So I'll turn it over to Ms. Bellamy and she'll
22 go from there and we'll answer any questions you may
23 have.

24 COMMISSIONER SHEARMAN: Forty students as
25 of when?

1 MS. BELLAMY: We actually have 45 students
2 as of yesterday.

3 COMMISSIONER SHEARMAN: What about the end
4 of the last school year?

5 MS. BELMORE: Last year we had 37
6 students. We had 36 in our 40-day count. And the
7 year before that we had ten on our 40-day count.

8 MS. DORN-JONES: And just so you know,
9 Commissioner, we self-reported to PED that on our
10 first year that we were having some struggles in
11 terms of bringing students in. So we came in and we
12 self-reported, we talked to Deputy Secretary
13 Aguilar. I think we had six students at the time.
14 He said, "You need to have ten to keep your doors
15 open, and you have less than 30 days to do it."

16 We came up with 11, so we had ten plus a
17 spare. So we were able to get through that part.
18 So we have to figure, okay, we've made that, but we
19 used our community contacts to make it happen.

20 COMMISSIONER SHEARMAN: Okay. Do you have
21 something on the grade that you want to share?

22 MS. BELLAMY: Yes. On the grade, I have
23 been in contact with PED and have written a
24 response. One of my concerns was that I'm a retired
25 teacher, and so I did have the VAM score. Because

1 none of our teachers have three years of testing
2 behind them, they have used my score for when I was
3 teaching. I have been retired now for four years.
4 So they have taken that score and part of that has
5 been reflected in our grade because they have taken
6 my score, even though I'm not a teacher at the
7 school. So that's one of the concerns I had.

8 Second is that we did say DIBELS would be
9 our fall-back 15 percent that wasn't included in
10 that. So I'm in discussion with PED about the
11 grade. We do know that we didn't score well when we
12 looked at our students' test scores. We're using
13 that to develop our curriculum for this year,
14 develop our test-taking skills for this year. And
15 so we know some areas that we need to grow. We did
16 nearing proficient and proficient in reading.
17 Reading was our lowest, as far as the actual test,
18 but we did score an A in our teaching.

19 COMMISSIONER SHEARMAN: But you are
20 working with PED on this grade. You think there are
21 some problems?

22 MS. BELLAMY: We are working with PED on
23 the grade, and this is our first year of testing, so
24 there's nothing to compare it to. Even though it
25 says that we have our lowest and our highest growth

1 is not there, it's our first years of testing.

2 COMMISSIONER SHEARMAN: Thank you.

3 Mr. Pahl.

4 MR. PAHL: Just a clarification for the
5 Commission and potentially the school. We're
6 potentially talking about two different things here.
7 School grade follows students and not teachers. And
8 so students, if they have been in public schools for
9 three years, would have three years of data.

10 We do not do a value-added score for
11 teachers and input that into a school model. That
12 is measured on the growth of the students.

13 Furthermore, there was some mention of
14 DIBELS being incorporated, sounds like, in your
15 NMTEACH plan. That would not be incorporated into
16 your school grade.

17 MS. BELLAMY: Okay. It is new to me. I
18 have been a teacher for 30 years, so I'm taking a
19 year to learn acronyms and how it all works. But
20 we're committed to our school, to our students. We
21 have given you some pictures because that's the only
22 thing we can show you right now, as far as we have
23 teachers that are engaging children in learning
24 every day. Our parents are very excited, and
25 they're supportive of us, even though we did get an

1 F. None of us like to get an F, but we only see
2 ourselves going up, because this is our first year
3 of testing. So we're working toward that.

4 COMMISSIONER SHEARMAN: Well, I think
5 that's what we want to hear, is that you intend for
6 this grade to come up.

7 I would like to ask Mr. Pahl to put your
8 school on our list of schools of concern. As a
9 matter of fact, I'm going to make that request of
10 any school that receives an F grade, so that we can
11 pay a little bit more attention to those schools,
12 offer any help that we might have that we can offer
13 to you, and I would ask that you work very closely
14 with Mr. Pahl and the CSD staff to see if they can
15 provide some assistance to you in any way that you
16 might need.

17 MS. BELLAMY: Thank you.

18 MS. DORN-JONES: Madam Chair, I just would
19 like to finally say that I don't take Fs very well.
20 Okay? I think that we strive for excellence. And
21 although I have learned a lot, I'm not an educator,
22 but I am a businessperson, and I like being on the
23 top of the scale, not on the middle of the scale or
24 the bottom of the scale. So I can guarantee you
25 that we're going to do whatever is necessary to

1 bring our scores up to better reflect what our
2 children are learning.

3 We said in our charter that we were going
4 to have a lot of community involvement, and our
5 children would become world citizens. That's what
6 we're working towards. Our kids know a lot about
7 the environment. We have parents who are very
8 engaged with actually teaching classes, and quite
9 frankly, that's kind of how we made it through when
10 our budget was a little tight, because of the
11 students. We brought in community people to help
12 build and support the education of our students.

13 So I can guarantee you that we are going
14 to work our fingernails to the bone to make sure
15 that we have a better showing and that our children
16 and our parents and our community can be proud of
17 the grade and our school as a whole.

18 COMMISSIONER SHEARMAN: We appreciate that
19 commitment.

20 MS. BELLAMY: I also did want to say all
21 our students came back except for three, and they
22 were kindergarteners who moved on to a different
23 school. So we have support and we have teachers
24 that are committed and are working hard to move
25 forward.

1 COMMISSIONER SHEARMAN: Thank you. That's
2 nice to hear that. Thank you.

3 Is anyone here from La Jicarita, or still
4 here? How are you all this morning?

5 MS. ANGLADA: Good morning. My name is
6 Deborah Anglada and I am the new director at La
7 Jicarita as of August 8th. Good morning, Madam
8 Chair and members of the Commission.

9 MR. MACK: And my name is Eric Mack. I'm
10 one of the school co-founders and the president of
11 the governing council at the moment. Thank you,
12 Madam Chair and Commissioners, for inviting us.

13 In response, I just wanted to provide a
14 little bit of history since we last came before this
15 Commission, I believe, in December. This last year
16 was our first year of operation. The first six
17 months were particularly difficult, you may recall.
18 The facility, due to delays caused by weather and
19 other issues, did not actually open and get a
20 certificate of occupancy until the second half of
21 September, and we had some administrative turnover.
22 So the first semester was particularly difficult.

23 But starting January 1, 2014, we really
24 kind of put a stake in the ground and made some very
25 concrete movements towards turning things around.

1 We hired Tony Archuleta as an interim director, and
2 he was with us for six months. And along with a new
3 interim business manager, Edwin Fernandez, whose
4 name has also come up, the two of them really helped
5 us turn things around and get things on steady
6 footing.

7 We ended the school year with 36 students.
8 And during the entire time between April and August,
9 we did a very exhaustive -- a most exhaustive search
10 for a permanent school director, and I'm happy to
11 introduce Ms. Gonzales-Anglada. She's been on the
12 job for about two weeks now.

13 We've also secured the services of
14 Dr. James Ledger, who's in the audience, as well.
15 He's going to be helping out as a leadership mentor,
16 just to make sure that all the ducks are in a row
17 and we can start off with a much better start than
18 we gave our school last year.

19 As you are aware, the school ended the
20 last school year with 36 students. School started
21 last Monday, the 11th, and as of yesterday, we have
22 49 students, possibly 50, if one comes back from a
23 late summer vacation. But as of today, 49 students.
24 So enrollmentwise, I think we're doing great.

25 We're very happy to have

1 Ms. Gonzales-Anglada on board, and she can speak a
2 little bit more to the grade and things that are
3 going to be going on in the classroom to improve
4 that this year.

5 COMMISSIONER SHEARMAN: I appreciate you
6 giving us those enrollment numbers because the PED
7 website says you have nobody, zero enrollment. So
8 that, in addition to your school grade, was a huge
9 red flag, and I wanted to hear if that was correct.

10 MR. MACK: No, definitely not.

11 COMMISSIONER SHEARMAN: You know, I think,
12 just like the school that came before you, what I'm
13 looking for, what I think this Commission is looking
14 for, is just a commitment from you telling us it's
15 going to get better. If you agree with this grade,
16 okay, work hard to change it. If you don't agree
17 with this grade, then you need to work with
18 Mr. Pahl, CSD, with PED, and get it changed, if
19 there are things in here that are not accurate.
20 That's really all I want. I want to see a face to
21 tell me, "No, we've got students. We really do."

22 MR. MACK: Yes. We definitely have
23 students. Our community I think took definitely
24 kind of a wait-and-see approach to our school,
25 particularly since the full facility was not in

1 place by September. So we have heard from a lot
2 parents, "We're interested in your school, but we'll
3 see how it goes for a year."

4 And a lot of those parents have come out
5 this year and have enrolled. And if you look at our
6 report card for last year, clearly the test scores
7 were not where we wanted them to be, but it's very
8 interesting to note that in the opportunity-to-learn
9 grade, we are above the state benchmark, which, as I
10 understand it, you know, measures our ability to
11 facilitate learning and, you know, students want to
12 come to school. And the tag line of the Charter
13 School Division is "Options for Parents," and I
14 don't think anyone in this room would say that's
15 just options for parents in Albuquerque and
16 Los Alamos and Las Cruces. And so you know, we're
17 trying to fill a vital role in an underserved and
18 at-risk community that does not have many options,
19 and parents and students are clearly excited that
20 the option is there. So now we are going to put the
21 pieces in place to deliver the education that they
22 deserve so that we can also meet the testing
23 benchmarks as well as the enthusiasm benchmark, if
24 you will.

25 COMMISSIONER SHEARMAN: Thank you. I

1 appreciate that reassurance. Again, I'm going to
2 ask that this school be included on the list of
3 schools of concern, simply because of that school
4 grade. I congratulate you on having students. And
5 we'd like to hear from you as the year goes on how
6 things are going.

7 MR. MACK: Thank you, Madam Chair.

8 COMMISSIONER SHEARMAN: Questions,
9 Commissioner Gant?

10 COMMISSIONER GANT: Madam Chair, members,
11 again, how many students do you have?

12 MS. GONZALES-ANGLADA: We have 49.

13 COMMISSIONER GANT: Madam Chair, members
14 of the Commission, you are reported as having 52
15 students; therefore, you're collecting lease
16 assistance for 52. I would be very careful because
17 they could come back eventually and re-collect the
18 extra money. I know it's only \$739.32 a student,
19 but that's still money in the pocket or out of the
20 pocket, so that's what's required on the current
21 form. Okay? Thank you.

22 COMMISSIONER SHEARMAN: We appreciate you
23 making the drive here, and waiting so long to give
24 us these numbers. But we certainly do appreciate
25 it.

1 MR. MACK: Thank you very much.

2 COMMISSIONER SHEARMAN: Thank you.

3 Commissioners, I know you'd probably like
4 to take a break. Do you want to take a break or
5 just continue and get this done?

6 COMMISSIONER BERGMAN: When is our hearing
7 scheduled? Either 1:00 or 1:30?

8 COMMISSIONER SHEARMAN: It's 1:00.

9 COMMISSIONER BERGMAN: We don't have time
10 for a break.

11 COMMISSIONER SHEARMAN: PSFA update on all
12 schools slated to open this school year.

13 MS. CASIAS: Madam Chair, members of the
14 Commission, on my list of schools that we went and
15 assessed for opening, I have Explore Academy, Taos
16 International School, Dream Diné, and La Tierra
17 Montessori.

18 So the first one, Explore Academy, we did
19 an assessment on that school on April 21, and they
20 do have an E occupancy, and their weighted NMCI is
21 1.62. In this case, a weighted NMCI, lower is
22 better. The current average around the date for a
23 2013/14 school year was 20.38.

24 Taos International School has an E
25 occupancy and a weighted NMCI of 5.98 percent.

1 Dream Diné, which we saw back on the 11th
2 of June, has an E occupancy and a 19.15 percent
3 weighted NMCI. That is based on draft construction
4 documents, so they do have to get an official
5 building permit. So we generated a score based on
6 the draft documents of modulars that already have an
7 E occupancy. So they at this time don't have an
8 official building permit.

9 COMMISSIONER SHEARMAN: Are these modulars
10 onsite? Are they using them for classes?

11 MS. CASIAS: Madam Chair, they got the
12 modulars from the Santa Fe Public Schools, and
13 they're in the process of taking them onsite. But
14 we don't have a permit set yet. So from PSFA's
15 perspective, the modulars have an E occupancy and
16 they do have the proper weighted NMCI, but they do
17 not have the construction documents yet.

18 COMMISSIONER SHEARMAN: So can they occupy
19 the facilities?

20 MS. CASIAS: Madam Chair, they cannot.

21 COMMISSIONER SHEARMAN: So school has not
22 started.

23 MS. CASIAS: To the best of my knowledge,
24 it has not.

25 COMMISSIONER SHEARMAN: Mr. Pahl, do you

1 know?

2 MR. PAHL: I believe that's accurate, yes.

3 COMMISSIONER SHEARMAN: When do they plan
4 to start?

5 MR. PAHL: That I don't know, but I can
6 follow up with you.

7 COMMISSIONER SHEARMAN: Please.

8 MS. CASIAS: Madam Chair, members, the
9 draft site plan we received in June.

10 The next school on the list we talked
11 about extensively this morning, La Tierra
12 Montessori, and we had a staff member assessing
13 their current proposed location at 10:00 this
14 morning, and probably will not be able to generate a
15 score from them until later on this week. I was
16 looking at my phone and he's going to see another
17 school after this school, so he won't get back to
18 the office until tomorrow.

19 With that, Vice-Chair Gant, I stand for
20 questions.

21 COMMISSIONER GANT: On Dream Diné,
22 Mr. Pahl, how long can the school not open before
23 it's considered not viable for the semester?

24 MR. PAHL: That's a good question. I
25 don't know, Mr. Chair, if there's a line in the sand

1 there to speak of, but I think it would go on a
2 case-by-case basis. So we will contact the school
3 and determine what their status is in conjunction
4 with PSFA.

5 COMMISSIONER GANT: Ms. Casias, with your
6 record at the PSFA and working with schools all
7 over, since they don't have their permits, this is a
8 lengthy process and, in fact, considering where they
9 are, how hard is it going to be to get those
10 permits?

11 MS. CASIAS: Mr. Vice-Chair, if we would
12 receive the architectural documents today and work
13 with CID, it would take up to 21 days to get the
14 building permit. And you're not supposed to start
15 construction until you have a building permit.

16 Let me clarify. Although these are
17 modulars, they're prebuilt, you still need to have a
18 foundation that's dug and modulars placed on, and
19 you have to have accessible rounds.

20 COMMISSIONER GANT: Ms. Casias, they also
21 have to have all the infrastructure, which is water,
22 sewer, you name it. Whatever infrastructure is
23 required, these all take permits, too, based upon
24 what CID says; right?

25 MS. CASIAS: Mr. Chair, you are correct.

1 They need to have the utilities in place, the
2 electrical to the site. They'll have to pull an
3 electrical permit. I'm not clear on what type of
4 permit is needed for the utilities, but taking water
5 to the site is also necessary prior to starting
6 school.

7 COMMISSIONER GANT: So Ms. Casias, I
8 foresee what little I know about construction --
9 which I have worked in it -- it may be, Mr. Pahl --
10 let's keep this one on the radar, because we may be
11 coming in here and saying "No" to the start of this
12 school and they may be coming to ask us, as did La
13 Jicarita, for an extra year. And that's just my
14 comment on this. But I don't know if -- the rest of
15 the Commission can speak up, but I do not want
16 schoolchildren going into buildings that are not
17 totally, totally prepared for the school. And they
18 still have to move furniture into all these things
19 and set up. I don't see it.

20 Thank you. Anything further, Ms. Casias?

21 MS. CASIAS: Mr. Chair, I do want to say
22 we did in May give the school a list of the steps
23 that they needed to take.

24 COMMISSIONER GANT: Ms. Casias, when was
25 the last time Dream Diné contacted you with any

1 additional or updated information?

2 MS. CASIAS: Mr. Chair, on June 11 we
3 received a draft of what that they intend to do.

4 COMMISSIONER GANT: The draft is not
5 enough, is it?

6 MS. CASIAS: No, Mr. Chair, it is not.

7 COMMISSIONER GANT: Thank you. Members?
8 Any questions?

9 COMMISSIONER TOULOUSE: Mr. Acting
10 Chair --

11 COMMISSIONER GANT: Commissioner Toulouse.

12 COMMISSIONER TOULOUSE: My question just
13 is, because I think Commissioner Gant touched on it,
14 when we're dealing with the tribal land and being on
15 the Navajo Nation, how does that work with their
16 permits and what the schools require?

17 MS. CASIAS: Mr. Chair, Ms. Toulouse, the
18 school needs to work with the tribe to obtain their
19 permission to use the land but they still need to
20 get a building permit from the State of New Mexico,
21 if that answers your question.

22 COMMISSIONER TOULOUSE: It does, but I'm
23 wondering again how it goes with Navajo sovereignty,
24 and the tribe's definition of their own sovereignty.

25 MS. CASIAS: Right, Mr. Chair, Ms.

1 Toulouse, for traditional schools, because I work
2 for the PSFA and we work under the PSCOC and we also
3 do lease reimbursements to the charters and we fund
4 and build schools. And in each case where public
5 school funding is involved, we request a building
6 permit from the State of New Mexico. So they have
7 their sovereign nation, but a piece that is required
8 is a building permit from the State.

9 COMMISSIONER TOULOUSE: Okay. I know the
10 touchiness of some of the tribal governments, and
11 that's what I was trying to deal with. I would also
12 hate for the school to be in a bind between the
13 tribal government and the state government, and I
14 would hate to see some kind of federal court cases
15 coming up if the Navajo Nation, as opposed to the
16 school, is the problem. So I'm just looking ahead
17 as we have more various tribes applying for
18 charters.

19 MS. CASIAS: Madam Chair, Ms. Toulouse,
20 that is additional consideration for a time frame
21 that may or may not be expanded based on that, how
22 they interact with the tribe. PSFA does not have
23 that. We don't step in on that negotiation.

24 COMMISSIONER TOULOUSE: Thank you.

25 COMMISSIONER GANT: Madam Chair, members,

1 Ms. Casias, you know, over at the PSCOC we've had
2 several discussions about new schools being put on
3 the reservations and the drill that the districts
4 have had to go through to get permission all the way
5 up to the Bureau of Indian Affairs. Will this
6 require that also?

7 MS. CASIAS: Madam Chair, Vice-Chair Gant,
8 I don't know enough about their actual lease that
9 they're working with the tribe, and have not
10 interacted with them, to answer you truthfully.

11 COMMISSIONER GANT: Madam Chair, on that
12 issue I just -- I really don't know that much. I
13 just know that in the past we have required at least
14 a minimum of a 25-year lease with an option of an
15 additional 25 years when we put new schools on a
16 piece of property on the reservation. And
17 actually -- correct me, if I'm wrong, Ms. Casias --
18 the property actually belongs to the federal
19 government with the Native Americans using it as
20 their reservation; is that correct?

21 MS. CASIAS: In this case, Mr. Vice-Chair?
22 I don't know.

23 COMMISSIONER GANT: All right. Thank you.

24 COMMISSIONER SHEARMAN: Any other
25 questions? Thank you very much for being here. We

1 appreciate your staying all morning. We needed you.

2 The next item is the 2014/15 PEC meeting
3 calendar and I think we can quickly get through this
4 one by my asking you to look at your 2015 calendar
5 that's your notebook that Beverly put in there for
6 us and tentatively look at every second Friday as a
7 potential meeting for PEC, though we know we need
8 the week in August and the two days in September,
9 like that. But essentially if we could start
10 looking at those second Fridays as potential meeting
11 dates, maybe we can get that carved out in our next
12 meeting without too many hassles.

13 Next on the list is a report from the LESC
14 subcommittee meeting, and Abby was our person that
15 was going to report on that. However, I notice that
16 Frances Maestas is here. Also Kevin Force is here
17 from LESC, and I would ask Frances -- I'll put you
18 on the spot, if you can give us an update on the
19 subcommittee that's looking at charter schools, and
20 Ms. Lewis' involvement with that group.

21 MS. MAESTAS: Yes, ma'am.

22 COMMISSIONER SHEARMAN: Come up here, if
23 you wouldn't mind, Frances, so we can all hear you.

24 MS. MAESTAS: My name is Frances Maestas,
25 and Kevin Force is the lead analyst on the charter

1 schools subcommittee. Basically, the June and July
2 meetings have just been informational items for the
3 subcommittee. There are 11 members of the LEFC on
4 the subcommittee. Representative Mimi Stewart is
5 the chair of that subcommittee, and Representative
6 Dennis Roch is the vice-chair of that subcommittee.

7 This last meeting, in July, was in
8 Farmington. We had reports from the state auditor,
9 reports from the National Association of Charter
10 School Authorizers with regard to definitions that
11 are currently in law in other states' comparisons.
12 Also governance is a big issue.

13 On the state audit, there were questions
14 about whether the provisions in current law or rule
15 are clear on whether a charter school is a component
16 unit of its authorizer. I have sent the state
17 auditor an e-mail on Friday asking him -- they were
18 going to check other states' provisions because
19 apparently the state auditor says that the current
20 provisions, according to Alex Medler, who came from
21 the national association, are not the same in other
22 states. They're not very clear, in that right now
23 the provisions in current law and in the state
24 auditor's rule allow the independent auditor to
25 decide whether a charter school is a component unit

1 of its authorizer, and that can conflict, depending
2 on the independent auditor. We're trying to find
3 some consistency in the state on whether they are or
4 they aren't. It's not really our decision. It's
5 going to be the subcommittee.

6 This coming meeting in August which will
7 be held next Wednesday afternoon and Thursday
8 morning, is going to focus a lot on -- we're giving
9 them recommendations on definitions, especially for
10 a state-chartered charter school. There are
11 conflicts in current law in the Charter School Act
12 and in the School Finance Act on how a charter
13 school is treated. In some instances it's treated
14 as a local LEA, a school district. In others, it's
15 very vague whether they -- the governing council is
16 basically the school board.

17 Kevin has developed some recommendations
18 on definitions, based on definitions from other
19 states. We also are going to look into
20 transportation funding, school transportation
21 funding. The Public Education Department has had a
22 bill dealing with the funding of state-chartered
23 charter schools. That is the issue. We have some
24 schools, as you know, some charter schools that are
25 locally authorized. They come to you to become

1 state authorized. Their funding, of course, changes
2 because they are now funded as school districts.

3 The department had a bill trying to iron
4 out the funding for state-chartered charter schools.
5 The committee will revisit that bill and other
6 issues of boundaries for charter schools.

7 Then the second day they're going to focus
8 completely on what the national association calls
9 cyber schools. We call them virtual charter
10 schools. There are no provisions in current law for
11 virtual schools, as you well know. A big concern of
12 the subcommittee is that something needs to be put
13 in place especially with regard to funding virtual
14 charter schools. The policy decision on whether
15 they should get full funding or partial funding will
16 depend on the recommendations of that subcommittee.
17 There has been a lot of discussion on whether they
18 should or they shouldn't, basically because they're
19 not brick-and-mortar traditional schools.

20 I'll let Kevin say a little bit more. But
21 the staff is hoping that this subcommittee will meet
22 in September and that by October, they will have
23 recommendations formulated for the full committee of
24 the LESC to consider in November.

25 As you know, we're already getting ready

1 for the legislative session. It is a long session,
2 a 60-day session. But as staff director, we need to
3 have recommendations from the full committee so that
4 we can go forward and work with the legislative
5 counsel on drafting potential legislation that can
6 be reviewed by the full committee in December.

7 In January the committee only meets one
8 day, the day before the session, and that meeting is
9 usually focused on sponsors for legislation that is
10 recommended or endorsed by the committee. So time
11 is running out.

12 I do expect that this subcommittee will
13 continue in the next interim. There are just too
14 many issues, as you well know. And maybe another
15 interim.

16 I do want to say, before I give the
17 microphone to Kevin, that the LEFC full committee is
18 also going to look at recommendations for public
19 school capital outlay funding, another area that is
20 a big concern. However, since Representative Mimi
21 Stuart is the chair of the public school capital
22 outlay oversight task force -- we call it the
23 SCOOTA -- she has decided that the task force will
24 consider any recommendations that have to come to
25 the LEFC for changes in capital outlay provisions in

1 current law for charter schools.

2 The task force, as you know, is not made
3 up entirely of legislators. It has many public
4 appointed members. As a result, the recommendations
5 of the task force have always come to the full
6 committee, the LEFC, for endorsement and then some
7 of the members, or members of the LEFC, will be the
8 sponsors of the legislation for the capital outlay
9 piece.

10 MR. FORCE: Madam Chair, Commissioners, I
11 really don't have that much to add about the funding
12 issue except that as we looked at other states,
13 we've noted that many states do fund cyber or fully
14 virtual schools at a slightly lesser level than
15 traditional brick-and-mortar schools, though it does
16 vary from state to state. Some states might apply a
17 formula with a negative factor to get that total.
18 Other states will do a straight-up percentage. It
19 just depends.

20 COMMISSIONER SHEARMAN: I'm very
21 interested to see how that recommendation --

22 MS. MAESTAS: For that presentation Kevin
23 has developed a comparison of several states'
24 provisions for virtual -- we call them virtual; the
25 national association calls them cyber. It will be a

1 comparison of -- go ahead.

2 MR. FORCE: Colorado, Arizona, and Florida
3 are what we currently have.

4 COMMISSIONER SHEARMAN: Very interesting.
5 And Frances, I understand that our former attorney,
6 Abby Lewis, has been invited to continue as a
7 resource person for the subcommittee?

8 MS. MAESTAS: Yes, ma'am. We feel that
9 Abby has a lot of expertise. We have discussed many
10 of the issues, many of the issues or comparisons
11 that we put together, and we feel that she needs to
12 continue with the subcommittee and hopefully the
13 attorney general will allow her to provide us the
14 expertise and the assistance.

15 COMMISSIONER SHEARMAN: It is our
16 understanding he has. But I don't know about
17 officially. Do you?

18 MR. GRANATA: Not officially, Madam Chair.
19 Just from speaking with Abby it's our understanding
20 that she will continue to serve in that capacity.

21 COMMISSIONER SHEARMAN: Okay, good.

22 MS. MAESTAS: We appreciate this.

23 COMMISSIONER SHEARMAN: We appreciate the
24 work you all do. Thank you for being here.

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 just would like to point out I have attended both of
2 the subcommittee meetings in June and July, and I
3 will be at the August subcommittee meeting. And I
4 have tried to provide some input, and the
5 subcommittee chair has been very nice in allowing me
6 to raise my hand and acknowledge me.

7 I have one concern that has to do with the
8 presentation from the national man, who was from
9 Colorado, and yet I really think he presented a
10 Colorado approach to us, as opposed to a national
11 approach. And he made a big deal about people who
12 do what we do should be appointed, not elected. And
13 I saw several legislators making notes on that, and
14 I have a real problem with "because Colorado does
15 it, that's how we should do it." This group is in
16 the constitution. They can give us something else
17 to do, but they're stuck with us.

18 But it just seems to me that that
19 presentation was biased. And I would like to see,
20 as time goes on, we find our own approach to if
21 there need to be some changes made on how charter
22 schools are done at a state level. It can come from
23 this group, and not necessarily from the national
24 group, when I really -- because every other thing he
25 said was, "Well, in Colorado they do it. In

1 Colorado they do it."

2 And when he's representing it nationally,
3 that was hard for me to sit there and sit on my
4 hands. And luckily, Abby was over on the side of me
5 and I was kind of poking at Abby and she was making
6 notes. But it's very educational for me to attend
7 these subcommittees and I appreciate that everybody
8 is so nice to me when I am there.

9 I'm not going to go to Hobbs the next
10 month. I would expect you people in the south can
11 do Hobbs. But I will try to do all of the
12 committees other than that. I am going to
13 Las Vegas, probably not for the whole thing like I
14 did in Farmington, but I will be there for the two
15 days of the subcommittee.

16 COMMISSIONER SHEARMAN: We appreciate
17 that.

18 (A discussion was held off the record.)

19 COMMISSIONER SHEARMAN: Item 13 is the
20 legislative report, and since Commissioner Carr is
21 not here today, I think we should just move past
22 that one.

23 Commissioner Bergman, do you have a report
24 for the Charter School Committee?

25 COMMISSIONER BERGMAN: Not today, no.

1 COMMISSIONER SHEARMAN: All right. Thank
2 you for that.

3 Open forum. Beverly, do we have anyone
4 that signed up? Good, thank you for that.

5 PEC comments. Does anyone have anything
6 to add before we go into executive session? No?
7 Okay.

8 COMMISSIONER GANT: Yes, I do. Madam
9 Chair, members. In sitting through the Anthony
10 Charter School hour and thinking about this process
11 for quite a while, back when we did SP 446, and then
12 in subsequent years, there was a discussion of
13 changing the schedule for new applications and
14 renewal applications, and at one time we even
15 discussed, several of us, the possibility of new
16 applications taking up to 18 months, and backing off
17 the renewal charter applications to extend their
18 time to about six months instead of what it is
19 today, about three months at most, two and a half
20 months, three months.

21 After listening to all this this morning,
22 and listening to what's going on and the fact that,
23 in my view, the Charter Schools Division will never
24 ever see a complement of staffing need based upon
25 what Commissioner Bergman said about how many the

1 Commission will be facing in the years to come, and
2 all that work that comes down the road, I think it's
3 time that we need to resurrect this idea of charter
4 school applications taking longer to put in place,
5 more time to review, more time to do them right,
6 more time to make sure that the documentation
7 presented to the Commission is totally right, so we
8 don't have to go through lawyers saying we didn't
9 say this, lawyers saying we did, et cetera, et
10 cetera. This has got to stop, because we don't have
11 time for that. We don't have time to correct what
12 should have been right to begin with.

13 So that is my comment. That was the
14 discussion in the halls, in the Senate meetings,
15 when we talked about Senate Bill 446 and changing
16 it, but nobody wanted to do it that time, because
17 they feared we would not get 446 passed if we
18 changed the schedule.

19 We did have to change the schedule because
20 at one time the authorizer was going to have new
21 charter applications and renewal charter
22 applications happening at the same time. And we got
23 that out of there. But we need to change something,
24 and part of it should be, in my view, the amount of
25 time spent on each type of application and do it

1 right, instead of trying to cram it all, all the
2 stuff, all the ten-pound stuff in a five-pound sack.

3 That's my opinion. Thank you, Madam
4 Chair.

5 COMMISSIONER SHEARMAN: Thank you,
6 Commissioner. Any other comments?

7 Our next item is executive session. The
8 wording is there if someone would like to make the
9 motion, please.

10 COMMISSIONER PARKER: I move that we go
11 into executive session under 10-15-1(H)(7) regarding
12 threatened or pending litigation.

13 COMMISSIONER SHEARMAN: Thank you.

14 COMMISSIONER PARKER: Pending litigation,
15 A, Rio Rancho versus PED and PEC. B, contemplated
16 potential litigation by PEC.

17 COMMISSIONER GANT: I second that motion.

18 COMMISSIONER SHEARMAN: Motion to go into
19 executive session as read into the record. We have
20 a second.

21 Mr. Bergman, may we have a roll call vote,
22 please?

23 COMMISSIONER BERGMAN: Commissioner
24 Parker?

25 COMMISSIONER PARKER: Yes.

1 COMMISSIONER BERGMAN: Commissioner

2 Conyers?

3 COMMISSIONER CONYERS: Yes.

4 COMMISSIONER BERGMAN: Commissioner Pogna?

5 COMMISSIONER POGNA: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Toulouse?

8 COMMISSIONER TOULOUSE: Yes.

9 COMMISSIONER BERGMAN: Commissioner Gant?

10 COMMISSIONER GANT: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Shearman?

13 COMMISSIONER SHEARMAN: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Bergman votes yes. Madam Chair, that is
16 seven-to-zero vote in favor of executive session.

17 COMMISSIONER SHEARMAN: The motion has
18 passed. The Commission will go into executive
19 session. We would ask those in the audience to
20 please step out. We will come get you as soon as
21 we're finished.

22 (In Executive Session from 12:46 p.m. to
23 1:05 p.m.)

24 CHAIR SHEARMAN: We are now out of
25 Executive Session. No decisions were made. No

1 votes were taken.

2 Anything else to come before the
3 commission today? The Chair will entertain a motion
4 to adjourn.

5 COMMISSIONER TOULOUSE: Move to adjourn.

6 CHAIR SHEARMAN: Motion by Commissioner
7 Toulouse. Second by Commissioner Bergman. All in
8 favor, please say "Aye."

9 (Commissioners so indicate.)

10 CHAIR SHEARMAN: We are adjourned.

11 (Proceedings adjourned at 1:05 p.m.)

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4 REPORTER'S CERTIFICATE

5 We, Mary Abernathy Seal and Susan Hilton,
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7 CERTIFY that we did report in stenographic shorthand
8 the testimony set forth herein, and the foregoing is
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10 had upon the taking of this hearing.

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