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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

VOLUME TWO

December 11, 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:

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 VICE CHAIR BERGMAN: I am going to call
2 this continuation of the Public Education Commission
3 meeting from yesterday. We recessed. I'm going to
4 call us back in session today.

5 I would ask if you would either please
6 turn off or mute your electronic devices while we
7 conduct this meeting.

8 Mr. Secretary, can you start us off with a
9 roll-call vote, please?

10 COMMISSIONER PERALTA: Commissioner
11 Pogna?

12 (No response.)

13 COMMISSIONER PERALTA: Commissioner
14 Toulouse?

15 COMMISSIONER TOULOUSE: Present.

16 COMMISSIONER PERALTA: Commissioner
17 Armbruster?

18 COMMISSIONER ARMBRUSTER: Present.

19 COMMISSIONER PERALTA: Commissioner

20 Conyers?

21 COMMISSIONER CONYERS: Here.

22 COMMISSIONER PERALTA: Commissioner

23 Gipson?

24 COMMISSIONER GIPSON: Here.

25 COMMISSIONER PERALTA: Commissioner

1 Chavez?

2 (No response.)

3 COMMISSIONER PERALTA: Commissioner Carr?

4 COMMISSIONER CARR: Here.

5 COMMISSIONER PERALTA: Commissioner

6 Shearman?

7 (No response.)

8 COMMISSIONER PERALTA: Commissioner

9 Peralta is here.

10 Commissioner Bergman?

11 VICE CHAIR BERGMAN: Here.

12 COMMISSIONER PERALTA: Mr. Vice Chair, you
13 have seven members of the Commission present.

14 VICE CHAIR BERGMAN: Thank you,
15 Mr. Secretary. I will note that we do have seven
16 members of the Commission present today. We do have
17 a quorum to conduct the business of the Commission.

18 We left off at Item 6 yesterday. We'll
19 begin with Item No. 7 on the agenda, Report from PED
20 and CSD.

21 Do you have anything for this item, Katie?

22 MS. POULOS: Vice Chair, Commissioners, I
23 would like to take the time today to introduce my
24 new team members. We have made two additions to the
25 team. Tina Morris and Becky Kappus are -- Tina --

1 Becky joined us approximately three weeks ago. If
2 you don't mind, I'd appreciate it if she'd give us a
3 little bit of her background.

4 MS. KAPPUS: Good morning.

5 VICE CHAIR BERGMAN: Please restate your
6 name.

7 MS. KAPPUS: I didn't -- my name is Becky
8 Kappus, K-A-P-P-U-S. I was a middle-school teacher
9 for 25 years, and then I moved to higher ed. I
10 worked at University of Phoenix at the College of Ed
11 for six years. Now, I've moved here.

12 I'm excited to continue to work with Katie
13 and the team as we continue to support charter
14 schools. Good morning and thank you.

15 COMMISSIONER GIPSON: God bless you for
16 teaching middle school.

17 MS. KAPPUS: That's right. A special
18 place for us. Thank you.

19 MS. POULOS: Our other team member, Tina
20 Morris, joined us one day ago. Yesterday was her
21 first day; so she's had quite an introduction.

22 MS. MORRIS: Yes. Tina Morris. Pretty
23 easy to spell. I have spent over 12 years in public
24 education, teaching and mostly as an administrator.
25 Most of my career has been here in New Mexico in

1 Clovis and Rio Rancho. I did spend some time in
2 California, and was the administrator at the largest
3 start-up charter school in California; so it's nice
4 to be back home. And I'm delighted to be a part of
5 this team, and hope I can add some value.

6 COMMISSIONER GIPSON: Welcome.

7 VICE CHAIR BERGMAN: Thank you. And
8 welcome. I think you will discover that you will be
9 both interested and busy while you're here.

10 Thank you. We're glad you're here.

11 Anything else in this segment, Katie?

12 MS. POULOS: (Indicates.)

13 VICE CHAIR BERGMAN: All right. Now, we
14 move onto item No. 8, which is the Discussion and
15 Possible Action on the Policy Recommendation for
16 Investigations and Complaint Policies.

17 And I think if they want to come down, I'm
18 going to ask Susan Fox and Kelly and Greta if they
19 want to come down to the front, since they have some
20 input on this.

21 We did -- I did -- Susan Fox was kind
22 enough to bring us copies of this. I had not seen
23 it. I understand it came out in an e-mail. I
24 apparently missed it; so I did not see the letter
25 till late yesterday afternoon.

1 I still haven't had a chance to totally
2 read it in its entirety. It is an extensive letter.
3 And I'll just say, we can have some -- I expect we
4 can have some discussion on this again today; but if
5 we haven't read this letter, it is very germane to
6 what's gone on.

7 And then I also heard that perhaps the
8 version of this policy that was in our book
9 yesterday may not -- may be a version that they have
10 not seen. That's why I've asked you down.

11 So, Katie, do you want to get us started
12 on item No. 8?

13 MS. POULOS: I would like to. Thank you.

14 So as we -- as you may remember,
15 Commissioners, we brought this issue to you at the
16 November meeting. And the intent was to address
17 this here at the December meeting, because this is
18 an area of, I think, some -- some real urgency.

19 We do have, through CSD and through some
20 of the Commissioners, some -- what could be called
21 complaints, but, in reality, what are actually
22 allegations, that some of our charter schools are
23 violating either their contracts or provisions of
24 the law that it would be appropriate for CSD to
25 ensure compliance with.

1 And so we brought a proposed protocol to
2 you at the November meeting. At that time, you
3 asked the public for public input. You asked CSD to
4 review that public input and to make revisions prior
5 to the December meeting, based on that public input.

6 That is what has been provided in your
7 binders. It is publicly available on the
8 Commission's website. Next to the December 10th
9 meeting, there is a link titled "Materials," which
10 makes that publicly available, both the revised
11 version, as well as a red line, so that any changes
12 from the prior version are identified both for you,
13 the Commissioners, and for the public.

14 The -- the basis of this policy -- and in
15 doing that, I will address some of the concerns that
16 have been raised in Ms. Fox's letter -- is just as
17 far as we're speaking on the Charter Schools Act,
18 starts with the responsibility of the Commission,
19 the charter authority's obligations to -- and that's
20 22-8B-5.3 -- to monitor, "in accordance with the
21 requirements of the Charter Schools Act and the
22 terms of the charter contract, the performance and
23 legal compliance of charter schools under their
24 authority."

25 Now, of course, the Commission is an

1 unpaid volunteer body; and, certainly, that is
2 recognized in this policy by looking at the Charter
3 School Division's duties, which are 21-8B-17A, which
4 requires that the Charter School Division provide
5 staff to the Commission.

6 Additionally, that's recognized in the
7 contract, which does indicate that throughout the
8 contract, any -- the Commission, or any person
9 designated by the Commission to address an issue,
10 shall be referred to generally as "the Authorizer."

11 So that's the start of the basis for this
12 policy.

13 I do want to address, within the contract,
14 the basis for this policy. As I said, the contract
15 does identify that, "Any..." -- "Any entity, person,
16 designated by the Commission..." -- which could be
17 the staff of the CSD -- "...shall be referred to as
18 "the Authorizer" throughout the contract."

19 And in that section, 4.03(f)(iii),
20 requires that the Commission -- the Authorizer
21 "...conduct and/or require oversight activities
22 according to its policies and procedures."

23 I want to highlight that, because I think
24 that's very important as we discuss today whether
25 this Commission wants to implement a policy or

1 procedure which would allow and make clear for
2 everyone, the Commission, as well as the public, how
3 allegations of contractual and statutory
4 noncompliance will be handled.

5 So, again, it's the Authorizer shall
6 "...conduct and/or require oversight activities
7 according to its policies and procedures to allow
8 the Authorizer to fulfill its responsibilities under
9 the Act, including..." -- and I think this is also
10 very important -- "...conducting appropriate
11 inquiries and investigations, when warranted."

12 Now, Ms. Fox, in her letter, seems to
13 indicate that the only appropriate investigation or
14 oversight activity by the CSD and the Authorizer may
15 include the site visit. But if you look at Page 20
16 of the contract, when it talks about the site visit,
17 it goes on to say, "The" Authorizers -- "The
18 Authorizer designee shall make at least one Annual
19 Site Visit to the school."

20 It continues, "The Authorizer its designee
21 or legal counsel [sic], however, may conduct such
22 monitoring activities in its performance review as
23 it deems appropriate to ensure that the School is
24 complying with applicable law, the terms of this
25 Contract, and Essential Documents."

1 The contract continues to state,
2 "...visits..." -- and in the plural; and, in fact,
3 talks about -- when we're talking about a school of
4 unsatisfactory performance, states that, "The
5 Authorizer shall notify the School in a timely
6 manner of unsatisfactory performance on the
7 organizational, academic or financial frameworks, or
8 any other factor that may result in an improvement
9 plan, corrective action, nonrenewal or revocation as
10 determined during the site visit or at any other
11 time," which I think is very important to note here.
12 We are not limited in this contract by the site
13 visit or the annual review.

14 And it says, "If, based on a performance
15 review..." -- and, again, that could be at any other
16 time -- "...conducted by the Authorizer, if the
17 Authorizer finds that the School is not making
18 satisfactory progress towards organizational,
19 academic or financial performance..." -- and, again,
20 I think it's really important to note here, your
21 organizational performance framework is based on
22 compliance with the contract and the law -- then
23 "...the Authorizer shall take steps to..." -- well,
24 first, to notify, and then to ensure compliance.

25 So those, I believe, address the concerns

1 by Ms. Fox in her letter, where she states that this
2 policy would attempt to unilaterally change the
3 terms of 8.11.

4 That is not what this proposed policy
5 would do. Instead, this proposed policy would make
6 very clear for, again, the Commission, which I think
7 has been unclear on this matter for some time, as
8 well as for the public and the schools, what will
9 happen when information is received that indicates a
10 school is not complying with its contract or law.

11 The terms of 8.11 really address
12 complaints. And I do want to note that there is
13 a -- a difference in the definition of a complaint,
14 which is simply a statement that a situation is
15 unsatisfactory or unacceptable, versus an
16 allegation, which is a claim or assertion that
17 someone has done something illegal or wrong.

18 In this context, that would be either in
19 violation of the statute or in violation of the
20 contract that you have with the school. So, again,
21 I think that addresses her concern that we're
22 attempting to unilaterally change 8.11, but, in
23 fact, addressing a pretty severe concern that right
24 now, the Commission does not know how to handle and
25 has not had clarity on how it will handle

1 allegations of those violations that it receives and
2 forwards on to CSD, asking CSD to handle it.

3 In the past, some of those have been
4 brought directly to the Commission with only
5 allegation and no factual investigation or inquiry
6 that's been done to support that information. And
7 that's exactly what this is attempting to do.

8 Again, I think we've addressed the
9 allegation -- or the complaint that the proposed
10 policy exceeded authority of CSD, because, again, as
11 the contract provides, and as the statute provides,
12 CSD would be staff, or support the work of the
13 Commission by acting as the staff.

14 I would like to go through a list of other
15 concerns Ms. Fox has identified.

16 First, she states that there's no support
17 in law for the proposed policy. Again, I think
18 we've addressed that just now. But she goes on to
19 say, "NMPED does not do the same with regards to
20 complaints with regards to district schools. And
21 there is no justification for treating charter
22 schools differently here." What I would like to
23 state for the Commission -- if I can finish my
24 sentence --

25 VICE CHAIR BERGMAN: Well --

1 MS. POULOS: Is that there is, in fact,
2 justification, because the contract does require --
3 or I'm sorry -- the statute provides that if a
4 school violates the law or its contract, as far as
5 the material terms, that is a rationale for
6 revocation or nonrenewal.

7 You, of course, cannot do that and cannot
8 carry that out if you do not have appropriate
9 information and have not followed up on those
10 concerns when they're brought to your attention.

11 VICE CHAIR BERGMAN: Excuse me. I just
12 wanted to note for the record that Commissioner
13 Chavez is here now.

14 COMMISSIONER CHAVEZ: Thank you.

15 VICE CHAIR BERGMAN: I wanted that on the
16 record. Continue, please.

17 MS. POULOS: Next, the other concern
18 Item -- Item 2 identified is that, "All charters are
19 required to put into place an internal grievance
20 process for handling complaints."

21 Again, as I've identified, there is a
22 difference here between complaints and, really, what
23 you are receiving and forwarding on to us, which is
24 allegations that schools are violating the law or
25 violating their contract. Again, if a school has

1 already made that decision, then handling it through
2 an internal grievance process does not provide the
3 Commission sufficient information, factual findings,
4 to address those concerns, again, to protect public
5 interest, but also to be able to enforce the terms
6 of the Charter Schools Act.

7 Now, the -- the other concerns include the
8 process by which CSD would make an initial finding
9 or determination on complaints, and states that it's
10 outside the authority, again, of CSD and NMPED.

11 Again, recognizing that this body is a
12 volunteer Commission, CSD did provide a process
13 where CSD would do the fact-finding and would make
14 findings with regards to compliance and provide
15 those to the schools, and an opportunity to correct
16 their performance. Based on this feedback, CSD has
17 made proposed changes to the policy that would allow
18 the school to accept those and meet the compliance
19 requirements that CSD has established in the letter,
20 or to reject those and ask to come before the
21 Commission, who would then, based on the
22 fact-finding, make a determination of whether there
23 is a compliance issue or not and whether the school
24 would need to correct that compliance issue or not.

25 It says that, "This process by which this

1 school must prove there has not been a violation of
2 law stands due process on its head, and the proper
3 presumption is that there has not been a violation
4 unless one is shown by a preponderance of evidence."

5 Again, what CSD has asked the schools and
6 provided in the policy is that it would ask for
7 evidence, and it has stated that it would ask for
8 specific evidence with regards to its allegations;
9 so it would be looking for information. Of course,
10 the school is not going to, on its own, demonstrate
11 a lack of compliance intentionally.

12 And I think with regards to monitoring
13 processes, the Commission is able -- the Authorizer
14 is able, and entitled to, ask for compliance with
15 law. And, in fact, the contract and the statute
16 both say that the schools must demonstrate
17 compliance with the law; and so I think that's
18 already answered in the contract.

19 It states that, "CSD cannot be both
20 accuser, fact-finder and decision-maker in this
21 process."

22 Again, CSD is not the accuser. CSD has
23 received allegations and looks to be a fact-finder
24 in this, and for purposes of not overburdening the
25 Commission and also allowing schools a more

1 expedient process, would make findings about whether
2 they are in compliance or not, provide those to them
3 with a requirement of what must be provided to show
4 compliance, and then, if the school doesn't
5 demonstrate that, there may be further action.

6 Of course, as I've said, to address that,
7 we have made revisions to the proposed policy that
8 would allow the school to reject CSD's findings,
9 and, in fact, has to come before the Commission for
10 the Commission to make findings if they chose to do
11 that instead.

12 It says, "Allegations alone cannot and
13 should not elevate complaints to the Authorizer
14 level."

15 I think that's certainly a decision for
16 you to make. But as we are a public -- as you are a
17 public body and serve the public, and we receive
18 those allegations where public members have asked
19 you for assistance, I do think it's appropriate that
20 CSD and the Commission look into those, and, again,
21 in compliance with the contract and with the
22 statute, ensure that schools are, in fact, complying
23 with the law and the contract that you have -- have
24 entered into with them.

25 It states that, "It is unclear whether the

1 proposed policy is limited to complaints from the
2 public or complaints/criticisms that various NM PED
3 departments might have about a charter school's
4 performance."

5 That has been addressed. I think it's
6 very clear that that was not the intent. The intent
7 is to handle public concerns and allegations that
8 are coming from families and parents that are in
9 these schools and feel that the law is being
10 violated and harming them.

11 And I do want to add that in addition to
12 addressing that through the policy, we have also
13 created a form that could be utilized. And that's
14 in your materials. And that form makes very clear
15 that this is for public submission and also makes
16 clear that submissions would not be processed
17 without evidence that the complainant has first
18 sought resolution with the school and its governing
19 body, which may address additionally some of the
20 concerns.

21 It states that, "The proposed policy
22 impermissibly impinges on charter school autonomy.
23 Complaints should be addressed at the school level
24 and internal policies for resolution exhausted
25 before CSD/PED involvement."

1 CSD agrees with that. This is not
2 intended to deal with complaints. Again, it's
3 intended to deal with allegations. But I think,
4 also, if you were to accept this in the form, you
5 would see that CSD had addressed that concern by
6 stating that CSD would require evidence that the --
7 the complainant has first sought resolution with the
8 school.

9 It states that, "The process should not
10 start with CSD. It would make a mockery, makes..."
11 sur- sur- -- having a hard time today -- "...the
12 school's own internal grievance and complaint
13 procedures."

14 Again, I think that's addressed here. And
15 I think we, again, have to think of this in the
16 context of the difference between an allegation and
17 a complaint.

18 It states that, "Some matters involved in
19 the complaints could be confidential and should not
20 be in a public file, nor discussed in open session."

21 Again, in relation to these, this would
22 really focus on -- and CSD's processes would really
23 focus on allegations that the law is being violated.
24 I'm not sure that that would apply in that case,
25 then; but CSD has made some changes to what may be

1 kept in the public file, and that would be a final
2 report, not any of the fact-finding documentation.

3 It states -- and I appreciate the concern
4 for CSD's staffing, but I do think that's a matter
5 for CSD to deal with. It states that, "CSD does not
6 have the ability to staff and deal with these
7 complaints effectively on the first instance. This
8 represents a lot of work for the CSD, and their time
9 should be spent on providing positive assistance
10 rather than negative."

11 Again, I think the staffing is a matter
12 for CSD, and I also think that, for a very long
13 time, the concerns have been for supporting charter
14 schools, rather than ensuring compliance and
15 effectiveness. We see the results of that today. I
16 think the Commission has a lot of work to do in that
17 area to ensure that our charter schools are, in
18 fact, meeting their statutory obligations. And I do
19 think this is appropriate to ensure that we do have
20 compliance with the law.

21 And last, again, a staffing matter. This
22 letter states that, "CSD's time and efforts would be
23 better spent providing the technical assistance that
24 the statute requires it to provide, rather than
25 looking for ways to over-regulate, hamstring, or

1 shut down charter schools. Currently, CSD is
2 providing no technical assistance to charters, and
3 the proposed policy does nothing to assist charter
4 growth or evolution."

5 Again, I take contention to that. CSD is
6 providing technical assistance. CSD is dedicating a
7 team of staff who will be responsible for providing
8 technical assistance, who will be responsible for
9 providing early support to ensure a quality start
10 for our new schools.

11 But I do think another very important
12 part, not only for the public interest, but for the
13 interest of charter schools throughout the state, is
14 to ensure all of our charter schools are in
15 compliance with the law and are effective in the
16 work that they do, as that supports charter school
17 growth and evolution. Without it, we are at great
18 risk of over-regulation from the Legislature, who is
19 finding that our charter schools potentially are not
20 doing their jobs and are not complying with the law.

21 VICE CHAIR BERGMAN: Thank you, Katie.
22 I -- I want to just comment on a couple of things,
23 and then Commissioner Toulouse has asked to make a
24 statement.

25 First, Katie, you, a couple of times,

1 mentioned that we were unpaid volunteers. You left
2 out a key word. We're also "elected" unpaid
3 volunteers. I hope you're not inferring that
4 somehow, because of that, we're not qualified to
5 work in this area. And, two, you did make a
6 statement in there that PEC has not known in the
7 past how to handle complaints. I disagree with that
8 assertion. Also, we've had numerous complaints
9 before you came on board, and they were handled;
10 maybe not just fine, but they were handled. So I
11 just wanted to make those observations.

12 Commissioner Toulouse, what did you wish
13 to inject into this?

14 COMMISSIONER TOULOUSE: Mr. Chair,
15 Committee members and folks out here, I think that
16 we clearly need some kind of a policy; but I think
17 it needs a lot more work, and it needs to be in such
18 a way it gets put into contracts.

19 I also think that I don't want to cede any
20 more authority than we have to CSD, because we're
21 the ultimate deciders. And while we need the
22 investigative bodies, the decision needs to come
23 through the Authorizer, which is us, even though
24 they're our staff.

25 You know, it's one of those things. The

1 buck stops at the top, not at the people doing the
2 work. And also, I would like to see us take both
3 this letter and the current form of the policy and
4 read it over and work on it in January in a work
5 session with the attorneys.

6 I also think it would be good to have one
7 or two representatives of charter schools besides
8 the Coalition folks, so that -- especially a school
9 that has a policy that works internally that is
10 handling their own complaints, and see how we can
11 work it so that the next round of contracts go
12 forward with a more specific policy; because I -- I
13 honestly -- again, this is my 30 years of
14 bureaucratic experience -- don't think you can leave
15 some kinds of complaints to be handled totally
16 internally.

17 I think the first step always has to be --
18 you know, I get phone calls. Because of the large
19 number of charter schools in my area, I get phone
20 calls probably -- not every month, but frequently.
21 And almost invariably, it is somebody who's been
22 annoyed. And my first question always is, "Have you
23 talked to the school?"

24 And when I am told, "No," then I send them
25 right back to the school to talk.

1 My problem comes when, on occasion, I get
2 a call back that says, "Well, I talked to them," or,
3 "They wouldn't talk to me."

4 If they talk to them, fine, I know there's
5 always -- there's a minimum of two sides to every
6 issue, usually more; but you have to -- and you have
7 to have both sides before you can resolve anything.
8 But I just -- I'm not comfortable going forward
9 today with a policy that may not be legal and may
10 put us in some contention with folks we need to work
11 with, as opposed to working out some kind of
12 compromise. So I'd like to table this until the
13 next work session.

14 COMMISSIONER GIPSON: Can I just -- I --
15 my understanding was that at the end of the meeting
16 yesterday, through the discussion, that we were
17 tabling this for today. I took it out of the
18 binder. I mean, I've read it all; but I -- you
19 know, I'm certainly not prepared to have this
20 discussion today. I think we need a look by a
21 lawyer for ourselves. I think we have to have
22 everyone here having read it and being able to come
23 to the table with a discussion.

24 And I think it merits a work session so
25 that we can -- that we can work on this. So my

1 understanding was yesterday, that we agreed to table
2 this. That was the discussion at the end of the
3 meeting yesterday about tabling this.

4 The Chair is not here, and this is -- I'm
5 not saying it doesn't -- I certainly know it merits
6 a discussion; but I don't think people are -- I know
7 I'm not prepared to discuss it, even though I've
8 read it all. This is a much bigger issue than I
9 think we're ready to put in at this point in time.

10 VICE CHAIR BERGMAN: Thank you. I will
11 remind you, we do have a work session scheduled
12 for -- I believe it's January the 14th. We already
13 have -- we're going to discuss at this work session
14 the draft of the changes to the -- our new
15 application form. That's going to take a
16 significant amount of time, I suspect. But we will
17 also have -- it's a full-day session scheduled right
18 now.

19 I believe we will have plenty of time to
20 also discuss this. Obviously, we need some other
21 input over here.

22 Commissioner Chavez?

23 COMMISSIONER CHAVEZ: Yeah, I didn't get
24 the impression that we had agreed to table this
25 yesterday.

1 VICE CHAIR BERGMAN: Well, we couldn't.
2 Yeah, we couldn't.

3 COMMISSIONER CHAVEZ: Yeah. And I've
4 taken it. I took it home last night, and I also
5 read this. And I think that this is something we
6 really need to move forward on. I can appreciate
7 that folks aren't ready to have a full discussion
8 today; but I also -- you know, I also don't want to
9 see us, you know, come back in January and not have
10 anything -- not have a decision.

11 And I'm not sure why we don't think that
12 it's legal, or some folks don't think that it's
13 legal. I certainly haven't heard any rationale as
14 to why -- you know, the letter -- you know, I'm not
15 going to consider that as the -- as the basis for
16 the legality or not. I think that it raises
17 questions from someone who is obviously opposed to
18 it for their own reasons, right?

19 But I certainly am not going to consider
20 that as the basis on which we should form an opinion
21 in terms of whether or not it's legal.

22 I think that there is at least one
23 issue -- well, I know that there is at least one
24 issue that I've gotten a call about that this would
25 fit perfectly in. And we need a process to address

1 issues that come before us, that the schools are not
2 dealing with or refuse to deal with.

3 I disagree with putting together a
4 committee that includes the charter schools. I
5 think that there's already a process for that,
6 public input. I mean, they're here today; they've
7 written a letter.

8 But I would encourage us to figure out how
9 we can move forward with this; if folks want to wait
10 until January, that we come to a definite decision
11 in January.

12 VICE CHAIR BERGMAN: Any other comments?

13 COMMISSIONER GIPSON: Oh, I'm sorry. I'll
14 just add that I won't agree to anything where the
15 form and the policy says "PED" on it, when we are
16 the "PEC," and this should be generated as a
17 "PEC" -- and this says a "PED" -- policy. So -- and
18 we are the policy-makers.

19 So that, in and of itself, I won't agree
20 to; but I -- you know, I'll still state that I --
21 this is -- this is a deeper issue, and I'm not
22 willing to go forward with it today.

23 VICE CHAIR BERGMAN: Commissioner Carr?

24 COMMISSIONER CARR: I certainly concur
25 with the Commissioner on her last statement. The --

1 in the past seven years that some of us have been on
2 this, we have had to beg and plead with Charter
3 Division to investigate, and it hasn't been done.
4 Or it has been, or -- I -- or it's just been done in
5 a cursory fashion.

6 I -- I would like to applaud CSD for
7 wanting to move forward with something serious. I
8 don't want to have to -- you know -- and I'm okay
9 with tabling this until January. I -- I definitely
10 want to see some real urgency with this. I would
11 like to have done this two years ago, or five or six
12 years ago, for that matter.

13 But I -- I -- you know, we -- I -- when we
14 report something to the Auditors' Office or the AG's
15 Office, which is -- should be -- that should be a
16 place of last resort. The PED, and the PEC, have
17 the right to conduct investigations. And -- and we
18 need the staff, and we need the support to do that.

19 And then, if we see something beyond our
20 scope, then we report it to somebody higher, the FBI
21 or Attorney General or the State Auditor's Office.

22 But we're not doing our job unless that's
23 a last resort. And, unfortunately, in the past, we
24 just had to say, "Hey, help us," you know. "We need
25 help."

1 The Attorney General's Office ended up
2 having to -- did give us attorneys over the years,
3 because we haven't had that proper legal help,
4 either.

5 So I am -- I want us to have our full
6 authority. Our name, you know, the Public Education
7 Commission, should be on this. We should have our
8 input. But we should work quickly and get this
9 done. Children are involved, and -- and -- and the
10 people who serve children are involved. You know,
11 we don't help our children by not serving the people
12 who serve the children, either.

13 I -- and here's my other concern with all
14 this. I'm a history teacher. You know, when I see
15 somebody circle the wagons and say, "Oh, there's
16 nothing to see here. Don't..." -- you know, "Oh,
17 we're fine. We'll take care of this. Don't worry
18 about it," big red flag for me.

19 If Richard Nixon had come out and just
20 said, "Yeah, I did that," he probably wouldn't have
21 been the first president to ever resign in our
22 history.

23 And if he said, "No, open the doors. I
24 think we did some things that are wrong, I'm sorry,
25 we're going to try to fix it," that's what I want to

1 see. I want to see positive steps toward fixing how
2 we deal with personnel.

3 You know, if you were -- there's union
4 leaders in this state that can gladly come in and
5 help any school. I did it for years. I helped get
6 rid of teachers that needed to be gotten rid of, as
7 a union president. And I helped save teachers that
8 needed to be saved. And we worked diligently for
9 our students.

10 You know, if we see some -- you know, if I
11 saw some positive action like that, I'd be -- I'd
12 say, "Okay, let's get this done. Let's work
13 together and get it done."

14 When you try to shut us out, big red flag
15 is all I've got to say about that.

16 But I'm willing to go along with whatever
17 the Commission wants, but knowing that this should
18 be dealt with, with urgency.

19 VICE CHAIR BERGMAN: Commissioner Carr?
20 Commissioner Peralta, did you wish to say
21 anything?

22 COMMISSIONER PERALTA: Yeah, I just wanted
23 to say that there's an obvious need for some cleanup
24 in the policy. And I definitely want to make sure
25 that -- that it's addressed at the next work

1 session. But we should also make sure that the
2 following -- or the next-up PEC meeting -- that
3 it's -- there's definite action taken upon the
4 policy, that we get something done immediately.

5 VICE CHAIR BERGMAN: Thank you,
6 Commissioner Peralta.

7 Commissioner Conyers, did you have
8 something you wanted to say?

9 COMMISSIONER CONYERS: Sure. I'm pretty
10 much in agreement that we need to maybe spend a
11 little more time on this, and especially in light of
12 the letter that we received here. And we always
13 want to be as transparent as possible. And people
14 cannot trust government. I tend not to trust
15 government, even though I'm a part of it. But -- so
16 we want to do the best we can here. Thank you.

17 VICE CHAIR BERGMAN: Thank you,
18 Commissioner Conyers.

19 Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: I just want to
21 add, I never wanted to delay this more than next
22 month; but I would like another discussion, because
23 I -- while I know we have a very esteemed attorney
24 here, whom I respect tremendously and really enjoy
25 working with, you know, there is more than one

1 interpretation of the law. And I honestly do not
2 think that the intent of the law was ever to totally
3 give a governance council complete control over
4 anything.

5 Part of the problem is, in the law itself,
6 the governance council is not well fleshed-out on
7 what it does and doesn't do, what we do and don't
8 do, what other people do. And that's a change I
9 hope will eventually get made, but probably not for
10 quite a while, in the law.

11 And also I think we need some way -- I
12 mean, you can't ever ask anybody to investigate
13 themselves. So it depends on the kind of allegation
14 you're taking forward to any group. And there are
15 people who I know will be absolutely honest and
16 aboveboard. And then there are other people who
17 have an emotional attachment or involvement who are
18 not capable of stepping aside enough to do that kind
19 of investigation.

20 You may have both those kinds of people on
21 the same governance council to deal with stuff.

22 So I would like something that gives us a
23 right to at least follow the investigation, report
24 on it and decide whether it's an issue that rises to
25 a matter of law or contract, because little things

1 grow.

2 So I would like, at this point, to move
3 that we table this issue until the work study on the
4 14th and bring it forward on an agenda item to vote
5 on at the January 15th meeting.

6 VICE CHAIR BERGMAN: Well, I would like to
7 weigh in before you so move, Commissioner.

8 COMMISSIONER TOULOUSE: We can have
9 discussion after a motion, just as soon as --

10 COMMISSIONER GIPSON: After a motion, you
11 can have discussion.

12 MS. FOX: Mr. Chair, I would ask that I be
13 allowed to make a brief statement, given that
14 Ms. Poulos has made quite a few extensive comments
15 on our letter, after you're finished.

16 VICE CHAIR BERGMAN: That's fine. That's
17 on the agenda, also. I think we're all in agreement
18 that there is a sense of urgency with this. I think
19 we're all in agreement that we need something.

20 I think we are overlooking the fact that
21 the performance contracts do have a complaint policy
22 within them. And -- and we have to be extremely
23 careful, as a Commission, that we do not contravene
24 the performance contract that the Legislature has
25 mandated that we must have with the charter schools

1 that fall under our oversight.

2 And right now, there's 48 of those, I
3 believe. So we have to be extremely cautious in how
4 we do this.

5 We -- CSD has one opinion on whether we're
6 doing anything to change the contract or not. Some
7 attorneys have another opinion. That's why there's
8 attorneys, of course. There's always two sides to
9 every story.

10 So if it comes down to it, I'm in favor of
11 tabling it at this time; but I also believe we do
12 need to resolve it in January. We do need to do
13 that work session, take some time. We need to come
14 to a final document. We need CSD to come to that
15 session. We need to make some -- to negotiate, talk
16 about it.

17 We need the other side, the charter
18 schools -- remember, they're the ones we're talking
19 about. They're the ones -- they've got to be able
20 to weigh in on something that affects them so
21 dearly.

22 So I think at this point now, I will call
23 on Ms. Fox for your comments. Thank you.

24 COMMISSIONER TOULOUSE: Do we have a
25 second?

1 VICE CHAIR BERGMAN: Was there a second?

2 COMMISSIONER CARR: I'll second.

3 COMMISSIONER TOULOUSE: Now, we have
4 discussion.

5 COMMISSIONER BERGMAN: Okay. We have a
6 motion by Commissioner Toulouse. We have a second
7 by Commissioner Carr. Now, we're to the discussion
8 portion.

9 Now, I'll ask Ms. Fox to proceed, please.

10 MS. FOX: Thank you, Mr. Chair, and
11 members of the Commission. First of all, I just
12 wanted to say that on this issue, I really don't
13 characterize us as the other side on this. I
14 characterize us, as we were asked, at the November
15 meeting, to comment upon a proposed policy that
16 Ms. Poulos then circulated to the charter schools,
17 again, asking for comment.

18 We were asked to comment by December 4th;
19 and so I -- on December 4th, I submitted our letter
20 to the -- to the PEC on behalf of 18 charter
21 schools.

22 I'm sorry. Do you need to interrupt?

23 VICE CHAIR BERGMAN: A question has been
24 asked. I'm going to ask our attorney. I am told
25 that we cannot have a third-party discuss after a

1 motion is made. That's why I didn't want to rush
2 into a motion. See?

3 COMMISSIONER CHAVEZ: Thank you. Thank
4 you.

5 MS. ROUBIDOUX: Well, one -- Mr. Vice
6 Chairman, members of the Commission, one resolution
7 to that would be to withdraw the motion.

8 VICE CHAIR BERGMAN: Commissioner
9 Toulouse, will you withdraw the motion?

10 COMMISSIONER TOULOUSE: I will withdraw
11 the motion and restate it afterwards.

12 VICE CHAIR BERGMAN: Will you withdraw
13 your second, Commissioner Carr? I have to follow
14 parliamentary procedure.

15 COMMISSIONER CARR: Reluctantly, yes.

16 MS. FOX: Do I need to start over?

17 Anyway, I will just continue. So on
18 December 4th, we provided our comments for the
19 policy -- proposed policy that Ms. Poulos had
20 circulated to our clients. And -- and, really, I
21 just want to make absolutely clear to everybody here
22 that neither anyone sitting at this table, nor the
23 charter schools, generally, are opposed to a
24 complaint investigation procedure involving or
25 directed by the Authorizer. That's already in our

1 contracts, okay?

2 It's just that what our contracts already
3 say -- and if you recall, two years ago, with
4 Ms. Lewis, Ms. Barnes, and Patti Matthews and
5 myself, along with, I think, all of you -- or at
6 least most of you around the table over a session of
7 four or five working sessions, we developed that
8 contract template that we all were in accordance and
9 agreement on. And we spent considerable time doing
10 it.

11 And Ms. Barnes was assiduous in terms of
12 going through the Charter Schools Act and making
13 sure that what that contract reflected was supported
14 by the Charter Schools Act.

15 So we -- you know, my letter was designed
16 to remind you all that we already have a process in
17 place for those charters that have a contract. It
18 is our position -- and it remains our position,
19 despite -- I didn't hear anything in what Ms. Poulos
20 says today that changes my position -- that what's
21 in that contract is the process that's to be
22 followed for those that are contracted.

23 I'd also like to say if -- for those that
24 aren't currently under a contract -- and I know
25 we've got six now coming into the new contracts -- I

1 would be happy to attend the work session on
2 January 14th and try and come up with a process that
3 will work for -- for charter schools and the PEC and
4 the CSD.

5 I'm a bit at a disadvantage here today, as
6 are my clients, because apparently, there's been a
7 new process proposed that we were not copied on
8 prior to this meeting. If it's on the -- if it's on
9 the website, we weren't notified that a new process
10 had been put on the website. And so I would like
11 the opportunity to take a look at that revised
12 process, and perhaps some of our comments in that
13 December 4th letter are no longer applicable.

14 However, I do want to reiterate that at
15 least the first two points in our letter, I believe,
16 remain applicable; and that is with regard to
17 questions regarding the authority of the CSD to --
18 to take the action it's proposing in this instance,
19 as well as just remind -- remind you folks of the
20 existing contracts.

21 But, again, I do want to make absolutely
22 clear that we have zero problem with the PEC's staff
23 coming in for site visits and doing monitoring
24 activities and performance review activities through
25 those site visits. That's already in the contract.

1 So I would request, please, that we be
2 given additional time to look at the revised policy
3 and comment upon that, even perhaps work more
4 closely with Ms. Poulos; and instead of coming to
5 you at the next January meeting with a bunch of
6 criticisms, perhaps the CSD and our office and
7 Ms. Roubidoux can work together so that when you're
8 presented with something in January, we can all move
9 forward on it.

10 MS. POULOS: Vice Chair and Commissioners,
11 I would like to address one thing, which is CSD did
12 follow the process that was asked by the
13 Commissioners, which was to submit for public
14 comment the initial proposal and to incorporate any
15 feedback into that policy. That is what CSD did.

16 It has been made available publicly. We
17 were not asked to then again provide it to the
18 public for more comment, then to make revisions and
19 again provide it to the public for more comment, and
20 then make revisions and provide it to the public for
21 more comment. At some point, this does have to
22 stop.

23 VICE CHAIR BERGMAN: Okay, thank you. And
24 please, folks, if you wish to say something, please
25 indicate that you want to talk, and then I will call

1 upon you, please. Thank you.

2 Yeah, and I was going to remind the
3 Commissioners, we did ask for public input, and
4 that's what we're getting, and that's what we need
5 to get.

6 Yes. Go ahead.

7 MS. ROUBIDOUX: Mr. Vice Chairman, members
8 of the Commission, I know that there is some
9 consideration of possibly taking final action on
10 this at the January meeting. And I did thoroughly
11 review the Fox letter. I thought it was very
12 thorough and raised a number of good points.

13 I would just like to caution the
14 Commission to the extent that a motion would be made
15 to take final action at a future meeting that
16 probably would not be, you know, proper to state
17 that now, because you don't know what might come out
18 of discussion at the January meeting. That would be
19 one point.

20 So if I may, I would just say that a
21 motion, if it were to be made, would be to consider
22 this again at the January meeting for further
23 discussion and possible action. That would be one
24 point.

25 On a substantive note, I will say that I

1 do share the Fox Law Firm concern with regard to how
2 enacting a policy now may impact the existing
3 contracts that are in place. So may I suggest that
4 it might be a more prudent course of action to
5 incorporate whatever changes are made in new
6 contracts, rather than incorporating any changes --
7 because they're -- I have serious concerns about how
8 this policy could impact and possibly violate the
9 current contracts?

10 And that's all I have to say on that.

11 VICE CHAIR BERGMAN: Thank you for that
12 input. And I would say if we put this on the agenda
13 again -- and it will be, obviously -- that the same
14 wording will be on the agenda next time.

15 "Discussion and possible action on this policy."

16 But like I say, I think we all are in agreement.
17 Something needs to be done, but that we have to
18 consider the contract.

19 Would you put something in writing that
20 you could submit to the Chair -- it doesn't have to
21 be a 16-page -- something very brief?

22 MS. ROUBIDOUX: Mr. Vice Chairman, members
23 of the Commission, I mean, I -- I --

24 VICE CHAIR BERGMAN: Or do you just want
25 to stay with what you put on the record?

1 MS. ROUBIDOUX: That's all I'm going to
2 state, because my role as the Attorney General
3 representative is very limited with regard to my
4 interaction with the PEC. So I'm limiting this in
5 terms of, you know, reviewing, under Open Meetings
6 Act and making proper motions. I'm -- that's all
7 I'm going to say at this point.

8 VICE CHAIR BERGMAN: All right. Thank
9 you.

10 I believe we've heard from everyone now.
11 Kelly, yes, do you or Greta have anything you wish
12 to add at this time?

13 MS. CALLAHAN: Mr. Vice Chair, members of
14 the Commission, at this point, we would concur with
15 what Ms. Fox said, and we will work very closely
16 with the schools in soliciting the feedback that has
17 been requested.

18 VICE CHAIR BERGMAN: We definitely need it
19 before the work session, too. We've talked about
20 deadlines in the past. If you have to do some
21 comments, we need them at least about a week in
22 advance, here, again, so folks can read it and think
23 about it and all that.

24 And in the past, I know the attorneys from
25 the Matthews Fox firm have worked with the CSD. If

1 the CSD wishes to sit down with you guys, if you
2 wish to be involved in that -- sounds like you don't
3 wish to be involved in that -- we still think you're
4 our attorney, but that's -- and you are certainly
5 invited to the work session, and because this has to
6 be something that is agreeable to everyone, I
7 believe.

8 The charter schools have a stake in this,
9 too. And if we pass a policy that won't stand the
10 muster of a lawsuit, then we've wasted our time --
11 actually, we'll end up in a worse condition than
12 where we are now. So I believe we have to be
13 extremely cautious in how we proceed with this; but
14 it does need to get done. We all agree on that.

15 Is there any other comments before we make
16 a motion?

17 Commissioner Carr?

18 COMMISSIONER CARR: Apparently, we need
19 our own lawyer, because the attorney provided --
20 no -- provided by the Attorney General's Office has
21 made it clear that her actions with us are limited.
22 And she is -- she has basically two clients. And
23 her main client is the Attorney General's client,
24 not us.

25 We need to have our -- if there are going

1 to be any other attorneys present -- and I
2 certainly -- Katie has law experience; but she is
3 not -- can't be our lawyer -- we need our own
4 lawyer.

5 And I would like to request from the PED
6 that -- that we have our own lawyer with us to go
7 over this with; because right now, we're not --
8 we're getting some advice, which is fine, but we are
9 not represented. But everyone else is.

10 VICE CHAIR BERGMAN: You're preaching to
11 the choir here, Commissioner Carr. We have asked
12 numerous times for our own legal counsel, and we
13 have been rebuffed each time. As you know, we have
14 no money. The money does not funnel through the
15 Public Education Commission; so we cannot hire an
16 attorney until someone else -- in this case, PED --
17 agrees to pay for that attorney.

18 COMMISSIONER CARR: Then I'll continue to
19 say that we -- we will -- if we don't do something
20 about this, I -- you know, I'm fine with being
21 cautious. I wear a seat belt when I drive my car.
22 But, you know, I -- I don't believe in -- in extreme
23 caution. I -- otherwise, I wouldn't leave my house.
24 I'd lock the doors and put a minefield around it or
25 something, you know.

1 I -- I -- you know, it's -- we have to
2 act, you know. And we can't be scared to act. We
3 have to -- we have to do what we need to do for our
4 children and -- and for our schools. And -- and
5 then we do the best we can. And then if we -- if we
6 have to suffer some consequences, well, we suffer
7 some consequences; but we do everything, and we work
8 with due diligence. And I will do it without --
9 with caution, but without fear.

10 VICE CHAIR BERGMAN: That's certainly a
11 valid point. I don't think we're fearful on it;
12 but -- any further discussion?

13 Commissioner Ambruster?

14 COMMISSIONER ARMBRUSTER: Very quickly.
15 Since I've pretty much only been here a year, I
16 think that the laws are there to guide people; but
17 circumstances change and people change and what
18 occurs changes. So it seems like it's an evolution.
19 It's not a revolution; just an evolution. And to
20 ignore that fact as people come forward and people
21 are complaining and people are taking -- of the
22 charter school folks -- not the charter schools, the
23 people who go to the charter schools -- you know,
24 we're a little sue-happy here in America.

25 So I think we all need to be protected. I

1 don't -- I love that you guys are here; but I think
2 that we just need to work together to get something
3 that works for everybody in the best way, because
4 life is going to change in every way.

5 So that would be my point, to work
6 together to do that.

7 VICE CHAIR BERGMAN: Thank you,
8 Commissioner.

9 COMMISSIONER TOULOUSE: May I make a
10 motion now?

11 VICE CHAIR BERGMAN: Well, I want to be
12 sure there's no further discussion.

13 COMMISSIONER CHAVEZ: I keep raising my
14 hand.

15 That's okay. Thank you. Yeah, I want to
16 ditto what Commissioner Carr said. That was going
17 to be my question, as well. You know, we need our
18 own legal counsel. Otherwise, we're going to be,
19 again, too cautious, and we're going to be led by
20 the opinions of or influence -- over duly influenced
21 by the opinions of the attorneys for the charter
22 schools.

23 I also think that, you know, if there's a
24 way for us to get a lot of our questions answered
25 before the work session so that we don't spend a

1 whole lot of time trying to figure out answers to
2 those questions, I think that would also help move
3 that process along. If there's a way to do that, I
4 don't know. If there's not a way to do that, then
5 we're stuck with dealing with all of it in the work
6 session.

7 But I also think that we need to move on
8 this, and, you know, being afraid of being sued, I
9 don't think should be our primary motivation for not
10 doing anything.

11 VICE CHAIR BERGMAN: Thank you for that.
12 That's not what I said. I said we have to be
13 cautious in that area. We have to be cognizant that
14 if we get to that stage, then we have one judge
15 telling everybody what's going to happen. And I'm
16 never comfortable with that.

17 COMMISSIONER CHAVEZ: I didn't -- let me
18 make -- I didn't say that you said that. I just --
19 want to make sure.

20 VICE CHAIR BERGMAN: Commissioner Carr?

21 COMMISSIONER CARR: I'm sorry, but I
22 just -- I had another thought, you know, is that if
23 we don't have our own legal counsel, then there is
24 actually no right for -- for anybody coming before
25 us to have legal counsel talking for them here. And

1 if we don't have an attorney, neither should they.

2 And -- and I said -- like I say, they can
3 be in the room; they can be around. But if we don't
4 have an attorney speaking directly for us, I don't
5 think we should allow them to have an attorney speak
6 directly for them. There's no -- and there's no
7 right to it, either.

8 VICE CHAIR BERGMAN: Thank you,
9 Commissioner. Yes, Ms. Roubidoux.

10 MS. ROUBIDOUX: Mr. Vice Chairman, members
11 of the Commission, I will note that the agenda does
12 allow for -- for comment and the Chairman invited
13 members -- they may be attorneys, but they're still
14 members of the public. And the matter is not in
15 litigation. I think, under the Open Meetings Act,
16 it would not be a wise idea to shut down public
17 comment when it is allowed on the agenda.

18 VICE CHAIR BERGMAN: Commissioner Carr?

19 COMMISSIONER CARR: But they're not here;
20 they're not here as members of the public. They're
21 here representing someone else. That's -- that's --
22 that doesn't fit the definition. I respectfully
23 disagree.

24 COMMISSIONER TOULOUSE: Mr. Chair?

25 VICE CHAIR BERGMAN: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: I think we're
3 getting slightly far afield. But I would like to
4 correct something on the record, because I want to
5 be fair to PED, which is probably unusual for me.

6 But we have had an offer from Deputy
7 Secretary Aguilar to hire us an attorney. The
8 problem was there were some conditions associated
9 with that that we were not comfortable with. We
10 would have been allowed to be -- participate in the
11 interview, but not necessarily the selection; and it
12 would be -- and then that person would still be
13 employed by PED and be limited to what they could
14 represent us on.

15 And that's why there was a decision not to
16 go forward with that at this time, because we
17 didn't -- we felt there could still be a conflict of
18 interest if we were being represented by an attorney
19 who was hired by and paid by the Public Education
20 Department and had conditions imposed on us.

21 So we need an attorney. We need one that
22 works for us, not for PED, and we don't have a
23 budget for that.

24 But I would like to know now -- because I
25 think we've kind of beaten a dead horse -- are we

1 ready for a motion?

2 VICE CHAIR BERGMAN: I will think -- I
3 will communicate to the Chair this evening when I
4 get back to Roswell -- someone else has their mic
5 on --

6 COMMISSIONER TOULOUSE: I was going to
7 make a motion.

8 VICE CHAIR BERGMAN: Not yet, please.

9 I will communicate with the Chair this
10 evening and ask her to go back through that process
11 again, contact the PED, and make a formal request
12 that we have our own legal representation that we
13 hire, that -- that has independence and is not
14 answering to PED, that answers to us.

15 That is -- that is the other sticking
16 point Commissioner Toulouse just noted. They --
17 that attorney would have, quote, represented us, but
18 would not have represented us.

19 So we have to -- yeah, it's an issue that
20 we have fought for years. This isn't just a new
21 issue. We have asked for years. So I will
22 communicate that.

23 Now, is there any further discussion?

24 COMMISSIONER CARR: No.

25 COMMISSIONER GIPSON: No.

1 VICE CHAIR BERGMAN: Nobody's raising
2 their hand.

3 All right. Is there someone who wishes to
4 make a motion?

5 Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Mr. Chair, fellow
7 members, I move that we table this issue on --
8 what's the title of the issue to make this -- that
9 we table our policy recommendations for
10 investigations and complaint policies until our work
11 study on January 14th and move it to the agenda on
12 the 15th for further discussion and possible action
13 at that time.

14 VICE CHAIR BERGMAN: We have a motion.
15 Do we have a second?

16 COMMISSIONER GIPSON: Second.

17 VICE CHAIR BERGMAN: Commissioner Gipson
18 has seconded it.

19 We have a motion by Commissioner Toulouse;
20 we have a second by Commissioner Gipson.

21 Is there any further discussion?

22 Hearing none, Mr. Secretary, can we have a
23 roll-call vote, please?

24 COMMISSIONER PERALTA: Commissioner Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER PERALTA: Commissioner
2 Chavez?
3 COMMISSIONER CHAVEZ: Yes.
4 COMMISSIONER PERALTA: Commissioner
5 Gipson?
6 COMMISSIONER GIPSON: Yes.
7 COMMISSIONER PERALTA: Commissioner
8 Peralta votes "Yes."
9 Commissioner Conyers?
10 COMMISSIONER CONYERS: Yes.
11 COMMISSIONER PERALTA: Commissioner
12 Ambruster?
13 COMMISSIONER ARMBRUSTER: Yes.
14 COMMISSIONER PERALTA: Commissioner
15 Toulouse?
16 COMMISSIONER TOULOUSE: Yes.
17 COMMISSIONER PERALTA: Commissioner
18 Bergman?
19 VICE CHAIR BERGMAN: Yes.
20 COMMISSIONER PERALTA: Mr. Vice Chair,
21 that is eight to zero in favor of the motion.
22 VICE CHAIR BERGMAN: Mr. Secretary, thank
23 you. I will note that there has been a vote on that
24 motion, eight to zero. We will table this item
25 until our January 14th work session when we will

1 have further discussion on it.

2 Thank you very much.

3 We are now to Item 9 on the agenda. That
4 is a Discussion and Possible Action on Charter
5 School Amendments.

6 Katie, what -- I would call the
7 representative from the International School at
8 Mesa Del Sol to come forward.

9 MS. POULOS: Commissioner, I did hear a
10 request for a break. Would that be appropriate?

11 VICE CHAIR BERGMAN: A five-minute break,
12 please.

13 COMMISSIONER ARMBRUSTER: Well, we'll see.

14 VICE CHAIR BERGMAN: All right. Ten
15 minutes.

16 Be back at about 13 after, please.

17 (Recess taken, 10:02 a.m. to 10:13 a.m.)

18 VICE CHAIR BERGMAN: Let's get back to
19 work here, folks. We are now back in session from a
20 short break.

21 We are now to Item 9, Disposition -- or
22 Discussion and Possible Action on Charter School
23 Amendments.

24 Katie, would you present what we're about
25 to discuss, please?

1 MS. POULOS: Madam Chairwoman [verbatim],
2 Commissioners, the International School at
3 Mesa Del Sol has submitted an amendment request to
4 amend its instructional program, which currently
5 houses Grades K through 9, to expand its grade
6 levels to K-10. This expansion does not include an
7 expansion of the enrollment cap, which is
8 450 students.

9 Because -- actually, just a little bit of
10 history. In March 2015, the school was granted an
11 amendment to add the ninth grade. Prior to that, it
12 was grades K through 8. During the Commission's
13 consideration of that amendment request, the
14 Commissioners overwhelmingly expressed a need for
15 the school to demonstrate school-wide improvement,
16 as well as success with the ninth-grade students, if
17 the school planned to request the addition of tenth
18 grade to its contract.

19 In that discussion, the Commission also
20 expressed interest about enrollment and
21 re-enrollment numbers, as well as interest in school
22 demographics.

23 You will see that CSD has provided that
24 information in the report on Page 2. You see
25 information about school demographics, as well as

1 information about the re-enrollment rate.

2 The school's academic performance in 2010
3 through '11, the school was a letter grade of an A.
4 In '11-'12, the school grade was a B. And then in
5 2013, the school dropped to a letter grade of a D,
6 which they also earned in 2014. The school
7 currently maintains a three-year average of D.

8 CSD has provided you with information that
9 shows, as far as proficiency rates, the school is on
10 par with the statewide, as well as APS, proficiency
11 rates; and we've done a comparison, just so that you
12 could see that, to not just PARCC, but to SBA. And
13 so with SBA, they were fairly consistent with those
14 proficiency rates, even in the year that they earned
15 a D letter grade. And again, here, in 2015, they
16 have shown proficiency rates on par with the State.

17 And so it appears that the State letter
18 grade for this school does -- does weigh
19 substantially on the growth factors.

20 Because of the school's -- the PEC's
21 discussion with regards to the prior amendment in
22 2000- -- in March of 2015, and because of the
23 school's three-year average D letter grade, CSD
24 asked the school to submit additional information,
25 including a Statement of Progress, that would

1 demonstrate the school was making substantial
2 progress. That was the -- the standard that CSD was
3 going to look for in order to be able to make a
4 recommendation of approval on this amendment.

5 And what CSD was doing was giving the
6 school an opportunity to make that case; because
7 without that case, knowing that the school did have
8 poor performance, CSD was not prepared to make a
9 recommendation for approval to add more students and
10 allow the school to serve students for a longer
11 period of time.

12 So CSD did ask that. In response, the
13 school expressed concern that CSD had asked for that
14 information and stated that it was inappropriate for
15 CSD to be utilizing a standard defined as the
16 "substantial progress" standard.

17 CSD does want to highlight for the
18 Commission that I do think it would be appropriate
19 for the Commission to create protocols and standards
20 with regards to amendment requests and the
21 submission requirements based on school performance
22 so that CSD could have some clarity on what they
23 should expect from schools that are requesting an
24 expansion, for example, of their cap or their grade
25 levels served, and know what information the

1 Commission would need and would like in support of
2 that amendment request.

3 The school did provide the information
4 that CSD requested. And you'll see, on Page 16 --
5 starting on Page 16 and going through Page -- the
6 top of Page 12 [verbatim], CSD analyzed the data,
7 both the State report card data, as well as the NWEA
8 data that the school provided. And what CSD found
9 was in comparison to the fall of fiscal year '15, in
10 the spring of that same year, after a year of
11 instruction at the school, by grade level, student
12 performance, on average, appears to be worse, with
13 declines in the percentage of students at or above
14 the norm level grade mean writ.

15 And that was true for both math and for
16 reading; except in the case of reading, we were not
17 provided with fall fiscal year '15 data for second
18 grade. And in seventh grade, we did see a slight
19 2-percentage-point increase.

20 The other data that we did have from fall
21 to winter, but not from fall to spring, was the
22 percentage of students meeting the projected growth
23 targets. And you'll see in math that for nearly all
24 grades, the percentage of students meeting their
25 projected growth targets from fall to winter was

1 less than 50 percent. There is an exception of two
2 grades, that being grade four and grade eight.

3 And then with regards to reading, again,
4 the same trend. And there were -- the exception, I
5 think, of four grades: Grade four, where 55 percent
6 of the students met their growth targets; grade
7 five, where only 50 percent; grade seven, where
8 69 percent; and grade eight, where 53.8 percent met
9 their growth targets.

10 The other comparison that CSD made with
11 the data that we were provided was a comparison of
12 fall '15 to fall '16 [verbatim], percentage of
13 students at or above norm grade level. And again,
14 what we saw was substantially, most grade levels saw
15 a decline in that percentage.

16 But then, even further, when you tracked
17 across years -- so if you were to look at
18 kindergarten students in fall '15 and then compare
19 that to the first grade in fall '16 [verbatim], we
20 again saw those students actually starting at a
21 lower percentage that were at or above the norm
22 grade level.

23 And so those raise some substantial
24 concerns for CSD, such that CSD felt the school
25 hadn't demonstrated that it was making progress with

1 its students.

2 We did not receive grade nine data. The
3 data that we did receive on grade nine for -- I
4 believe that was for reading; I don't believe we
5 received any for math -- did not -- I think it had
6 three students that were tested. So we didn't have
7 any -- any information that we could provide from
8 that.

9 The school also provided DIBELS data
10 overall for the school. The DIBELS data
11 demonstrated below average progress on students --
12 increasing the percentage of students at benchmark,
13 and then average progress on decreasing the
14 percentage of students well below benchmark.

15 So, again, the data that CSD analyzed
16 represented some serious concerns about whether the
17 school is demonstrating progress with the students
18 that it has.

19 Additionally, CSD did look for evidence of
20 systematic processes to utilize data that might
21 support student improvement and student achievement.
22 And while the school did state that they are
23 utilizing data, there were some gaps in that, as
24 identified in the analysis on Page -- Pages 12 and
25 13; specifically, CSD did not receive artifacts to

1 demonstrate the implementation of the stated
2 actions. Additionally, CSD felt that while there
3 was a reading specialist and professional
4 development, there wasn't clarity on how data was
5 driving those actions.

6 As a result, CSD feels that the Statement
7 of Progress did not demonstrate that the school was
8 making progress; so at this time, CSD does not feel
9 that it could recommend the approval of this
10 amendment.

11 CSD also -- the recommendation CSD is
12 making is that the Commission may actually want to
13 wait, table this item, and reconsider it at the
14 January meeting, when State letter grades and the
15 letter grade data, including proficiency and growth
16 information, would be available to the Commission,
17 and that between that time and now, the school would
18 also be allowed to submit additional information and
19 data that could demonstrate student achievement and
20 the improvement of student performance, specifically
21 with regards to their ninth grade students.

22 The proposed motion is on Page 14 and 15.
23 That includes motion language to either deny, defer
24 consideration, or approve this amendment request.

25 VICE CHAIR BERGMAN: Thank you, Director

1 Poulos. We'll now hear from the school.

2 Please identify yourselves for the record,
3 and then you may proceed.

4 DR. JOYCE: Good morning, Mr. Vice Chair
5 and Commissioners. I would like to request a point
6 of order. The previous agenda items with respect to
7 renewal of charters allow 15 minutes to address the
8 Commission. I'm wondering if that is also allowed
9 here.

10 There was also a five-minute public
11 comment time. I am wondering if that is possible --
12 allowed in this respect.

13 VICE CHAIR BERGMAN: Actually, we normally
14 have not had time limits.

15 COMMISSIONER GIPSON: We haven't had any
16 time limits before.

17 VICE CHAIR BERGMAN: That process is
18 totally separate.

19 COMMISSIONER GIPSON: If you want us to
20 limit your time?

21 VICE CHAIR BERGMAN: You have an unlimited
22 amount of time; but not a year. Let me state it
23 that way.

24 DR. JOYCE: Mr. Director, I promise I
25 won't use that. I also would like a point of order

1 with respect to the information that the CSD just
2 shared with you, that I begin this with, first of
3 all --

4 VICE CHAIR BERGMAN: Please identify
5 yourself, please. All of you, please, and then
6 proceed.

7 DR. JOYCE: Dr. Sean Joyce, International
8 School, Mesa Del Sol, Head of School.

9 CAPTAIN ENGLISH: Good morning. I'm
10 Captain Jacob English. I'm the president of the
11 International School governing council. And I've
12 also been on the board for just about four years.

13 MS. LACY: Anne Lacy. I'm a member of the
14 governing council of the International School at
15 Mesa Del Sol.

16 DR. JOYCE: And you, too, also. So come
17 on up and introduce yourselves, please. And then I
18 will move away when you make comments.

19 MS. GIBSON: I'm Tina Gibson, special
20 education teacher and codirector of the special
21 support services at our school.

22 MS. CARREON: Good morning. I'm Argelia
23 Carreon, and I live at Mesa Del Sol. I am a
24 resident of the community, but also participate with
25 the council. Thank you.

1 VICE CHAIR BERGMAN: If you would like to
2 take chairs and sit with the folks, if you may? We
3 don't normally have public comment; so please sit at
4 the table.

5 Now, please proceed.

6 DR. JOYCE: Mr. Vice Chair, members of the
7 Commission, I would first of all request that we be
8 allowed to, one, provide some information in
9 addition to what was delivered to you in your
10 packet. And I'm making this request, because we
11 submitted our amendment request several months ago
12 and were unaware that there were requirements from
13 the CSD with respect to the significant performance
14 data.

15 Also, since that time, in the last two
16 weeks, the Public Education Department has released
17 the partnering assessment data, and we would like to
18 present that to you, if possible.

19 MS. POULOS: And -- sorry. That PARCC
20 assessment data is provided in your analysis,
21 Commissioners, on Page 3.

22 VICE CHAIR BERGMAN: Katie, please ask
23 to -- please. Thank you. Proceed. I guess the
24 data is in the packet here.

25 DR. JOYCE: Mr. Vice Chair, members of the

1 Commission, the data that I would like to show is a
2 comparative of like schools in our community, which
3 is not provided to you.

4 VICE CHAIR BERGMAN: I believe we're -- is
5 it appropriate for us to accept that? Is that --

6 COMMISSIONER CARR: What?

7 VICE CHAIR BERGMAN: Commissioner Carr?

8 COMMISSIONER CARR: I don't know if we
9 have enough time to assimilate the data without
10 delaying this until January. Right now, I don't
11 know how much you want to give us. Is it one page?

12 DR. JOYCE: Mr. Vice Chair,
13 Commissioner Carr, it's graphic. It's two pages.

14 COMMISSIONER CARR: Oh.

15 VICE CHAIR BERGMAN: What is the will of
16 the Commission?

17 COMMISSIONER CARR: I'm fine, if it's only
18 two pages.

19 VICE CHAIR BERGMAN: Proceed, then, yes.
20 Commissioner Carr raises a valid point. If it was
21 20 pages, we certainly couldn't read it in the next
22 five minutes.

23 DR. JOYCE: Mr. Vice Chair, members of the
24 Commission -- and as a teacher, I do risk providing
25 information to you while I address you. But I am

1 confident that all of you are able to multitask and
2 will be able to attend to both my comments, as well
3 as the data in front of you. And I will be speaking
4 directly to that data in a moment.

5 While I have only a few minutes this
6 morning to make a formal comment, I have much I
7 would like to share with the Commission. It is
8 impossible to properly address the questions raised
9 and response developed to the CSD in response to our
10 amendment request in only the 15 minutes I presumed
11 allowed. I understand both the need and the
12 consistency in the process for brevity.

13 I am tempted to address both a
14 point-by-point statement of the Charter School
15 Division, as well as the issues surrounding the data
16 submitted by our school at the Charter School
17 Division's direction. I'll resist that temptation,
18 at least in part.

19 I will speak to at least a few of the data
20 points near the end of my presentation, as a matter
21 of course, so that this Commission does believe it
22 fundamentally imperative that the International
23 School demonstrated growth in the past year in order
24 to approve our amendment request to extend our IB
25 program from our current ninth grade students to

1 their tenth-grade year.

2 In doing so, I will also note that your
3 own data results are, in some important cases,
4 different from what the CSD reports in its response
5 to our request for the amendment. While it might
6 appear to be specious, we do have serious concerns
7 that the data we have provided at times appears to
8 be different than what the CSD provides.

9 The two most important issues I want to
10 emphasize today is, one, the sole purpose of our
11 little school on the mesa which now serves
12 275 students, an increase of 49 students from last
13 year, is to provide the families in our community
14 with a choice for their child's education; and, two,
15 that the lessons of statistical research require
16 that every data point used for action or
17 decision-making purposes has a story behind the data
18 that begs to be heard.

19 At the risk of appearing pejorative, I
20 presume the reasons the CSD does not know many of
21 the stories behind much of the data concerning us is
22 that the Charter School Division, one, has not had
23 any personnel on our campus since October of 2013;
24 and that involved the charter renewal visitation
25 when then Director Dr. Tony Gerlicz and his

1 colleague, Susan Coates, was on our campus. While
2 our own CSD liaisons over the past seven years have
3 changed almost on an annual basis, we have not had a
4 current CSD liaison, as yet, visit our campus and
5 observe our class instruction since 2011.

6 The charter school does not appear to have
7 an understanding of the International Baccalaureate
8 curriculum and the three levels of program starting
9 with the K-5 Primary Year program, the 6-10 Middle
10 Year program, which we are here today to ask that
11 you grant us that final tenth-grade year, and the
12 final capstone program of IB being the 11-12
13 Diploma.

14 The International School is being
15 evaluated, like almost over every other public
16 school in this state, based on assessment data. I
17 want to emphasize that I completely agree with the
18 fundamental belief concerning school accountability.
19 Certainly, any system that uses a majority of
20 state's revenue should be fully accountable for its
21 use of the public funds.

22 When one looks at the newest high-stakes
23 accountability assessments, currently known as
24 PARCC, with like schools within the like student
25 population and the like community in which we

1 reside, it becomes obvious that the International
2 School is doing as well, or better than, its like
3 schools.

4 Now, while I share this data with you, let
5 me remind this Commission that I have already gone
6 on record with you last March that our own story
7 behind the delivery of the PARCC assessment was
8 somewhat like a Steven King novel. And when I was
9 here last in front of this Commission, the CSD went
10 on record by reporting that there was little to no
11 problem statewide with the delivery of the PARCC
12 assessment.

13 From our point of view, we cannot support
14 that notion. And I believe that the problems our
15 school encountered were not unlike many other
16 schools across the state; so I will not presume that
17 the data discussed with respect to PARCC would be
18 any different for any other similar school in our
19 community.

20 The state of public education throughout
21 New Mexico is substandard; but if the Charter School
22 Division wants to rest its recommendation on our
23 amendment exclusively on the data, then I challenge
24 them to look behind the data and understand the
25 story behind that data.

1 Therefore, I want to reference the graph
2 that I just presented to you. Without it in front
3 of me -- I thought I had enough -- what I want to
4 show you is with respect to the -- thank you.

5 The third grade. I will start with the
6 third grade language arts. And what I want to draw
7 attention to is that in Level 1, which is the lowest
8 level of proficiency -- and Level 5 is the highest
9 level; and this data is saying that the goal is to
10 have students in Levels 4 and 5, and the least
11 desired level is 1 -- that in Level 1, third grade,
12 we have -- we are at the lowest level in our like
13 schools. In other words, we have fewer students in
14 that Level 1.

15 And if you look at Level 5, we are amongst
16 the middle of our like schools. And the schools
17 that I compare, by the way, are not just D schools.
18 I have also listed B and C, and one particular
19 school that's doing very well, an A school.

20 I also want to note that while we've
21 pushed most of our students out of the Level 1, we
22 have a high number of students in Level 1, greatly
23 higher than our peer groups. We are approximately
24 in the higher end of the Level 3, and we are within
25 the top levels of Level 4.

1 In -- in grade three, math, you'll see
2 that, again, we are in the lowest level of our peer
3 groups in Level 1. We are at Level 5 and similar to
4 our peer groups. We again push more of our students
5 out of Level 1 and find them in Level 2.

6 So we are moving, which is one of the
7 arguments that the Charter Schools Division gave to
8 you last March about our failure to address both the
9 lower-end quartile and the upper quartile.

10 If you look at the fifth-grade comparisons
11 by, again, our neighborhood schools, you'll see that
12 in the lowest Level 1, in grade five, language arts
13 in our neighborhood like schools, we are in the
14 middle of that. We have fewer students in that than
15 many of our peer groups. And, again, we push that
16 lower level to Level 2. And then from Level 3, you
17 see that we have a high, exceeding all of our peer
18 groups in Level 2.

19 So we have more of our students achieving
20 in that Level 4, which is the second highest desired
21 area. And then we're -- again, in fifth grade, we
22 are above all of our like schools in that highest
23 most desirable area. Again, without being too
24 pedantic about it, fifth grade, in math, you can see
25 the comparisons.

1 So part of our argument, if the Charter
2 School Division wants to focus on performance data,
3 the most recent performance data with like schools,
4 we are in very good competition and as well or
5 better than any of the like schools running with APS
6 and statewide.

7 I understand that the focus is all on test
8 scores, on literacy and numeracy, school grades; and
9 frankly, those schools who are like our school do
10 almost as well as we do. However, we do not -- we
11 do, additionally, things that they do not do.

12 One, they do not deliver the IB
13 curriculum. Almost every one of them do require
14 literacy and numeracy to the point where that may be
15 what they exclusively focus on. We additionally
16 require all of our students to take fine arts,
17 performing arts, physical and health education, and
18 language acquisition, from kindergarten to ninth
19 grade.

20 We still put all of our kids into the
21 community and around the state with our
22 experiential, hands-on learning program, and
23 continue to include field trips in our curriculum
24 program.

25 And I want to emphasize that in grades

1 five and above, we put those students into overnight
2 field trips. And in eighth grade, they spend 20
3 days in Guatemala.

4 Of our 275 students, 152 reside south of
5 Interstate 40 and west of Interstate 25. This is
6 over 55 percent of our student population, which is
7 why we address the neighborhood community. When we
8 include the few students who actually live on
9 Mesa Del Sol with those in Bosque Farm, Los Lunas,
10 and Belen, we now then serve 199 students, which
11 represents over 72 percent of our population.

12 So, again, for emphasis, our school being
13 a school of choice for parents within our community,
14 over 72 percent of them choose our school to educate
15 their children over their local neighborhood school.

16 We are the only kindergarten through fifth
17 grade school of choice in Valencia County
18 represented by the communities of Los Lunas and
19 Belen. And we are one of only two schools of choice
20 for parents in Valencia County for sixth through
21 twelve.

22 In the last year, we have become -- I'm
23 sorry, Ms. Gibson, I am taking your thunder -- the
24 unofficial school for the Presbyterian Ear
25 Institute, having placed five of their students with

1 cochlear implants at our school. I want to
2 emphasize the significance of that, because
3 Albuquerque has a charter school that addresses the
4 concerns of the hearing impaired at the Albuquerque
5 Sign Language Academy.

6 I'm asking you to look at the story behind
7 the data on like schools in our community. And one
8 of the parts of that story that distinguishes the
9 difference between D schools and the A and B schools
10 that we do compare ourselves to that are identified
11 there is that in addition to the literacy
12 instruction of our students that they receive, we
13 require, in all grade levels, four special content
14 classes. And the capstone is the tenth-grade class
15 that we're asking you for.

16 If you look at many of these public
17 schools in our like community, most of them do not
18 offer the additional learning experience we must
19 provide our students by being an International
20 Baccalaureate school. Instead of reducing the
21 number of field trips or students' experience, we
22 continue to increase them in the belief that our
23 students need to be out in the world to know and
24 understand that world. They need the hands-on
25 learning experience that are earned while

1 participating in the world.

2 We have monthly Bosque and Ecosystem
3 Monitoring Program, the BEMP program, which I'm sure
4 you're very aware of, where every month, we have
5 field trips taking our kindergarten through fifth
6 grades out into the field doing real science and
7 data gathering.

8 Our entire fifth grade spends three days
9 and two nights at the Ghost Ranch, immersed in the
10 study of paleontology, anthropology, ecology, the
11 history of New Mexico, and visual arts, from the
12 experts in the field. Our overnight field trips to
13 the Bandelier National Monument and Camp Shaver
14 reflect that. And the Socorro trip to the Very
15 Large Array, the Mineral Museum, New Mexico Tech,
16 and the Etscorn Observatory are, again, some of the
17 important learning opportunities our students
18 experience.

19 The goal of charter schools is to provide
20 parents choice, as they see fit, for their most
21 cherished possessions, their children. We are here
22 today simply to ask this Commission to allow our
23 community for the assurance that they -- as we move
24 forward this next year, their desire to have their
25 children continue to receive an IB academic program

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1 in the final, tenth-grade year of the Middle Year
2 Program in IB will, in fact, occur.

3 I don't believe anyone here would argue
4 that literacy and numeracy is not important, least
5 of all me. But I also want, additionally, to
6 highlight that literacy and numeracy instruction,
7 and our mission, is also to create thinking and
8 problem solving adults. The current events from
9 around the world that envelop our children here in
10 New Mexico, in fact, on this very day, as
11 experienced in the record breaking attendance of
12 global leaders at the COP21 climate change
13 conference in Paris, is but one of the multitude of
14 imperatives our children must solve in order for
15 future generations to successfully inhabit this
16 planet.

17 Our school's curriculum and instruction
18 engages our students to begin now their preparation
19 to assume the adult role in the very global
20 community.

21 Now, if I have time, I would also like to
22 address a few of the data discrepancies we have
23 between our data and the Charter School's
24 description of that data.

25 VICE CHAIR BERGMAN: Please be brief.

1 DR. JOYCE: So on Page 2 of your packet,
2 in evaluation of the students enrolled at the end of
3 FY -- and I'm going to presume that's fiscal year
4 2015 -- as compared to enrollment count at the end
5 of the first week of the 2015-'16 school year, shows
6 a re-enrollment rate of approximately 81 percent,
7 which reflects approximately 44 students who did not
8 enroll.

9 Mr. Vice Chair, members of the Commission,
10 I pulled our first week of data. I pulled our
11 fourth -- I pulled the 40th day. I cannot find that
12 number. I don't see where that number is.

13 I agree that we do have a loss in
14 enrollment, and I can talk to the story behind that.
15 Twelve of those people who did not enroll -- of the
16 eighth grade did not enroll because we did not get
17 the amendment for adding ninth grade until March.
18 And many of those students had already been accepted
19 in private schools around Albuquerque.

20 In fact, since the 40th day, two of those
21 ninth-graders have returned to us, and we have two
22 more that enrolled and have registered and will
23 enroll in January; so we have some of those students
24 coming back that have left us; but their parents had
25 gone looking for schools.

1 We also have six students who were, in
2 fact, enrolled all the way up to the 35th day that
3 are listed in this attendance. And I am dumbfounded
4 as to how that statistic comes out. Of those, we
5 have very good explanation why those people left.
6 Some of them left because, as charter schools know,
7 when you create a CYFD report, parents leave.

8 I would, also, on Page 2, talk about the
9 special education population. And it indicates the
10 data from CSD that in the 2016 bar, 6.18 percent,
11 versus the 2015 8.44 percent, we reported, on our
12 40th day, 25 students. The 6.18 percent of
13 275 students is 16-and-a-half students, not 25.

14 So I'm unable to understand that
15 discrepancy. With our 25 students, that's actually
16 an increase over the '15 year.

17 On Page 6, Charter School Division points
18 out that there was no growth from 2012 -- I'm
19 sorry -- there was a downward trend from 2012 to
20 2013, and no growth from '13 to '14. The bar graph
21 that they submitted to you does indicate that, in
22 fact, there was growth between '14 and '13.

23 The DIBELS on Page 11. Again, I want to
24 emphasize the story behind the data. When you look
25 at the top part of that chart, where it says the

1 beginning of the year at benchmark and the end of
2 the year at benchmark, you'll see that in
3 kindergarten through third, it went from 53 percent
4 to 59 percent, which is, when it put that group
5 together, is below average.

6 I want to draw your attention to right
7 below that, the kindergarten that went from 50 to
8 36. That's the only grade, with a small exception
9 of second grade -- and I will explain that data,
10 too -- that's the only one that really had a
11 significant drop. And the reason for that is
12 simple.

13 From the first grading of that
14 three-episode grading, in May, which is the third
15 reporting of the DIBELS, the two kindergarten
16 teachers, one of whom was on family medical leave,
17 wasn't present to administer that one-on-one
18 assessment; so of the 26 students represented there,
19 14 of them had a substitute teacher administer that
20 DIBELS test. The other kindergarten teacher spent
21 the month of May in due disciplinary process.

22 When you look at -- and I went on record
23 last year, in March, with this Commission. Our
24 reading specialist did use data. And that data
25 talked specifically about what we do with our

1 reading program. Our reading specialist developed
2 data from our MAPs and DIBELS; and in the
3 kindergarten, first, and third grade, we largely
4 used a push-in/pullout model. In second grade, we
5 used only a pullout model. In the first grade, we
6 used more push-in than in any other point. In third
7 grade, the push-in was only four events over the
8 school year.

9 When you look at the difference between
10 the pullout, exclusive, versus the pullout/push-in,
11 you'll see that we got much better results with
12 first grade and third grade with the combination of
13 those. And the one that largely pushed in had the
14 greatest results, 32 to 63.

15 Second grade only used the pullout. The
16 teachers did not use the push-in, did not model the
17 reading specialist; so their data is basically a
18 flat line. That has changed this school year, where
19 we are doing almost exclusively 75 percent push-in
20 with minimal pullout.

21 When you look at the chart below,
22 well-below mark of 29 percent to the well-below mark
23 of 17, again, that's only average process. Let me
24 remind you again that we had, in the kindergarten
25 program, one teacher who wasn't even present there

1 to deliver her assessment of her students, and the
2 other who was dealing with due process disciplinary
3 issues; and, again, in second grade, where we did
4 not use a push-in model.

5 So that's part of the story, Mr. Vice
6 Chair and members of the Commission. And I would
7 like to give just a few moments for --

8 VICE CHAIR BERGMAN: You said you wanted
9 to --

10 DR. JOYCE: -- for comments, because you
11 said you guys wanted to make comments.

12 VICE CHAIR BERGMAN: I want to let them
13 finish their --

14 MS. CARREON: Mr. Vice Chairman and
15 Commissioners?

16 VICE CHAIR BERGMAN: You're going to have
17 to use the microphone, please.

18 MS. CARREON: Mr. Vice Chairman and
19 Commissioners, I am Argelia Carreon. And I know I
20 have a difficult name; so please bear with me. But
21 I am very lucky to actually live in Mesa Del Sol. I
22 am a member of the community.

23 I do not have any children or
24 grandchildren attending the school; but as a member
25 of the community, I felt that the school is an

1 integral part of the community.

2 You may know that Mesa Del Sol is kind of
3 stuck there at the very end of Albuquerque, just
4 south of the airport. And we're an isolated
5 community. Having the school there is a blessing
6 for our community. It's a Godsend.

7 As an educator, I see it as an integral
8 part of the community. And more and more families
9 with children are moving in who are now attending
10 the school.

11 One of the things that I really like about
12 this school is the fact that it has such a breadth
13 of offerings, and, as a former educator, I really
14 appreciate that.

15 Like I said, I have no children or
16 grandchildren there. But from the moment that I
17 moved in there, I started to volunteer. So I've
18 been volunteering there for almost three years now
19 and decided that it was time to take an even more
20 active role. So this year, I started to participate
21 with the governing council.

22 So I urge you, I really urge you to help
23 our community and add that tenth grade, because of
24 the fact that the International Baccalaureate
25 certificate is so meaningful, not just to the

1 school, not just to the status of the school, but
2 the vibrancy and the offerings of that community.

3 So thank you very much.

4 VICE CHAIR BERGMAN: Thank you. Do you
5 have anything further before we go on?

6 MS. GIBSON: Mr. Vice Chairman and members
7 of the Commission, I come to Mesa Del Sol this year
8 after 22 years of experience as a special education
9 teacher. I spent 16 years in APS schools, and I
10 have worked in segregated classrooms, and I have
11 become a gifted teacher, and I have learned many
12 things through professional development
13 differentiating instruction for all students. It
14 has become my passion that students stay in the
15 classroom and are not pulled out of their classrooms
16 and they are getting their services in the inclusion
17 model.

18 One of the reasons that I left public
19 school, I've had the opportunity to spend the last
20 seven years at a very prestigious public school in
21 Albuquerque -- "private" -- "private," thank you --
22 private school. The lack of professional
23 development at that school over the years caused me
24 to want something more.

25 And so this is my first year at

1 Mesa Del Sol. And we are doing some really great
2 things, and I would like to share them.

3 Again, we -- we do not pull out our
4 students. As a special education teacher, I go into
5 the classroom, along with two of our educational
6 assistants whom I have trained and am continuing to
7 train, to work with students in the classroom in a
8 very effective way. Together, we work with our
9 teachers, and we help modify our students'
10 assignments. And I am teaching them to
11 differentiate their own instruction in our school.

12 I have been given the opportunity, on two
13 occasions, to provide professional development to
14 our teachers. We have a -- a group of teachers who
15 are passionate about teaching. They want to do the
16 best thing for our students. Our special education
17 students are part of them.

18 We have many gifted students who the IB
19 curriculum is benefiting. They are able to inquire;
20 they are able to question; and they are learning
21 critical thinking skills, just through that one
22 thing alone.

23 I have seen students in just even this
24 year, special ed students, come to our school, who
25 have come from segregated classrooms in other

1 schools, and they are put in regular classrooms.
2 They are making friends; they are excelling; they
3 are doing a great job. And so again, my belief that
4 all students should be -- just like regular life, we
5 are not segregated. And they are learning through
6 that inclusion model at our school.

7 I am also the co-director of the support
8 system -- the support services that we provide, and,
9 along with our social worker, Rosie Medina, who is
10 at our school, together with our passion for or our
11 experience, we have put together, and with the
12 support of Dr. Joyce, we have advisories for the
13 middle school students.

14 That means that we -- all the teachers
15 have a smaller group of students, so that we now
16 have the ability to have better communication with
17 students and, at home, with teachers and students.

18 We have the opportunity through our
19 advisory system that we've just put in place to talk
20 about issues in life, to provide information -- like
21 I was at this morning, we were talking about
22 kindness with our students. And so we're sharing
23 wonderful things with our middle students in this
24 new program that we've just put into place in the
25 last two months, along with a huge belief of mine

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1 that all students should have agendas, planners,
2 which the middle school students were not having.
3 And so we've provided that for our students, and
4 that's becoming very successful.

5 Because I -- I go in and out of classrooms
6 every day, I get to see the instruction of our -- of
7 our teachers. I have been able to see -- and I love
8 that I can see -- the academic rigor, the academic
9 vocabulary that -- one example: Even in a
10 first-grade classroom, the teacher was asking the
11 kids about the hypothesis and making predictions.

12 VICE CHAIR BERGMAN: Do you have much
13 left? I've been very lenient in our time here.

14 MS. GIBSON: I am finished. Thank you for
15 allowing me to share this information.

16 VICE CHAIR BERGMAN: Thank you very much.
17 Before I go to questions, Director Poulos, did you
18 have one? Something to offer?

19 MS. POULOS: I did -- Vice Chair,
20 Commissioners, I did want to correct a couple of
21 points and provide some additional information.

22 I do have some materials that if the
23 Commissioners would like to see it, I can provide
24 that.

25 First, with regard to the statement that

1 no CSD personnel have been on site since 2013,
2 Mr. Woodd spent a day on the campus on April 21st,
3 2015. I have the agenda for that site visit.

4 And I believe the statement was also made
5 that there was no one with International
6 Baccalaureate experience. Mr. Woodd has seven years
7 of that experience and is familiar with that
8 program.

9 Additionally, I wanted to talk about the
10 data -- what was described as "discrepancies."
11 While S.T.A.R.S. does not report the number of
12 students that do not re-enroll, that was part of the
13 discussion of this Commission at the last
14 consideration. So I did spend a substantial amount
15 of time comparing, by student ID number, the
16 students enrolled in the -- at the end of the school
17 year and identify which students were re-enrolled at
18 the end of the first week.

19 The way that I did that was identify --
20 because there seemed to be a very large number of
21 students who have enrollment days -- as the first
22 day of school as an enrollment day, but then a
23 withdrawal on the second day, which I believe would
24 indicate a "no show," and so for the intent of what
25 the Commission was looking for, did eliminate those

1 students, as well as any students that maybe were
2 withdrawn on the second or third day, to give an
3 accurate picture. So I wanted to explain where that
4 piece of information came from.

5 With regards to the special education
6 population, I do have a printout of the S.T.A.R.S.
7 report that identifies the percentage of students
8 identified by the school in their 40th day reporting
9 as special education. I would be happy to provide
10 that.

11 And with regards to the no growth in --
12 between the letter grade of '13 fiscal year --
13 fiscal year '13 and fiscal year '14, I do want to
14 address that, as CSD did not make that statement;
15 rather, CSD stated that it was --

16 VICE CHAIR BERGMAN: Katie, this isn't a
17 courtroom proceeding. Please be brief, please.

18 MS. POULOS: I think it's important that
19 the Commission has accurate information. And we did
20 state that when the bonus points were removed, in
21 fact, the achievement data from '14 was lower than
22 the achievement data from '13.

23 And so those were the issues that I wanted
24 to address for the Commission.

25 VICE CHAIR BERGMAN: Thank you for your

1 clarification.

2 Dr. Joyce, did you have any final thoughts
3 before we go to questions?

4 DR. JOYCE: Yes. Thank you, Mr. Chair,
5 members of the Commission.

6 On 11 -- Page 11 of your packet, you'll
7 notice the unit of inquiry. And that -- and I do
8 recognize that Mr. Woodd does have seven years of IB
9 experience. My comment with respect to this
10 specifically is that their comments were that there
11 was no 2016 data for that; that's correlational
12 data. We draw it the first of the year, in '16, and
13 then in the spring, in May.

14 I don't have a data point for the year
15 2016 that would match the beginning of the year yet,
16 because we haven't gotten to the end of the year,
17 And, specifically, to the reference about their
18 understanding IB, this is about the Unit of Inquiry.
19 That is a K-5 program. And the CSD asks why there
20 was no 6-8 IB data for Units of Inquiry. Units of
21 Inquiry is not part of the MYP program. It is
22 completely different, Units of Inquiry and in fifth
23 grade.

24 And the only reason we have provided this
25 data to you is that the charter school agreed, in

1 our contract with you last year, negotiated to focus
2 only on the grades K-5 IB program. There was
3 nothing in our contract performance framework that
4 addresses any 6-8 IB performance requirements.

5 So I only provided you with that. Again,
6 in response to the CSD, we gave them what they asked
7 for. And I'm not sure why they were asking for
8 information from a 6-8 program that doesn't exist in
9 a 6-8 program.

10 VICE CHAIR BERGMAN: Thank you.

11 Does that conclude your presentation?

12 DR. JOYCE: Thank you, Mr. Chair.

13 VICE CHAIR BERGMAN: Thank you so much.

14 Are there questions?

15 Commissioner Peralta?

16 COMMISSIONER PERALTA: Okay. So for me,
17 this almost sounded like a campaign for renewal as
18 opposed to just an amendment request.

19 But I just want to get to -- I'm going to
20 cut to the chase. My preference is to defer the
21 request until we get more up-to-date information,
22 more firm data, particularly the school grade report
23 card of 2015. And that's just my take on that. So
24 I just wanted to share that with the other
25 Commissioners.

1 VICE CHAIR BERGMAN: Anyone else?
2 Thoughts or questions, either one? I don't see a
3 hand.

4 Commissioner Conyers?

5 COMMISSIONER CONYERS: This may just
6 reflect my lack of understanding here. So you're
7 wanting to add tenth grade? And then what? What
8 happens?

9 DR. JOYCE: Mr. Vice Chair, members of the
10 Commission, we want to add tenth grade this year.
11 We initially submitted our request months ago,
12 because the earlier we get this information to our
13 community that we will have a tenth grade, the
14 better we have to hang on to our ninth-grade
15 students to return in tenth grade.

16 That's why our focus is to get this done;
17 so our community doesn't leave. So we're adding
18 tenth grade, which is the end of the MYP, the 6-10
19 program. The IB program has a third element in the
20 11-12, and that's the Diploma Program; that's the
21 next level. But we are only wanting to complete our
22 MYP program, which is a 6-10 program.

23 VICE CHAIR BERGMAN: And that's your
24 question?

25 COMMISSIONER CONYERS: Yes.

1 VICE CHAIR BERGMAN: Anyone else with
2 questions?

3 Commissioner Carr? Oh, Commissioner --

4 COMMISSIONER CARR: I'll defer -- okay.
5 It doesn't matter. We'll both talk, anyway; right?

6 Director, I'm also impressed with your
7 advocacy, your communication skills and all that.
8 And I -- I -- if there had been a different track
9 record here, I wouldn't -- you know, it's, like --
10 it's not necessarily -- not necessarily fair that we
11 have to wait for these school grades, you know. But
12 under the circumstances, and based on the -- on the
13 history here, I -- I think it's -- I'm going to
14 support deferring, as well.

15 VICE CHAIR BERGMAN: Thank you.

16 Commissioner Gipson?

17 COMMISSIONER GIPSON: I have a question
18 and then a comment.

19 I guess my question is, are you back next
20 year asking for 11-12? And if that's the case, why
21 aren't we sitting here just looking at the -- the
22 whole grouping that we're just going to keep doing
23 this every year; because it -- from my perspective,
24 I don't see -- I understand the program, and I
25 appreciate the program. But keeping a tenth-grader

1 when they can go off to a three-year high school, I
2 think that would be more attractive to many
3 students. Maybe that's part of the retention issue.

4 So I'm kind of curious as to why we're not
5 looking at the final and just looking at Grade 12.

6 DR. JOYCE: Mr. Vice Chair, members of the
7 Commission, essentially, when we renew a year from
8 now, we would like to go K-12.

9 COMMISSIONER GIPSON: Okay.

10 DR. JOYCE: But because of the conditional
11 response to our contract renewal two years ago, we
12 felt it in good faith to add one year at a time,
13 both to our community and to this Commission with
14 respect to this process, knowing that a year from
15 now, we will be reauthorizing and will have,
16 hopefully, three years of data that does convince
17 the -- the Commission that we should reauthorize the
18 entire charter.

19 COMMISSIONER GIPSON: Okay. And then my
20 comment is I tend to agree with Commissioner Carr
21 and Peralta that I think we need -- based on the
22 information that we have, I'm a little more
23 comfortable waiting.

24 VICE CHAIR BERGMAN: Any other comments?
25 Looking -- I will just say that I suspect --

1 Commissioner Chavez?

2 COMMISSIONER CHAVEZ: Thank you. Yeah,
3 I -- I'm also -- I want to say that I'm also
4 comfortable waiting until we get additional
5 information, but wanted to comment on your
6 comparison of neighborhood schools. It's pretty
7 broad in terms of the geographical area. So I'm not
8 sure how you sort of, you know, came up with that
9 list.

10 DR. JOYCE: Mr. Vice Chair, members of the
11 Commission, Commissioner Chavez, we looked at the
12 geographical area, as I said, south of I-40 and west
13 of I-25, where the majority of our students reside,
14 and then chose schools out of that area, where they
15 were neighborhood schools or charter schools in
16 that. They were chosen because those schools
17 represent possible choices for our families. They
18 could choose those schools versus our school versus
19 a neighborhood school.

20 So having the similar demographic
21 background and geographical location, that was the
22 decision made to compare them.

23 COMMISSIONER CHAVEZ: Yeah. Because in
24 looking at the list, it is very broad
25 geographically; so when I think about neighborhood

1 schools, they're really not neighborhood schools
2 that are close to the school where you're at.

3 DR. JOYCE: And there isn't one at
4 Mesa Del Sol.

5 COMMISSIONER CHAVEZ: Yeah. That's it.

6 VICE CHAIR BERGMAN: Anyone else? I'm
7 looking around one more time. It sounds to me like
8 the consensus is that we, again, table this until
9 next month and ask that, as the information becomes
10 available, that it be furnished to us as quickly as
11 possible.

12 And I'm just going to state that it
13 appears we're kicking every can down the road today.
14 These are complex issues, and it's not just because
15 of all us adults that are in this; we're talking
16 about children. It is absolutely imperative that we
17 get this right.

18 And so we're not just deferring because
19 we're not -- because we -- it's just -- we want to
20 get it right the first time. I hope -- I believe
21 everyone would agree with that.

22 I would welcome a motion here, I guess,
23 for tabling, just as we did with the last one, for
24 discussion and possible action at the next -- in our
25 January meeting.

1 COMMISSIONER TOULOUSE: We have a motion.

2 COMMISSIONER GIPSON: On Page 15, there is
3 a sample.

4 VICE CHAIR BERGMAN: I'm told there is a
5 sample on Page 15, if someone would like to make a
6 motion.

7 Commissioner Peralta?

8 COMMISSIONER PERALTA: Thank you. I would
9 move that the Public Education Commission defer
10 consideration of the amendment request presented by
11 the International School at Mesa Del Sol requesting
12 to amend the instructional program, which currently
13 houses Grades K through 9, with an enrollment cap at
14 450, to expand its grade levels to K through 10,
15 with an enrollment cap at 450, until the January PEC
16 meeting, until which time 2015 letter grades and
17 assessment data will be available to support
18 submission of the request and to provide the school
19 the opportunity to submit additional evidence, data,
20 and data analysis to demonstrate improved academic
21 performance in the current school year.

22 VICE CHAIR BERGMAN: Thank you,
23 Commissioner Peralta. We have a motion.

24 Do I have a second?

25 COMMISSIONER GIPSON: Second.

1 VICE CHAIR BERGMAN: We have a motion by
2 Commissioner Peralta. We have a second.
3 Is there any further discussion?
4 Seeing none, Mr. Secretary, can we have a
5 roll-call vote, please?
6 COMMISSIONER PERALTA: Commissioner
7 Conyers?
8 COMMISSIONER CONYERS: Yes.
9 COMMISSIONER PERALTA: Commissioner
10 Chavez?
11 COMMISSIONER CHAVEZ: Yes.
12 COMMISSIONER PERALTA: Commissioner
13 Toulouse?
14 COMMISSIONER TOULOUSE: Yes.
15 COMMISSIONER PERALTA: Commissioner
16 Ambruster?
17 COMMISSIONER ARMBRUSTER: Yes.
18 COMMISSIONER PERALTA: Commissioner
19 Gipson?
20 COMMISSIONER GIPSON: Yes.
21 COMMISSIONER PERALTA: Commissioner Carr?
22 COMMISSIONER CARR: Yes.
23 COMMISSIONER PERALTA: Commissioner
24 Peralta votes "Yes."
25 Commissioner Bergman?

1 VICE CHAIR BERGMAN: Yes.

2 COMMISSIONER PERALTA: Mr. Vice Chair,
3 that is eight to zero in favor of the motion.

4 VICE CHAIR BERGMAN: Did you say "eight to
5 zero"? Is that how many we have?

6 Mr. Secretary, thank you. By a vote of
7 eight to zero, that motion has carried. We will
8 consider this again in January, and hopefully, we
9 will have additional information so that we may make
10 an informed decision.

11 Thank you for your presence today.

12 DR. JOYCE: Thank you very much.

13 VICE CHAIR BERGMAN: We are now to Item
14 No. 10.

15 COMMISSIONER TOULOUSE: Mr. Chair, can we
16 inform Dr. Joyce -- we will be meeting in
17 Albuquerque next month; so you won't have to do the
18 drive back and forth.

19 VICE CHAIR BERGMAN: Thank you again.
20 We're getting near the end.

21 Do we want to go forward or do we wish to
22 take another break.

23 Shall we go forward? Let's go to Item
24 No. 10, then. Director Poulos, please, if you're
25 ready.

1 MS. POULOS: Mr. Vice Chair and
2 Commissioners, as we've done in the prior months,
3 we've provided ongoing actions and monitoring
4 report, which provides any updates which the
5 Commission may need. And those are identified in
6 red.

7 And so if you don't mind, because we don't
8 have any schools specifically identified on the
9 Schools of Concern list, we can move on to Item B.

10 VICE CHAIR BERGMAN: All right. Then
11 let's proceed to Item B.

12 Do you have any further information on
13 that?

14 MS. POULOS: I do not, at this time, have
15 any further information with regards to the
16 settlement agreement with Anthony Charter School.

17 VICE CHAIR BERGMAN: Then I guess we can
18 move on to Item C, then.

19 MS. POULOS: My understanding was that the
20 Chair asked that Southwest Charter School Group be
21 available. And they have provided a report for you.
22 And I believe their director, Mr. Hartom, is here if
23 you have any questions today.

24 VICE CHAIR BERGMAN: Thank you. Come
25 forward and identify yourself. I believe you are

1 the new director?

2 MR. HARTOM: I am.

3 VICE CHAIR BERGMAN: So he's going to
4 bring us up to date on what he's found.

5 Thank you, sir. Identify yourself and
6 then proceed.

7 MR. HARTOM: Good morning. Can you all
8 hear me?

9 VICE CHAIR BERGMAN: Yeah. Push the
10 button down.

11 MR. HARTOM: Good morning, Mr. Vice Chair
12 and Commission. I'm Kirk Hartom, the new head
13 administrator, since August, at the Southwest
14 Schools.

15 And I did see President Shearman last
16 month at the meeting, and she asked me if I would
17 come and give you a brief update of how we were
18 doing since the last report. So the purpose of the
19 report is to continue to provide ongoing information
20 to the Commission regarding the progress that the
21 schools are making in the areas of management,
22 finances, and academics.

23 All of the Southwest Schools scored very
24 well on the PARCC exam; I believe you have the
25 results. In both areas of math and language arts,

1 the Southwest students scored, on the average, from
2 about 20 to 25 percent above the State averages, as
3 well as about 10 to 15 percent above the national
4 averages, when compared to other states that are
5 taking the PARCC test.

6 In regards to enrollment, our enrollment
7 stays very steady, as all schools exceeded the
8 projected enrollments for the school year. The
9 primary and intermediate schools are maintaining a
10 healthy waiting list of about 20 students each,
11 while SAMS and Southwest Secondary maintain a
12 waiting list of about 20 to 30 students each.
13 Enrollment numbers are on target, based on budgeted
14 numbers and projections as reflected in the
15 following registrations to date. And so they're the
16 enrollment numbers for the various schools since the
17 last reports provided in August of 2015 at its
18 regularly scheduled monthly meeting.

19 These things have been initiated since
20 then, in regards to our boards. We continue to meet
21 monthly, and we have established strong financial
22 committees that examine the financials thoroughly,
23 or before approving those finances at the main board
24 meetings.

25 In regards to policy, the school has

1 approved updated governing board policies last
2 summer and continue to revise and refine the
3 employee handbook, along with input from the staff.
4 The boards are also revamping the financial internal
5 control procedures to educate the staff on correct
6 purchasing procedures and the importance of approval
7 of State monies before expenditures.

8 All board members have become active
9 participants in board policy and finance. And we're
10 not just receiving board training through the
11 Coalition; but we're also now members of the
12 New Mexico School Boards Association; and that's
13 each and every school.

14 The -- in concerns to finance, the
15 relationship between the State -- and they are our
16 Board of Finance right now -- and the Vigil Group
17 continues to improve. The schools, back in
18 September, were caught in a watershed of back bills
19 as old employees left and the Vigil Group was being
20 established at the school. We've since been able to
21 create our purchase orders for all our vendors, as
22 well as pay them for the past invoices for the
23 '14-'15 school year.

24 And our working relationship between the
25 schools and our individual budget analysts at the

1 State has dramatically improved. I'm in constant
2 contact with the New Mexico PED Director of
3 Financial Operations in approving correct financial
4 processes for the school, and also in regards to
5 personnel. We've brought on a couple of people; so
6 we run that by them, as well.

7 We've hired a couple of site business
8 managers to also flow the business. This has been
9 instrumental in establishing our key financial
10 processes for a smooth production of approving PO's,
11 streamlining accounts payable, shipping, receiving,
12 and payroll functions. The PED remains in control
13 of the financial actions for the school.

14 We did get results from last year's audits
15 that were completed by Axiom. And it was determined
16 that all schools had two audit findings apiece,
17 which I thought was remarkable, given the
18 circumstances of last year. A lot of -- and those
19 two findings were in regards to not having solid
20 internal control procedures in place.

21 A lot of personnel and financial records
22 were taken during the last year's investigation; but
23 the auditors noted that there has been significant
24 progress since last year's audit.

25 We've also -- went back to realign our

1 salary schedules for our teachers at the school.
2 The Vigil Group has done this. And we've adjusted
3 accordingly, so that the teachers fit in the
4 appropriate salary ranges, as deemed by the
5 three-tier licensure system. This is in the process
6 of being sent to the Secretary of Education for
7 ratification.

8 Our -- we've improved upon our lottery
9 system. We use the InfoSnap tool to look at --
10 provide prospective students, where needed.
11 Enrollments again are on target and on the budgeted
12 numbers.

13 Consolidation: I know this was -- has
14 been a concern of the Commission. And we do have a
15 task force, and we continue to look at the
16 consolidation of our intermediate school and our
17 primary school and what impact that would have. We
18 know that it would affect our small school funding,
19 probably in the range of about half-a-million
20 dollars; so that's where we're at at this particular
21 point.

22 I do think, though, as we go into budget
23 season, we're going to look at, instead of just four
24 budgets for four schools, start making a
25 consolidated budget and see how that will actually

1 impact, you know, the schools at that point.

2 You should also have our -- we put out a
3 fall parent satisfaction survey. From all
4 indications from the survey, our parents are -- are
5 extremely happy with the quality of education at our
6 schools. 85 percent to 95 percent of parents
7 agreed, or strongly agreed, that we do well with our
8 digital blended learning environment, having high
9 academic expectations, high quality and well-trained
10 staff supporting our vision and mission, and having
11 a caring environment for students. And we also have
12 abundance of parent testimonials to that effect.

13 And we're excited because we -- we had a
14 visit at SAMS by Representative Steve Pearce and
15 Lieutenant Governor John Sanchez. And both
16 gentlemen spoke very highly of the educational
17 program, and they gave great inspirational messages
18 to our student population.

19 So, Mr. Vice Chair, that -- that is my
20 update.

21 VICE CHAIR BERGMAN: Thank you. Thank you
22 so much.

23 Are there questions today?

24 Commissioner Armbruster?

25 COMMISSIONER ARMBRUSTER: I apologize for

1 not knowing the entire history of the school; but I
2 had some questions.

3 You've mentioned that the salary schedule
4 for teachers is now within the Tiers 1, 2, 3. So
5 what were the teachers getting prior to this change?

6 MR. HARTOM: Well, I also came into the
7 fold only about four months ago; and so there
8 were -- and there weren't too many. But some of the
9 teacher salaries did not fall into a set schedule
10 that was given to PED during budget time last year.
11 And so they came back and said that they need to fit
12 within that range.

13 So they said, "Instead of going
14 back..." -- because I most certainly didn't want to
15 go back and change salary at this particular point.
16 But what we did was we were able to give them a
17 realigned salary schedule.

18 And, again, it hasn't been totally
19 approved by the Secretary; but, in other words, they
20 hadn't -- in the past, there wasn't -- I want to say
21 that there wasn't -- there weren't salary schedules
22 there. Sometimes some folks' salaries were
23 negotiated. And that was part of the investigation.

24 COMMISSIONER ARMBRUSTER: So with all this
25 money from four small -- three, four, small schools

1 that Southwest got, then the teachers were sometimes
2 paid less? Or are you talking about they were paid
3 more than they should have been.

4 MR. HARTOM: It -- I want to say that --
5 that they weren't in the acceptable -- there's
6 acceptable ranges for teachers in the tiered system.
7 And I want to say that they were either a little
8 above that range or a little below that range. They
9 had it -- they had to be adjusted in that range.

10 COMMISSIONER ARMBRUSTER: So -- okay. So
11 I guess part of the problem for the school -- and I
12 appreciate that you don't know all of this, either,
13 because you're new. I'm a few months older than you
14 are in this job. So it sounds like the teacher
15 salaries were sort of helter-skelter, because
16 whatever you got, you got; and -- but great sums of
17 money went to the administration. Has that changed?

18 MR. HARTOM: I can't even speak to that,
19 because that all happened before my time. And
20 still, the investigation is still out there; so
21 we're not sure. The findings have not come out yet;
22 so -- so -- and the FBI hasn't given us any further
23 information on that, how that's going to -- how
24 that's all going to play out.

25 COMMISSIONER ARMBRUSTER: And I have one

1 other question. And I guess this is -- this may be
2 several parts of this question, because you have
3 several schools.

4 So what is the teacher-pupil ratio of --
5 when you have a real teacher and not a computer, I
6 guess is the first question? And then if you have a
7 computer, it's different.

8 MR. HARTOM: I would say it's a little
9 high. So what you'll see in our traditional
10 classrooms is that they're pretty packed; so they're
11 right around -- well -- and maybe it's the size of
12 the classroom. But it's usually about 25-to-1 in --
13 say, in a seventh-grade class.

14 But that's -- that's about, I would say --
15 that's the average for each of our primary
16 traditional classrooms, as well.

17 COMMISSIONER ARMBRUSTER: And for the
18 computer classes, it would be --

19 MR. HARTOM: Well, it's very interesting;
20 so it's a main lab. And so when the students come
21 in, we actually -- they are on with the online
22 curriculum. So in each of the schools, in SAMS and
23 in Secondary, we probably have 110 kids online at
24 one time doing the online curriculum.

25 COMMISSIONER ARMBRUSTER: In the whole

1 school, how many teachers do you have? I don't have
2 a snapshot. Sometimes we have a snapshot so I
3 wouldn't have to ask this; but --

4 MR. HARTOM: That's a good question. We
5 have two -- I'll answer it this way, because I don't
6 know my totals. But in the Intermediate, we have
7 two per grade level; they're interdisciplinary. So
8 we'll have one teacher that teaches English and
9 social studies, and then we'll have the other
10 grade-level teacher teaching math and science. And
11 so we have that in Primary and Intermediate.

12 And then I would say we would have two
13 content-level teachers at the high school level for
14 each core subject within the lab for -- for that
15 instruction.

16 COMMISSIONER ARMBRUSTER: Thank you.

17 MR. HARTOM: Okay. Thank you.

18 VICE CHAIR BERGMAN: Are you finished?

19 COMMISSIONER ARMBRUSTER: I am.

20 VICE CHAIR BERGMAN: Additional questions?

21 Commissioner Gipson?

22 COMMISSIONER GIPSON: Just a question
23 about consolidating the six-seven-eight,
24 seven-eight-nine, where are you in relation to that?

25 MR. HARTOM: In my estimation, in going

1 through it, I mean, I guess there's always two sides
2 of the coin. So I'm a person that would say, "I'm
3 going to make it work, whatever the Commission
4 deems."

5 I think it's important that I -- you know,
6 when we go ahead and look at the budgets for next
7 year, that we bring both those budgets to you to say
8 what the impact would be. On one side of the coin,
9 you can say that -- that our students are performing
10 academically very high; so, you know, you could take
11 that attitude that, you know, don't -- don't try
12 to -- let's not try to fix what's not broke.

13 But at the same time, I'm conscious of the
14 fact that -- that it's doable, that if that's
15 something that, you know, can hinder the school
16 or -- or hinder the education, then let's go ahead
17 and consolidate. I -- I don't have a problem with
18 that.

19 But -- but I want the Commission to take a
20 look at the numbers, and then we could go forward
21 with that.

22 COMMISSIONER GIPSON: Okay. Because there
23 was -- I could be wrong. It was my understanding
24 that that was the will of the Commission, to
25 eliminate that double -- yeah. Yeah.

1 MR. HARTOM: Okay. So there's already
2 been a determination --

3 COMMISSIONER GIPSON: Yeah.

4 VICE CHAIR BERGMAN: Now, I'm not sure
5 there's been a determination; because I --

6 COMMISSIONER GIPSON: I think that was the
7 discussion.

8 VICE CHAIR BERGMAN: There was some
9 discussion whether we had statutory authority to
10 mandate that; but that -- yeah, I didn't think we've
11 actually determined. They were asked to study it.

12 COMMISSIONER GIPSON: Right. Well --

13 COMMISSIONER TOULOUSE: I think it went
14 farther than that, because you and I both were in
15 those.

16 COMMISSIONER GIPSON: I was just in the
17 audience.

18 VICE CHAIR BERGMAN: Director Poulos?

19 MS. POULOS: Vice Chair, Commissioners,
20 the language in the contract, in the performance
21 contract, I believe states that the school will
22 "pursue," I think, is maybe what the language says.
23 So there's a little bit of a lack of clarity in that
24 language, I think, as to whether it needed to
25 happen. So I wanted to put that out there for the

1 Commission.

2 VICE CHAIR BERGMAN: Thank you. And I
3 think there was a reason as to why there was a
4 little bit of a lack of clarity there. I don't
5 think the lawyers had weighed in yet.

6 Are there any further questions? I'm
7 looking around. I see no -- no hands up.

8 Thank you for taking the time to be here
9 today and bring us up to date and, I'm sure we'll
10 see you again. Thank you.

11 MR. HARTOM: Yes. Thank you so much,
12 Commission. I appreciate it.

13 VICE CHAIR BERGMAN: Thank you.

14 We are now to Item D. Do you have
15 anything under Item D, Director Poulos?

16 MS. POULOS: Vice Chair, Commissioners, I
17 wanted to bring to the Commission's attention an
18 issue that has arisen. Pursuant to Section 8.10B of
19 the performance contract, CSD has received inquiries
20 from charter school operators regarding a process
21 for notifying the Authorizer within 30 days of a
22 member's resignation or designation of a new member,
23 as well as the process for seeking an extension for
24 such appointment from the Authorizer in writing.
25 That is language directly from the contract.

1 And so we're not quite sure on what to
2 tell the schools or do, how that 45-day -- or that
3 extension beyond 45 days needs to occur.

4 So CSD is seeking some clarity from the
5 PEC with regards to how that should be handled, if
6 that's a matter that the PEC would like brought
7 before, if that's an issue where the PEC would like
8 to create a policy and would like CSD to recommend a
9 policy. I just, at this point, need some clarity,
10 because we do have an outstanding request on that.

11 VICE CHAIR BERGMAN: Are you talking about
12 a member of a board, a governing council?

13 MS. POULOS: A governing council member
14 has resigned, and the governing council is seeking,
15 in writing, the extension beyond the 45 days to fill
16 that position.

17 VICE CHAIR BERGMAN: Please make a note to
18 put that also on our work session agenda; though I
19 believe the 45 days is either set in the Charter
20 School Act by statute, or it's in the departmental
21 rules. I'm not sure which.

22 MS. POULOS: And the contract specifically
23 states that the school may seek an extension for
24 such appointment from the Authorizer in writing.
25 And that's a direct quote from the contract.

1 VICE CHAIR BERGMAN: Well, I would suspect
2 that they should write to you, and then, by
3 definition, they're writing to us. And then I guess
4 we would have to proceed and either approve or deny
5 an extension.

6 Anyone want to weigh in on that? I know
7 we want to get out of here.

8 Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: Mr. Chair, I think
10 that's appropriate. And I don't know that we need
11 additional forms. I spent too many years with one
12 entire eligibility-worker-size room full of forms.
13 And now they just fill up your computer instead.

14 And I honestly don't see that we need form
15 after form, when this is something that can be
16 handled in a letter; because I -- you know, bottom
17 line is we still don't have any real authority over
18 that board, other than if they drop below five, then
19 we can approach it. And if they go over 45 days, if
20 we don't give them an extension, then it's up to the
21 Secretary to appoint them somebody; and we can't
22 tell her what to do.

23 But that's what the Act says, if they've
24 gone over, the Secretary will provide the additional
25 member for them. So I think it should just be a

1 simple letter requesting it. And I think, under
2 most circumstances, it would then be a simple item
3 to --

4 VICE CHAIR BERGMAN: Sounds like something
5 we need to have some further discussion on. Why
6 don't we leave it at that for now?

7 Autonomy is supposed be a part of the
8 charter school thing. We have to be careful that we
9 don't interfere with the school's autonomy. And it
10 is interesting, because part of your new master plan
11 that you've put forth is being done to reduce
12 paperwork; and it seems like we're continually being
13 asked to increase paperwork. That does perplex me.

14 MS. POULOS: Commissioner, I would like to
15 state that these are requirements for reporting.
16 And trying to provide transparency and clarity for
17 our schools is something that is also part of our
18 strategic plan. And I think it's very important.

19 The schools right now are unsure on how to
20 fulfill their reporting requirements, and I think
21 providing them clarity is very important.

22 VICE CHAIR BERGMAN: Clarity is always
23 important, I'm sure.

24 Anything else on that issue?

25 So we're through with Item 10, then,

1 Director Poulos?

2 MS. POULOS: I'm done with my comments.
3 I'm not sure for you.

4 VICE CHAIR BERGMAN: Were there any other
5 comments on Item 10?

6 Seeing none, let us proceed to Item 11,
7 which is Report from the Chair.

8 Commissioner Shearman thought it was
9 important that we, as a Commission, try to keep open
10 communication with the Coalition. So we have them
11 on the agenda, if they wish to say something.

12 Kelly or Greta, do you guys have something
13 you want to offer today?

14 MS. ROSKOM: Sure.

15 VICE CHAIR BERGMAN: Please come forward
16 and identify yourselves.

17 MS. ROSKOM: Greta Roskom, assistant --
18 assistant -- Co-Executive Director of the Coalition,
19 and Kelly Callahan, my partner, the other
20 Co-Executive Director of the Coalition.

21 MS. CALLAHAN: Mr. Vice Chair,
22 Commissioners, we just have a short report. We
23 wanted to give you an update. We know that in
24 addition to the complaint procedure that was
25 discussed earlier, we are also looking at the

1 academic improvement plan and the "highly
2 performing" definition that came out of the November
3 meeting that was pushed to the January meeting.

4 And we have solicited from the schools,
5 and are working with the schools and their attorneys
6 to come up with some recommendations and/or
7 suggestions or thoughts and observations that we
8 want to share with the Commission prior to that
9 meeting.

10 The due date, I believe, is the 18th, to
11 provide that feedback; and so we will get that to
12 you by next week.

13 We have just a few preliminary thoughts
14 that we wanted to share very briefly. The -- in
15 terms of the definition of "high performing," the --
16 the academic side of the issue is covered. However,
17 "high performing" should also include the financial
18 and operational side of a school's performance, as
19 well. And there really wasn't anything; and I
20 imagine that's going to come out in the work session
21 in January.

22 Also, there is -- in the outline that was
23 provided at the meeting from the PEC, there was an
24 emphasis on the school grades and school report
25 card; but there wasn't really anything shared about

1 mission-specific. And so our schools were hoping
2 that they would be able to have an opportunity to
3 share their mission-specific goals, which are
4 important in their presentations.

5 And you guys already addressed the high
6 proficiency levels. And the other issue, I think,
7 that was briefly touched on is how to include SAM
8 schools in these "high performing," which when you
9 look at the mission-specific goals, as well as the
10 academic and the financial in the picture of a high
11 performing school, SAM schools could also be
12 included in those definitions; so we definitely
13 wanted to leave that open.

14 And as far as the academic improvement
15 plan, we just wanted to make sure about alignment
16 with the Priority Schools Bureau. And we'll
17 definitely be discussing with Director Poulos the --
18 the alignments that can happen before that meeting.

19 And there is some redundancy and there is
20 a concern about "C" schools now being identified as
21 a "needs improvement plan," specifically different
22 from the -- or not different from the D and F
23 schools; and so there is a little concern about
24 that.

25 And we received feedback from about

1 20 schools; and so we're hoping to get more. And,
2 again, we'll be working with them and their
3 attorneys.

4 We also just wanted to let you all know
5 that we are going to be -- the Coalition is going to
6 be putting on a spring instructional conference.
7 And the dates that we have that are almost in
8 place -- but we want to make sure they're final --
9 but March 2nd and 3rd. And so we're trying to do it
10 around the testing windows, around the Legislative
11 Session, and providing some important instructional
12 practices for students around the non-cognitive --
13 the differentiation of content, really focusing on
14 the instructional side for charter school
15 practitioners, teachers, and administrators, as well
16 as some leadership around supporting instructional
17 improvements.

18 And so I think it aligns very nicely to
19 what academic improvement plans are going to be
20 looking at, because all of these are going to be
21 tied to the content and curriculum that are offered
22 by charter schools.

23 And so at this time -- unless, Greta, you
24 have anything you want to add -- at this time, we
25 just wanted a brief report. Again, we do appreciate

1 the opportunity to be here at the table with the
2 Public Education Commission, because I think we --
3 we all are here for the service to our students and
4 to ensure that the quality of schools is the utmost
5 for those programs for kids in New Mexico.

6 So we really do appreciate that. And if
7 you have any questions, please feel free to offer
8 them up.

9 VICE CHAIR BERGMAN: Thank you so much for
10 your hard work and in your particular arena.

11 Are there any questions?

12 I see none.

13 And you've put your finger on some of it.
14 Yeah, anywhere where we can reduce duplications, I
15 suspect we're all interested in that. And so as we
16 go forward, yes, we've discussed that before, and
17 I'm sure we'll discuss it again.

18 Thanks for being here today.

19 MS. ROSKOM: Thank you.

20 MS. CALLAHAN: Thank you, Commissioners.

21 VICE CHAIR BERGMAN: We are now to Item 12
22 which is PEC Comments. I'll start to my right here.
23 Commissioner Chavez?

24 COMMISSIONER CHAVEZ: Can I pass for now?

25 VICE CHAIR BERGMAN: Certainly.

1 Commissioner Ambruster?

2 COMMISSIONER ARMBRUSTER: I'm done.

3 VICE CHAIR BERGMAN: Commissioner Carr?

4 COMMISSIONER CARR: I guess a quick
5 comment on the lawyer issue is -- I -- I'm almost,
6 at this point, thinking if we can't hire our own
7 lawyer, then keep the lesser of two evils and take
8 the one they hire.

9 If they hire them and we don't think
10 they're representing us, we can always turn them
11 into the bar for ethics.

12 But I think that's the lesser of two evils
13 if that's the only thing we're stuck with. But I
14 sure hope we get to hire our own; and I wish we
15 could get that done.

16 VICE CHAIR BERGMAN: Thank you for that.
17 I will state -- their idea of hiring a lawyer for us
18 was one of their staff attorneys. And I couldn't
19 see how a PED attorney could represent us. See,
20 that was the whole deal, their hir- -- that was --
21 anyway, I just throw that in.

22 Commissioner Peralta?

23 COMMISSIONER PERALTA: Vice Chair, I have
24 none at this time.

25 VICE CHAIR BERGMAN: Commissioner

1 Toulouse?

2 COMMISSIONER TOULOUSE: None, other than
3 to say Happy Holidays, Merry Christmas. Hanukkah is
4 over, I guess. Oh. Not quite?

5 COMMISSIONER GIPSON: It started on the
6 6th.

7 COMMISSIONER TOULOUSE: Okay. So my
8 grandsons are still getting their presents. I
9 haven't been over there. And a Happy Kwanzaa. So
10 see everybody in January.

11 VICE CHAIR BERGMAN: I think you've
12 covered everything.

13 Commissioner Conyers?

14 COMMISSIONER CONYERS: I'd like to ditto
15 what Carmie says on the holidays. I do have a few
16 comments.

17 In our January meeting, we will be having
18 our election of officers. And it seems there is
19 some interest in that among the members; there may
20 be more than one candidate.

21 And so I have a request that those that
22 are -- you know, when the time comes, I would like
23 to hear from the candidates, you know, why they want
24 to be whatever it is and their vision as to how they
25 see the Commission and how they work -- would work

1 with the Commission.

2 Of course, it's a one-year, and it's --
3 you know, we are a Commission of equals; it's not an
4 entitlement. You know, I'm not interested -- we all
5 know each other. I don't need to know your
6 biography; but just if I vote for you, why -- what
7 can I expect?

8 And that's just a request that's --
9 obviously, I can't demand that; but in the past,
10 there's been no opposition, every -- and, really, no
11 discussion, just whoever would -- so for what that's
12 worth...

13 VICE CHAIR BERGMAN: Thank you for that
14 request. I certainly would have no problem with
15 that. I -- I'm not -- I believe that would be
16 covered under our procedures. If you're running for
17 office, as we all do, we're allowed -- statewide, we
18 want to run for office. So I'm sure that'll be a
19 part of it.

20 Commissioner Gipson?

21 COMMISSIONER GIPSON: No, just to say
22 Happy Holidays, be safe and be brave and get out of
23 your house and enjoy.

24 VICE CHAIR BERGMAN: Thank you. I
25 would -- I would ask Beverly, for our Albuquerque

1 meeting, do -- since we had different volunteers, do
2 we have a picked site yet where we're going to meet?

3 MS. FRIEDMAN: Vice Chair, we do not. As
4 of right now, we -- we don't have a place. But
5 Commissioner Toulouse is working with former
6 Representative Miera on the Indian Cultural Center.
7 And I've also asked Mark from APS to work on APS to
8 see if we can meet there, if those plans fall
9 through.

10 VICE CHAIR BERGMAN: I'm betting we will
11 have a suitable place to meet, then.

12 MS. FRIEDMAN: I anticipate it. This room
13 is wide open and free.

14 COMMISSIONER TOULOUSE: Yeah. But no
15 parking.

16 VICE CHAIR BERGMAN: Thank you for that.

17 If there's no further PEC comments -- oh,
18 I would just like to say, I know we all saw the
19 headlines this week. The Senate and the House have
20 finally passed the new rewriting of the No Child
21 Left Behind. And I think the President is supposed
22 to be signing it today. There are going to be some
23 interesting questions come forward for this state,
24 because -- just based on the tenor of the articles I
25 saw. So I think there's going to be some

1 interesting policy discussions coming down the road.

2 We're now to Item No. 13. Did anybody
3 sign up for Open Forum?

4 MS. FRIEDMAN: Mr. Vice Chair, they did;
5 but they were in support of schools who were being
6 renewed yesterday.

7 VICE CHAIR BERGMAN: So we have none?

8 MS. FRIEDMAN: We have none for this
9 meeting.

10 VICE CHAIR BERGMAN: All right. Thank
11 you.

12 Commissioner Carr, did you --

13 COMMISSIONER CARR: No, no.

14 VICE CHAIR BERGMAN: Well, then, we're to
15 Item No. 14, which says "Adjourn."

16 I would also wish everybody -- I hope you
17 have a great Christmas and a safe New Year. And we
18 will be having these continuing, ongoing discussions
19 I'm sure, in the future.

20 Do I have a motion to adjourn?

21 COMMISSIONER CARR: So move.

22 VICE CHAIR BERGMAN: We have a motion from
23 Mr. Carr.

24 Do we have a second?

25 COMMISSIONER TOULOUSE: Second.

1 VICE CHAIR BERGMAN: All in favor, say
2 "Aye."

3 (Commissioners so indicate.)

4 VICE CHAIR BERGMAN: All opposed?

5 (No response.)

6 VICE CHAIR BERGMAN: The "Ayes" have it.

7 We are adjourned.

8 (Proceedings concluded at 11:42 a.m.)
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1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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6
7 REPORTER'S CERTIFICATE8 I, Cynthia C. Chapman, RMR, CCR #219, Certified
9 Court Reporter in the State of New Mexico, do hereby
10 certify that the foregoing pages constitute a true
11 transcript of proceedings had before the said
12 NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the
13 State of New Mexico, County of Santa Fe, in the
14 matter therein stated.15 In testimony whereof, I have hereunto set my
16 hand on December 28, 2015.17
18
19 *Cynthia Chapman*20 Cynthia C. Chapman, RMR-CRR, NM CCR #219
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