

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

VOLUME ONE

December 10, 2015

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar

Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

MS. KATIE POULOS, Director, Charter School Division
MS. SUSANNE ROUBIDOUX, Assistant Attorney General,
Counsel to the PEC
MS. BEVERLY FRIEDMAN, Custodian of Records and
PED Liaison to the PEC

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1 THE CHAIR: Good morning, everyone. I
2 call to order this regularly scheduled meeting of
3 the New Mexico Public Education Commission.

4 Mr. Secretary, I will ask for roll call
5 first.

6 COMMISSIONER PERALTA: Commissioner Pogna?
7 (Commissioner Pogna absent.)

8 COMMISSIONER PERALTA: Commissioner
9 Toulouse?

10 COMMISSIONER TOULOUSE: Present.

11 COMMISSIONER PERALTA: Commissioner
12 Armbruster?

13 COMMISSIONER ARMBRUSTER: Here.

14 COMMISSIONER PERALTA: Commissioner
15 Conyers?

16 COMMISSIONER CONYERS: Here.

17 COMMISSIONER PERALTA: Commissioner
18 Peralta is here.

19 Commissioner Gipson?

20 COMMISSIONER GIPSON: Here.

21 COMMISSIONER PERALTA: Commissioner
22 Bergman?

23 COMMISSIONER BERGMAN: Here.

24 COMMISSIONER PERALTA: Commissioner
25 Chavez?

1 (Commissioner Chavez absent.)

2 COMMISSIONER PERALTA: Commission Carr?

3 COMMISSIONER CARR: Here.

4 COMMISSIONER PERALTA: Commissioner
5 Shearman?

6 THE CHAIR: Here.

7 COMMISSIONER PERALTA: Madam Chair, you
8 have eight members of the Commission present.

9 THE CHAIR: Thank you. I do declare we
10 have a quorum to conduct business.

11 Let's move on to the Pledge and the Salute
12 to the New Mexico Flag, Commissioners Gipson and
13 Toulouse, please.

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

16 THE CHAIR: Thank you.

17 Item 2 is Approval of the Agenda.

18 I would remind everyone that items on the
19 agenda may be moved; but we may not add items to the
20 agenda.

21 Any discussion or questions about the
22 agenda?

23 Hearing none, may I have a motion to
24 approve the agenda.

25 COMMISSIONER CARR: So moved.

1 COMMISSIONER ARMBRUSTER: Second.

2 THE CHAIR: Motion by Commissioner Carr,
3 second by Commissioner Armbruster to approve the
4 agenda, as presented.

5 Any discussion?

6 Hearing none, all those in favor, please
7 say "Aye."

8 (Commissioners so indicate.)

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

10 (No response.)

11 THE CHAIR: The agenda is approved.

12 Item No. 3 is Approval of the Minutes and
13 the Transcript.

14 "A" is approval of the PEC Work Session
15 minutes for November 12, 2015.

16 Are there any corrections?

17 Hearing none, may we have a motion for
18 approval of the November 12 Work Session minutes?

19 COMMISSIONER GIPSON: So moved.

20 COMMISSIONER CARR: Second.

21 THE CHAIR: Motion by Commissioner Gipson,
22 second by Commissioner Carr for approval.

23 Any discussion?

24 Hearing none, all those in favor, please
25 say "Aye."

1 (Commissioners so indicate.)

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

3 (No response.)

4 THE CHAIR: The November 12 minutes are
5 approved.

6 Next, the PEC meeting transcript of
7 November 13, 2015. Any corrections or revisions?

8 Hearing none, may we have a motion for
9 approval?

10 COMMISSIONER GIPSON: So moved.

11 COMMISSIONER ARMBRUSTER: Second.

12 THE CHAIR: I'm sorry. I heard someone.

13 Commissioner Gipson moves for approval;
14 Commissioner Armbruster seconds.

15 Any discussion?

16 Hearing none, all those in favor, please
17 say "Aye."

18 (Commissioners so indicate.)

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

20 (No response.)

21 THE CHAIR: The November 13 PEC meeting
22 transcript is approved.

23 The PEC Meeting Summary minutes for
24 September 24th and 25th, 2015.

25 Any discussion or corrections?

1 Hearing none, may we have a motion for
2 approval?

3 COMMISSIONER PERALTA: I move.

4 THE CHAIR: Motion by Commissioner
5 Peralta.

6 COMMISSIONER TOULOUSE: Second.

7 THE CHAIR: Second by Commissioner
8 Toulouse.

9 Any further discussion?

10 Hearing none, all those in favor of
11 approval of these minutes, please say "Aye."

12 (Commissioners so indicate.)

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

14 (No response.)

15 THE CHAIR: The September 24-25, 2015,
16 minutes are approved.

17 And last is the PEC Meeting Summary
18 minutes for November 13, 2015.

19 Any corrections or discussion?

20 Hearing none, may we have a motion for
21 approval?

22 COMMISSIONER TOULOUSE: Move approval.

23 THE CHAIR: Commissioner Toulouse moves
24 for approval.

25 COMMISSIONER CARR: Second.

1 THE CHAIR: Commissioner Carr seconds.
2 Further discussion?
3 Hearing none, all those in favor, please
4 say "Aye."

5 (Commissioners so indicate.)

6 THE CHAIR: Any opposed, please say "No."
7 (No response.)

8 THE CHAIR: The Summary Minutes for
9 November 13, 2015, are approved.

10 Item No. 4 begins the renewal
11 applications. First is J. Paul Taylor.

12 If we have anybody from that school, I
13 would invite them to come down to the table, please.
14 Please bring up extra chairs if you need to.

15 Good morning, and thank you for being
16 here.

17 Katie, if you would like to begin, please.

18 MS. POULOS: Madam Chairwoman,
19 Commissioners, J. Paul Taylor Academy is a
20 K-through-8 school that opened in 2011. The school
21 has had a -- and you can see in the information -- a
22 letter grade average of a B. I believe that's
23 correct.

24 They've had, in 2012, a C; in 2013, a C;
25 and then in 2014, a B letter grade.

1 The school's three years -- three-year
2 trend for the letter grade shows consistent
3 performance at the B-C level, with a very slight
4 upward trend. The current standing shows a slight
5 upward trend. We do see that for students in the
6 2-3, a slight downward trend.

7 The school did not meet three of the four
8 performance goals identified in its charter
9 contract. As a result, CSD evaluated the renewal
10 application for the academic framework as it "Does
11 Not Meet."

12 In regards to operational performance
13 standards, the school is, as far as their audits go,
14 performing fairly well. The 2013 identified three
15 noncompliance findings in 2000- -- or, sorry -- -13.
16 And that was the most recent audit that was
17 available. It did not identify any significant
18 deficiencies or any material concerns.

19 In 2015, however, CSD conducted a site
20 visit to the school and found multiple
21 organizational issues, including, for one year,
22 failure to maintain governing body minutes. That
23 was fiscal year 2013; enrollment above the
24 enrollment cap, which was addressed by an amendment
25 request that was approved by the Commission several

1 months ago; failure to maintain required special
2 education documentation; and inconsistent reporting
3 in STARS.

4 The school has hired a new administrator
5 who is here today, and, I believe, has also seen
6 substantial changes in the governing body over the
7 past several years.

8 As far as the school's financial
9 performance, again, that site visit in 2015 did
10 raise financial performance concerns. The school
11 had requested emergency supplemental funding at the
12 site visit. The financial issues that were
13 identified included inconsistencies between special
14 education billing and service logs. And
15 additionally, I think, the S.T.A.R.S. reporting may
16 have raised some financial concerns.

17 However, for fiscal year '15, the school
18 did have, ended the school year with \$9,088. So it
19 was -- it was in the red -- or I'm sorry -- in the
20 black at that point in time.

21 So those were the concerns that were
22 addressed by CSD in the renewal application summary.
23 CSD has additionally provided a substantial amount
24 of performance data for your consideration, as well
25 as demographic data, data about schools nearby.

1 There are three schools that are
2 identified ranging between about seven miles and two
3 miles away from this school. Two of those schools
4 have a B letter grade, and one has a D letter grade.

5 CSD also visited the school with regards
6 to the renewal performance visit and did look for a
7 statement of progress that demonstrated substantial
8 progress in the areas where they were not performing
9 on those -- those goals. What CSD was not able to
10 identify was substantial progress supported by
11 systematic processes at the school.

12 Again, we do know that there is a new
13 school leader who has been making substantial
14 changes over the past several months.

15 THE CHAIR: Thank you. If I might just
16 bring up a couple of issues that I think would help
17 us this morning, the officers of the PEC had a
18 conference call with the Secretary and with Katie
19 and -- to discuss some issues that have been raised
20 by schools and perhaps a need for a development of a
21 more transparent renewal process.

22 Certainly, this Commission is always
23 amenable to discussing anything that would be easier
24 to work with, better for the schools, certainly, so
25 that everyone is very clear on whatever the process

1 is and how all of the issues are being looked at.

2 I just want to make the comment, though,
3 that I know that CSD has chosen not to make
4 recommendations on the renewals this year because of
5 their concern with the lack of that transparent
6 process.

7 I want to point out that this Commission
8 has dealt with a process that is based on law ever
9 since I've been a part of the process and the
10 Commission. And that law is in this book that
11 Beverly prepared for all of us.

12 And if I might just take a minute and read
13 what that is, it's the process that we've always
14 used. We would always use it, because it is the
15 law. If we choose to work next year, or the coming
16 year, on developing perhaps a more refined process,
17 whatever words you want to use to describe it, this
18 would still be the basis for that process. This
19 would not go away.

20 So let me just point out that 22-8B-12K
21 says, "A charter may be suspended, revoked, or not
22 renewed by the chartering authority if the
23 chartering authority determines that the charter
24 school did any of the following... ." And as we all
25 know, there are four reasons here.

1 The first is, "Committed a material
2 violation of any of the conditions, standards, or
3 procedures set forth in the charter contract";

4 Secondly, "Failed to meet or make
5 substantial progress toward achievement of the
6 Department's minimum educational standards or
7 student performance standards identified in the
8 charter contract";

9 Third, "Failed to meet generally accepted
10 standards of fiscal management";

11 Or fourth, "Violated any provision of law
12 from which the charter school was not specifically
13 exempted."

14 And then it goes on to talk about the --
15 the need to provide the school with timely
16 notification of the prospect of suspension,
17 revocation, or nonrenewal of the charter and the
18 reasons for such action, allow the school a
19 reasonable amount of time to prepare and submit a
20 response to the chartering authority's action, and
21 so forth.

22 Those are the procedures that are the
23 basis for what we'll be doing today.

24 So I just want to make it very clear, yes,
25 we may want to look at that in the coming year and

1 see if we can come up with a more refined process;
2 but today, we're on solid ground, I believe, in the
3 process that we're using and have used for several
4 years.

5 I just wanted to make that point before we
6 go any further.

7 Again, good morning to you ladies. If you
8 would identify yourselves, please use the
9 microphone. If your name is a unique spelling,
10 please give that to us so we be sure and have it
11 correct in our minutes.

12 And I believe you have 15 minutes. Thank
13 you very much.

14 MS. WILLIAMS: Hi. I'm -- my name is Jana
15 Williams. I am presently the chair of the governing
16 council for the J. Paul Taylor Academy.

17 MS. GARCIA-POST: Good morning, Madam
18 Chairman and Commissioners. My name is Aine --
19 A-I-N-E, because it is a different spelling --
20 Garcia-Post. And I am the new head administrator at
21 J. Paul Taylor Academy.

22 DR. WILLIAMS: I have been a part of the
23 governing council for the past four-and-a-half years
24 and have really enjoyed being a part of a process of
25 a charter from the very beginning to where we are

1 now.

2 We've -- we've appreciated the renewal
3 process, as this is our first one, and really
4 appreciate the recommendations that the Charter
5 School Division has given us through this process.

6 Both the staff and the governing council
7 understand the strengths of our school, as well as
8 the opportunities to improve. And while we
9 celebrate those strengths, we understand and we're
10 taking seriously these areas where we really need to
11 focus and address. And I think we've worked
12 diligently already, in the time that it's been
13 pointed out to us, to make -- to address those
14 concerns.

15 Just this past week, the governing council
16 members attended a training that was sponsored
17 through Kelly Callahan and her colleagues at the
18 Charter School Division addressing best practices --
19 sorry -- the Charter Coalition -- best practices for
20 the governing council, as well as financial
21 oversight.

22 And in addition to this training, we are
23 planning trainings in the spring above and beyond
24 what governing council members are required to have.

25 So we're wanting to make sure that we do

1 the best job as a governing council.

2 As we mentioned earlier, Ms. Garcia-Post
3 is our new head administrator as of July, and we
4 feel that she's doing a wonderful job.

5 In addition to that, just last month, we
6 moved into our new facility, which was built through
7 a collaboration of the governing council at J. Paul
8 Taylor Academy, as well as the Las Cruces Public
9 School Board. So if you are ever in Las Cruces, we
10 invite you to come and see our new site.

11 MS. GARCIA-POST: So as Dr. Williams has
12 just stated, we are very thankful for the
13 recommendations that we've received through the
14 final analysis, as well -- well, the preliminary
15 analysis and conversations with the Charter School
16 Division, as well as the final analysis and the
17 executive summary.

18 My hope today is to briefly sort of review
19 where we stand with some of these things as of
20 today, and then, of course, in the portion where
21 there's opportunity for you to ask questions,
22 provide more detail, if necessary.

23 So one of the things I'd like to point out
24 is, as you know, our PARCC scores have just been
25 released. And while that's just one measure of

1 student achievement, and certainly not indicative of
2 all student achievement, we are proud of our -- of
3 some of the strengths that are shown in those scores
4 and how our students are measuring compared to the
5 state, as well as the local school district.

6 When we look at our school grade --
7 although we don't have it for this year -- in the
8 past three years, we do see -- we do -- we are
9 tracking DIBELS and Discovery data that has been
10 done in the past. The -- the recommendation is that
11 we be more systematic with that data. And I think
12 the staff -- and, certainly, myself -- we are on
13 board with that plan.

14 And so this year we begin a data review
15 that is more consistent with analyzing data to
16 identify strengths, opportunities for improvement,
17 and creating action steps, where colleagues
18 collaborate with each other to really address the Q3
19 and Q1 growth of our students.

20 And then what we'll do through the course
21 of this year is also establish protocols for what
22 that will look like, even more systematically in the
23 coming year.

24 One of the things that we are also very
25 proud of that we've really started implementing this

1 year is a very systematic SAT process. So the
2 Student Assistance Team at our school is now meeting
3 regularly. And I feel like that is enabling us to
4 really put into place some Tier 1 and Tier 2
5 interventions very strategically, in collaboration
6 with teachers, staff, students, and parents, so that
7 we're really meeting specific needs of all students.

8 That has been something that we've worked
9 on since the very beginning of the year, and I'm
10 already seeing progress in that area.

11 Our charter discusses some very important
12 pieces having to do with project-based learning and
13 Spanish Language Acquisition; so with project-based
14 learning, we are really looking at what that looks
15 like in terms of data and how to address how our
16 students are coming along through that very rigorous
17 and very powerful learning process, so that we can
18 identify what they're doing well with project-based
19 learning, as well as where we, as a teaching staff,
20 need to provide more support and opportunities with
21 them within the projects.

22 So one of the things we've implemented is
23 this idea that we will have a school-wide common
24 rubric to use so that we can come together as a
25 staff to discuss progress at different grade levels.

1 Now, this rubric is still in the
2 formulation process, because it was important for me
3 to have staff buy-in with it. But our staff has
4 already met -- a committee of our staff members has
5 already met to start establishing what this rubric
6 will be like.

7 And what I want to impart about the rubric
8 is that it will not be one cookie-cutter rubric used
9 in every classroom for every project; but instead,
10 it will be a form -- a rubric template that we've
11 agreed upon that has the best practices of
12 project-based learning in it to then be utilized as
13 grade levels and certain projects see fit, or fits
14 in with the rubric and make changes to address those
15 needs.

16 So we're excited about that, and that has
17 already started to happen.

18 Our bilingual plan was just approved by
19 the -- by the Division of Bilingual Education here
20 at PED. And we're very excited about that
21 opportunity. We -- the Spanish Language Acquisition
22 enrichment program at our school is important; but
23 we do acknowledge the need to formalize it. And I
24 think this bilingual -- I know that this bilingual
25 plan is getting us on that track. So we're very

1 proud that we were able to submit the application
2 and have it approved.

3 In regards to our financial performance,
4 we do have a new business manager this year. And we
5 believe that we are on track for successful
6 completion of fiscal year '16. We have a business
7 manager that has been very open and transparent with
8 the governance council, as well as with myself. And
9 now we are sharing some of those pieces with our
10 staff, which is very important.

11 And so we're seeing a lot of progress with
12 our financial side, which I know is very important.

13 In regards to our special education -- the
14 special education piece that was addressed, we have
15 made significant revisions to that -- that process
16 and are working with Mr. Lovato and the Special
17 Education Bureau through a plan that we've met every
18 single guideline and action step that they have set
19 out with us. And I can say that our process is much
20 more refined and meeting the needs of students in an
21 even better way than it was before.

22 In regards to the finances of special
23 education, that is also being tracked in a much more
24 systematic way.

25 Our S.T.A.R.S. reporting having to do with

1 the financial aspect is now being done by a
2 different S.T.A.R.S. coordinator. We successfully
3 submitted for 40-day and had everything approved,
4 and we're in the process of finalizing our 80th-day
5 S.T.A.R.S. reporting at this time.

6 As mentioned, the enrollment cap was
7 something that we had a little bit of a struggle
8 with. And I was here in September. We are very
9 happy to say that we are very comfortable, the
10 governance council and myself, with our 200 cap. We
11 are currently today at 199.

12 THE CHAIR: Oh.

13 MS. GARCIA-POST: And our waiting list
14 actually exceeds our cap. So our waiting list is in
15 the range of about 253 students.

16 So we're very proud of that. We have very
17 many people interested in joining our school and
18 finding out about our school, and we want to
19 continue to encourage that, while serving as many
20 students as possible.

21 Our English Language Learner population,
22 we have a very systematic plan for working with them
23 now through a home language survey. We have
24 administered the W-APT Assessment and will be access
25 testing. When the window opens this coming 2016,

1 we'll be access testing, as well, and plan to use
2 that data along with our IPT data that is along with
3 other bilingual plan to really address our Spanish
4 Language Acquisition component.

5 There are some questions that were raised
6 in regards to our personnel files. And I would like
7 to restate that we worked very diligently with that.
8 All of our background checks are now in place, and
9 we're very comfortable with our staff, and we're
10 working with the Licensure Bureau and different
11 pieces of the Public Education Department to ensure
12 that best practices are followed in that regard.

13 I appreciate your time to consider us for
14 renewal. I know that I've been at J. Paul Taylor
15 just a short time; but I can say that the
16 willingness to really reflect, celebrate where
17 things are going well, but also take on
18 opportunities for improvement, has been very
19 encouraging.

20 We've been very diligent, and I appreciate
21 the Charter School Division really acknowledging
22 some of the giant steps we've made to address
23 concerns.

24 And in addition to that, in our renewal
25 application, we set forth three goals that we would

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1 really look forward to working with the Commission
2 on, if we were able to move forward.

3 So again, we appreciate your time and your
4 consideration and are open to any questions.

5 THE CHAIR: Thank you very much for that
6 presentation.

7 Commissioners, do you have questions for
8 the school or CSD?

9 Commissioner Carr?

10 COMMISSIONER CARR: I guess I have one
11 question for you. How many -- how many site visits
12 have you had in the last five years? Or four years?

13 MS. GARCIA-POST: So I -- I have record of
14 a site visit each year. And then this year, we had
15 a site visit at the beginning of the year. It was a
16 follow-up, from what I understand, to a site visit
17 that was conducted in the spring of last school
18 year.

19 Again, I wasn't there. But that's the
20 understanding, that that was a follow-up, and that
21 occurred in July of this school year. And then we
22 had our renewal visit this year, as well.

23 COMMISSIONER CARR: So you know what my
24 follow-up question is.

25 MS. GARCIA-POST: Sure.

1 COMMISSIONER CARR: What did they find?

2 MS. GARCIA-POST: In which visit?

3 COMMISSIONER CARR: In -- were there any
4 problems brought to your attention in the preceding
5 visits to your school?

6 MS. GARCIA-POST: From what I can gather,
7 there were small, minor things that were brought up
8 that were acted upon; but some of the bigger pieces
9 that came forward this year had not been addressed.

10 COMMISSIONER CARR: Were those issues
11 there, nonetheless?

12 MS. GARCIA-POST: In some ways, it's
13 difficult for me to speak to that, because I wasn't
14 the head administrator at that time, and I was not
15 affiliated with the school in any way.

16 You know, I imagine that some of the
17 things that we've really worked on weren't things
18 that maybe occurred in just one month or overnight.
19 It would have certainly been nice to -- to kind of
20 address those earlier on, certainly.

21 COMMISSIONER CARR: Uh-huh.

22 MS. GARCIA-POST: But what I can say is
23 that the school has made tremendous leaps and bounds
24 in the moment of knowing that maybe something wasn't
25 accounted for exactly the way it should be or

1 documented. And I want to make very clear that we
2 have found that nothing was done with anything but
3 the best intentions; but we all know that sometimes,
4 even the best intentions -- some documentation maybe
5 isn't in place or things like that. So all of that
6 has been corrected to date.

7 COMMISSIONER CARR: So -- and, you know,
8 just keep in mind, I'm going to vote to keep your
9 school. I don't know how anybody else is; so I'm on
10 your side. However, I am very concerned -- and I'm
11 concerned that the other site visits didn't call
12 this to mind, which is -- you know, that's -- that
13 part's on them.

14 But, you know, you're still -- your school
15 is still responsible for maintaining these things.

16 MS. GARCIA-POST: Right.

17 COMMISSIONER CARR: These are -- you know,
18 the background checks, for instance, you know, we
19 know that's in the news. I mean, that's always in
20 the news, and that's a big deal. We're required --
21 you know, we're required to get background checks
22 every two years now. I don't really know why that's
23 necessary; but -- but that's what's required.

24 And -- and the minutes to a meeting, an
25 elected school board meeting that didn't -- board

1 that didn't take minutes would be in serious
2 difficulty.

3 I kind of -- you know, I kind of look at
4 you like I'm a -- you know, this is my 26th year
5 teaching. And, you know, you look like you're a
6 good student who's done well.

7 "Why do I have to show you all my work?"
8 You know, it's like, "You know, I'm doing all right.
9 Why are you bothering me, you know?"

10 And, you know, it's, like, "Well, you
11 still have to show me your work. You still have to
12 do everything right. You still have to be here on
13 time every day. You still have to behave, you
14 know."

15 And these things are extremely important.
16 And I think what's called my attention is I'm -- you
17 know, I am concerned that people are taking a little
18 bit too cavalier approach at some of these things,
19 and they're not taking them seriously.

20 And it is very serious. It doesn't
21 just -- yeah, and maybe your students are doing
22 well, and that's good. You know, you're not -- I
23 don't think you're doing anything to harm your
24 students. I -- what I -- I do see is an overall
25 harm, overall harm to other charter schools when

1 things aren't done right by one charter school, you
2 know, that people judge them. "See? I told you.
3 That's what they do," you know -- you know -- or --
4 you know -- or somebody's -- I hope somebody hasn't
5 given you a wink and a nod and said, "Oh, okay,
6 don't worry about it. You're okay. Your grades are
7 good." I hope that hasn't happened, you know.

8 So that just -- it just brings up a major
9 concern of mine. And -- and I'm -- I might be
10 repeating myself all morning, I'm thinking. But I
11 think you're doing a good job. I mean, you know,
12 you don't have to convince me. But you may have to
13 convince the rest of the committee.

14 DR. WILLIAMS: And, Commissioner Carr,
15 just regarding our council minutes, we -- at one
16 time, I served as secretary, and I recognized the
17 diligence of keeping good minutes. And we sought to
18 find a more formalized way of doing it. So for the
19 past two years, we've actually used an online
20 program that uploads our documents and minutes, puts
21 them on our website so anyone could read them after
22 they've been finished.

23 There was a lapse in one of the programs
24 that we use. We now have a complete book of every
25 single minute from every single meeting we've ever

1 had. At the time we looked into it, that was the
2 issue. I totally agree with you; we want to be
3 transparent, too.

4 COMMISSIONER CARR: Very good.

5 MS. GARCIA-POST: And I think some of what
6 you speak to is a lack of formal organization
7 process that's really important and maybe doesn't
8 affect, necessarily, the day-to-day classroom piece
9 with things like the personnel files or the minutes
10 of the governance council. But as the head
11 administrator, it's my responsibility to make sure
12 that there's a process in place to be organized and
13 have a systematic way of keeping everything.

14 And so we have really developed that, and
15 I know that that will make a huge difference in
16 moving forward with this.

17 COMMISSIONER CARR: Okay.

18 COMMISSIONER GIPSON: I'll chime in while
19 she's busy. I would like to thank you, because I
20 did have the opportunity to tour the school. And
21 it's a wonderful facility. And I think J. Paul is
22 struggling the same as so many of our schools.
23 People get on the governance council, and they
24 really don't understand the time, the effort, the
25 commitment, so that we see this flux in governance

1 council members.

2 And I know it's something that we have
3 talked about, that there really has to be -- and I
4 know the Charter School Coalition has looked at
5 this -- that people need to understand when they're
6 coming on board to the governance councils, what --
7 this is not just a meeting a month, that this is a
8 commitment to the school.

9 And I truly do believe that they've got
10 this commitment with the governance council, and
11 they do actively continue to look for quality people
12 so -- in case there is an opening.

13 I'd also like to publicly thank Las Cruces
14 Public Schools for their collaborative efforts,
15 because I don't think there's any other public
16 school system in the state that works with the
17 charter schools and affords them the opportunity to
18 have the quality facilities that they do.

19 And I do believe that they also asked,
20 themselves, for a Corrective Action plan to address
21 some of these issues; so that they understand the
22 shortcomings and are certainly working diligently to
23 get on the right path here. And after seeing the
24 students in the school, there is no question that
25 there is quality education going on there.

1 But you're right. Background checks, of
2 course, you know, are paramount now. And
3 record-keeping is just one of those day-to-day
4 things that you want to work for the kids; but you
5 have to have everything in order.

6 THE CHAIR: Thank you.

7 Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Gilbert's hand was
9 up.

10 THE CHAIR: Commissioner Peralta?

11 COMMISSIONER PERALTA: Madam Chair?

12 Thank you, Commissioner Toulouse. My
13 comments are to your presentation, Ms. Garcia, about
14 on how your focus is on data and the collection of
15 that and to use that as analysis to drive the
16 culture of your school and so forth.

17 And so my question to you, either you or
18 your governing council member here, is how many head
19 administrators prior to Ms. Garcia were in place at
20 your school?

21 DR. WILLIAMS: We had one head
22 administrator that was one of the founders of the
23 school, and she retired in June.

24 COMMISSIONER PERALTA: Okay. And so I'm
25 alluding to the fact that there was -- the previous

1 administration did not provide the necessary data
2 for the analysis so that you can be able to look at
3 where your school is at, where it's going and so
4 forth. And I'm kind of befuddled by that, the fact
5 that in your governing council meetings, was there
6 ever any prior requirement of that administrator to
7 periodically bring up, you know, any data that he --
8 that that person could have collected and just
9 basically share with the governing council so that
10 they were able to see that we're tracking the school
11 like we should be.

12 And my concern is -- and I'm sure with
13 Ms. Garcia now in the lead, that we will be having
14 some of that discussion about, in the future, when
15 we have our governing council, that Ms. Garcia will
16 be providing that in a more consistent basis through
17 the years so that we're able to have more clear
18 evidence about, you know, where this school is
19 headed and how the students are performing.

20 DR. WILLIAMS: Yes, I have served on the
21 council for the entire time; so I have a little bit
22 of that history. And we did study the NMSBA scores.
23 And then there was a transition to PARCC, and now,
24 we're just getting to that point. We didn't review,
25 as a council, the DIBELS or the Discovery. And that

1 wasn't something that she had brought to our
2 attention to monitor. It was something that
3 Ms. Garcia really felt was important. And now I
4 think, especially through the training that we saw
5 last week, we understand better our role of
6 monitoring the academics of the school.

7 We've already looked at the beginning of
8 the year and the middle of the year scorings for the
9 DIBELS and the Discovery tests that were taken by
10 our students, and I feel confident that that routine
11 is going to continue.

12 COMMISSIONER PERALTA: Thank you.

13 THE CHAIR: Commissioner Toulouse?

14 COMMISSIONER TOULOUSE: Madam Chair, good
15 morning. It's early morning for having to come up
16 from Las Cruces. I assume you came up last night?

17 MS. GARCIA-POST: Yes.

18 COMMISSIONER TOULOUSE: I do just want to
19 say just one little aside. The Albuquerque Public
20 School Board has now approved capital outlay for
21 charter schools, as well as their ongoing schools,
22 as a part of their bond issue in February that just
23 came up last week; so I thought I'd bring that up,
24 totally separate from this, but in response to
25 Commissioner Gipson's about the support.

1 APS is seeing that need now, whether
2 they're my school district or not, not that I care
3 about them particularly.

4 But I have some concerns about this part
5 that we see in this analysis on the special
6 education, because we have a number of schools where
7 we seem to have some special education problems.
8 And that funding is so important to the schools and
9 to the kids that it bothers me when we see some --
10 you know, that it's messed up.

11 Do you now have a system in place that's
12 tracking that so that -- did you, in the past?

13 MS. GARCIA-POST: So what I can say about
14 the special education, especially in regards to
15 funding, but also in regards to just program and
16 process, certainly, there was -- we were providing
17 special education services in the past. But I've
18 worked very closely with Mr. Lovato, who's the new
19 director of the Special Education Bureau. And I did
20 ask -- there was a discussion about a Corrective
21 Action Plan.

22 And I really worked with them on creating
23 that, because I wanted to make sure that we were
24 implementing best practices, both on the process
25 side of special education, as well as on the

1 financial side.

2 Some of the concerns had to do with our
3 ancillary services, because we do not employ payroll
4 people -- like, special education social worker or
5 speech therapist or occupational therapist -- those
6 people are ancillary service providers that are
7 contracted with us. We now have a very structured
8 process in place for a very clear contract with
9 them. They have a very spelled-out amount of
10 service time, and they also have a systematic
11 service log that I provide them monthly and require
12 to issue payment on an invoice.

13 And I am currently overseeing all of that,
14 so that we're sure that our funds are being
15 allocated correctly.

16 So that piece has been taken care of, and
17 it's been working very well, and students are
18 receiving their service time.

19 Part of our Corrective Action Plan had to
20 do with that, but, also, had to do with some
21 trainings and putting some protocols in place for
22 things like Prior Written Notices, IEPs,
23 Multidisciplinary Education Team, prior to an IEP to
24 see if an IEP is even necessary. And we have worked
25 with them. We have done two trainings. Special

1 Education Bureau is going to do trainings with us.

2 And so while certainly, it was in place
3 before, it is now more formalized, and we worked in
4 collaboration with our staff and the Special
5 Education Bureau to create something we're
6 comfortable with that also really meets the needs of
7 our students.

8 COMMISSIONER TOULOUSE: Thank you. I --
9 Madam Chair?

10 I also -- I notice in the documents we
11 have here that said -- says that, "And special
12 education..." -- that there are special education
13 placements that do not comply with statutory and
14 regulatory requirements.

15 I assume that's all been worked on and
16 lined up, too, if you've been doing all this other
17 work.

18 MS. GARCIA-POST: Yes, we did. There was
19 an extensive file review done. And then I actually
20 hired someone to come in and do an outside audit to
21 give us recommendations, a diagnostician, and a
22 former director of special education from Grants.
23 And she spent a lot of time with us.

24 We -- that audit -- what that audit
25 revealed is that our -- the students and the

1 subsequent testing and meetings -- MET meetings as
2 well as IEP meetings we had revealed we did not have
3 students incorrectly placed; we just didn't have as
4 many details as we should have had about them, and
5 so perhaps their goals were not as specific or
6 strategic as they should have been.

7 All of that was corrected before the 40th
8 day. And so I'm happy to say that our students'
9 goals are now much more -- much better articulated
10 and meeting their needs, quite frankly, more than
11 they were before.

12 COMMISSIONER TOULOUSE: Thank you.

13 THE CHAIR: Commissioner?

14 COMMISSIONER CONYERS: Yes. What I'm
15 going to say, a number of people have kind of
16 alluded to it, and it's, primarily, for the head of
17 the governing council. And I know you're correcting
18 a lot of the issues, you know, we've talked about,
19 the SAT team and the licensure and so on.

20 And I guess I come from this -- I served
21 on a local school board for eight years, and the
22 last four years, was the president of the board.
23 And the challenge to the governing council -- you
24 know, every time we had a board meeting, you know,
25 the superintendent, the principals, the

1 division/department heads would report, and, you
2 know, everyone was walking on water; everything was
3 great.

4 And I've worked in the district 30 years;
5 so I know that there were issues there that really
6 never came up at the board meetings.

7 So I'm wondering, as the governing
8 council, did you have any approach or -- to kind of
9 get ahead of some of these things, or -- I know
10 you're not into the day-to-day operation of the
11 school; that's not your role. But somehow, you need
12 to have a -- I don't know -- quality control or
13 something, where you're knowing more than just what
14 you're being told.

15 And I'm not disrespecting the current
16 administration at all. But we tend to emphasize the
17 positive things and not the others.

18 So do you have anything going on in that?

19 DR. WILLIAMS: One thing I can say is that
20 especially from the financial end, we have a really
21 great relationship with our new business manager,
22 who has really spent a lot of one-on-one time with
23 several of us, just explaining the fine details of
24 our budget and how we have made corrections with --
25 with the budget this year.

1 I think that what we have planned to do as
2 a council is making sure, at the beginning of every
3 school year, we sit down and review everything again
4 so that everyone understands what we need to be
5 paying attention to in our school budget, as well as
6 what we need to be asking for academically.

7 And I think those are our priorities.
8 Being a part of the council now, since the
9 beginning, I found that we were really involved in
10 helping in any way we could, just to get our charter
11 going and moving. And now I think we really realize
12 how much we need to step back and ask for the data
13 and ask for the oversight.

14 And what I want to make sure, as my time
15 rotates off of the council, is that those people
16 that come on understand those and don't have to
17 reinvent the wheel every time.

18 COMMISSIONER CONYERS: Okay. Thank you.

19 THE CHAIR: Thank you.

20 Could the record reflect, please, that
21 Commissioner Chavez is here?

22 And as long as I have the floor, may I
23 just ask a couple of questions. I know some of the
24 others have questions, as well.

25 On your -- I've lost it. On the school

1 snapshot, ELLs for the first three years, percentage
2 of ELL at zero. Then 2014-'15, it jumps to
3 100 percent; is that correct?

4 MS. GARCIA-POST: No, I actually caught
5 that, as well. I guess it just didn't make it --
6 the change into the final analysis. That is
7 incorrect. We have a -- we hover around -- we're
8 around 5 percent this year of ELLs.

9 THE CHAIR: What about in the prior years?
10 I know you were not there. But I just wondered if
11 you could give us some idea. Surely, it wasn't
12 zero.

13 MS. GARCIA-POST: There was no measure of
14 that in the prior years.

15 THE CHAIR: Okay. The other thing I
16 wanted to note on this school snapshot are your
17 proficiencies. Reading proficiency started out, in
18 the 2011-'12 school year, at 71.9, has decreased a
19 little bit to 65.8 in the '13-'14 school year.
20 Those are outstanding numbers.

21 Then the math proficiency started out at
22 61.8 in the '11-'12 school year and decreased
23 somewhat to 57.9 in the '13-'14 school year. Of
24 course, we don't have current numbers.

25 For a school that we're talking about

1 problems and issues, your kids are doing really
2 well, it would certainly appear to me. So I want to
3 congratulate you for that. I think those are --
4 those are really good numbers.

5 The other question I wanted to ask is
6 about your new facility. What's the capacity,
7 student capacity in that new facility?

8 MS. GARCIA-POST: So the way that the
9 facility was built in collaboration with our
10 governance council and the school board, we -- it is
11 basically at the 200 -- it could fit more students;
12 but there's no -- we could increase our class size
13 to meet administrative code in some areas, which
14 would go over the cap; but we don't have additional
15 classrooms. The school is set up to be one class,
16 K-through-8.

17 THE CHAIR: Okay. Okay. So we're not
18 likely to see you again asking for a change in
19 enrollment cap?

20 MS. GARCIA-POST: No, no.

21 THE CHAIR: Just don't go over, though.

22 MS. GARCIA-POST: We won't.

23 THE CHAIR: Oh, 199. You are blinding me,
24 sir. I know I'm beautiful; but I'm seeing stars.
25 (Addressed to photographer.)

1 All right, Commissioners, other comments?
2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: Thank you,
4 Madam Chair.

5 As the Commissioner just noted, please be
6 very sure you don't go over that 200, please. This
7 Commission views that as an extremely serious
8 material violation of the charter. So at that
9 level, you need to be very careful that you don't
10 get over that cap.

11 What I wanted to say is I think I'm going
12 to be in favor of renewing this school, also. But I
13 do believe it should be under a condition that there
14 be a Corrective Action Plan with a finite
15 termination date of either six months or a year that
16 you would work with the Charter School Division.

17 And I understand you probably addressed
18 some of these issues already. But even if you
19 addressed them, I would want to see some kind of
20 documentation proving that that has been addressed
21 and that you then work on the other areas of
22 weakness that this Charter School Division has
23 identified in both their preliminary analysis and
24 what they're calling their final analysis.

25 But with that in mind, and as I always

1 say, the -- should you be approved for renewal, then
2 we would sit down in the spring and have that
3 contract -- performance contract and performance
4 framework negotiation, that you come to that --
5 you've proposed some academic indicators here --
6 that you be prepared to challenge yourselves in that
7 area.

8 The Chair has noted that actually your
9 proficiencies look pretty good; but there are other
10 signs in there that you're struggling a little in
11 the academic progress area. And I believe we can
12 address that with some fairly rigorous and
13 challenging academic indicators; so I look forward
14 to that in the future, too.

15 Thank you, Madam Chair.

16 THE CHAIR: Thank you, ladies and
17 gentlemen. As Commissioner Carr and Commissioner
18 Peralta have made me aware. I flipped the public
19 comment time and the PEC question time. We really
20 will get to public comment. I promise you, we will.
21 And the next one, I'll get it in the right order.

22 Any other comments from Commissioners?

23 Commissioner Armbruster?

24 COMMISSIONER ARMBRUSTER: I have a few
25 questions. What is the teacher-pupil ratio?

1 MS. GARCIA-POST: Well, we -- every class
2 size is different. Our largest class is at 24
3 students, and our smallest class right now is 20.

4 COMMISSIONER ARMBRUSTER: Which classes
5 are -- which classes are the 24? Or the 20?
6 Whichever is easier to --

7 MS. GARCIA-POST: Right. So our smaller
8 class is the seventh-grade class. And then our
9 larger class are the fifth- and sixth-grade
10 classrooms.

11 COMMISSIONER ARMBRUSTER: And, of course,
12 I'm the one concerned always about special
13 education.

14 I know that most districts do have private
15 contracts with OT, PT, oftentimes
16 speech-and-language. And I'm not sure that should
17 be so difficult to acquire, because it seems that
18 people -- I know the name of one, and I don't know
19 anything about it -- EASi. My school district has
20 hired people from that district -- I mean, that
21 organization.

22 Also, in terms of writing correct goals
23 that concerns me, because that would be a special
24 education teacher, licensed teacher responsibility
25 to look at appropriate goals based on the data,

1 based on the test results, based on the
2 diagnostician. So I'm wondering whether the special
3 education teacher is new, in which case I certainly
4 understand why that would be difficult. Perhaps --
5 I don't know -- PED, Special Ed, CSD, needs to have
6 some -- some training, in general, because I'm not
7 sure that school districts even have that, probably
8 more so than a charter school, because it's a larger
9 entity.

10 But I -- it's such an important aspect
11 federally, as well as a State measure, that they
12 have appropriate goals and appropriate measures and
13 appropriate exceptions from what they can and can't
14 do that that does concern me. And it's been going
15 on for five years, in a sense, because this is your
16 renewal date.

17 Thank you.

18 MS. GARCIA-POST: Right.

19 THE CHAIR: Other comments?

20 Commissioners, just for my own personal
21 perspective, I would like to suggest that this
22 Commission consider approving this school for a
23 period of years that we agree on, with the condition
24 that they work with CSD on a Corrective Action Plan
25 that addresses all of the concerns that have been

1 raised in the analysis done by the Charter School
2 Division. And if there are any specific concerns
3 that this Commission wishes to add to that list,
4 they would be included in that Corrective Action
5 Plan, as well.

6 That's just my suggestion.

7 COMMISSIONER ARMBRUSTER: Madam Chair, do
8 we want to do that after public comment?

9 THE CHAIR: Yeah, yeah, just -- and while
10 you all think about that, we need to have public
11 comment.

12 So do we have anyone here who -- from the
13 public, that would like to comment on the J. Paul
14 Taylor application for renewal?

15 Then I would ask you ladies at the table
16 to please move to those chairs over there and let
17 the members of the public come forward.

18 We have a total of 15 -- of five minutes
19 for public comment. Do we only have one person for
20 public comment? Then you get the full five minutes.

21 MS. GORHAM: Well, I promise I will not
22 take the full five minutes. My name is Jennifer --

23 THE CHAIR: Please introduce yourself,
24 spell your name if it's unique.

25 MS. GORHAM: My name is Jennifer Gorham,

1 G-O-R-H-A-M. I am a fifth-grade parent of a student
2 at J. Paul Taylor Academy. My daughter joined the
3 school in her first year as a first-grader with a
4 previous preschool and kindergarten experience with
5 the Las Cruces Public Schools.

6 I will say that my daughter's development
7 in education has grown dramatically in the last four
8 and a half years. My daughter was a little bit of
9 a -- not quite as academic student. But I will tell
10 you that our Project-Based program has really helped
11 develop her.

12 The presentation skills and being able to
13 study projects that affect her in a personal nature
14 has been extremely important to us, with also being
15 able to capture the other opportunities for
16 education, language arts, math, science, and such.

17 My daughter -- as being one of the only
18 charter schools in southern New Mexico that is
19 actually a K-through-8 school, my daughter is
20 definitely looking forward to continuing her
21 education with J. Paul Taylor through middle school,
22 which is always one of those struggles, because
23 students at the fifth-grade level are trying to
24 spread their wings a little bit more and may want to
25 try something new.

1 She is very devout in the fact that she
2 wants to stay with J. Paul Taylor through the entire
3 process.

4 So we thank you very much for your time,
5 and we look forward to working with you in the
6 future.

7 THE CHAIR: Thank you very much for your
8 comments.

9 Anyone else?

10 All right. Then, Commissioners, we are
11 back to Commissioners.

12 COMMISSIONER TOULOUSE: Somebody else?

13 THE CHAIR: I'm sorry. Is there someone
14 else?

15 COMMISSIONER TOULOUSE: There are
16 two-and-a-half minutes left.

17 THE CHAIR: Two-and-a-half minutes left.

18 MR. MUNOZ: Hi. I'm John Munoz,
19 Las Cruces, New Mexico. I did drive in this
20 morning; so I'll keep my comments very short.

21 I -- I have a business. I run Sitel. We
22 have employees between Albuquerque and Las Cruces
23 with over 2,000 employees in the state of New
24 Mexico.

25 So some of my employees in Las Cruces have

1 children who go to J. Paul Taylor. They speak very
2 highly; rave reviews. The staff are very dedicated,
3 and the kids are very happy in that school. So I
4 wanted to add my input as well.

5 Thank you.

6 THE CHAIR: Thank you. Thank you very
7 much.

8 COMMISSIONER TOULOUSE: You have about a
9 minute left.

10 THE CHAIR: For sure. Anyone else? One
11 minute.

12 MS. PORTER: Good morning. I'm Margarita
13 Porter, and I'm here in support of J. Paul Taylor
14 wearing two hats. One, both of my daughters
15 attended J. Paul Taylor, in which they had a
16 wonderful experience. They still talk about it.
17 And they were at the old facility; and I'm very sad
18 to say that they're not at the new facility anymore,
19 that they weren't able to be there.

20 Second, I'm also the principal of New
21 America School. And as a south- -- we have created
22 a group of charter schools that we meet together in
23 support of charter schools in Southern New Mexico.
24 And I just want to say that J. Paul Taylor has been
25 very collaborative in joining together and having a

1 united vision for children and options for parents.

2 And so I just want to -- I'm in support of
3 J. Paul Taylor and their staff and their students
4 and the education that they're providing for
5 Southern New Mexico.

6 Thank you. Hope that was quick.

7 THE CHAIR: Thank you very much.

8 All right. Commissioners, we are back to
9 the questions, comments, and or consideration of
10 this application.

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: Well, if we're
13 going to -- we need to decide on the terms first. I
14 think I'm comfortable with a five-year term. I
15 believe they -- I've been reassured by this
16 leadership that they are addressing these issues,
17 and, if they're not totally addressed yet, that they
18 will be. I understand the Special Ed Bureau is
19 already involved; you talked about another bureau
20 that was already involved.

21 Director Poulos, if we put a condition of
22 a Corrective Action Plan on there, would you
23 envision it to be a six-month document or a one-year
24 document? Have you given any thought -- there
25 should be, I think, a finite timeline that --

1 MS. POULOS: Madam Chair, Commissioners, I
2 think if we did it to align with the termination of
3 this contract term and then the beginning of the
4 next contract term, to say, "By the beginning of
5 next contract term, you must have completed the
6 Corrective Action Plan," that assures us that at the
7 beginning of that contract, they are operating in
8 compliance with the law and prepared to operate.

9 And so the new contract term would begin
10 July 1, 2016.

11 COMMISSIONER BERGMAN: So that would be a
12 six-month document, which would just perfectly fit
13 in that time frame, then.

14 So that would be my -- whoever reads the
15 motion, it should be a six-month Corrective Action
16 Plan. At least that's my thought, Madam Chair.

17 Thank you.

18 THE CHAIR: All right. Any comments or
19 questions on that?

20 Commissioners, I would also note that
21 there are suggested or possible motions in your
22 notebook in the Executive Summary section if you
23 care to use that wording.

24 MS. POULOS: And that can be found on --
25 I've learned a lesson, put page numbers on there --

1 Page 6 of that Executive Summary.

2 THE CHAIR: Commissioner Carr?

3 COMMISSIONER CARR: I can make the motion,
4 if it pleases the Commission.

5 And you can help me along here when we get
6 to the six-month point here.

7 I move the Public Education Commission
8 approve the renewal application for J. Paul Taylor
9 Academy for a term of five years, with the following
10 conditions, and that these conditions be completed
11 within -- or by July 1st of 2016.

12 THE CHAIR: Through a Corrective Action
13 Plan.

14 COMMISSIONER CARR: Through a Corrective
15 Action Plan.

16 COMMISSIONER GIPSON: That addresses all
17 the concerns raised in the analysis.

18 COMMISSIONER CARR: That addresses all the
19 concerns that are addressed in the analysis.

20 And as described in the renewal
21 application and analysis, J. Paul Taylor Academy has
22 not met student performance standards identified in
23 the charter contract. Additionally, the school
24 failed to demonstrate it is making substantial
25 progress toward achievement of these academic

1 standards. Further, the school has failed to meet
2 the generally accepted standards of fiscal
3 management and has violated the provisions of law
4 from which a charter school is not exempted.

5 For these reasons, the Commission has a
6 statutory justification in terms of the charter
7 school -- wait a minute.

8 COMMISSIONER TOULOUSE: We don't want any
9 of that.

10 COMMISSIONER GIPSON: You're not renewing
11 them now.

12 MS. POULOS: Madam Chairwoman and
13 Commissioners, no, that -- the proposed language --
14 if I can just take a minute and explain it to you,
15 provides a motion to renew without conditions. In
16 that case, it provides a template for you to
17 identify that they have met all the conditions for
18 renewal without any conditions at all, meaning that
19 all of those provisions of law that could justify
20 nonrenewal are not -- are met appropriately.

21 COMMISSIONER CARR: Yeah. If you -- I'm
22 sorry.

23 MS. POULOS: Sorry. Versus the motion to
24 renew with conditions identifies that there could be
25 a reason that this Commission -- or is a reason that

1 this Commission could choose not to renew the
2 school, but has decided it would like to, for
3 whatever reason, and gives the Commission the
4 opportunity to do that.

5 And then the last one is the motion to not
6 renew, which simply identifies that it has -- it has
7 existed with conditions that would allow the
8 condition not to renew.

9 So I think you may want to look at that
10 proposed language before you just use it.

11 COMMISSIONER CARR: Actually, if I was
12 allowed to read the last paragraph, it would have
13 corrected it.

14 So it sounds like I need to start over,
15 because the reading here is correct. It started to
16 sound like it was a denial; but it wasn't. Okay?
17 It was a -- it was an acceptance with conditions.
18 And I was getting ready to state the conditions,
19 pretty much; well, some of them, anyway.

20 THE CHAIR: Are you saying the conditions
21 are the Corrective Action Plan that will address all
22 of the issues?

23 COMMISSIONER CARR: Why don't we have you,
24 the lawyer -- and, then, let's -- it is
25 unnecessarily complex.

1 THE CHAIR: Let's take about a ten-minute
2 break, please. We'll be back at ten after.

3 (Recess taken, 10:00 a.m. to 10:15 a.m.)

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

6 Ladies and gentlemen, would you please
7 take a seat?

8 Ladies and gentlemen, would you please
9 take a seat? We're ready to begin our -- further
10 our deliberations, as necessary.

11 I believe this Commission is ready for the
12 motion concerning the J. Paul Taylor Academy.

13 Commissioner Carr, I believe you have
14 rescinded your earlier motion that died, for lack of
15 a second, anyway.

16 COMMISSIONER CARR: Well, that's true. So
17 I don't have to rescind it, then, do I?

18 THE CHAIR: There you go.

19 COMMISSIONER CARR: Okay. All right.

20 THE CHAIR: Are you ready to make the
21 motion?

22 COMMISSIONER CARR: I am ready to make the
23 motion, Madam Chair and members of the Commission.

24 I move the Public Education Commission
25 approve the renewal application for J. Paul Taylor

1 Academy for a term of five years, with the following
2 conditions. This five-year renewal is contingent
3 upon the school's successful completion of a
4 Corrective Action Plan that addresses all the issues
5 raised by the CSD and are on the official record.

6 This plan must be completed by the end of
7 the current contract period.

8 As described in the renewal application
9 and analysis, J. Paul Taylor Academy has not met the
10 student performance standards identified in the
11 charter contract. Additionally, the school failed
12 to demonstrate it is making substantial progress
13 toward achievement of these academic standards.
14 Further, the school has failed to meet the general
15 accepted standards of fiscal management and has
16 violated provisions of the law from which the
17 charter school is not exempted.

18 For these reasons, the Commission has a
19 statutory justification that this charter could not
20 be renewed.

21 However, because the school has
22 demonstrated adequate academic performance, as
23 identified in the letter grades, and because there
24 is not evidence that the school's governing body has
25 been adequately notified of the unsatisfactory

1 performance and provided reasonable opportunity for
2 the governing body to remedy the problem, the Public
3 Education Commission is granting a limited term
4 renewal, with conditions, to allow the charter
5 school a reasonable opportunity to improve the
6 academic, organizational, and financial performance
7 of the school.

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

10 COMMISSIONER GIPSON: Second.

11 THE CHAIR: I'm sorry. Who did I hear?
12 Commissioner Gipson?

13 Motion by Commissioner Carr, second by
14 Commissioner Gipson, to approve the renewal
15 application for J. Paul Taylor for a period of five
16 years, with conditions as noted on the record.

17 Is there any discussion?

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: I'm just curious.
20 I believe the last sentence that Commissioner Carr
21 read said "a limited term." Are we doing it for
22 five years or something less than five years? Is
23 that wording correct?

24 COMMISSIONER CARR: Well, it's -- the
25 limited part would be the six months it would take

1 them to do the Corrective Action.

2 COMMISSIONER BERGMAN: So it is a
3 five-year renewal?

4 COMMISSIONER CARR: It is a five-year -- I
5 did say five years.

6 THE CHAIR: All right. Any further
7 discussion among Commissioners?

8 As long as we're -- have not voted yet, I
9 just want to ask the school. Is that time period
10 realistic for you all to get that Corrective Action
11 Plan completed?

12 MS. GARCIA-POST: So I just want to be
13 clear, would we be working with the Charter School
14 Division and be showing progress towards
15 implementing the steps to make those corrections,
16 like having the data available and those sorts of
17 things? Or what's the -- you know, how will we show
18 that we've made progress adequately by July 1st,
19 2016?

20 THE CHAIR: In my mind, it would be --
21 there are some things that I think could be
22 completed. Other things simply would have the plan
23 in place to move forward.

24 Katie, would that be your --

25 MS. POULOS: Certainly. I think we would

1 work with the school to identify what that plan is
2 and what action steps should have evidence of
3 implementation already; and then, moving forward,
4 where there will be further evidence of
5 implementation and what that would look like.

6 MS. GARCIA-POST: Okay. So it would be
7 some completed and some in progress, started
8 implementation, things like that?

9 THE CHAIR: As long as -- I would think as
10 long as it's an adequate plan, long-term, of course.

11 Any other comments or questions?

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

14 COMMISSIONER PERALTA: Commissioner
15 Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER PERALTA: Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER PERALTA: Commissioner
20 Toulouse?

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Chavez?

24 COMMISSIONER CHAVEZ: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Peralta votes "Yes."

2 Commissioner Ambruster?

3 COMMISSIONER ARMBRUSTER: Yes.

4 COMMISSIONER PERALTA: Commissioner

5 Gipson?

6 COMMISSIONER GIPSON: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Bergman?

9 COMMISSIONER BERGMAN: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Shearman?

12 THE CHAIR: Yes.

13 COMMISSIONER PERALTA: I apologize.

14 Madam Chair. That is nine to zero favor of the

15 motion.

16 THE CHAIR: Thank you very much. The

17 motion passes unanimously. The renewal application

18 is accepted with conditions.

19 Thank you, and have a great next five

20 years.

21 MS. GARCIA-POST: Thank you very much for

22 your support.

23 (Applause.)

24 THE CHAIR: Next on the agenda is Roots

25 and Wings Charter School from Questa. If there's

1 anyone here from that school, please come forward.

2 COMMISSIONER GIPSON: Red River should
3 come next.

4 THE CHAIR: Sorry? If I could read, it
5 would help.

6 Red River Valley from Red River. And,
7 again, if you need to move chairs, please feel free
8 to get some of these up here.

9 Katie, whenever you're ready?

10 MS. POULOS: In 2011, Red River Valley
11 Charter School was approved for State authorization
12 by the Public Education Commission. The school's
13 three-year trend for the letter grade shows a very
14 slight drop in points earned; though it has remained
15 a letter grade of a C.

16 The current standing shows a very slight
17 downward trend, and the school's measure for lowest
18 performing students shows a significant downward
19 trend; but the student growth measure for Q3, which
20 is the top 75 percent of students, shows an upward
21 trend.

22 The school -- in 2013, the school's
23 operational performance, according to the audit,
24 identified two noncompliance findings, one of which
25 was a repeat finding. This is, however, an

1 improvement over the 2012 audit, which included a
2 material weakness finding and a significant
3 deficiency finding, along with three noncompliance
4 findings.

5 The school did end its 2015 school year
6 with 1,005 dollars, seven- -- one thousand five,
7 seven hundred and forty-three dollars [verbatim],
8 which was an increase over the projected cash
9 carryover.

10 For these reasons, the school's academic
11 performance -- and I apologize. I missed some
12 important information.

13 The school is out of compliance
14 academically, as you'll see on CSD's evaluation, for
15 failure to meet three of its four charter goals.

16 On the financial performance, while CSD
17 does believe that that financial performance shows
18 strong performance, without clear measures, CSD
19 cannot determine whether they meet on the financial
20 performance and on their operational performance
21 because of the repeat findings CSD has identified
22 that the school does not meet the operational
23 expectations.

24 Again, CSD has provided the Commission
25 with substantial information, including enrollment

1 data, demographic data. The school did not have a
2 large enough testing population to be able to
3 provide the proficiency data for PARCC at this time.

4 THE CHAIR: Thank you. Good morning.
5 Thank you all for being here.

6 Please introduce yourselves; spell your
7 name if it's unique. You have 15 minutes. And I've
8 asked Commissioner Toulouse to be our official
9 timekeeper.

10 Please go ahead when you're ready.

11 MS. PIERCE: Katy Pierce. K-A-T-Y,
12 P-I-E-R-C-E.

13 FROM THE FLOOR: Do we need to --

14 COMMISSIONER TOULOUSE: Press the button.

15 MS. PHILLIPS: Karen Phillips, school
16 administrator for 14 years.

17 MR. CISNEROS: By name is Flavio Cisneros.
18 I am the president of the governing council.

19 MS. PHILLIPS: We, first of all, request
20 that we be permitted to read our entire statement,
21 which may be a little bit over, about a minute over
22 the 15 minutes allotted.

23 We also ask that the PEC receive copies of
24 our statement, because an issue not previously
25 identified by CSD was inserted into the final

1 analysis, and we would like a written record of our
2 response in case you refuse our request to extend
3 our time.

4 Madam Chair, members of the Commission, my
5 name is Karen Phillips, and this is my 14th year as
6 the School Administrator of the Red River Valley
7 Charter School.

8 Respectfully, we disagree with the Charter
9 School Division's assessment of our performance for
10 the prior four years. The summary of information I
11 provide to you today is not new information. It is
12 information that is set forth at length in our
13 application, our responses to the Preliminary
14 Analysis available to the CSD through various
15 bureaus of the PED and otherwise provided to the
16 CSD.

17 Of concern is the fact that incorrect
18 information and rebuttal provided in the preliminary
19 analysis was singularly ignored by the CSD when
20 drafting the Final Analysis and Executive Summary.

21 We were surprised at the tenor of the
22 CSD's analysis and conclusions. When Mr. Scott
23 Binkley and Mr. Ed Woodd visited our school for our
24 renewal site visit, they were positive and
25 encouraging. They did not call out issues or

1 concerns. In addition, we have had site visits by
2 the CSD for the past four years. Never once have we
3 been placed on an improvement plan. For the few
4 matters of noncompliance brought to our attention,
5 they were immediately corrected; our ELL testing
6 protocol, for example. The PEC has never summoned
7 us for issues of concern; nor have we been notified
8 that our charter was in danger of nonrenewal, as
9 contemplated by the Charter School Act.

10 We find the CSD's Final Analysis confusing
11 and so offer our position of what our application
12 demonstrates.

13 CSD contradicts itself as to whether the
14 school has met substantial progress toward the
15 achievement of the Department's educational
16 standards. In the Executive Summary, CSD states,
17 "RRVCS has had adequate performance on the state
18 report card for the past three years, earning a
19 C average."

20 Yet in the Final Analysis, the CSD
21 concluded that our school did not show sufficient
22 progress in specific areas of the school report card
23 based on the CSD's own evaluation standards.

24 These standards were imposed by CSD two
25 weeks prior to the deadline for submitting the

1 application. We had not been previously notified
2 that these criteria would form the basis for
3 determining whether the letter grades for all years
4 of the most recent charter term was sufficient to
5 demonstrate progress toward the Department's minimum
6 educational standards.

7 There is no PEC policy or Department rule
8 of which we are aware that imposes such requirements
9 on any school when making an assessment of whether
10 its grade -- its letter grades over the term of the
11 charter contract demonstrates "sufficient progress"
12 toward the Department's minimum educational
13 standards.

14 Moreover, the Final Analysis focuses on
15 these -- focuses on these never before articulated
16 criteria to form the conclusion that we did not meet
17 the academic standards imposed.

18 CSD also ignores a substantial response we
19 provided in our charter application and in the
20 Preliminary Analysis concerning the two areas
21 reported on the school report card in which we
22 scored below a C. We cannot ascertain any factual
23 explanation as to why our response to the CSD's
24 rubric tool was not sufficient. Rather, CSD simply
25 states, in effect, "The answer is not good enough."

1 We had no warning that CSD had its own
2 method and standards for how a school must respond
3 to and evaluate data for the purpose of improving
4 instruction. We contend that CSD's criticism lacks
5 substance, are contrary to the evidence it provided,
6 contrary to the intent of the Charter Schools Act,
7 unduly interfere with the school's autonomy, and are
8 inconsistent with our contract with the PEC.

9 As to our academic goals set forth in the
10 contract with the PEC, we establish four academic
11 goals, two tied to Short Cycle Assessments and two
12 tied to New Mexico standardized testing.

13 For our two Short Cycle Assessment goals,
14 we had hoped to demonstrate that for both reading
15 and math, 90 percent of our students would show at
16 least one-year gain. However, for reading, our
17 average over the four years of charter data shows
18 only 64 percent of our students made a full academic
19 gain in reading. In the area of math, the average
20 over four years of charter data shows that
21 69 percent of our students made these gains.

22 In 2013-'14, 80 percent of our students
23 gained one year or more in math; but for the
24 2014-'15 school year, 29 percent of our students
25 could not demonstrate a one-year increase, due to

1 reaching the maximum score on the STAR Math
2 Assessment, accounting for the drop in percentage to
3 50 percent.

4 Our other two academic goals, reading and
5 math proficiency, were measured by standardized
6 testings. Results show an increase from a C to an A
7 for students in the Q3 category. This accounts for
8 75 percent of our students.

9 An analysis shows that these Q3 students
10 have been enrolled for at least three years in our
11 school. Q3 students achieved reading proficiency of
12 77.4 percent and math proficiency of 83.9 percent on
13 the 2014 New Mexico Standards Based Assessment.

14 We recognize the need for improvement of
15 our Q1 students; but our scores do demonstrate that
16 the lowest 25 percent of our students achieved more
17 than one year's growth in both reading and math in
18 2012, '13, and '14, which is a significant academic
19 success.

20 Our data analysis shows that a substantial
21 number of our Q1 students enter from the local
22 district and largely enter at below-grade-level
23 efficiency, but then demonstrate substantial
24 improvement over time, as illustrated by our Q3
25 scores.

1 In addition, the improvement in school
2 growth proves that all students are improving,
3 including the lowest 25 percent. This growth is
4 demonstrated by the move from an F in 2012 to a B in
5 2014 on our school report card. School growth
6 compares students enrolled in the current year to
7 students from previous years and accounts for
8 improvement of all students, not just those reaching
9 a proficient level.

10 CSD acknowledged the results from PARCC
11 were not valid because of the students' sample size.
12 CSD acknowledges we met our two organizational goals
13 and one mission-specific goal related to student
14 service learning. It should be noted that one of
15 our organizational goals is to implement a
16 Professional Learning Community that was directly
17 related to increases in students' academic
18 performance.

19 The CSD has repeatedly indicated that
20 there is no direct link to the school's professional
21 development and students' academic success; yet we
22 direct you to the documented outcomes for each year
23 of the PLC, which are presented in Appendix F, with
24 a list of Tier 1 and 2 interventions in Appendix I.
25 Our professional development, along with targeted

1 and school-wide interventions, are discussed
2 throughout the renewal application, including the
3 school system of monthly data analysis of student
4 performance; yet CSD repeatedly ignores this
5 information and states there is no evidence that the
6 school's interventions and data analysis drive
7 improvement in instruction.

8 As for our financial performance, the CSD
9 raises financial issues for the first time in the
10 final analysis. We disagree that we have failed to
11 meet generally accepted standards of fiscal
12 management, and have consistently received
13 unqualified or unmodified audit opinions regarding
14 our adherence to generally accepted accounting
15 standards.

16 For the entirety of our current charter
17 contract with the PEC, we have never been warned
18 that our financial performance was of concern, been
19 placed on an improvement plan, or otherwise
20 admonished for financial mismanagement.

21 Notably, on Page 1 of the Executive
22 Summary, CSD states, "The school's financial
23 performance does not raise concerns"; yet it then
24 states that we did not meet the CSD's standards for
25 financial compliance.

1 CSD cites to no law, rule, GASB standard
2 or Department policy that we have violated.

3 In regards to our cash carryover, CSD
4 suggests that having an overage in our cash
5 carryover implies fiscal mismanagement. The CSD's
6 statement appears to demonstrate a lack of knowledge
7 or understanding by the CSD of the Public School
8 Finance Act and the school budgeting process. The
9 projected cash carryover is an estimate that is
10 generated in the month of April during the budget
11 preparation process for governance council approval
12 in early May. The accuracy of this projection of
13 carryover increases the closer you get to the end of
14 the fiscal year.

15 The positive variance of \$28,000 results
16 from the year-end closing process, which includes
17 evaluating all opportunities to legally shift
18 available expenditures to other funds and reduces
19 operational expenditures by increasing available
20 cash balance at year-end.

21 CSD's lack of information to access
22 financials, CSD states, "Limited information is
23 available about the school's financial performance";
24 yet we have yearly audits, site visits, and CSD has
25 direct access to our PED budget analyst.

1 CSD cannot articulate what information
2 that it does not have to determine our financial
3 performance. It seems CSD acknowledges that there
4 are no prior reports of noncompliance in the area of
5 the school's financial management. The impression
6 left by the CSD reports is that we are out of
7 compliance, which is simply not the case, and there
8 is no evidence of such.

9 Moreover, we will have provided any and
10 all financial information requested by CSD and any
11 other division or bureau of the Department.

12 We disagree that simply having audit
13 findings is evidence of fiscal mismanagement. If
14 the argument is that audit findings which include an
15 evaluation of internal policies, procedures,
16 internal controls, and management practices,
17 constitutes the basis for "Does Not Meet" standards
18 for generally accepted standards of fiscal
19 management, then the majority of all charter schools
20 in districts do not meet standards.

21 In response to CSD's criticism that we've
22 neglected to submit BARs in 2012, a review of OBMS
23 BAR history report for the fiscal year 2012, which
24 is available from the PED, reflects a submission of
25 31 BARs for that operating year. This audit finding

1 related to failure to submit a single BAR for a
2 small increase in monies received for instructional
3 materials. A BAR was not submitted for these
4 additional instructional funds, because the school's
5 estimated expenditures were expected to be less than
6 actual budget authority. An increase in budget was
7 not necessary to complete the fiscal year.

8 Moreover, the number of findings in 2012,
9 as cited by the CSD, is wrong. There were only
10 five. We have consistently worked to resolve all
11 audit findings in a timely manner, which is evident
12 from our past site visit reports.

13 Regarding our organizational performance,
14 CSD's final analysis indicates that the school
15 either met the criteria or that the criteria was not
16 applicable or unable to determine; yet CSD states,
17 in the Executive Summary, that we did not meet
18 standards. The only basis for the "Does Not Meet"
19 determination is two noncompliance findings in the
20 2013 audit, where CSD does not describe the findings
21 under the Organizational Performance section of
22 either the Executive Summary or the Final Analysis.

23 However, in the Final Analysis, under
24 "Organizational Performance," CSD describes material
25 term violations that are not carried into the

1 Executive Summary. Moreover, CSD states that these
2 material violations are either not applicable or
3 unable to determine whether there actually have been
4 violations. We believe that these statements are
5 factually incorrect and serve only to prejudice our
6 renewal.

7 All issues raised by the CSD was [sic]
8 comprehensively addressed in the extensive response
9 to the Preliminary Analysis. Rather than evaluating
10 our response to these alleged violations and
11 appropriately dismissing them, CSD leaves the PEC
12 with the impression that we provided incomplete
13 information or otherwise did not respond to CSD when
14 asked for information, which is simply not the case.

15 We offer the following response set forth
16 in the Preliminary Analysis concerning these issues
17 identified as material, but which CSD contends it
18 did not have sufficient information to determine if,
19 in fact, a violation has occurred.

20 During the 2014-15 annual CSD site visit
21 we learned that responses from the Home Language
22 Surveys were incorrectly interpreted and that some
23 students had not been tested for possible ELL
24 services. We immediately took steps to correct the
25 concern. We are now in full compliance with the

1 requirements.

2 We have provided needed services for ELL
3 students. The teaching staff has been trained in
4 language acquisition and literacy instruction
5 methods through the Project GLAD. In addition,
6 TESOL-endorsed teachers are on staff. Missing PDPs
7 for teachers in the CSD annual monitoring report for
8 2014-'15, it was stated that, "No Professional
9 Development Plans were submitted or available at
10 Teachscape Teacher Evaluation System."

11 This is not, and was not at the time,
12 accurate. There are no missing PDPs. It is not
13 clear why CSD, after being handed hard copies of the
14 PDPs during the renewal site visit on October 8th,
15 2015, continues to identify this as a material
16 violation or to represent that it cannot confirm
17 compliance.

18 In summary, we have kept our bargain with
19 the PEC. We are very concerned that CSD ignored
20 information presented to it and created misleading
21 and inaccurate reports that could negatively
22 influence the PEC. CSD's analysis offers little, if
23 any, factual support for the negative conclusions.
24 Moreover, it appears CSD relied heavily on rubrics
25 that incorporated performance indicators and targets

1 that were never approved by the PEC or previously
2 negotiated or approved by RRVCS.

3 We ask that the Commission grant our
4 school a five-year charter without conditions.

5 COMMISSIONER TOULOUSE: You have ten
6 seconds left.

7 THE CHAIR: You never know what you can do
8 until you've done it.

9 MS. POULOS: Madam Chair, can I address a
10 few things?

11 THE CHAIR: Certainly.

12 MS. POULOS: First, I wanted to address
13 the statement that CSD has indicated the PARCC
14 scores are not valid. That is not what CSD said.
15 CSD indicated that this school had too few test
16 records to be able to report those publicly.

17 CSD believes in the validity of PARCC test
18 scores. Unfortunately, for this school, we are
19 unable to provide those, because they did not have a
20 sufficient number of test records for those to be
21 reported publicly.

22 Second, what I would like to address is
23 the rubric. As I have indicated to this Commission,
24 it is very important that there is a definition of
25 substantial progress. It is one that does not exist

1 currently, based on policies set by this Commission.
2 CSD did, in time -- and I will ask my team members
3 right now. When was the first training we did on
4 that substantial progress statement?

5 FROM THE FLOOR: September.

6 MS. POULOS: No, the first one we did.

7 FROM THE FLOOR: That was the final
8 training.

9 MS. POULOS: The final training. But the
10 second training?

11 FROM THE FLOOR: First training was in
12 April.

13 MS. POULOS: So I believe it was actually
14 June or July, we did provide a training to all
15 renewal applicants in which we did set our
16 expectations for what a "statement of progress"
17 would be, what areas we expected it to address so
18 that we could evaluate substantial progress, using a
19 rubric that CSD did create for the purposes of being
20 able to evaluate those statements of progress for
21 this current year.

22 Again, I do encourage that the Commission
23 take action to define "substantial progress" and
24 create a policy so that it is clear for all of the
25 schools what that is.

1 But I do want to make clear that it wasn't
2 two weeks prior that we first notified the school of
3 the need to address what we were looking for in the
4 statements of progress. It was, in fact, I believe
5 at the September training when we did provide the
6 completed rubric. The training where we first
7 addressed the statement of progress was, in fact, in
8 June, which was about three-and-a-half months prior
9 to the submission of the renewal applications.

10 Next, I wanted to address the concerns
11 raised about financial performance. As you'll note
12 for this school, we did state the school's financial
13 performance does not raise concerns. CSD did not
14 indicate a concern based on the cash carryover or
15 the difference between the estimated cash carryover
16 or the final cash carryover. In fact, CSD did
17 express that their financial performance did not
18 raise concerns.

19 It was the operational performance in
20 relation to -- and this is the second issue that I
21 wanted to address here -- in relation not to simply
22 findings, but to that repeat finding and having a
23 repeat finding on your audit. So those were the
24 concerns I wanted to address.

25 THE CHAIR: Thank you very much.

1 The next item on the agenda is for public
2 comment. And I would -- do we have any public
3 comment on Red River?

4 MS. PHILLIPS: We do.

5 THE CHAIR: I'm sorry. If you've been up
6 here for the 15 minutes, you're not the public,
7 okay? So if you all would relinquish the table?
8 Now, is this the only speaker we have, during Public
9 Comment, on this particular school?

10 MS. PHILLIPS: We have a letter.

11 THE CHAIR: I see another hand. So we
12 have two people? Is that it?

13 COMMISSIONER ARMBRUSTER: She says there's
14 a letter.

15 THE CHAIR: Okay. So you have
16 two-and-a-half minutes apiece, or however you choose
17 to divide the time.

18 FROM THE FLOOR: I'll try not to take it
19 all.

20 THE CHAIR: Please identify yourself and
21 your relationship to the school.

22 MS. CALHOUN: Madam Chair, members of the
23 Commission, my name is Linda Calhoun. I'm Mayor
24 from the Town of Red River, and I'm also a parent
25 and a grandparent. I'm here to express my support

1 for the school.

2 The charter school is the only school in
3 our town, and it's well-supported by the community,
4 including both our businesses and individuals.

5 I believe that being able to attend school
6 in your local community is very important for our
7 children. The local district has not always
8 provided bus service to our students, which does
9 provide a hardship on our families. The Town of Red
10 River is able to support the school by allowing the
11 use of our public transportation, and also providing
12 the use of our conference room in the winter for
13 physical education.

14 The school is critically important to our
15 town's economy. Over the 15 years of existence, the
16 school has brought families to town that have
17 invested in local businesses and provided needed
18 service industry workers. Closing the school would
19 have a large impact on our businesses and on our
20 local economy.

21 This school has been very successful for
22 the last 15 years, and I would like to see that
23 success continue. I certainly would appreciate your
24 support and favorable recommendation of our school.

25 THE CHAIR: Thank you very much. Please

1 push the button down, so we can hear you.

2 MR. HENDERSON: My name is Kourtney
3 Henderson. I'm a parent of three girls that attend
4 Red River Charter School. It was part of our
5 decision to move to Red River nine years ago when
6 they were aged four, four, and two, that there would
7 be a good school in the town for them to attend.
8 And from all the research that we could do, we found
9 that it was a great school.

10 Actually, I've had two girls that have
11 required speech therapy, one of them at the time she
12 entered first grade; I could only understand her
13 50 percent of the time myself. But just seeing her
14 in this school, everybody took the time to let her
15 repeat herself and were very patient. And today,
16 I'm happy to report that I can understand her 100
17 percent of the time.

18 A lot of people think she's from
19 Australia; but, you know, I think we can live with
20 that.

21 But it's been a great -- a great
22 experience for them. All three of them perform
23 above their grade level. I think they're a prime
24 example of what Ms. Phillips was trying to describe,
25 that we have problems showing growth from year to

1 year. When you have seventh-graders that are
2 already doing high school algebra, it's -- unless
3 they start going into freshmen-college-type courses,
4 you know, they're not going to show any growth.

5 And at the governance council meetings
6 they explain to us very clearly, you know, the
7 DIBELS test, the PARCC test. I was even going to
8 get involved with the S.T.A.R.S. reporting; but you
9 can't do that as a council member. So I try to keep
10 as involved with the school -- I think we have a
11 great governance council. I think Ms. Phillips is a
12 great principal. She's got her doctorate. And I
13 see a lot of professional development among the
14 other teachers at the schools. A lot of them have
15 master's degrees or are working on master's degrees.

16 But I think anybody that visited the
17 school would see right away that it -- it's a really
18 special place. And I'd just like to submit that for
19 your consideration.

20 THE CHAIR: Thank you very much. How are
21 we doing on time?

22 COMMISSIONER TOULOUSE: A minute and
23 16 seconds.

24 FROM THE FLOOR: Can I just make one final
25 statement? I just want to say that our school not

1 only provides very excellent academics; but we also
2 provide a safe and nurturing environment that
3 creates respectful and very kind children.

4 THE CHAIR: Thank you for those words of
5 encouragement.

6 Anything else?

7 Thank you.

8 MS. PHILLIPS: I just wanted to submit one
9 letter from one of our teachers that she wanted to
10 have submitted. She's a teacher and parent.

11 THE CHAIR: If you can just leave it right
12 there -- you have just the one copy?

13 If the representatives from the school
14 would like to come back to the table, please?

15 MS. PHILLIPS: And may I submit this
16 statement that I read, also?

17 THE CHAIR: Yes, you may.

18 MS. PIERCE: And that's my statement.

19 THE CHAIR: Commissioners, we're to the
20 section where you may bring forward your questions
21 or concerns.

22 Anyone have questions?

23 Commissioner Carr?

24 COMMISSIONER CARR: I live about 15 miles
25 from this school in Eagle Nest.

1 I was really glad -- and I remember when
2 you guys came up for renewal last time.

3 Can you hear me all right? Am I speaking
4 all right? Good.

5 I'm glad Mayor Calhoun brought up the
6 economy. Even though it's not something we can
7 consider by law, it's something that I've spoke to
8 the Municipal League about. I said, "You guys don't
9 mention the schools." I said, "The schools are a
10 vital part of our economy."

11 That's not the reason they exist. The
12 reason they exist is to educate our children. The
13 byproduct is it does help our economy. Having
14 educated citizens helps our economy.

15 And -- and I -- and I wish that -- I would
16 like to have that spoke of much more often; because
17 people who are only concerned about the economy
18 don't always seem to be that concerned about our
19 schools. And they go hand in hand. They're not
20 mutually exclusive. So I'm glad that was brought
21 up, even though we technically can't consider that.

22 However, the local support, we can, and
23 having Mayor and Council support it; and I know
24 other citizens from Red River do support it.

25 I would like to bring up for the record

1 that I don't know -- Katie, if this was an oversight
2 by CSD -- but of the schools listed that were a
3 choice, Eagle Nest Elementary-Middle School was not
4 listed, which is an "A" school, and has been for
5 many years. Matter of fact, it's one of the top
6 schools in the country.

7 I would note -- and I'll tell you this
8 right now. I'm going to vote to keep you, maybe
9 with conditions; but I -- you know, that is -- that
10 is a local choice, pretty much -- you know, pretty
11 close to the same demographics. And they would be a
12 great -- you know -- and maybe you've already been
13 in communication with them. You probably are.

14 But, you know, it's a -- it's been a great
15 school for a long time. And that would be a good
16 place to -- to, you know, have some consultation, a
17 good school to have consultation with.

18 I am concerned about the performance for
19 the lower performing -- you know, for the lower
20 students, and that actually going down. You know,
21 that's -- that's important that we show improvement
22 there.

23 I -- you know, there's -- every school has
24 room for improvement. I think it's also important
25 that we have local community schools. That's a big

1 deal with me; it always has been. When we -- after
2 World War II, we started consolidating everything,
3 making huge schools and moving away from
4 communities. I think that's viable, not something
5 we can actually take -- necessarily take into
6 consideration. But I think that's a big deal, you
7 know.

8 One thing, if you're not familiar with the
9 demographics -- not the demographics -- but the
10 geographical area -- is that in order to get to
11 Eagle Nest, they have to go over Bobcat Pass. And,
12 you know, that's not always a great way to go. The
13 roads up there, it's a high-altitude. Traveling
14 five miles can be treacherous at times in the
15 wintertime. I know.

16 It's -- so I think it's important that
17 this school be maintained and that we work toward
18 making the improvements that need to be made.

19 The school grades and the testing, I have
20 all kinds of problems with. But it's a system that
21 we have in place now that we have to judge all
22 schools by. And -- and until there's something
23 different, it's what we have to go by.

24 And there's a lot of things that need to
25 be corrected in our educational system in this

1 state, a lot of issues. And we have --
2 unfortunately, being a veteran, too, I know that
3 it's -- we have to work with what we've got. And --
4 and this is what we've got right now. It's not
5 perfect. But we need to do the best we can within
6 that system to make sure we're doing the best for
7 our children.

8 So I'm going to vote for this; but I'm
9 going to say -- and I leave it up to the Commission
10 whether you want to do -- how many years you want or
11 not. But I think the statement that we read before,
12 from the last school, is probably just as fitting
13 for this school as it was for the last one.

14 Oh, one more thing. So I'm going to say
15 ditto to my last comment. I'm concerned that the
16 past site visits didn't bring things up. I mean,
17 that's another reason why I couldn't -- we couldn't
18 possibly close the school down, I don't think, right
19 now, because they haven't -- if you wanted to close
20 it down, because you needed -- you need to give them
21 a chance to fix things, you know.

22 So same thing. I'm very concerned that in
23 the past, we have not been doing our job. You know,
24 either Katie's way too strict, or the other director
25 was way too easy, or maybe something in the middle.

1 I don't know, you know. Yes?

2 (Consults with Chair.)

3 That concludes my remarks.

4 THE CHAIR: Thank you. I apologize for
5 that interruption.

6 Commissioner Toulouse?

7 I'm sorry. I'll get to you in a minute.

8 COMMISSIONER TOULOUSE: Madam Chair, I
9 have concerns about the site visits. My background
10 isn't education; it was state government and
11 academics. And -- but after 30 years in state
12 government -- and I know -- I ran welfare offices.
13 And when we had reviews that were internal reviews,
14 they were a combination and audit. And what you do
15 is a site visit.

16 And I know in any of these, before anybody
17 left my office, they did sit down and tell me what
18 their findings were going to be. And they
19 weren't -- everybody says, "Oh, yeah, you run a good
20 office." However -- you know. And you need that
21 "however" -- I'm concerned maybe you didn't get
22 those "howevers."

23 I'm also concerned -- this is the first
24 time we've seen audits. And this is one of my
25 things; I want to see audits. When you get your

1 audit exit interview, do you go ahead and try to
2 work on those findings before the final report comes
3 in, goes to the State Auditor, gets approved, and
4 comes back for consumption?

5 MS. PHILLIPS: Yes, we give a response
6 before the audit is submitted, a correction
7 response.

8 COMMISSIONER TOULOUSE: And, Madam Chair,
9 I knew you would give a response. But you began
10 working on corrections that needed to -- because
11 that's something that I think we need to see from
12 you, that you've been doing that.

13 I don't know what these audit findings
14 were. I'm glad to know that somebody's looked at
15 them. I'd still like to know, because some findings
16 mean more to me as a manager than another. I'm sure
17 some findings would mean -- and as a financial
18 person. Some would mean more to people who are in
19 education. I look at the financial and the
20 management side of it.

21 Which areas were your findings in?

22 MS. PHILLIPS: They were in a number of
23 areas. But you can find our responses on Page 48
24 through 50 -- through 51 in our charter application.

25 COMMISSIONER TOULOUSE: Madam Chair, I did

1 look at those. I'd like them on the record.

2 MS. PHILLIPS: Well, we had -- do you want
3 me to go through all of them, or in general?

4 COMMISSIONER TOULOUSE: Highlight,
5 generally, where you see they are; because I think
6 it's important for you to tell on the record, that
7 this goes in the transcript --

8 MS. PHILLIPS: We had a initial finding
9 the first year we were audited by Moss Adams,
10 because the district had done an audit on us six
11 years previous to that, and had not completed the
12 audit. So Moss Adams, the audit firm, felt that we
13 did not have a finalized cash balance statement. So
14 that was the finding against us.

15 They went back and finalized that; and so
16 that was immediately corrected. I brought up the
17 BAR that was not submitted; there was one BAR in
18 2012. We also had a date difference in a purchase
19 order, one that was the -- the order went in before
20 the purchase order was -- was put out.

21 We also had two findings for our personnel
22 files. One was we had an outdated fingerprint
23 security -- or clearance; and then the other one was
24 we had a substitute that was -- her -- she actually
25 was a retired teacher from our school -- her

1 substitute license was expired. So we immediately
2 corrected all of those.

3 COMMISSIONER TOULOUSE: Thank you. I just
4 wanted to make sure those were on the record as
5 things that were corrected and were not -- I don't
6 consider those as big deals, because they were
7 corrected. The purchase order bothers me a little;
8 but it -- you don't do that anymore; so...

9 MS. PHILLIPS: That was me. But also, our
10 transportation funds. That was the first year we
11 had gotten transportation funds, and we were not
12 aware that we had to pay 50 percent back. That was
13 a rule that our business manager did not know about;
14 so we immediately corrected that one, also.

15 COMMISSIONER TOULOUSE: Thank you.

16 THE CHAIR: Commissioner Chavez?

17 COMMISSIONER CHAVEZ: Thank you,
18 Madam Chair.

19 I also have a number of concerns with
20 regard to the report that CSD did. And one of them
21 has already been mentioned, and that is the student
22 growth for the lowest performing students. You
23 actually went from a C to an F; so that's very
24 concerning in terms of, you know, what's happening
25 with those students and what are your, you know,

1 plans, future plans, in terms of -- or what are you
2 doing right now to really make sure that those
3 students improve.

4 The other piece that I'm concerned about
5 is in the area of your instruction for ELL students.
6 That's mentioned in a couple of places. And in one
7 of the areas, it's mentioned that there wasn't
8 enough documentation, or enough information, for CSD
9 to determine what was going on in that area.

10 The other -- there's a number of other
11 areas where either you did not meet, or CSD was
12 unable to determine, you know, from either the
13 information that you provided or their site visit,
14 unable to determine, you know, what was going on in
15 those areas; for example, in governance.

16 There are a number of policies that they
17 cite that either you don't have, or you didn't
18 provide to them; I don't know which it was.

19 So, you know, with so many of those, I'm a
20 little concerned about what's going on with this
21 school. And I think that, you know, one of the
22 things that really needs to happen is that there
23 needs to be, you know, better communication between
24 you and CSD. And I think the other piece, too, is
25 that if I had received a report like this, if I was

1 at a school, received a report like this, one of the
2 things that I would have done -- and I don't know
3 when you received it -- but give them a call and
4 say, "Hey, these are concerns we have, and can we
5 have a conversation?"

6 I think that would really help. Thank
7 you.

8 THE CHAIR: Thank you, Commissioner.
9 Other comments?

10 COMMISSIONER GIPSON: I just wanted to say
11 that I appreciate the effort that you put into this
12 renewal application. And for me, I did have
13 concerns with the -- with the lack of progress. But
14 after reading through the material, it appears to me
15 that there's -- that you're working through your
16 professional development, that you're working to
17 create a plan, and that you're definitely trying to
18 move forward with it so that the questions that I
19 had, for me, were sufficiently, in the application,
20 answered, after going -- after going through it.
21 And I certainly am looking to support the renewal of
22 the school.

23 MS. PHILLIPS: Can I address the Q1 very
24 quickly?

25 THE CHAIR: Was that a question?

1 COMMISSIONER GIPSON: I'll posit it as a
2 question, if you want me to.

3 THE CHAIR: That's a question; so you may
4 respond.

5 COMMISSIONER GIPSON: Could you just give
6 me some information on the -- what you're doing with
7 the Q1?

8 MS. PHILLIPS: With the Q1. And also we
9 do need to mention that -- that we have 20 to
10 28 percent average per year of new, incoming
11 students coming from -- most coming from the local
12 district, which is an "F" school. And so we have
13 students who enroll in sixth grade that are reading
14 at a second-grade level.

15 And so what we have designed is an intense
16 intervention program to meet the needs of those
17 students. And we teach to individual students; so
18 we provide reading intervention, after-school
19 tutoring. We use a number of very, we feel,
20 scientifically based, but very -- very effective
21 reading programs to address that.

22 And we do the same with math. We use an
23 individualized math curriculum with those students.

24 So those are some of the things -- and we
25 did recognize that during the second year of this

1 charter, we also implemented an intense RTI
2 professional development plan, if you look in our
3 application. But it was all training, and we began
4 to implement and develop a very intense RTI program.
5 And we feel we're -- we are seeing success with
6 those students. But they are replaced by new
7 students coming in; so...

8 THE CHAIR: Thank you. Other comments or
9 questions?

10 Commissioner Bergman?

11 COMMISSIONER BERGMAN: Thank you. One,
12 you did put forth some good starting points,
13 academic performance indicators in the application
14 that we would address if you were renewed in the
15 spring sometime with a negotiation session. And we
16 can also then talk about that Q1.

17 I don't believe you did a Q1 goal,
18 necessarily; but perhaps with that area of need,
19 that we could talk about that at that time.

20 This is an interesting situation, because
21 CSD identified quite a few points in their analysis.
22 However, the school, in their response, has refuted
23 many of those points, or at least certainly
24 disagreed. And if I was -- I tried to keep a mental
25 track of what they were addressing in their remarks.

1 And when it was done, if I was making a
2 motion, I'm not sure what conditions I would put on
3 this school. But I'm -- I have a feeling most of
4 them were addressed. But that's just my personal
5 opinion. And if you want to do that -- a Corrective
6 Action Plan or something, I probably would avoid
7 that discussion.

8 But right now, I believe I'm leaning
9 towards approving the renewal of this school
10 probably for a full term. I just want to share that
11 with you.

12 Thank you, Madam Chair.

13 THE CHAIR: Thank you. Commissioner --
14 anyone else?

15 Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: I can concur
17 with everything that's been said. I -- on a
18 personal level, to me, regardless of who enters your
19 school and at what time, you're talking about a
20 class size of approximately one to 12 students.
21 That's sort of the ideal event that occurs that
22 doesn't occur very often, except in charter schools.
23 And so I would expect that they would make
24 substantial growth.

25 I'm not sure what programs you're using.

1 And you don't certainly need to tell me. I'm not
2 sure what interventions or how much. But for a
3 child not to -- for these grades on the last two
4 years to be F on the Q1s, even though they -- I
5 understand new students come in and all of that; it
6 is of concern. And I would like that directly
7 charted. How are we using the data? Are these
8 students probably going through an RTI project?

9 If they're in sixth grade and they're
10 reading at second-grade level, I would think that
11 there would be an RTI occurring relatively soon,
12 based on the -- you know, the time frames that
13 that's set up; because they shouldn't be at F
14 anymore. There would be a few.

15 And I guess the other problem with this
16 whole -- you know, when you have statistics, in
17 general, you could have 17 kids who are below --
18 were starting below grade level, and 16 of them did
19 really well, and one just totally bottomed, and so,
20 as a group, now you've got -- you know, if you
21 have -- if everybody was 100, and someone was at 50
22 or zero, you would get a much lower score than you
23 would get.

24 So it would be nice -- I don't know if
25 this could be done, Katie, or not. But it's sort of

1 like, how did each of those students do -- and this
2 is such a small school -- because maybe a lot of
3 them did quite well. But as a group, it -- three or
4 four kids could bring them down.

5 So it's not exactly -- I'm not sure how
6 accurate it is. Are all of those kids really below,
7 or is it, as a group, they're below? That was my
8 comment on that.

9 MS. POULOS: And that would certainly
10 depend on the data that's provided to us. And as we
11 move forward and work on a definition of
12 "substantial progress," thinking about what data we
13 want to see from each school would be very helpful
14 so that we can, again, give the schools the utmost
15 clarity on what we need to see and how we need them
16 to evaluate that and analyze it, and how we'll be
17 confirming that evaluation and analysis.

18 THE CHAIR: Thank you for that.

19 Any other questions? Any questions?

20 THE CHAIR: So I think what I've been
21 hearing -- or am hearing -- is maybe renew the
22 school with conditions? Maybe renew the school
23 without conditions, and thinking that the issues can
24 be addressed during negotiations for the performance
25 frameworks?

1 Let's think about those two options, and
2 then if someone would like to make the motion, the
3 Chair is ready.

4 Commissioner Carr?

5 COMMISSIONER CARR: Before I make the
6 motion, I -- I guess -- sorry -- would like to get
7 consensus on maybe some of the issues. According to
8 CSD, they failed to meet three of five charter
9 goals. We can definitely address that in, I guess,
10 negotiations.

11 The bottom 25 percent growth has been that
12 for the past two years. You know, maybe that's a
13 concern. I don't know if we want to put that -- you
14 know, I don't know how we would state that as a
15 condition.

16 COMMISSIONER GIPSON: But I think we can
17 do that in negotiations as a -- as a performance
18 goal.

19 COMMISSIONER CARR: Okay. And -- you
20 know, and then using -- and using school data, as
21 well.

22 So what I think what I could do is read
23 the renewal with conditions, as the CSD has stated
24 already in the -- in the paperwork, if that pleases
25 the Commission. And we don't necessarily -- we

1 don't necessarily have to mention that we're going
2 to -- because we handle lots of things in
3 negotiations, we don't mention all the details all
4 the time.

5 So if you've got -- I don't know if most
6 of you can see that motion to renew the conditions.
7 If that seems like that's okay with you, that's a
8 motion I would like to read at this time.

9 COMMISSIONER BERGMAN: Well, if we're not
10 posing significant conditions, why not read the
11 renew without conditions and read that first
12 sentence, period?

13 COMMISSIONER GIPSON: Because you have to
14 put conditions in. If we're renewing with
15 conditions, you have to specify the conditions.

16 COMMISSIONER CARR: Good point.

17 MS. POULOS: Madam Chairwoman and
18 Commissioners, I have seen, in the past, that this
19 Commission has put in the condition that the
20 performance framework include certain goals. And as
21 you mentioned, there may be certain goals you want
22 to ensure are included in that that may be a
23 condition you want to think about. And that is a
24 practice that the Commission has engaged in in the
25 past.

1 COMMISSIONER CARR: Does that sound good?
2 Because I do have those.

3 Okay. What I have is that we need to
4 address that they failed to meet three of their five
5 charter goals, that they need to address the
6 school's bottom 25 percent growth, and -- and
7 demonstrate substantial progress. As identified by
8 the CSD, the school's data shows stagnant
9 performance. The school did not provide sufficient
10 documentation to show that interventions are driven
11 by the school's data.

12 COMMISSIONER BERGMAN: I'm not sure you
13 have to read all that, even.

14 THE CHAIR: My concern is this Commission
15 has not defined what "adequate growth" is.

16 COMMISSIONER CARR: Okay.

17 THE CHAIR: And until we do, it's not
18 official.

19 COMMISSIONER CARR: Okay.

20 THE CHAIR: So I would rather not have
21 that in there as a condition.

22 COMMISSIONER CARR: Well, you know, then
23 the other thing that we could do is go ahead and go
24 without conditions. You know, knowing that, you
25 know, the PEC can -- can close any school anytime

1 for, you know, for material violations and -- or any
2 of the other four violations; you know, we can do
3 that any time.

4 And if negotiations -- so I feel like,
5 yeah, we could probably handle everything in
6 negotiations and just keep a close eye out. And if
7 there's a problem or a red flag, then we can always
8 reinvestigate.

9 Does that sound good?

10 Okay. Then I'll make the motion.

11 COMMISSIONER BERGMAN: Let me ask the
12 group down here in the front. You know, I mentioned
13 the Q1 -- you did not promote -- or propose -- a
14 specific Q1 goal, academic. Would you be prepared,
15 now that you've heard this discussion, when you come
16 to the negotiations, to have already prepared a
17 specific academic performance indicator for your Q1
18 section, and then be prepared to negotiate with us
19 on that?

20 MS. PHILLIPS: Yes, we would.

21 COMMISSIONER BERGMAN: Does that answer
22 your --

23 COMMISSIONER CARR: Yes. All right.

24 Then Madam Chair, members of the
25 Commission --

1 THE CHAIR: Go ahead.

2 COMMISSIONER CARR: -- I'm prepared to
3 make a motion. And I -- okay.

4 This is just a little different, Katie,
5 than I'm used to. So I'm going to go ahead.

6 I move the Public Education Commission
7 approve the renewal application for Red River Valley
8 Charter School for a term of five years without
9 conditions.

10 THE CHAIR: You've heard the motion from
11 Commissioner Carr.

12 COMMISSIONER TOULOUSE: Second.

13 THE CHAIR: Commissioner Toulouse seconds.
14 Is there further discussion?

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

17 COMMISSIONER PERALTA: Commissioner
18 Armbruster?

19 COMMISSIONER ARMBRUSTER: Yes.

20 COMMISSIONER PERALTA: Commissioner
21 Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER PERALTA: Commissioner
24 Chavez?

25 COMMISSIONER CHAVEZ: No.

1 COMMISSIONER PERALTA: Commissioner
2 Toulouse?
3 COMMISSIONER TOULOUSE: Yes.
4 COMMISSIONER PERALTA: Commissioner
5 Conyers?
6 COMMISSIONER CONYERS: Yes.
7 COMMISSIONER PERALTA: Commissioner
8 Peralta votes "Yes."
9 Commissioner Bergman?
10 COMMISSIONER BERGMAN: Yes.
11 COMMISSIONER PERALTA: Commissioner Carr?
12 COMMISSIONER CARR: Yes.
13 COMMISSIONER PERALTA: Commissioner
14 Shearman?
15 THE CHAIR: Yes.
16 COMMISSIONER PERALTA: Madam Chair, that
17 is eight to one in favor of the motion.
18 THE CHAIR: Thank you. The renewal of Red
19 River Valley Charter School without conditions for a
20 period of five years is approved by a vote of eight
21 to one. Congratulations.
22 (Applause.)
23 THE CHAIR: We look forward to working
24 with you all.
25 MS. PHILLIPS: Thank you, all.

1 THE CHAIR: Commissioners, do we need a
2 break, or continue on?

3 Could I ask the representatives of Roots
4 and Wings to please come forward?

5 Katie, whenever you're ready, please go
6 ahead.

7 MS. POULOS: Madam Chairwoman,
8 Commissioners, Roots and Wings opened in 2001 as an
9 authorized charter school with the Questa School
10 District. This school has maintained an
11 above-average report card grade, despite high
12 turnover. The school has decided to seek its
13 current renewal with the PEC rather than its current
14 authorizer with the Questa School District.

15 Despite that high grade on the state
16 report card, Roots and Wings Community School could
17 not provide evidence as to whether or not it met its
18 21 charter goals that were included in its charter.

19 Additionally, CSD has raised the concern
20 that during the PARCC Assessment this year, the
21 school did have an assessments audit. That
22 assessment audit included a number of findings about
23 irregularities in the testing procedures, as well as
24 failure to appropriately train all staff in testing
25 procedures. CSD has not provided the PARCC data,

1 again, because this school had too few records to
2 publicly report the data, as it had been reported,
3 which is broken out by grade level.

4 This school's operational performance: In
5 2013, the school identified one repeat noncompliance
6 finding.

7 And the school's financial performance
8 does not raise concerns at this time. The school's
9 cash carryover at the end of last year was
10 \$57,337 -- 377.

11 The school did receive a site visit from
12 its school district. And I believe that information
13 has been provided in your materials. During that
14 site visit, the school district identified a number
15 of different compliance concerns. Those included
16 concerns in -- and I apologize for jumping around --
17 the letter from the school district to the school is
18 provided at the end of your materials.

19 And it begins -- a contractor, Danny
20 Trujillo, was actually contracted by the district to
21 conduct that external evaluation of the school. And
22 so that's available at the end of the school's
23 renewal application.

24 Again, a number of areas were identified
25 as concerns. That did include budget concerns,

1 concerns with special education, instructional
2 program concerns, federal program concerns. And
3 those are all outlined in your materials in the
4 back. Of course, that was done by the school
5 district.

6 And then the school, I believe, did
7 provide a response, which is also provided in your
8 materials, to each of those items.

9 THE CHAIR: Thank you very much.

10 Good morning to you all and happy to have
11 you here this morning. Thank you for making the
12 trip. If you would introduce yourselves, please?
13 And after your introductions, your 15 minutes will
14 begin.

15 MS. GONZALES: Thank you.

16 You have to hold it down? Oh.

17 Good morning, members of the Public
18 Education Commission. I am Nancy Gonzales. I am
19 the director at Roots and Wings Community School.
20 And with me today are representatives who will be
21 speaking on topics related to the final analysis of
22 our school.

23 DR. OWENS: I am Dr. Stephanie Owens,
24 O-W-E-N-S.

25 MS. BARTLETT: I'm Margaret Bartlett, a

1 cofounder of the school, current special education
2 teacher.

3 MR. RAEL: Buenos días. My name is
4 Michael Rael, and for the past four years I've been
5 the GC president of Roots and Wings. Buenos días.

6 MS. GONZALES: Best practices inspired
7 from Expeditionary Learning have been the key to
8 student success at RWCS.

9 DR. OWENS: Hi, again. I'm going to do a
10 more full introduction as I dig in here. I've been
11 with Roots and Wings for 14 years as a teacher in
12 the middle school, as a consultant with
13 Expeditionary Learning, and as a parent of an
14 eight-year-old third-grader.

15 And they call me the data queen. I love
16 data. I love data-driven instruction. And we do it
17 to the fullest at Roots and Wings, as you can see in
18 our test scores, and as you can see in our school
19 grades.

20 I was also the testing coordinator for
21 the -- I was back teaching for four years after
22 being a consultant. And as the testing coordinator
23 during the SBA -- this was in 2012 and '13 -- we had
24 no remediation issues with assessment. The teachers
25 were trained; we were fully compliant.

1 The next year, I was removed by the former
2 director from that position; so I can't speak for
3 that year. And the PARCC test, I will tell you, was
4 a nightmare. And I think our director can talk a
5 little more to that point.

6 I'm here to talk to you about the Charter
7 School Division's assessment of our academic
8 framework. I want to begin by emphasizing the fact
9 that Roots and Wings has consistently outperformed
10 the district's local schools and the state in test
11 score performance.

12 Roots and Wings achieves a consistent
13 grade of A and B on the New Mexico School Report
14 Card, far above the D and F ratings of the local
15 district schools.

16 The summary of the observation by the
17 external evaluator at the end of May 2015 from the
18 audit conducted, mandated by Questa School District
19 stated, of the Roots and Wings instructional
20 program -- and I quote -- "Excellent Expeditionary
21 Learning curriculum. Evidence that it is being
22 followed. Staff and students are able to speak
23 competently with vertical and horizontal
24 articulation."

25 And we know that when students can speak

1 about what they're learning and how they're learning
2 and their progress, then you're doing something
3 right as a school.

4 I also want to point out that Questa
5 Independent Schools, this was their only audit of us
6 in 15 years. They supposedly conducted one in 2011,
7 for which we never received feedback; so just to
8 make that really clear. And that is why we are so
9 motivated to become a State-supported charter
10 school, because schools deserve that scaffolding.
11 Schools deserve the framework and the feedback so
12 that they can become excellent.

13 In summary, the school is consistently
14 rated an A and B school. And the curriculum was
15 deemed by an external evaluator to be excellent.
16 Yet why did the Charter Schools Division say Roots
17 and Wings "Does Not Meet" for the
18 academic-framework/performance-analysis area?

19 Frankly, we can only guess. The rubrics
20 that were provided for us in our progress statements
21 were vague and non-helpful. The feedback -- the
22 site visit was excellent, and the feedback given at
23 the site visit was positive and proactive. And then
24 the response and the summary is quite frankly
25 negative without understanding why.

1 The only thing I can guess is that the
2 academic-framework/performance-analysis area is
3 based on the 2011 amended Charter Act with the
4 performance frameworks. And according to those
5 indicators, Roots and Wings is consistently still a
6 high performing school.

7 In student academic growth, we met -- we
8 meet that performance indicator, based on our report
9 card.

10 Student academic performance, we meet that
11 indicator, based on our test scores and based on our
12 school report card.

13 In closing, the achievement gaps in
14 proficiency and growth between student subgroups, we
15 had a dip for one year. We consistently perform
16 well in the Q1 population. And I do want to say
17 that we were told to revise our feedback -- or our
18 statement of progress related to the Q1, which we
19 did.

20 The Charter School Division says, at the
21 end of their summary on our response, is that they
22 did not see any evidence of the way we used data in
23 action at the school during the day of their site
24 visit.

25 I disagree, because the middle-school

1 teacher was actively tracking the progress and
2 setting goals with students on Discovery and on
3 assessment data during the site visit in the lesson
4 that they observed.

5 Attendance, which we know is a strong
6 indicator of student engagement: Consistently over
7 90 percent attendance. My students would say, "I
8 can't miss a day. I need to know what happens
9 next."

10 I also beg to differ about the use of
11 21 -- the terms "21 charter goals."

12 I was -- I was the consultant during the
13 writing of the former charter in 2010. It was an
14 arduous and clunky and very vague process. I also
15 helped write this charter, and I really appreciated
16 the format. I like the use of data, my preference.

17 There were two organizational goals with
18 three focus areas. According to our analysis, we
19 met all of those, because they're all related to the
20 curricular framework around the implementation of
21 the Expeditionary Learning model. And Expeditionary
22 Learning provided external evaluation from
23 consultants for three of the four years, and we met
24 the framework, according to their external
25 evaluation, and also in the audit that was conducted

1 by Dr. Trujillo in May of 2015.

2 I also want to say that we only had three
3 student performance goals with 21 performance
4 indicators. And the goals are written very
5 strangely, because that was the nature of that
6 process in 2010. They are written -- if -- if one
7 student that's been at the school for two years
8 meets 80 percent of, say, ten indicators -- so they
9 make eight out of ten indicators -- then they've met
10 the goal.

11 We were short; but they were meeting
12 eight -- most of the students were meeting at least
13 seven of the ten performance indicators. So, you
14 know, it was just a -- strange wording. We did not
15 have 21 performance goals in that previous charter;
16 we had five.

17 So what were the indicators for the
18 academic framework areas used by the CSD in this
19 evaluation?

20 They are not made clear. We look forward
21 to a consistent, aligned, and transparent
22 partnership with the CSD, in which Roots and Wings
23 will continue to ensure student academic success.

24 We serve all students, even the lowest
25 performing. If this charter is not renewed, our

1 students will go where? Dispersed into D and F
2 local schools? And as a parent of a student in
3 third grade, who is -- has an IEP for dual
4 exceptionality for dyslexia and for giftedness, I
5 would home-school my child.

6 Thank you.

7 THE CHAIR: Thank you.

8 DR. OWENS: We have an interactive
9 presentation, because that's how we roll.

10 THE CHAIR: I really thought you'd brought
11 us a Christmas present.

12 DR. OWENS: I'm just going to start
13 distributing, if that is okay. I'm sorry you may
14 not keep those. You can pass them around.

15 MS. BARTLETT: I'm Margaret Bartlett. As
16 I said, I'm a cofounder, and I've been here the
17 entire duration of the school except for a one-year
18 sabbatical. I am a special education teacher who
19 teaches writing, as well.

20 I'm here to talk about the academic rigor
21 that you can't see in a paper, that you can't see in
22 a renewal application, or you're not going to see in
23 CSD's site visit notes.

24 We specialize -- and I hope this is clear
25 in front of you -- in academically rigorous,

1 standards-based products that are presented to an
2 authentic audience.

3 What do those look like? They look like
4 what's in front of you. The children wrote a --
5 many kids, I should say -- wrote a 50-page --
6 between 20- and 70-page novel on Westward Expansion
7 that they researched themselves. It was historical
8 fiction that was published with an online publisher.
9 Those are the Westward Expansion novels in front of
10 you.

11 There's one copy of an energy audit that
12 our students did, where our students completely
13 evaluated the energy use at our school, met with the
14 School Board, made recommendations, and there were
15 clear changes on how energy was used at our school
16 based on that energy audit.

17 There's a couple of what we called
18 "Buccaneer Guide," where the children studied the
19 Renaissance and then created their own "Buccaneer
20 Guide" coffee-table book. There was a huge
21 understanding of the Renaissance.

22 There's the "Last Drop" book that you
23 might see. The students interviewed experts on
24 water in New Mexico and wrote up those interviews,
25 created the book that was published, and then also

1 took that information to create their own
2 documentary film that was presented at an
3 international film festival for short films, which
4 was very exciting; had a premiere in Taos.

5 One thing that's not up there that we
6 thought was pretty exciting is the students put Kit
7 Carson on trial in the Taos County Courthouse with a
8 local judge with local attorneys who worked with our
9 student attorneys and actually presented a pretty
10 amazing argument with all the students presenting
11 themselves as Kit Carson's contemporaries.

12 That also -- that warranted a full page in
13 the Santa Fe New Mexican when we did that.

14 So we're really excited about the
15 products, that we truly are a product-based school.
16 We're an Expeditionary Learning-inspired school,
17 which is one of the top school reform models in the
18 nation and is practiced in more than 200 schools in
19 the nation.

20 I'm excited to say that I see that model
21 ignite curiosity. I see excitement. I see passion
22 from the students. I see kids who become
23 self-motivated and push themselves beyond their
24 self-perceived limits. I see a passion that I don't
25 always see in students.

1 And I guess I just want to close by saying
2 we see this type of engagement make a difference
3 with our students.

4 MR. RAEL: Again, I'm the chair for the
5 last four years of the GC council. Just want to
6 make one correction on the over- -- on the carryover
7 funds. It was \$26,000, not \$57,000. The difference
8 was that we had money encumbered for our solar
9 panels that we didn't pay until it was done. You
10 never want to pay before it's done.

11 And people ask me why -- do you have kids
12 there? And I never had any children. I've been
13 involved with Roots and Wings for over ten years.
14 But I believe in what we're doing; that's why I
15 stay.

16 And also, if you see the new ads in the --
17 in the television, "Rethink School," this is what
18 we've been doing.

19 You see our water report. You see the
20 books that they gave you out there and everything
21 that our school has done.

22 And I want to just give one example of why
23 I'm so proud of Roots and Wings.

24 We had a young lady from Dulce, from the
25 "Nation" in Dulce. She graduated from the eighth

1 grade, the first one of her clan to graduate from
2 anywhere. Her mom and dad and brothers literally
3 cried at her graduation.

4 This is why we make a difference, 'cause
5 we help kids become individuals that think for
6 themselves.

7 And so I ask you, the Commission, to
8 please renew our application, and, if possible,
9 without conditions.

10 Thank you.

11 THE CHAIR: Commissioner Toulouse?

12 COMMISSIONER TOULOUSE: We still have
13 about 12 minutes -- about two minutes -- three
14 minutes. I'm subtracting in my head. I shouldn't
15 do that at my age.

16 MS. GONZALES: How many minutes?

17 MR. RAEL: Three, Nancy.

18 THE CHAIR: You don't have to use it. You
19 just have it if you would like to.

20 MS. GONZALES: Okay. I like it. I like
21 to have my hand on it. I'm fine. Thank you.

22 So RWCS is establishing stability, as it
23 had in the past, way from its -- from its inception,
24 from its birth 15 years ago. And I think to myself,
25 "Should I return to work at a regular, non-charter

1 public school?"

2 I would approach teaching and learning as
3 it is done, and as it has been done at RWCS. So we
4 have now a group of young, very enthusiastic,
5 talented teachers, ready to continue with the
6 learning and teaching model.

7 I am confident at the helm, with my
8 20 years as an educator and experience as an
9 educator and in administration, that RWCS will
10 continue to improve the academic, organizational,
11 and financial performance.

12 And, yes, we were -- are under the QISD
13 district. I believe that over the 15 years, that
14 they -- we were the stepchild, and so with very,
15 very limited visits from them. Some superintendents
16 could come in for graduation ceremonies or just to
17 stop in and say "Hello" in a classroom; but never
18 did we receive a full audit, as extensive an audit
19 as we did the last two days of school in May, and
20 given opportunity to correct some of the findings.

21 And, yes, there are areas that we will
22 continue to grow; there are areas where we can
23 always make improvement. But our students continue
24 to achieve, regardless.

25 Thank you.

1 COMMISSIONER TOULOUSE: About
2 half-a-minute left.

3 THE CHAIR: Thank you all for being here.
4 Do we have anyone in the audience who
5 would care to speak?

6 All right. I see four people. Is that
7 all?

8 Okay. So you're going to get just
9 slightly over a minute each, or however you would
10 like to divide the time. But in total, you all have
11 five minutes, okay?

12 So who would like to go first?

13 FROM THE FLOOR: I'll go first.

14 THE CHAIR: Please identify yourself.

15 COMMISSIONER TOULOUSE: Madam Chair, I'm
16 not starting the time until everybody's identified.

17 THE CHAIR: Are you going to identify as a
18 group, or do you want to identify each person as
19 they begin to speak?

20 COMMISSIONER TOULOUSE: I think it would
21 make sense for each of them to identify themselves
22 now. I won't start your timing until everybody's
23 done that.

24 MS. BEVELL: My name is Michelle Bevell,
25 B-E-V-E-L-L.

1 MS. HERRERA: I am Marquita Herrera,
2 M-A-R-Q-U-I-T-A.

3 MR. WYNWARD: My name is Todd Wynward,
4 W-Y-N-W-A-R-D. I'm the chair of the School
5 Leadership Team.

6 MR. THORNTON: And my name is Dave
7 Thornton, and I'm a proud parent.

8 COMMISSIONER TOULOUSE: Okay. Starting
9 the time.

10 MS. BEVELL: I am here today as a parent
11 of two children at Roots and Wings. They're in
12 fourth grade and in kindergarten. My kids have
13 never been to a public, private, or charter school
14 ever. I've always home-schooled my kids.

15 When we decided to move to Taos, the --
16 one of the big reasons we decided to do that was
17 because of Roots and Wings and their Expeditionary
18 Learning style that they have. It fell into
19 alignment with our current home-schooling style.

20 And this year's expedition is a Farm to
21 Table; and I really like that, because it also falls
22 into alignment with our lifestyle at home. And it's
23 really cool to see that's incorporated into the
24 school's academic curriculum.

25 And speaking of academics, my

1 fourth-grader won his very first spelling bee, his
2 first time being in a charter school. And he did
3 that with the support of his teachers and the staff,
4 and, of course, myself and his father at home. And
5 my kindergartener, she's never missed a day of
6 school. She refuses to stay home. She's a very
7 healthy girl; but she wants to go and check out what
8 everything -- what's going on in the classroom. She
9 loves it.

10 And I have to say that Roots and Wings is
11 our only option for school. If we didn't have Roots
12 and Wings, I would definitely continue
13 home-schooling, as we've always done.

14 Thank you.

15 THE CHAIR: Thank you.

16 MR. WYNWARD: Thank you. Good morning.

17 I just wanted to confirm and reaffirm what
18 our school professional said, that good quality,
19 rigorous education is happening. However, I also
20 might say -- it might be odd -- I welcome the
21 conditions that you may put upon us. And for that,
22 I think it's because tough love is good love for a
23 school like ours in a rural community.

24 As the chair of the School Leadership
25 Team, we've -- as Nancy Gonzales mentioned, we're

1 increasing stability at the school. We're realizing
2 that the professionals that are teaching are busy
3 teaching, and the board members are busy setting
4 policy and dealing with larger issues. And there
5 needs to be continuous care by stakeholders in the
6 community.

7 We've taken a more robust [verbatim] over
8 the last few years, because frankly, our issue is we
9 had a previous administrator stated a number of
10 elaborate goals that were not communicated as well
11 as they could be; nor, perhaps, were they monitored
12 as long [verbatim] by parents, by community members
13 keeping those always up.

14 If you noticed in our renewal application,
15 we have two very strong, mission-based academic and
16 mission goals that we expect to have fidelity to
17 those goals and working in a relationship with you
18 as we renew.

19 These goals are both written in SMART
20 format and have already been preapproved by CSD as a
21 good starting point in negotiation. So we welcome
22 that.

23 MR. THORNTON: Hi, and thank you for
24 having us.

25 I was born here in Santa Fe. And between

1 first and fifth grade, I went to Wood Gormley,
2 Salazar, and then Acequia Madre.

3 And the reason I got shuffled around was
4 that the traditional educational approach just
5 wasn't working for me. And I am very confident that
6 if I had been given the kind of educational
7 opportunity that is present at RWCS, I may have been
8 successful in school from the start.

9 Since my daughter began school at Roots
10 and Wings, I've witnessed an exponential growth in
11 her love for learning, as well as her fundamental
12 math and reading skills. It's clear that at RWCS,
13 she is stimulated to be a curious and successful,
14 lifelong learner.

15 In addition to the rigorous,
16 research-based, academic curriculum, RWCS places
17 great value on community. Students are immersed in
18 a culture of kindness that is deliberately
19 integrated into all aspects of the school and should
20 be a model for other schools in our state.

21 In conclusion, I ask you to support the
22 innovative approach that is taken at RWCS and the
23 amazing resources that it provides to New Mexican
24 children by approving the recharter application.

25 Thank you very much for your time.

1 MS. HERRERA: Hello. My name is Marquita
2 Herrera. I have a kindergartener at Roots and Wings
3 Community School. And I have -- I'm a native New
4 Mexican. My family has been here for a long, long
5 time, and I am -- I feel blessed to be able to bring
6 my daughter here to this wonderful school.

7 COMMISSIONER TOULOUSE: Time.

8 MS. HERRERA: Sorry?

9 COMMISSIONER TOULOUSE: Time. The five
10 minutes is up.

11 THE CHAIR: We thank you all for being
12 here, and we appreciate what you brought to us to
13 consider. Thank you so much.

14 If the representatives of the school would
15 like to come back up, please?

16 Commissioners, I would ask, do you have
17 questions for this school?

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: I think I'll get us
20 started. This question actually is for Director
21 Poulos.

22 I noticed on Page 2 of the Executive
23 Summary that you had a statement in there. It
24 appears that the school has exceeded their
25 enrollment cap in the 2015-2016 school year. I see

1 no other data, and I remember nothing in the
2 application that ever indicated that they had
3 exceeded their cap.

4 Can you explain that to us? Why you think
5 they exceeded their cap?

6 MS. POULOS: I'm going to ask my team
7 members who were responsible for these to address
8 that concern.

9 FROM THE FLOOR: On the day of the site
10 visit, they were, I believe, one student over their
11 cap.

12 MS. GONZALES: At that time.

13 COMMISSIONER BERGMAN: The cap was 50 and
14 you had 51.

15 MR. GONZALES: And I want to respond that
16 one of our students is on an educational absence,
17 which we do have in policy, because the family lives
18 part-time in Mexico. And so I don't know. When
19 they decide to come, how that is going to affect our
20 cap at 50; if I need to submit for a waiver or --
21 this is a new process.

22 COMMISSIONER BERGMAN: Well, I'm not going
23 to speak for the entire Commission. We don't do
24 waivers on caps. So you probably sat there and
25 heard me tell another school that we take that

1 very -- now, this is a -- you were under a different
2 authorizer when that occurred; so I'm not sure how
3 that would be germane to us.

4 But in the future, you would have to
5 rectify that. If your cap is 50, that's the most
6 you can have in your school. There's no waivers or
7 anything on that. So you'd have to figure out a way
8 to handle that.

9 You can either go through CSD and request
10 an amendment to increase your cap, if your space in
11 your facility allows -- so I just wanted to make
12 that point before we got going.

13 I also wanted to address the -- you did
14 submit some academic performance indicators. And
15 they followed the suggestion format to a certain
16 degree. But you used -- you lump- -- you lumped
17 reading and math together. And we can -- I'm not
18 going to -- yeah, I -- that can be addressed during
19 a negotiation session. We do not normally do combo
20 goals like that, where everything is in one goal.

21 We prefer a reading goal; we prefer a math
22 goal, or more than one. So I just also wanted to
23 make that point. It's not really a question.

24 And I -- the other thing that perplexed
25 me -- and I'll just say this. This is actually --

1 as far as a state report card, I thought it was a
2 fairly good state report card. And yet I read
3 everything in there. And apparently, there have
4 been some difficulties with the Questa School
5 District. And that did perplex me, how a school
6 could do well on the State report card and yet have
7 all these supposed shortcomings and things like
8 that.

9 And I notice you did -- and it's not a
10 question -- I'm also saddened to hear that when a
11 local school district authorizes a charter school
12 that they don't provide the oversight. That is not
13 the first time this Commission has heard that. And
14 my very first meeting that I ever came to at this
15 Commission, a school appeared in front of this
16 Commission and said they had been a part of a local
17 school district for five years, and not once in that
18 five years had they ever heard from that school
19 district.

20 That perplexes me. Why would you
21 authorize a school and not provide the oversight?
22 So I'm disappointed to hear things like that.

23 Like I said, those are all just comments,
24 Madam Chair. Thank you.

25 THE CHAIR: Thank you very much.

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair,
3 having read the so-called audit from the Questa
4 folks, and then the letter where they gave you
5 basically -- what? -- two-and-a-half weeks to
6 completely fix or respond, I can also understand why
7 you would have wanted to come to us, anyway.

8 But I have some concerns that whoever came
9 out there clearly did not have a good background in
10 what your school was about until they came.

11 But I have one concern that we all are
12 going to have later. It says you have three
13 governance council members.

14 With us -- that's what I wanted to ask.
15 How many do you have and how -- because that is one
16 of our biggest problems, that we come up with
17 schools where they've -- do not have the minimum
18 five. But there's no real major reporting
19 requirement to any of us; it just sort of gets found
20 out. But that is a major reason for concern.

21 So could you explain why they said
22 "three," and you say "five," because I'm sure you
23 have the five.

24 MR. RAEL: Well, what it is, is we did
25 have three. And to try and get -- as Councilor

1 Gipson said -- this is not a one- -- I am the chair.
2 Every day, I work with the school. I'm lucky I'm --
3 I am retired.

4 But we do have four. And the fifth one is
5 coming on board on Saturday, hopefully, if she can
6 make it. Because we give them a packet. And it
7 says exactly what Councilor Gipson said. It's not,
8 "Just show up."

9 And I'm very proud of the board that I
10 have now, because they do not take anything for
11 granted. They ask questions. And we have made
12 strides because of this new board making the proper
13 policy, according to the Leadership Team and how
14 they want us to do.

15 But four, we do have right at the moment;
16 and the fifth one, our next meeting is Saturday to
17 discuss this and discuss the Questa School District
18 and why we moved on. That was basically one of my
19 decisions. And so by then, we'll have five.

20 COMMISSIONER TOULOUSE: And you will all
21 be qualified as a Board of Finance?

22 MR. RAEL: Yes. Yes, we will.

23 COMMISSIONER TOULOUSE: Because that's the
24 other thing that we watch very carefully. I
25 notice -- I don't have the long experience of some

1 of these people, but more than some of the others.
2 And in my three years here, every school that
3 succeeds is because of its governance council, as
4 well as the academics and its parents. The ones who
5 fail, fail mostly because of the governance council.
6 And so I ask those questions, and I'm concerned.

7 My family started in the Taos area, and
8 they kept moving south -- well, when the Americans
9 came in, people who were not of Hispanic descent
10 could show up in Santa Fe no matter who was in
11 charge. They came and went. They were the French
12 fur trappers and traders. We're married into
13 everybody. So depending on which part of the family
14 was there, they were in Taos or Santa Fe.

15 So I have a long knowledge and history of
16 the area up north. I'm not as good about down
17 south. I may have to depend on Commissioner Gipson
18 for some of that.

19 So I know, it's hard to get people to do;
20 it's hard to get families who can be involved. I'm
21 concerned that with no real oversight or guidance
22 for years, that we can set a lot of conditions, as
23 opposed to start over, almost treat this like it's a
24 first-year school and look at it from that
25 standpoint when we set everything in the contract;

1 so that I would -- could approve you for five years.
2 But I would want, then, to go through all of the
3 same steps we go through with a first- and
4 second-year school, because I think that would give
5 you the basis of what we do -- if that would make
6 sense to the rest of the folks here -- because I
7 think you deserve to have the kind of support that
8 this staff will provide you.

9 So thank you.

10 THE CHAIR: Let me just follow up on that.
11 If your school is renewed by the PEC, anytime your
12 board falls below five, which is the required
13 number, that's a material violation of your
14 contract. We've had schools come back before us
15 asking for an amendment to their contract, to their
16 charter, to increase the number of board members
17 that they may have, say -- many will say between
18 five and seven, or five and nine; so that you may
19 cushion your board so that if someone drops off,
20 you're not in violation.

21 And I just wanted to say, as Commissioner
22 Bergman was saying, if you think you're going to go
23 over 50 students, then you need to come -- before
24 that happens, you need to come back before this
25 Commission with an amendment request to increase

1 that enrollment cap; because, again, that's a
2 material violation, and you don't -- we really don't
3 want that to happen to you.

4 So just with those cautions in mind, I
5 wanted to say -- this is not a question -- I wanted
6 to say rarely does this Commission get to see scores
7 on the -- proficiency, both math and reading, that
8 are this high. And I mentioned this at another
9 school this morning. I congratulate you on those.
10 That's hard work, and that's bringing your students
11 along.

12 I also note your grades. I note that you
13 were able to bring -- you were at an A for your
14 lowest-performing students; it fell to an F. And
15 you were bringing that -- were able to bring that up
16 to a B.

17 That's close to miraculous. That's really
18 hard work and a testament to what your students are
19 doing. So I appreciate that.

20 I intend to support this renewal for five
21 years. Whether we decide to put conditions on it or
22 not, that's to be seen; but I do support a five-year
23 renewal.

24 Commissioner Carr?

25 COMMISSIONER CARR: After this school, I

1 probably won't comment as much; but it still is in
2 my -- this school's in my district. This is another
3 school that's close to me.

4 This school is doing what I think charter
5 schools should be doing. They're innovating. I
6 have had students from this school. They didn't
7 leave because it's a bad school. Every school isn't
8 for every student.

9 But I will tell you that the students I
10 received from this school were adequately educated
11 at this school, more than adequately educated.

12 People in the community around Taos,
13 Questa, who typically don't even like charter
14 schools, like this school, okay? I've had ardent
15 anti-charter people contact me, even though they
16 weren't supposed to; but they were friends of mine,
17 so I get -- you know -- I know a lot of people in
18 the area, obviously.

19 This is an excellent school. This school
20 has -- I think as a State-chartered charter school,
21 and with the proper guidance, can get things under,
22 you know, control. There's, you know, numerous
23 concerns. And they're not -- you know, they're --
24 they're serious, you know.

25 But you do a great job with your students.

1 And just like the first school that we looked at,
2 you guys are doing a great job with your school. We
3 just need to get your paperwork straightened out.
4 We need to make sure you're doing everything you're
5 supposed to be doing in that regard.

6 People who have been on -- I don't
7 remember how long ago it was -- the Questa School
8 Board was taken over by the Public Education
9 Department a number of years ago. I'm very familiar
10 with it. There's a -- I know -- I have a good
11 friend on the board. There's some good members on
12 that board.

13 But it has -- has a history of
14 dysfunction, not just political squabbling, but
15 personal squabbling and physical fights. That's in
16 the record; so I'm not stating anything. It's flat
17 in the record.

18 So there's a lot of issues. So anything I
19 get from the Questa School Board, I take with a --
20 you know, I take with a grain of salt. I -- I --
21 you know, we need to see things for ourself.

22 I strongly support this school, and I
23 think it can -- it's already doing a good job, a
24 great job, with their students. And I want to see
25 it thrive.

1 I think we could probably handle things in
2 negotiations and just make sure -- I think they're
3 more than willing. I think there were some issues
4 about conflict of interest. I don't think anybody's
5 getting rich off of this school; but I -- you know,
6 we -- but that needs to be taken care of, you know.

7 If you -- if somebody's making ten dollars
8 off of something, you know, that -- and somebody's
9 related to them, you know, we just need to make sure
10 that's taken care of.

11 And you don't want to have any -- any
12 appearance of impropriety, you know. I don't think
13 there's any impropriety going on. But, you know, I
14 just strongly recommend that we -- that we approve
15 this school and let it move forward in better
16 conditions. And I commend you in what you've done.

17 Thank you.

18 THE CHAIR: Thank you, Commissioner.

19 Commissioner Chavez?

20 COMMISSIONER CHAVEZ: Thank you,
21 Madam Chair. Yeah, just to follow up on what
22 Commissioner Carr was saying, have you, in terms of
23 the whole nepotism question that was raised in some
24 of the reports -- excuse me -- have you incorporated
25 those into your policies?

1 MR. RAEL: Yes, we have.

2 COMMISSIONER CHAVEZ: And are those
3 available -- you know, at what point did you
4 incorporate them? And have they been distributed
5 and approved by the board?

6 MR. RAEL: Yeah.

7 MS. GONZALES: Our policy would show,
8 because of -- the nepotism, that is included; and I
9 could make that available. And I could not give you
10 the date when it was approved; because it was prior
11 to me coming on board.

12 MS. BARTLETT: It's also been rectified.

13 MR. RAEL: Taken care of.

14 MS. GONZALES: And being reviewed, if we
15 need to.

16 COMMISSIONER CHAVEZ: All right. I'd have
17 to go back and look again to see if that was one of
18 the pieces of documentation that was not available
19 when the Charter School Division made their site
20 visit.

21 But the other question that I have, too,
22 in terms of that -- and we would appreciate it, if
23 they ask for it, then you need to make it available.
24 But there was a letter from -- there was the
25 observation; then there was a letter -- right? --

1 from the school district. And then you made some
2 responses to the school district.

3 And one of the ones that I wanted to ask
4 about was that the facility -- you are -- your
5 capacity is -- or your enrollment is 50 your cap is
6 50. But there's a note here that says that the
7 facility is adequate for 38. Has that issue been
8 resolved?

9 MS. BARTLETT: It's not 38.

10 MR. RAEL: No, it's not 38. That's the
11 amount of -- that's the students we ended with last
12 year --

13 MS. BARTLETT: On the 40th day.

14 MR. RAEL: -- on the 40th day. So, no,
15 our facilities has been, by the insurance people and
16 by the State people, adequate for the 50 students.

17 COMMISSIONER CHAVEZ: So there's enough
18 square feet for 50 students, and that's --

19 MR. RAEL: Yes, there is.

20 COMMISSIONER CHAVEZ: Okay. All right.

21 And then the other question that I have,
22 just in terms of your grades, I was especially
23 interested in how you moved, in your
24 lowest-performing students, from an F grade to a
25 C grade.

1 Can you kind of tell us how you guys were
2 able to do that?

3 DR. OWENS: It's all data. It's all data.
4 First of all, Peggy here is our special education
5 teacher. And I have not worked with a more skilled,
6 involved, passionate, proactive person for kids. My
7 kid is one of those kids, and he is being incredibly
8 served at this school.

9 So, you know, most of those -- most of the
10 Q1 were already special-education identified. If
11 they weren't, we use the interim assessments pretty
12 heavily. We monitor growth. We track progress with
13 students. And also, in our classroom-based
14 assessments, if we were noticing that students were
15 not achieving at grade level, we immediately start
16 the RTI process.

17 Peg assists teachers in progress
18 monitoring and generating ideas for interventions
19 that then we track progress on. If that child is
20 still consistently not performing well, especially
21 on those interim Discovery assessments, then we
22 begin the SAT process. It's solid; it's in place.

23 As soon as they noticed that my child was
24 performing at kindergarten level in reading when he
25 was in second grade, okay, it was time to deal with

1 this; and it was done immediately.

2 The services that are provided are
3 adequate. We do a lot of -- we move kids around a
4 lot. And so it's a least restrictive environment,
5 full-inclusion model. We have a one-to-ten ratio of
6 staff to students, including our educational
7 assistants; and so those students receive one-on-one
8 help within the classroom if they need it.

9 We implement adaptive technology. We --
10 for kids who aren't able to read on their own or
11 write without assistance, they receive pullout
12 instruction, flexible grouping strategies,
13 homogenous ability level, heterogenous groupings,
14 with peer tutoring; just every strategy you can
15 imagine, we're mixing it up all the time to meet the
16 needs of those students.

17 And, honestly, the kids get really excited
18 about seeing the growth that they're experiencing.
19 When you turn an interim assessment loose to
20 students, and they get to track their own progress,
21 that itself becomes a motivating feature. And so
22 for these lowest-performing students to even gain a
23 few percentage points from test to test, they went
24 home proud. They went home feeling they were served
25 and learning.

1 And that increases the engagement. In
2 fact, one of our students graduated last year and is
3 now a freshman at a school where I'm consulting with
4 the teachers. She's a SpEd student; and we placed
5 her there because we did not want her to go to high
6 school.

7 Her mom was resistant; we finally worked
8 through, made it happen. She's the highest
9 performing special ed student at that school, and
10 she wants to know her test score data immediately.

11 So -- you know, in a snapshot, that's how
12 we serve those Q1s.

13 THE CHAIR: Thank you for that. Any other
14 questions?

15 Commissioner Conyers?

16 COMMISSIONER CONYERS: I had a few minutes
17 here to look at the publications you passed around.
18 I found them very impressive, both in terms of the
19 writing -- it's excellent, I think -- and the
20 topics. I'm thinking, "Wow, those are interesting.
21 I think I'd like to read about those."

22 And my question is, do all of your
23 students -- are they expected to publish? Or how
24 does -- how does that work?

25 DR. OWENS: No Child Left Behind. Yes.

1 We had a -- this is one of my favorite stories. We
2 had this cute little kid who came to us in seventh
3 grade. We only got to have him for two years. He
4 was a SpEd student, not being served in every school
5 he had been to in Taos County.

6 We said, "Write this essay." We were
7 doing a pre-assessment.

8 He wrote a sentence.

9 By the end of his eighth-grade year, he
10 wrote a 64-page historical fiction novel on the
11 Middle Ages. Sure, somebody got beheaded at the
12 end. That kid walked away with an understanding of
13 the time period and a published book that he had --
14 our kids sometimes go through ten drafts of a
15 writing assignment to publish; because this is for
16 real. It's going to be disseminated to outside
17 people, outside of our school. There is a due date.

18 And it doesn't matter if you're on an IEP,
19 and you need a lot of support; everyone -- everyone
20 deserves the dignity of being able to participate in
21 an academic program to their fullest.

22 MS. BARTLETT: I would like to add a
23 sentence in that -- because I headed up that
24 novel-writing project. One of the lowest special ed
25 kids wrote a 20-page novel, and another really

1 high-functioning kid wrote an 80-page novel; so it
2 was really neat to differentiate and see both kids
3 really proud with their product.

4 COMMISSIONER CONYERS: Thank you. I'm
5 very impressed. Thank you.

6 COMMISSIONER GIPSON: I would like to
7 quickly add, I did have a quick question about the
8 Expeditionary Learning; but you answered it, because
9 I've done research on it. And I appreciate the fact
10 that you make full use of not only the materials
11 available, but the oversight that they offer.

12 And I know it's rigorous; so I do
13 appreciate that. That was the question, whether you
14 did.

15 And I certainly applaud you for your
16 scores. It's -- it is truly remarkable. I tend to
17 support what Commissioner Toulouse suggested. I
18 think you might enjoy the oversight of the CSD,
19 because I am -- you know, it is startling what local
20 school districts are not doing with charter schools.
21 So I think it's important to maybe have conditions
22 so that they can get a little bit of a guide -- more
23 guidance as opposed to just from negotiations, on
24 how to proceed forward.

25 And just one -- as someone who's hiked the

1 Appalachian Trail, I appreciate your backpacking the
2 trail.

3 DR. OWENS: Can we respond quickly?

4 COMMISSIONER GIPSON: Sure.

5 DR. OWENS: You might appreciate this,
6 also -- sort of addresses Commissioner Conyers'
7 statement -- that one of the mantras that we have
8 with our students is, "Your feedback makes us
9 excellent."

10 And if we're not going to accept that as a
11 school and as professionals, then we're not
12 consistent with our philosophy; so, yeah, we would
13 enjoy it.

14 THE CHAIR: Thank you. Katie?

15 MS. POULOS: Madam Chair, Commissioners, I
16 want to seek clarity for you, Commissioner Gipson.

17 Is the school part of the Expeditionary
18 Learning program and receiving those evaluations?
19 Because I understood that you were not, you were now
20 "inspired by." And so I just wanted to get some
21 clarity for the Commissioners on that.

22 DR. OWENS: So, yes, Expeditionary
23 Learning, they priced us out of their -- we can't --
24 they branded their model at a level where they have
25 a tiered structure, and we don't have the funding,

1 as a small rural charter school, to be able to
2 participate.

3 They're lucky, though. I'm on the School
4 Leadership Team. And even though I'm not
5 Expeditionary Learning, and I do have a conflict --
6 I have a kid there -- I still provide a lot of the
7 professional development and instructional coaching
8 with the EL model; because I work for Expeditionary
9 Learning as a consultant.

10 COMMISSIONER GIPSON: Okay. Thank you,
11 because it had been mentioned that they -- they had
12 been evaluated -- by.

13 DR. OWENS: For the years of the charter
14 period, we were.

15 COMMISSIONER GIPSON: Okay.

16 THE CHAIR: Thank you for that
17 clarification. Appreciate it.

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: Yeah. Let me just
20 add that, actually, I have not been able to
21 formulate any conditions I would ask to be put on
22 this school. So if other Commissioners want to put
23 specific conditions, they need to formulate them.

24 But I did have a question for you, because
25 it was mentioned about the conflict of interest.

1 Has that already been resolved and is not an issue
2 at this time?

3 MS. GONZALES: It has been -- it has been
4 resolved. And Ms. Peg, who is not only the founder,
5 but her and her husband are also the landlords, we
6 are working on the language, as we move forward to
7 purchase the building.

8 MS. BARTLETT: And the quitclaim. We're
9 doing a quitclaim right now.

10 MR. RAEL: What we did, Commissioners, we
11 asked our attorney to write up language for our
12 lease-purchase agreement that will actually resolve
13 all that problem. And she, Ms. Patricia Matthews,
14 is doing that for us. To be truthful to you, we
15 didn't want to sign the final document until,
16 hopefully, you guys renew us.

17 So if I leave here 30 minutes after I
18 leave here, we'll -- we will get going to finalize
19 it. And we have addressed that, and our attorney is
20 writing the proper language; because you know how
21 language has to be done in this country.

22 And I just want to make one more comment
23 for Commissioner Carr.

24 On Tuesday, we met with the Questa School
25 Board. And they know that we are moving on; but

1 they still -- and I will give it to this young lady
2 here -- gave us a letter of support, supporting that
3 we get our renewal, as they believe in our -- in our
4 mission, also. I just wanted to state that.

5 Thank you.

6 COMMISSIONER BERGMAN: Thank you for that.
7 Now, you have established one condition, I believe
8 if there is a motion to renew, that we -- that
9 conflict of interest, as he just described, should
10 be addressed and documented through the CSD, would
11 be my thinking; so that perhaps would be a
12 condition.

13 And, Commissioner Chavez, I don't
14 remember. Was there actually -- was there an
15 accusation of nepotism in the application?

16 COMMISSIONER TOULOUSE: It was a conflict.

17 COMMISSIONER CHAVEZ: There were several
18 conflicts that were addressed, right.

19 COMMISSIONER BERGMAN: Has that been
20 addressed, then? Could you respond to that, please?

21 MS. POULOS: Commissioner, if you count
22 six pages back from the last page of this, it lists
23 the three, which are the landlord is the teacher's
24 husband; the water is delivered by the principal's
25 husband; and the Localogy contractor is the

1 teacher's significant other.

2 COMMISSIONER BERGMAN: I've got my stuff
3 all spread out; so they're not in order anymore.
4 Yeah, I see what -- okay, so that's fine. Maybe
5 that would need to be -- be sure that's resolved
6 under that conflict of interest.

7 Thank you, Madam Chair.

8 DR. OWENS: I was the teacher.

9 COMMISSIONER GIPSON: You don't drink
10 water anymore; right?

11 MS. GONZALES: Do either of those require
12 a response?

13 We are now -- when I came on board, we
14 were getting water from the Village of Questa. And
15 all of a sudden, we did not have anyone to deliver.
16 And those of you that have worked in schools know
17 that usually, it's the spouse that you call on when
18 you need something repaired, brought in; and that is
19 what happened.

20 But we have remedied that, because we have
21 now hooked up to the Chama water system, which has
22 really saved us a lot of time and energy and money.
23 So that has been done.

24 Dr. Stephanie Owens, her partner, Daniel
25 Hutchison, is Localogy, the business. And they are

1 the ones that do our outdoor adventures.

2 Last year, Dr. Owens chose to continue on
3 to do different things; so that is no longer a
4 conflict of interest. And now, the one that Mr. --
5 Michael just spoke about, with the purchasing of the
6 building and working with our attorneys. So,
7 hopefully, we will not have anything else come up.
8 And unfortunately when you're in small communities,
9 that tends to happen; but we will address it through
10 our -- through our council meetings.

11 COMMISSIONER BERGMAN: Thank you for that
12 explanation. You're absolutely right. And we all
13 know in a very small community, everybody knows
14 everybody else. Half of them are probably related
15 to them.

16 COMMISSIONER GIPSON: Three-quarters of
17 Albuquerque is related to Carmie; so...

18 COMMISSIONER TOULOUSE: Madam Chair, I
19 would like to say it isn't just Albuquerque.
20 However, we have no schools on today's agenda that I
21 think I have any relatives working for or attending;
22 so that's unusual.

23 THE CHAIR: Anything else, Commissioner
24 Bergman?

25 COMMISSIONER BERGMAN: Thank you,

1 Madam Chair. I'm done.

2 THE CHAIR: Any other questions?

3 Commissioner Armbruster?

4 COMMISSIONER ARMBRUSTER: On these other
5 conditions, I think these were reviewed by the
6 school district, and you've answered them. So my
7 question probably to you, Katie, is when these --
8 these concerns, like students wearing socks and not
9 shoes, those -- all those kinds of little things, do
10 those get incorporated into accepting them as a
11 State charter, that those conditions -- there the
12 EPSS; there's the safety plan; the fire drills;
13 the -- that you've addressed.

14 I'm just saying, does that get
15 incorporated into that, so we know that all of these
16 things are occurring, and are -- I don't know how
17 you're going to write that; I'm sorry -- are in
18 order?

19 MS. POULOS: Madam Chairwoman,
20 Commissioners, CSD does have the performance
21 frameworks that it utilizes to oversee the
22 compliance of schools. Certainly, CSD is working on
23 what those protocols are to ensure we are
24 consistently using appropriate standards and
25 gathering appropriate evidence, ensuring that all

1 schools receive a high-quality evaluation in areas
2 that ensure compliance.

3 And so we would be looking at what the
4 process is to ensure the compliance. I don't know
5 that we would address every little thing here.

6 And so I think if there are particular
7 areas of concern, that may be something that you'd
8 like to address as a condition.

9 COMMISSIONER ARMBRUSTER: And this is an
10 E-Occupancy building?

11 MS. BARTLETT: Yes.

12 THE CHAIR: Thank you.

13 Any other questions?

14 Hearing none, the Chair would entertain a
15 motion.

16 COMMISSIONER BERGMAN: I'll be happy to
17 say the motion, if somebody will put the conditions
18 they want to put in.

19 Do you want to take another -- we're
20 already into the lunch hour; so we need to resolve
21 this.

22 COMMISSIONER CARR: I don't know that we
23 truly need -- I still think that we can work it out
24 in negotiations. And if they don't sign the
25 paperwork, like you said they were going to do, that

1 could come up, and then we could end up bringing
2 that up if they don't do it. I -- I know the
3 gentleman will do that.

4 So I personally don't think we need
5 conditions; but that's just me.

6 COMMISSIONER TOULOUSE: Madam Chair, I'm
7 not sure we'd word the conditions, other than,
8 again, this -- you know, at a certain point, we have
9 to assume that we will negotiate, and that the
10 Charter School Division will do their job in working
11 with the school.

12 And that's an assumption. If it doesn't
13 work, then we have other ways of handling both sides
14 of that. So I think at this point, I would be
15 comfortable with moving to approve them for five
16 years with no conditions.

17 THE CHAIR: Karyl Ann -- Commissioner
18 Armbruster?

19 COMMISSIONER ARMBRUSTER: I'm trying to
20 understand this. I know in your district, they may
21 have district rules. I'm not actually sure about
22 all of those. But when you do this legalese
23 language, that I don't know how else to say that, to
24 not be the landlord -- so if you're selling it or
25 leasing it, doesn't that person still benefit from

1 it?

2 Do you understand what I'm asking? I'm
3 just confused about that.

4 THE CHAIR: Could I just suggest -- Patti
5 Matthews is in the audience. She is their attorney.
6 Did I hear that correctly, Ms. Matthews?

7 MR. RAEL: Yes.

8 THE CHAIR: Do you have any concern in
9 your mind, Ms. Matthews, that you all can come to an
10 amicable and legal conclusion of this issue?

11 MS. MATTHEWS: Madam Chair, members of the
12 Commission, Commissioner Ambruster, no, I don't have
13 any concerns. We can get this worked out.

14 THE CHAIR: Okay.

15 Commissioner Ambruster, does that
16 alleviate your concerns?

17 MS. MATTHEWS: Commissioner Armbruster, I
18 apologize. I did not hear your specific question.

19 COMMISSIONER ARMBRUSTER: My question or
20 concern, however, was I understand this is a really
21 small area, and I don't know what the conditions are
22 for a -- for a district-chartered school, because
23 it's obviously been occurring for a number of years.
24 But if you -- if we can't have a -- someone owning
25 or benefiting from the lease or sale of this

1 property where they're located, isn't the person
2 that you're dealing with -- and you're going to
3 write this language for -- a relative of someone in
4 the school?

5 MS. MATTHEWS: That's true. But that's
6 not the standard to establish a conflict.

7 COMMISSIONER ARMBRUSTER: Oh, okay.

8 MS. MATTHEWS: She's not a member of the
9 governing body of the charter school, and she is not
10 a person directly contracting with the school for
11 the lease of the building.

12 COMMISSIONER ARMBRUSTER: Thank you. It
13 was just very confusing for me.

14 THE CHAIR: Any other --

15 COMMISSIONER BERGMAN: Commissioner -- are
16 you ready to go with the no conditions?

17 COMMISSIONER GIPSON: Yeah, I'm fine.

18 THE CHAIR: Now, are we ready for a
19 motion?

20 COMMISSIONER BERGMAN: Before I word it,
21 is it the consensus of the Commission now that
22 it's -- we'll take it that as they resolve that
23 issue, they will inform the Charter School Division
24 who will then inform us and document that it has
25 been resolved? Is that -- does that sound like what

1 this Commission is expecting now? We don't have to
2 put it in writing?

3 Yeah? Yeah, okay. Then it's going to be
4 a relatively simple motion, then.

5 THE CHAIR: Commissioner Bergman?

6 COMMISSIONER BERGMAN: Madam Chair, I
7 would move that the Public Education Commission
8 approve the renewal application for Roots and Wings
9 Community School for a term of five years, without
10 conditions.

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

13 COMMISSIONER GIPSON: Second.

14 THE CHAIR: Motion by Commissioner
15 Bergman, second by Commissioner Gipson, to approve
16 the renewal for Roots and Wings Community School for
17 five years with no conditions.

18 Further discussion?

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

21 COMMISSIONER PERALTA: Commissioner Carr?

22 COMMISSIONER CARR: Yes.

23 COMMISSIONER PERALTA: Commissioner
24 Chavez?

25 COMMISSIONER CHAVEZ: Yeah. Yes.

1 COMMISSIONER PERALTA: Commissioner
2 Gipson?
3 COMMISSIONER GIPSON: Yes.
4 COMMISSIONER PERALTA: Commissioner
5 Conyers?
6 COMMISSIONER CONYERS: Yes.
7 COMMISSIONER PERALTA: Commissioner
8 Ambruster?
9 COMMISSIONER ARMBRUSTER: Yes.
10 COMMISSIONER PERALTA: Commissioner
11 Toulouse?
12 COMMISSIONER TOULOUSE: Yes.
13 COMMISSIONER PERALTA: Commissioner
14 Peralta votes "Yes."
15 Commissioner Bergman?
16 COMMISSIONER BERGMAN: Yes.
17 COMMISSIONER PERALTA: Commissioner
18 Shearman?
19 THE CHAIR: Yes.
20 COMMISSIONER PERALTA: Madam Chair, that
21 is nine to zero in favor of the motion.
22 THE CHAIR: Thank you. The motion passes
23 unanimously.
24 Hope you have a great year, and we look
25 forward to the negotiations.

1 MR. GONZALES: Thank you.

2 (A discussion was held off the record.)

3 THE CHAIR: Commissioners, shall we take
4 our lunch and be back here at 1:00? Does that work
5 for everybody?

6 We're in recess until 1:00.

7 (A recess was taken at 12:20 p.m., and
8 reconvened at 1:04 p.m., as follows:)

9 THE CHAIR: If everyone's ready, we need
10 to get started again.

11 Okay. I believe we've got a quorum.
12 Representatives from the school are here?

13 FROM THE FLOOR: Yes.

14 THE CHAIR: Katie, when you're ready,
15 please go ahead.

16 MS. POULOS: Madam Chairwoman,
17 Commissioners, Cariños de los Niños Charter School
18 opened in 2006 as a district-authorized charter
19 school with the Española School District. The
20 school is -- was renewed by Española in 2010 and is
21 now seeking reauthorization with the PEC. It is
22 currently authorized by the Española School
23 District.

24 The school is located about 20 miles from
25 Española in Cordova, New Mexico. Over the past

1 year, attendance at the school has declined by
2 approximately 50 percent. And that may be
3 attributed to the location of the school, which was
4 previously located in -- within Española.

5 The school does not meet the academic
6 performance standards. The school's three-year
7 trend for the letter grade shows a very slight
8 improvement from an F in 2012 to a D for both 2013
9 and 2014.

10 The current standing shows a very slight
11 downward trend. The student growth measures show
12 very slight upward growth trends. While there
13 appears to be some improvement, the improvement does
14 not appear to be substantial.

15 I believe my understanding is we don't
16 have information on any sort of goals that the
17 school had under the contract with the Española
18 School District and whether they met those contract
19 goals.

20 The school also does not meet operational
21 performance standards based on its audit. The 2013
22 audit identified two material weakness findings and
23 one significant deficiency and one noncompliance
24 finding.

25 In addition to those concerns, the

1 school's financial performance raises some concerns,
2 as the school had projected 40-day enrollment to be
3 150. But the 40-day enrollment was 106, which will
4 result in a reduction of the school's SEG funding
5 for the remainder of the year.

6 However, at the end of last fiscal year,
7 the charter school did have carryover of \$263,339.

8 Again, CSD has provided substantial amount
9 of information, including the overall letter grade,
10 three-year trend, the current standing three-year
11 trend, and the student growth components' three-year
12 trends.

13 This school did have a sufficient number
14 of test records; and so we've also provided
15 comparative PARCC performance data to all schools in
16 the state and to Española Public Schools, using
17 weighted -- weighted, based on the grades that they
18 serve and the tests that they serve.

19 You can see by looking at that data that
20 the school is performing lower than both -- all
21 schools in the state and the Española Public
22 Schools, both for math -- for ELA, it appears that
23 they may be performing actually better than
24 Española, but not better than all schools in the
25 state.

1 THE CHAIR: Thank you, Katie.

2 Good afternoon. We appreciate you waiting
3 till after we can have some wonderful lunch. We
4 would appreciate you identifying yourselves, and
5 then your time will begin after your introductions.

6 MR. JARAMILLO: Thank you, Madam Chair,
7 members of the Commission.

8 Thank you, Madam Chair.

9 COMMISSIONER GIPSON: You have to keep it
10 down.

11 MR. JARAMILLO: Thank you, Madam Chair,
12 members of the Commission. My name is Vernon
13 Jaramillo. I'm the Chancellor for Cariños Charter
14 School. We have a 50/50 dual-language model for K
15 through 8th, being the executive officer for the
16 past eight years.

17 And accompanying me is Ms. Bernice Life.
18 She is my administrative assistant. She's also an
19 instructional coach, test coordinator, and
20 diagnostician.

21 And I also have Michael Vigil. He is our
22 business manager, a CPA with the Vigil Group.

23 I also have our attorney, Mr. VanAmberg,
24 in case you have any questions, our legal aspect.

25 And members of our board: We have

1 Dr. Cata, Board President; Mr. Jimenez, and Myrna
2 Romero; I think she's around, as well, back there.

3 We also have some teachers who took
4 personal leave today to be here today, SAT members,
5 to support the school; and the student council
6 group, as well.

7 THE CHAIR: Thank you.

8 MR. JARAMILLO: With that in mind, we have
9 our Rianna Serrano, who is the IT person. She helps
10 our -- collect data, as well.

11 Allow me to state, members of the
12 Commission, I will be reading my PowerPoints, if I
13 start now, because I'm limited in time. So bear
14 with me, please. If you want to and you request,
15 I'll provide with you a copy of my PowerPoints.

16 Allow me to state that Cariños was renewed
17 by Española in 2010 for a five-year period, under
18 the administration of Superintendent Archuleta and
19 by the then School Board of Education, for a period
20 of five years from 2010 to 2015.

21 Though Española is our authorizer,
22 Española has lacked in providing oversight of
23 Cariños from 2010 to 2015, with zero site visits.

24 Cariños is an asset as a school community.
25 It's a dual-language program. It's a school of

1 choice in the Española Valley and in the
2 15 communities. We provide a 50/50 model curriculum
3 in which these kids receive half-a-day in English,
4 half-a-day in Spanish in multiple content areas.

5 Cariños encourages the engagement of
6 parents and guardians and families in their child's
7 education.

8 As a Cariños dual-language program, its
9 mission, in essence, is to promote bilingual
10 education, appropriate bi-literacy, as well, and
11 academic growth, and achievement for all students;
12 also, to provide support for the ELL students, which
13 are our English Language Learners.

14 Cariños also has a high percentage of
15 high-risk students who test low and are behind grade
16 level, and they're not proficient in English or in
17 Spanish.

18 Cariños meets that criteria to be a SAM
19 school, Supplemental Accountable Model. The
20 demographics, at-risk students for Cariños for the
21 past five years are as follows.

22 Before I continue, I'd like to recognize
23 the Senator, Martinez, as well, one of our
24 supporters of Cariños Charter School.

25 THE CHAIR: Welcome.

1 MR. JARAMILLO: No. 1, we have 100 percent
2 students attending Cariños who qualify for Title I.

3 No. 2, our disadvantaged poverty is
4 100 percent level, 88 to 100 percent within five
5 years.

6 Each year we have a percentage of 63 to
7 73 percent of ELLs. This year, because our
8 enrollment is lower, we have 35 percent ELLs and
9 20 percent special education.

10 Our enrollment for 2010-2011 was 191.
11 2011-'12, 233; 2012-'13, 219; 2013-'14, 219;
12 2014'-15, 219 [verbatim]; 2015-2016, 106.

13 96 of our population is Hispanic. Each
14 year -- and 4 percent are other.

15 Each year, we have 30 percent mobility due
16 to family moving and students moving because the
17 school is unstable.

18 And I'll explain that with the line of
19 questioning.

20 Research states that to be proficient in a
21 dual-language program, it takes about five to seven
22 years. But kids have to be in the program for those
23 number of years, of course.

24 Cariños had a five-year lease with
25 Española; however, in August of 2014, the leased

1 building was found to be inadequate. So Cariños was
2 evicted and had to relocate to a couple of locations
3 before finding a home in Cordova, with the
4 assistance of -- PED's assistance in intervening.

5 Cariños, at present, is located in
6 Cordova, with a Certificate of Occupancy dated
7 March 25th through CDI. Our location is
8 approximately 18 miles away from Española from the
9 established bus route, because we have bus routes
10 coming from Española, to Cariños, to Cordova.

11 In the interim, the board is looking to
12 expand or to relocate the school back to Española,
13 where we can serve more students as we used to do in
14 the past. We had as many as 225 students at one
15 time.

16 What has been done in the past: Math
17 Short Cycle assessments and interim assessments were
18 done three times a year to obtain and analyze data
19 to drive effective differentiated instruction.

20 MAPs goal for the past five years reflects
21 a significant growth in math and language arts,
22 despite the high mobility of students and adding new
23 students to the upper grades. The percentage of
24 students advanced in one grade in reading and math
25 continues to grow. In addition, beginning with

1 2013-'14, there's a growth in the percentage of
2 students in K through 3rd, who grew from a well low
3 benchmark level to a benchmark level, as evidenced
4 by DIBELS, as referenced in the application that we
5 submitted to all of you.

6 MAPs data results reflect students have
7 made academic growth each year.

8 Professional development has been provided
9 by Shipley, Jim Shipley & Associates, in improving
10 academic performance and PARCC scores.

11 Professional development has been provided
12 by the Dual Language New Mexico in providing
13 academic performance.

14 Professional development is being provided
15 by the MAPs on data.

16 Professional development has been provided
17 by Advanced -- Advanced Education on Quality
18 Education.

19 Cariños is also accredited by Advanced
20 Ed/NCA, and we have dedicated teachers and staff
21 members and as well as parents.

22 Results on assessments on Woodcock Muñoz
23 indicate that the students are demonstrating growth
24 in Spanish language acquisition.

25 Cariños has restructured its academic

1 schedule for seventh and eighth grade and for the
2 middle school to accommodate intervention periods
3 for ELL students and et cetera.

4 Cariños teachers and students have worked
5 harder to get better grades, have requested of the
6 State that we should be evaluated by SAM. And we
7 have a communication that says that because -- we
8 don't have in a mission statement that we are
9 serving at-risk kids, that we don't qualify for that
10 SAM rating, because of our population is at times
11 over 20 percent special education.

12 Moving forward, our priorities for the
13 future are to improve test scores in reading, math,
14 and science for all students, to increase retention
15 rates, to align and implement the dual language
16 curriculum.

17 We have outlined strategies and systems
18 reflected in our renewal application that will
19 implement and address the above priorities for
20 effectiveness. That's reflected in our application.

21 Schedules will be structured for
22 effectiveness of instruction. PARCC scores and
23 other assessments will be reviewed and analyzed to
24 drive instruction.

25 Struggling students will be identified for

1 intervention plans or RTI processes. We will
2 provide accommodations to modify instruction through
3 differentiated instruction, work with specific
4 strategies to differentiate instruction with
5 different students' population needs, continue MAPs
6 Short Cycle Assessments, progress monitoring,
7 analyze data to drive effective instruction and to
8 assess major academic growth, implement, outline,
9 and research best practices for best results,
10 continue to align the dual language curriculum with
11 Common Core, continue professional development,
12 continue PLCs to review data, continue with
13 interventions, develop a student academic
14 improvement plan for lower performing students with
15 technology and use of appropriate software.

16 We have amended the mission statement to
17 include at-risk students. We have amended our goals
18 in SMART format to show growth in reading and math.
19 Students who are designated for as ELLs who are now
20 enrolled in the school for a minimum of three years
21 will achieve English proficiency as measured
22 annually by WIDA, Access for ELLs assessments.

23 We will continue to hire qualified
24 teachers and provide professional development. We
25 will continue to provide leadership and monitor

1 programs through walk-throughs.

2 PED has been informed that Cariños will
3 need bus services and meal services if we are
4 renewed for the future.

5 We will continue with parental engagement.
6 We will continue to provide co-curricular and
7 extracurricular activities.

8 Cariños is a member of the Municipal
9 Coalition of Charter Schools, and we will seek their
10 assistance and guidance.

11 Responses to audit concerns:

12 Finances are very sound, as is exhibited
13 as has been presented to you in your application,
14 given the five-year studies, with graphs, as well.

15 We got audited a few year -- 2014-'15,
16 because we were -- when we were evicted from our
17 building, we were locked out of our building, as
18 well. So we didn't have access to enter into our
19 building. So that's the issue on that. So that can
20 be also discussed under questioning, of course.

21 With regards to the audit on background
22 checks, this has been resolved, as well as
23 referenced by a director.

24 The second fine was disputed, that the
25 auditors used original budget before BARs to

1 determine budget authority over expenditures. That
2 has been resolved, as well. All the items that were
3 reflected on documents presented to you have been
4 reflected and responded to and resolved, as best as
5 we know.

6 We leave ourselves for any questions that
7 you might have. In closing, based on the
8 demonstrated academic growth reflected on MAPs and
9 the need for our dual language program for our kids,
10 we respectfully request the PEC to vote to renew our
11 Cariños renewal application for K through eighth
12 grade for five years, with direct oversight by the
13 Charter School Division. We're willing to work with
14 the Charter School Division on the recommendations
15 or any plans presented to us.

16 THE CHAIR: Thank you very much. Do we
17 have any kind of --

18 COMMISSIONER TOULOUSE: Four minutes.

19 THE CHAIR: You have four minutes, if
20 anyone at the table has any other comments.

21 MR. JARAMILLO: To my left is Bernice.
22 She acts as my instructional coach. She's a
23 diagnostician, statistician; she's the a test
24 coordinator. And, of course, we have our business
25 manager.

1 MS. LIFE: Our teachers work very, very
2 hard every single day, and they provide rigor. If
3 you were in our school building, you would see our
4 students learning to speak Spanish and to get better
5 in their English skills. We serve a very at-risk
6 population. When our students come to us, they're
7 already two or three grades behind their grade
8 level. So we are working very, very hard to make
9 that one-year gain.

10 I think one thing that needs to be brought
11 to your attention that last year when we were
12 evicted by our authorizer from our school building,
13 our population had to travel from Española to seek a
14 place -- we were at the Convento, which is just a
15 school -- I mean, a building -- in the city. Then
16 we went to El Rito, New Mexico, at the college. And
17 from there, we were finally given the place in
18 Mountain View.

19 During that time, MAPs testing had to
20 continue. We were in search of locations to test
21 our students. At times, we had to test them at the
22 fire station. There was once when we finally found
23 the Northern College who allowed us to be there.
24 But our students were tested all day long, because
25 we didn't have anywhere else to go to continue doing

1 our testing.

2 And in spite of that, we made a year's
3 growth in all of our areas; so I -- I -- you know,
4 am asking that you consider us for renewal, because
5 we are working very, very hard at increasing the
6 levels of at-risk students.

7 MR. JARAMILLO: How many minutes do we
8 have for our business manager?

9 COMMISSIONER TOULOUSE: Two-and-a-half.

10 MR. VIGIL: Madam Chair, members of the
11 Commission. I would just like to mention that even
12 after all the moves that they went through, they
13 still maintained that half of enrollment. That was
14 beyond belief, in my mind. They still maintained a
15 cash balance carryover that was well above
16 12 percent in that time. And even going into
17 '16-'17, we are anticipating another cash carryover
18 because of the savings that we've been able to
19 achieve with the new lease in the new location in
20 Cordova, New Mexico.

21 They've gotten themselves into a good
22 situation as far as a lease goes. So they actually
23 don't have anything out of operational funding that
24 pays for that lease. And up to 90 percent of that
25 lease goes back into the school for maintenance of

1 the facility or the plant.

2 So from a financial standpoint, this
3 school is in good standing. Going forward, what
4 we'll need to work on, and what we are working on,
5 is achieving that enrollment, 200-plus, what it was
6 once when we were in the heart of Española. Once
7 that's attained, we can once again have cash
8 balances that are well above \$200,000, and we'll see
9 the school have more achievement in that facet.

10 MR. JARAMILLO: It is the goal of the
11 board to extend, in the future, from grades -- to
12 Grades nine through twelve, gradually, with
13 permission.

14 THE CHAIR: I'm sorry. Say that again,
15 please?

16 MR. JARAMILLO: It is the goal of the
17 board, in the future, to expand its grading
18 system -- it's now Grades K through eighth; but
19 consideration for nine through twelve.

20 THE CHAIR: Are you asking for that
21 consideration today?

22 MR. JARAMILLO: No.

23 THE CHAIR: At some future point, if you
24 were renewed, you would come back with an amendment?

25 MR. JARAMILLO: Yes, yes.

1 THE CHAIR: I just want to be sure we
2 heard you correctly.

3 Are we out of time?

4 COMMISSIONER TOULOUSE: We have not quite
5 a minute.

6 THE CHAIR: Everybody satisfied?

7 Okay. Why don't we then move on to
8 community input.

9 And I would remind you, you have a total
10 of five minutes for community input. And I know
11 there are several of you here; so, please, maybe
12 choose a spokesperson or whatever.

13 Do I see four of you coming forward?

14 FROM THE FLOOR: Four, four of us.

15 THE CHAIR: Five?

16 FROM THE FLOOR: Four.

17 THE CHAIR: Maybe he's not coming forward?

18 FROM THE FLOOR: Because of the time,
19 we're only going to talk four. We were going to
20 talk five; but we're going to talk four.

21 THE CHAIR: Four people. Carmie, would
22 you -- and the time will begin after you introduce
23 yourselves. So please go ahead.

24 MS. C. JIMENEZ: Buenos días. (Spanish
25 spoken.)

1 My name is Cassidy Jimenez.

2 THE CHAIR: Why don't we go ahead and each
3 one introduce yourselves, and then we will start the
4 time?

5 MS. CATA: Juanita Cata, president of the
6 governing board.

7 MR. GARCIA: Juan Garcia. (Spanish
8 spoken.)

9 THE CHAIR: Let me just ask. Can you
10 transcribe that?

11 THE REPORTER: I'm not qualified to do
12 that.

13 THE CHAIR: If you speak Spanish, it's not
14 going to become part of our --

15 MR. GARCIA: My name is Juan Garcia,
16 fifth- and sixth-grade Spanish component.

17 THE CHAIR: Thank you.

18 MR. D. JIMENEZ: I'm Del Jimenez. I'm
19 representing the parents.

20 THE CHAIR: Any of those, do you need
21 spellings?

22 (A discussion was held off the record.)

23 THE CHAIR: Okay. So if you all are
24 ready, your time begins now. Speak into the
25 microphone, and keep it pretty close so we can hear

1 what you have to say, real close to your mouth,
2 please.

3 MS. C. JIMENEZ: I enjoy Cariños very
4 much. Half the day, I spend learning Spanish, and
5 the other half of the day, I spend learning English.
6 I think this is very important for a lot of kids
7 because Spanish and English should be a part of most
8 of kids' lives. We learn how to read, write, and
9 speak Spanish with our Spanish teachers.

10 And then in English, we learn our math,
11 reading, and science, and language arts.

12 I ask for you to renew our school very
13 much, please. Thank you.

14 THE CHAIR: Thank you.

15 MS. CATA: I and the rest of our school
16 board members are very proud of our school, of our
17 staff, and our students, especially. We had a very
18 rough year in 2014-'15. But our students still made
19 gains in spite of the difficulties we had; plus they
20 learned to be resilient, something that's not on the
21 tests but will serve them the rest of their lives.

22 We are a school in change. We are always
23 looking for ways to improve. Our staff gets
24 constant professional development to help them in
25 their delivery of instruction and to help us keep

1 aligned with the Core standards.

2 We have just had some training on the
3 PARCC and now understand how it supports those Core
4 standards and are fully in support of it.

5 We hope that you will consider renewing us
6 for the next five years so that we can show you what
7 we can do. We won't let you down, and we never let
8 our students down.

9 Thank you.

10 MR. GARCIA: (Spanish spoken.) Knowledge
11 is power.

12 (Spanish spoken.) To learn is to advance.

13 (Spanish spoken.) I am a Mexican teacher,
14 part of a bi-national visiting teacher program
15 between Mexico and the State of New Mexico.

16 (Spanish spoken.) I totally support my
17 administrators and colleagues in our school's
18 mission and vision.

19 (Spanish spoken.) We can see future
20 generations of our students to be competent and to
21 be able to fulfill their lifelong goals in English
22 and Spanish as bicultural citizens.

23 Thank you.

24 MR. D. JIMENEZ: Cariños is an alternative
25 school. We do things different over there. Parents

1 have a say. They can come into the classrooms.
2 They can give us advice. They can give us
3 directions that they want our children to go.

4 We are definitely a charter school that's
5 on the cutting edge of everything. As we take a
6 look at the Española Valley that probably has the
7 worst educational system in the whole state of New
8 Mexico, we are making a difference up there.

9 Española Public School systems have not
10 been good to us. They have tried to get rid of us.
11 We stick -- and we are still here today. We are
12 applying for our new charter.

13 The thing about the -- the charter up
14 there is that with these alternatives we are giving
15 kids the opportunity to learn both Spanish and
16 English, which is critical for us. Remember,
17 400 years ago, this was part of Mexico.

18 Our students up there are from Mexico.
19 Our students are from up here in the northern part
20 of the state, also, from the Española Valley. We
21 give them that opportunity to learn their customs,
22 their culture. They learn about what they were --
23 where they came from and where we're going with this
24 school.

25 We hope that you renew our charter as a

1 State charter, and we look forward to working with
2 you in the future.

3 THE CHAIR: Thank you very much.

4 COMMISSIONER TOULOUSE: Thirty-three
5 seconds left.

6 THE CHAIR: I think, 33 seconds.

7 MR. D. JIMENEZ: Pretty close.

8 THE CHAIR: We thank you all very much.
9 Appreciate hearing from you.

10 If the school representatives would like
11 to come back up, and we'll see if the Commissioners
12 have questions.

13 Commissioners, do you have questions?

14 Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Madam Chair?

16 I notice your cap is much higher than the
17 200-and-some -- or the 200 you had before you lost
18 the students. But I'm -- but -- so I'm interested.
19 The facility that you're in today, what is the
20 capacity for that building?

21 MR. JARAMILLO: Madam Chair, members of
22 the Board, the facility is 160, I believe. It's a
23 smaller school, even though our charter is for 450.
24 The facility at the old charter school that we
25 leased on for -- and we paid a lease on it -- was

1 close to 450, 500 students.

2 We projected 150, as Mr. Vigil said. The
3 first two days or three days of school, we got 120;
4 not 130. But it's too far for them to travel on the
5 bus from Española; it's too far. There's a need for
6 the school. It's too far right now.

7 But we're pleased with the parents and
8 support the parents that bring their kids to our
9 school to obtain that knowledge.

10 COMMISSIONER TOULOUSE: Madam Chair?

11 Are you looking for another facility
12 closer into Española, or closer in than going all
13 the way to Cordova?

14 MR. JARAMILLO: Madam Chair, members of
15 the Commission, the answer is yes. In the interim,
16 they are looking at different; but we are waiting as
17 to what happens today, yes.

18 COMMISSIONER TOULOUSE: And do you already
19 have some ideas of where that might be?

20 MR. JARAMILLO: They're looking at some
21 properties that we might be able to lease or work
22 something else out, a foundation or some sort.
23 We're finding ways and means how to make it
24 possible; because though we are very proud, very
25 happy at the land grant in Truchas who gave us an

1 opportunity. We're happy with the city, who
2 intervened to help us get that school.

3 We know that the need is in the Valley.
4 We're the only dual-language school in Española.
5 And we are the only school that serves -- could
6 serve the 15 other communities around Española, as
7 well. There's a need for a dual-language school.

8 COMMISSIONER TOULOUSE: Aren't you
9 recruiting students to bring you up to the capacity
10 of the school?

11 MR. JARAMILLO: Yes. With word of mouth
12 by -- yes, word of mouth by students. They want to
13 come; but it's too far. We're better centralized,
14 as we were before.

15 COMMISSIONER TOULOUSE: Thank you.

16 THE CHAIR: I'm sorry. Tell me again what
17 is the -- the capacity of the building you are
18 currently in?

19 MR. JARAMILLO: I understand that the
20 building was built for 160, one six zero.

21 THE CHAIR: Okay. So, of course, you are
22 aware, as I am, that as long as you're in that
23 building, no matter what your enrollment cap is, you
24 can't exceed the capacity of the building.

25 MR. JARAMILLO: I understand, yes, yes.

1 We've been told by PSFA that we would need to bring
2 in portables or whatever to exceed the capacity,
3 yes.

4 THE CHAIR: As long as I'm asking
5 questions, let me ask about the over-funding for
6 this year by \$180,000. Is that correct?

7 MR. JARAMILLO: If they're making
8 reference, we budgeted for 150 students.

9 THE CHAIR: And were funded for?

10 MR. JARAMILLO: And were funded. And we
11 got 108 or 107 students.

12 THE CHAIR: And your --

13 MR. JARAMILLO: We were -- we had to
14 reimburse the funds back. And still we have a sound
15 budget.

16 THE CHAIR: Have you already reimbursed
17 that funding, or are you going to reimburse that?

18 MR. VIGIL: Madam Chair, members of the
19 Commission, at the request of the PED at this time,
20 they actually don't give us the final value of that
21 reduction until they have a final unit value, and
22 that won't come out until later this year.

23 But what they have asked us to do is move
24 a portion of our budget, which is about that
25 \$183,000, into a restricted line item. And that's

1 in the form of a budget adjustment or request. And
2 that's going to be at the next meeting, which is
3 going to be held on Wednesday of next week. So
4 we'll have that set aside for when the reduction
5 does happen.

6 THE CHAIR: And so what allowances -- what
7 are you doing to accommodate that reduction in your
8 budget? Are you having to cut any services?

9 MR. JARAMILLO: Before that, we had to do
10 some reduction in force; we applied that already.
11 There was a plan. We applied the reduction in
12 force. We are very conservative without doing a
13 disservice to students.

14 THE CHAIR: Okay. Thank you very much.
15 Other questions, Commissioners?

16 Commissioner Gipson?

17 COMMISSIONER GIPSON: I have a concern
18 with your response to the -- to the audit, in which
19 you said that there -- you didn't make any changes
20 as a result of what looks like significant audit
21 findings. Your response was "None," that you've
22 made no changes to policy or procedure, when there
23 were findings.

24 I see the budget that you showed us; but
25 that's a budget. That's not an audit finding that

1 indicates that -- that there was anything different
2 than the findings in the audit that we were
3 presented with. So I'm just wondering why you made
4 no changes.

5 MR. JARAMILLO: Okay. Madam Chair, if I
6 may respond to the Commission?

7 I will let our business manager -- I could
8 have misstated the statement. So I'll let --

9 COMMISSIONER GIPSON: Okay.

10 MR. JARAMILLO: -- the guy who knows the
11 numbers, the CPA, answer that.

12 COMMISSIONER GIPSON: I'm sorry. This is
13 in your renewal application, not what you verbalized
14 before. This is what your application says. The
15 answer is -- the question was, "Identify any changes
16 made."

17 And the answer was, "None."

18 MR. JARAMILLO: Okay. That's the
19 information we got from the audit, yes.

20 COMMISSIONER GIPSON: Okay.

21 MR. VIGIL: So as far as any changes that
22 were to be made, if there's any material changes as
23 to policy or procedure, that would have been noted.
24 The findings that were found -- there's a number of
25 them, and I don't want to go into too much detail

1 and go into too much time -- a number of them had to
2 do with dealing with the district and how their
3 processes function, specifically with budget
4 authority over grants.

5 Another finding, the material weakness had
6 to do with a general ledger entry that was done
7 post-fiscal year, which is pretty much a no-no; but
8 that was on our group. We are a contracted CPA firm
9 that the school uses for business manager services.

10 So our procedures were changed on our end;
11 there was nothing on the school's end. To note on
12 that material weakness, we disputed that being
13 material because the amount was less than \$7,000,
14 which turns out to be .01 percent of the operational
15 budget.

16 All the other deficiencies had to do with
17 retention of documentation. And those are things
18 that are in policy already. There's no need to
19 create change. This is a need to enforce -- to
20 reinforce with the SAT, or in some instances, to
21 make changes to who was responsible over those
22 documentation retention jobs.

23 So there is no need for new policies or
24 implementation on those types of findings that we
25 had seen. So I think that's why the response was

1 "None." It's not that nothing was done; it's that
2 we didn't make any sort of policy or procedural
3 changes.

4 COMMISSIONER GIPSON: Okay. All right.

5 MR. JARAMILLO: If I may clarify, as well?
6 The board reviews its policies annually. So any
7 changes that are required or needed in financials go
8 before the Vigil Group, as well, to make sure that
9 we're in compliance.

10 THE CHAIR: Thank you.

11 Other questions or concerns?

12 Commissioner Peralta?

13 COMMISSIONER PERALTA: Thank you,
14 Madam Chair. This question is in regards to your
15 enrollment. Of course, obviously, you've seen it --
16 a severe decline in enrollment in the recent school
17 year. In the case that you cannot relocate into a
18 much better geographic area so that you're able to
19 pull in a better number of students in to increase
20 your enrollment, and in the case that you can't find
21 a facility, other than by word of mouth, what other
22 means or ways of recruitment would you be able to
23 implement in order to try and get your numbers up?
24 Because those numbers are pretty low.

25 MR. JARAMILLO: That question, if I may

1 answer? We would check with our business people to
2 see whether it's rightful [verbatim] to use funds
3 for radio announcements, newspaper announcements, to
4 try to recruit within the communities. And
5 that's -- that's unlawful, as well; but we'll try to
6 make sure.

7 But we're grateful, like I said, to the
8 land grant that we have a five-year lease with them
9 for the building that we have right now. So we're
10 trying real hard to find a place that will
11 accommodate our enrollment, our projected
12 enrollment; our cap, actually, if we could do that.

13 But it's a process. We need to take one
14 step at a time and not -- not work too fast. We
15 still have -- we're at this -- we're happy where
16 we're at, until we find ways and means how to
17 achieve that goal.

18 COMMISSIONER PERALTA: Thank you.

19 THE CHAIR: Commissioner?

20 COMMISSIONER ARMBRUSTER: So when you left
21 Española, then you went -- I don't know -- a couple
22 of other places. So did students drop out from the
23 original Española location? And then you went to --
24 I don't remember, because I didn't write it down --
25 but a couple of different places, so that each time

1 you get a different population of kids come -- some
2 kids came and joined your school and some left?

3 MR. JARAMILLO: Okay. If I may answer?

4 THE CHAIR: Please.

5 MR. JARAMILLO: Every year we have a
6 30 percent mobility. And we know that because of
7 patterns, trends. 2014 was a different kind of a
8 year. That's the year that we were evicted in the
9 month of August. We were thrown into the streets
10 for eight weeks. We had to rent a place in
11 Española, with the City, a public place. And in the
12 meantime, the school district was making phone calls
13 to those kids that if they didn't attend their
14 school, they would be truant, because they were
15 attending our school, and our school wasn't a real
16 school.

17 So we had to hire an attorney and get the
18 courts involved. So in Española, after eight weeks,
19 we had to be transported to El Rito campus. That's
20 35 miles away, two buses going with teachers from
21 Española all the way to El Rito. You lose some
22 kids, as well, because the population is too far.
23 Parents are thinking, "My kindergartener is too
24 small to be on those buses."

25 But we were there for 12 weeks until the

1 State Department found ways and means how to help us
2 out. And they intervened and found us a closer
3 school in Cordova. It's called Mountain View, a
4 closer school. And they made that available to us
5 to accommodate Cariños; so that's how we lost half
6 of the population.

7 COMMISSIONER ARMBRUSTER: And at the same
8 time, did some other students from Cordova join your
9 population?

10 MR. JARAMILLO: Yes. They prefer to come
11 to our school, where their school was at, instead of
12 going to Chimayo or some other place.

13 COMMISSIONER ARMBRUSTER: Because there's
14 no school in that -- I don't know this; so...

15 MR. JARAMILLO: The board had closed
16 Mountain View to send their kids to Chimayo down the
17 road.

18 COMMISSIONER ARMBRUSTER: So part of the
19 misfortune is that, in a sense, the status from 2011
20 that we have through 2014 actually represents a
21 number of different students, where the high
22 performing students are doing much better, have gone
23 from an F to a B; but the low performing students,
24 who are the ones, of course, that we always have to
25 worry about, regardless, are the -- have continued

1 to be low performing students, regardless of which
2 students they are.

3 And that concerns me, because the
4 population and the teacher ratio to children is so
5 very low that you would think in something as low as
6 that, that they should, for whatever reason and
7 however they would do that, that they would make
8 significant progress, because it's about half the
9 size of other classroom -- a regular classroom.

10 MR. JARAMILLO: Yes. And we are trying
11 very hard to identify those students and use ways
12 and means to bring them up and assist them, as well.
13 I'll defer to my associate, as well.

14 MS. LIFE: I believe a lot of the problem
15 we do have is that we have a high population of ELL
16 students, and we have a 20 percent special ed
17 population. So we have our students coming to us
18 who are low-income and disadvantaged to begin with.

19 So typically, what we're finding as a
20 trend is that we're attracting the students that
21 come to us from the public schools who are already
22 two grade levels behind. And so they're -- we're
23 starting at that point to try to bring their scores
24 up.

25 And so you're seeing that we're getting

1 more of the lower end of proficiency students that
2 enroll in our school and mostly because we do have
3 small numbers of students in our classes. We have a
4 low teacher-pupil ratio. We just completed our MAPs
5 testing for winter, and our scores -- our teachers
6 came today -- but none of them came forward -- we
7 have scores of 15 points that were increased from
8 August to now. Some -- I think we had one that had
9 a 30-point gain. If given the opportunity to give
10 them the stable education that they need, our
11 students are going to grow. It's just that we've
12 had such an unstable environment for such a long
13 time.

14 THE CHAIR: Anything else, Commissioners?

15 No?

16 Okay, Commissioner.

17 COMMISSIONER CHAVEZ: I have a question
18 about when you're planning to move. You may have
19 already stated it; but I may have missed it.

20 MR. JARAMILLO: Planning to move?

21 COMMISSIONER CHAVEZ: Are you looking for
22 another building?

23 MR. JARAMILLO: In the interim, the board
24 is seeking places. We don't know when yet, until we
25 find a place.

1 COMMISSIONER CHAVEZ: Could it be this
2 school year?

3 MR. JARAMILLO: Doubtfully. It takes
4 about 12 months to plan something out so it can be
5 beneficial for everybody to do a smooth transition.

6 COMMISSIONER CHAVEZ: Yeah. I was a
7 little bit concerned about that piece; I mean,
8 moving in the middle of the school year, disrupting
9 the kids again.

10 You know, the other question that I had
11 was around performance. And Commissioner Armbruster
12 addressed some of those things. So, you know, when
13 you say that you're working to identify those
14 students, what do you mean, and sort of how are you?
15 Because that's one concern that I have in terms of
16 the -- you know, sort of -- you know, their
17 performance, is -- is -- has remained the same, you
18 know, at an F; right? That's not -- probably as low
19 as it can get.

20 So when you talk about you're working to
21 identify them, what do you mean by that? How do you
22 do that? And then what are your plans? What are
23 you doing now to bring those kids up?

24 MS. LIFE: We have a well-structured SAT
25 team and structure for SAT RTIs. We have

1 implemented an intervention period within our main
2 school day so that every student gets an
3 intervention period every single day, so that they
4 can concentrate on specific skills of math and
5 reading.

6 We've also -- in -- during the day, we do
7 a lot of -- well, it's all structured towards our
8 MAPs scores and our scores, so that everything that
9 is being -- it's all data-driven. We are working
10 very hard with all of our students to get them to
11 language proficiency; because we have so many ELLs
12 that come in, and we are also working with those
13 interventions.

14 So the structure within our day is to work
15 with our ELLs, our SpEd students, and our low
16 performing students, and through our interventions
17 all day long and through many different programs
18 that we're trying to implement, we're attempting to
19 bring those scores up.

20 MR. JARAMILLO: Academic plans.

21 MS. LIFE: Well, we do have our academic
22 intervention plans, as well. So each student has
23 one, and each one is driven through our MAPs scores.

24 COMMISSIONER CHAVEZ: And one more
25 question, back to the move. If and when you do

1 move, how many students do you think you'll lose?

2 MR. JARAMILLO: They'll probably follow
3 us. Yes, we're -- our parents are committed to the
4 program. If the parents were able to -- to follow
5 us all the way to El Rito, 35 miles one way, coming
6 back, and they followed us to Mountain View, as
7 well, I believe that the parents were -- that we
8 have will follow us wherever we go, because we
9 provide caring, quality instruction.

10 COMMISSIONER CHAVEZ: Okay. Thank you.

11 THE CHAIR: Thank you. Any other
12 questions?

13 Commissioner Bergman?

14 COMMISSIONER BERGMAN: Not necessarily a
15 question. I know this past year has been traumatic
16 and stressful. But, you know, you look at the
17 report card, which I don't just look at one thing.
18 But you were having some struggles even before this
19 past year came on, especially in the area of
20 academics.

21 You just look at the basics on the report
22 card. So that's an area of concern that needs to be
23 addressed. And I believe you are, from what I'm
24 hearing here.

25 I normally am reluctant to support a

1 shorter-term renewal, because I'm not normally
2 comfortable with that; but I would be leaning, at
3 this point, after hearing all the conversation and
4 everything, something -- I don't want to go -- we
5 found out the two-year renewals don't work.
6 That's -- we don't ever want to go there again, I
7 believe.

8 So I think we're talking about a
9 three-year renewal. And instead of listing a
10 laundry list of specific conditions, my suggestion
11 would be that we think about, talk about perhaps
12 just a condition that the school and the Charter
13 School Division sit down and formulate a -- a
14 Corrective Action Plan based on the identified areas
15 that still have worked.

16 The negotiation, we can take care -- they
17 promoted, actually, some fairly decent academic
18 indicators in their application. They need work;
19 but -- as I've noted with another applicant -- but
20 we can address those. But I think if we just have a
21 basic Corrective Action Plan, here, again, with some
22 finite date that it must be completed before the
23 school can go forward. That that would be my
24 suggestion, I think, how we can handle this; but
25 everybody else can weigh in on that.

1 Thank you, Madam Chair.

2 THE CHAIR: Thank you, Commissioner.

3 Commissioner Gipson?

4 COMMISSIONER GIPSON: I tend to support
5 the shorter term. I've got the same concerns about
6 performance. I understand you're showing growth.
7 But if students are coming in two and three grade
8 levels below, if they're not growing more than an
9 academic year, they're never going to catch up.

10 But I have a serious concern about if you
11 don't get a facility, that this problem is going to
12 continue. And I hesitate, for three years, to get
13 that facility. That's my -- I don't know how to do
14 this. But I'm concerned that if they don't have a
15 reasonable facility in a shorter term than three
16 years from now, this is -- this problem just
17 perpetuates.

18 There's -- you know -- they can't grow
19 their enrollment. They only have room for --
20 what? -- maybe 40 more students. And then you'll be
21 at cap for the -- for the facility that you're in at
22 this point in time.

23 So the school can't come anywhere close to
24 growing to their potential, and they're not going to
25 be able to grow their student enrollment, because

1 they're too far away from the population that
2 they're looking to serve. But I don't -- I don't
3 know what the answer is.

4 THE CHAIR: I don't, either. I do think
5 they are looking diligently.

6 MR. JARAMILLO: If I may, we do have a
7 lease agreement with the land grant for five years,
8 five more years, to stay in that place.

9 COMMISSIONER GIPSON: But you're saying
10 that that place really is too far from the
11 population -- so you're not going to be able -- you
12 can't grow much, because that building only gives us
13 a capacity of 160.

14 MR. JARAMILLO: Unless we bring some
15 portables.

16 COMMISSIONER GIPSON: You know,
17 unfortunately, I know portables are the easy answer;
18 but portables aren't the good answer.

19 MR. JARAMILLO: I know. I only make
20 reference, because we had this conversation with
21 PSFA before. They said, "Show us the numbers, and
22 we'll bring the portables." But I have to show them
23 the numbers first.

24 THE CHAIR: Facilities are something we're
25 supposed to keep an eye on. I'm not sure we can

1 dictate anything, even though we would like to,
2 certainly, know you all are back in your community
3 where you want to be.

4 MR. JARAMILLO: Yes.

5 THE CHAIR: But my thought is -- and I
6 agree with Commissioner Bergman and, certainly,
7 Commissioner Gipson -- a shorter renewal with a
8 condition of the Corrective Action Plan will put
9 them working closely with the Charter School
10 Division, where you will get the oversight and the
11 assistance and the technical support that I think
12 can really benefit this school.

13 And so I think it's the best that we can
14 do. I certainly would not support not renewing this
15 school at this time. I want to give you a chance to
16 really come along and do the work for your students
17 that they are used to.

18 MR. JARAMILLO: Madam Chair and members of
19 the Commission, would the Commission consider a
20 four-year, only because it takes three years to
21 collect data on students in a dual-language program?

22 THE CHAIR: I would not.

23 COMMISSIONER GIPSON: No, I wouldn't.

24 THE CHAIR: I think three is the best I
25 can do; but I speak only for myself.

1 COMMISSIONER GIPSON: My opinion is if
2 we're going to do four, we're going to do five, you
3 know. But I'm more comfortable with three.

4 THE CHAIR: Commissioner Carr?

5 COMMISSIONER CARR: Yeah, I have serious
6 reservations about this school, period. But I --
7 you know, I'll go along with the Commission. But
8 I -- I do know -- I mean, there -- really, their
9 scores are not really any better than Española.

10 But I do know the demographics they're
11 working with; so if they were to compare
12 demographics to demographics, that might show a
13 little bit of a different comparison.

14 But nonetheless, you know, I think, you
15 know, sounds like -- I don't know. Sounds like the
16 consensus right now is yes, but with lots of
17 conditions. And I'd be willing -- willing to go
18 along with that, provided we had all those
19 conditions, and making sure that they had all the
20 help they need to get where they need to go.

21 But I -- I don't know. You know, I
22 just -- I don't -- I don't know if they're going to
23 be able to do much better than they're doing now.
24 But, you know, we can give them a chance. And it
25 would be different under -- under the State than

1 where they are now.

2 I know Española has issues, you know;
3 but -- and I do know that we're not taking care of
4 this population. We're not doing this population
5 right. We're not taking care of Native Americans
6 like we should. We're not taking care of, actually,
7 any of the kids like we should.

8 And -- and I -- and I do appreciate that
9 this particular group of kids need a place where
10 they are safe, and they are cared about, and that
11 they're nurtured. And, of course, all of our kids
12 need that. And unfortunately, there's still a great
13 deal of discrimination, you know.

14 And the other part of this is we're poor.
15 There's scarce money, and we fight over the limited
16 funds that we're given. And none of the schools are
17 adequately funded. And you suffer that just like
18 most of the other schools do.

19 So I'm willing to go along. But I just
20 wanted to state for the record that I do have
21 serious reservations, and I hope that my
22 reservations are wrong.

23 THE CHAIR: Thank you, Commissioner.

24 Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 would also like to say, I would support the shorter
2 term. But I think, just as with the previous
3 school, we need to give these folks a chance, since
4 they've had no support of the kind that's usually
5 given out of the Charter School Division, to give
6 them that three-year chance to have support, to have
7 people completely backing them to do the Corrective
8 Action Plan with these folks who are there to do
9 that kind of work for you, not just ignore you after
10 you're approved, or say, "Go away," or, you know,
11 "We don't want something."

12 So I would definitely want to give them at
13 least the three-year opportunity with the Corrective
14 Action Plan.

15 I also wonder if, while they're in an area
16 now with not as many students, you might also find,
17 over the next year or two, you would find other
18 children in that area to pull into your school who
19 might benefit tremendously from having a school
20 closer to where they are; because I know there are
21 still a lot of families out there that probably
22 don't realize exactly that you're there yet.

23 So I see potential for all of that. And I
24 just don't think it's fair to be too hard on anybody
25 who has had no support, as opposed to a school

1 that's come in here and has had all of the support
2 that's provided by this Commission, and -- you
3 know -- and look at this.

4 So I would support at least a three-year
5 for these folks with a Corrective Action plan.

6 THE CHAIR: Thank you. I -- Commissioner
7 Bergman, are you ready to make the motion?

8 COMMISSIONER BERGMAN: Yeah, I actually
9 had it --

10 THE CHAIR: I'm sorry?

11 COMMISSIONER ARMBRUSTER: I just want, for
12 the record, as a former teacher for 39 years, as bad
13 as an administration can be, all of the horrible
14 things that can happen, I believe in the end, it's
15 each teacher's responsibility to make students learn
16 more at whatever time.

17 It doesn't really matter. Your population
18 is about 80 percent; although, I think there's
19 probably some overlap between special ed and ELL, so
20 it may not be actually 80 percent. And despite
21 disruptions and despite administrative anythings,
22 it's really that classroom teacher who makes the
23 difference of whether students are learning or
24 they're not.

25 They have a -- like, about one-to-nine, if

1 that, student-teacher ratio; and yet every year,
2 those students are not doing very well. I think in
3 Española, in general, they certainly have many, many
4 issues there. And, of course, they have many ELL
5 and -- not so many learning disabled students, but
6 they have a lot of -- or at least identified -- but
7 they have numerous ELL students.

8 And so you guys are doing about the same
9 as they are. And that concerns me, because with a
10 one-to-eight ratio or a one-to-nine ratio, I should
11 feel that you would see significant growth in
12 whatever -- ELL or not. And that's my big concern.

13 THE CHAIR: Thank you very much.

14 Are we ready for a motion?

15 Commissioner?

16 COMMISSIONER BERGMAN: Thank you,
17 Madam Chair. I move that the Public Education
18 Commission approve the renewal application for
19 Cariños de los Niños for a term of three years, with
20 the condition that the school leadership sit down
21 with the Charter School Division staff and formulate
22 a comprehensive Corrective Action Plan to address
23 the many concerns listed in its application, that
24 plan to have a finite completion date to be
25 determined later, and this Corrective Action Plan

1 would then be submitted to this Commission for its
2 oversight and for its approval.

3 COMMISSIONER TOULOUSE: Second.

4 THE CHAIR: Thank you. You've heard the
5 motion by Commissioner Bergman, the second by
6 Commissioner Toulouse.

7 Is there further discussion?

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

10 COMMISSIONER PERALTA: Commissioner
11 Chavez?

12 COMMISSIONER CHAVEZ: Yes.

13 COMMISSIONER PERALTA: Commissioner
14 Gipson?

15 COMMISSIONER GIPSON: Yes.

16 COMMISSIONER PERALTA: Commissioner
17 Peralta votes "Yes."

18 Commissioner Conyers?

19 COMMISSIONER CONYERS: Yes.

20 COMMISSIONER PERALTA: Commissioner
21 Ambruster?

22 COMMISSIONER ARMBRUSTER: Yes.

23 COMMISSIONER PERALTA: Commissioner
24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER PERALTA: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Bergman?

5 COMMISSIONER BERGMAN: Yes.

6 COMMISSIONER PERALTA: And Commissioner

7 Shearman?

8 THE CHAIR: Yes.

9 COMMISSIONER PERALTA: Madam Chair, that
10 is nine to zero in favor of the motion.

11 THE CHAIR: Thank you very much. The
12 motion to approve for a three-year term with
13 conditions, as noted on the official record, is
14 approved unanimously. We wish you the best of luck.

15 MR. JARAMILLO: Thank you. Thank you,
16 members of the Commission. Thank you.

17 COMMISSIONER BERGMAN: Before you leave,
18 can I ask one question that I forgot? Are you still
19 involved with the Advanced Ed organization on
20 that --

21 MR. JARAMILLO: Yes, yes.

22 COMMISSIONER BERGMAN: -- accreditation?

23 So that's stilling ongoing, also.

24 MR. JARAMILLO: Yes, sir.

25 COMMISSIONER BERGMAN: So we'll be

1 watching.

2 THE CHAIR: Okay. Katie, while they're
3 getting set up, would you like to go ahead?

4 MS. POULOS: Madam Chairwoman,
5 Commissioners, North Valley Academy opened in 2003
6 and was approved for renewal and authorized by the
7 PEC in 2007. This is their third renewal. In 2012,
8 the school was granted a conditional three-year term
9 to improve student performance and remedy material
10 findings.

11 Since that time, the school's performance
12 has not improved. The school's current final grade
13 on the State report card is a D, and the school's
14 PARCC scores for the '14-'15 school year are lower
15 than their surrounding district and the state, at
16 large, for the same grade levels tested.

17 Additionally, the school is currently not
18 complying with the material terms of the
19 renegotiated contract, which required the
20 implementation of project-based learning. The
21 school, as you can see, in the three-year trend data
22 that's been provided to you on Page 2 of the
23 Executive Summary, has shown a consistent decline in
24 academic performance over the term of this current
25 renewal term.

1 That includes a slight decline in current
2 standing, as well as declines over the three years
3 in both of the student growth measures.

4 The school does not meet the operational
5 performance standards specifically in relation to
6 the implementation on the project-based learning,
7 which is required as part of the contract.

8 The 2013 audit identified only one
9 noncompliance finding, which is an improvement over
10 the 2011 and 2012 audits.

11 And I apologize. There is a misstatement
12 in the -- in the Executive Summary, which states
13 that the school's financial performance raises
14 concerns. That incorrect. The school's financial
15 performance does not raise concerns at this time.
16 The school's actual cash balance at the end of -- at
17 the end of fiscal year 2014 was \$569,393.

18 And that's all I have.

19 THE CHAIR: Okay. Thank you very much.

20 Good afternoon. We appreciate you waiting
21 so patiently. Would you introduce yourselves, and
22 your 15 minutes will start after your introductions?

23 MR. FITZGERALD: Good afternoon,
24 Madam Chair, members of the Commission. My name is
25 Scott Fitzgerald. I'm chairman of the governing

1 council. Next to me is Susan McConnell, principal
2 of North Valley Academy. And sitting next to her is
3 Ray Barton III, the volunteer chair of the charter
4 renewal committee. And part of the team we brought
5 with us also, behind me I have Sarah Peña, our
6 business manager. And then next to her is Ray
7 Barton IV, our -- or COO.

8 And did we lose Laurie? Oh, there, there.
9 Okay, Laurie Buck, our instructional coach. Next, I
10 hand the microphone over to Ray Barton.

11 MR. BARTON: Okay, thank you. Good
12 afternoon. Good to see you all, some old friends
13 and some new.

14 Two-and-a-half years ago, we came before
15 this Commission with a renewal application. And we
16 were a school in dramatic transformation and
17 transition. We had just changed our principal, at
18 our decision. And we had recognized -- I was
19 chairman of the board at that point and had
20 recognized that -- well, I guess we just
21 transitioned; Scott was chairman of the board; I was
22 still on the board -- we recognized that there were
23 numerous noncompliance issues in the school, to the
24 point that it was being very poorly managed.

25 At that point, in our discussions with --

1 with the PEC, we -- we jointly agreed to the unusual
2 structure at that point of the three-year renewal,
3 which means that we have two years reporting coming
4 back. That's very important, because unlike the
5 other schools that have come before you, we're
6 simply reviewing the last two years and then half of
7 this year, as opposed to the others.

8 So -- and I appreciate the correction,
9 Katie, on that issue. And that was one of the
10 issues we wanted to bring up is that the audit
11 findings that were found in the past, none of which
12 are in this current charter period; however, even
13 given that, we had five, and then six, findings in
14 past charter years. And we were not in compliance.

15 The most recent, as she mentioned, was one
16 minor finding, a timing finding, which is an
17 excellent audit. And that's the most recent
18 available.

19 We have -- we undertook a -- what we call
20 an organizational transformation of the school,
21 which meant we needed to fix all of the operational
22 and compliance issues that we found, both as a board
23 and administration. We changed administrators and
24 principals. Unfortunately, one year into the new
25 charter period, we lost that principal. Her husband

1 was terminal, and she needed to be with him, which
2 he did die.

3 And at that point, we'd made the change
4 for about six months; we were in an interim
5 situation. We asked Ms. McConnell, the previous
6 assistant principal, to come in and be acting during
7 that six-month period; and then she became permanent
8 starting last school year.

9 So for a year and a half, she's been the
10 permanent principal in being able to implement her
11 programs. So that's a quick overview as to where we
12 are.

13 I'd like to just comment on a couple of
14 the quick items in the -- try not to belabor this --
15 in the report, because there were several things in
16 the final report that were not in the preliminary
17 report. And the two were significantly different.

18 And I mention these again, not as a
19 criticism, because we believe that CSD has made
20 significant progress and brought on people that have
21 much better understanding than in the past of
22 schools. We hope that that continues in terms of
23 organizational and financial expertise, as well.
24 But no question that the level of professionalism
25 has been raised.

1 The -- but things that might be important
2 to you, in the final report, it was referenced that
3 there was a three-year D average. That's not the
4 case; it's a three-year C average. We're not happy
5 with the D that we currently have. But facts are
6 facts, and it's a three-year C average.

7 In the material terms, the only material
8 terms, the dozens and dozens of all of the different
9 boxes, we comply with. The only material term that
10 was raised was project-based learning. Our entire
11 new instructional model is based upon small-group
12 project-based learning. And we responded to the
13 preliminary report, gave them the detail-specific
14 examples of that.

15 Unfortunately, it was not corrected; but
16 we want to just make sure that you were aware of
17 that, that, again, the whole model is based on that,
18 as opposed to whole-class learning.

19 She mentioned the financial performance.
20 That was corrected. We appreciate that.

21 And the audit findings, we appreciate
22 that.

23 So those are the corrections we wanted to
24 make sure that were made.

25 In regard to the school itself, I'd like

1 to make three key points, and very briefly. The
2 first is the diagram you see in front of you here.
3 And that is, over this two-and-a-half-year period,
4 everything is referenced for us in the
5 two-and-a-half-year period. Most of you know, and
6 many of you know, on the Commission, my particular
7 background. I've been on the board of this school.
8 In the past, I've been a parent volunteer, been
9 employed for a year. I helped to implement the
10 Chief Operating Officer model, a business model. We
11 brought in an MBA, which is my training, and
12 upgraded our business manager, because we wanted to
13 make sure this school was excellently managed.

14 And in my view, being an international
15 business consultant over 20 years, and turning
16 around bankrupt companies, this school is
17 excellently managed at this point.

18 We have completed the compliance
19 transition that we started two-and-a-half years ago,
20 three years ago.

21 But there's an old saying in business:
22 "Put your money where your mouth is." Schools can
23 say, as any organization, "Oh, yeah, we -- we really
24 care. We want to emphasize the classroom. We want
25 to push what's going on there."

1 But look at where their money goes. So we
2 wanted you to see the dramatic transition over this
3 two-and-a-half-year period of where our money goes.

4 When we started this charter period, we
5 had -- if I remember correctly, 59 percent of our
6 total budget went into classroom and student support
7 activities, teacher and student support. Last year,
8 it was -- what is it -- 64 percent? It's in the
9 yellow. And this year, we're on track to hit
10 72 percent of our budget. 60 percent, by the way,
11 is a good number. So to hit 72 percent -- people in
12 schools that I've shared these numbers with are
13 astonished.

14 While we've been doing that we've been
15 growing our cash balance in anticipation of the
16 conversion to the lease purchase on our facility.
17 So at the same time that we've managed to send
18 dramatically more money into the classroom, we have
19 also been managing our resources wisely and building
20 our cash balance so that we can make that transition
21 to an owned campus this year.

22 The second item I want to indicate is,
23 again, we've worked with the PEC in setting goals.
24 We decided not to minimize the number of goals, but
25 to maximize it. So we set six goals with you when

1 we started. There have been a few times we kind of
2 regretted that; that's a lot of work. But
3 nevertheless, we did.

4 And in the two full years which we've been
5 in this current charter contract, we have met or
6 exceeded every one of those.

7 And, again, I want to make sure that we
8 give credit where credit's due. I really give
9 credit to the CSD for working through -- we hit a
10 few bumps. And they reanalyzed those, realized that
11 they met or exceeded, and accepted that data. So I
12 give them credit for that upgrade.

13 The key of those are the two academic
14 goals in math and in reading. And our mission goals
15 in those two areas were to exceed goal. We had to
16 have over 75 percent of our students have at least a
17 5 percent increase in their performance, in term --
18 growth -- excuse me. Not increase. Growth.

19 In math, we met that, both years. And in
20 reading, we were 1 percent off of exceeding the
21 goals.

22 Put that in perspective -- just
23 terminology I use, as well -- when we negotiated the
24 financial framework with the PEC and the "Exceeds"
25 standard was set, your comments -- I don't remember

1 who made -- but said, "What we're expecting, if you
2 exceed standard, is you hit a home run."

3 That was the quote. I agree. I use that
4 same term. You've hit a home run if you exceeded
5 the standard.

6 Well, we exceeded the standard in math in
7 Short Cycle, and we came within 1 percent of
8 exceeding the standard for reading.

9 Well, what's the problem then? The
10 problem is the State testing. The numbers have not
11 moved during this charter period. They moved in the
12 year before, when we had a B, and the first year of
13 this, when we had a B. They have not moved. In
14 fact, they're down slightly.

15 We are also -- in the PARCC, as you heard,
16 we're slightly below the APS and the State scores.
17 Very frustrating for us. But the encouragement is
18 to see the Discovery and Short Cycle, which we like
19 better; it's testing four times a year, and gives
20 you faster feedback -- that should now translate
21 into the State scores. Otherwise, what's the point?

22 So we're frustrated by that. That will
23 raise the grade. And we're convinced that those
24 Short Cycle, the dramatic improvements there, where
25 we hit the home runs that you asked for, and we hit

1 every one of the goals that you asked for in this
2 two-year, will translate into State testing
3 increases.

4 How are we doing on time?

5 COMMISSIONER TOULOUSE: Sorry. I got
6 listening to what you were saying. You have about
7 four more minutes.

8 MR. BARTON: Wonderful. I got it.

9 We have implemented -- with Susan's coming
10 on board -- I should mention right away. Surgery.
11 Normally, the principal would have given this and
12 was prepared to, this presentation, as opposed to
13 the chairman of the committee. Susan had major
14 surgery just a couple of days ago and wasn't sure
15 she could make it today. I tried to convince her to
16 roll her in on a wheelchair; but she declined. So
17 she is conserving her energy as much as possible.
18 Her doctor was iffy about her even coming; so that's
19 why I'm giving the full presentation.

20 This new -- this new instructional model
21 does some really amazing things. It limits the
22 whole class lecture format to 18 percent -- this is
23 based on research -- is 18 percent of any given day,
24 classroom day. That was obviously a very difficult
25 transition for a lot of teachers, to get off the

1 whiteboard and to break this up into small-group
2 project-based learning.

3 The -- we hired a teaching coach, a
4 full-time teaching coach. We're also a part of Read
5 to Lead and Raz-Kids and a number of different
6 programs that are ongoing. But the key was the
7 blended learning -- what we call the "blended
8 learning" part, which goes far beyond just measuring
9 the technology versus non-technology-based learning
10 and looks at different formats and approaches within
11 the instructional model and says, "How much of your
12 time -- and we measure this every month -- how much
13 of your time, Teacher, is spent in this model, this
14 model, this model?"

15 And we have eight models, eight
16 approaches, that we measure and analyze to see how
17 they are delivering that message.

18 So it limits lecture, teacher lecture
19 time, small-based -- project-based learning, and
20 it's tracking and analyzing our blended learning
21 report every month.

22 Bottom line is our Short Cycle has come
23 up. We've met and exceeded our standards. We think
24 that's ready to translate into State. It better.
25 And we're asking for a renewal of our -- of our

1 charter contract for five years.

2 Thank you.

3 THE CHAIR: Okay.

4 COMMISSIONER TOULOUSE: You have
5 two-and-a-half minutes.

6 MR. BARTON: We're done.

7 THE CHAIR: Okay. Thank you very much.

8 Do we have anyone in the audience who
9 would like to speak? Just the two of you to speak?

10 FROM THE FLOOR: Yes.

11 THE CHAIR: That's it? Just two?

12 Okay. Please introduce yourselves, and
13 then the time -- the five minutes will begin.

14 MS. BUCK: My name is Laurie Buck, and I'm
15 the instructional coach that he referred to.

16 MR. SAILOR: My name is Richard Sailor,
17 Sailor Family Trust.

18 MS. BUCK: I -- I came to the charter
19 school party a little reluctant, I must say. I
20 was -- am board-certified and taught for 37 years in
21 the -- in a bigger Albuquerque district. And I
22 wasn't real sure about it when they approached me to
23 be the instructional coach at this charter school.

24 But I have to tell you, I am extremely
25 impressed with what I walked into. You've heard

1 about that -- the new growth and fixed mindset
2 approach? I've never seen a group of educators with
3 more of a growth mindset than this school,
4 North Valley Academy.

5 They accepted me willingly, and accept
6 modeling in the classroom, collegial conversations
7 in professional learning committees every week.
8 They are willing to be videotaped -- that's no small
9 thing -- so that they can be reflective about their
10 practice.

11 And it is my true belief that all of this
12 will play out in test scores, because we're seeing
13 it playing out with children in the formative
14 assessments that we are giving at the school.

15 I don't know what to say. I'm impressed.
16 I'm really impressed and delighted to be a part of
17 this family now.

18 THE CHAIR: Thank you.

19 COMMISSIONER TOULOUSE: You have
20 three-and-a-half minutes.

21 MR. SAILOR: I represent Sailor Family
22 Trust, LLC, that developed the entire property where
23 the school is located, including the shopping center
24 next door, which is pickup/drop-off area for the
25 school.

1 This school will accommodate in excess of
2 500 children. It was a purpose-built school, gym, a
3 multipurpose building, a full gymnasium, running
4 tracks; it's a large campus, all refrigerated, air
5 conditioning on the entire campus. And we're very
6 proud of the school.

7 Three years ago, I was at the hearing
8 before maybe some of this group. And I have to tell
9 you, the school had just degraded into a mess. And
10 Ray Barton came on board. What a -- it's a God
11 thing is all I can say. He is a turnaround guy.
12 He's a million-dollar-a-year man. He made big, big
13 money, and he just jumped in for no money and
14 grabbed the bull by the horns.

15 Scott reconstituted the governing council,
16 brought out some great people. And I have to tell
17 you, it's great to work with real pros that really
18 know what they're doing.

19 One of the things you need to know about
20 the school is the population; it's -- of the school
21 is almost 20 percent special ed. There are a lot of
22 needs of those kids. They have just convinced the
23 board of Sailor Family Trust -- I'm not quite sure
24 how they got it done -- but to invest another
25 \$300,000-plus into the school to build some new

1 facilities just for counseling, because that special
2 ed is so important and there's such a focus on it,
3 also to accommodate a better library, better
4 facilities for the kids.

5 And that's how much we believe in it. By
6 the way, the rent didn't go up a dime as a result of
7 these expenditures. These guys are very compelling
8 guys, very persuasive. I can't say enough about
9 Susan McConnell, the principal. She is just
10 amazing. I mean, her car is there at 7:30 in the
11 morning; I see it sometimes at 8:00 at night. She
12 is a tireless worker.

13 And I see all the kids at the shopping
14 center every day. And I can't tell you -- there's
15 500 kids; and they're so well-behaved. All the
16 teachers are there, principals are there. Everybody
17 is there. They know all the parents. This is a
18 tight community, and these kids are very, very
19 well-served.

20 I had the great fortune in life that I
21 sent my kids to private schools and had the
22 resources to do it. One of the reasons our trust
23 invested in these charter schools is we believe
24 every kid should have a shot at a great education
25 and build a passion for learning. And that's what

1 these folks are doing.

2 And we're fully supportive of them, and we
3 have put our money and resources behind it, and I'm
4 very, very proud of the job they're doing and the
5 program they've created.

6 Thank you very much.

7 THE CHAIR: We thank you both very much.

8 MR. BARTON: Madam Chair, could I use
9 30 seconds of that last two minutes?

10 THE CHAIR: Sure, you can.

11 MR. BARTON: I appreciate it. Two things
12 that might be helpful to you. He mentioned special
13 education. I should have mentioned that. I know
14 that's been an issue that you've raised several
15 times.

16 We're not sure why, but in the last
17 two-and-a-half years, the special education
18 population at North Valley Academy has almost
19 tripled, a lot of word of mouth in terms of the
20 programs and so forth. And that's why we're adding
21 two new buildings is to be able to accommodate that;
22 doing construction now, under construction permits.
23 We'll go through the normal review and approval
24 progress for E-Occupancy.

25 But it's almost tripled, really a

1 surprising change of events for us and, obviously,
2 presents some challenges, including test results and
3 other things; but I wanted you to be aware of that.

4 The other issue in terms of the facility
5 is that the facility there, much thanks to Rick
6 Sailor and his organization, the average rating for
7 facilities by PSFA for the State is just a hair
8 under 18. It rounds to 18. Remember, lower is
9 better; it's like golf.

10 And so the rating for North Valley Academy
11 campus is just under 6. So it's one of the highest
12 rated campuses in the state in terms of facilities.
13 So I just wanted you to be aware of that.

14 THE CHAIR: Appreciate that.

15 Commissioners, do you have questions?

16 Commissioner Bergman?

17 COMMISSIONER BERGMAN: Actually, before
18 you turn -- I would like to note that this is the
19 first school -- they were in our first class. For
20 those of you who haven't been here, they were in our
21 first class. We did seven negotiations that very
22 first year. It was a new experience for them; it
23 was a new experience for us. And we actually were
24 successful, I believe, in negotiating fairly
25 rigorous -- we were learning. We've learned a lot

1 since then. They were the first one to come back to
2 us with a contract instead of a charter; so we need
3 to keep that in mind.

4 And a lot of what happened at that time --
5 I'm not going to rehash it -- there was turmoil at
6 this school; not these folks here. And that
7 affected other things. And I just wanted everybody
8 to be aware of that, that that does not enter into
9 this, what we're doing today.

10 But there were reasons why they got a
11 three-year renewal. And I think it's important that
12 you know that. And thank you, Madam Chair.

13 THE CHAIR: Katie?

14 MS. POULOS: Madam Chair and Commissioners
15 and of the presenters. I just wanted to get some
16 clarification. We have the 2014-'15 data, as well
17 as the 2015-'16 data. For students with
18 disabilities, that indicates 10 percent, not
19 20 percent. I wanted to put that out there and get
20 some clarity from you on the numbers that you're
21 presenting.

22 MR. BARTON: Very good. May I respond?

23 THE CHAIR: Please do.

24 MR. BARTON: The numbers were -- when we
25 started out, we had 39. Is there -- 30-something?

1 MS. McCONNELL: Two years ago, 39;

2 MR. BARTON: And now it's 80-something.

3 MS. McCONNELL: 84.

4 MR. BARTON: So two-and-a-half times.

5 MS. POULOS: And that is not the number
6 that's reported in S.T.A.R.S. The number that's
7 reported in S.T.A.R.S. on the 40th day of
8 2015-'16 --

9 MR. BARTON: Number of students? Or
10 percentages?

11 MS. McCONNELL: The number of students
12 with disabilities?

13 MS. POULOS: The number of students with
14 disabilities is 48, as represented in S.T.A.R.S.,
15 your reporting system.

16 MR. BARTON: Huh. We'll take a look at
17 that. Thanks.

18 THE CHAIR: Okay.

19 Other questions, Commissioners?

20 Commissioner Conyers?

21 COMMISSIONER CONYERS: Just clarification.
22 What grades do you serve?

23 MR. BARTON: Commissioner and Chairwoman,
24 we serve K through 8. The cap, by the way is 510,
25 enrollment cap. We're down a little bit this year,

1 below 500. We did that on purpose, because so many
2 of our fifth- and sixth-graders -- unusual. We
3 usually see a dramatic decrease, about a third at
4 that level, traditionally, for the 12 years. And
5 they all indicated they were coming back. A
6 majority did; a few didn't. But we reserved a
7 number of lower classes, reduced those numbers, and,
8 therefore, our enrollment is down a little bit this
9 year.

10 But we don't see a problem with that
11 coming back up next year. That was our choice.

12 COMMISSIONER CONYERS: Okay. I was
13 reading something different on the paper here.

14 THE CHAIR: Are you seeing something
15 different, Commissioner Conyers?

16 MR. BARTON: It's K through 8.

17 THE CHAIR: On the snapshot?

18 MR. BARTON: We actually have a very large
19 pre-K program, too.

20 COMMISSIONER CONYERS: But K through 8 is
21 fine.

22 THE CHAIR: Okay. Commissioner Toulouse?

23 COMMISSIONER TOULOUSE: Madam Chair, on
24 your pre-K, how is that handled? Because I know
25 we're looking at another school with a situation.

1 And how do you do that one?

2 MR. BARTON: We -- we're fortunate with
3 the facility. A lot of times lucky is better than
4 good. The two of our buildings that have separate
5 entrances to the parking lot are up front, which
6 lends itself perfectly to part-day pre-K. We
7 currently run half-day pre-K and swap another
8 population out in the afternoon.

9 In conversation with the State, they
10 discussed strong interest in us going full-day,
11 which you know the research. That would allow us to
12 keep the same number of students, but go to both
13 buildings and go full day; but right now we swap it
14 out at half-day.

15 COMMISSIONER TOULOUSE: Thank you. I know
16 I was a brand new member when we went through the
17 last time. And I will have to admit I was kind of
18 appalled at the situation, but still learning, so I
19 didn't say much. You're in my district.

20 MR. BARTON: Right. That's right.

21 COMMISSIONER TOULOUSE: So I try to keep
22 an eye on stuff. And other than the letters we keep
23 getting about your parking for disability --

24 MR. BARTON: Right.

25 COMMISSIONER TOULOUSE: Is that getting

1 fixed?

2 MR. BARTON: It is. In fact, we've been
3 working with the landlord. We're moving that
4 parking to be able to make sure there's no problem.

5 COMMISSIONER TOULOUSE: Thank you. I have
6 a handicapped placard; but I still walk here and
7 there. I think I have what, three letters or
8 something, on that. And other than that, I haven't
9 heard any concerns.

10 MR. BARTON: Very good.

11 COMMISSIONER TOULOUSE: But I just -- I do
12 worry a little bit about the test scores; but, then,
13 again, I don't like PARCC --

14 MR. BARTON: We do, too.

15 COMMISSIONER TOULOUSE: -- for some
16 personal reasons, having grandchildren in school
17 right now. But I would be interested to see how you
18 go. I wouldn't have a problem with renewing this
19 school with the things that have all gone on. I
20 would like to see a five-year renewal. But I would
21 be interested to see in how you handle the PARCC
22 scores, or how any of the others are going to try to
23 work with PARCC, because I really have concerns.

24 MR. BARTON: In keeping with you putting
25 your money where your mouth is, my children have

1 been at North Valley Academy since they were in
2 first grade.

3 COMMISSIONER TOULOUSE: Well -- and
4 that's -- I have one grandson who's in public high
5 school, but was in charter schools. And I have
6 three grandsons in charter schools and two more that
7 will be, because they'll follow their brothers. So
8 I'm very aware of what they do. And I'm also --
9 because two of them have some problems -- one has an
10 IEP; the other has a 504 -- that I've had concerns
11 how that worked with PARCC.

12 And I know the one with the 504 was
13 supposed to have time elements. And the system did
14 not work at his school to give him extended time.
15 However, he got a 5 on the language part of it. I
16 won't say what his math was.

17 And the other grandson, who we don't have
18 his scores yet because he's in elementary school,
19 was allowed to take it on paper with a reader.

20 So I have personal interest in seeing how
21 people work with them and how the scores go.

22 THE CHAIR: Katie?

23 MS. POULOS: Commissioner Toulouse, just
24 to address, I think, one of the questions that was
25 lying behind your questions about the pre-K, this is

1 a pre-K program that is operated through funding by
2 the New Mexico Public Education Department, and it
3 is one of the New Mexico Public Education
4 Department's pre-K programs.

5 COMMISSIONER TOULOUSE: Madam Chair, I
6 wasn't quite as interested in that, as I was in the
7 mingling of the schools and the problems, again,
8 having a grandson in a pre-K program. Eventually,
9 they'll all grow up; but by then, I won't be around;
10 so thank you.

11 THE CHAIR: Other questions? Comments?
12 Concerns?

13 Commissioner Ambruster?

14 COMMISSIONER ARMBRUSTER: This has been
15 addressed, and I'm just putting it on the record
16 again. I can understand, because it was a question
17 and a concern, on growth of the lowest performing
18 students from a D, to an A, to an F, to an F. And
19 according to what I think I understood you to say is
20 that you were at, like, 39 students, and now you're
21 at 84.

22 It concerns me that the reporting is awry,
23 because you are missing out on a lot of money if
24 that's what you're reporting and that's not -- if
25 you're talking about children with IEPs.

1 So, you know, special ed is always the one
2 that gets you. It's the "get you" one. So you want
3 to look at that.

4 And I'm also wondering what you think is
5 attributing to the highest performing students going
6 from an A to a D.

7 MR. BARTON: The -- the State scores at
8 North Valley Academy, at least in the six, seven
9 years that I've been involved with the school, have
10 traditionally been low. And we were -- they were --
11 in the current standing, they were an F when the
12 State started its report card reporting -- or
13 program.

14 The -- when we started the transformation
15 of the school and started questioning, as a board,
16 and saying, "We've got to make some major changes,"
17 there was a dramatic improvement that year. And
18 that moved us to a B.

19 And the improvement scores, the two
20 improvement scores, went to -- I think both went to
21 A's, because of the dramatic improvement; probably
22 too much. And it worried us that it jumped so much
23 that year. And then it's leveled off.

24 Both of those, in terms of improvement and
25 getting those State scores reflective of the

1 internal scores, is our number one priority. It
2 should reflect it over time, the same improvement.
3 And we can speculate about a number of reasons, and
4 we did in the application. But the new
5 instructional model that Susan has implemented with
6 a teaching coach, we think is starting to show some
7 substantial progress.

8 COMMISSIONER ARMBRUSTER: Of course, it's
9 possible you get so high that you can only go down.
10 That's the other part of that. Thank you.

11 MR. BARTON: That's right. That's right.

12 THE CHAIR: Any other questions?

13 Hearing none, the Chair would entertain a
14 motion.

15 Commissioner Toulouse?

16 COMMISSIONER TOULOUSE: Madam Chair, I
17 move that we approve the North Valley Academy for a
18 charter renewal of five years with no conditions.
19 We'll handle those in the negotiations.

20 THE CHAIR: You've heard the motion by
21 Commissioner Toulouse.

22 Do I hear a second?

23 COMMISSIONER PERALTA: Second.

24 THE CHAIR: Commissioner Peralta?

25 Motion and second to approve the school

1 for a five-year renewal term with no conditions.

2 Any further discussion?

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

5 COMMISSIONER PERALTA: Commissioner
6 Peralta will vote "Yes."

7 Commissioner Gipson?

8 COMMISSIONER GIPSON: Yes.

9 COMMISSIONER PERALTA: Commissioner
10 Conyers?

11 COMMISSIONER CONYERS: Yes.

12 COMMISSIONER PERALTA: Commissioner

13 Bergman?

14 COMMISSIONER BERGMAN: Yes.

15 COMMISSIONER PERALTA: Commissioner

16 Armbruster?

17 COMMISSIONER ARMBRUSTER: Yes.

18 COMMISSIONER PERALTA: Commissioner

19 Chavez?

20 COMMISSIONER CHAVEZ: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER PERALTA: Commissioner Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER PERALTA: Commissioner
2 Shearman?

3 THE CHAIR: Yes.

4 COMMISSIONER PERALTA: Madam Chair, that
5 is nine to zero in favor of the motion.

6 THE CHAIR: Pardon me. The motion passes
7 unanimously. We look forward to working with you.

8 MR. BARTON: We'll work hard to make you
9 proud.

10 FROM THE FLOOR: Thank you.

11 (Applause.)

12 THE CHAIR: You all come on down, please.

13 Katie, whenever you're ready?

14 MS. POULOS: Madam Chairwoman and
15 Commissioners, The GREAT Academy was approved and
16 authorized by the PEC in 2010. The school has been
17 in operation since 2011. This is their first
18 renewal.

19 The school's three-year trend for the
20 letter grade shows an upward trend with a three-year
21 average as a B. The current standing shows a very
22 slight upward trend. Student growth measure for the
23 lowest performing students shows consistent
24 performance, and the student growth measure for Q3
25 shows an upward trend.

1 However, the school did not meet two of
2 the five performance goals in the charter contract.
3 My understanding with regards to that is that those
4 are goals that potentially are not measurable at
5 this time, because they rely on AYP -- I believe, is
6 what the case is? And so those were -- and their
7 graduation cohort, which they are phasing in grades.
8 And so that is why they have not yet been able to
9 report on those goals.

10 With regards to operational performance
11 standards, the 2013 audit identified one
12 noncompliance finding, which is an improvement over
13 the 2012 audit, which identified one repeat
14 significant deficiency and two repeat noncompliance
15 findings; and the 2011 audit, which identified two
16 significant deficiencies and one material weakness.

17 The charter school -- I believe we had --
18 CSD did have some concerns about their operational
19 performance in relation to the service of ELL
20 students. I think since that time, the school has
21 potentially addressed those concerns. So,
22 currently, as far as operational performance, CSD
23 doesn't have any major concerns.

24 And with regards to the school's financial
25 performance, again, I have to apologize. I have

1 indicated raising concerns. But the school did have
2 a \$265,998 cash carryover, which is not a concern.

3 However, the school, I believe, did see
4 low enrollment for Grade 7 and, thus, only phased in
5 Grade 6 this year; although, they had the plan to
6 phase in sixth and seventh this year.

7 They have exceeded their anticipated
8 enrollment, which is not to say they've exceeded
9 their cap, just their anticipated enrollment. So
10 they are doing better than they originally
11 anticipated on that front.

12 THE CHAIR: Okay. Thank you very much.

13 We appreciate you all waiting so long and
14 so patiently. If you would just introduce
15 yourselves -- yeah, there's still a few of us here.

16 MR. MATTHEWS: Wow, where did everybody
17 go?

18 MS. K. MATTHEWS: My name is Keisha
19 Matthews, K-E-I-S-H-A, M-A-T-T-H-E-W-S.

20 MR. MATTHEWS: And my name is Jasper
21 Matthews. No relation. Just kidding. Jasper
22 Matthews. And I'm the Executive Director and
23 cofounder.

24 MR. LIU: My name is Chenyu Liu,
25 C-H-E-N-Y-U, last name, L-I-U. I am the business

1 manager.

2 THE CHAIR: Okay. Whenever you're ready?

3 MS. K. MATTHEWS: Madam Chair, PEC
4 members, Director Poulos, and CSD Staff. On behalf
5 of The GREAT Academy family, we would like to thank
6 you for your hard work. The last four-and-a-half
7 years have been a difficult, but rewarding, journey.

8 During this journey, thanks to the support
9 from the CSD, PEC -- and PEC, The GREAT Academy has
10 added ninth grade, doubled our enrollment cap from
11 180 to 360, and added a middle-school program. The
12 GREAT Academy's mission is to ensure that all
13 students gain real-world experience through active
14 transition.

15 The school's unique, one-of-a-kind
16 business school model has afforded students relevant
17 and meaningful education by giving them the
18 opportunity to complete courses at their own pace,
19 earn college credits and the ability to participate
20 in many service learning activities that have made a
21 tremendous impact on our community.

22 Academically, we feel that TGA is making
23 the grade. Much of the evidence that would support
24 our belief can be found on Page 2 of the TGA Renewal
25 Executive Summary.

1 TGA scored a 6.6 on current standing for
2 2012. This was no surprise to us, because it was
3 the school's first year of operation.

4 The second year of operation, in 2013, the
5 school received a 14.32, an increase of 7.72 points.

6 In 2014, the school's current standing
7 decreased to 8.05, a 6.27 point drop. This can be
8 easily explained.

9 New students had not had the benefit of
10 two or more years of the program at that time. I
11 quote from the New Mexico School Grading, 2014, on
12 Page 2, "Current standing use is up to three years
13 of data to provide a more accurate picture of the
14 school's achievement."

15 Since many of TGA's night students often
16 do not have previous years of achievement to be
17 calculated, the lack of data points drags the
18 current standing down. Additionally, this same
19 school year, the criteria for students to be tested
20 changed with guidance that was handed down
21 concerning students' "H" classification. We also
22 have a letter, the letter related to that guidance,
23 that's dated January 10th, 2014, written by Dr. Pete
24 Goldschmidt.

25 In prior years, if a student was an H6 or

1 higher, they did not have to be tested with the SBA.
2 In school year 2013-2014, prior to the new guidance,
3 the TGA night program had a total of 30 students who
4 were H6 or above. This means that students were out
5 of school for two years or more. These students
6 ranged from an H6 to H16.

7 The new guidance stipulated that any
8 student who had been out of school for two years or
9 more would be reclassified as H1. This change in
10 designations resulted in TGA testing more of its
11 non-traditional night students than it had in
12 previous years.

13 Another graph on Page 2 of TGA's Renewal
14 Executive Summary titled "Student Growth Components,
15 Three-Year Trend" shows more evidence that the model
16 is demonstrating academic success.

17 In the 2012 growth for highest performing
18 students, it was only 2.7 points. As you see in the
19 graph for 2013, the same group of students increased
20 by 6.09 points, to 7.79 out of 10. And the
21 following year, that same group of students
22 increased another .93 points to 9.72 out of
23 10 points.

24 Similarly, this also shows the growth for
25 the lowest performing students for 2012 was 9.9 out

1 of 10 points.

2 The following year, students scored a
3 perfect 10 out of 10, while only seeing a slight
4 decrease by .64 points to 9.36 out of 10 points for
5 the '14 school year.

6 Lastly, we feel that the model has been
7 successful, because on Page 2 of TGA's Renewal
8 Executive Summary, the graph titled "Overall Letter
9 Grade" shows that TGA has received a B as a
10 three-year letter grade average.

11 In 2013, TGA missed making an A by only
12 .38 points, and missed a B in 2014 by only .42
13 points.

14 SBA data for the previous three years
15 demonstrates positive achievements, an increase in
16 tenth-grade students at the "proficient" level in
17 reading from 31 percent to 50 percent over three
18 years, a decrease in tenth-grade students at the
19 "beginning" level in reading from 26 percent to
20 12 percent over three years, an increase in
21 eleventh-grade students at the "nearing proficient"
22 level in reading from 46 percent to 70 percent over
23 three years, a decrease in eleventh-grade students
24 at the "beginning" level in reading from 25 percent
25 to 12 percent over three years, an increase in

1 tenth-grade students at the "nearing proficient"
2 level in math from 26 percent to 56 percent over
3 three years, a decrease in tenth-grade students at
4 the "beginning" level in math from 42 percent to
5 18 percent over three years.

6 As stated on Page 6 of TGA's State Charter
7 Renewal Application Final Analysis, the CSD
8 confirmed that TGA met three of its five performance
9 goals. And, as Director Poulos stated, the two
10 goals that were not met could not be met, one,
11 because it was related to AYP, and the other because
12 we haven't had our four-year cohort graduation until
13 May of 2016.

14 On behalf of all of the students, parents,
15 and staff, many of whom wanted to be here today, but
16 because we're in the middle of three testing
17 windows, EOC, PARCC, and our Short Cycle, we just --
18 we couldn't take them from -- from that important
19 work. But they do send their thanks and their
20 appreciation to all of you for the last
21 four-and-a-half years, and, of course, we would love
22 to have another five years to help our students
23 achieve greatness.

24 Thank you.

25 THE CHAIR: Carmie, how are we doing on

1 time?

2 COMMISSIONER TOULOUSE: They have eight
3 more minutes. No?

4 MR. MATTHEWS: She said it all.

5 THE CHAIR: You said it all. Okay. Thank
6 you very much.

7 Do we have anyone in the audience that
8 would like to speak?

9 THE CHAIR: Just you?

10 MS. ENRIQUEZ: All right.

11 THE CHAIR: Five minutes. Please be sure
12 and give us your name.

13 MS. ENRIQUEZ: Okay. My name is Hayden
14 Enriquez. That's spelled H-A-Y-D-E-N,
15 E-N-R-I-Q-U-E-Z. And I'm a senior at The GREAT
16 Academy. And that's kind of a blessing, because I
17 know that if I would have stayed at my old school, I
18 definitely would not be graduating this year. So
19 allow me to back up a bit.

20 In freshman year, I was a rebellious,
21 pink-haired rocker. Yeah.

22 I didn't care about school, because I
23 really didn't see the point. I didn't see how the
24 Pythagorean Theorem could help me, anyway, in the
25 real world. So I failed all of my courses, except

1 for PE and drama. And my teachers, they had about
2 120 other students each; so either they didn't care,
3 or they didn't have the time to really push me away
4 from failing. So I really just had no push factor
5 to try any harder.

6 So after failing freshman year, I spent my
7 first summer -- or the first month of summer at
8 E-Academy retaking summer school courses. And,
9 again, I had the same mentality; so needless to say,
10 I failed those two.

11 So basically, I wasted a couple of hundred
12 dollars on courses to sit in a classroom with other
13 students, like me, who just didn't care.

14 Then, in that July, my mom found The GREAT
15 Academy. As soon as I saw the website, I was very
16 excited, because I was dreading going back to
17 Eldorado. And it isn't a bad school; don't get me
18 wrong. A lot of people have been very successful;
19 but it just wasn't for me.

20 I went to TGA's orientation, and I
21 immediately fell in love with the professional
22 environment, the small class size, and the
23 individualized support that they promised me. So I
24 applied that day, and I didn't even know the impact
25 it would have on me.

1 At The GREAT Academy, I received academic
2 attention and support I needed. The teachers are
3 very supportive and helpful; yet they also teach you
4 how to be independent and responsible. They didn't
5 just tell me to do my work; they taught my why it
6 was important. They taught me the importance of
7 education and why I should go to college.

8 At Eldorado, I really didn't think I'd get
9 that far. And now I know exactly what I want to be
10 and exactly what I need to do to get there. They
11 transformed a hate of homework into a love of
12 knowledge. I've grown from a slacker into a leader.

13 In fact, I went with a small group of
14 students to Washington, D.C., and presented at a
15 national leadership conference.

16 So our mission statement, as it was said
17 before, is to gain real-world experience through
18 active transition. When I was first enrolled, I was
19 shocked at how true that was. Bank loans, interest
20 and how to balance a checkbook in my very first
21 year. I still have my workbook for reference. I
22 wouldn't have been taught that in a traditional
23 setting.

24 We also go out into the real world for
25 service activities, as we also mentioned. We posted

1 an anti-bullying walk. And we were on the news for
2 creating a kit designed to help unemployed
3 individuals get back into the workforce.

4 So in the beginning, I mentioned how I
5 wouldn't be graduating if I would have stayed at
6 Eldorado. This is true for many reasons. I may
7 have dropped out and gotten my GED; that's what many
8 of my friends did who stayed there. And could have
9 been me if I hadn't been taught the value of
10 education by the amazing staff at The GREAT Academy.

11 Oh, no. Okay.

12 And also, even if I did just shape up and
13 put in all hard work, straight As, through sophomore
14 year, I still wouldn't have graduated, because I
15 would still have a year's worth of courses to catch
16 up on, and I would have spent a couple of hundred
17 dollars in summer school; so it would be impossible
18 for me to graduate with the class of 2016.

19 But at The GREAT Academy, our online
20 curriculum is self-paced; so I was able to work
21 really hard and retake those courses and be caught
22 up to where I should be. And I'm actually ahead
23 now. So by January, I should only have one high
24 school course left, and the rest will be CNM dual
25 credit. I will be graduating with a certification

1 in Early Childhood Development, along with a few
2 other college credits.

3 And outside of education -- because
4 education is huge. But outside of that, The GREAT
5 Academy has helped me establish a sense of
6 self-worth. I really didn't feel like I belonged at
7 Eldorado. You know, being an outcast of straight
8 F's? Yeah. It can really take its toll on you.

9 At TGA, however, there's a really strong
10 sense of community. It's a small school; so
11 everybody knows everybody, and we all share the same
12 mission. We all want to go to college and make a
13 difference in the world in some capacity or another.

14 At The GREAT Academy, I feel like I
15 belong. And I'm not a straight-F student anymore.
16 Now, I only have A's and high B's. I've have even
17 been asked to join Phi Theta Kappa, which is an
18 honor society for two-year colleges, based on my
19 dual-credit grades, which my GPA is a 3.8 now.

20 The GREAT Academy has completely flipped
21 my life around. It's actually kind of terrifying to
22 think where I might be if I would have stayed at
23 Eldorado. APS wasn't right for me, and I finally
24 found my perfect fit here.

25 That's my story. I'm not the only one.

1 Several students were all in the same boat I was in,
2 and they're also thriving right now. And there are
3 many other unique stories, as well. We may have
4 different reasons for choosing The GREAT Academy,
5 but we all have the same reason to stay.

6 I will say this: On behalf of The GREAT
7 Academy students, we all believe in the motto of our
8 school, and that is, "Together, we can, whatever it
9 takes, no excuses."

10 Thank you.

11 THE CHAIR: Thank you very much.

12 COMMISSIONER TOULOUSE: She did it with
13 five seconds left.

14 THE CHAIR: She timed that well, huh?

15 All right. Commissioners, it's our turn.

16 Anyone with questions? Concerns?

17 Commissioner Bergman?

18 COMMISSIONER BERGMAN: I want to address a
19 couple of things that -- one, I'll preface my
20 remarks by saying I support the State grading
21 system. Not everybody does. Two schools of thought
22 on the school report cards.

23 But I sometimes look at these school
24 report cards, and I see things. For some reason,
25 they perplex me. I've used that term already today.

1 I noticed that your highest performing students, you
2 have an A. I noticed your lowest performing
3 students, you had a B, and it became an A.

4 I look at the proficiencies down below,
5 and I see 30 percent and 20 percent.

6 I am going to ask you a question. How can
7 you have those high grades in those areas, and yet
8 your proficiencies are what I would consider to be
9 low? Can you explain that to me?

10 MS. K. MATTHEWS: Thanks for the question.
11 When it comes to the -- thank you. The -- we
12 understand the school letter grade. We don't fully
13 understand all the mathematics behind it.

14 But from our understanding, because, for
15 our lowest performing students, we have been growing
16 them more than one year each year; so that really
17 pushes that letter grade up. You know, we do get
18 students, like Hayden and many others, and those in
19 our night program, who are behind. They come to us
20 either having been out of school for several years,
21 or in their -- you know, they're a traditionally
22 aged high-school student, but they come to us with a
23 high school history of just having kind of shut it
24 out and given up. And so reengaging them takes
25 quite a bit of work.

1 But I think that's reflected that way,
2 because, you know, it's not speaking to the
3 proficiency; it's speaking to the fact that we're
4 growing them by leaps and bounds.

5 COMMISSIONER BERGMAN: Okay. Thank you
6 for that. And I understand, yeah. I -- I thought
7 I'd read the manual one time on how school grades
8 were arrived at, and then I saw it stood up about
9 that high (indicates), and I changed my mind about
10 reading it.

11 THE CHAIR: I think Katie has a comment.

12 COMMISSIONER BERGMAN: I'm not done; but
13 go ahead.

14 MS. POULOS: Just to echo the information
15 that they were giving, that is certainly an area
16 that PED and CSD will look at, which is that -- this
17 is the prime example of when a school says, "We
18 serve the students who come in very low." We hear
19 that a lot.

20 But when we really see that that group of
21 students is being served, we may, in fact, see very
22 low proficiency, very, very low current standing,
23 and see very high student growth. And that is
24 exactly what's going on here.

25 COMMISSIONER BERGMAN: Thank you for that

1 clarification. And my other -- "concern" probably
2 isn't the right word. I think I was disappointed.
3 You submitted two mission-specific academic
4 indicators. By my standards, neither one of them is
5 an academic indicator. The first one is no less
6 than 12 dual credits with a C grade for -- and you
7 established two cohorts: A ninth grade through --
8 and you wouldn't even have information on that
9 cohort till they've been with the school for four
10 years.

11 And the performance frameworks we
12 negotiated are your annual documents; so we don't
13 normally accept four-year cohorts, because that
14 doesn't fit an annual performance framework.

15 So that disappoint- -- your other one was
16 on the ACT Accuplacer; and that is marvelous. I'm
17 glad you're doing those kinds of things. To me,
18 that's also an academic.

19 You've sat through this all today. We
20 expect to see reading goals for academic, and we
21 expect to see math goals. And so when you don't
22 provide those to me, you're asking me to vote for
23 your school, and I have no idea where you're
24 thinking in those areas.

25 So why don't you tell me where you're

1 thinking in those areas, even though you didn't
2 submit actual goals I could look at?

3 MS. K. MATTHEWS: Thank you again for the
4 question, and it's a very good one.

5 Our understanding, when we were creating
6 our goals, was that in the contract negotiations,
7 performance on PARCC and such would be a part of
8 that automatically; so the goals that we presented
9 were our mission-specific goals. And those goals
10 are focused on transition, which is the crux of our
11 mission.

12 Being able to successfully test into and
13 successfully complete dual-credit courses is a big
14 part of our transition plan. Being able to take
15 assessments, such as the College and Career
16 Accuplacer and ACT and SAT, and even ASVAB for
17 students that want to go into the military, speaks
18 to that transition; because in order to take
19 dual-credit courses, one, you have to test into
20 them. Two, you can't -- you can't take courses that
21 are 1,000 level or below, because those are
22 considered as remedial.

23 So our goal in submitting those was
24 because they are mission-specific. And our
25 understanding was that the charter negotiations --

1 the reading and math focus-type goals would come
2 with that.

3 MR. MATTHEWS: And let me also add to her
4 answer -- and that's a very good question, again.
5 Now, we, initially -- when we started writing goals
6 for the first cycle, it was very common to say
7 5 percent growth or 10 percent growth. But no one
8 really knew what was real growth in an academic year
9 and what was average or subpar or just breaking
10 even. So we tried not to spend a lot of time doing
11 a lot of generic kind of things.

12 Now, if you look at Page 3 on the Renewal
13 Executive Summary, we did get last year's PARCC
14 scores in, and now we feel like that we do have a
15 baseline and a comparison based on, you know,
16 traditional schools and State schools and our
17 school. And we're doing really good in math; and in
18 language arts, we're not performing as well as we
19 would like.

20 But we feel like we have enough
21 information and data to have a very meaningful
22 conversation about designing and developing some
23 goals with -- working with CSD to do that. Because,
24 I mean, we can say 10 percent. But I remember
25 having that conversation during our planning year.

1 And it was like, "Well, why 10 percent?"

2 So I think we now have enough. We have
3 three-year trend data, and that's always a good way
4 to kind of structure things when you're looking at a
5 three-year snapshot versus a one-year snapshot.
6 But, you know, meaningful annual growth is important
7 to the Commission and important to PEC, CSD; and
8 it's important to us, also.

9 COMMISSIONER BERGMAN: Thank you for that.
10 And I would note that we don't normally actually
11 use -- before, the SBA -- or now, the PARCC -- is
12 not normally, actually, what the basis for our
13 academic goals is.

14 What Short Cycle Assessment are you using?
15 Are you using Discovery? That's normally what we're
16 looking at, something in that line for your one-year
17 academic goals.

18 MR. MATTHEWS: Yes, we use Discovery.

19 COMMISSIONER BERGMAN: Okay.

20 MR. MATTHEWS: And we'll be trying really
21 hard to figure out -- because we tend to see a lot
22 of growth between Cycle A and B, which Cycle B is
23 going on now. But come spring, Cycle C, especially
24 when they know it's -- there's nothing tied to it,
25 as far as whether they get to go to the next grade

1 and graduate, we're working on some incentives and
2 some motivators to help them understand, "Don't blow
3 off Cycle C, because it's really important for us to
4 be able to show consistent growth." So...

5 COMMISSIONER BERGMAN: I'm glad to hear
6 you say that. We like to think we've become fairly
7 sophisticated in doing this. We recognize, like you
8 just said, some students may blow off one of the
9 cycles. We try to structure them working with the
10 school. Some of them are doing a fall, winter, and
11 a spring; some are actually doing four,
12 administering those four times a year.

13 But then the way we structure it, you can
14 use the highest -- use the first one to establish
15 your base, and then you can use the highest one, if
16 my memory serves. That's how we've done some of
17 them.

18 So I want you to think about that, because
19 I want that in your mind. And what has been done in
20 the past is you would be working with the Charter
21 School Division on those -- they would be working
22 with you on how to structure those goals, because
23 the thought, of course, is we want you to get
24 adequate, challenging, rigorous goals, yet
25 attainable goals. That's the key words in the

1 process.

2 Thank you.

3 Thank you, Madam Chair.

4 THE CHAIR: Can I just ask a question?
5 I'm looking at your snapshot report. It says you
6 currently have a cap of 360, 179 students, five
7 teachers. And that's a teacher-student ratio of
8 35.8 to 1; is that right?

9 MR. MATTHEWS: Currently, our 40th-day
10 report should reflect 235 -- 235 or 236, depending
11 on if someone takes that other student.

12 THE CHAIR: You're saying your enrollment?

13 MR. MATTHEWS: Yes. So the enrollment is
14 actually 236.

15 THE CHAIR: And how many teachers?

16 MR. MATTHEWS: Teachers, we actually have
17 seven teachers, and then four or five EA's.

18 THE CHAIR: But that's still 30-something
19 students per teacher.

20 COMMISSIONER TOULOUSE: Online classes.

21 MS. K. MATTHEWS: Keep in mind, also --
22 and I hear Commissioner Toulouse saying -- one, we
23 do have online curriculum. Two, that's the total
24 enrollment, but between both programs. So we have
25 the day program, where we have -- I'm trying to

1 remember -- it's 120-something or another; and then
2 the remaining is for the night program.

3 So it's not all students in the building,
4 all at one time, being served, you know.

5 THE CHAIR: And your online curriculum,
6 how much of your instruction is online?

7 MS. K. MATTHEWS: The core courses are
8 online. And then all of our electives and our
9 transition courses and senior seminar and things of
10 that nature are face-to-face.

11 THE CHAIR: Okay. Thank you.

12 Commissioner Toulouse?

13 COMMISSIONER TOULOUSE: Madam Chair. I
14 have one comment for Katie. When -- I'm looking on
15 your Executive Summary here, Page 4, where you have
16 the additional school choices. And you have Sandia
17 High School, which is, in Albuquerque, its one and
18 only International Baccalaureate school.

19 But the school I would have put instead of
20 that is the School on Wheels, because allowing for
21 the night courses and other people who come in, I
22 think that population that they draw from would be
23 more equivalent to have them compared to the School
24 on Wheels as Sandia High School. The other two are
25 fine; but --

1 MS. POULOS: And, certainly, my team can
2 speak to this. But my understanding is they used
3 the closest schools that serve the same grades. It
4 gets tricky when you start adding in a bunch of
5 different factors. So that is what we're looking
6 at.

7 COMMISSIONER TOULOUSE: I don't consider
8 Albuquerque Sandia High that close to their school.
9 I could name another couple. But that was an aside.

10 I want to -- because I know you've broken
11 out, and I have your numbers in here on your day and
12 evening component. First, I want to say you're
13 brave to do those both, because the evening is
14 pulling some of your scores down, because you're
15 taking people who really have much farther to go and
16 less time to do their work.

17 But how is that working for you, being the
18 administrators and head of curriculum and all,
19 having to have that long a day and that full a
20 program? How does it work?

21 MR. MATTHEWS: Well -- and that's a very
22 good question. And, actually, can I address the
23 first point that you made? We actually do a lot of
24 data comparisons. And we actually like to compare
25 ourselves to schools like Del Norte and Sandia and

1 some of those, because we do tend to get many of our
2 students from those schools because of the
3 proximity.

4 Now, we also did a data analysis and
5 compared ourself to similar schools with a similar
6 program with similar size. So if you look at
7 Page 19 of the actual renewal application, you will
8 see a graph of how we compare to school -- School of
9 Dreams, Gilbert Sena, and Connections.

10 COMMISSIONER TOULOUSE: Yeah, I saw that.

11 MR. MATTHEWS: We compare pretty well with
12 those. The second part of your question is, the
13 first thing that we do is we overlap the staff for
14 the night and the day program. So the day teachers,
15 day staff, come in roughly 8:00 to 5:30. Then the
16 night staff comes in from 12:30 to 9:00. So there's
17 some overlap. So the class sizes are a lot smaller,
18 because the night teachers, they do everything from
19 intervention to -- they teach SMART labs. They do a
20 number of things where there's a lot of overlap.

21 Now, as far as our day, we just spend a
22 lot of time texting and e-mailing; let me just say
23 that. But we have a really good staff, a really
24 hard-working staff that's committed to our cause.

25 The school is open from 9:00 in the

1 morning to 9:00 at night. We don't have too many
2 12-hour days. We have these last few weeks; but
3 that's different.

4 MS. K. MATTHEWS: If I could just respond
5 to just what you brought up about the types of
6 students that we get in our night program?

7 Last year, we had a gentleman who was -- I
8 want to say he was 38 or 39.

9 MR. MATTHEWS: 42.

10 MS. K. MATTHEWS: Okay, he was 42. He
11 graduated. And this was -- I'll call him a young
12 man -- that -- since I'm close to that age -- that
13 was in and out of school. And, you know, like a lot
14 of the stories that you heard today, they -- he just
15 couldn't find a good fit for him.

16 He started with us, and the job that he
17 had, that was not paying well, but it was putting
18 food on the table. It took him out of state. And
19 he returned, you know. He left. And he had to
20 withdraw. And then he came back. And he said,
21 "I've got to get this done. I have an opportunity
22 at a better position; but they want people with high
23 school diplomas."

24 And so he fought it out; he did. And it
25 was a -- it was a rough path for him. It was a

1 rough journey. But our staff is very, very, very
2 supportive, you know. Any interventions that he
3 needed, his -- his area of weakness, much like mine,
4 is math. So he -- he needed a lot of help.

5 But our staff was willing to be there with
6 him, pull him away from the online curriculum, and,
7 you know, do it on paper, do it on the board, get
8 out manipulatives, or draw pictures or whatever had
9 to be done.

10 And, you know, we do get a lot of adult
11 students that have it in their mind that they want
12 it so bad. And, you know, a lot of times, they end
13 up having to pull away and come back. But our focus
14 is providing the opportunity, you know. We try to
15 get them in. We try to get our hooks in them and
16 hold onto them the best that we can.

17 But oftentimes, we do lose them, because
18 life happens. They're adults. They have kids and,
19 you know, jobs, and, you know, they're taking care
20 of elderly parents and so on.

21 So we feel like we're providing a service.
22 We do take a hit in our data. But to see students
23 graduate and achieve that -- a lot of them say, "I
24 don't want the GED. I've got to have this diploma."

25 So we do our best to try to support them

1 towards that. And the satisfaction that we get from
2 that is worth it.

3 COMMISSIONER TOULOUSE: Madam Chair?

4 Do many of those students go on to CNM?
5 Having been on the CNM board for 12 years, I have an
6 interest in it.

7 MS. K. MATTHEWS: Well, this answer has a
8 slight bit of bad news in it. Because we do push
9 our dual-credit program, we open that up to our
10 night students, also. We have typically about three
11 on-campus offerings for those students, because
12 oftentimes their issues with transportation and so
13 on. But those students take full advantage of our
14 on-campus and off-campus CNM offerings.

15 The downside is I just got word yesterday
16 that CNM is starting -- in the spring semester,
17 going to disallow students over 21 to participate in
18 the dual-credit program. And that saddens us,
19 because that was really our way to get our hooks in,
20 you know.

21 CNM has what they call "Running Start"
22 courses; and they are largely career-focused
23 courses. And many of our night students really took
24 advantage of those. And, you know, with the change
25 in their policies, you know, it's unfortunate; but

1 we'll find other ways.

2 COMMISSIONER TOULOUSE: Yes. Well, I'm
3 going to text their president right now and say,
4 "Why is she doing this?"

5 MS. K. MATTHEWS: We appreciate that.

6 THE CHAIR: Thank you very much.

7 Commissioners, did you have other
8 questions?

9 COMMISSIONER ARMBRUSTER: I did. I'm sure
10 that I read this and do not remember where; so I'm
11 just going to ask the question. Two questions,
12 actually. One is how many of your students are the
13 night students who are older, in general, I gather?

14 MR. MATTHEWS: So I think if the math is
15 correct, out of the 235 students that we have, 115
16 of them are night students.

17 COMMISSIONER ARMBRUSTER: And do those
18 students who are now -- well, they seem very young
19 to me. But do they have to take the PARCC test and
20 the math tests and -- or Discover or, whatever
21 you're using? They have to take all those tests
22 also? That figures into your score?

23 MR. MATTHEWS: Yes, that's -- and that's
24 the explanation for our current standing that went
25 from an A to an F between '12-'13 and '13-'14,

1 because of the reclassification guidance.

2 If a student was out of school for two
3 years or longer, then they had to be reclassified as
4 a high school one year, so they did have to test.
5 And so most of our night students are a range from
6 being H6 to H16.

7 So, technically, I mean, our oldest
8 students was about 63 or 64 at one point. Now,
9 those numbers are getting to be more of 17, 18, 19,
10 22, 25, in that kind of range. It's kind of
11 leveling off.

12 And then if I may add -- excuse me -- when
13 we first started off, we actually was thinking we
14 would have a night program for about 60 students.
15 And we had over 180 students on our waiting list.
16 So we bumped that number up.

17 But we do want to keep it no more than 120
18 at this point. It's just a lot easier to manage and
19 then spread the resources really thin. So -- so,
20 yeah, that's -- that's pretty much the reason.

21 I'm noticing the -- some of the students,
22 even in the day program, that will -- 18, 19, they
23 will -- some of them will switch and go to the night
24 program, too. So we're getting more of a
25 traditional night student.

1 And we used to have this -- hoped for
2 having a SAM's designation to give us a little bump
3 in our letter grade; but I don't think that that
4 really applies anymore. Once we have our four-year
5 cohort, we'll actually receive the graduation rate
6 points and the college-to-career-readiness points
7 which we feel we'll do really well in those areas;
8 so...

9 THE CHAIR: Commissioners, are we ready
10 for a motion?

11 COMMISSIONER GIPSON: Just one. I need a
12 clarification. Did you say it was six-year-old
13 night student?

14 MR. MATTHEWS: "H6." So that student
15 would technically be 20 years old, if they didn't
16 miss any schooling. So they would be 20 to --

17 COMMISSIONER GIPSON: It's my addled ears
18 at this hour. It's like, "Wait a minute."

19 THE CHAIR: Commissioner Bergman?

20 COMMISSIONER BERGMAN: One very quick
21 question. Did you add the sixth grade this year, or
22 is that going to be next year?

23 MR. MATTHEWS: No, we're proud to announce
24 we did add sixth grade this year. We have about 17
25 of those. They're a lot smaller than what I

1 remember. And we really look forward to adding
2 seventh, and then adding eighth grade; and so --

3 COMMISSIONER GIPSON: God bless you.

4 MR. MATTHEWS: It's a lot of fun, though.
5 One of them wanted to -- my birthday was December
6 the 2nd, by the way.

7 COMMISSIONER GIPSON: Oh? Mine, too.

8 MS. K. MATTHEWS: Mine was the 1st.

9 MR. MATTHEWS: So one of my sixth-graders
10 that was having a hard time adjusting, he forced me
11 to take a dollar. I kept trying to give it back.

12 They're really a delight; they truly are.
13 I have a hard time remembering being that little.
14 But they're really a good bunch of little kids. So
15 we look forward to them growing and manifesting with
16 us; so...

17 THE CHAIR: Okay. Commissioners, are we
18 ready for a motion?

19 Commissioner Bergman?

20 COMMISSIONER BERGMAN: Madam Chair, I
21 would move that the Public Education Commission
22 approve the renewal application for The GREAT
23 Academy for a term of five years without conditions.

24 THE CHAIR: You heard Commissioner
25 Bergman's motion.

1 Do we have a second?

2 COMMISSIONER GIPSON: A second.

3 THE CHAIR: I'm sorry. Who said that?

4 Commissioner Gipson seconded.

5 Further discussion?

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

8 COMMISSIONER PERALTA: Commissioner
9 Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER PERALTA: Commissioner
12 Toulouse?

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER PERALTA: Commissioner
15 Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER PERALTA: Commissioner
18 Gipson?

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER PERALTA: Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER PERALTA: Commissioner
23 Ambruster?

24 COMMISSIONER ARMBRUSTER: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Peralta votes "Yes."

2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: Yes.

4 COMMISSIONER PERALTA: Commissioner
5 Shearman?

6 THE CHAIR: Yes.

7 COMMISSIONER PERALTA: Madam Chair, that
8 is nine to zero in favor of the motion.

9 THE CHAIR: Thank you. The motion passes
10 unanimously to approve the renewal of The GREAT
11 Academy for five years, with no conditions.

12 Congratulations.

13 MR. MATTHEWS: Thank you all very much.

14 COMMISSIONER TOULOUSE: Madam Chair, now
15 may I ask them?

16 Do your sixth-graders sneak out to the
17 Lego Store? I go by there all the time, because my
18 grandsons -- that's their favorite place to go. I
19 go in front of you one way or the other.

20 MR. MATTHEWS: Actually, the
21 high-schoolers attempt to go over there instead of
22 the sixth-graders.

23 COMMISSIONER TOULOUSE: When they were
24 planning to close in October, my kids got really
25 upset; but luckily, they didn't.

1 THE CHAIR: Commissioners, we're going to
2 take a ten-minute break. Let's take a short one.
3 But let's get back here at at least --

4 (Recess taken, 3:20 p.m. to 3:30 p.m.)

5 THE CHAIR: We're back in session. We
6 have reached Item No. 5, Update on Carl Perkins.
7 And I see Eric Spencer is here.

8 Whenever you're ready?

9 MR. SPENCER: Good afternoon, Madam Chair,
10 members of the Commission. It's a pleasure to be
11 here with you again to provide you an update on the
12 Carl D. Perkins Career and Technical Education
13 grant. In the agenda item, Executive Summary, that
14 was provided to you, you'll see that we are here to
15 present the portions of the Consolidated Annual
16 Report, which is a report that goes in to the U.S.
17 Department of Education's Office for Career
18 Technical Adult Education on an annual basis, that
19 reports the progress that the State has made with
20 regard to implementation of the Carl D. Perkins
21 grant, and then, also, to share with you the Letter
22 of Findings based on the compliance monitoring visit
23 that the State received back in September 14th of
24 2015.

25 So just to move in order of the way the

1 documents were presented to you is, first, you have
2 the narrative of the Consolidated Annual Report.
3 And for those of you that are new to the Commission,
4 the Consolidated Annual Report is a federal report
5 that the State is responsible to submit that covers
6 three particular areas of grant administration. One
7 is being a narrative response that would answer
8 questions that align to required uses and the
9 permissive uses of the Act. And so this aligns to
10 Section 124 of the law.

11 There are nine required uses. The State
12 has implemented activities to achieve those nine
13 required uses.

14 And we have also implemented activities
15 that address nine of the 17 permissive uses. And,
16 of course, the permissive uses are not required
17 aspects of implementation.

18 With regard to this particular report,
19 there's just a couple of highlights I would like to
20 provide for you, is on Page 4 -- and just to give
21 you an example or an orientation to the report --
22 was that you can see on the top of Page 4, it asks,
23 "During the reporting year, did your state use
24 Perkins funds to develop, validate reliable
25 assessments of technical skills?"

1 For example, that would be did we, as a
2 state, develop third-party assessments, like a
3 welding certification that business and industry
4 would honor if students were to take coursework,
5 take the examination, and pass it?

6 We don't see ourselves in the business of
7 developing industry certifications. We rely on
8 industry, who have the expertise to develop those
9 certifications, and then we ensure that we support
10 schools in the development of curricula and
11 coursework that embed the standards of those
12 certifications, so that students then would be
13 primed to be able to take that certification and
14 achieve that status.

15 So you can see that, no, we did not spend
16 Perkins dollars to develop those certifications. So
17 it's not a bad thing. Anywhere where you see a
18 "yes-no," that's really one of the permissive uses
19 of the fund the State would have been able to do
20 that, if it chose to do so.

21 Now, what does the State choose to
22 implement is really defined within the State plan
23 that was adopted by the Public Education Commission
24 back in 2008. And so with the reauthorization of
25 Perkins, we see that there was some movement with

1 the reauthorization of No Child Left Behind, moving
2 its way over to the President. Assuming that that
3 gets signed, then I think the Perkins legislation
4 might be one of the next bills that Congress might
5 be picking up to reauthorize.

6 The current law for Perkins expired in
7 2013, and we've been on a Continuing Resolution year
8 after year until Congress reauthorizes the law or
9 takes formal action to not authorize that law. We
10 don't believe that Congress will not reauthorize it.
11 We have data to show that they're intentionally
12 discussing this and putting forth a piece of
13 legislation for reauthorization on both sides of --
14 of the House and the Senate.

15 And where you see the next question, for
16 example, on Page 4 is, "During the reporting year,
17 did the state use Perkins funds to develop enhanced
18 data systems to collect and analyze?"

19 You'll see a "yes" here; and again, that's
20 one of the permissive uses. And as you know, we've
21 been having some challenges in meeting the
22 performance targets, because we also thought that
23 performance targets were unreasonably set for the
24 State, that we'd have to negotiate those with the
25 U.S. Department of Education. And by way of

1 negotiating those performance targets, know that we
2 always also have to make sure that we look to our
3 data collection system to make sure that the
4 inability of a state to meet its performance target
5 wasn't necessarily an issue of the data collection
6 system, the methodology for interpreting the data,
7 or even extracting the data from the system wouldn't
8 have been erroneous.

9 So you will see that we have spent some
10 effort there in being able to clean up that data
11 collection system. And you'll see, later in the
12 report, where we've made a lot of progress in
13 meeting the levels of performance for this
14 particular grant.

15 When you get to Page 5 of the report, I'm
16 just going to point out a couple of things I just
17 want to draw your attention to. They're asking did
18 we assess the Career Technical Education system.
19 And about a year and a half ago, the State worked
20 with Cooperative Education Services, CES, in
21 Albuquerque, to develop and release a request for
22 proposal competitively to get an organization to
23 assist us in the evaluation of the career technical
24 education system in the state.

25 There were multiple surveys that were sent

1 to juniors and seniors in schools, parents,
2 business, and industry, to look at the data in
3 terms, of course, taking patterns of students and
4 are they progressing through programs of study.

5 Well, we actually have the results of that
6 report, and it's going to be posted on our public
7 website probably next week. So I've provided you
8 with a web link for that to access the report right
9 there on Page 5.

10 I do believe the web link might change
11 when the actual report gets uploaded. So through
12 Beverly Friedman, we'll ensure that you get a
13 notification of that particular release of the
14 report.

15 I think what you'll find is that there's a
16 lot of room to grow, that there are a lot of
17 successes that are also identified, and a lot of
18 strategies that the State can consider to implement
19 in order to move its career technical education
20 system forward.

21 And just as a side note, the Public
22 Education Department has been working with the
23 Department of Workforce Solutions and the Higher
24 Education Department to develop a cross-sectoral,
25 statewide action plan that can promote career

1 technical education programs of study that are
2 employer-led, which means the employers are
3 validating that we have value and that this is an
4 industry for development, if you will. I mean,
5 preparing students in a program of study, there's
6 going to be jobs for them at the end that are going
7 to be of high wage, high skill, and high growth
8 industries; and that we would be able to also take a
9 look at the accountability system currently in
10 school grading.

11 For example, in the College and Career
12 Readiness grade, that there's ten indicators. One
13 of them asks for, you know, progress in students
14 achieving a program of study. We're looking at that
15 accountability system to find ways that we can find
16 additional measures that student -- that would
17 capture success of students, as schools are offering
18 these opportunities to students.

19 So, for example, what about the ability of
20 offering credit to schools in the accountability
21 system for those students that have been exposed to
22 a curriculum that led them to be able to take an
23 industry certification and give that value-add
24 credit when the student passes that certification.
25 So it's really work around trying to bring parity of

1 career readiness to college readiness.

2 And in maybe the February Commission
3 meeting, I can bring some more information about
4 that initiative to you; but I'll also be presenting
5 on this initiative to the LESC on the 17th, next
6 week. And so we can keep you informed of that; but
7 I think that that's pretty exciting. That helps
8 leverage the work that we do within the career --
9 within Carl Perkins. And knowing that Perkins is a
10 supplement to the career technical education system,
11 I think that we would be able to have some leveraged
12 value.

13 As I said earlier, I think all of the --
14 the data is here. The narrative is provided to you
15 to be able to see that we are meeting the
16 requirements of the nine required uses within that
17 grant.

18 And then, again, where you saw "no" is not
19 necessarily a negative aspect; it's just that the
20 State didn't focus its efforts with regards to
21 Perkins dollars in that area.

22 You'll see that there are certain
23 questions in here about, you know, "Did the state
24 use Perkins dollars to develop cooperative
25 agreements between secondary and post-secondary

1 schools?"

2 And you'll see that there's an answer,
3 "no"; but it doesn't mean that the State doesn't
4 address that, because we do have memorandums of
5 understanding between secondary and post-secondary
6 institutions for dual credit, for example.

7 So those types of things do get addressed
8 within the continuum of the system of support; just
9 Perkins dollars weren't used to do that.

10 You do have a request for a motion to
11 accept the narrative portion of this particular
12 report. And so I can, Madam Chair, either stop here
13 and allow you to do that, or finish with the
14 prescription and then allow to you do that at the
15 end.

16 THE CHAIR: Thank you. You have heard
17 Mr. Spencer's report and the request for a motion to
18 accept the -- give me the wording again.

19 MR. SPENCER: Accept the narrative
20 portion.

21 THE CHAIR: The narrative portion.

22 MR. SPENCER: Of the State's Consolidated
23 Annual Report.

24 THE CHAIR: Would someone like to make
25 that motion?

1 COMMISSIONER GIPSON: Sure, I've got it
2 here.

3 THE CHAIR: Commissioner Gipson?

4 COMMISSIONER GIPSON: Madam Chair, I move
5 to approve the narrative and data outcomes for the
6 State Year 2014-2015, Consolidated Annual Report.

7 THE CHAIR: Thank you very much. You
8 heard the motion.

9 Do we have a second?

10 Commissioner Peralta?

11 COMMISSIONER PERALTA: Second.

12 THE CHAIR: Motion by Commissioner Gipson,
13 second by Commissioner Peralta.

14 Is there any further discussion?

15 May we have a roll-call vote,
16 Mr. Secretary?

17 COMMISSIONER PERALTA: Commissioner
18 Chavez?

19 COMMISSIONER CHAVEZ: Yes.

20 COMMISSIONER PERALTA: Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER PERALTA: Commissioner
23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Ambruster?

2 COMMISSIONER ARMBRUSTER: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Conyers?

5 COMMISSIONER CONYERS: Yes.

6 COMMISSIONER PERALTA: Commissioner

7 Peralta votes "Yes."

8 Commissioner Gipson?

9 COMMISSIONER GIPSON: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Bergman?

12 COMMISSIONER BERGMAN: Yes.

13 COMMISSIONER PERALTA: Commissioner

14 Shearman?

15 THE CHAIR: Yes.

16 COMMISSIONER PERALTA: That is nine to
17 zero in favor.

18 THE CHAIR: Thank you very much. Motion
19 passes unanimously.

20 MR. SPENCER: Thank you, Madam Chair and
21 members of the Commission. The second portion of
22 this annual report is reporting on the fiduciary
23 responsibility with regard to what they reference as
24 a Federal Financial Status Report, which provides
25 the budget and the expenditures as it relates to the

1 allocation provided to the State by the U.S.
2 Department of Education.

3 That particular report is still being
4 computed by the Public Education Department's
5 Administrative Services Division, and so I won't be
6 prepared to present that financial status report to
7 you until possibly the January or the February
8 Commission meeting.

9 The latest conversation I had with
10 Administrative Services is that they're still doing
11 the reconciliation. They were able to pull the
12 general ledger today, based on most recent payments
13 made by Department of Financial Administration to
14 school districts; and so the development of the
15 report is well under its way, and there is all
16 confidence that the report is going to be developed
17 in time to submit this to the federal government by
18 the December 30th due date.

19 THE CHAIR: Thank you very much.

20 Do you have any questions for Mr. Spencer?

21 If not, we thank you for being here, and
22 wish you a merry Christmas.

23 MR. SPENCER: Okay. Thanks.

24 COMMISSIONER BERGMAN: Do we need to take
25 action?

1 MR. SPENCER: You don't need to take
2 action on that; but if I may, you do have the
3 accountability section of the report that is also
4 provided to you. Those are two Excel spreadsheets
5 presented to you in color. It dawned on me; I keep
6 speaking to you about colors every time I speak with
7 you; but you don't have it in color. You do this
8 time, I hope.

9 You'll see there was some pretty
10 significant progress made between school year
11 '14-'15 and '15-'16, where the State has met all of
12 its levels of performance at the secondary level.
13 In fact, we have exceeded the performance targets in
14 six areas, and we met two performance targets within
15 Safe Harbor.

16 And so just as a reminder, the State
17 provides a Safe Harbor of 10 percent of the
18 performance target. As long as the State meets that
19 performance target within that 10 percent, it's when
20 we're considered clear. It's when we fall below
21 that -- you can look at the history over the last
22 several years. Anywhere you see a red or a pink
23 box, we didn't reach it. The yellow is that we met
24 it within Safe Harbor. And green is that we met it
25 at target or above. So kudos to those secondary

1 schools for meeting those targets and outcomes.

2 And you'll also see, within the
3 post-secondary measure which would be the second
4 Excel spreadsheet that you have, shows that we have
5 exceeded in three categories and made Safe Harbor in
6 three others, which is a significant improvement
7 over the prior year.

8 So that's essentially what we're prepared
9 to submit as part of our status report to the
10 federal government.

11 And, Madam Chair, if I may, I just have an
12 update on the findings of the September meeting.

13 THE CHAIR: Certainly.

14 MR. SPENCER: So the other agenda item was
15 the federal compliance monitoring visit of September
16 2014 to 2018. And the last Commission meeting
17 anticipated receiving some findings in program of
18 study and also in accountability. And we also
19 received that Letter of Findings on November 23rd,
20 which was a surprise to us. But we also have
21 another surprise. The Fed issued two findings in
22 the application of the Perkins grant.

23 So in doing the thorough review of the
24 Letter of Findings, first, I have to say that they
25 evaluate us on approximately 111 matrices -- or

1 metrics, rather. And they issued seven findings; so
2 seven out of 111, I didn't think was too bad, and I
3 think I can take that, especially since we do feel
4 that some of the findings are pretty easy to be
5 mitigated.

6 So, for example, in the grant application,
7 the Feds pointed out the questions we ask in the
8 grant application don't meet the requirements of
9 Section 134 of the law. However, those questions
10 that we ask of the local entity is a paraphrase of
11 the question that the Fed asks us to ask of the LEA.

12 So apparently, they wanted the legal
13 language verbatim. And that can be a little bit
14 confusing to an end user in a school. So we will
15 align the grant application to be verbatim to the
16 law, and then provide a crosswalk documentation of,
17 "This is what the law says, and this is what it
18 means in English" type of crosswalk; so this way, we
19 can make sure that everybody understands what the
20 law was asking for.

21 They issued two findings in the
22 application component. But that's the solution to
23 the corrective action for the two findings; so we
24 actually felt that that finding was redundant, and
25 our legal counsel agreed.

1 The other area of the program of study is
2 that they indicated that the State did not adopt and
3 make available to the locals a program of study that
4 they would be able to adopt.

5 And we've been working for the last year
6 and a half with focus groups of secondary,
7 post-secondary institutions, and business, and
8 industry, to help us develop programs of study in
9 the priority industry sectors of New Mexico.

10 And in this category, I think the hurdle
11 was that we didn't have it published on our website
12 and we didn't tell the Fed, "We have adopted those,"
13 because we hadn't necessarily been at the point of
14 adoption just yet.

15 In fact, for full adoption, we wouldn't
16 anticipate that to happen until maybe the early
17 spring. And so we will come into compliance with
18 the federal requirement. They're asking for a
19 corrective action plan by April the 1st, with a time
20 line to come into compliance. But certainly, it's
21 something we're well on our way to achieve.

22 What's interesting is that legal counsel
23 is contemplating challenging the Fed on the second
24 finding with regard to program of study, because,
25 indeed, unless a school district or a community

1 college has a program of study embedded in the
2 application, we do not give them funding. And so by
3 default, they do have a program of study for
4 implementation. So that's certainly one that legal
5 counsel is contemplating a challenge on.

6 And then the other findings are within
7 accountability. And just to summarize that, we do
8 ask, in the annual report and in the corrective
9 action plans when schools don't come into
10 compliance, for them to disaggregate -- or to
11 analyze their data and give us strategies in how
12 they're going to overcome those barriers and come
13 into compliance in the performance.

14 But there's specific language that the Fed
15 was not able to identify in the annual report or in
16 the corrective action plan. And that particular
17 language was, "Disaggregated categories for students
18 for which there were quantifiable disparities, or
19 gaps in performance, compared to all other students
20 or other -- or any other students in the category."

21 So, really, what they wanted to know was
22 take your data analysis down to the level of, you
23 have a male problem in your Hispanic population that
24 are economically disadvantaged, and that that's the
25 disaggregated subgroup that they're going to be

1 addressing as they try and come into compliance.

2 So it's really, rather than making the
3 statement that we didn't meet compliance in
4 mathematics, for example, it's this subgroup that's
5 not making performance; and, therefore, we're going
6 to address activities or technical assistance in
7 order to help that subgroup. It makes sense.

8 We own it, and we'll include that language
9 in the -- in the documents that we require of our
10 institutions to provide that analysis.

11 So there isn't anything in the Letter of
12 Findings that we feel is quite significant and
13 unachievable. But that's the idea.

14 THE CHAIR: Any questions? There is no
15 action that we need to take, is there, Mr. Spencer?

16 MR. SPENCER: Madam Chair, there is not.

17 THE CHAIR: Okay. Any questions?

18 Okay. We thank you. I thank you again
19 for being here.

20 MR. SPENCER: Thank you. Have a great
21 holiday.

22 THE CHAIR: Thank you. You, too.

23 Item No. 6 is Update on Bellwether
24 Initiative.

25 I -- we had invited a representative from

1 the new company, the new organization. Bellwether
2 is the organization that does the executive search.
3 They have hired an executive director for this new
4 organization that, for the life of me, I cannot
5 remember the name of.

6 Can anybody else? Kelly, what is it?

7 MS. CALLAHAN: Madam Chair, New Mexico
8 Center for Charter School Excellence.

9 THE CHAIR: Excellence?

10 MS. CALLAHAN: Yes.

11 THE CHAIR: Thank you very much. The
12 young man's name is Scott Hindman. You can see I'm
13 about to lose it. Scott Hindman.

14 I talked to him yesterday while I was
15 driving up here. He is working in Memphis. And his
16 job there will end on the 31st of this month, and he
17 will be moving to New Mexico in January.

18 He has agreed to be on our agenda for
19 January to give us an update on what this
20 organization does and how we all might work
21 together. So I'm looking forward to that. He
22 sounds like a real nice young man.

23 And with that said, Commissioners, ladies
24 and gentlemen, I need to tell you that I must leave
25 at this point.

1 I want to ask, do you want to stay and
2 continue with the agenda, or do you want to come
3 back in the morning and finish up?

4 COMMISSIONER CARR: Come back in the
5 morning.

6 THE CHAIR: Is everyone saying finish up
7 in the morning?

8 COMMISSIONER BERGMAN: Let me add to what
9 you just -- the Chair just received a letter from
10 the Matthews Fox Law Firm on the proposed complaint
11 policy from the CSD. Based on this letter, I would
12 say we still are in a position where we have nothing
13 to discuss. I -- I think every one of you needs to
14 read the letter.

15 As you see, it's a thick document. And I
16 don't know how we're going to get it to you. I
17 don't know whether the Matthews Fox firm would agree
18 to send it to the Commission. If that was the will
19 of the Commission?

20 COMMISSIONER CARR: Didn't we get that
21 electronically?

22 THE CHAIR: I'm not sure. Sue, is this
23 the one you sent?

24 MS. FOX: Is it dated December 4th?
25 That's the one I sent. December 4th, yes.

1 THE CHAIR: That's the one that Beverly
2 sent out to everyone.

3 COMMISSIONER BERGMAN: I think we can
4 dispense with the complaint policy that's on our
5 agenda, because you need to read this before we even
6 discuss what the CSD has proposed.

7 THE CHAIR: But you also have, in your
8 notebooks, a revised policy from CSD; so we've got
9 plenty to look at. But there's -- all right.
10 Susanne is telling me that that item needs to be
11 formally tabled, if the Commission --

12 MS. ROUBIDOUX: No, no. I'm not saying --

13 THE CHAIR: I'm sorry. You say it.

14 MS. ROUBIDOUX: What I'm saying is that
15 it's an item on the agenda; so it needs to come
16 before the Commission. And then at that point, the
17 Commission can decide if they want to take action on
18 it or if they don't want to take action on it.

19 But it's not proper, under the Open
20 Meetings Act, to just simply say, "We're not even
21 going to have that item come up on the agenda."

22 THE CHAIR: Okay. Thank you for that
23 clarification.

24 So, ladies and gentlemen, do I hear you
25 saying we're going to recess at this point and take

1 it up again in the morning, beginning with Item
2 No. 8 on the agenda?

3 Oh, I'm sorry. It is Item 7.

4 (Chair consults with counsel.)

5 THE CHAIR: So I'm hearing that it would
6 be proper for us to have a motion to recess at this
7 point and to come back in the morning and begin with
8 Item No. 7.

9 COMMISSIONER CARR: So move.

10 COMMISSIONER ARMBRUSTER: (Indicates.)

11 THE CHAIR: Motion by Commissioner Carr,
12 second by Commissioner Armbruster.

13 Discussion?

14 All in favor, please say "Aye."

15 (Commissioners so indicate.)

16 THE CHAIR: Any opposed, please say "No"?

17 (No response.)

18 THE CHAIR: We're in recess.

19 COMMISSIONER BERGMAN: 9:00.

20 (Proceedings in recess at 3:53 p.m.)
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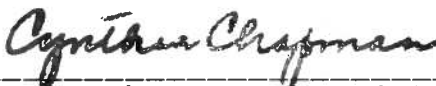
BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on December 28, 2015.



Cynthia C. Chapman, RMR-CRR, NM CCR #219
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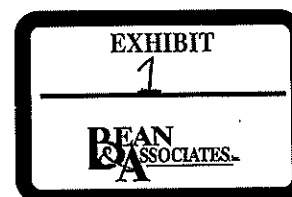
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Statement to the Public Education Commission

Red River Valley Charter School

Karen Phillips, School Administrator

December 10, 2015



Madam Chair, members of the Commission, my name is Karen Phillips and this is my 14th year as the School Administrator of the Red River Valley Charter School. With me today, is Mr. Flavio Cisneros, President of our Governance Council and Ms. Katy Pierce, Founder and Governance Council Treasurer.

Respectfully, we disagree with the Charter School Division's assessment of our performance for the prior four years. The summary of information I provide to you today is not new information. It is information that is set forth at length in our application, our responses to the Preliminary Analysis, available to the CSD through various bureaus of the NMPED and otherwise provided to the CSD. Of concern is the fact that incorrect information and rebuttal provided in the Preliminary Analysis was seemingly ignored by CSD when drafting its Final Analysis and Executive Summary.

We were surprised at the tenor of the CSD's analyses and conclusions. When Mr. Scott Binkley and Mr. Ed Woodd visited our school for our renewal site visit, they were positive and encouraging. They did not call out issues or concerns. In addition, we have had site visits by CSD for the past 4 years, never once have we been placed on an improvement plan. For the few matters of noncompliance brought to our attention, they were immediately corrected – our ELL testing protocol for example. The PEC has never summoned us to address issues or concerns, nor have we ever been notified that our charter was in danger of nonrenewal as contemplated by the Charter Schools Act.¹

We find the CSD's Final Analysis confusing and so offer our position of what we believe our application demonstrates.

Academic Goals and Performance:

CSD contradicts itself as to whether the School has met substantial progress toward the achievement of the department's educational standards. In the Executive Summary, CSD states "RRVCS has had adequate performance on the state report card for the past three years earning a C average." Yet in the Final Analysis the CSD concluded that our school did not show sufficient progress in specific areas of the School Report Card based on the CSD's own evaluation standards. These standards were imposed by CSD two weeks prior to the deadline for submitting the application. We had not been previously notified that these criteria would form the basis for determining whether the Letter Grades for all years of the most recent charter term was sufficient to demonstrate progress toward the department's minimum educational standards. There is no PEC policy or department rule of which we are aware that imposes such requirements

¹ NMSA 1978, §22-8B-12(F) and. "If, based on the performance review conducted by the chartering authority pursuant to Subsection D of this section, a charter school's fiscal, overall governance or student performance or legal compliance appears unsatisfactory, the chartering authority shall promptly notify the governing body of the charter school of the unsatisfactory review and provide reasonable opportunity for the governing body to remedy the problem...", and "L. The chartering authority shall develop processes for suspension, revocation or nonrenewal of a charter that: (1) provide the charter school with timely notification of the prospect of suspension, revocation or nonrenewal of the charter and the reasons for such action."

on any school when making an assessment of whether its letter grades over the term of the charter contract demonstrates “sufficient progress” toward the departments minimum educational standards.

Moreover, the Final Analysis focuses on these never before articulated criteria to form the conclusion that we did not meet the academic standards imposed. CSD also ignores the substantial response we provided in our charter application and in the Preliminary Analysis concerning the two areas reported on the School Report Card in which we scored below a C. We cannot ascertain any factual explanation as to why our response to the CSD’s rubric tool were not sufficient, rather CSD simply states in effect, “the answer is not good enough.” We had no warning that CSD had its own method and standards for how a school must respond to and evaluate data for purpose of improving instruction. We contend that CSD’s criticisms lack substance, are contrary to the evidence it provided, contrary to the intent of the Charter Schools Act, unduly interfere with the School’s autonomy, and are inconsistent with our contract with the PEC.

As to our academic goals set forth in its contract with the PEC, we established four academic goals, two tied to short cycle assessments and two tied to New Mexico standardized testing. For our two short cycle assessment goals we had hoped to demonstrate that for both reading and math 90% of our students would show at least one-year gain. However, for reading, our average over the four years of charter data shows only 64% of our students made a full academic year gain in reading. In the area of math, the average over four years of charter data shows that 69% of our students made these gains. In 2013-14, 80% of students gained one year or more in Math. For the 2014-15 school year, 29% of the students could not demonstrate a one-year increase due to reaching the maximum score on the STAR Math Assessment, accounting for the drop in percentage to 50%.

Our other two academic goals (reading and math proficiency) were measured by standardized testing. Results show an increase from a C to an A for students in the Q3 category. This accounts for 75% of our students. An analysis shows that these Q3 students have been enrolled for at least three years in our school. Q3 students achieved reading proficiency of 77.4% and math proficiency of 83.9% on the 2014 NMSBA.

We recognize the need for improvement for our Q1 students, but our scores do demonstrate that the lowest 25% of our students achieved more than one year’s growth in both Reading and Math in 2012, 2013, and 2014, a significant academic success. Our data analysis shows that a substantial number of our Q1 students enter from the local district and largely enter at below grade level proficiency, but then demonstrate substantial improvement over time as illustrated by our Q3 scores. In addition, the improvement in School Growth proves that all students are improving, including the lowest 25%. This growth is demonstrated by the move from an F in 2012 to a B in 2014 on our School Report Card. School Growth compares students enrolled in

the current year to students from prior years and accounts for improvement of all students, not just those reaching a proficient level.

CSD acknowledged that results from the PARCC were not valid because of the student sample size.

CSD acknowledges that we met our two organizational goals and one mission specific goal related to student service learning. It should be noted that one of our organizational goals is to implement a Professional Learning Community (PLC) that was directly related to increases in student academic performance. The CSD has repeatedly indicated that there is no direct link to the school's professional development and student academic success. Yet we direct you to the documented outcomes for each year of the PLC which are presented in Appendix F, with a list of Tier 1 and 2 interventions in Appendix I. Our professional development, along with the targeted and school wide interventions are discussed throughout the renewal application, including the school's system of monthly data analysis of student performance. Yet CSD repeatedly ignores this information and states that there is no evidence that the School's interventions and data analysis drive improvement in instruction.

FINANCIAL PERFORMANCE

The CSD raises financial issues for the first time in its Final Analysis. We disagree that we have failed to meet generally accepted standards of fiscal management and have consistently received unqualified or unmodified audit opinions regarding our adherence to generally accepted accounting standards. For the entirety of our current charter contract with the PEC, we have never been warned that our financial performance was of concern, been placed on an improvement plan or otherwise admonished for financial mismanagement. Notably on page 1 of the Executive Summary, CSD states, "the school's financial performance does not raise concerns", yet it then states that we do not meet the CSD's standards for financial compliance. CSD cites to no law, rule, GASB standard or department policy that we have violated.

Cash Carryover

1. On page 1 of the Executive Summary, CSD suggests that having an overage in our cash carry over implies fiscal mismanagement. The CSD statement appears to demonstrate a lack of knowledge or understanding by the CSD of the public school finance act and the school budgeting process. The projected cash carryover **is an estimate** that is generated in the month of April during the budget preparation process for Governance Council approval in early May. The accuracy of this **projection** of carry over increases the closer you get to the end of the fiscal year. The positive variance of \$28,415 results from the year end closing process, which includes evaluating all opportunities to **legally** shift allowable expenditures to other funds and reduces operational expenditures, while increasing available cash balance at year end.

Growth units/grade phase in

CSD's criticism of no growth units or grade phase in, again reflects a lack of understanding around the budgeting process. It is the PED that prescribes the school's revenue based on a required formula using PED verified data that has been inputted into the formula – i.e. the 910B5 worksheet. Our operational budget is prepared after the PED confirms the revenue; PED ultimately approves the budget. Any variance in enrollment or growth units is generally discussed with our PED Budget Analyst before any actual distributions are modified and we are notified of any potential mid-year (January or February) reductions or increase in SEG distributions.

CSD's lack of information to assess financials

On page 1 of the Executive Summary CSD states: "Limited information is available about the school's financial performance" – yet we have yearly audits, site visits and CSD has direct access to our PED budget analyst. CSD cannot articulate what information that it does not have to determine our financial performance. It seems, CSD acknowledges that there are no prior reports of noncompliance in the area of the School's financial management. The impression left by the CSD reports is that we are out of compliance – which is simply not the case and there is no evidence of such. Moreover, we will and have provided any and all financial information requested by CSD or any other division or bureau of the Department.

Purpose of audit findings

We disagree that simply having audit findings is evidence of fiscal mismanagement. If the argument is that audit findings, which include an evaluation of internal policies procedures, internal controls and management practices, constitutes the basis for "Does Not Meet Standards" for generally accepted standards of fiscal management, then the majority of all charter schools and districts do not meet standards.

BARs

In response to CSD's criticism that we neglected to submit BARs in 2012, a review of OBMS BAR history report for fiscal year 2012 which is available from the PED, reflects the submission of 31 BARs for that operating year. This audit finding related to failure to submit a **single** BAR for a small increase in monies received for instructional materials. A BAR was not submitted for these additional instructional materials funds, because the School's estimated expenditures were anticipated to be less than actual budget authority and an increase in budget was not necessary to complete the fiscal year.

Moreover, the number of audit findings in 2012 as cited by the CSD is wrong – there were only 5. We have consistently worked to resolve all audit findings in a timely manner, which is evident from our past site visits reports.

ORGANIZATIONAL PERFORMANCE

CSD's Final Analysis of organizational performance indicates that the school either met the criteria or that the criteria was "not applicable or unable to determine." Yet, CSD states in the Executive Summary that we did not meet standards.

The only basis for the "does not meet" determination is two noncompliance findings in the 2013 audit, but CSD does not describe the nature of the findings under the "Organizational Performance" section of either the Executive Summary or the Final Analysis.

However, in the Final Analysis under Organizational Performance, CSD describes material term violations, that are not carried into the Executive Summary. Moreover, CSD states that these material term violations are either "not applicable or [CSD] is unable to determine]" whether there actually have been violations. We believe that these statements are factually incorrect and serve only to prejudice our renewal. All issues raised by the CSD was comprehensively addressed in the extensive responses in the Preliminary Analysis. Rather than evaluating our response to these alleged violations and appropriately dismissing them, CSD leaves the PEC with the impression we provided incomplete information or otherwise did not respond to CSD when asked for information, which is simply not the case.

We offer the following response set forth in the Preliminary Analysis concerning those issues identified as "material" – but which CSD contends it did not have sufficient information to determine if in fact a violation has occurred:

ELL Services- During 2014-4015 annual CSD site visit we learned that responses from the Home Language Surveys were incorrectly interpreted and that some students had not been tested for possible ELL services. We immediately took steps to correct the concerns. We are now in full compliance with the requirements. We are providing needed services for ELL students. The teaching staff has been trained in language acquisition and literacy instruction methods through the Guided Language Acquisition Design (Project GLAD). In addition, two TESOL-endorsed teachers are on staff.

Missing PDPs for teachers- In the CSD annual monitoring report for 2014-15, it was stated that no PDPs were submitted or available in the Teachscape Teacher Evaluation System. This is not and was not at the time accurate. There are NO missing PDPs, it is not clear why CSD, after being provided hard copies of the PDP's during the renewal site visit (October 8, 2015), continues to identify this as a material violation or to represent that it cannot confirm compliance.

In summary, we have kept our bargain with the PEC. We are very concerned that CSD ignored information presented to it and created misleading and inaccurate reports that could negatively influence the PEC. CSD's analyses offer little, if any, factual support for the negative conclusions. Moreover, it appears CSD relied heavily on rubrics that incorporated performance indicators and targets that were never approved by the PEC or previously negotiated or approved by RRVCS.

We ask the Commission grant our school a five year charter without conditions.

WE REQUEST THAT WE BE PERMITTED TO READ OUR ENTIRE STATEMENT WHICH MAY BE A FEW MINUTES OVER THE 15 MINUTES ALLOTTED. WE ALSO ASK THAT THE PEC RECEIVE COPIES OF OUR STATEMENT, BECAUSE AN ISSUE NOT PREVIOUSLY IDENTIFIED BY CSD WAS INSERTED INTO THE FINAL ANALYSIS AND WE WOULD LIKE A WRITTEN RECORD OF OUR RESPONSE IN CASE YOU REFUSE OUR REQUEST TO EXTEND OUR TIME.

Katy Pierce
PO Box 324
Red River, NM 87558

December 10, 2015

Dear Members of the Public Education Commission:


In April of 2000, I was part of writing our original charter school application, which was eventually approved by the Questa Board of Education. We did so primarily because the Questa School District was going to close the only school in our town and we felt strongly that Red River needed a local school for our children. For the past 15 years, this school has provided an exemplary education for hundreds of children in Red River, and the surrounding communities. I have supported this wonderful school as a parent, founder, Governance Council member, and community member since the beginning and have remained on the Governance Council long after my two children graduated to insure that it continues to meet the high standards envisioned when we wrote the first charter. The comments that have been made by the PEC do not accurately reflect the quality and administration of our school and anyone who has actual experience with our school knows this to be the case.

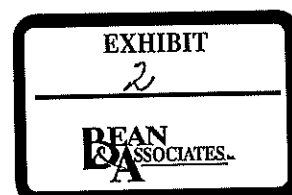
Our school provides outstanding individualized instruction for all children who chose to come here. Our teachers are second to none. My own children have been highly successful in high school due to the great academic instruction provided by the outstanding teachers. In fact my daughter is set to graduate early from high school next week due to her advanced academic progress. It should also be noted that we run a tight fiscal ship squeezing every penny to stay within our budget. In this regard, we have an aggressive fund raising effort to provide for supplemental educational services that state allocations do not fully fund.

To be sure, this school is an economic blessing to our town, and because it is here, many families have come to our community investing in businesses and residences. However, it is also an important alternative to parents seeking quality education for their children. I have watched what has gone on in other communities in our area with constant turnover in superintendents, principals, and teachers and the difference is obvious. Our school is well run, with a high level of parent satisfaction, and has shown growth and consistency in academic progress for all students. Our administrator and teachers are highly professional and willing to do whatever it takes to insure our students learn and progress into well educated, contributing members of our community

I ask that you closely examine the charter renewal application that was submitted to get a true picture of our school and that you approve the charter for another five years. I invite you to please come and visit our school and you will experience one of the best schools in the state of New Mexico.

Sincerely,


Katy Pierce
Founder and Governance Council Member
Red River Valley Charter School



December 9, 2015

To The Public Education Commission:


My name is Sarah Parker; I am a parent of a 7th grader at Red River Valley Charter School. I also teach at the school. I want to voice my support for the school as a parent firstly. My daughter, Tonalli, began her school experience in Kindergarten. Her experience has been positive as she continues to love school. Throughout her schooling she had shown a few issues with instructions but the teachers were able to accommodate her learning. She had auditory and memory processing issues, as shown in an evaluation done in the 4th grade. She did not qualify for services but all teachers have been aware of this and been able to support her until she has finally seemed to catch up and create enough coping skills through this support. I fear that at any other school my daughter would have been lost in the cracks or seen as contrary, as she is at times seen in other places. I tell you this story hoping that you will understand that my daughter is not the only child in this situation.

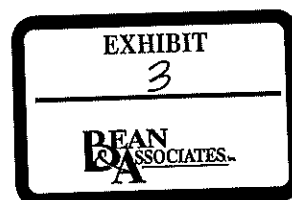
We have many children that come to Red River from Questa because their needs are not met at the larger school. I teach Special Education and act as the Reading Interventionist. I use data from our quarterly STAR reading assessments, formal and informal teacher assessments, and my own assessments with reading to assess where a child is and what steps the student is missing to be where they need to be in their learning. As a reading interventionist I work with Tier 2 interventions in small groups with students who have demonstrated need for extra support. With this support many times our students never need to move to Tier 3 interventions. Our size supports these students because teachers are able to focus on the individual child, as am I. We do not need to fit a child into a box so to maintain order and discipline.

We have had many students come from other schools who had been suspended repeatedly. These same students adapt to this smaller environment and begin to work on other social skills in problem solving and conflict resolution because of the difference in environment and quick resolve when any bullying may occur. These students change. Tonalli is terrified to have to go to Questa Independent Schools if our school were to close because of the stories of bullying that other students tell when they transfer to RRVCS.

Our school is unique; it's the neighborhood school of Red River and it opens its doors to children who may not fit into the larger district. Children are individuals and it is ridiculous to think that all will fit into the culture and tendencies, into the idea of a great mass. Many students do well in larger schools but not all. Our school serves its students, if it didn't then families would not return--we would not have multi generations attending the school. If our charter is not renewed it will hurt families in Red River and Questa. It will hurt my family and cause more anxiety than you can imagine in many of our students. Please support our school; we are serving children and families in the community and have incredible parent support. Our school is important to the communities, the children and the families.

Thank you,


Sarah Parker
575-770-0424





Questa Independent School District

2556A Wildcat Road / P.O. Box 440 / Questa, NM 87556

District Office Phone: 575-586-0421 Fax: 575-586-0531

Valerie Trujillo, Superintendent

Martha Sanchez, C&I/Reads to Lead Coordinator

Susie Martinez, Business Manager

Joyce Rock, Questa Jr. /Sr. High Principal

Susan Blatz, Alta Vista/Rio Costilla Principal

December 9, 2015

Charter School Division

New Mexico Public Education Department

300 Don Gaspar Ave, Rm 301

Santa Fe, NM 87501-2786

To Whom It May Concern:

On behalf of the Questa Independent School District, we support the State Charter Application for Roots and Wings Community Charter School. We recommend Option #2, which is the motion for the Public Education Commission to approve the renewal application for Roots and Wings Community Charter School for a limited term with conditions to be in compliance with all rules and regulations.

Sincerely,


Jose Lovato, School Board President


Joel Flory, School Board Vice-President

The Questa Independent School District does not discriminate on the basis of race, religion, color, national origin, sex, disability, or age in its programs, activities or employment and provides equal access to the Boy scouts and other designated youth groups. Questa Independent School District also prohibits the use of racial, ethnic, and/or sexual slurs, including sexual harassment. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in a meeting or hearing, or if you wish to receive assistance or information regarding student grievances, language translations, Section 504 or Title IX, please contact the Superintendent's Office at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in the various accessible formats. Please contact the superintendent if summary or other type of accessible format is needed. The following individuals have been designated to handle inquiries regarding the non-discrimination policies: Title IX, Joyce Rock, (JR/SR HS Principal) and Section 504-Nora Sanford (Special Ed. Coordinator) 2556A Wildcat Road or 57 Sagebrush Road, 575-586-0421.

EXHIBIT

4

BEAN
ASSOCIATES



Attorneys and Counselors at Law

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fax: (505) 474-3727

Susan Barger Fox
sfox@matthewsfox.com

December 4, 2015

Ms. Carolyn Shearman, Chair
New Mexico Public Education Commission
300 Don Gaspar
Santa Fe, NM 87501
cshearman61@centurylink.net

via Electronic Mail and First-Class Mail

Re: Proposed Complaint Protocol/Input

Dear Chair Shearman:

At the November 13, 2015 meeting of the Public Education Commission ("PEC"), the Director of the Options for Parents Division ("CSD") of the NMPED presented a draft Written Complaint Policy and Protocol ("Proposed Policy") for the PEC's consideration. The PEC decided to solicit the input of charter schools with regard to the Proposed Policy, prior to taking action on it. This Firm has been asked to provide such input on the Proposed Policy on behalf of 18 state-chartered clients ("Schools"). Other charter schools may respond to you separately, raising similar or other concerns. We understand that this item will be on the PEC's December 10-11 meeting agenda.

The Proposed Policy raises both legal and other practical issues and concerns. After providing some additional background, I will address the legal concerns first, because in our opinion, they are threshold issues that require careful consideration. The practical concerns and other issues raised by the schools are listed at the end of this letter.

I. BACKGROUND MATTERS

A. THE EXISTING CHARTER CONTRACT

The Charter Contract requires that the School establish a process for resolving "community, parental, and other public complaints." (Id., §8.11(a)). The School's process must afford the opportunity for the complainants to be heard by the head administrator, and/or the School's governing body, with the governing body the final determiner "unless the complainant has additional legal remedies or requirements provided by law." (Id.) Section 8.11(b) of the Charter

Contract contains the procedure to be used with regard to written complaints about the School received by the Authorizer:

The Authorizer agrees to notify the School of all written complaints about the School that the Authorizer receives. The notification shall be made immediately or as soon as is practicable under the circumstances, but not later than 10 business days after its receipt by the Authorizer. The notice shall include the substance of the complaint, taking into consideration any complainant's request for anonymity. **The School shall respond to the complaint according to its prescribed complaint procedures and shall notify the Authorizer through its legal counsel of the School's response to the complaint within the timeframe prescribed in the notice of the complaint.**

(Charter Contract, §8.11.b (emphasis added)).

B. THE PROPOSED POLICY

The Proposed Policy seeks to impose additional processes outside that provided in Section 8.11 of the Charter Contract, to address "any written complaint" (Proposed Policy, §A). It proposes a new, dual-track process for such complaints received: one for allegations of statutory, regulatory or contractual non-compliance, and one for other allegations. For allegations of statutory, etc. noncompliance, the Proposed Policy would require the Schools to respond to CSD with documents, evidence and information requested by CSD within ten days and no more than fifteen days, and to potentially be placed on the PEC's agenda as a "School of Concern" (Proposed Policy, §C.1-3). The Proposed Policy gives the **CSD** the right to determine if the alleged violations are confirmed or disproved, or if more information is needed (Proposed Policy, §C.4). The Schools are given a short opportunity to rebut **the CSD's** findings (Proposed Policy, §C.6.a-b), and again **the CSD** determines whether the school's response "provides sufficient evidence to change CSD's findings". If **the CSD** decides it does not, the CSD presents its findings and the school's response to the PEC (Proposed Policy, §C.6.c), with the PEC to "determine whether the charter school's fiscal, overall governance or legal compliance is unsatisfactory and what action should be taken to correct" the issues (Proposed Policy, §C.6.d), the PEC may require the School to remedy the issue, develop a corrective action plan, or proceed to charter revocation hearing (Proposed Policy, §C.6.e).

Complaints not involving statutory, etc. violations require the school to notify **the CSD** of the school's response to the complaint pursuant to the school's internal processes, within 30 calendar days after the notice of the complaint has been sent to the School (Proposed Policy, §B.1.c). Failure to meet this timeframe would result in the school being placed on the PEC's agenda as a "School of Concern" (Proposed Policy, §B.2). The School's response would be kept in "the school's public file" (Proposed Policy, §B.3).

II. LEGAL ISSUES

A. The Proposed Policy attempts to unilaterally change the terms of Section 8.11 of the charter contracts entered into between the PEC and charter schools.

The PEC and charter schools who have entered into charter contracts with the PEC pursuant to Section 22-8B-9 NMSA 1978 ("Charter Contract") have entered into a legally binding contract. Section 4.03 provides that the "contract and the Performance Framework demonstrate, in part, implementation of [the Authorizer's] chartering policies and practices." This provision is included in the contract because the PEC had not previously articulated policies on such issues as handling complaints, and as such it is now binding on the PEC unless otherwise agreed to by the School. Section 13.02 of Charter Contract requires that any changes to the Charter Contract be agreed to by both parties, in writing. *See* Charter Contract, §13.01(a) ("Any modification of the contract requires an amendment that must be agreed to and executed by both parties."); §13.02(b) ("No amendment to the Contract shall be valid unless ratified in writing by the Authorizer and the School and executed by its authorized representatives."). Unilateral changes to a contract by a single party are not permissible under the Charter Schools Act. NMSA 1978 §22-8B-9(C) ("The process for revision or amendment to the terms of the charter contract shall be made only with the approval of the chartering authority and the governing body of the charter school.").

Section 13.07 of the Charter Contract allows for possible changes in law, regulation, rule, procedure or forms affecting the School during the Charter Contract term, "provided, however, that the change does not impair the existing Contract and the Parties' respective rights hereunder." Here, the Proposed Policy does appear to impair the Schools' existing rights with respect to the existing School Complaint Process in Section 8.11 – a process which essentially requires schools to establish processes for resolving "community, parental and public complaints" internally, with the governing body the final determiner of the complaint unless additional legal remedies are provided by law. *See* Charter Contract, §8.11(a). Subsection b of Section 8.11 provides that the Authorizer shall notify the School of "all written complaints received by the Authorizer", no later than 10 days after receipt. From that point, "[t]he School shall respond to the complaint according to its prescribed complaint procedures and shall notify the Authorizer through its legal counsel of the School's response to the complaint within the timeframe prescribed in the notice of the complaint." This is the contracted procedure for addressing, in the words of the Charter Contract, "all written complaints received by the Authorizer" (emphasis added). No other process or procedure for the investigation of complaints received by the PEC (or CSD) is contained in the Charter Contract.

The Charter Schools Act is clear that the PEC may monitor its charter schools' performance and legal compliance, but such monitoring activities must be in accordance with the Act and the terms of the Charter Contract. NMSA 1978 §22-8B-5.3(F)(PEC shall "**monitor, in accordance with the requirements of the Charter Schools Act and the terms of the charter contract**, the performance and legal compliance of charter schools under their authority." (Emphasis added)). The Act further is clear that the Charter Contract is the document that is to set out how the PEC

and its schools shall deal with each other: the charter contracts “must” include the chartering authority’s duties to the school and the school’s liabilities to the authority; the “criteria, processes, and procedures that the authority will use for ongoing oversight of operational, financial and academic performance”; and the “process and criteria for annual monitoring and evaluation.” NMSA 1978 §22-8B-9(B)(4),(7),(11). The Charter Contract itself confirms that the “criteria, processes and procedures that the Authorizer will use for ongoing oversight ... are set forth in [this Contract].” Charter Contract, §4.03(a).

Section 22-8B-12(D) of the Act further makes clear that the PEC’s monitoring and oversight of charter school governance and legal compliance may include appropriate investigations and inquiries, but only “**provided that the authorizer complies with the Charter Schools Act and the charter contract and does not unduly inhibit the autonomy granted to the charter schools it governs.**” (emphasis added). These sections of the Act clearly require that all monitoring and oversight activities and processes by the authorizer be contained within the Charter Contract; this is one reason why the contracts are so lengthy and detailed. Nowhere in the law is there a “catchall” provision that would allow for monitoring and oversight activities that are not contained within the Charter Contract; if a particular process is desired, it needs to be part of the contract negotiated and agreed between the parties. No such “catchall” investigation or monitoring provision exists within the Charter Contract. The CSD’s reliance on Section 4.03(f)(iii)’s statement that “[t]he Authorizer shall conduct and/or require oversight activities according to its policies and procedures to allow the Authorizer to fulfill its responsibilities under the Act, including conducting appropriate inquiries and investigations, when warranted” ignores the fact that such activities must be “according to its policies and procedures”, which in turn must be set forth in the Charter Contract. Section 4.03 does not provide a *carte blanche* opportunity for the CSD to do whatever it wants under the guise of an “investigation” or “inquiry”, particularly when a specific process exists in Section 8.11 for investigation of complaints made by third parties.

What the parties negotiated and agreed upon was a process for dealing with complaints that respects school autonomy, and places the responsibility for investigating and dealing with the complaints on the entity in the best position to do so in the first instance. *See* Charter Contract, §4.01 (“The Authorizer shall comply with the provisions of the Act and the terms of the Contract in a manner that **does not unduly inhibit the autonomy granted to the School.** In order to meet the purposes of the Act, **the School will determine the process it uses to achieve the successful outcomes for its students.** The Authorizer’s role will be to evaluate the School’s outcomes according to this Contract and the Performance Frameworks, rather than to establish the process by which the School achieves the outcomes sought.”(Emphasis added)). What has been proposed would represent an end-around the Charter Contract, and a resulting breach of that same contract, not to mention an inhibition of the schools’ autonomy – all in violation of the Charter Schools Act and the Contract itself.

In addition, the Proposed Policy is not necessary. The Charter Contract already contains performance review processes by which the PEC may address legal, regulatory, policy or contractual violations by the Schools, should the Schools’ internal treatment of the subject matter of the complaints be deemed unsatisfactory or should the issues persist and the PEC or its staff

feel that further inquiry or action is necessary. See, e.g., Charter Contract, Sections 1.03 (improvement plan/corrective action plan); 4.03(a)(performance review can result in improvement plan; corrective action plan); 4.03(f)(Authorizer obligations relating to contract and monitoring, site visits to determine performance); 11.01 (Suspension, Nonrenewal and Revocation); 11.02 (Corrective Action not warranting immediate revocation). The Proposed Policy attempts to supplement the complaint-related processes which already exist in the Charter Contract with new processes that would appear to circumvent and in some cases directly conflict with the existing processes in the Charter Contract.

B. The Proposed Policy exceeds the authority of the CSD.

The Proposed Policy attempts to give the CSD a role in the complaint process that is not contemplated by the Charter Contract; to the extent that the Proposed Policy makes the CSD a *de facto* determiner of whether or not there has been a violation of law, etc., the Proposed Policy circumvents the Charter Contract provisions and is outside the scope of the CSD's authority.

The Parent Options Division of the NMPED has no overarching or plenary-type power to circumvent, modify or supplement the Charter Contracts between the PEC and the Schools with new policies and procedures. The NMPED Secretary has been granted the control, management, direction of all public schools "except as otherwise provided by law." NMSA 1978 §22-2-1; see also NMSA 1978 §9-24-8(B)(secretary has every power expressly enumerated in the law, except when explicitly exempted or otherwise provided). The law, namely the Charter Schools Act, does subsequently limit the NMPED's jurisdiction over charter schools and a charter's accountability to the NMPED for purposes of compliance with laws, rules and charter provisions, making clear that charter school accountability determinations lie with its *authorizer*, rather than with the NMPED:

A charter school shall be a public school accredited by the [NMPED] and shall be accountable to the *chartering authority* for purposes of ensuring compliance with applicable laws, rules and charter provisions.

NMSA 1978 §22-8B-5.3(D) (emphasis added). In accordance with this recognized limitation of the Department's authority over charter school accountability, the Charter Schools Act's other provisions make clear that it is the Authorizer that determines whether, for example, a charter may be granted, revoked, or not renewed in the first instance. Similarly, the Act makes clear that it is the Authorizer who shall "monitor, in accordance with the requirements of the Charter Schools Act and the terms of the charter contract, the performance and legal compliance of charter schools under their authority." NMSA 1978 §22-8B-5.3(F).

The CSD has only the powers granted to it by the Legislature with regard to charter schools, namely: to provide staff support to the PEC; to provide technical support to charter schools; to review and approve state-chartered charter school budget matters; and to make recommendations to the PEC regarding the approval, denial, suspension and revocation of a state-chartered charter school. NMSA 1978 §22-8B-17. The CSD, a division of the NMPED under the control of the Secretary, thus has its duties with regard to the PEC and charter schools limited by the Charter Schools Act: staff support, technical support, budget matters, and making recommendations with

regard to charter approvals, denials, suspensions and revocations. There is no “general charter oversight” or “general monitoring” ability outside of what the PEC requests as staff support for the PEC, and the PEC’s ability to request support in this area is limited by the terms of the Charter Contracts which set forth the processes that the parties will adhere to. There certainly is no authority granted by law or by the Charter Contracts for the CSD to be a determiner in the first instance of whether a charter school has properly or adequately addressed a complaint, or which gives the CSD any ability to circumvent or supplement the processes agreed to in the Charter Contracts.

Finally, the determination of whether a school has actually committed a violation of a particular law is a question for administrative agencies (including other bureaus of the NMPED, e.g. Special Education complaints) or the courts, and not the CSD. For example, the Equal Employment Opportunity Commission/New Mexico Human Rights Division makes determinations regarding employment discrimination matters, the USDOE Office of Civil Rights determines education related discrimination matters, the New Mexico Attorney General determines Open Meetings Act violations -- all of which have their own statutory enforcement mechanisms and prerequisites to prove a violation. CSD does not have the authority to make determinations as to violations of law.

III. OTHER CONCERNS

In addition to the foregoing, we have the following additional concerns regarding the Proposed Policy:

1. There is no support in the law for the Proposed Policy, and NMPED does not do the same with regard to complaints received on District Schools. There is no justification for treating Charter Schools differently here.
2. All charters are required to put into place an internal grievance process for handling complaints. These are already a part of the charter applications approved. Charter schools, like other public schools, have a right to address complaints against their schools internally in the first instance, in all instances. *See* NMSA 1978 §22-8B-5(B)(“A state-chartered charter school is responsible for developing its own written policies and procedures ...”). The Proposed Policy would render those internal policies largely superfluous.
3. The process by which the CSD makes an initial “finding” or “determination” on complaints against charter schools is outside the authority of the CSD and the NMPED.
4. The process by which the school must prove that there has NOT been a violation of law, regulation, etc. stands due process on its head; the proper presumption is that there has NOT been a violation unless one is shown by a preponderance of evidence.
5. CSD cannot be both accuser, factfinder, and decisionmaker in this process; this is a due process violation.
6. Allegations alone cannot and should not elevate complaints to the authorizer level.
7. It is unclear whether the Proposed Policy is limited to complaints from the public, or complaints/criticisms that various NMPED departments might have about a charter’s

- performance. If the latter is also encompassed by the policy, the process will be unwieldy not just for the charter school, but for the CSD which would be acting as "middleman".
8. The Proposed Policy impermissibly impinges upon charter school autonomy. Complaints should be addressed at the school level and internal policies for resolution exhausted prior to CSD/PEC involvement.
 9. The process should not start with CSD; it would make a mockery/make superfluous the school's own internal grievance/complaint procedures.
 10. Some matters involved in the complaints could be confidential (i.e. personnel matters, student matters), and should not be in a "public file" nor discussed in open session.
 11. The CSD does not have the ability to staff and deal with these complaints effectively in the first instance; this represents a lot of work for the CSD, and their time should be spent on providing positive assistance rather than negative.
 12. CSD's time and efforts would be better spent providing the "technical assistance" that the statute requires it to provide to charters, rather than looking for ways to overregulate, hamstring or shut down charter schools. Currently, the CSD is providing no technical assistance to charters, and the Proposed Policy does nothing to assist charter growth or evolution.

Thank you for providing us with the opportunity to comment. We look forward to attending the December meetings on this topic. If there is additional information that you would like from us prior to the meetings, please advise.

Very truly yours,
MATTHEWS FOX, P.C.

By: _____

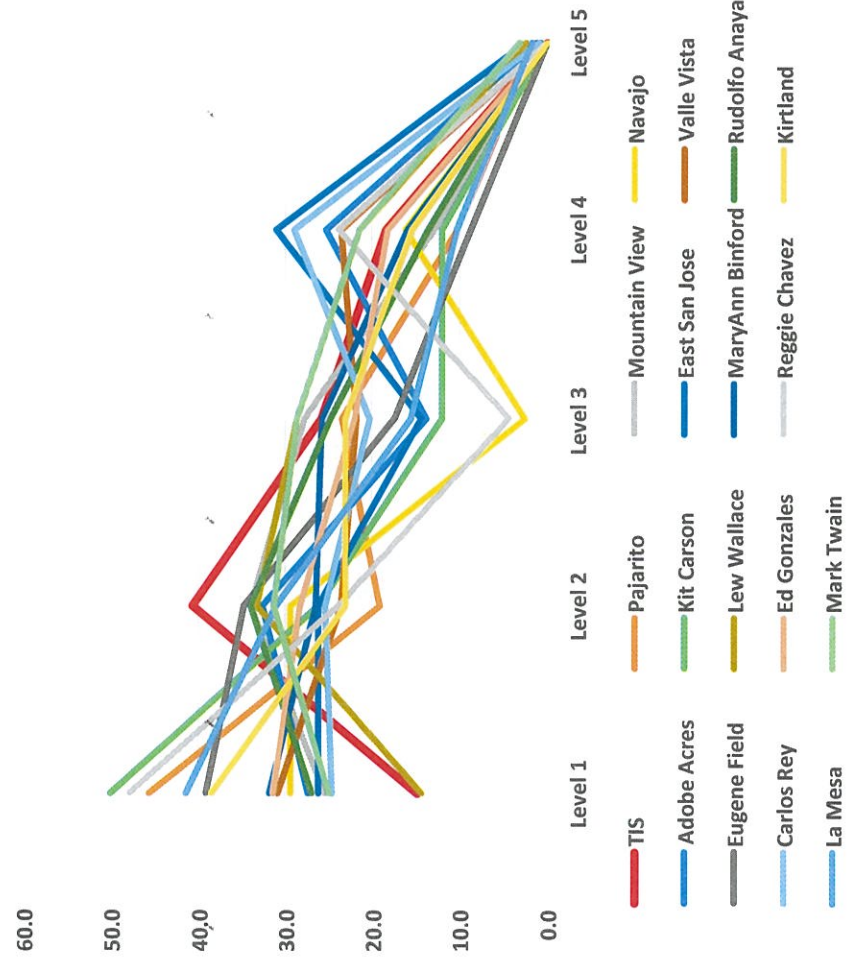
Susan B. Fox

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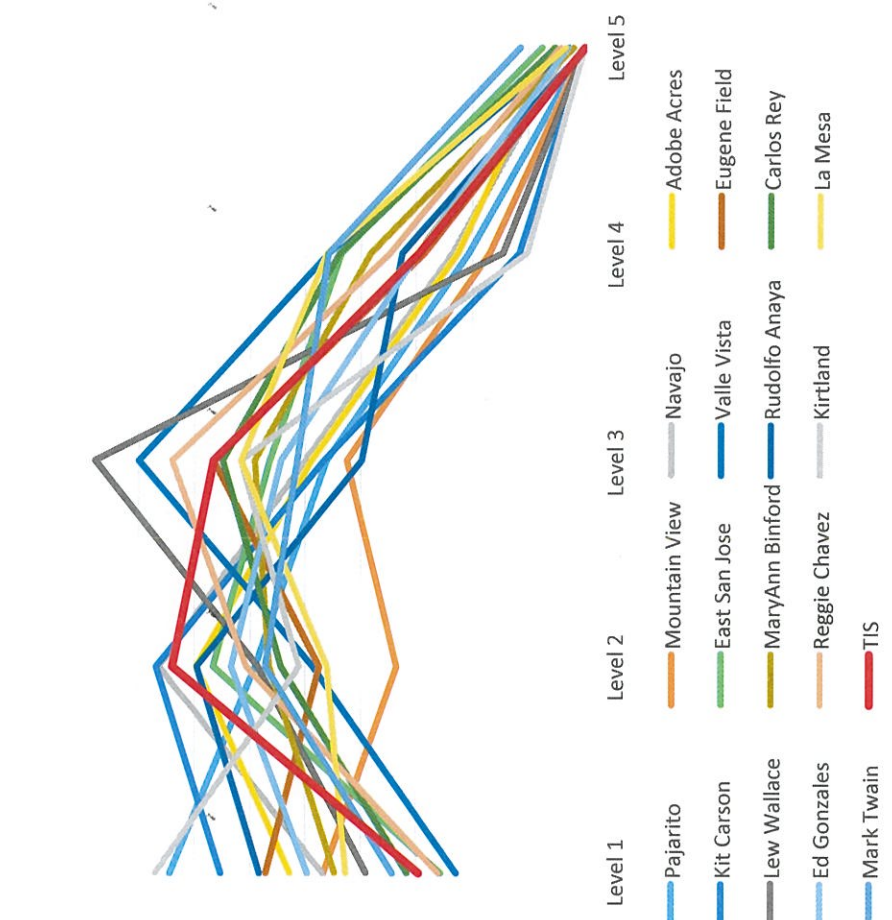
Katie Poulos, Options for Parents Division
Kelly Callahan/Greta Roskom, NMCCS
Susanne Robidoux, Esq.
Clients

3rd Grade As Compared to Neighborhood Schools

3rd Grade LA with Nearby Public Schools

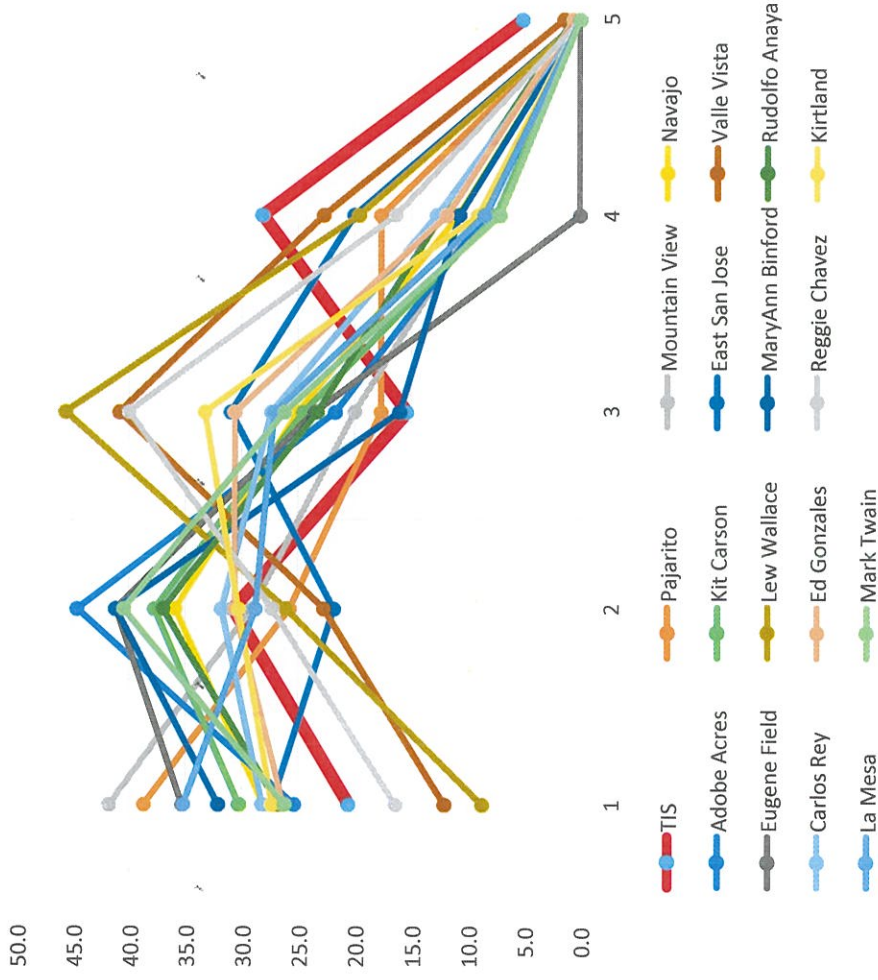


3rd Grade Math Nearby Public Schools

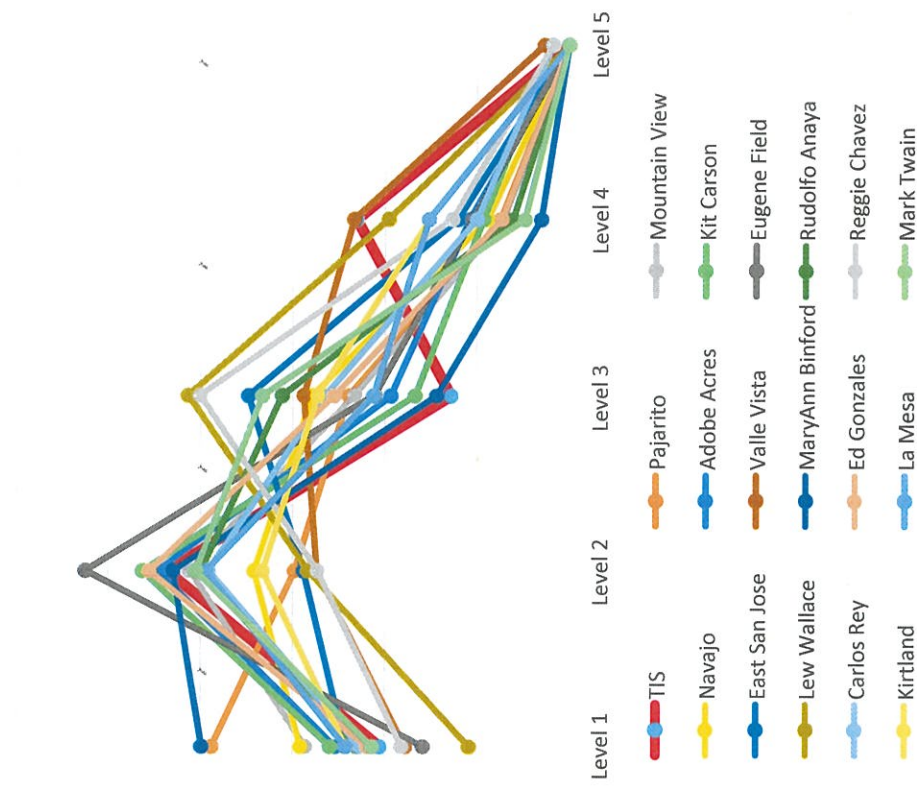


5th Grade As Compared to Neighborhood Schools

5th Grade LA with Neighborhood Schools



5th Grade Math with Neighborhood Schools





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SUSANA MARTINEZ
Governor

VISITORS ATTENDING PUBLIC EDUCATION MEETING

December 10-11, 2015

Please Sign-in

Name (Print)	Representing
Jennifer Gorham	JPTA - Parent
Mackenzie Webb	TVG
Margarita Pater	NAS - LC
John P. Munoz	NAS - La Cueva
Mike Vigil II	TVG
Veronica Mendez	Carinos Charter School
Felisa Orozco	Carinos Charter School
Suzana Gonzalez	Carinos Charter School
ARIEL CARMONA	Rio Grande Simposio
Joe Fox	Matthews Fox PC
Bernice Lipe	Carinos Charter School
DR. JAIME YAMER	WHCS
KAY BARTON III	NORTH VALLEY ACADEMY
Scott Fitzgerald	North Valley Academy
KAY BARTON	NORTH VALLEY ACADEMY
IRIS THORNTON	Roots and Wings Community School
Day Thornton	Roots and Wings
Linda Calhoun	Red River Valley Charter School
Cynthia Carter	Horizon Academy West
Margaret Bryant	THESE / TRANS
Sarah Peña	North Valley Academy
RICHARD SAYLOR	North Valley Academy
Susan McConnell	North Valley Academy
Laune Buck	North Valley Academy
Star Albrecht	THESE / TRANS
Kim Eichhorst	TIS
Anne Lacy	TIS
Mark Hartman	SW Schools
Kelly Callahan	NMCCS
Green Roskom	NMCCS
Attolley	APPS
Regina Jones	NMVA

EXHIBIT

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BEAN
ASSOCIATES

December 10-11, 2015

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VISITORS ATTENDING PUBLIC EDUCATION MEETING

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Please Sign-in

Name (Print)	Representing
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Joe Phillips	Red River Valley Charter
Flavio Cisneros	Red River Valley Charter
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Keisha Matthews	The GREAT Academy
Ariel Garcia-Ross	J. Paul Taylor Academy
Jana Williams	J. Paul Taylor Academy
Corea Fox	J. Paul Taylor Academy
Stephanie Owens	Roots + Wings
JOE WYNNAZ	Roots + Wings Community School
Brianna Jones	New Mexico Virtual Academy
Berke Trujillo	Carinos Charter School
Adan Baca	" " "
Emily Gonzalez	" " "
Brandon Alire	" " "
Anthony Rodriguez	" " "
Clair Smith	New Mexico Virtual Academy
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Janita Cota	Carinos Charter School
German	Carinos Charter School
Rianna Harris-Serrano	Carinos Charter School
Myrna Romero	Carinos Charter School
Charlene Trujillo	Carinos Charter School
Nancy Bonzale	Nancy Bonzale
Mimi	Carinos
Michelle Byrell	Roots + Wings
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Christine Henderson	Red River Valley Charter School

December 10-11, 2015

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Hadyn Enriquez	The GREAT Academy
Sean Joyce	The International School of the Sacred Heart
Edgardo Carrera	CC

