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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

February 28, 2014

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar

Santa Fe, New Mexico

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A P P E A R A N C E S

COMMISSIONERS:

- MS. CAROLYN SHEARMAN, Chair
- MR. EUGENE GANT, Vice-Chair
- MR. VINCE BERGMAN, Secretary
- MR. JEFF CARR
- MR. JAMES CONYERS
- MR. J. TYSON PARKER
- MR. GILBERT PERALTA
- MS. MILLIE POGNA
- MS. CARMIE TOULOUSE

STAFF:

- MS. JULIA BARNES, Interim Director, Charter School Division
- MS. BEVERLY FRIEDMAN, PED Liaison to the PEC

ALSO PRESENT: MR. JOE DWORAK, PEC Attorney

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1 THE CHAIR: Ladies and gentlemen, I call  
2 to order this regularly scheduled meeting of the  
3 New Mexico Public Education Commission. I will ask  
4 Secretary Bergman to do a roll call to make sure we  
5 have a quorum this morning.

6 COMMISSIONER BERGMAN: Commissioner Pogna.

7 COMMISSIONER POGNA: Here.

8 COMMISSIONER BERGMAN: Commissioner  
9 Toulouse.

10 COMMISSIONER TOULOUSE: Present.

11 COMMISSIONER BERGMAN: A little  
12 malfunction here. There we go.

13 Commissioner Parker.

14 COMMISSIONER PARKER: Yes.

15 COMMISSIONER BERGMAN: Commissioner  
16 Conyers.

17 COMMISSIONER CONYERS: Here.

18 COMMISSIONER BERGMAN: Commissioner

19 Peralta.

20 COMMISSIONER PERALTA: Here.

21 COMMISSIONER BERGMAN: Commissioner Carr.

22 COMMISSIONER CARR: Here.

23 COMMISSIONER BERGMAN: Commissioner Gant.

24 COMMISSIONER GANT: Here.

25 COMMISSIONER BERGMAN: Commissioner

1 Shearman.

2 THE CHAIR: Here.

3 COMMISSIONER BERGMAN: Commissioner  
4 Bergman is here. Madame Chair, you have nine  
5 members present. You have a quorum.

6 THE CHAIR: Thank you, Mr. Secretary. We  
7 do officially have a quorum. And I thank you all  
8 for being here today.

9 Next item is Pledge of Allegiance, and I  
10 would like to lead that. And I will ask Vice Chair  
11 Gant to lead the Salute to the New Mexico Flag. If  
12 you would please stand.

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

15 THE CHAIR: Thank you. I will ask  
16 Secretary Bergman to give the Statement of  
17 Aspiration, please.

18 COMMISSIONER BERGMAN: Thank you. It  
19 looks like I'll be pretty much speaking to the choir  
20 today. But it has long troubled me that any charter  
21 school would accept just being average. And it has  
22 long troubled me, when I hear someone say that  
23 "We're doing as well as the local schools, so that's  
24 okay," because I'm not sure that that is okay; I am  
25 not sure that we have to accept that kind of

1 situation.

2 This Commission has long advocated for  
3 charter schools to be above, to set the bar higher.  
4 The Charter School Act specifically states that  
5 charter schools are supposed to be innovators. And  
6 that implies, at least, that they're supposed to do  
7 something that the local schools perhaps are not  
8 doing.

9 We now are operating under an amended  
10 Charter School Act that includes Senate Bill 446,  
11 which mandated the use of performance contracts,  
12 with an important component of the performance  
13 framework, which is an annual part of these  
14 performance contracts.

15 And as I thought about that, I remembered  
16 that the Chair and myself were in Clovis last July.  
17 The LESC had one of their meetings away from  
18 Santa Fe, and they had it in Clovis. And former  
19 Director Gerlicz was there. He was there to give a  
20 report to the LESC and what the Charter School  
21 Division was up to. And he did that.

22 But he only briefly mentioned the  
23 contract, the new-contract aspect of the work. And  
24 that caught Senator Sapien's attention, who is the  
25 chair of the LESC, currently, and who was one of the

1 prime sponsors of Senate Bill 446. And when  
2 Director Gerlicz was done, Senator Sapien said to  
3 him, and said to us, as we were sitting over  
4 there -- he said, "I want to remind the Charter  
5 School Division and the PEC that we were very  
6 specific in that bill that it" -- because  
7 Director Gerlicz had only used the word  
8 "contract" -- he said, "I want to remind you that we  
9 were specific that that is a performance contract, a  
10 performance..." -- he said, "We did not do that  
11 accidentally; that was by design, and we expect the  
12 charter schools in this state to perform."

13 In essence, that's why that terminology  
14 was used, "performance contract." So, the  
15 Legislature is on board.

16 So, it is imperative -- and that brings me  
17 to the point of what we're doing now. The PEC,  
18 working with the Charter School Division, has spent  
19 the last few months making extensive revisions to  
20 our processes for the charter schools that fall  
21 under our oversight. We're making extensive  
22 revisions to the forms that are used in that process  
23 in the authorizing of those schools. The Charter  
24 School Division itself is revising their processes.  
25 They have specifically revised their site visit

1 protocol, which will be put in place this year.

2 They are revising other things.

3           They are now to the point where every  
4 charter school that falls under our oversight -- in  
5 other words, is a State-authorized charter school --  
6 and there's something like 60 or 65; I haven't heard  
7 the latest number of how many -- but it is the  
8 majority of the schools in this state now do fall  
9 under our oversight. They each have a staff member  
10 from CSD that is a liaison, every one of those  
11 schools.

12           And I have seen it firsthand, that those  
13 staff members are dedicated to those schools that  
14 they are liaising with. They are doing everything  
15 they can to work with those schools, to make those  
16 schools aware that they're available if there is  
17 something that needs to be addressed. They are  
18 making them aware that whatever is needed to support  
19 those schools is available and will be taken care of  
20 in whatever way it can be taken care of. They are  
21 dedicated to that.

22           And just yesterday, in our work session  
23 for those of us that were here, they are also  
24 revising the training that they provide for the new  
25 applicants each year. They're going to be starting



1 doing that in the very near future. They're going  
2 to extensively look at that and change some -- get  
3 into, I think, more detail than they have in the  
4 past.

5 And we encouraged them yesterday that one  
6 of the things that the Staff does need to do is they  
7 need to make it aware to those groups of applicants  
8 for new charter schools that it is absolutely  
9 imperative that they bring us a first-rate  
10 application, first-rate.

11 It is necessary for that to occur, because  
12 this Commission and the members of this Commission  
13 must see that the applicants have the capacity, that  
14 they have the knowledge, that they have a clear  
15 understanding of what it means to operate a charter  
16 school, and that they have a vision for what they  
17 want their charter school to do. We can't make an  
18 informed decision otherwise. So, that's going to be  
19 done.

20 So, it is absolutely imperative that we do  
21 everything we can to encourage the charter schools  
22 in this state to step away from the status quo,  
23 however you would want to say that, to aspire --  
24 which this is the Statement of Aspiration -- to  
25 aspire to be better than they -- than their local

1 counterparts.

2           And it's not because that is of benefit to  
3 the PEC, and it's not because it's of benefit to the  
4 Charter School Division. It is because it is of  
5 benefit to each and every student that attends the  
6 charter schools in this state. That is who will  
7 benefit from that. And it is absolutely essential,  
8 that each and every one of those students, those  
9 young people, is given a first-rate, quality  
10 education.

11           That's what we aspire for. That's what  
12 CSD aspires for. And I'm sure that's what PED  
13 aspires for. And that's the goal, a first-rate,  
14 quality education for every charter school student  
15 in this state. I believe my fellow Commissioners  
16 agree with me on that, and that's where we're  
17 headed. We have to raise the bar.

18           And I left out the one point, that in our  
19 revisions of those documents and those processes, we  
20 are adding more rigor for that very reason. We're  
21 sending a message that the status quo is probably  
22 not acceptable anymore -- I certainly hope it's  
23 not -- that it is time to raise the bar.

24           So, Madame Chair, I thank you for giving  
25 me this opportunity to kind of share those thoughts,

1 because they have weighed on me lately. Thank you  
2 very much.

3 THE CHAIR: Thank you, Commissioner. That  
4 was inspiring, and I do appreciate it.

5 Commissioner Gant has asked for a moment  
6 of personal privilege, and I have asked that he take  
7 that moment at this time.

8 COMMISSIONER GANT: Madame Chair, just a  
9 quick moment. And Commissioners, others, we have  
10 someone here at the table that really served us  
11 during the Legislative session. And we need to  
12 thank Commissioner Carr for all his efforts.

13 We agreed to a bill. We agreed to the  
14 bill, as a Commission, that we might go back --  
15 possibly go back to being a State Board of  
16 Education, as we were in years past. And he worked  
17 the Legislature, and he walked the halls. I believe  
18 he was on the floor as an expert witness and all  
19 that, spent a lot of time up here of his own  
20 personal time, away from his duties as a teacher.  
21 And I think we owe him a point of gratitude. Thank  
22 you.

23 (Applause).

24 COMMISSIONER CARR: Thank you.

25 THE CHAIR: I certainly concur,

1 Commissioner Carr. I know you spent a lot of time  
2 away from your family and your job on behalf of this  
3 Commission, and we do thank you.

4 COMMISSIONER CARR: You're very welcome.

5 THE CHAIR: Next item on the agenda is  
6 approval of the agenda.

7 Are there any changes to the agenda? I  
8 would remind you that we may change items on the  
9 agenda, but we may not add any items to the agenda.

10 COMMISSIONER GANT: Did Julia have any  
11 changes? Does Julia have?

12 THE CHAIR: Julia, do you have anything?

13 MS. BARNES: The only thing I have is  
14 there's two schools that we had held places for  
15 amendments that don't have any; so, we can skip  
16 those items.

17 So, it's not really a change in the  
18 agenda, but we just don't -- we just won't need to  
19 address them. And those there 9E and 9F, as in  
20 "Frank."

21 THE CHAIR: Let me be sure. 9B and 9- --

22 MS. BARNES: No. "E" as in "Edward," for  
23 Alma d'Arte; and La Academia de Dolores Huerta.  
24 Those will have amendments for us, but probably in  
25 the next meeting.

1 THE CHAIR: I believe Dolores Huerta had  
2 probably already been taken off from the final  
3 agenda. Is it on yours?

4 COMMISSIONER GANT: It is on mine.

5 THE CHAIR: Okay, good. All right. Then  
6 those are not there. Any other discussion on the  
7 agenda?

8 Chair would entertain a motion for  
9 approval.

10 COMMISSIONER CARR: I move we approve the  
11 agenda, as amended.

12 COMMISSIONER GANT: Second.

13 THE CHAIR: Motion and second to approve  
14 the agenda by Commissioner Carr and  
15 Commissioner Gant. Any further discussion?

16 All those in favor, please say "Aye."

17 (Commissioners so indicate.)

18 THE CHAIR: Any opposed, please say "No"?

19 (No response.)

20 THE CHAIR: Motion carries. The agenda is  
21 approved.

22 Next item is approval of the minutes. We  
23 will first look at the minutes for the work sessions  
24 on January 8th and 9th, 2014. Any corrections or  
25 discussion on the minutes of the January 8th and

1 9th?

2 COMMISSIONER GANT: I move we accept the  
3 minutes for the work session January 8th and 9th,  
4 2014.

5 COMMISSIONER CARR: Second.

6 THE CHAIR: Motion by Commissioner Gant,  
7 second by Commissioner Carr, to approve the minutes  
8 of the work sessions on January 8th and 9th, 2014,  
9 as presented. Any discussion? Seeing none, we will  
10 vote.

11 All those in favor of approval of those  
12 minutes, please say "Aye."

13 (Commissioners so indicate.)

14 THE CHAIR: Any opposed, please say "No"?

15 (No response.)

16 THE CHAIR: Motion carries. Minutes of  
17 January 8th and 9th, 2014, are approved.

18 Minutes of January 10, 2014, regular PEC  
19 meeting minutes. Are there any corrections?

20 Well, it's not going to come as a great  
21 surprise that I have some.

22 First, let's go to Page 16. Has everyone  
23 found a copy of the January 10th minutes? On  
24 Page 16, lines 10 through 16, my -- it's -- I wasn't  
25 at the meeting, so I'm question- -- I'm asking --

1 this is, I believe, Julia presenting this.

2 "It's a two-page scoring of the site visit  
3 tool and the performance framework. These will be  
4 in her notebook, and since it's kind of a document  
5 that's a living document for CSD, I don't think you  
6 need to approve it. However, you have the form that  
7 is substantially how it will be used."

8 And my question is, was the decision made  
9 whether or not PEC needed to approve that document?  
10 Julia?

11 MS. BARNES: Well, I'll check in with  
12 the rest of them. I think there are several -- I  
13 think it was reviewed, rather than approved, so that  
14 if we make changes, we don't need to come back. And  
15 there is a few documents like that, that we use  
16 internally, extensively. And I have no problem  
17 bringing you back, like I did yesterday, where there  
18 have been quite a few changes, and I want you to  
19 review it again.

20 So, at least my understanding, subject to  
21 what others say, is I believe it was reviewed;  
22 that's how we're indicating it. And then the  
23 documents that are more yours and need approval, we  
24 are doing approval. So, that's how I understand it.

25 COMMISSIONER BERGMAN: That's correct.

1 THE CHAIR: All right. Just needed a  
2 clarification there.

3 Page 23, lines 3 and 4, I am asking for an  
4 explanation of, "It has to contain at least  
5 70 percent of the students that otherwise would have  
6 been in that group."

7 What does "...otherwise would have been  
8 in that group" mean?

9 MS. BARNES: That was probably me speaking  
10 again. Many schools -- and I believe you're talking  
11 about the cohorts. Many schools are -- in the  
12 performance frameworks, are telling us we're  
13 choosing eleventh-graders that have been in the  
14 school for four semesters. So, we are just asking  
15 them to let us know how many eleventh-graders there  
16 are, and, then, how many eleventh-graders have been  
17 there for four semesters, so that it's clear to the  
18 Commission what the subgroup looks like and how many  
19 people are in it.

20 We put a note in there that indicated that  
21 a subgroup should be substantially all of the  
22 students that otherwise should be there. So, if you  
23 only had two kids that had been there for four  
24 semesters, and you have 50 eleventh-graders, it's  
25 too small a subgroup.



1           So, we've put in a note -- it's not  
2 hard-wired, but it is a note that says, "We want the  
3 subgroup to usually have 70 percent of the kids that  
4 otherwise would have been in the full group, if you  
5 didn't have a cohort."

6           THE CHAIR: Okay. Thank you very much.

7           Page 41, line 6 through 8. I think I'm  
8 asking for clarification on what you mean by  
9 "technical changes," "cleanup changes." It's the  
10 same kind of thing. It's a document that CSD works  
11 with and makes technical or cleanup language  
12 changes.

13           MS. BARNES: Oh, let's see. We were --  
14 show me again exactly, and I can tell you -- I can  
15 tell you, generally, what we're talking about, which  
16 is -- I'll give you an example from yesterday, which  
17 is Commissioner Gant was talking about having the  
18 index be a hyperlink, so they can get there. That's  
19 a technical change that we haven't made to the  
20 document yet.

21           So, there are cleanup language, typos. On  
22 the contract itself, however, which was why I was  
23 trying to look at it, there were some lawyer  
24 cleanups. We wanted to tighten up language or make  
25 sure that everybody agreed that the sentence should

1 read that way.

2 So, it's not something that, I think,  
3 changes the substance of what you have approved; but  
4 it does allow us to finalize the documents,  
5 particularly, like -- actually, we have documents  
6 that we looked at yesterday for you to look at  
7 today.

8 I'm not 100-percent sure we got all the  
9 technical -- you know, little changes in there. So,  
10 it just allows us a little bit of flexibility,  
11 again, not to come back to you.

12 We did have a process -- which is why I'm  
13 a little unsure -- where we provided those technical  
14 changes, actually, to Commissioner Gant, so that he  
15 could see what we had changed to just confirm that  
16 it wasn't a substantive change. That is very  
17 helpful to us, because, honestly, the more eyes on  
18 these documents, the more people are finding small  
19 things that I think are worth changing, but not  
20 worth bringing to your attention.

21 THE CHAIR: Okay. Thank you.

22 Page 42, line 14; I think it's a typo.

23 The word "or" should be the word "for."

24 COMMISSIONER GANT: Which line?

25 THE CHAIR: Fourteen.

1 COMMISSIONER GANT: Yes.

2 THE CHAIR: Okay.

3 Pages 50 and 51, not a correction, just a  
4 note, that, Julia, you talk about short-cycle  
5 assessment and working to draft short-cycle  
6 assessment goals using some of the mandated  
7 short-cycle assessments that schools must use.

8 And I have "Thank you" written down here.  
9 As Commissioner Gant and Commissioner Carr will  
10 remember last year, when we were doing contract  
11 negotiations -- and some -- many of the others I  
12 know, too -- I kept saying, "Everybody has to do  
13 short-cycle assessments. Why can't we use that data  
14 in evaluating these schools?"

15 You're doing -- proposing to do that,  
16 coming up with some language, and I thank you.

17 MS. BARNES: Great. And I have an update  
18 on that in the director's report. It's trickier  
19 than you might think, but we're working on it.

20 THE CHAIR: Thank you.

21 Page 54, line 12, it says, "Commissioner  
22 Shearman." And I thank you, but I wasn't there. I  
23 believe it should be "Bergman."

24 Commissioner Bergman, do you agree?

25 COMMISSIONER BERGMAN: It's been a month,

1 but I probably will agree with that, if nobody else  
2 would take credit for it.

3 COMMISSIONER GANT: It was Commissioner  
4 Bergman.

5 THE CHAIR: Page 59, line 1, again, I  
6 think it's a typo. The word O-U-R should be A-R-E.

7 COMMISSIONER GANT: Yes.

8 THE CHAIR: And line 4, "minutes," I  
9 believe, should be "meetings."

10 COMMISSIONER GANT: Yes.

11 THE CHAIR: And I believe that's all I  
12 have.

13 COMMISSIONER GANT: Wow.

14 COMMISSIONER CARR: Would you be  
15 interested in grading some of my students' essays?

16 THE CHAIR: I have graded enough papers;  
17 thank you. That's why I wear these thick glasses.

18 Okay. I want you to know I did go all the  
19 way through, and I have -- I started a correction on  
20 Page 205, and it has to do with the budgets. And I  
21 wrote myself a little note here, said, "Never mind."  
22 So, I'll end right there.

23 Are there any other corrections to the  
24 minutes? Hearing none, the Chair would entertain a  
25 motion.

1 COMMISSIONER BERGMAN: Madame Chair?

2 THE CHAIR: Commissioner Bergman.

3 COMMISSIONER BERGMAN: Madame Chair, I  
4 would move that the minutes for the January 10th,  
5 2014, PEC meeting be accepted, as amended.

6 THE CHAIR: Thank you. Second?

7 COMMISSIONER CARR: Second.

8 THE CHAIR: Motion by Commissioner  
9 Bergman, second by Commissioner Carr, to approve the  
10 January 10, 2014, meeting minutes, as amended.

11 All those in favor, please say "Aye."

12 (Commissioners so indicate.)

13 THE CHAIR: All opposed, say "No."

14 (No response.)

15 THE CHAIR: Motion carries. Thank you  
16 very much.

17 Let's go to -- Item 4 on the agenda is  
18 Report from the Secretary. And we're not sure  
19 whether the Secretary will be able to be with us  
20 today.

21 We'll move to Item 5, which is report from  
22 the Deputy Secretary. And the -- Deputy Secretary  
23 Aguilar did stop by yesterday afternoon and visit  
24 with us a little bit. He said he would try to be  
25 here this morning, and I assured him that whenever

1 he was able to break away and come in for a few  
2 minutes, we would make room for him in our meeting.  
3 So, we will hold that item and hope that he is able  
4 to be here.

5 Item 6 is election of PEC officers. And I  
6 need to introduce Joseph Dworak. Did I even get  
7 close?

8 MR. DWORAK: Pretty close.

9 THE CHAIR: He is standing in for Abby  
10 Lewis, our attorney from the Attorney General's  
11 Office, this morning. And I will ask Joe to conduct  
12 our election of officers for us this morning.

13 MR. DWORAK: Okay. Consistent with the  
14 Rules of Procedure for the Commission, I will go  
15 ahead and just explain the vote process for the  
16 election of a chair.

17 The election will be conducted by  
18 nomination. Nominations can be either  
19 self-nomination or nomination from another member of  
20 the Commission. Nominations do not require a  
21 second. They do require acceptance by the nominee;  
22 so, they can't be voted in without their permission.

23 After nomination, the floor for  
24 nominations are closed. We'll allow any statements  
25 to be made by nominees that accept a nomination.

1 And then we will move into election for the Chair.  
2 If the -- there is only one nominee, we can do a  
3 voice vote.

4 All votes have to be recorded. If there  
5 is more than one nominee, we can choose to do a  
6 ballot; but, then, we will have to read off the  
7 votes and record them for each member of the  
8 Commission.

9 And I believe, after the election, the  
10 Chair -- will you be taking over? -- the current  
11 Chair will be taking over.

12 THE CHAIR: That's been our process, yes.

13 MR. DWORAK: All right. Are there any  
14 questions before we get started?

15 Okay. Well, I'll go ahead and open up the  
16 floor for nominations.

17 COMMISSIONER PERALTA: Madame Chair?

18 THE CHAIR: Commissioner Peralta.

19 COMMISSIONER PERALTA: I would like to  
20 nominate Ms. Carolyn Shearman.

21 COMMISSIONER POGNA: Second.

22 MR. DWORAK: Seconds noted, but no seconds  
23 needed. Do you accept the nomination?

24 THE CHAIR: I do. Thank you.

25 COMMISSIONER CARR: I move that

1 nominations cease.

2 COMMISSIONER GANT: Second.

3 MR. DWORAK: All right. It's been moved  
4 and seconded that the floor is closed for  
5 nominations. Is there any discussion or objection?

6 All right. Seeing none, the floor for  
7 nominations is closed.

8 Madame Chair, do you have any statement  
9 that you wish to make?

10 THE CHAIR: I thank you for the  
11 nomination. I am willing to accept the job. I  
12 appreciate your confidence in nominating me. Thank  
13 you.

14 MR. DWORAK: Okay. We'll go ahead and  
15 move into --

16 THE CHAIR: Do we need to vote?

17 MR. DWORAK: Yeah, a voice vote. So, all  
18 in favor of the nominee for the Chair, please say  
19 "Aye."

20 (Commissioners so indicate.)

21 MR. DWORAK: Any opposed?

22 (No response.)

23 MR. DWORAK: I'll go ahead and say, let  
24 the record note the vote was unanimous, unless there  
25 was any objection. Seeing none, congratulations,



1 Madame Chair.

2 THE CHAIR: Thank you very much. Thank  
3 you all. Thank you.

4 The floor is open for nominations for Vice  
5 Chair.

6 COMMISSIONER CARR: Madame Chair?

7 THE CHAIR: Commissioner Carr.

8 COMMISSIONER CARR: I would like to  
9 nominate Mr. Gant, Commissioner Gant.

10 THE CHAIR: Commissioner Gant has been  
11 nominated. Are there further nominations for Vice  
12 Chair? Seeing none, I will close the floor for  
13 nominations and ask for your vote. All --  
14 Commissioner Gant, do you accept the nomination?

15 COMMISSIONER GANT: Madame Chair, yes, I  
16 do. Thank you.

17 THE CHAIR: All right. Commissioners, we  
18 shall vote.

19 All those in favor of Commissioner Gant  
20 for Vice Chair, please say "Yes."

21 (Commissioners so indicate.)

22 THE CHAIR: Any opposed, please say "No"?

23 (No response.)

24 THE CHAIR: Commissioner Gant has been  
25 elected unanimously to the position of Vice Chair.

1       Congratulations.

2                   The floor is now open for nominations for  
3       Secretary of the Commission.

4                   COMMISSIONER POGNA:   Madame Chair?

5                   THE CHAIR:   Commissioner Pogna.

6                   COMMISSIONER POGNA:   I nominate Vince  
7       Shearman, please.   [Verbatim.]

8                   THE CHAIR:   Commissioner Bergman has been  
9       nominated for Commission Chair.   Are there further  
10      nominations?

11                  COMMISSIONER BERGMAN:   Well, not for  
12      Commission Chair; Commission Secretary.

13                  THE CHAIR:   Did I not -- I just moved  
14      everything around, didn't I?   Just checking to make  
15      sure you were paying attention.

16                  Commissioner Bergman has been nominated as  
17      Commission Secretary.   Do you accept the nomination?

18                  COMMISSIONER BERGMAN:   Yes, I do.

19                  THE CHAIR:   Are there any nominations for  
20      Commission Chair [verbatim]?   Hearing none, the  
21      nominations close.

22                  All those in favor of Commissioner Bergman  
23      as Commission Secretary, please say "Yes."

24                  (Commissioners so indicate.)

25                  THE CHAIR:   All those opposed, please say

1 "No"?

2 (No response.)

3 THE CHAIR: Commissioner Bergman, you have  
4 been elected by a unanimous vote of the Commission.  
5 Congratulations.

6 COMMISSIONER BERGMAN: Thank you,  
7 Madame Chair. I appreciate the opportunity to  
8 continue to serve in that capacity.

9 THE CHAIR: Thank you very much.

10 All right. Now that we've elected  
11 officers, let's move on to Item No. 7, which is the  
12 Carl Perkins Update. And we'll ask Director Eric  
13 Spencer to come forward, please.

14 MR. SPENCER: Thank you.

15 THE CHAIR: Good morning. It's nice to  
16 see you again.

17 MR. SPENCER: Good morning. Thank you,  
18 members of the Commission. It's a pleasure to be  
19 here.

20 With regard to the agenda item for the  
21 Carl D. Perkins update, to include the Consolidated  
22 Annual Report and the Annual Application Workshop,  
23 I'll first address the Consolidated Annual Report.

24 In your Board packet, you all received the  
25 item, Agenda Executive Summary. And I tried to

1 essentially take a 40-page document to the  
2 Consolidated Annual Report and boil that down to  
3 some high-level, I guess, items for which you might  
4 have an interest in and boil that down into two  
5 pages.

6 So, in brief, the portal that the State  
7 was to use to upload the Federal Consolidated Report  
8 had changed. The federal government updated their  
9 process. It was a very user-friendly process, but  
10 it became a bit cumbersome when it was time to  
11 download what we had been entering in terms of data  
12 and have that come out in a report that would be  
13 easy for, I guess, a non-Perkins staff member to be  
14 able to read and understand what was going on there.

15 So, we took the liberty of reformatting  
16 the report that we downloaded into the document that  
17 you received in your board packet. And, so, if --  
18 in the event of, say, a federal audit, it's going to  
19 look different; but the information is all the same,  
20 because the report would have come out in an Excel  
21 spreadsheet, and that's what we would have given  
22 you, and it isn't very appealing.

23 So, just, by and large, we were able to  
24 address all of the required -- nine required uses  
25 pursuant to the federal law.

1           The page that just came about that was  
2 disseminated by Ms. Friedman is a replace of content  
3 for Required Use No. 4. So, if you take a look at  
4 the original document given to you in your board  
5 packet, that would have started on the bottom of  
6 Page 8. And the information that just came to you  
7 today as a revision is to replace that content for  
8 Item No. 4 on Page 8. That was an error that  
9 occurred on my part.

10           We have two sections of the report. We  
11 have a Required Uses section, and we have a  
12 Permissive Uses section. So, once the State  
13 addresses the required uses, then we can embark in  
14 activity on permissive uses. And I inadvertently  
15 provided the same content for Required Use 4 as I  
16 did for Permissive Use 4. So, the information  
17 that's being replaced in Required Use 4 is still  
18 information presented in Permissive Use 4, which is  
19 where it needed to be.

20           So, I apologize for that confusion, if  
21 that created any.

22           By and large, we addressed all of the nine  
23 required uses. At the State level, there are  
24 17 permissive uses that the State is able to engage  
25 in. And keep in mind that the 17 permissive uses

1 would be funded through a set-aside of the federal  
2 law called "State Leadership." State Leadership  
3 dollars are not in abundance, and so we, therefore,  
4 don't have the ability to provide expenditures to  
5 support all 17 of the permissive uses; but we did  
6 focus in on five of those in very strong detail.

7 So, I just wanted to bring that to your  
8 attention, that if you were reading the report, and  
9 it indicated, you know, that during the reporting  
10 year -- for example, did the State use Perkins funds  
11 to support initiatives to facilitate transitions to  
12 sub-baccalaureate degrees? Well, the State  
13 supported transitions to sub-baccalaureate degrees  
14 which would provide grants to post-secondary  
15 institutions that are offering two-year  
16 certificates, or associate's degrees, and working in  
17 an aligned fashion to transition those students into  
18 baccalaureate degrees, where there was an interest,  
19 and the alignment was available.

20 So, while those activities still occurred,  
21 the fact of the matter is that the Fed is asking the  
22 question, "Did State Leadership dollars -- were  
23 State Leadership dollars utilized in order to  
24 support the activity?" And the answer would be  
25 "No. "

1           So, if you were comparing this particular  
2 annual report to the annual report you received last  
3 year, and you saw those comparisons, and it might  
4 have looked like there was less activity in the  
5 State, that's not necessarily the case. The Fed  
6 just got a little bit more focused in the way they  
7 constructed their question, okay?

8           So, the -- I think some of the high points  
9 to really point out here might deal with the areas  
10 of data and performance. And I think that many of  
11 you probably looked at those data charts and might  
12 have pondered what happened with regard to  
13 performance of secondary and post-secondary  
14 institutions.

15           So, just to give you a backdrop, many of  
16 you may have heard the name -- some of you may have  
17 met our database administrator by the name of "Brian  
18 Salter," that was working in our Information  
19 Technology Bureau here at the Public Education  
20 Department. Back in July, he accepted a position  
21 working for Northern New Mexico College.

22           So, as a result, we had new staff in the  
23 Information Technology Bureau that was picking up  
24 the work of Brian Salter. Then, we also had some  
25 new staff that were assigned to us at the Department

1 of Higher Education to also work on the data  
2 collection of this particular report.

3 So, I think that part of what we might see  
4 here as a deviance in the measures could deal with  
5 the fact that there are new individuals that are  
6 looking at this, and they might be interpreting  
7 certain areas of, let's say, performance measures in  
8 a little bit of a different way, perhaps. And we  
9 tried to standardize that as much as we could and  
10 tried to run some algorithms and what-if analysis in  
11 terms of, you know, trying to really understand what  
12 had been provided in the past and is that what's  
13 being provided here in the current. So, just note  
14 that that plays into some of the variability in  
15 performance, as well.

16 When we take a look at those performance  
17 measures on Page 2 of your Executive Summary, you  
18 are going to see that, while the State had been  
19 meeting its levels of performance in academic  
20 achievements in language arts and mathematics, this  
21 year, the Career Technical Education student  
22 concentrators didn't meet the performance target  
23 that we had set for ourselves. So, we're taking a  
24 look at ensuring that we're capturing all students  
25 as a CTE concentrator, ensuring that we're doing the



1     validations to ensure that, you know, the S.T.A.R.S.  
2     data, where we pull this information from, does it  
3     have the information necessary that we needed to  
4     query. And, so, as a result, we're really looking  
5     at it from a -- I guess a systematic perspective  
6     from PED, to ensure that the data quality is there.

7             So, now we're looking at utilizing  
8     additional templates within the S.T.A.R.S. framework  
9     to ensure that we have validations of the data that  
10    the districts are reporting to us. And, you know, I  
11    firmly believe that this could be an issue of data  
12    reporting.

13            Just to give you an example, recently, one  
14    of my staff went to the northwest corner of the  
15    state and conducted a Perkins Technical Assistant  
16    visit. And they took these particular performance  
17    measures for that institution with them to explain  
18    how these measures come about and what kind of  
19    activities is the institution implementing in order  
20    to address the level of performance; and come to  
21    find out there was some confusion about  
22    non-traditional participation.

23            And while the schools were indicating they  
24    were doing everything they could to get boys  
25    involved in culinary arts programs, they still

1 couldn't move the needle on performance. But the  
2 reality is, for a male to be involved in culinary  
3 arts would be traditional, because in the field of  
4 culinary arts, it's mainly dominated by the male  
5 population. So, therefore, the target and the  
6 encouragement for participation should have been on  
7 the female population in the school.

8 So, as a result, I think -- and that just  
9 provides an example of the work that we need to  
10 continue doing in our schools to make sure that when  
11 they continue to look at these Perkins performance  
12 measures, and not just when they're implementing  
13 program, but when reporting data to the State, that  
14 it's relevant, meaningful, accurate, reliable, and  
15 valid data.

16 So, with regard to the post-secondary  
17 institutions, we looked at this, and we knew that we  
18 were going to have a problem, because, recall last  
19 spring, I came to you and asked for an approval of  
20 the revision to -- the annual revision to the State  
21 plan. And we had extensive conversations around the  
22 performance measures that the Fed was asking the  
23 State to adhere to, and how, for example, in  
24 non-traditional participation, they were asking for  
25 performance measure exceeding 50 percent. And my

1 question was, "Well, how do we do that without  
2 denying access to a program for an alternative  
3 gender?"

4 So, as a result, we went into negotiations  
5 with the Fed. We proposed levels of performance  
6 that would provide more realistic targets, as we  
7 thought at that point in time; and the Fed approved  
8 them. But those targets don't go into effect until  
9 a year later.

10 And, so, when we take a look at our levels  
11 of performance at post-secondary schools, we do feel  
12 that we would be able to hit some of those  
13 performance targets. We're just a year in lag.

14 Also, we're thoroughly looking at the  
15 performance targets for post-secondary institutions,  
16 because, in my experience, performance measures were  
17 identified just by taking a look at where have we  
18 been in the past, and how did we feel we could  
19 perform in the next year. And I'm taking a  
20 scientific approach to say, "Let's get a  
21 statistician behind this. Let's run the regression  
22 analysis. Let's take a look at the standard  
23 deviations, et cetera, and really come with a solid  
24 proposal of meaningful targets that we do believe  
25 should be established for the State."

1           We've secured the contract services of  
2 REC-4, Regional Educational Cooperative 4, in  
3 Las Vegas, who's contracting with one of the  
4 university professors out of Highlands, who's  
5 already started conducting the work, running the  
6 regression analysis. And we've already had some  
7 robust conversations that I think are going to yield  
8 targets that are more acceptable and meaningful for  
9 the State of New Mexico, based on that quantitative  
10 analysis.

11           And, so, I'll be coming back to you in the  
12 next Public Education Commission meeting seeking an  
13 approval of the revision to the State plan with  
14 those new targets, and I'll have more information  
15 for you at that point in time to explain why we're  
16 going to propose yet another target adjustment for  
17 the State.

18           But, just, in a nutshell, in speaking with  
19 the statistician, what they've indicated is that one  
20 of our issues that we have in post-secondary  
21 institutions is that the denominator is too large.  
22 We consider too many students to be a CTE  
23 concentrator. Thereby, it's easy for a student to  
24 become a concentrator, whether, in fact, their true  
25 intent is to be a concentrator in a career-technical

1 ed pathway. So, are we really capturing  
2 concentrators that have made a decision to focus in  
3 the pathway, or was it just, by default, a  
4 course-taking pattern?

5 Those are the analyses that are currently  
6 happening at this point in time. And the  
7 statistician is saying, "Look, it doesn't really  
8 matter how much you do at a local level for  
9 non-traditional participation, for example; you're  
10 not going to move the needle to hit the performance  
11 target, because your denominator is just too big."

12 And, so, we're having those robust  
13 conversations, and, as I said, I'll bring you more  
14 information when I bring forth the approval of the  
15 State plan.

16 On a financial side, I think that the --  
17 you saw that, for the performance period of  
18 2011-2012, we fully liquidated the grant. We are  
19 reverting no dollars to the Fed in any one of the  
20 subcategories of the grant. You did see some  
21 unobligated balances for the -- for the remaining  
22 funds that remain available for school year  
23 2012-2013.

24 Just know that districts are operating on  
25 those particular budgets. Those grants live --

1 those funds live for 27 months. And this was only a  
2 12-month report. But you can see that we're, you  
3 know, right around 50-percent expenditure midway  
4 through the process of the 27-month period. So,  
5 we're definitely on target to ensure that we have a  
6 full liquidation there, as well.

7 And with that, I'll stand for any  
8 questions you might have on the Consolidated Annual  
9 Report. But that does conclude my presentation of  
10 the report to you in highlighting the key areas that  
11 I think you should be aware of.

12 THE CHAIR: Thank you for that.

13 Commissioners, do you have questions?

14 Commissioner Gant?

15 COMMISSIONER GANT: Madame Chair, members.  
16 Mr. Spencer, I was a little disturbed when I read  
17 that chart. I thought, "Holy Cow, what happened?"  
18 Because last year, it was a glowing report. So, my  
19 question is, you're going -- you're getting the  
20 professor to look at -- at your statistics and all  
21 that and change what you're going to put in the  
22 report -- or what we send up to the Feds in April, I  
23 believe it is.

24 Are they going to accept a moving target?

25 That's what I see as kind of a -- "Well, it didn't

1 work, so we'll move the target to make it work." Do  
2 you see what I'm saying?

3 MR. SPENCER: And that was certainly one  
4 of the concerns I had, as well, because I didn't  
5 want to set the presumption that perhaps we're just  
6 moving the target to meet a level of performance.

7 But what the preliminary analysis is  
8 showing is that the targets were not realistic,  
9 especially when we compare the targets to like-sized  
10 denominators and numerators in, even, other states.  
11 And, so, for whatever reason, New Mexico seems to be  
12 an outlier in the performance targets. And that's  
13 one area that we're trying to address.

14 But hear me clear that when we know that,  
15 let's say, for example, a performance target for  
16 reading language arts might be 54 percent, meaning  
17 that 54 percent of our student CTE concentrators  
18 should be testing proficient, hear me clear that I  
19 do not believe that's an acceptable target. I  
20 firmly believe that 100 percent of our CTE students,  
21 and all students, for that matter, should be at  
22 100-percent proficiency.

23 So, we don't accept moving the target just  
24 to meet the level of performance. We're also taking  
25 the programmatic actions to ensure that we're

1 providing support systems and making the  
2 requirements of schools to address those issues, as  
3 well.

4 For example, what we find in the data  
5 analysis is that, for the Native -- for the Native  
6 Alaskan/Pacific Islander, although it's a small  
7 group in the state, we also have the Hispanic  
8 population, and we have the Native American  
9 population. When we take a look at the performance  
10 of the Perkins indicators of just those ethnic  
11 subgroups, we find that they're not faring as well;  
12 in fact, they're faring, probably, you know, worse  
13 than the other subgroups. So, we have an issue with  
14 that particular population.

15 But when you drill a little bit deeper  
16 into the special population status, we find that the  
17 English Language Learners are also the subgroup that  
18 aren't faring in a desirable manner, either. But  
19 when we look at the connections to say, "Well, is it  
20 likely that the Hispanic population will have more  
21 ELL learners? Is it likely that a Native American  
22 population would have more ELL learners?" So, we  
23 see congruency between the two data subsets.

24 So, as a way to address that is that we  
25 indicated in our corrective action plan to the Fed,



1 and we're rolling out an application to school  
2 districts, to exercise prior year unused funds. And  
3 we're mandating the activity that Career Technical  
4 Education faculty must be, and demonstrate to us,  
5 that Career Technical Education faculty are an  
6 integral part of the Common Core Standards,  
7 professional development and integration for  
8 language arts and mathematics.

9 In addition, one thing that we haven't  
10 dabbled in from the Career Technical Ed side is  
11 establishing English Language Learner strategies for  
12 implementation in the context of Career Technical Ed  
13 for that particular subgroup. So, it's not just  
14 moving a target; it's focusing the activity to  
15 provide the resources to the teachers that are  
16 working with those students, because it's very  
17 apparent to us that those CTE concentrators are  
18 meeting that particular level of supports, as well.

19 COMMISSIONER GANT: Madame Chair. Another  
20 thing I noted -- maybe I read this wrong -- but the  
21 numbers of participants, students, seems to be down;  
22 is that correct? Am I reading that right?

23 MR. SPENCER: Actually, the number of  
24 participants has increased. And we're investigating  
25 why we see that to be an increase. And one of --

1 one of the points that we have investigated is that,  
2 in the school grading system, under the component  
3 for college-and-career readiness, one of those  
4 indicators is whether or not a student completed a  
5 Career Technical Ed pathway.

6 So, this is above and beyond those school  
7 districts that are receiving Perkins or not. And  
8 because that was an area for schools to generate  
9 some points of success, we believe that schools are  
10 now coding students into Career Technical  
11 Education-type coursework.

12 When we ran a data table to determine,  
13 "Well, what is a district considering to be a Career  
14 Technical Ed course," what we found were some  
15 districts were classifying Guitar 1 as a Career  
16 Technical Ed course. Now, a Perkins-funded site  
17 would not be using, let's say, Guitar 1 as a Career  
18 Technical Ed course, because we approve their  
19 program of study, and it's typically in alignment  
20 with the 16 career clusters, engineering, health  
21 sciences, business, et cetera.

22 But for those non-Perkins-funded  
23 recipients -- and keep in mind this is a statewide  
24 report -- we saw Guitar 1 as a Career Technical Ed  
25 course.

1           And, so, to resolve those types of  
2 anomalies, keep in mind that in the last PEC  
3 meeting, I had indicated that we were rolling out a  
4 Career Technical Education study to find out what's  
5 truly happening in every one of those schools. We  
6 have read the RFPs. The public announcement hasn't  
7 come yet in terms of the contractor that's going to  
8 do that study for us. But they're going to go into  
9 each school site and start looking at these  
10 particular anomalies.

11           We also finalized the contract for our  
12 focus groups, to bring together focus groups around  
13 the 16 career clusters, look at the pathways and  
14 then set the "gold standard" of what should be the  
15 sequence of courses in Career Technical Ed programs  
16 of study, so that when we are approving career  
17 programs of study, we have a benchmark, we have a  
18 framework, and we have statewide consensus of what  
19 that would be.

20           COMMISSIONER GANT: Madame Chair, last  
21 question here. Our next meeting is on the 28th of  
22 March. Will that meet your schedule for getting  
23 your document up to -- to the Feds? You know, we  
24 have to approve it, and et cetera, I believe, in  
25 March; is that correct?

1 MR. SPENCER: That is correct. In fact,  
2 the Federal report -- not the Federal report; excuse  
3 me -- the revision to the State plan is to be  
4 uploaded to the Fed by January -- excuse me --  
5 March 27th. So, that would be the day before the  
6 PEC meeting.

7 But in like manner of the prior year, what  
8 we would do is we would present that to the Fed, and  
9 then we would present that to you. And then you  
10 would authorize that or request any particular  
11 changes, and then we would work with the Fed with  
12 the particular modifications.

13 We can also entertain the idea of sending  
14 that out to you, you know, 10 days beforehand for  
15 any comment or review, if that is what you would  
16 like to do, as well.

17 COMMISSIONER GANT: Madame Chair, I think  
18 that would be a good idea, so we just don't get it  
19 on the 28th to look at. But are we causing you a --  
20 I don't -- you have enough problems with Carl  
21 Perkins without having the Feds come down on you.  
22 Are we going to be causing you trouble?

23 MR. SPENCER: For the approval of the  
24 28th, no.

25 COMMISSIONER GANT: Thank you,

1 Madame Chair.

2 THE CHAIR: Commissioner?

3 COMMISSIONER TOULOUSE: Madame Chair.

4 Mr. Spencer, I'm curious, as -- I know -- again, as  
5 you know, my background is in community colleges and  
6 higher ed, not K through 12. And I'm curious.  
7 Knowing that we have so many branch schools before  
8 your schools, and many of them do just the  
9 career-technical kinds of things and are in rural  
10 areas, does that play into some of the number  
11 problems?

12 MR. SPENCER: Well, that would only come  
13 into play on the post-secondary indicators, like the  
14 1P1, 1P2. The reality is, is that we're funding  
15 every two-year, post-secondary institution in the  
16 state, with the exception of UNM-Los Alamos -- they  
17 don't apply -- and Eastern New Mexico  
18 University-Ruidoso, who does not apply.

19 I think that the larger issue here is that  
20 it's the definition of what the Fed is considering  
21 to be a Career Technical Ed concentrator. And what  
22 that definition is, is that a student would have to  
23 take 12 credit hours, and nine of those credit hours  
24 would have to be in a Career Technical Education  
25 course.

1           Where I think the hiccup might be is that  
2 the institutions are going as far back as five years  
3 of data to find those CTE concentrators. And I  
4 think that that might be the snafu in the -- the  
5 data in the performance.

6           And, so, with this particular contractor,  
7 we established a focus group of Western New Mexico  
8 University -- and let me digress -- Western  
9 New Mexico University and Northern New Mexico  
10 College are four-year institutions, but they offer  
11 an associate's degree in a career-technical area,  
12 and, therefore, they are eligible for Perkins and  
13 they do receive funds.

14           The focus group consists of the  
15 institutional researchers from Western New Mexico  
16 University, Doña Ana Branch Community College,  
17 UNM-Gallup, and also Clovis -- excuse me -- Central  
18 New Mexico Community College; and, then, of course,  
19 our researcher from Highlands and myself. And we're  
20 on the focus group taking a look at all of these  
21 anomalies.

22           But one of the things that I find quite  
23 interesting is that while those post-secondaries  
24 seem to be focusing in on a lot of Career Technical  
25 Ed-type pathways, it doesn't seem to come through on

1 the data, other than the denominator of a  
2 concentrator. And, so, I don't have an answer as to  
3 why the disparity exists, but we're looking at that.

4 One of our preliminary hypotheses is that  
5 the post-secondary institutional researchers are not  
6 interpreting the requirements of the data collection  
7 in the same manner.

8 COMMISSIONER TOULOUSE: Madame Chair. One  
9 of the things I would think, too, is -- again,  
10 knowing what CNM did, I think you get more of the  
11 concentrators in these certificate courses. And  
12 people are encouraged to go from a certificate to an  
13 associate degree. And when you do that, you're into  
14 the full academic spectrum, because you're required  
15 to do English and math and other sciences and  
16 things.

17 And that may be some of the number  
18 difference, too, because, you know, you're going to  
19 move people up. You can go be a mechanic for a  
20 while, but don't you want to be a better -- don't  
21 you want to have an opportunity, not just to work in  
22 any old garage, but go somewhere else?

23 And it will be interesting to see. I'm  
24 having lunch with CNM's president on March 4th. So,  
25 that's why I'm talking to you, because then I want

1 to talk to her before we come into our meeting with  
2 you to approve this, and see what she says they're  
3 doing, too, because it interests me.

4 MR. SPENCER: Yeah. One of the things  
5 that they've done -- and this is, by and large,  
6 across the board with the post-secondary  
7 institutions -- is that no longer are they looking  
8 at a completer being one who completes the two-year  
9 certificate program or the associate's degree  
10 program; but they're also looking at the completer  
11 to be the individual that comes in for a short-term  
12 training credential. It might be something like  
13 80 clock-hours of training in skill development, and  
14 then you exit with a particular certification.

15 And, so, post-secondary institutions are  
16 classifying those individuals as completers. But an  
17 individual that comes into a system for the  
18 short-term training option wouldn't be captured in  
19 the data set unless the individual was captured as  
20 being a concentrator. So, they would have had to  
21 have taken the 12 credit hours, nine of which would  
22 be CTE, and then completed the short-term  
23 credential. Then they've got the win, if you will.

24 COMMISSIONER TOULOUSE: Okay. Thank you.

25 THE CHAIR: Thank you. Any other



1 questions or comments? Commissioner?

2 COMMISSIONER BERGMAN: It's not a  
3 question. It's just more -- I think it's worthy of  
4 note that on the front page of our Executive  
5 Summaries, under Brief No. 3, it was noted that  
6 secondary students who took an industry  
7 certification assessment had an 89.1-percent pass  
8 rate. And post-secondary students who took an  
9 industry certification assessment had a  
10 93.8 percent.

11 Those numbers strike me as outstanding.  
12 Would that be your opinion? Do you take that as an  
13 indicator that -- that this career readiness  
14 training is working as designed?

15 MR. SPENCER: Madame Chair, Commissioner  
16 Bergman, when I saw that data, I did the happy  
17 dance. That was -- that was very good information  
18 to have.

19 But keep in mind that this is the first  
20 time -- this is the baseline year of the data that  
21 we collected from institutions with regard to this.  
22 And, so, last year, for collection during the  
23 current school year, we're collecting this from  
24 all -- all secondary institutions through the  
25 S.T.A.R.S. system.

1                   This information was only collected from  
2 those that implemented Perkins. So, I anticipate  
3 that these numbers are going to climb, and we're  
4 going to see successes across the state with regard  
5 to that.

6                   But just a point of interest. It was in  
7 the area of manufacturing -- and let me digress.  
8 Health sciences had the most industry certifications  
9 achieved by secondary students. Manufacturing was  
10 the second; and architecture and construction was  
11 the third.

12                   COMMISSIONER BERGMAN: Thank you. And  
13 thank you, Madame Chair.

14                   THE CHAIR: Thank you. Further questions  
15 or comments, Commissioners?

16                   Mr. Spencer, I don't think we need to vote  
17 today. Please correct me if I'm wrong.

18                   MR. SPENCER: Madame Chair, I would be  
19 looking for an approval on the acceptance of the  
20 Consolidated Annual Report that was submitted to you  
21 today.

22                   THE CHAIR: Today. Okay. And then you  
23 will need, also, action in the March meeting; is  
24 that correct?

25                   MR. SPENCER: Madame Chair, that's

1 correct.

2 THE CHAIR: Okay. All right.

3 Commissioners, you've heard the report. We do need  
4 to take action. The Chair will entertain a motion.

5 Commissioner Toulouse.

6 COMMISSIONER TOULOUSE: Madame Chair, I  
7 move that we accept and approve this report as  
8 presented to us, with follow-up of the additional  
9 material next meeting.

10 THE CHAIR: Thank you.

11 COMMISSIONER CARR: Second.

12 THE CHAIR: Commissioner Carr, was that  
13 your second?

14 COMMISSIONER CARR: Yes, ma'am.

15 THE CHAIR: Motion by Commissioner  
16 Toulouse, second by Commissioner Carr, that the  
17 modified report be accepted. Is there discussion?

18 All those in favor, please say "Aye."

19 (Commissioners so indicate.)

20 COMMISSIONER BERGMAN: Do we need a  
21 roll- --

22 THE CHAIR: Do we need a roll-call vote?

23 MR. DWORAK: You can ask for it.

24 COMMISSIONER BERGMAN: I'm happy with a  
25 voice vote. That's all we need.

1 THE CHAIR: All right. Let me go back and  
2 say again all those in favor, please say "Aye."

3 (Commissioners so indicate.)

4 THE CHAIR: All those opposed, please say  
5 "No"?

6 (No response.)

7 THE CHAIR: The motion carries  
8 unanimously.

9 Mr. Spencer, thank you for being here  
10 today, and we would appreciate you sending that  
11 information out to us early, so that we would have  
12 an opportunity to read it prior to the next meeting.

13 MR. SPENCER: I will do that. Thank you.

14 THE CHAIR: Another thing. We are going  
15 to discuss the meeting calendar later today. You  
16 might want to check with Julia and make sure that  
17 that meeting doesn't get changed.

18 MR. SPENCER: Okay.

19 THE CHAIR: Okay. Thank you very much.

20 Ladies and gentlemen, I know we've only  
21 been in session for an hour. But Item No. 8, I  
22 think, is going to be a rather lengthy item. We  
23 have quite a few forms and whatnot to go over. I  
24 would suggest that we take a short break at this  
25 point and come back at about 10 after 10:00, and

1 we'll be ready to really get to work.

2 MS. BARNES: The other thing -- I don't  
3 know if you want to do it -- but there's a lot of  
4 people in the audience waiting for Items Nos. 9 and  
5 10. I have no problem moving 8 lower.

6 I just wrote a note to myself, maybe you  
7 should have done that, anyway, because, that way,  
8 people that are interested in our forms are welcome  
9 to stay; but people that are here for other reasons,  
10 they could go on with their day.

11 THE CHAIR: Ladies and gentlemen, let's  
12 deal with that when we get back from our break,  
13 okay? Let's be back at 10 after, please.

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

15 THE CHAIR: Let us resume, Commissioners.  
16 Commissioners, would you like to consider Julia's  
17 suggestion that we move Items 9 and 10 ahead of  
18 Item 8, just to -- so that folks that are sitting  
19 out in the audience might not like to sit quite so  
20 long? What's your pleasure?

21 COMMISSIONER TOULOUSE: Madame Chair, I  
22 think that's a good idea. Not that I don't enjoy a  
23 good audience. But they've got kids to go back and  
24 educate, that we want them to do perfectly; right?

25 THE CHAIR: Are you doing that as a

1 motion?

2 COMMISSIONER TOULOUSE: Do we need a  
3 motion?

4 THE CHAIR: I think so.

5 COMMISSIONER TOULOUSE: Okay. Madame  
6 Chair, I move we adjust the agenda to move Items 9  
7 and 10 ahead of Item 8.

8 COMMISSIONER CARR: Second.

9 THE CHAIR: Thank you. We have a motion  
10 by Commissioner Toulouse, seconded by  
11 Commissioner Carr, to move Items 9 and 10 --

12 COMMISSIONER GANT: Discussion from --

13 MS. BARNES: I just wondered if we  
14 could --

15 THE CHAIR: -- in front of Item 8. Is  
16 there any discussion?

17 MS. BARNES: I just suggest that we move  
18 Item 8 to after Item 12. There are a few people in  
19 the audience for the updates, as well. So the --

20 COMMISSIONER TOULOUSE: And, Madame Chair,  
21 I would amend my motion to move those items, and  
22 Item 11, as well. Do you accept my amendment?

23 THE CHAIR: Commissioner Carr?

24 COMMISSIONER CARR: I approve.

25 THE CHAIR: Now, somebody help me. Do we

1 need to vote on the amendment and then the motion,  
2 or is it all one motion now?

3 COMMISSIONER TOULOUSE: The amendment  
4 first. Then that becomes the motion.

5 THE CHAIR: Okay. So, we're going to vote  
6 on the amendment to the motion, which states that we  
7 move Items 9, 10, 11, and 12 ahead of Item 8.  
8 That's been moved by Commissioner Toulouse, seconded  
9 by Commissioner Carr. Is there any discussion?

10 Hearing none, let's have a roll-call vote,  
11 please, Mr. Secretary?

12 COMMISSIONER BERGMAN: Commissioner Carr.

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER BERGMAN: Commissioner  
15 Conyers.

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER BERGMAN: Commissioner  
18 Parker.

19 COMMISSIONER PARKER: Yes.

20 COMMISSIONER BERGMAN: Commissioner  
21 Peralta.

22 COMMISSIONER PERALTA: Yes.

23 COMMISSIONER BERGMAN: Commissioner Pogna.

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse.

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner Gant.

4 COMMISSIONER GANT: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Shearman.

7 THE CHAIR: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Bergman votes "Yes." Madame Chair, that is a  
10 nine-to-zero vote in favor of that motion.

11 THE CHAIR: Thank you. The motion passes  
12 unanimously to move Items 9, 10, 11, and 12 ahead of  
13 Item No. 8. Now, are we clear on procedural --  
14 we're done.

15 Okay. Let's move to Item No. -- and I'm  
16 going to keep the numbers that are currently printed  
17 on your agenda so that we don't get confused. We're  
18 moving to Item No. 9, "Discussion and Possible  
19 Action on Charter School Amendments." Julia Barnes.

20 COMMISSIONER TOULOUSE: Madame Chair, as  
21 per our rules, I need to recuse myself from the item  
22 on East Mountain High School, because I have a  
23 relative who teaches there and a relative who  
24 attends there. Thank you.

25 THE CHAIR: Thank you very much for that.



1 Ms. Barnes, as Interim Director, would you give us  
2 this report, please?

3 MS. BARNES: Sure will. I will let you  
4 know that a lot of the contract negotiations end up  
5 with a lot of amendments. So, we should anticipate  
6 amendments. We're actually trying to manage them a  
7 little better. There -- and so, even today, there's  
8 some documentation that didn't get to you. We're  
9 working on getting that process a little smoother,  
10 because I think it's a great thing within the  
11 contract negotiations that we're getting a lot of  
12 amendments. But I think we should anticipate them.

13 The first one is Mission Achievement and  
14 Success Charter School. I actually am not sure  
15 who's presenting. Come on up. And I need to tell  
16 you that there are some people I know and some  
17 people I don't. Some of these are new to me, so I  
18 look forward to it.

19 Mission Achievement has a request for  
20 transportation services. And we recommend approval  
21 of the amendment, as you might recall. They do need  
22 to have a transportation amendment in order to get  
23 the funding. So, we certainly recommend that.

24 I do want to tell you one thing that's in  
25 your binder, just to give you a little update on it.

1 We now, through the Charter Schools Division and the  
2 database, have an ability to print off some standard  
3 information, some public information on each of the  
4 schools. We've started to do that. And at the end  
5 of the meeting, I'd like some feedback on how that  
6 helps. But with so many charters, I think it's good  
7 to have a little information.

8 In addition to the amendment, we also have  
9 a snapshot of the school that collects some of the  
10 public data. Go ahead.

11 MS. MYERS: Do you want us just to share  
12 what the request is and why?

13 MS. BARNES: That would be great. And if  
14 you'd introduce yourself, that would be super.

15 MS. MYERS: Okay. I'm JoAnn Myers. I'm  
16 the principal and one of the founders of the school.

17 MR. LANGSTON: My name is Bruce Langston.  
18 I'm the board president of the school.

19 MS. MYERS: So, we're requesting to add  
20 transportation. In our first year, we were under  
21 enrollment; we were about half enrollment. In our  
22 second year, which is this current year, we actually  
23 hit our cap and had a wait list in our second year.  
24 But we've lost some kids over the year, and it comes  
25 down to transportation.

1           Like, the two primary reasons we're given  
2 when kids leave are, one, sometimes it's just an  
3 out-of-state move, and nothing you can do with that  
4 one. But the kids that end up having mobility  
5 issues, because they've moved somewhere around the  
6 city, and they just can't get there anymore; or even  
7 kids that are very much in the demographic area of  
8 the school, sometimes it becomes a hardship to get  
9 them to school.

10           THE CHAIR: Pardon me for interrupting.  
11 Would you press down on the lever?

12           MS. MYERS: Oh, pardon me. I'm just  
13 yelling. Of course. Do you need me to repeat  
14 anything, or am I good?

15           MS. BARNES: Commissioner Pogna may not  
16 have heard you. You might start again.

17           MS. MYERS: Okay. All right. So, do you  
18 want me to go back and start over again, or do you?

19           THE CHAIR: No, that's fine.

20           MS. MYERS: So, we were requesting  
21 transportation, just to reduce the mobility factors  
22 that exist.

23           The other thing is sometimes when we get  
24 calls from parents that are looking for a school,  
25 even when they're in the vicinity and they find out

1 there's not transportation, it's a hardship for some  
2 of the families. We wanted to add that to make our  
3 school more accessible to families and just to  
4 reduce mobility when transportation does become an  
5 issue for families.

6 THE CHAIR: Thank you. Commissioners, do  
7 you have questions? Commissioner Gant.

8 COMMISSIONER GANT: Madame Chair, members.  
9 What kind of transportation plan -- you're asking  
10 for transportation. I got that. But do you have a  
11 plan already designed so you can pick up the  
12 majority of the kids, where they're -- how are you  
13 going to run? I mean, you're not a school district,  
14 so you can't run all over the city. So, what is  
15 your plan?

16 MS. MYERS: So, what we did is we got  
17 information from our students and their parents on  
18 where we're pulling from predominantly, like, the  
19 schools. Our intent was to set up transportation  
20 bus stops around those areas, so if parents could at  
21 least get them to that area, which would not be  
22 taxing, because at least it's in a vicinity where  
23 they could drive or walk to those areas. We  
24 wouldn't hit everybody, obviously, but it would just  
25 eliminate that for some parents.

1           We do have targeted areas around the city.  
2           Assuming we are approved, we would work with  
3           transportation, work with businesses and stuff in  
4           the area to establish a bus stop. But we base that  
5           on where we're pulling our students from, the  
6           primary areas that we're pulling students from.

7           COMMISSIONER GANT: Okay. That's --  
8           that's it.

9           THE CHAIR: Commissioners, other  
10          questions?

11          Well, I have one. Ms. Myers, it's sort of  
12          a historical perspective. I believe I recall when  
13          you first came to this Commission with an  
14          application to start a new school. And at that  
15          time, you were proposing to locate the school in the  
16          South Valley; am I correct?

17          MS. MYERS: No. What we had put in the  
18          application is that we put that that was one of our  
19          prospective areas. We did not identify an area. We  
20          just said we wanted to serve a high-poverty  
21          population. We're in the southeast quadrant of the  
22          city.

23          THE CHAIR: I recall the previous chair,  
24          Commissioner Garrison, lives in the South Valley.  
25          And he was very pleased that there would possibly be

1 another option for the kids in that area, and he was  
2 disappointed when the school ultimately was not  
3 located there.

4 My question to you is, do you have any  
5 future plans of relooking at that area to see a  
6 possible location for your school?

7 MS. MYERS: Honestly, not at this time.  
8 We do pull kids from that area, though, and that's  
9 one of the areas where we want to establish a bus  
10 stop, because we do lose kids from that area when  
11 transportation becomes taxing.

12 We established a before-and-after-school  
13 program. And that was, honestly, really to support  
14 parents. Because of the school hours from 8:30 to  
15 4:30, a lot of parents couldn't work with that. So,  
16 we started a 7:00 before-school program and an  
17 after-school that went until 6:00, which helped  
18 immensely with our transportation issues. But, then  
19 again, that is one of the reasons we wanted to  
20 establish in that area was because when we do get  
21 calls from that area, or we lose kids, that's what  
22 they cite is the transportation barriers in getting  
23 kids to our school.

24 THE CHAIR: Okay. Just one other  
25 question. I notice your enrollment cap is 7- --

1 pardon me -- 672.

2 MS. MYERS: Correct.

3 THE CHAIR: You currently have  
4 293 students enrolled.

5 MS. MYERS: Correct.

6 THE CHAIR: In your current location, can  
7 you accommodate the 672 that are your cap?

8 MS. MYERS: We can.

9 THE CHAIR: You can?

10 MS. MYERS: Yes, correct.

11 THE CHAIR: Okay, thank you. Other  
12 questions? Commissioner Gant.

13 COMMISSIONER GANT: Madame Chair, a  
14 follow-up on your question. What information do you  
15 have that says you have the square footage to cover  
16 that many students? Do you have something from the  
17 PSFA that says you meet -- your facilities will  
18 handle 600-and-something kids?

19 MS. MYERS: We don't, at this time,  
20 because when we acquired that space, there was  
21 another school in the other side. Cien Aguas  
22 occupied the other side, but they've moved out into  
23 their own building. So, we're in process with them  
24 to, like, establish -- our space for that current  
25 building, I believe, is good through Grade 9. But

1 what we're doing now -- because that was always in  
2 the works was that they were planning on moving out  
3 and stuff. It's just they weren't formally out, and  
4 they were under a lease at the time when we were  
5 trying to get our school open and our facility plan  
6 together.

7 But, yes, with the building that we're in  
8 and the space, we do have enough space. It's just a  
9 matter of formalizing the documentation with PSFA to  
10 show that there's enough space in that building.

11 COMMISSIONER GANT: Madame Chair, if I  
12 may? Ms. Barnes?

13 MS. BARNES: Yes.

14 COMMISSIONER GANT: I'm suggesting  
15 possibly, that they provide -- they go through PSFA  
16 and get the proper documents to verify they have  
17 facilities, and that documentation could come to  
18 you? To us? Madame Chair --

19 MS. BARNES: Sure.

20 COMMISSIONER GANT: -- do you agree?

21 THE CHAIR: Yes.

22 COMMISSIONER GANT: Because I want to make  
23 sure -- I'm getting very, very uneasy -- you might  
24 as well hear it -- that charter schools don't have  
25 the documentation, and they don't have the



1 facilities to handle all the students they have for  
2 their caps.

3 So -- and I'm going to make a  
4 recommendation later to the Commission about that.  
5 But I would like to see your school go through the  
6 PSFA with the proper Ed Specs and Facility Master  
7 Plan to make sure you're correct.

8 All right. Thank you.

9 THE CHAIR: Commissioner Toulouse.

10 MS. MYERS: One point of clarity on the  
11 spacing, while our cap is 672, the way we wrote our  
12 charter is we put a cap in our charter for each  
13 grade level, taking 96 kids per grade level. So,  
14 even though our cap is 672, that was the assumption,  
15 as we grow, that we keep adding 96. So, this year,  
16 our cap -- we actually were over. We added -- I  
17 think it was 288. And then next school year, we add  
18 the next 96. Just for clarification. I don't know  
19 if that makes a difference, but --

20 COMMISSIONER GANT: That really doesn't  
21 make a difference, because you said you had  
22 600-and -- whatever your cap is?

23 MS. MYERS: Yeah, correct.

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madame Chair, to

1 help them clarify, I'm aware of their facility.  
2 It's in my district. I go by it all the time. My  
3 grandson was lower grades of Cien Aguas. And I've  
4 seen it. And I do agree. You need to have that  
5 plan.

6 But there is plenty of room in there, and  
7 it's already been occupied by an educational group.  
8 I would like to see their plan. But that's -- the  
9 other thing I'd like like to clarify regarding the  
10 previous chair, who is not here, who is from the  
11 South Valley, I've represented the South Valley at  
12 various times. I live in the Southeast.

13 That particular area of Albuquerque and  
14 the area of the South Valley adjacent to it are  
15 basically the same population, the same culture, the  
16 same people. There really is no difference in the  
17 population you are serving for a good part of the  
18 northern part of the South Valley and that part of  
19 the Southeast Heights.

20 So, that's a clarification of the area  
21 that they are serving. So, thank you.

22 THE CHAIR: Thank you. Other comments or  
23 questions?

24 Commissioners, I would just remind you  
25 that we've been provided with wording for possible

1 motions for all of these schools that are coming  
2 before us. And that's at the very beginning of the  
3 section in your binder, if you would choose to use  
4 that.

5 If there's no further discussion, the  
6 Chair would entertain a motion. Commissioner  
7 Bergman.

8 COMMISSIONER BERGMAN: Madame Chair, I  
9 would actually like to ask a question of Julia,  
10 because, on this first one, under that -- under what  
11 you just suggested, I'm not sure that that -- what  
12 it says is it says to move to approve the amendment  
13 presented by Mission Achievement and Success to  
14 provide transportation service to any student. And  
15 then it goes on, Julia, to say, "...unless  
16 designated by the student's Individual Education  
17 Plan." For some reason, that's going past me. What  
18 does that mean?

19 MS. BARNES: I have to say that I took a  
20 form from Abby Lewis. So, I'm just -- I was just  
21 thinking that if there was something that caused a  
22 student not to be able to be transported, that the  
23 transportation services didn't need to be provided.

24 But I think you can leave out that -- that  
25 additional language. I actually checked with Abby

1 in terms of whether she wanted these proposed  
2 motions or not, and I think she and I need to  
3 clarify that a little bit, so...

4 COMMISSIONER BERGMAN: Actually, I think I  
5 probably should read that motion as worded, then,  
6 because what you said triggered the thought that  
7 maybe an IEP student -- it specifies they can't ride  
8 on a bus; they have to be in a van or some kind of  
9 transportation. And maybe that's why it's there.

10 So, unless someone else thinks we should  
11 change it, I think I should read it as-is. Anyone  
12 else?

13 MS. BARNES: Joe, do you have an opinion  
14 on that?

15 MR. DVORAK: I think that's a valid point.  
16 I think it's -- in case there's some stipulation for  
17 each student, so -- I can try to reach out to Abby,  
18 though, if you'd like and try and get some  
19 clarification, if you'd like.

20 MS. BARNES: Okay.

21 THE CHAIR: Commissioner Gant?

22 COMMISSIONER GANT: Madame Chair, if the  
23 IEP says that they need transportation, then the  
24 school has to do it.

25 MS. BARNES: Correct.

1 THE CHAIR: Let me just -- yeah. Let me  
2 just note on documentation that the school provided,  
3 their current charter statement says that they will  
4 not provide transportation services to any student,  
5 unless designated by the student's Individual  
6 Education Plan. It goes on to say that if a special  
7 education student enrolls at MAS with an IEP that  
8 requires transportation, the student -- pardon me --  
9 the school will negotiate with Transportation.

10 So, the transportation is already provided  
11 for special needs students with IEPs that require  
12 it. So, I'm assuming that Abby's motion, the  
13 wording is somehow to designate that students with  
14 IEPs are already covered with providing  
15 transportation, and this just picks up for the rest  
16 of the students. I'm assuming that's the  
17 clarification.

18 COMMISSIONER BERGMAN: Thank you. I just  
19 wanted to be sure we were all clear and all on the  
20 same page on that one, because we put it through the  
21 process.

22 Madame Chair, I move we approve the  
23 amendment presented by Mission Achievement and  
24 Success to provide transportation service to any  
25 student, unless designated by the student's

1 Individual Educational Plan, IEP.

2 THE CHAIR: Thank you. Do I hear a  
3 second?

4 COMMISSIONER TOULOUSE: Second.

5 THE CHAIR: Commissioner Toulouse. Motion  
6 by Commissioner Gant -- pardon me -- Commissioner  
7 Bergman, second by Commissioner Toulouse, to approve  
8 the amendment printed by Mission Achievement and  
9 Success.

10 Is there any discussion? Hearing none,  
11 the Chair calls for a vote, Mr. Secretary, roll-call  
12 vote, please.

13 COMMISSIONER BERGMAN: Commissioner  
14 Conyers.

15 COMMISSIONER CONYERS: Yes.

16 COMMISSIONER BERGMAN: Commissioner  
17 Parker.

18 COMMISSIONER PARKER: Yes.

19 COMMISSIONER BERGMAN: Commissioner  
20 Peralta.

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Pogna.

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER BERGMAN: Commissioner  
25 Toulouse.

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER BERGMAN: Commissioner Carr.

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER BERGMAN: Commissioner Gant.

5 COMMISSIONER GANT: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Shearman.

8 THE CHAIR: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Bergman votes "Yes."

11 Madame Chair, by a nine-to-zero vote, that  
12 motion carries.

13 THE CHAIR: Thank you, Mr. Secretary.

14 Motion carries unanimously. The amendment is  
15 approved. Thank you very much.

16 MS. MYERS: Thank you. Thank you very  
17 much.

18 THE CHAIR: Julia?

19 MS. BARNES: The next amendment -- and,  
20 actually, we should just clarify by the end of the  
21 meeting, if this is the way you want it. The Taos  
22 Academy is bringing forward two amendments. They  
23 also are on the agenda for approval of their  
24 contract, because, as you know, when you have just a  
25 group of the Commissioners that are negotiating,

1 they are not in a position to make any decisions for  
2 the Commission.

3 So, there's two amendments. And depending  
4 on how you vote, we will conform the contract to  
5 make -- to make that be possible, as well, to make  
6 sure that it's the same as and conforms to your  
7 amendments.

8 Their two amendments are to revise their  
9 bylaws to allow more than five members to the  
10 Governing Board, if necessary. Actually, I will  
11 tell you that CSD is talking to a lot of schools  
12 about that, because we find when schools get in  
13 trouble, and they've had five members, and they lose  
14 members, then they don't have enough, and it can be  
15 a problem. So, we've been talking to schools about  
16 planning for that.

17 The second is -- and I think you'll hear  
18 now and later -- Taos Academy is very successful,  
19 and lots of -- there's a lot of interest in going to  
20 their school. So, I think at this point, they're  
21 looking to increase their enrollment cap. Of  
22 course, whatever number you -- they're presently  
23 allowed at 200, and they want to go to 250. The  
24 contract which we're going to present to you for  
25 approval in a few minutes will conform to that.



1           So, we just picked one, but we'll switch  
2 it out. We recommend both amendments.

3           THE CHAIR: Thank you. Please give us  
4 your name and your position with the school, please.

5           MS. FILISS: Madame Chair members of the  
6 Commission, my name is Traci Filiss. I am the  
7 director at Taos Academy Charter School.

8           MS. MOULTON: Madame Chair, Commissioners,  
9 I'm Karin Moulton. I'm the co-founder and the  
10 community coordinator at Taos Academy.

11          THE CHAIR: Please go ahead.

12          MS. FILISS: Okay. So, the first  
13 amendment, again, we're proposing to change the  
14 language of our original charter to allow our  
15 Governing Council to consist of no less than five  
16 members. So, the change of the -- says, "The  
17 Governing Council, consisting of no less than five  
18 members, shall govern Taos Academy."

19           And, again, it was a recommendation by the  
20 Charter Schools Division. We, just -- for your  
21 information, we have not had the issue of having  
22 less than five at any point. Our Governing Council  
23 members stay and work their terms, and -- however it  
24 was something that was suggested, so we thought that  
25 was probably a good idea.

1 THE CHAIR: Thank you very much.

2 Commissioners? Commissioner Bergman?

3 COMMISSIONER BERGMAN: Madame Chair,  
4 perhaps I might also clarify that we have had this  
5 discussion in the past as to whether we should fold  
6 amendments like this into our contract negotiations.  
7 And my thinking on that has been that if we do it  
8 that way, then only a couple of Commissioners are  
9 approving something that I believe the entire  
10 Commission should be approving.

11 And, so, that's why you're seeing these  
12 groups, and you're going to see quite a few of them  
13 in the future because of that, because of this,  
14 board membership and caps. I think it's better that  
15 those be handled in separate amendments than in our  
16 contract negotiations. And I would, of course, be  
17 guided by the rest of the membership on this  
18 Commission.

19 But as to what this particular one -- we  
20 all remember that we've had several recent cases  
21 where schools that only had five board members lost  
22 one or two, and all of a sudden, they were in a bind  
23 because the statute states you've got to have five.  
24 And, so, what Director -- former Director Gerlicz  
25 had come up with, which I thought was a good idea,

1 was that any of these schools that currently have  
2 applications or charters that specifically state  
3 they're going to have five members, that it would be  
4 better if those schools amended that to where their  
5 charter stated that they could have five, up to  
6 whatever number -- I understand there's no cap on  
7 that. They could have 13, if they wanted.

8 So, you're going to see a lot of these in  
9 the coming months. And that is the rationale for  
10 it, and I thought it was important to explain that.

11 THE CHAIR: Appreciate that explanation.  
12 Commissioners, are there questions on the amendment  
13 for Governing Council membership?

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

16 COMMISSIONER CARR: Madame Chair?

17 THE CHAIR: Commissioner Carr?

18 COMMISSIONER CARR: Taos Academy Amendment  
19 1, I move to approve the amendment presented by Taos  
20 Academy to allow more than five members on their  
21 Governing Council, if necessary.

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

24 COMMISSIONER PERALTA: Second.

25 THE CHAIR: Commissioner Peralta. Motion

1 and second by Commissioner Carr, second by  
2 Commissioner Peralta, to approve the amendment  
3 request by Taos Academy to have no less than five  
4 members on their Governing Council.

5 Further discussion? Seeing none, let's  
6 have a roll-call vote, Mr. Secretary.

7 COMMISSIONER BERGMAN: Commissioner  
8 Parker.

9 COMMISSIONER PARKER: Yes.

10 COMMISSIONER BERGMAN: Commissioner  
11 Peralta.

12 COMMISSIONER PERALTA: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna.

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner  
16 Toulouse.

17 COMMISSIONER TOULOUSE: Yes.

18 COMMISSIONER BERGMAN: Commissioner Carr.

19 COMMISSIONER CARR: Yes.

20 COMMISSIONER BERGMAN: Commissioner  
21 Conyers.

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER BERGMAN: Commissioner Gant.

24 COMMISSIONER GANT: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Shearman.

2 THE CHAIR: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Bergman votes "Yes."

5 Madame Chair, by a nine-to-zero vote, that  
6 motion carries.

7 THE CHAIR: The amendment request is  
8 approved unanimously. Thank you very much. Julia?

9 MS. BARNES: She has a second amendment on  
10 their cap. Again, we are really pleased with the  
11 performance of this school, actually. And they  
12 have -- I think they have a waiting list, and they  
13 have an ability to serve more students and would  
14 like to have a cap.

15 I just want to reiterate that the contract  
16 that you will look at later on will conform to  
17 whatever your vote is right now.

18 THE CHAIR: Thank you. Would you like to  
19 say something?

20 MS. FILISS: Yes, members of the  
21 Commission. Taos Academy is requesting an increase  
22 in our -- our enrollment cap. Our original charter  
23 was for 200 students. We would like to move that to  
24 250. A couple of reasons: One, we continually have  
25 somewhere between 50 and 100 -- usually 70 to

1 80 students sitting on a waiting list every year.  
2 And we would like to open our doors to more students  
3 to give them the opportunity to come.

4 We also -- I believe in our last meeting,  
5 you heard that we opened the doors to a new  
6 building, an extra 5,000 square feet, which allows  
7 us to have the space to be able to raise our cap as  
8 well.

9 So, we're requesting that you give us  
10 permission to take baby steps and move our  
11 enrollment up to 250. Thank you.

12 THE CHAIR: Thank you. Questions,  
13 Commissioners? Comments? Commissioner Gant.

14 COMMISSIONER GANT: Madame Chair, I just  
15 heard you talk about the 5,000-square-foot new  
16 building. Is that an addition or a new building?

17 MS. FILISS: It's additional; it's an  
18 addition.

19 COMMISSIONER GANT: Regardless -- I  
20 appreciate that. In the future, Madame Chair, when  
21 we have these brought forward like this, I would  
22 like to request, if the Commissioners agree, we have  
23 documentation from the PSFA that what they're  
24 requesting, they have facility -- in other words,  
25 they have a document that says -- and we haven't

1 seen it; you may have it, but we haven't seen it --  
2 that says, "You have the square footage necessary  
3 for 250," or whatever the school wants.

4 Because I'm starting to see, personally,  
5 charter schools that are cramming kids into rooms  
6 they shouldn't be cramming them into because they  
7 don't have the Ed Spec and the Facility Master Plan,  
8 et cetera, and the approval from the PSFA for that  
9 number of students. So, that's my goal in the  
10 future is every one of these that come for  
11 increasing cap have something from PSFA that says,  
12 "Yes, they have the facility to do it."

13 Now, if you have something for 250, we'd  
14 like to see it.

15 MS. MOULTON: Yes. Our FMP was approved  
16 in October, October 11th, and we have the  
17 documentation here, and we'd be happy to provide you  
18 guys with it.

19 COMMISSIONER GANT: Thank you. Thank you,  
20 Madame Chair.

21 THE CHAIR: Thank you. Any other  
22 comments? Questions?

23 Let me just be sure I heard you correctly.  
24 Did you say you have the documentation with you?

25 MS. MOULTON: Right here.

1 THE CHAIR: If you wouldn't mind passing  
2 that around, letting us look at it?

3 COMMISSIONER CARR: Madame Chair?

4 THE CHAIR: Commissioner Carr.

5 COMMISSIONER CARR: While she's doing  
6 that, I can personally vouch that they have the  
7 space.

8 COMMISSIONER GANT: But do we trust you?

9 COMMISSIONER CARR: I don't know. I'm an  
10 unsavory character. I don't know.

11 COMMISSIONER TOULOUSE: Madame Chair, he  
12 didn't question when I vouched for the previous one.

13 COMMISSIONER GANT: I don't dare question  
14 you.

15 COMMISSIONER TOULOUSE: Thank you, sir. I  
16 don't question you, either.

17 COMMISSIONER GANT: It doesn't talk  
18 numbers. It says, "Yes, you have an approved FMP."

19 MS. MOULTON: Because it's included in our  
20 Facility Master Plan; our numbers are included in  
21 what we're approved for. We didn't bring the entire  
22 Facility Master Plan, but, certainly, we could  
23 provide it digitally and send it to you by e-mail if  
24 you would like.

25 COMMISSIONER GANT: I just think, in the



1 future we need some kind of documentation that says,  
2 'Yes, they have the facilities." That's all I'm  
3 asking for.

4 THE CHAIR: All right. And I think,  
5 Julia, you made a note of that, did you not?

6 MS. BARNES: I did. I did. My brain is  
7 clicking.

8 THE CHAIR: While that document is going  
9 around, are there other questions? Concerns?  
10 Seeing none, the Chair would entertain a motion.

11 Commissioner Carr.

12 COMMISSIONER CARR: On Amendment 2 to Taos  
13 Academy, the expanded enrollment cap, I move to  
14 approve the amendment presented by Taos Academy to  
15 increase the enrollment cap from 200 to 250.

16 COMMISSIONER BERGMAN: Second.

17 THE CHAIR: Motion by Commissioner Carr,  
18 second by Commissioner Bergman, to approve the  
19 amendment from Taos Academy to increase their  
20 enrollment cap from 200 to 250.

21 Is there discussion? Hearing none,  
22 Commissioner Bergman, may we have a roll-call vote?

23 COMMISSIONER BERGMAN: Commissioner  
24 Peralta.

25 COMMISSIONER PERALTA: Yes.

1 COMMISSIONER BERGMAN: Commissioner Pogna.  
2 COMMISSIONER POGNA: Yes.  
3 COMMISSIONER BERGMAN: Commissioner  
4 Toulouse.  
5 COMMISSIONER TOULOUSE: Yes.  
6 COMMISSIONER BERGMAN: Commissioner Carr.  
7 COMMISSIONER CARR: Yes.  
8 COMMISSIONER BERGMAN: Commissioner  
9 Conyers.  
10 COMMISSIONER CONYERS: Yes.  
11 COMMISSIONER BERGMAN: Commissioner  
12 Parker.  
13 COMMISSIONER PARKER: Yes.  
14 COMMISSIONER BERGMAN: Commissioner Gant?  
15 COMMISSIONER GANT: Yes.  
16 COMMISSIONER BERGMAN: Commissioner  
17 Shearman.  
18 THE CHAIR: Yes.  
19 COMMISSIONER BERGMAN: Commissioner  
20 Bergman votes "Yes."  
21 Madame Chair, by a nine-to-zero vote, that  
22 motion carries.  
23 THE CHAIR: Thank you. The vote is  
24 unanimous to approve the amendment of Taos Academy  
25 to increase their enrollment cap from 200 to 250.

1       Congratulations.

2                   MS. FILISS: Thank you, Madame Chair,  
3 members of the Commission.

4                   Madame Chair, if I may, can I make a  
5 statement about something concerning caps and  
6 facility? Would you mind if I took a moment?

7                   THE CHAIR: Certainly. Go ahead.

8                   MS. FILISS: Recently, I spent some time  
9 at the Legislature. And I was testifying on a bill.  
10 And the question came up to me of why Taos Academy  
11 has a cap at 200. And, specifically, it was noted  
12 that -- that I -- Taos Academy -- was somehow  
13 keeping our enrollment down for some purposes of  
14 funding. And I wanted to make you aware of that,  
15 because it made me very uncomfortable.

16                   I didn't -- I told them that, first of  
17 all, our cap in the beginning was set by the  
18 percentages from the town, because when we  
19 chartered, that was what was happening. At this  
20 point, they asked me, "Well, what -- why is it that  
21 you even have a cap?"

22                   And, of course, that's a bigger issue of  
23 why we have caps. But I think there's a real  
24 disconnect between possibly what happens here and  
25 what the Legislature is understanding of why it is

1 charter schools even have a cap, and that somehow  
2 we're playing games with that cap. I don't know  
3 where that comes from, and I am very concerned about  
4 that, and I wanted to voice that to you all, knowing  
5 that came straight to me, just a couple of weeks  
6 ago. So, thank you for the time.

7 THE CHAIR: Thank you.

8 COMMISSIONER GANT: Madame Chair?

9 THE CHAIR: Commissioner Gant.

10 COMMISSIONER GANT: Let me put some words  
11 to that, if I may.

12 MS. FILISS: Please.

13 COMMISSIONER GANT: The cap is -- you have  
14 to be given a cap when you get your initial charter.  
15 That's statute.

16 But the issue is that some legislators,  
17 and some people, including myself -- some charters  
18 are playing a game, which we call the -- where they  
19 get extra funding for remaining small. They get the  
20 small-school differential, which was really intended  
21 for the schools that are in isolation, rural,  
22 et cetera, that the law states the charter schools  
23 could also have it. And there's a sweet spot, 250,  
24 300 kids, where they get -- they max out on that  
25 funding, extra funding.

1           There are some schools that remain  
2 purposely separate. They might set up a primary,  
3 elementary, et cetera. And some feel that that's  
4 the very reason they do it, to keep the numbers down  
5 so they get that sweet spot. And no one has denied  
6 it.

7           But that's what the legislators are  
8 hearing, and that's what they hear, that they want  
9 that small-school differential. That's where that's  
10 coming from.

11           MS. FILISS: Thank you, Commission.

12           THE CHAIR: Thank you, Commissioner.

13 Thank you, ladies. We're ready for East Mountain,  
14 Julia.

15           MS. BARNES: The third amendment is from  
16 East Mountain High School. This is a -- what CSD  
17 considers kind of a -- just a small wordsmithing  
18 change to their mission. We do appreciate that Doug  
19 Wine made the trip to present this.

20           I would just echo what Commissioner  
21 Bergman was just saying in terms of what is actually  
22 the protocol for this. East Mountain is not up for  
23 a contract. If they were, it would have been CSD's  
24 position that that -- that that change in wording  
25 could have been -- slight wording could have been in

1 the contract negotiation, rather than an amendment.  
2 But they've made this decision now.

3 But just because we're clarifying  
4 processes as we go, I did want to confirm that if  
5 this happened at contract, we wouldn't have pulled  
6 him away from his school today. And actually, Doug,  
7 I know you're doing -- you just got some new duties  
8 with the New Mexico Coalition. I didn't know if you  
9 wanted to tell them about that, as well.

10 MR. WINE: Sure.

11 THE CHAIR: Good morning. If you would,  
12 please, introduce yourself, and be sure the court  
13 reporter gets your name spelled correctly.

14 MR. WINE: Okay. Madame Chair, members of  
15 the Commission, my name is Doug Wine. I'm the  
16 principal of East Mountain High School. I was a  
17 Board member of the New Mexico Coalition for Charter  
18 Schools. And Bruce Hegwer decided to take a  
19 position with ACES, which is a procurement  
20 organization, so, I'm the acting -- or the interim  
21 director for the Coalition for Charter Schools, as  
22 well.

23 I think the amendment is pretty  
24 straightforward, but it has to do with something  
25 that we've learned in pursuing our mission. So, if

1 you scan it, you might miss where the change is.  
2 We're a small school. We use best practices to  
3 engage students in curricular programs. The  
4 original mission says, "Prepare students for  
5 college." The change is to prepare students "to  
6 succeed in" college.

7 What we have learned through our work and  
8 our research is that our goal is no longer to get  
9 them into college, but to get them to graduate from  
10 college. And, so, we are -- we want to reflect  
11 that, because, then, as we move forward with our new  
12 contract -- and we don't sign until October 2014;  
13 you know, submit 2014 for 2015 -- we'll be looking  
14 at goals to try to determine what are the best  
15 practices to make sure our students graduate.

16 Are there any questions?

17 THE CHAIR: Thank you. Commissioners, do  
18 you have questions or comments? Commissioner  
19 Bergman?

20 COMMISSIONER BERGMAN: I'm happy to hear  
21 you say that, because you said a word that is very  
22 dear to my heart. You used the word "goals" in  
23 there. And I will just remind you I have a long  
24 memory. And I'll be looking for those goals when we  
25 do get to that point, wherever that is down the

1 road, because I encourage -- I really think to  
2 improve the quality of charter schools in this  
3 state, they should have that vision; they should  
4 have those goals.

5 So, I'm happy to hear you say that. Thank  
6 you, sir.

7 MR. WINE: Thank you.

8 THE CHAIR: Thank you. Other comments?  
9 Questions?

10 Hearing none, the Chair would entertain a  
11 motion. Commissioner Parker?

12 COMMISSIONER PARKER: Madame Chair,  
13 Commissioners. First of all, congratulations on  
14 your new position.

15 MR. WINE: Thank you.

16 COMMISSIONER PARKER: But I move to  
17 approve the amendment presented by East Mountain to  
18 amend the language in their mission to reflect the  
19 expectation to prepare students to succeed in  
20 college.

21 COMMISSIONER PERALTA: Second.

22 THE CHAIR: Motion by Commissioner Parker,  
23 second by Commissioner Bergman to approve the  
24 motion -- pardon me -- to approve the amendment by  
25 East Mountain School.



1 COMMISSIONER BERGMAN: I didn't second.  
2 Someone else did.

3 THE CHAIR: I'm sorry. Did I  
4 misunderstand? The second was by Commissioner  
5 Peralta -- correction -- to approve the amendment  
6 presented by East Mountain. Is there any  
7 discussion?

8 Hearing none, Commissioner Bergman,  
9 roll-call vote, please?

10 COMMISSIONER BERGMAN: Before I call the  
11 roll, Commissioner Toulouse, you are abstaining on  
12 this vote?

13 COMMISSIONER TOULOUSE: Yes, sir, I am  
14 because of relatives at the school.

15 COMMISSIONER BERGMAN: I do that because  
16 our rules of procedure state that the people that  
17 are going to abstain have to do that before the vote  
18 is called.

19 Commissioner Carr.

20 COMMISSIONER CARR: Yes.

21 COMMISSIONER BERGMAN: Commissioner  
22 Conyers.

23 COMMISSIONER CONYERS: Yes.

24 COMMISSIONER BERGMAN: Commissioner  
25 Parker.

1 COMMISSIONER PARKER: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Peralta.

4 COMMISSIONER PERALTA: Yes.

5 COMMISSIONER BERGMAN: Commissioner Pogna.

6 COMMISSIONER POGNA: Yes.

7 COMMISSIONER BERGMAN: Commissioner Gant.

8 COMMISSIONER GANT: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Shearman.

11 THE CHAIR: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Bergman votes "Yes."

14 Madame Chair, you have eight votes in

15 favor of the motion, with one abstention.

16 THE CHAIR: Thank you. The motion passes

17 unanimously, with one abstention, to approve the

18 amendment presented by East Mountain to amend the

19 language in their mission. Thank you very much.

20 MR. WINE: Thank you very much.

21 THE CHAIR: Next is Gilbert Sena High

22 School. Julia?

23 MS. BARNES: I think we might skip it just

24 for the moment. We're waiting from someone from

25 PSFA who hasn't appeared yet. The school is ready,

1 but they're looking for a change in location, and,  
2 so -- is Martica supposed to come? We don't know  
3 where she is. So, let's jump down, unless you want  
4 to hear their amendments without her here.

5 THE CHAIR: I think we can give them a few  
6 minutes and go on down to --

7 MS. BARNES: And I think they don't  
8 have -- I don't know if you know where she is, if  
9 you can reach her. We tried to, so we're doing the  
10 best we can.

11 La Tierra, I think, is the next one,  
12 because both Alma d'Arte and Dolores Huerta don't  
13 have any amendments now; I think they will soon.

14 So, La Tierra Montessori.

15 So, I have documentation from them, and  
16 let me pass that out to you. Actually, Ron, is it  
17 possible for you to help me do that?

18 I'll tell you what the conversations have  
19 been with La Tierra. La Tierra is working very hard  
20 to get the school's feet on the ground solidly. I  
21 think, if you look at the snapshot, you can see that  
22 the school is -- has got some direction to go in  
23 terms of moving up. And I think that they're  
24 working very hard to do that. This is the first  
25 step, in terms of coming forward to you.

1           Another thing that's happening with the  
2 contract negotiations is that schools that sometimes  
3 are in trouble -- or sometimes, for other reasons --  
4 are really looking to electively come forward and  
5 work hand in hand with the Commission to do the best  
6 that they can to improve the outcomes for their  
7 kids.

8           So, I think -- and Ed Wood can talk about  
9 this in a moment. But this is one of the schools  
10 that is looking to come forward early, potentially,  
11 to do a contract with us. And, so, I think that  
12 they will be coming forward to let the Commission  
13 know what they're doing and how they're doing it to  
14 improve their students' outcomes, and will also  
15 utilize the contract process.

16           You'll see they have two amendments: One  
17 is to change locations; and the second is to come  
18 under contract. I guess that's not an amendment;  
19 it's more of a request, kind of a board-to-board  
20 request, the way we did that with McCurdy, is  
21 actually, you took the first vote -- it doesn't  
22 matter -- but I think in this case, their board had  
23 taken the first step to say that they would like to  
24 come under contract.

25           We are, as you know, working hard on the

1 processes, how do we roll this out. And one of the  
2 important things to us is how do we roll out schools  
3 that are having trouble, and how do we work with  
4 them, and how do we ensure that they're being  
5 successful.

6 So, CSD is very supportive of schools  
7 doing that in a proactive way. And I think they  
8 have no choice on their building. But I'm not sure  
9 about that.

10 So, at this point, CSD would recommend  
11 both amendments.

12 THE CHAIR: Thank you, Julia. If you  
13 would introduce yourselves, please, and let us hear  
14 your presentation.

15 MS. BRENDEN: Madame Secretary and members  
16 of the Commission, my name is Marcia Brenden, and I  
17 am the co-chair of the Governing Council of  
18 La Tierra.

19 MR. WOOD: Thank you, Madame Chair,  
20 members of the Commission. My name is Ed Wood, and  
21 I am the Head Learner of La Tierra.

22 THE CHAIR: Thank you. Do you have a  
23 presentation for us?

24 MR. WOOD: We do. If we could, for your  
25 consideration, look at the proposed amendment to

1 change locations, I can give you a bit of history on  
2 that.

3 We're currently leasing a facility from  
4 Rio Arriba County. We have an occupancy permit for  
5 80 students. And the facility does not allow us to  
6 grow, which was the first thing. And we also found  
7 out, just very recently, that the county wants to  
8 re-purpose the facility for its original use, which  
9 was as a visitor center. So, we've been informed  
10 that they would like us to move locations.

11 We have been fortunate enough to enter  
12 into a preliminary agreement with a developer, who  
13 currently owns a facility that used to be purposed  
14 as a school. It was used as the BIE offices for  
15 several years after the school left, and we are  
16 under consideration for that facility right now.

17 We have gotten far enough that there have  
18 been cost projections. They have given us the green  
19 light to go forward with negotiations. We have been  
20 discussing with the PSFA and Martica Casias. We  
21 currently have an NMCI. The weighting is a little  
22 bit high, because the building requires quite a bit  
23 of renovation, but we're aware of the exact needs of  
24 the building, and the developer is also aware of the  
25 needs, so, we're hoping to be able to move forward

1 with that move.

2 If we can't, we will probably be without a  
3 facility next year. So, we realize this is a bit of  
4 a rush. It doesn't fall within the 18-month desired  
5 window that the PEC normally demands. But we're  
6 under a little bit of pressure here.

7 So, I do have the weighted NMCI's. I  
8 didn't make copies for the entire Commission. I  
9 apologize for that, but I can send them around, if  
10 you like.

11 THE CHAIR: I think that would be a good  
12 idea, please.

13 MR. WOOD: Thank you. May I approach?

14 THE CHAIR: Pardon?

15 MR. WOOD: May I approach?

16 THE CHAIR: Please do.

17 MR. WOOD: While Commissioners are looking  
18 at those, with your permission, our cap is  
19 180 students. We currently have an enrollment of  
20 76. As I said, our current facility does not allow  
21 us to take any more students in.

22 As Commissioner Gant mentioned earlier, we  
23 are squeezing students in like sardines in a few of  
24 the classes right now. So, this would offer us an  
25 opportunity, on this present location, to expand to

1 reach our entire cap.

2 There are three buildings on the site.  
3 Martica has viewed all the buildings, and that's  
4 where the weighted NMCI comes from.

5 THE CHAIR: Just out of interest, if this  
6 site does not work out, do you have a Plan B?

7 MR. WOOD: Our fallback plan -- and we're  
8 in negotiation with the county commissioners now in  
9 Rio Arriba County -- would be to allow us to  
10 continue in that facility for one more year,  
11 realizing that we will not be able to expand to our  
12 eighth grade, which would be a handicap for us, and  
13 we will not be able to add a kindergarten next year.  
14 We basically have to keep our enrollment the same as  
15 it is now.

16 THE CHAIR: Has the Commission given you a  
17 deadline to vacate the building if you are not able  
18 to negotiate for another year?

19 MR. WOOD: They gave us an initial  
20 deadline of June. But, as we understand as recently  
21 as last week in talks with one of the county  
22 planners, they will be willing to extend that, if  
23 possible.

24 COMMISSIONER GANT: Madame Chair, just a  
25 question. You've got this application in. Has



1 Martica or PSFA blessed this?

2 MR. WOOD: They have a draft form. They  
3 haven't been able to go over it again. Our time  
4 line has been a little tight. But Martica does have  
5 that application in hand. That's for our FMP  
6 Ed Spec, I'm assuming?

7 COMMISSIONER GANT: Right.

8 MR. WOOD: Just a point of clarification,  
9 also, that Martica has seen the facility. She's  
10 visited it on two different occasions, so...

11 COMMISSIONER GANT: My only comment would  
12 be if the Commission passes the amendment to move  
13 and expand the cap, that the condition be on there  
14 that this has to be approved for it to be fully  
15 effective. Do you know what I'm saying?

16 THE CHAIR: Yes, definitely.

17 Let me just clarify. Are you asking for  
18 an increase in your enrollment cap?

19 MR. WOOD: No, Madame Chair, we are not.  
20 We are just hoping to move into a facility that will  
21 allow us to reach our cap in three or four years.

22 THE CHAIR: And, Julia, I do not see a  
23 proposed motion in this information we have here.

24 MS. BARNES: Yes. I'll tell you -- we can  
25 discuss the process later. One of the things that's

1 happening, at least at CSD, is that these amendments  
2 are coming a little bit late, and it's hard to  
3 prepare in the way that you all want and still try  
4 to accommodate the schools who have an urgent need  
5 to come in front of you.

6 I know that you're meeting monthly. That  
7 alleviates some of the problems. So, I actually  
8 didn't get the amendments until a couple of days  
9 ago.

10 THE CHAIR: It wasn't a criticism; I  
11 thought I just couldn't find it.

12 MS. BARNES: No. But it's -- I don't  
13 quite know how to address it, because it's a little  
14 bit of a frustration for me.

15 THE CHAIR: Understand. So, I'm going to  
16 ask Joe to help us with this one. A motion could  
17 be -- should Commissioners choose to go this way,  
18 the motion could be that we approve the amendment to  
19 occupy a different location contingent upon naming  
20 that location and that location being approved by  
21 PSFA.

22 COMMISSIONER GANT: It would be --  
23 Madame Chair, it should read, approval -- that  
24 PSFA's approval of the Facilities Master Plan and  
25 Educational Specifications.

1 THE CHAIR: And I'm going to ask our  
2 attorney to tell us if that is an appropriate and  
3 sufficient motion.

4 MR. DVORAK: Well, I think that we might  
5 have to defer to Julia on this, only in the sense  
6 that statutorily, there are some requirements that  
7 the facility needs to meet before. And that  
8 would -- I would be curious if it's normal practice  
9 for the Commission to approve these without knowing  
10 of an actual facility and deferring -- making that  
11 decision -- I guess that leaves some questions for  
12 me, and I would have some hesitations in terms of  
13 actual approval.

14 THE CHAIR: Thank you.

15 MS. BARNES: Well, I will tell you -- and  
16 it will be relevant, because their next request is  
17 to come under contract. We have schools in  
18 transition for moving all the time. And -- and they  
19 are under contract. We have a -- we have a  
20 performance indicator that they must show us that  
21 all the conditions have been met.

22 So, I think that in the past, we have been  
23 doing it on the condition that all the PSFA  
24 requirements are met. That seems to make some sense  
25 to me.

1 I guess -- it is difficult to get a  
2 building; it is a huge issue for charter schools.  
3 We need -- I think that we need to make sure that  
4 everything is done appropriately and still give  
5 people the permissions that they need.

6 So, I guess I'm comfortable with a motion  
7 that is subject to all of the PSFA requirements.

8 Also, obviously, PSFA is a different  
9 entity. And, so, we are in this situation where  
10 we're having to rely on them, and, you know, are  
11 their staff able to come today. It's a little bit  
12 difficult, given that it's two organizations.

13 So, I'm comfortable with the condition,  
14 but --

15 MR. DVORAK: Madame Chair, I would agree  
16 with that, and as long as that's a normal practice.  
17 I think it's just important to note that this would  
18 be designating -- or delegating -- quite a bit of  
19 authority from the Commission, then, to PSFA.

20 THE CHAIR: Thank you. Commissioner  
21 Bergman?

22 COMMISSIONER BERGMAN: Well, I do think we  
23 need to take some step, because some building owners  
24 want to know when these people come to them looking  
25 for a facility, "Do you have the approval of your

1 authorizer, or are we going to waste our time with  
2 all these negotiations?" So, we need to do  
3 something for them in some way, shape, or form, so  
4 that if that question does come up, that they -- the  
5 renter understands that they're not wasting their  
6 time. I just make that point.

7 THE CHAIR: Thank you, Commissioner.  
8 Commissioner Gant.

9 COMMISSIONER GANT: Madame Chair, I think  
10 the way that we could word this resolution, or  
11 motion, is that it really doesn't take it away --  
12 the responsibility away from the PS -- PEC. All  
13 we're asking for -- and, basically, it does put it  
14 back on the school to finish this up. And it's not  
15 incumbent upon us -- we are only requesting what we  
16 require to ensure that we are putting students in  
17 proper buildings.

18 And this is a way to do it. If they don't  
19 get this FMP and Ed Spec approved in time, then  
20 they're in a problem. So, it's up to them to push  
21 it, not particularly CSD. That's not their job.  
22 It's the school's job to push it. That's why I want  
23 that as part of --

24 THE CHAIR: Thank you for that.

25 MS. BARNES: I just wanted to add one

1 thing, and I've just made a note, Joe, that it's  
2 another issue that Abby and I can work on. Because  
3 I guess I don't see it at all as a delegation of any  
4 PEC authority to the PSFA. The reality is that two  
5 entities -- and maybe three, counting the PED --  
6 have authority here, and we just need to work with  
7 them.

8 So, I just wanted to raise that, because I  
9 know the PEC is very aware of not delegating any  
10 authority; I just don't think that that is happening  
11 here. I think that there is maybe joint -- joint  
12 authority by several entities here.

13 THE CHAIR: Thank you for that. Further  
14 comments, Commissioners, or questions?

15 Commissioner Carr.

16 COMMISSIONER CARR: I -- this doesn't  
17 necessarily pertain to what we're going to do or not  
18 do today. But I had a couple -- I had a couple of  
19 questions.

20 What was the length of your lease, and  
21 what improvements did you make to your current  
22 facility?

23 MR. WOOD: The initial length of the lease  
24 was for one year. They extended to include this  
25 year. And, so, we knew eventually that the building

1 occupancy was going to be temporary in nature. We  
2 didn't have to do many improvements to move into the  
3 building.

4 I do have all the plans here that were  
5 given initially to the PSFA by Hoopes & Associates  
6 of Santa Fe to have E-Occupancy for the initial  
7 facility. Does that answer your question?

8 COMMISSIONER CARR: Yes, it does.

9 MR. WOOD: Okay. Thank you.

10 COMMISSIONER CARR: And, Madame Chair,  
11 that just -- for future reference, you know, it's a  
12 concern, you know, that they should -- you know, I  
13 think these schools should have a long-term lease  
14 when they move into a facility. And I know we have  
15 to do what we have to do to get things done. And  
16 that's not always the best way or most efficient way  
17 of doing things. But I just thought that I would  
18 bring that up.

19 MR. WOOD: Madame Chair and Commissioner  
20 Carr, I appreciate your comment. The -- this is my  
21 first year at the school. And I do know that the  
22 first year that the charter was approved, they  
23 looked at over 45 potential facilities in the  
24 Española area. None of them proved out, and this  
25 building was made available at the very last moment

1 before school opened. So, I do agree. And that's  
2 one of the reasons we want to move into a facility  
3 that gives us the potential for a long-term lease.

4 THE CHAIR: Thank you for that.

5 Further questions or comments,  
6 Commissioners?

7 Seeing none, the Chair would entertain a  
8 motion.

9 COMMISSIONER GANT: Madame Chair?

10 THE CHAIR: Commissioner Gant.

11 COMMISSIONER GANT: Madame Chair, I move  
12 that we accept the request to move to a new  
13 facility, with a stipulation that the Facility  
14 Master Plan and Educational Specifications Plan must  
15 be approved and provided to the CSD prior to them  
16 considering moving.

17 THE CHAIR: I have a motion. Do we have a  
18 second?

19 COMMISSIONER CARR: Second.

20 THE CHAIR: Was that Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 MR. WOOD: A point of clarification, if I  
23 may? Does that mean that we cannot consider moving  
24 or engage in any negotiations with the developer  
25 until the FMP and the Ed Spec are approved?



1           COMMISSIONER GANT:  Madame Chair, I'm just  
2     suggesting that yes, you can.  That's fine.  You  
3     need to move forward.  But you cannot, in my view,  
4     finalize it and make the move until all this is  
5     done.

6           MR. WOOD:  Thank you, Commissioner.

7           THE CHAIR:  Ms. Matthews, did you have a  
8     comment?

9           MS. MATTHEWS:  Madame Chair, members of  
10    the Commission and Mr. Gant, I'd like to clarify  
11    very specifically.  Your motion has one particular  
12    requirement I'm a little concerned about.  That's  
13    the FMP, Facilities Master Plan.

14           I met yesterday with Mr. Sprick and  
15    Mr. Larroque and Martica about that particular  
16    facility.  Right now, because of the age of this  
17    charter school, they're not actually required to  
18    have a Facility Master Plan at this point, which, as  
19    you know, being on the Council, is a major expense  
20    and requirement.

21           What they are required to do is have that  
22    hybrid Facility Master Plans/Ed Spec document that  
23    was created before -- when they applied, as part of  
24    the application.  And they are required to have a  
25    full-on Ed Spec for whatever they're trying to do.

1           But I wanted to -- if we could clarify  
2           that whatever PSFA requires, they will comply with,  
3           versus adding the higher-level FMP obligation,  
4           because having to have that completed in the time  
5           frame we're looking at, and at this stage of their  
6           charter age -- because Mr. Sprick specifically said  
7           they're not required to have an FMP until their  
8           fifth year or their next term.

9           So, I want to make sure that burden is  
10          clarified, that it's -- whatever PSFA says they have  
11          to have, then maybe the motion could be on the  
12          condition that they comply with all requirements of  
13          PSFA for moving into that building, the FMP aspect  
14          of it. I just wanted to clarify.

15          THE CHAIR: Thank you for that  
16          information.

17          COMMISSIONER GANT: Madame Chair, I modify  
18          my motion to that effect. But I need -- that's the  
19          end of my motion. I modify it or change the motion  
20          to that effect. If I can get a second on that?

21          COMMISSIONER CARR: Second.

22          COMMISSIONER GANT: My next comment --

23          THE CHAIR: Wait just a second. Wait just  
24          a second. We've got a motion and a second to modify  
25          the original motion to include the wording, "all

1 requirements of PSFA," and deleting the wording,  
2 "Facilities Master Plan." Is that correct?

3 COMMISSIONER GANT: Correct.

4 THE CHAIR: All right. Now,  
5 Commissioners, is there discussion on that?  
6 Commissioner Parker?

7 COMMISSIONER PARKER: Commissioners, did  
8 the language in that motion initially say that it  
9 was prior to them looking for a new location? And,  
10 if so, do we want to change that to "prior to  
11 finalizing a location"?

12 COMMISSIONER GANT: The original words, I  
13 believe, were "prior to moving"; nothing to do with  
14 negotiations.

15 THE CHAIR: Madame Reporter, could you  
16 verify that for us, please?

17 (The record was read as requested.)

18 THE CHAIR: Commissioner Parker?

19 COMMISSIONER PARKER: Madame Chair,  
20 Commissioners, do we want to change that language  
21 that says "prior to considering moving," because it  
22 sounds like they need to act on this and not just  
23 consider. Act on it.

24 THE CHAIR: Commissioner Gant.

25 COMMISSIONER GANT: All right. I'll play

1 the wordsmith game. We'll take the word "consider"  
2 out.

3 COMMISSIONER CARR: Second. I approve.

4 THE CHAIR: Boy, I'm getting over my head  
5 with parliamentary procedure. We've got a modified,  
6 modified motion. But the motion is to comply with  
7 all PSFA regulations before moving.

8 Now, is that correct? Have I restated the  
9 motion correctly?

10 COMMISSIONER GANT: Yes.

11 THE CHAIR: All right. Now, is there  
12 discussion?

13 COMMISSIONER BERGMAN: Well, would it be  
14 appropriate to maybe go ahead and restate --  
15 accurately restate the motion to be sure that  
16 there's not 14 different drafts of this motion that  
17 people are looking at. Just asking a question.

18 THE CHAIR: Perhaps that's not a bad idea.  
19 And Madame Recorder, could you do that for us,  
20 restate the amended motion?

21 (Discussion off the record.)

22 (Chair consults with Mr. Dworak.)

23 THE CHAIR: I'm being advised that we need  
24 to vote on the modified -- the modifications to --  
25 vote to accept the modifications, and then we can

1 vote on the motion.

2 MR. DVORAK: Then you can restate the  
3 motion, as modified.

4 THE CHAIR: So, the modifications to the  
5 motion are, take out the words "consider moving,"  
6 and to add "comply with all PSFA conditions." Is  
7 that -- pardon me?

8 COMMISSIONER TOULOUSE: Nothing.

9 THE CHAIR: I like nothing.

10 COMMISSIONER TOULOUSE: I need to stretch.  
11 That's what it is.

12 THE CHAIR: Okay. Does everyone agree  
13 that I have stated the modifications to the motion  
14 correctly?

15 Then, Mr. Secretary, we're ready for a  
16 roll-call vote.

17 COMMISSIONER BERGMAN: Commissioner Pogna.

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER BERGMAN: Commissioner  
20 Toulouse.

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER BERGMAN: Commissioner Carr.

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER BERGMAN: Commissioner  
25 Conyers.

1 COMMISSIONER CONYERS: Yes.

2 COMMISSIONER BERGMAN: Commissioner  
3 Parker.

4 COMMISSIONER PARKER: Yes.

5 COMMISSIONER BERGMAN: Commissioner  
6 Peralta.

7 COMMISSIONER PERALTA: Yes.

8 COMMISSIONER BERGMAN: Commissioner Gant.

9 COMMISSIONER GANT: Yes.

10 COMMISSIONER BERGMAN: Commissioner  
11 Shearman.

12 THE CHAIR: Yes.

13 COMMISSIONER BERGMAN: Commissioner  
14 Bergman votes "Yes."

15 Madame Chair, by a nine-to-nothing vote,  
16 you have an approval of the motion to modify the  
17 original -- all the modifications to the original  
18 motion, if I have stated that properly.

19 THE CHAIR: Thank you. I believe you  
20 have. The modifications to the motion pass  
21 unanimously.

22 Now the motion needs to be restated.  
23 Madame Recorder, I'm going to ask that you do that  
24 for us, the original motion including the  
25 modifications. Can you do that?

1 (Discussion held off the record.)

2 THE CHAIR: I'm being advised that someone  
3 can restate the motion as a whole, with those  
4 modifications included.

5 Commissioner Gant, I would ask that you do  
6 that.

7 COMMISSIONER GANT: Thank you. Make my  
8 day.

9 Madame Chair, I move that we accept the  
10 request from the school -- the request to move, with  
11 the stipulation that they must complete all required  
12 documents of the PSFA, prior to moving.

13 MR. DVORAK: So, it's already been  
14 seconded. It's on the table. So, ask if there's  
15 discussion of the motion.

16 THE CHAIR: I'm being advised that the  
17 motion has already been seconded. It is on the  
18 table for discussion. Now, any discussion?

19 Commissioner Parker?

20 COMMISSIONER PARKER: Madame Chair,  
21 Commissioners, only because this is confusing for  
22 me, is this what you guys are looking for in terms  
23 of the amendment to your charter?

24 MR. WOOD: Yes, it is. Thank you for  
25 asking, Commissioner.

1 THE CHAIR: Thank you. Any other  
2 questions or comments?  
3 Hearing none, Mr. Secretary, roll-call  
4 vote, please?  
5 COMMISSIONER BERGMAN: Commissioner  
6 Toulouse.  
7 COMMISSIONER TOULOUSE: Yes.  
8 COMMISSIONER BERGMAN: Commissioner Carr.  
9 COMMISSIONER CARR: Yes.  
10 COMMISSIONER BERGMAN: Commissioner  
11 Conyers.  
12 COMMISSIONER CONYERS: Yes.  
13 COMMISSIONER BERGMAN: Commissioner  
14 Parker.  
15 COMMISSIONER PARKER: Yes.  
16 COMMISSIONER BERGMAN: Commissioner  
17 Peralta.  
18 COMMISSIONER PERALTA: Yes.  
19 COMMISSIONER BERGMAN: Commissioner Pogna.  
20 COMMISSIONER POGNA: Yes.  
21 COMMISSIONER BERGMAN: Commissioner Gant.  
22 COMMISSIONER GANT: Yes.  
23 COMMISSIONER BERGMAN: Commissioner  
24 Shearman.  
25 THE CHAIR: Yes.



1                   COMMISSIONER BERGMAN: Commissioner  
2 Bergman votes "Yes." By a nine-to-zero vote, that  
3 motion has carried.

4                   THE CHAIR: Thank you. The motion to  
5 approve the amendment to the charter of La Tierra  
6 Montessori School to move to a new location, with  
7 the stipulation that all PSFA requirements must be  
8 completed prior to the move, passes unanimously.

9                   MS. BARNES: Whew. There is a -- it's not  
10 an amendment, but they are -- they've put it on an  
11 amendment form.

12                   But their board has requested that they be  
13 allowed to enter into contract negotiations earlier  
14 than they otherwise would have. And I believe the  
15 board has approved that. So, if you all said you  
16 would agree to that, we would go ahead and schedule  
17 it.

18                   McCurdy, as well, I believe, are going to  
19 do the same thing. And at one point, I thought we  
20 could do it in the spring, and now, I'm wishing we  
21 can do it in the summer. So, that's what I'm  
22 thinking.

23                   These are -- they're hard to put together,  
24 and, particularly, schools that are wanting -- we  
25 want to give them the time. So, I would suggest in

1 the summer, if you allow it.

2 THE CHAIR: All right. Do you have a  
3 presentation on this issue?

4 MR. WOOD: We do. But first, I'd like to  
5 thank you and the members of the Commission for the  
6 advanced training in Roberts Rules of Order.

7 Our desire -- and I'm going to let our  
8 vice chair for the board speak on this in more  
9 depth -- is to help the school move forward and be  
10 more accountable.

11 As with many charter schools, when they  
12 were initially made, the charters tend to be lots  
13 and lots of research about wonderful educational  
14 plans that may or may not help us reach specific  
15 goals and accountability. So, what we'd like to do  
16 is make our charter goals into S.M.A.R.T. goals, so  
17 we actually have something that we can measure  
18 that's not unattainable, which, currently, several  
19 of our goals are unattainable.

20 So, I'll let Ms. Brenden speak more  
21 specifically to that.

22 MS. BRENDEN: Madame Chair and  
23 Commissioners, yes, we're in our second year of  
24 La Tierra Montessori School of the Arts and  
25 Sciences. And I think the central reason the

1 Governing Council wants to enter into this  
2 relationship early is so when we get to October of  
3 our fourth year, when our documents of data to show  
4 that we have moved forward in our goals -- that we  
5 have time to plan for that.

6 So, it's -- in our estimation, at this  
7 point, the language revisions that we hope to make  
8 to the charter will not be material, but will be  
9 less substantial than that, but will allow us to  
10 kind of refine those and maybe change some of the  
11 percentage goals to growth goals, given our  
12 population in Española, and, also, it's aligned with  
13 Common Core in the ways that oftentimes schools are  
14 measured.

15 And we look forward to entering into that  
16 relationship with the PEC.

17 THE CHAIR: Thank you very much.

18 Commissioners, do you have questions?

19 Commissioner Bergman?

20 COMMISSIONER BERGMAN: It's not so much a  
21 question. I, here again, would like to note that in  
22 my remarks very early -- seems like it was  
23 yesterday -- at 9:00 this morning, I stated that CSD  
24 was doing some things differently, was making some  
25 changes.

1           And one of the new things that we're  
2 getting is this "school snapshot" report. Any  
3 school that comes before us in the future will come  
4 to us with one of these snapshot reports, which has  
5 all kinds of useful information for our use. And I  
6 believe that was Julia Barnes' idea, or one of her  
7 staff members' idea; and whoever came up with it, I  
8 think it was a great idea. So, I thank you for  
9 that. So, we do have this information.

10           And looking at this school snapshot report  
11 for La Tierra, I salute them for probably coming to  
12 the conclusion that they probably should be doing  
13 contract negotiations early on, so that some of the  
14 issues that the school apparently does face can be  
15 addressed, particularly the comment just now on  
16 goals that are -- operating under goals that are  
17 apparently not going to be attainable.

18           That does no one any good. So, doing a  
19 performance contract -- I should always remember to  
20 use the word "performance contract" -- and  
21 renegotiating goals is probably an excellent idea in  
22 this particular case. Thank you, Madame Chair.

23           THE CHAIR: Thank you. Any other  
24 questions or comments?

25           I do have one. And, again, Julia, I thank

1 you for the snapshot. It saves us a lot of time to  
2 look this information up on our own.

3 I'm looking at your teacher-student ratio.  
4 Presently -- are you K-7 presently? Those are the  
5 grades you're serving?

6 MR. WOOD: We are, Madame Chair.

7 THE CHAIR: And your student-teacher ratio  
8 is 24.7. Now, is that 24.7 students per teacher?

9 MR. WOOD: I believe that's inaccurate.  
10 We -- our current enrollment is 74 students, and we  
11 have five licensed teachers on staff.

12 THE CHAIR: This says three.

13 MS. BARNES: Okay. So we need to change  
14 that. And I know that you asked questions about how  
15 the student-teacher ratio came about. It is simply  
16 a mathematical calculation of the teachers we think  
17 are there and the students we think are there. So,  
18 it's a good question for the schools, always. So  
19 we'll fix that.

20 THE CHAIR: Okay. Let me just get down to  
21 the bottom line of this. Are you exceeding the  
22 PED-mandated, teacher-class load limits in any of  
23 your classes?

24 MR. WOOD: No, Madame Chair, we are not.

25 THE CHAIR: Do you have classes where you

1 have aides?

2 MR. WOOD: We have aides in three of our  
3 four mixed classrooms, Madame Chair.

4 THE CHAIR: Thank you very much. Those  
5 were all my questions. Other questions or concerns  
6 from Commissioners?

7 Hearing none, the Chair would entertain a  
8 motion. Commissioner Bergman?

9 COMMISSIONER BERGMAN: Madame Chair, I  
10 would move that the Public Education Commission  
11 allow La Tierra Montessori School for the Arts and  
12 Sciences to move up their contract negotiations to  
13 an amenable time, working with the CSD, which  
14 facilitates our schedule, also, but at probably the  
15 earlier possible -- or the earliest convenient date.

16 THE CHAIR: Thank you. Do I hear a  
17 second?

18 COMMISSIONER TOULOUSE: Madame Chair.

19 THE CHAIR: Commissioner Toulouse.

20 COMMISSIONER TOULOUSE: I second the  
21 motion.

22 THE CHAIR: Thank you very much. Motion  
23 by Commission Bergman, seconded by Commissioner  
24 Toulouse, to allow La Tierra Montessori School to  
25 enter into contract negotiations sooner than it

1 would originally otherwise be planned, this year's  
2 schedule.

3 Is there any discussion? Hearing none,  
4 Mr. Secretary, may we have a roll-call vote, please?

5 COMMISSIONER BERGMAN: Commissioner Carr.

6 COMMISSIONER CARR: Yes.

7 COMMISSIONER BERGMAN: Commissioner  
8 Conyers.

9 COMMISSIONER CONYERS: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Parker.

12 COMMISSIONER PARKER: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Peralta.

15 COMMISSIONER PERALTA: Yes.

16 COMMISSIONER BERGMAN: Commissioner Pogna.

17 COMMISSIONER POGNA: Yes.

18 COMMISSIONER BERGMAN: Commissioner

19 Toulouse.

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER BERGMAN: Commissioner Gant.

22 COMMISSIONER GANT: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Shearman.

25 THE CHAIR: Yes.

1 COMMISSIONER BERGMAN: Commissioner

2 Bergman votes "Yes."

3 Madame Chair, that is a nine-zero vote in  
4 favor of the motion.

5 THE CHAIR: Thank you. The motion passes  
6 unanimously to bring La Tierra Montessori School  
7 under contract this year. Thank you very much.

8 MR. WOOD: Thank you, Commissioners.

9 MS. BARNES: I have one more thing to add.  
10 I'll just let the Commissioners know -- and I  
11 actually cleared it with Ed Wood. For personal  
12 reasons, Ed Wood was looking for work in Santa Fe,  
13 and we were -- and sooner, rather than later, for  
14 personal reasons.

15 And we were lucky enough to have him apply  
16 to the Charter Schools Division, and he was offered  
17 and accepted the job yesterday. So, he will be  
18 coming to the Charter Schools Division as one of our  
19 new EAAs.

20 And I just mentioned that he was doing  
21 that immediately, because he did notify the  
22 school -- and I know that will put some stress on  
23 the school, so, I'm a little -- and I know a lot of  
24 the CSD was concerned about the school and making  
25 sure the school was okay. But when we knew he had



1 made the decision, we hired him. So, we are excited  
2 about that.

3 THE CHAIR: Welcome aboard.

4 MR. WOOD: Thank you.

5 MS. BARNES: I think we're -- go ahead.  
6 Excuse me. Are you ready?

7 THE CHAIR: Julia, whenever you're ready  
8 for Gilbert Sena.

9 MS. BARNES: Okay, great. I was going to  
10 say go ahead and start Gilbert Sena. I didn't even  
11 give you time to speak.

12 Gilbert Sena, so you're going to go  
13 backwards a little bit, since we passed over them  
14 once.

15 Again, you'll see our thinking in terms of  
16 how we're trying to work with schools when they do  
17 charter contracts. Gilbert Sena is -- was renewed  
18 by you for five years without conditions. I think  
19 you know that while they're not a SAM school, they  
20 still do certain alternative population, and they  
21 are tailored to serve them in an individual way.

22 When we get to the contract negotiations,  
23 it really does start to highlight what we need to  
24 clean up, what we need to clarify with the school.  
25 And, so, actually, they are an example of a school

1 that has moved forward with their amendments before  
2 their contract negotiations start, as opposed to we  
3 really didn't have that time for Taos Academy, and  
4 there's kind of pros and cons both ways from a  
5 process perspective.

6 So, let me tell you, first, Gilbert Sena  
7 will come up in the next negotiations next week or  
8 something, and really have done a diligent and  
9 dedicated job of in getting that concept worksheet  
10 together. So, I did want to explain what some of  
11 them are. And in my mind, it's both, from, of  
12 course, what the school is asking, but, also, later,  
13 we can talk about the process for the PEC.

14 They have a request to move. They have a  
15 request to increase their cap, assuming they are  
16 able to move. And, then, it's the third one I want  
17 to spend just a minute on, which is an amendment to  
18 their charter to further explain how they are  
19 providing their alternative services to children.

20 We are recommending that they be allowed  
21 to move, and, in the event they are allowed to move,  
22 that they have an extended cap. We do have a  
23 condition on the third amendment in terms of  
24 changing or identifying for you and amending their  
25 charter on the instructional hours. We have been

1 working with them a lot, actually, on how do we get  
2 onto paper this alternative system that they have  
3 for their students.

4 We actually have no concerns that -- about  
5 the number of instructional hours that they are  
6 providing. We actually feel like it's one of the  
7 innovations of charter schools. They're working  
8 individually with each student. So, it doesn't look  
9 the way it does in a regular school. And we're  
10 looking, during the contract negotiations to really  
11 clarify that.

12 So, the amendment asks for hours -- a  
13 change in the hours. And it will go hand-in-hand  
14 with what we discuss in the negotiations. Again, we  
15 feel like they are providing, probably, more than  
16 the minimum hours for students, providing a lot of  
17 opportunities for their kids. It's just how do we  
18 describe a charter within some of the traditional  
19 forms?

20 I'm not sure I've explained that very  
21 well, but that's what we're looking to do. So, I  
22 don't know where you want to start.

23 MS. TORRES: Well --

24 THE CHAIR: Please introduce yourselves.

25 MS. TORRES: Good morning, Madame Chair,

1 members of the Commission. My name is Nadine  
2 Torres, T-O-R-R-E-S, and I'm the executive director  
3 of Gilbert Sena High School.

4 MR. ALBRYCHT: I'm Stan Albrycht, the  
5 business manager for the high school.

6 MS. TORRES: All right. So, we do have  
7 three amendments. We might as well take them one by  
8 one. The other two amendments are all on the whole  
9 purpose of being able to move. We cannot increase  
10 our cap, nor can we revise our schedule and provide  
11 more -- additional hours of in-school hours unless  
12 we have a movement of our current location. So, the  
13 first amendment I'd like to discuss is the facility  
14 request.

15 I know you have a copy of the amendment.  
16 Currently, we are in a facility that comfortably  
17 supports 175 students. We have adjusted it at this  
18 point to fit up to 190, but it's a real tight  
19 squeeze. We have been in the work with PSFA with  
20 Martica on a new facility on Indian School Road.  
21 And what we are asking is for the PEC to approve us  
22 to be able to move to that location.

23 The location -- upon that approval, then  
24 we can move into the increase in cap and the  
25 instructional -- increase in instructional hours.

1 THE CHAIR: Thank you for that.

2 Commissioners, do you have questions or  
3 comments?

4 I don't see it on the amendment form. But  
5 you said you were looking at a facility on Indian  
6 School?

7 MS. TORRES: Yes. Do they have the  
8 amendment form that --

9 COMMISSIONER GANT: It's on Indian School.  
10 It's on it.

11 THE CHAIR: Maybe I just didn't look. Oh,  
12 I'm sorry.

13 MS. TORRES: The request for a new  
14 facility, and it's 12800 Indian School Road. Our  
15 current location is approximately 14,000, 15,000  
16 square feet, and this one would increase to 47,000  
17 square feet.

18 We would not be using all of the 47,000  
19 square feet in the beginning. We will be looking  
20 slowly to increase, with a real focus on the  
21 career-and-college pathway focus that we've been  
22 pushing for, but, unfortunately, with our current  
23 location, we can't really make a determination with  
24 those pathways in our current facility.

25 With this facility, we would be able to

1 have that, because then we would have each -- it's a  
2 multi-floor facility. So, it would have one floor  
3 for business information technology, another floor  
4 for health pathways, and then another floor for  
5 general or arts pathway.

6 THE CHAIR: I'm wondering. Do you -- I  
7 know you were waiting for someone from PSFA.  
8 What -- tell us how far in the approval process this  
9 building is. Does it have E-Occupancy already?  
10 Where are we?

11 MS. TORRES: Go ahead, Mr. Albrycht.

12 MR. ALBRYCHT: Madame Chair, we are  
13 working with PSFA. We had Martica out last week.  
14 She went through the building with us meticulously  
15 for about two or three hours; we walked through it.  
16 Our architect has been working with the City of  
17 Albuquerque. The City of Albuquerque is very  
18 excited for the school to go in there.

19 So, we're working really diligently with  
20 our architect to get the E-Occupancy. There  
21 shouldn't be any problems with that.

22 Martica just finished a report, and she  
23 tried to e-mail it to me now. I don't have it. I  
24 just talked to her a little bit ago, and she's not  
25 going to show up to the meeting.

1 MS. TORRES: I do have a copy of the plans  
2 that we've been working with, with the architect  
3 that they've taken to the City of Albuquerque, if  
4 you would like to see a copy of the plans.

5 THE CHAIR: Any other questions or  
6 comments?

7 Commissioner Gant.

8 COMMISSIONER GANT: Madame Chair, at this  
9 point, if they've been working with Martica, I've  
10 got notes in to her right now on this school, and I  
11 haven't heard back. She's probably in a meeting  
12 right now. They're very busy and shorthanded over  
13 there.

14 So, I would consider basically the same  
15 motion as before with the previous school, that  
16 until that paperwork is actually in place that PSFA  
17 requires they can negotiate, they cannot move.

18 Does that make sense? That's not my  
19 motion. I'm just talking my point.

20 THE CHAIR: I think so. Joe, does that  
21 make sense to you?

22 Are there further questions or concerns  
23 before we get to the motion stage from  
24 Commissioners?

25 Seeing none, the Chair will entertain a

1 motion, and, Commissioner Gant, are you ready to  
2 make that motion?

3 COMMISSIONER GANT: Yes. Madame Chair, I  
4 move that we accept their request -- the school's  
5 request to move, with the stipulation that all  
6 necessary paperwork required by the Public School --  
7 the Public School Facilities Authority be in place  
8 and approved prior to their move.

9 COMMISSIONER BERGMAN: Second.

10 THE CHAIR: We have a motion and second by  
11 Commissioner Gant and Commissioner Bergman to  
12 approve the amendment for relocation of Gilbert L.  
13 Sena Charter School, with the stipulation that all  
14 PSFA documents be approved and in place prior to the  
15 move.

16 Any discussion?

17 Seeing none, Mr. Secretary, may we have a  
18 roll-call vote?

19 COMMISSIONER BERGMAN: Commissioner  
20 Conyers.

21 COMMISSIONER CONYERS: Yes.

22 COMMISSIONER BERGMAN: Commissioner  
23 Parker.

24 COMMISSIONER PARKER: Yes.

25 COMMISSIONER BERGMAN: Commissioner



1 Peralta.

2 COMMISSIONER PERALTA: Yes.

3 COMMISSIONER BERGMAN: Commissioner Pogna.

4 COMMISSIONER POGNA: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Toulouse.

7 COMMISSIONER TOULOUSE: Yes.

8 COMMISSIONER BERGMAN: Commissioner Carr.

9 COMMISSIONER CARR: Yes.

10 COMMISSIONER BERGMAN: Commissioner Gant.

11 COMMISSIONER GANT: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Shearman.

14 THE CHAIR: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Bergman votes "Yes."

17 Madame Chair, that is a nine-to-zero vote  
18 in favor of the motion.

19 THE CHAIR: Thank you, Mr. Secretary. The  
20 motion carries unanimously to allow for relocation,  
21 with stipulations as stated in the motion.

22 COMMISSIONER GANT: Madame Chair?

23 THE CHAIR: Commissioner Gant.

24 COMMISSIONER GANT: I just have a

25 question. It doesn't affect this motion at all.

1           There is going to be some work on this  
2 building. Where are the dollars coming from? Where  
3 are the finances coming from for this?

4           MS. TORRES: Well, that's part of the next  
5 question -- part of the next amendment to increase  
6 the cap. But the other dollars is -- Mr. Albrycht,  
7 he can go through. We've -- we have a very sound  
8 budget, so...

9           MR. ALBRYCHT: Mr. Gant, are you asking  
10 how they're funding the building of the project, the  
11 build-out? Yes? There's BRYCON, the construction  
12 company in Albuquerque, is -- they've got a bunch of  
13 investors together. This will be the second charter  
14 school they've done. So, they're putting all the  
15 money up front for us.

16           And then, in a year, we're going to go out  
17 for a private bond to buy the facility.

18           COMMISSIONER GANT: Okay.

19           MR. ALBRYCHT: Through a nonprofit.  
20 Through a nonprofit. I'm sorry.

21           COMMISSIONER GANT: I was just going to  
22 say, you can't do that.

23           MR. ALBRYCHT: Yeah, this is a nonprofit.

24           COMMISSIONER GANT: Now I understand you  
25 may have 75 sitting in the wings on the waiting

1 list. But the increase in lease assistance will not  
2 happen until 1 July.

3 MS. TORRES: Yes. Yeah, we're aware.

4 COMMISSIONER GANT: Okay. Thank you.

5 THE CHAIR: Any other questions or  
6 comments?

7 Okay. Moving on to your next amendment.

8 MS. TORRES: So, the next amendment that  
9 we do have is the increase in cap to 300.  
10 Currently, we have our cap at 200. We have asked  
11 for an increase of 300, but with the understanding  
12 that it would not be jumping to 300 immediately. We  
13 will be moving to that 300, at some point.

14 Right now, I know in the amendment, we had  
15 75 students. But currently, as I left the school  
16 yesterday, I have 96 students on the waiting list;  
17 and, as of the 120th day, I was 185 students.

18 In order for us to be able -- as far as a  
19 question that may come up with Commissioner Gant, as  
20 far as looking at what do we need to make sure that  
21 we have as far as the number of students to fund  
22 this, as far as understanding the lease assistance  
23 would not be available until the following year with  
24 those numbers, is that we are looking at least to  
25 have 205 to 215 students.

1           We do have a high mobility rate at our  
2 school, a very high mobility rate with our  
3 alternative population, so -- you know, with the  
4 understanding that we will have some movement, and  
5 that we do need to make sure that we are meeting  
6 those numbers so that we can afford that move. Any  
7 other things?

8           THE CHAIR: Questions? Concerns? Issues?

9           You know, one of my concerns has always  
10 been with waiting lists. We hear about waiting  
11 lists a lot. I have yet to know how schools  
12 construct their waiting lists. I think probably  
13 everybody does it a little differently.

14           It concerns me that you're really counting  
15 on those students to increase your enrollment so  
16 that you can afford the building. And what if they  
17 don't show up? Because some of these students could  
18 be on four or five different waiting lists or could  
19 have enrolled in another school and actually no  
20 longer be available to your school.

21           So, I'm a little concerned that, you know,  
22 it's going to take some additional students for you  
23 to be able to afford what you want to do. And I  
24 would hate to see you get into a financial bind with  
25 this building.

1 I also have to say -- I'm looking at your  
2 school snapshot.

3 MS. TORRES: Yes.

4 THE CHAIR: You serve grades 9, 10, 11,  
5 and 12. So, you're a high school. And for the  
6 last -- well, your school grade is an "F" in  
7 graduation. Your school grade was an "F" in  
8 career-and-college preparation. And I guess the  
9 final school grade was a "B," if I'm reading this  
10 correctly. If you're not graduating students,  
11 you're not meeting your mission.

12 MS. TORRES: Okay. Could I --

13 THE CHAIR: Please do.

14 MS. TORRES: Madame Chair, over the past  
15 nine-and-a-half years, we have found that many of  
16 our students come to us after attending up to four  
17 other schools. They come to us as third-year  
18 students with a minimum of maybe three to four  
19 credits.

20 Our mission, specific, is for students to  
21 be successful. And we are trying to move away from  
22 a mentality and a culture of failure, to success.

23 Yes, I will say that we have a four-year  
24 cohort of students that has the most points given  
25 for the grade report. And our four-year cohort is a

1 minimal amount, because of the fact that that's why  
2 we are Gilbert Sena Charter High School. We provide  
3 students an alternative, so that they can graduate.

4 Some of them do pull it off and get  
5 with -- to be able to graduate within the four  
6 years. But our students graduate within five to six  
7 years that maybe would have never graduated at all,  
8 would have dropped out of school, maybe gone for a  
9 GED, but not passed, or just gone out into the  
10 workforce.

11 So, yes, our grade is an "F" for  
12 graduation. It is a "B" for college-and-career  
13 readiness. Our college-and-career readiness score  
14 went up from an "F" to a "B" this past year, and  
15 that was about the ability for us to know what was  
16 being counted on that. So, we have a number of our  
17 students that take dual-credit classes at our  
18 school. We have a number of students that take  
19 Career Technical Education. We have students that  
20 get industry work certifications at our school. We  
21 provide in school instruction as far as hands-on.

22 We are providing a second chance for our  
23 kids. So, even though we get an "F" in graduation,  
24 we take the hit, because we provide another chance  
25 for those kids to graduate. Now, my -- say -- our

1 school's proficiency rates last year went out of the  
2 roof. 69 percent of our kids were proficient in  
3 reading.

4 That's what I worry about. When I see a  
5 school's graduation rate high, but their proficient  
6 levels are low, what are we graduating? So, that is  
7 one of the biggest mission purposes that we have at  
8 Sena High School.

9 THE CHAIR: And I certainly understand  
10 that; those four-year cohort groups sometimes are  
11 really difficult.

12 Taking your most recent four-year cohort  
13 group, how many of those students actually graduated  
14 in four years, percentage or number, either way, off  
15 the top of your head?

16 MS. TORRES: Oh, I can give you specific  
17 data. For the '11/'12 -- for '10/'11, we had a  
18 38-percent graduation for four-year cohort.  
19 '11/'12 -- '10/'11 was 38; '11/'12 was 46; '12/'13  
20 was 25, unfortunately. Now --

21 THE CHAIR: And of those, how many  
22 graduated -- of the remainder of that group, how  
23 many graduated in five years?

24 MS. TORRES: The five years, I don't have,  
25 necessarily, off the top of my head. I can tell

1 you, though, this year, I have eight students that  
2 will be graduating as four-year students; 21  
3 students that will be graduating as five-year  
4 students; and two students that will graduating as  
5 six-year students for this year. And that was the  
6 data that I needed to look at, because I was quite  
7 distraught over our 25 percent four-year. But I  
8 have a huge amount of students this year, with 21 of  
9 my 35 students that should be graduating this year  
10 that will be five-year graduates.

11 THE CHAIR: Okay. My other question is, I  
12 know that there is the opportunity now for schools  
13 to use the alternative demonstration of competency.  
14 Have you -- has your school used that at all?

15 MS. TORRES: Yes, we have developed one,  
16 Madame Chair, and our governance council has  
17 approved it for this school year, only because next  
18 year, we will not be able to use that.

19 THE CHAIR: Do you have any idea how many  
20 students that will affect that will allow to  
21 graduate that might not otherwise?

22 MS. TORRES: Right now, I am looking at  
23 four students that that will help, out of my 35,  
24 which I was very proud to say that there were only  
25 four that needed it; all the rest of them were able



1 to meet all of the State requirements.

2 THE CHAIR: Good.

3 MS. TORRES: Madame Chair, may I?

4 THE CHAIR: Please, go ahead.

5 MS. TORRES: I know that you did mention  
6 about the concern about the fact that we have this  
7 waiting list. I will say this: I may have  
8 96 students right now that are waiting to come, and  
9 these are students that are looking to come in for  
10 next year. We did have an eighth-grade open house  
11 this past week that students are looking to come in.

12 I do think that this location will help to  
13 improve upon that piece. It is the only sky-rise  
14 building on the east side of Albuquerque. We are  
15 looking at a great marketing piece for that. I  
16 think that that is going to be another piece, that  
17 it's going to provide another opportunity for people  
18 to see the school.

19 Right now, we're kind of tucked away  
20 behind, you know, Target. And I don't know how many  
21 people -- I'll say, "I work at Gilbert Sena Charter  
22 High School," and they'll tell me, "Where is that?  
23 We've never heard of it."

24 And this location and the ability for us  
25 to be more open, out into the community, I think, is

1 really going to help us, as well. And we have  
2 already looked into -- that piece is -- you know,  
3 the City of Albuquerque is quite pleased with the  
4 fact that this building will finally be occupied,  
5 since it has been not occupied for a number of  
6 years, that I think that they will also be helping  
7 us with that marketing.

8 THE CHAIR: Thank you for that.  
9 Commissioners, other comments or questions?

10 Commissioner Gant.

11 COMMISSIONER GANT: Madame Chair, first, I  
12 do have a note from Martica, just got it. Yes, she  
13 acknowledged that she was out there on Monday. She  
14 acknowledges your weighted New Mexico Construction  
15 Index had, 14.11. But her last comment is you do  
16 not have an FMP or an Ed Spec on file with the  
17 public school -- with the PSFA.

18 MR. ALBRYCHT: Commissioner Gant, I  
19 think -- we have changed our name from "Creative  
20 Educational Prep No. 2" to "Gilbert Sena." I don't  
21 think she realizes that. So, our new name is  
22 "Gilbert Sena." And the old one was probably under  
23 "Creative Preparatory."

24 COMMISSIONER GANT: I'm telling you what  
25 she said.

1 MR. ALBRYCHT: That's what's going on.  
2 We're in the process also of redoing -- to meet the  
3 new -- the changes that we're going through now.

4 COMMISSIONER GANT: In deference to the  
5 previous school, you are required an FMP.

6 One last comment, if I may, Madame Chair?  
7 You mentioned that regarding the number of  
8 children -- or students -- I'm sorry -- on the  
9 waiting list. And it's -- when they come -- and  
10 you're not the first, and you won't be the last --  
11 that say, 'We need the increase in the cap so we can  
12 afford another building.'

13 That's not a reason, in my mind, to want  
14 another building. And I don't accept that. I'll  
15 just let you know. It just grates on me a little  
16 bit. "We want more kids so we can have another  
17 building."

18 No, I would rather hear you talk about --  
19 or other charter schools beside yourself -- say, "We  
20 want another building, so we can better educate our  
21 children," based upon what Commissioner Bergman said  
22 earlier. Thank you.

23 MS. TORRES: Madame Chair?

24 THE CHAIR: I do believe that you alluded  
25 to that earlier, that you could accommodate more

1 students and provide them with the kind of outreach  
2 that you do. But if you'd like to respond to that,  
3 please do.

4 MS. TORRES: Well -- and  
5 Commissioner Gant, one of the biggest reasons is we  
6 do want to be able to provide a high school that is  
7 college-and-career-pathway focused. And that's  
8 noted in the rationale for this.

9 It is -- one of our intents is to go above  
10 and beyond any other traditional high school. And  
11 at this point, when we were provided an opportunity  
12 to look at this building, I had a vision to see that  
13 every floor would provide that opportunity through  
14 those college-and-career pathways. We want to  
15 increase that number, so that I can also provide  
16 more opportunities for kids out there that don't  
17 meet in a traditional setting.

18 So, yes, there are two folds to any  
19 increase of cap. But one of them is that we know  
20 that there is a need for a school like Gilbert Sena  
21 Charter High School to provide that opportunity for  
22 some students that might not graduate or get a  
23 diploma.

24 COMMISSIONER GANT: I know that. And I  
25 see what you read. But it just grates on me a

1 little bit, when someone puts in the rationale, "So  
2 we can afford another building."

3 Leave that out. All I want to talk about,  
4 educational opportunities; not paying for a  
5 building. Thank you.

6 THE CHAIR: Okay. Other comments or  
7 concerns? Questions?

8 All right. We are looking at what I have  
9 now dubbed Amendment No. 2, which is the request to  
10 increase the enrollment cap to 300.

11 Further questions, concerns?

12 Hearing none, the Chair would entertain a  
13 motion. Commissioner Bergman.

14 COMMISSIONER BERGMAN: Madame Chair, I  
15 would move that the Public Education Commission  
16 approve the request from Gilbert Sena Charter School  
17 to expand their enrollment cap to 300 -- I've lost  
18 the number --

19 THE CHAIR: It's 300.

20 COMMISSIONER BERGMAN: -- to approve their  
21 cap to 300, subject to being in their new, approved  
22 facility, where they have the space for that number.

23 THE CHAIR: Very good. Thank you. Do I  
24 hear a second?

25 COMMISSIONER POGNA: Second.

1 THE CHAIR: Commissioner Pogna seconds.  
2 Motion and second to approve the amendment by  
3 Gilbert L. Sena Charter High School to increase  
4 their enrollment cap to 300, subject to their being  
5 in a facility, approved facility, that would  
6 accommodate up to that number of students.

7 Any discussion?

8 Mr. Secretary may we have a roll-call  
9 vote, please?

10 COMMISSIONER BERGMAN: Commissioner  
11 Parker.

12 COMMISSIONER PARKER: Yes.

13 THE CHAIR: May I interrupt you? Please  
14 let the record reflect that Commissioner Carr has  
15 stepped out of the room.

16 Thank you. Go ahead.

17 COMMISSIONER BERGMAN: I'm sorry,  
18 Commissioner Parker.

19 COMMISSIONER PARKER: Still "Yes."

20 THE CHAIR: Commissioner Peralta.

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Pogna.

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER BERGMAN: Commissioner  
25 Toulouse.

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER BERGMAN: I will note that  
3 Commissioner Carr is currently not --  
4 Commissioner Carr.

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER BERGMAN: Commissioner  
7 Conyers.

8 COMMISSIONER CONYERS: Yes.

9 COMMISSIONER BERGMAN: Commissioner Gant.

10 COMMISSIONER GANT: Yes.

11 COMMISSIONER BERGMAN: Commissioner  
12 Shearman.

13 THE CHAIR: Yes.

14 COMMISSIONER BERGMAN: Commissioner  
15 Bergman votes "Yes."

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

18 THE CHAIR: With Commissioner Carr's  
19 returning to the room, the vote is unanimous to  
20 approve the amendment.

21 Let us go to Amendment No. 3, Julia. And  
22 I think this one is going to need some explanation,  
23 please.

24 MS. BARNES: Well, this is an example of  
25 how we've been working with schools to kind of

1 ensure that the contract and how it moves forward  
2 kind of works in the way we're doing business now.

3           The school previously had -- it still  
4 has -- a waiver of instructional hours. And that  
5 expires at the term of this charter. So, it expires  
6 at the end of June. However, I don't really think  
7 it's a waiver of instructional hours. I think  
8 that's just the mechanism that the Cabinet -- the  
9 previous Cabinet Secretary used to -- to say that  
10 they're doing an alternative schedule.

11           What I would prefer to do is accurately  
12 reflect what the school is doing, because I don't  
13 believe that they are providing less than the  
14 minimum instructional hours, and I don't see that  
15 they need a waiver.

16           So, we've been -- and we've had issues  
17 with other schools, and I know that both this  
18 Commission and the Cabinet Secretary are -- want to  
19 ensure that schools are providing adequate numbers  
20 of instructional hours. So, I didn't -- I was  
21 thinking it would be better and more proactive to  
22 identify how this school educates their children, so  
23 that it's clear.

24           And, again, I just want to say I think  
25 they are providing the instructional hours that are



1 needed.

2 It's a combination of things. And I'm  
3 going to turn it over to Nadine very quickly here,  
4 because she's very articulate about it. But it's a  
5 combination, and an individualized instructional  
6 plan, really, to the furthest extent of how you say  
7 that.

8 So, this amendment is to add an additional  
9 instructional hour block. And it was important to  
10 the school to do that and to go ahead and say that.  
11 It will go hand-in-hand with the negotiations.

12 Actually, I haven't had a chance to look  
13 at all their final documents, but I think they were  
14 both going to provide a narrative about how they  
15 provide instruction to the students and ensure that  
16 that is consistent with their instructional  
17 calendar, so that everything is aligned.

18 The only point I'm trying to make is I  
19 don't think they need a waiver, and I think a waiver  
20 implies something that isn't happening at the  
21 school. So, this anticipated is step one, and the  
22 contract negotiations is going to be step two, to  
23 fully document what the school has done.

24 And a lot of what Nadine was telling us is  
25 that when she came -- when the school came forward

1 on the renewal, they've been presenting the school  
2 as the school is all along. So, I think you know  
3 that they provide all this individualized  
4 instruction that was in their renewal application.  
5 How do we get that appropriately and correctly into  
6 paperwork is what we're looking at now.

7 MS. TORRES: Madame Chair and  
8 Commissioners, in the past, what the school has  
9 offered is two sessions, an 8:00 to 12:00 session,  
10 and a 12:30 to 4:30 session. What the amendment is  
11 asking is that, with the facility movement, and with  
12 the increase in cap, what we'd like to be able to do  
13 is offer three five-hour sessions, Monday through  
14 Thursday, leaving Friday for intervention and  
15 additional time for extended makeup for attendance  
16 or for tutoring.

17 So, that is the real amendment piece is  
18 that we want to be able to offer three sessions to  
19 our students with an additional hour, rather than  
20 just the four. We would be going an extended hour  
21 during the day, and then we would provide a  
22 flexibility to our students, because we would have a  
23 morning, a mid-morning session, and then an  
24 afternoon session.

25 THE CHAIR: Commissioners, questions or

1 comments?

2 Well, I do.

3 MS. TORRES: Okay.

4 THE CHAIR: Currently, you have four  
5 sessions.

6 MS. TORRES: Currently, we have two  
7 sessions. Two sessions: 8:00 to 12:00 is one  
8 session, and then a 12:30 to 4:30 is the next  
9 session.

10 THE CHAIR: The block consists of two  
11 four-hour sessions. So, the morning session is two  
12 blocks of two hours each.

13 MS. TORRES: It's a four-hour session,  
14 yes.

15 THE CHAIR: So, when does a student  
16 attend?

17 MS. TORRES: I have a.m. students, so my  
18 a.m. students come from 8:00 to 12:00, Monday  
19 through Thursday; and, then, on Fridays from 9:00 to  
20 12:00. Or maybe it's from 12:30 to 2:30. It just  
21 depends on what the schedule is for them that week.

22 Afternoon students come from 12:30 to  
23 4:30. They come Monday through Thursday. And  
24 alternating Fridays, they come on their scheduled  
25 days. That's how it currently is right now.

1 THE CHAIR: So, how many classroom hours  
2 does a student put in right now under the current  
3 schedule?

4 MS. TORRES: Under the current schedule,  
5 they have a total hours of -- well, you know what?  
6 It just depends on what they take. Can I give this  
7 to you all, so I can show you what the proposed  
8 hours are and how many hours we will be doing?

9 MS. BARNES: Sure. This is what you're  
10 going to do at the negotiation session, as well,  
11 or --

12 MS. TORRES: Yes. I might need a copy of  
13 that myself. Although --

14 THE CHAIR: While that's going around, let  
15 me just ask you, on your amendment form, it says,  
16 "Student will attend 396 hours per semester, which  
17 is a 19 percent increase in instructional time."

18 MS. TORRES: Actually, I'm looking. Is it  
19 16 percent or 19 percent on yours?

20 COMMISSIONER GANT: Sixteen.

21 THE CHAIR: I'm sorry.

22 MS. TORRES: A 16-percent increase in  
23 instructional time. What I need to make sure is  
24 clear is that it's a 16 percent increase in  
25 instructional in school time, when they're in

1 school.

2 Let me explain. And, as you look at the  
3 sheet that I've handed out, is that our students,  
4 when they're on campus, are required to be there for  
5 a certain -- for that session, either the a.m. or  
6 mid-morning or afternoon session. That's when  
7 they're required to be in school for direct  
8 instruction, for working through their  
9 computer-aided instruction; it might be through  
10 their direct instruction classes, because we offer  
11 SmartLab; we offer Spanish electives; we offer PE;  
12 we offer health. We offer all those pieces that are  
13 required to graduate.

14 So, when they are on campus, they are  
15 required to be in school for those amount of times.  
16 So, when I'm looking at the students will increase  
17 by 16 percent of in-school time, what I've given you  
18 here is some of the pieces that actually shows you  
19 when they are also adding additional times.

20 So, the 396 with the 16-percent increase,  
21 if you look on the chart that's here, that shows you  
22 number of days, 144 days; the hours per day,  
23 five-and-a-half; would be total hours of 792.

24 In addition to those, then we have makeup  
25 time for tutoring. We have intervention classes

1 which are for SBA, the high school graduation  
2 assessment and end-of-course. We have additional  
3 time for PE. We have additional time for health,  
4 driver's ed, and art. So, not only are they getting  
5 those, they're getting additional time.

6 Some of my students, my freshman students,  
7 they are required to take health and PE. So, in  
8 addition to their Core, they take an additional hour  
9 to their classes. If I have students that need  
10 credit recovery, those students would then get an  
11 addition to their schedule.

12 Right now, the problem that we have and  
13 why we want to move to three five-hours is our  
14 space. I can give them an extended schedule, but  
15 while we have a high number of students, there's a  
16 minimal amount of space in my school. With the  
17 movement, and pending the movement, then I'll have  
18 plenty of room for students to make up extended time  
19 during the day on Friday and those pieces.

20 THE CHAIR: So, going back to your  
21 792 hours --

22 MS. TORRES: Yes, ma'am.

23 THE CHAIR: -- on campus --

24 MS. TORRES: On campus.

25 THE CHAIR: -- where are all these other

1 hours taken.

2 MS. TORRES: On campus, as well. So,  
3 makeup time and tutoring, that happens -- the 36  
4 that you see there will be Fridays. And they're  
5 required, for two hours, to be on campus on Fridays.  
6 So, that 144 is Monday through Thursday.

7 The makeup time, some of our students are  
8 required to be there if they missed attendance.  
9 They're required to be there for -- to make up that  
10 attendance, or for additional tutoring time,  
11 small-group instruction with their teachers, two  
12 hours there.

13 The SBA end-of-course prep classes, we  
14 figured 18 days. Usually, we do a six-week  
15 intervention in the fall, an eight-week intervention  
16 in the spring for students taking the high school  
17 graduation assessment. And then we do -- oh --  
18 somewhere around a two- to four-week for  
19 end-of-course exams to make sure that they're  
20 prepared for their end-of-course exams. Those would  
21 also be happening, in addition, on Fridays, for  
22 those two hours.

23 PE, health, and art are additional classes  
24 that are held after the schedules and after the  
25 normal five-hour schedules. And driver's ed, as

1 well, is happening on Fridays, in addition.

2 So, it depends -- because of the  
3 individualized instruction, it depends on which  
4 schedule the students would be taking and what we --  
5 what they need in order to catch up on their credits  
6 or to accelerate on their credits.

7 THE CHAIR: So, this would be -- the 1,172  
8 would be the hours for a student who was taking all  
9 of these classes.

10 MS. TORRES: Would meet all of those  
11 pieces.

12 THE CHAIR: But that won't be -- all of  
13 the students. Only take driver's training once,  
14 that sort of thing.

15 MS. TORRES: Exactly.

16 THE CHAIR: But, Julia, you feel  
17 comfortable that they are putting in the minimum  
18 required hours?

19 MS. BARNES: Yes. The hesitation I have  
20 is a little bit of whether we look at -- and I've  
21 had this hesitation for a while. Do we look at this  
22 amendment, knowing that there's a step two that  
23 we're going to discuss the contract negotiations,  
24 because I very much want what we're looking at to be  
25 put into the contract, as does Nadine. But I am --



1 I am very confident -- I mean, we went over the same  
2 questions that you're going over. What I wanted to  
3 know is, is there ever a kid that comes that one  
4 four-block hour, and her answer was "No."

5 You know, we have kids -- the targeted  
6 kids are behind. They are looking to get on the  
7 second chance. What I'm -- and maybe it's just a  
8 definition of a SAM school, why the school isn't a  
9 SAM school; it's in the nature of a SAM school. And  
10 what -- so, I think it's not -- I think the kids  
11 that go to that school do not end up taking just  
12 that four-block period of time, because they can't  
13 do what she's wanting them to do. And it's in the  
14 nature of the alternative schedule.

15 I want to make sure that it's in the  
16 material terms of the contract the right way, that  
17 it is presented to you the right way. And it's  
18 possible she may end up going and taking something  
19 as a waiver to the Cabinet Secretary. But I still  
20 don't see what she's going to waive, you know?  
21 She's not asking -- and students going there are not  
22 taking -- less than the minimal hours. So --

23 THE CHAIR: That's -- you've reassured me.  
24 That's all I needed.

25 MS. TORRES: Madame Chair, may I also --

1 the other piece that is not listed in these hours  
2 are, also, our students do service learning projects  
3 that they receive credit for that they have to do  
4 off campus, work service. Many of our students have  
5 to hold full-time jobs, part-time jobs to do what  
6 they need to do. So, they also receive work service  
7 credits.

8 As well as, I have a number of students  
9 who take dual-credit classes off campus, as well as  
10 on campus, that have to be done in addition to these  
11 hours that are not calculated, as well.

12 THE CHAIR: Okay. Thank you for that.  
13 Other questions? Comments? Commissioner Gant?

14 COMMISSIONER GANT: Madame Chair, members.  
15 I guess I'm dense. But -- yeah, I'm dense. This  
16 makeup time -- I don't get it. They get credit for  
17 making up time they should have been in school. And  
18 then the SBA, they get credit for going to -- I  
19 mean, that's not a Core class. It's not a PE or  
20 health.

21 MS. TORRES: It's a required --  
22 Madame Chair and Commissioners, the intervention  
23 time that you have there, the SBA EOC prep classes,  
24 that is -- we have integrated a class that is an  
25 elective class during the day for them, and we have

1 done that for the first year this year. But in  
2 addition to that is this intervention class. They  
3 are required to come.

4 I have family meetings. I have parent  
5 meetings, student meetings. They have the data from  
6 their past tests that I share with them and say,  
7 "You need this intervention class to help support  
8 you to pass the high school graduation assessment."

9 So, yes, in addition to their times,  
10 they're required to be there for those two hours of  
11 intervention class.

12 I will say that our results on the last  
13 high school graduation assessment showed, you know,  
14 huge increases for reading. We didn't see as much  
15 for math, but our math, from beginning steps to  
16 nearing proficiency, made a huge jump. And we truly  
17 believe that is our intensive intervention, our RTI  
18 model, that's specific to those classes.

19 As far as the makeup time, we have -- we  
20 do have an alternative population that have a  
21 learned behavior, unfortunately, of not getting to  
22 school. So, when they do not show up to school,  
23 they are also required to make sure that they come  
24 on Friday to make up that time. It's part of the  
25 contract.

1 COMMISSIONER GANT: That's just my  
2 question, is getting credit for something they  
3 should have been doing anyway? That's -- you know,  
4 I really -- if I don't go to work, I don't get paid.  
5 And I don't go back on Saturday and get paid for  
6 it -- or Friday.

7 So, that's my issue. You're giving them  
8 72 hours here for what they should have been doing  
9 in the first place. And they can't learn, in my  
10 view -- I've raised my kids, "If you don't do it,  
11 you're punished."

12 So, I have a little problem with that 72  
13 hours, and some with the SBA. But that's just me.

14 THE CHAIR: Commissioners, further  
15 concerns? Commissioner Bergman?

16 COMMISSIONER BERGMAN: Not a concern, but  
17 perhaps a question. Maybe we -- does PED accept all  
18 those categories as instructional -- as approved  
19 instructional hours?

20 MS. TORRES: Yes.

21 COMMISSIONER BERGMAN: I assume that  
22 answers the question, then.

23 COMMISSIONER GANT: I want to see it in  
24 writing.

25 THE CHAIR: Any other questions?

1 Concerns? Issues?

2 All right. Hearing none, the Chair would  
3 entertain a motion. Commissioner Bergman?

4 COMMISSIONER BERGMAN: I saw two different  
5 things about this amendment. I'm going to read one  
6 of them, think- -- I presume is the one that Julia  
7 recommended. If it's not, Julia, tell me.

8 But I would move that the Public Education  
9 Commission approve the amendment presented by  
10 Gilbert Sena to increase the in-school instructional  
11 hours to three five-hour blocks provided four days a  
12 week.

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

15 COMMISSIONER POGNA: Second.

16 THE CHAIR: Commissioner Pogna? We have a  
17 motion by Commissioner Bergman, second by  
18 Commissioner Pogna to approve the amendment offered  
19 by Gilbert L. Sena High School to increase the  
20 instructional hours by 16 percent.

21 Is there any discussion? Commissioner  
22 Parker.

23 COMMISSIONER PARKER: Madame Chair,  
24 Commissioners, this is a question for Julia. Is  
25 this document that they handed out satisfying what

1 you're looking for, as far as a complete calendar of  
2 instruction, both traditional and school, as you  
3 recommended in your executive summary?

4 MS. BARNES: It's what they have proposed  
5 for the negotiations next week. Actually, I haven't  
6 had an opportunity to study it. So, I'm not sure my  
7 opinion on it. And they know, and I think they're  
8 trying to address, exactly what Commissioner Gant  
9 was saying, which is we want to make sure that this  
10 is correct, and that the school is doing what  
11 they're allowed to do.

12 And I'm back to -- and, actually, I don't  
13 know if Patti has any suggestions on this. And  
14 maybe we do get the Secretary -- the Cabinet  
15 Secretary to sign off, not on a waiver, though,  
16 I'm -- but the school is interested in saying, "This  
17 is what we do. We're interested in ensuring that  
18 that is adequate, and we're interested in ensuring  
19 that PED is aligned with that, as well."

20 That's where I'm trying to go. I'm not  
21 100-percent sure that we're there yet. I'm quite  
22 comfortable that the school is doing very innovative  
23 things with scheduling for students. So -- but I'm  
24 still not confident I have that little -- I hear  
25 what Commissioner Gant is saying.

1 THE CHAIR: May I just say -- and, then,  
2 Patti, I will ask you -- I think, from my  
3 perspective, this amendment is asking for our  
4 approval to increase their instructional hours.  
5 We're really -- when we get to the contract  
6 negotiations -- now, we're going to look really hard  
7 at the total instructional hours and what may be  
8 counted and what may not, and, at that point in  
9 time, if there is a waiver that needs to be  
10 requested or whatever.

11 But I really don't think that's what we're  
12 being asked to look at in this amendment. I'm  
13 pretty focused on we are being asked to allow them  
14 to increase their instructional time, which, of  
15 course, we're happy to allow them to increase their  
16 instructional time.

17 So, it's just -- it's so different that  
18 it's sort of throwing me to try to -- to be sure and  
19 see it. But I do -- I'm trying to remind myself to  
20 focus on, really, what the request is here.

21 Ms. Matthews?

22 MS. MATTHEWS: Thank you, members of the  
23 Commission. I don't want to belabor that, and I  
24 think that's exactly right. Just to put to rest the  
25 question that Julia has is, through S.T.A.R.S.,

1 those courses are counted. And that's how they  
2 count their 1,080. So, if they were having an issue  
3 with meeting the 1,080, they already have been  
4 alerted and called on it by the Department. And  
5 according to the school, they are meeting those  
6 hourly requirements.

7 So, I agree with Julia. I don't think  
8 they need a waiver if that's what they're doing.  
9 They're doing that, and, now, they're going to go  
10 beyond that.

11 THE CHAIR: Thank you.

12 MS. BARNES: And that certainly is  
13 consistent. Their instructional calendar, which has  
14 been, I guess accepted -- I don't know if it's been  
15 approved, but it's been accepted by PED -- says  
16 "1,080," and that's what they're saying. And I just  
17 think that -- as long as we have those assurances,  
18 then we have those assurances.

19 THE CHAIR: Okay. Thank you. Any other  
20 questions? Comments? We do have a motion on the  
21 floor.

22 If there is no further discussion, I'll  
23 ask Commissioner Bergman for a roll-call vote.

24 COMMISSIONER BERGMAN: Commissioner  
25 Peralta.



1 COMMISSIONER PERALTA: Yes.

2 COMMISSIONER BERGMAN: Commissioner Pogna.

3 COMMISSIONER POGNA: Yes.

4 COMMISSIONER BERGMAN: Commissioner  
5 Toulouse.

6 COMMISSIONER TOULOUSE: Yes.

7 COMMISSIONER BERGMAN: Commissioner Carr.

8 COMMISSIONER CARR: Yes.

9 COMMISSIONER BERGMAN: Commissioner  
10 Conyers.

11 COMMISSIONER CONYERS: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Parker.

14 COMMISSIONER PARKER: Yes.

15 COMMISSIONER BERGMAN: Commissioner Gant.

16 COMMISSIONER GANT: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Shearman.

19 THE CHAIR: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Bergman votes "Yes."

22 Again, Madame Chair, by a nine-to-zero  
23 vote, that motion carries.

24 THE CHAIR: Thank you. The vote is  
25 unanimous to approve the amendment to increase

1 Gilbert L. Sena's instructional hours by 16 percent.

2 Thank you very much.

3 COMMISSIONER GANT: Madame Chair, I have a  
4 question.

5 THE CHAIR: Now, I just ask this. Do you  
6 need these documents back for your negotiation  
7 session?

8 MS. TORRES: Yes, please. Thank you.

9 THE CHAIR: Could we hand those down this  
10 way, the ones she handed out, to return to her?

11 COMMISSIONER BERGMAN: My only question,  
12 Madame Chair, was what the previous name --

13 MR. ALBRYCHT: Creative Educational Prep  
14 No. 2.

15 COMMISSIONER GANT: Okay.

16 THE CHAIR: Commissioners, it's almost 20  
17 after 12:00, and I'm suggesting that we break for  
18 lunch. Is that all right with everybody?

19 Let's break for lunch and be back at 1:00.  
20 Will that give everyone enough time?

21 All right. See you at 1:00.

22 (A recess was taken at 12:18 p.m., and  
23 reconvened at 1:00 p.m., as follows:)

24 THE CHAIR: It's 1:00. Let's resume this  
25 meeting, please. Julia, if you're ready for Item

1 No. 10 on the agenda, please?

2 MS. BARNES: So, Item No. 10 is "Approval  
3 of Contracts." We had four contracts that were  
4 already negotiated; two are ready to sign.

5 One is Taos Academy. The other is Alma  
6 d'Arte. And both of the schools are here and ready  
7 to present. I'll give you an update on the other  
8 two.

9 The School for the Arts had a negotiation  
10 session, has worked to identify some changes they  
11 wanted to the contract. My -- and they've been  
12 doing that with Abby Lewis and Patti Matthews, and I  
13 think they've gotten far on that. There is an issue  
14 with the financial framework. So, that contract is  
15 scheduled to come in front of you in April. I don't  
16 think it will require any more of a negotiation  
17 session.

18 Academia de Dolores Huerta. We negotiated  
19 with them, and they're going to come back to us with  
20 some more performance frameworks; so, we're working  
21 with them. Again, I don't think there's a need for  
22 an additional negotiation. And when we schedule  
23 these contract approvals, which are going to come  
24 over the next couple of months, we knew, from last  
25 year, that some schools roll over.

1           So -- but the first school that's ready to  
2 agree to sign a contract -- I think their board has  
3 approved it -- is Taos Academy.

4           The Commissioners Bergman and Parker were  
5 there. And I think, also, they can certainly chime  
6 in.

7           I feel like it's a very strong contract.  
8 You just approved the amendment. The contract, I  
9 think, does reflect that amended cap. And I think  
10 their board is ready to approve it. CSD certainly  
11 feels good about this contract and the performance  
12 indicators.

13           THE CHAIR: Thank you. If you would -- if  
14 you have a presentation for us, we'd be glad to hear  
15 it at this time.

16           MS. FILISS: Madame Chair, members of the  
17 Commission, I wasn't necessarily ready for a  
18 presentation. I think I've had plenty of  
19 presentations.

20           However, I would ask for your approval  
21 to -- for the contract for Taos Academy, with the  
22 performance framework, as it is listed in -- for  
23 school year 2014. Taos Academy. And I stand for  
24 any questions, of course, that you may have.

25           THE CHAIR: Thank you very much.

1 Commissioners Bergman and Parker, since you were  
2 there for the negotiation, I will ask if you have  
3 any comments or information you'd like to bring  
4 forward at this time.

5 COMMISSIONER BERGMAN: Thank you. I would  
6 just note that it was an amenable session. They  
7 were cooperative. They were willing to discuss with  
8 us the various goals and how we would achieve those  
9 goals. I thought it was a good session. I felt  
10 when I walked out of it, I had a good feeling about  
11 it. I felt that we had negotiated a good -- a good  
12 performance contract, and we had negotiated a good  
13 performance framework.

14 And I'm not sure I'm comfortable with  
15 telling -- giving you a recommendation. But I will  
16 say that I intend to vote for this contract.

17 Thank you, Madame Chair.

18 THE CHAIR: Thank you.

19 MS. BARNES: They brought them chocolate,  
20 and that was good.

21 COMMISSIONER CARR: How about today?

22 COMMISSIONER PARKER: Madame Chair,  
23 Commissioners, Julia. Are you still -- I was going  
24 to say, it was enjoyable, the goodies that were  
25 brought to the meeting. But, no, it was a true

1 working session, where everyone worked as a team on  
2 it. And I think that that, you know, speaks  
3 volumes. So, I concur with Commissioner Bergman.

4 THE CHAIR: Thank you. There are always a  
5 couple of items in a contract that I specifically  
6 would like to look at, since I wasn't part of this  
7 negotiation.

8 I would like to look at the waivers. And  
9 I -- as I look, on Page 15, where it indicates, in  
10 the table of contents, "Waivers," it says, "The list  
11 of waivers is attached as Exhibit 3." Is Exhibit 3  
12 part of this?

13 MS. BARNES: It is; it's at the back. So,  
14 it's -- there's the contract. Then there's the  
15 performance framework. And then there is an  
16 Exhibit 3, right before their meeting minutes. So,  
17 actually, if you go to the next blue tab and work  
18 backwards, you'll find it quicker.

19 THE CHAIR: Okay.

20 MS. BARNES: I will just -- as we're kind  
21 of working through all these processes, it's an  
22 exhibit, because if they get additional waivers,  
23 they'll present an additional exhibit. So, it's  
24 just done as -- for ease of adding to it later.

25 I think they don't have any -- any

1       waivers, other than just being allowed to have as  
2       many students per grade as they want within the cap.  
3       So, there's nothing else there.

4               THE CHAIR:   Okay.   Commissioner Bergman,  
5       another one of your favorite areas are goals.   Would  
6       you like to speak to those just a little bit?

7               COMMISSIONER BERGMAN:   I thought we ended  
8       up with good goals.   Have you got a page number  
9       there that you're looking at, so I can turn over  
10       there?

11              THE CHAIR:   I'm looking at "Annual  
12       Performance Indicators" on Page 29.   But I'm not  
13       really sure I've gotten there yet.

14              MS. BARNES:   The goals would show up in  
15       the performance framework, after the "A through F"  
16       grade.   Traci, or Karen, do you want to speak to  
17       what we came up with?

18              MS. MOULTON:   Basically, we were -- as we  
19       developed these goals, they are not very different  
20       than the first goals that we came up with when we  
21       were approved.   What we did was just to make them  
22       more focused.   Because we were new to starting a  
23       charter school, we, you know, were more broad with  
24       our goals the first time around.   And now, you know,  
25       five years down the road, we've learned a lot, and,

1 so, we tried to make these goals more focused.

2 The other thing that we were doing is to  
3 really make them appropriate to our mission  
4 statement. So, the -- our mission statement is  
5 about academic achievement and leadership and social  
6 responsibility. And those are the three pillars  
7 that our school stands on. So, we really geared our  
8 goals to be in alignment with our mission statement.

9 COMMISSIONER BERGMAN: And, Madame Chair,  
10 if I might -- and I now have it in my hand. We are  
11 in the performance framework. It is right behind  
12 the contract. If you all want to turn over there,  
13 this might be a good opportunity, since this is the  
14 first one --

15 THE CHAIR: Which one? Academic?

16 COMMISSIONER BERGMAN: Yeah, we're going  
17 to start right on Page 2, since this was something  
18 that we did revise, as I mentioned this morning.  
19 This is one of the forms that was revised.

20 On Page 2, the very first academic  
21 performance indicator -- and it's going to be  
22 standard on all the contracts, all the schools --  
23 will be a category based on the "A through F"  
24 grading system. And, so, you will see that on every  
25 document. And you will see the description there of



1 what exceeds the standard.

2           There's different categories, what meets  
3 the standard. Then there's a category that meets  
4 the standard with a couple of exceptions. If the  
5 school receives a C, they have to then go to the  
6 right-hand side of that box and meet one of those  
7 other two criteria to meet the standard. That's  
8 either the PEC and the school have agreed to an  
9 improvement plan, which the parties believe will  
10 result in improved results, or the school has been  
11 accredited by a nationally recognized accreditation  
12 program.

13           And what that's saying is you can get a C,  
14 but there must be some kind of a plan or an  
15 accreditation in place. But that's just the first  
16 standard, keep in mind. There's other standards.  
17 And I believe there's also -- you'll see on the next  
18 page, the top of Page 3, there is a "Falls far  
19 below" standard. Well, that's -- you get a D or an  
20 F, I think that's self-explanatory. That does  
21 certainly probably fall below the standards.

22           But, then, even there, there's a couple of  
23 choices that the PEC will have is how do we address  
24 that particular issue? And we, of course, will  
25 address that with individual schools as we come to

1 them.

2 But then the second part there on Page 3  
3 is the mission-specific indicators. And with the  
4 CSD and the PEC, based on some interpretations of  
5 the performance contract, or Senate Bill 446, had  
6 come to the conclusion that we only needed one  
7 mission-specific indicator. But we just recently  
8 changed that, also. In the future, we're going to  
9 require two -- at least a minimum of two, I think  
10 the way it's worded -- mission-specific indicators.

11 And as she just stated about their  
12 mission, that's what their mission is. So, now,  
13 when we look at these academic achievement goals --  
14 I think there was actually three of them. We did  
15 one for reading; we did one for math; and we did one  
16 for language, the three -- kind of the three basic  
17 components of any educational system.

18 And the areas I think most of us always  
19 turn to first when we get those grade reports, after  
20 we look at the A or the B or the C, when we drop  
21 into it, I'm also always interested -- how are the  
22 kids doing in math? How are they doing in reading?  
23 How are they doing in language? We didn't do one in  
24 science, but I'm also interested in how they are  
25 doing in those specific areas.

1           But you'll see -- let's see -- it might be  
2 appropriate -- let's just read this first one. And  
3 the first one does deal with reading. And you'll  
4 note, they're all the same.

5           We decided it was probably appropriate  
6 that the goals should be the same for each one of  
7 those -- did we -- actually, we went lower on math,  
8 didn't we?

9           MS. MOULTON: I think you had suggested  
10 that. We were pretty confident.

11           COMMISSIONER BERGMAN: You were confident  
12 it was a goal you could obtain, so I said, "Sure,  
13 let's go for it."

14           MS. MOULTON: We provide a lot of math  
15 support in our school. So we feel pretty confident  
16 that we will be able to meet this goal.

17           COMMISSIONER BERGMAN: So, you see, we  
18 arrived at "Exceeds standard" as 80 percent; that's  
19 a good "Exceeds Standard." We decided that "Meets  
20 the standard" is in that box between 70 and  
21 80 percent. That's still, I think, a pretty high  
22 number, based on what is being achieved here in  
23 New Mexico throughout PED and throughout our state.

24           "Does not meet the standard," anything  
25 below 70 is -- we know -- when I went to school, 70

1 was considered a C, and that was just considered  
2 average. You got a C, you were average. That's  
3 what I always looked at. I didn't like C's, but I  
4 got some -- I got a few. So, we decided that does  
5 not meet the standard.

6 And, then, the category, of course, the  
7 one no one wants to really be, is the one, "Falls  
8 far below the standard," and that was less than  
9 60 percent.

10 So, I believe this was an ambitious goal.  
11 And, then, when we got to the math part, that's why  
12 I thought we did a lower one. I pointed out, if you  
13 look at the statistics and the results in this  
14 state, most schools have more of their problems in  
15 math. The WRAT scores are lower than the reading  
16 scores. You would think it was the other way  
17 around. But my impression was that the math  
18 scores -- so, that's why we had a good discussion,  
19 should those numbers be a little lower? And they  
20 were confident they could meet them, and it's their  
21 contract; it's their performance framework; and it's  
22 their school.

23 I said, "You want to be ambitious and go  
24 for it, go for it." And they said, "Yes."

25 So, I think these are top-notch goals

1 under the math thing. I think they exceed what's  
2 going on in this state right now. They're good  
3 goals.

4 And, then, the language one, same thing;  
5 they didn't want to go any lower. So, you'll see  
6 all three of these essentially say the same thing.  
7 They were confident that they could meet those  
8 goals.

9 It does not do this Commission or this CSD  
10 any good to ask schools to have unrealistic goals  
11 that they're not going to be able to attain. As I  
12 said this morning, we don't want them thinking  
13 small, but I don't want to necessarily saddle them  
14 with something that they cannot attain in they work  
15 hard and are willing to put in the effort. That's  
16 just my personal philosophy, and I'm the one sitting  
17 at the table; so, that's kind of how it goes.

18 So, I think these are good goals in this  
19 contract. So I leave that up to you guys to decide  
20 for yourselves, of course.

21 THE CHAIR: Thank you. I was hoping you  
22 would give us a pretty comprehensive overview of  
23 where the goals are, how they were arrived. Now,  
24 there are goals in the academic performance  
25 framework. There are goals in the -- let me just

1 get to it -- in the organizational performance  
2 framework. And, then there's a financial framework,  
3 as well.

4 So, if you -- you know, if you haven't  
5 already had an opportunity to glance through all of  
6 those and look at those goals, please note they're  
7 in all three of those places.

8 MS. BARNES: The other thing I might  
9 mention, as you get used to looking at these  
10 contracts, is Section 8, which has the material  
11 terms of the contract. That's the other key area  
12 that we negotiate. We've pretty much started at the  
13 top, I think, with Taos Academy in terms of clarity  
14 of their focus.

15 THE CHAIR: Where are those, Julia? Can  
16 you --

17 MS. BARNES: Section 8 of the contract.  
18 So, that is going to be --

19 COMMISSIONER BERGMAN: Around the mid 40s.  
20 I'm looking at 49. It has 8.13, so...

21 MS. BARNES: Even before that.

22 MS. MOULTON: It's on Page 32.

23 MS. BARNES: Right, starting on probably  
24 Page 39.

25 COMMISSIONER BERGMAN: Right.

1 MS. BARNES: I'm getting kind of lost  
2 here.

3 MS. MOULTON: Our mission is on Page 33.  
4 Is that where you wanted?

5 MS. FILISS: School mission, yeah.

6 MS. BARNES: Right. Thank you. At the  
7 top of Page 33 is that chart of kind of the key,  
8 just, facts about the school. And then it goes to  
9 the mission. Those are -- that Section 8 is a key  
10 section.

11 This school, I think, really is a model  
12 of, "This is what we do; this is how we do this.  
13 We've done it for the last five years; we're going  
14 to continue to do it."

15 You're going to see a lot more kind of  
16 revamping with a lot of the schools. But Taos  
17 Academy knows who they are, knows who they serve,  
18 knows how they're going to go about it.

19 So, this shows how the contract can be  
20 clear in terms of where they want to go and what  
21 they want to do.

22 THE CHAIR: Okay. Commissioners, do you  
23 need a little bit more time to look through this, or  
24 do you have questions for the school  
25 representatives? Comments?

1           Julia, did we have suggested motions? I'm  
2 not sure I saw any.

3           MS. BARNES: I know. I actually asked  
4 Abby about that, and I'll tell you that she said  
5 that you all could handle it. So, I didn't.

6           THE CHAIR: Handle it, okay.

7           MS. BARNES: I do have a question. We'll  
8 follow up with her later, if we do want forms of  
9 motions, but...

10          COMMISSIONER CARR: Madame Chair?

11          THE CHAIR: Commissioner Carr.

12          COMMISSIONER CARR: I think all we have to  
13 do is move to approve or not approve.

14          THE CHAIR: Just wanted to be sure I  
15 wasn't overlooking something.

16          All right. Seeing no further discussion  
17 the Chair will entertain a motion.

18          Commissioner Carr?

19          COMMISSIONER BERGMAN: Before we do  
20 that --

21          THE CHAIR: I'm sorry.

22          COMMISSIONER BERGMAN: -- I would suggest  
23 that we specifically mention -- even though it's  
24 considered to be a part of the document, that we  
25 specifically mention both the words "performance



1 contract" and "performance framework." I just would  
2 be more comfortable.

3 THE CHAIR: "Frameworks," plural.

4 COMMISSIONER BERGMAN: Yeah. Even though  
5 they're considered to be a part of the document, I  
6 just wanted to be very careful.

7 THE CHAIR: Thank you very much.

8 Commissioner Carr?

9 COMMISSIONER CARR: Madame Chair,  
10 Commission, I make a motion that we approve the  
11 performance contract and performance framework for  
12 Taos Academy.

13 THE CHAIR: Do we have a second?

14 COMMISSIONER BERGMAN: Second.

15 THE CHAIR: Commissioner Peralta.

16 Motion by Commissioner Carr, second by  
17 Commissioner Peralta to approve the performance  
18 contract and performance frameworks of Taos Academy.

19 Is there any discussion?

20 COMMISSIONER POGNA: Second.

21 THE CHAIR: All right. Commissioner  
22 Bergman, may we have a roll-call vote, please?

23 COMMISSIONER BERGMAN: Commissioner Pogna.

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse.

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner Carr.

4 COMMISSIONER CARR: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Conyers.

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Parker.

10 COMMISSIONER PARKER: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Peralta.

13 COMMISSIONER PERALTA: Yes.

14 COMMISSIONER BERGMAN: Commissioner Gant.

15 COMMISSIONER GANT: Yes.

16 COMMISSIONER BERGMAN: Commissioner

17 Shearman.

18 THE CHAIR: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Bergman votes "Yes."

21 Madame Chair, that is a nine-to-zero vote  
22 in favor of the motion to approve that contract.

23 THE CHAIR: Thank you very much. The  
24 motion passes unanimously to approve the contract  
25 and frameworks for Taos Academy. Congratulations.

1 MS. MOULTON: Thank you, Madame Chairman  
2 and Commissioners.

3 MS. FILISS: Thank you, Madame Chair and  
4 Commissioners, for your time. Another five years?  
5 Give us another five years. Thanks very much.

6 MS. BARNES: I will just say, the last  
7 step is to make sure you work with your liaison  
8 coming up in terms of exactly how you're going to  
9 roll out the performance framework so that it's  
10 really clear. I think it is. But just check in, so  
11 that before the year starts, you know exactly what  
12 you're going to present; although, you've done an  
13 excellent job, and it's already pretty clear in  
14 there. But that's just the last step for us.

15 THE CHAIR: Julia, are there any documents  
16 that need to be signed, that I need to sign?

17 MS. BARNES: Oh, my gosh. Yes. I don't  
18 know -- Joe, we've got a -- I don't know if we -- I  
19 don't -- that's a good question.

20 I don't know if she can sign the form  
21 that's in our binder, or do I need to get Linda to  
22 print off a signature page?

23 MR. DVORAK: Well, she can always sign  
24 after the meeting. I mean, it's already been  
25 approved.

1 MS. BARNES: She often sits down and signs  
2 a million documents, but I don't --

3 COMMISSIONER BERGMAN: Well, let's see.  
4 We don't want to inconvenience them and have them  
5 have to drive all the way back from Taos again  
6 tomorrow or something.

7 COMMISSIONER TOULOUSE: Can we get a  
8 signature page?

9 MS. BARNES: I don't know why I didn't.

10 COMMISSIONER CARR: Madame Chair, don't we  
11 usually have certificates for them?

12 MS. FILISS: Madame Chair, just, if I  
13 could --

14 THE CHAIR: Yes, please.

15 MS. FILISS: We do hang the signature from  
16 the last five years on our wall. And I would say  
17 it's important for the charter schools to have a  
18 certificate from you to say that the PEC has  
19 approved for the term. And we have parents that  
20 look at it, and it's an important document.

21 THE CHAIR: Let's do this. Let's leave it  
22 with the attorneys to work with Julia and get  
23 whatever documents need to be signed, and we can  
24 always do it by mail.

25 MS. BARNES: Sorry about that.

1 THE CHAIR: Because we certainly don't  
2 want to ask you to drive back up just for a  
3 signature, if that's what's needed. Thank you.

4 MS. BARNES: The next school is Alma  
5 d'Arte. This, of course, is one of our Las Cruces  
6 schools. And -- let's see. It was a similar group  
7 that was there: Commissioners Bergman, Gant, and  
8 Parker were meeting on the negotiations.

9 Again, I -- actually, we really  
10 intentionally started with the schools that we  
11 thought were very clear and knew where they were  
12 going and knew what they were doing, so -- and kind  
13 of get a good running start. So, Alma is the second  
14 one of our schools that is in line with that.

15 And I think we could go over the -- the  
16 performance framework indicators. That's probably a  
17 good idea. I will tell you that I was so pleased  
18 with some of the indicators that that is our sample  
19 indicator is from this school.

20 So -- so, go ahead and introduce yourself  
21 and we'll get started.

22 MR. HARTSHORNE: Thank you. Good  
23 afternoon, Madame Chair, members of the Commission.  
24 I'm Mark Hartshorne, Chief Administrative Officer  
25 and Principal Alma d'Arte. It's always a pleasure

1 to come spend time with you. I'm not going to tell  
2 you the drive is all that pleasurable, but it's nice  
3 to be here with you.

4 If I could speak to process for just a  
5 moment. Throughout the process of the charter  
6 school performance framework, I want to bring to  
7 your attention the -- the work of Julia -- and Ron  
8 Christopherson is here, as well -- their discussions  
9 and guidance and work in this process has just been  
10 of the first rate, tremendously professional,  
11 tremendously competent. So, I wanted to start the  
12 day by recognizing them and thanking them for their  
13 contribution to this process.

14 We had a very, very productive meeting, I  
15 felt, with Commissioner Bergman and  
16 Commissioner Gant and Commissioner Parker. Our  
17 performance indicators wrap around our mission  
18 statement. It was not difficult for us, on the  
19 school side, to head in the direction of  
20 establishing indicators, because we go right back to  
21 our mission statement, "Graduate artist scholars  
22 prepared to succeed."

23 It was a very direct process. It was very  
24 easy to go forward in terms of establishing  
25 indicators through this process that center on our

1 identity through that mission statement. So, I  
2 believe, in previous times with you, I've indicated  
3 how important it has been to us in these past  
4 several years to have that very clear and concise  
5 mission statement that really enables all the other  
6 processes that we go through, including this  
7 performance framework.

8 So, those indicators intentionally wrap  
9 around our mission statement. And, as Commissioner  
10 Bergman began today's session, we aspire to  
11 exceeding performance levels. We -- we will not be  
12 satisfied with simply meeting even the indicators  
13 that we've submitted in this document. A superior  
14 performance is what we aim to achieve. And, so,  
15 that, too, is inherent to the indicators that are  
16 submitted in the document.

17 And, again, process-wise and outcome-wise,  
18 I think it's very strong, and, again, appreciate the  
19 remarks that have been tendered already and  
20 certainly stand to respond to questions or make  
21 additional comments, as -- as you would prefer this  
22 afternoon.

23 THE CHAIR: Thank you for that. I would  
24 ask the Commissioners who participated in the  
25 contract negotiations and the framework negotiations

1 if they have any issues or questions or comments  
2 they want to bring forward to the Commission.

3 Commissioner Bergman.

4 COMMISSIONER BERGMAN: Thank you,  
5 Madame Chair. And I agree. I thought it was a very  
6 amenable session. They were willing to talk about  
7 these. And on these goals, we did have some  
8 extensive discussions on these goals. If you want  
9 to look at Page 3 of your performance framework,  
10 we'll start there, because you'll note something  
11 that is somewhat unique to this school. You will  
12 see that we did goals for two different cohorts.  
13 And that's because, as Mark has already alluded to  
14 the nature of his school, is he has two different  
15 cohorts in that school, two different kind of  
16 student bodies, I guess I'm not totally familiar  
17 with.

18 So, we drafted goals for each of those  
19 cohorts. And if you look at those numbers there on  
20 that first one, 2A, they set their cohort -- one  
21 goal exceeds standard, 95 percent. So, we didn't  
22 have -- we had an interesting discussion. Was that  
23 a little too high, perhaps? Was that a goal that  
24 they could meet? And, here, again, they felt that  
25 he could live with that goal, and it would inspire



1     them and compel them to keep their student body  
2     moving forward.  So, there it is, in writing:  95  
3     for both those cohorts.

4             The "Meets standard" is 90.  That's  
5     still -- that's a high number, based on some of the  
6     goals we've seen in the past from some of the  
7     schools.  I was very comfortable with that goal, as  
8     long as they were comfortable with that goal; here,  
9     again, that they were not setting an impossible task  
10    for themselves.

11            "Does not meet standard," that's  
12    80 percent.  That's still, for a "Does not meet  
13    standard" -- if it were an "Exceed," if it were in  
14    that category, it would exceed a lot of charter  
15    schools in this state, or even a lot of public  
16    schools in this state, even though, by their  
17    goal-setting standards, that would be a "Does not  
18    meet standards."

19            So, as you look at these goals, you will  
20    see that these are -- I believe these are really  
21    ambitious goals, and they are confident that they  
22    can get them.

23            If you look at the next page, Page 4, and  
24    look at 2B, they were very adamant about doing  
25    something with a goal for graduation.  And that's

1 what you see there. And we had a very good  
2 discussion about that, because how -- because of the  
3 issue you raised earlier in the day, Madame Chair,  
4 about how are we determining graduation rates,  
5 because there's different -- is it four-year  
6 graduates or five-year graduates or six-year  
7 graduates -- that discussion is actually going on in  
8 our state, I think.

9 So, just a plain old graduate that we see  
10 in the paper, which is all the media publishes, we  
11 don't even know which class does that really even  
12 apply to. So, they put a goal in there and are  
13 talking about the -- their graduation. And we  
14 combined them with that they would have seven or  
15 more arts credits.

16 Remember, they're an arts school. So we  
17 tied in the graduation rate of 80 percent, as you  
18 can see there, with seven or more arts credits. I  
19 asked a specific question: "Is that an ambitious  
20 thing for their school? Is seven credits a bunch?"  
21 Because my initial thought was, that's not a lot of  
22 credit. But they assured me, "Yes, that's actually  
23 a lot of credits. That is an ambitious goal." And  
24 they convinced me. And there it is; you see it in  
25 writing now.

1           And, then, we actually discussed -- their  
2     initial proposal was, for "Meets standard," they  
3     wanted to do the lower percentage. But they also  
4     put forth a lower number of credits. And I can't  
5     remember if Mr. Gant or Mr. Parker said, "Why would  
6     you have lower credits in those lower goals?"

7           And, here, again, they ended up -- they  
8     said, "Okay, we'll agree. We'll put" -- so, all the  
9     categories require seven or more arts credits,  
10    because that's the function -- that's one of the  
11    major functions of their school. I agree.

12           And here, again, I believe these are  
13    extremely ambitious goals. It's going to challenge  
14    them. They can't slack off. They don't want to  
15    slack off. Mr. Elliott is your board chairman. He  
16    was there; he was extremely cooperative. He wants  
17    the school to succeed.

18           He said, "I'm holding Mark accountable for  
19    these goals." He said, "I'm going to be watching  
20    these goals." In fact, he told him something I  
21    don't want to repeat here. He said something along  
22    the lines, "If Mark doesn't meet these goals, he'll  
23    be out pounding the pavement."

24           MR. HARTSHORNE: It was pretty similar to  
25    that.

1           COMMISSIONER BERGMAN: And, here, again,  
2 you've looked through -- there's goals in other  
3 pages in the other areas. But I thought we came out  
4 with a document that had some excellent goals in it,  
5 and I was certainly comfortable with it. And, here,  
6 again, I intend to vote for this contract and  
7 framework.

8           THE CHAIR: Thank you, Commissioner.

9           Commissioner Gant, do you have anything to  
10 add to that?

11           COMMISSIONER GANT: My only comment,  
12 really, is it was very amenable, and we had some  
13 good discussions. But at one point, we, from the  
14 Commission, said, "Are you sure you want to do this  
15 95 business," and, you know, and on and on. And  
16 they were very adamant -- very adamant -- "We're not  
17 lowering that standard."

18           And that was impressive, because if we  
19 would have said 80 percent, some of the schools  
20 would say, "Yeah, we can do that."

21           But this school didn't back down. And  
22 since I know that -- Cruces fairly well, after  
23 34 years and Mark and I served together in various  
24 things through the schools, I think Mark and Gene  
25 Elliott -- I know Gene Elliott and, he's a tough

1 turkey, too. So, I'm sure they will exceed that  
2 95 percent, et cetera.

3 So, this can be a model. If other  
4 districts and -- I'm not bragging just because it's  
5 Cruces; but if others would step up like this, then  
6 you'd have other people out there in the  
7 community -- education community saying, "Oh, all  
8 right. They are setting a higher standard to live  
9 by."

10 And go back to what Commissioner Bergman  
11 said. If they all stepped up like this, then we  
12 wouldn't have to worry about any of them.

13 Thank you.

14 MR. HARTSHORNE: Well, if I might add or  
15 comment on that, we believe every kid that walks in  
16 our door is going to make it, okay? And we are  
17 unrelenting in our pursuit of ensuring that they do.  
18 Now, occasionally we're wrong, okay? But we  
19 believe, okay?

20 And that's our point of departure always,  
21 that every kid that walks through our door is going  
22 to make it, is going to achieve these performance  
23 indicators, is going to graduate, is going to be  
24 prepared for success when they leave Alma.

25 So, we don't back off of that. That's

1 true. Like I say, every now and then, we might be  
2 mistaken. But that's our belief system up front,  
3 all the time, every day.

4 THE CHAIR: That's admirable. Thank you.  
5 Commissioner Parker, anything to add?

6 COMMISSIONER PARKER: Madame Chair,  
7 Commissioners. I just want to say it's another  
8 example of individuals coming together and working  
9 towards a common goal that I think was very  
10 successful.

11 MR. HARTSHORNE: Thank you.

12 THE CHAIR: And I, too, found your  
13 charter -- your contract very impressive in what you  
14 aim to do. I do have one issue, though.

15 MR. HARTSHORNE: Yes, ma'am.

16 THE CHAIR: On the official minutes from  
17 your board meeting of February 10, 2014, Item 5C  
18 starts with the word, "Performance contract." And  
19 then it says, "Framework was presented to the  
20 Governance Council. M. Hartshorne and G. Elliott  
21 met with PEC last week. G. Kortes [ph] made the  
22 motion and C. Williams seconded the motion, as long  
23 as the two typos are corrected. All voted in favor.  
24 Motion passed."

25 My concern is, it doesn't say what the

1 motion said. There's no indication what -- and it  
2 says, "Framework was presented," leaving out  
3 "contract."

4 So, was this actually -- in your memory,  
5 was this actually covered?

6 MR. HARTSHORNE: It actually was, and  
7 you're 100-percent right, Madame Chair. It's not  
8 very well-written minutes. I have a new person  
9 who's taking minutes and writing them up afterwards.  
10 And that was the first time she ever did it.

11 But the Council absolutely did review the  
12 document that's in front of you today, and  
13 absolutely did make a motion to vote approval of  
14 that document. And we can certainly revise those  
15 minutes or state it better and more clearly, so that  
16 we do have that documentation in evidence in terms  
17 of what they approved.

18 COMMISSIONER GANT: Madame Chair?

19 THE CHAIR: I would just ask the  
20 Commissioners to considered adding to the motion,  
21 whatever motion is made today, that a corrected copy  
22 of the minutes be attached, and that those  
23 minutes -- the condition -- the acceptance of the  
24 contract be conditional on the acceptance of those  
25 corrected minutes.

1 COMMISSIONER GANT: Madame Chair?

2 THE CHAIR: Commissioner Gant?

3 COMMISSIONER GANT: Madame Chair, I just  
4 suggest that Mr. Hartshorne take it back, and in the  
5 next meeting, say, "We need to redo the motion to  
6 correct it." And then everything is cool, is -- you  
7 know. But you can do that by, I believe, Open  
8 Meetings. You can go back and correct something;  
9 correct?

10 MR. DVORAK: (Indicates.)

11 COMMISSIONER GANT: I would advise to you  
12 do that.

13 MR. HARTSHORNE: We can absolutely do  
14 that. And our next meeting is not next Monday, but  
15 the following. So, it's a timely thing. We'll get  
16 it done.

17 COMMISSIONER BERGMAN: But, since it's  
18 just kind of a wordsmithing thing, it may be more  
19 than that. We can go ahead and vote today,  
20 conditional on what you've said.

21 THE CHAIR: Yes, I think so. Any more  
22 discussion? Comments? Questions?

23 Hearing none, the Chair would entertain a  
24 motion. Mr. Gant, would you like to make a motion?

25 COMMISSIONER GANT: Madame Chair, I move



1 that we accept the contract for Alma d'Arte,  
2 Las Cruces, New Mexico.

3 THE CHAIR: And framework.

4 COMMISSIONER GANT: And framework, all the  
5 frameworks.

6 COMMISSIONER CARR: Performance contracts.

7 COMMISSIONER GANT: Performance contracts.

8 I keep getting -- let's start over.

9 Madame Chair, I move that we accept the  
10 contract for Alma d'Arte-Las Cruces, including all  
11 performance -- all performance frameworks, as  
12 written.

13 COMMISSIONER CARR: Second.

14 THE CHAIR: Minutes?

15 COMMISSIONER GANT: And, additionally,  
16 stipulate that the charter school Board of  
17 Governors, in their next meeting, revisit the motion  
18 they made and redo the motion so it so states  
19 "contract and performance contract frameworks --"

20 THE CHAIR: Were accepted.

21 COMMISSIONER GANT: -- were accepted.

22 THE CHAIR: Thank you.

23 COMMISSIONER CARR: Second.

24 THE CHAIR: Motion by Commissioner Gant,  
25 seconded by Commissioner Carr, to approve the

1 performance contract and performance frameworks of  
2 Alma d'Arte School, contingent upon receiving  
3 minutes from the board meeting indicating acceptance  
4 by that body of the contracts and frameworks.

5 Any discussion?

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

8 COMMISSIONER BERGMAN: Commissioner  
9 Toulouse.

10 COMMISSIONER TOULOUSE: Yes.

11 COMMISSIONER BERGMAN: Commissioner Carr.

12 COMMISSIONER CARR: Yes.

13 COMMISSIONER BERGMAN: Commissioner  
14 Conyers.

15 COMMISSIONER CONYERS: Yes.

16 COMMISSIONER BERGMAN: Commissioner  
17 Parker.

18 COMMISSIONER PARKER: Yes.

19 COMMISSIONER BERGMAN: Commissioner  
20 Peralta.

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Pogna.

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Gant.

25 COMMISSIONER GANT: Yes.

1 COMMISSIONER BERGMAN: Commissioner  
2 Shearman.

3 THE CHAIR: Yes.

4 COMMISSIONER BERGMAN: Commissioner  
5 Bergman votes "Yes."

6 Madame Chair, that is a nine-to-zero vote  
7 in favor of that motion.

8 THE CHAIR: Thank you. By a unanimous  
9 vote, the motion passes. Contract and frameworks  
10 are approved. Please get us those minutes as  
11 quickly as you can.

12 MR. HARTSHORNE: Commissioners, yes, we  
13 will. Thank you again.

14 THE CHAIR: Thank you very much.

15 MS. BARNES: We'll get you a sign-by-mail.

16 MR. HARTSHORNE: Okay.

17 MS. BARNES: And then the last thing to do  
18 is just to work with Ron over the next while to make  
19 sure you're --

20 THE CHAIR: Hold on just a sec. I found  
21 the signature pages. Gene Elliott? Are you Gene  
22 Elliott?

23 MR. HARTSHORNE: That's the council  
24 president.

25 (A discussion was held off the record.)

1 THE CHAIR: Commissioner Gant?

2 COMMISSIONER GANT: Madame Chair, if I  
3 may, Julia, would you look through the records or  
4 files, or whatever, and see what kind of  
5 certificates are provided to the contract -- to the  
6 schools upon signing a contract, so we -- they enjoy  
7 that wallpaper, stuff like that?

8 MS. BARNES: That's great. I can have  
9 Linda do that for us.

10 COMMISSIONER BERGMAN: Madame Chair?

11 THE CHAIR: Commissioner Bergman.

12 COMMISSIONER BERGMAN: I might also  
13 have -- because based on something -- I meant to say  
14 something about it earlier. You may have caught the  
15 reference from Mr. Hartshorne that his liaison was  
16 there. For those of you who have not had the  
17 pleasure yet of doing a negotiation, the CSD  
18 liaisons with these schools are present for those  
19 negotiations. So, they're, here, again, intimately  
20 involved in what's going on.

21 And I believe that's been the CSD policy,  
22 and I suspect that's going to continue. The  
23 liaisons are also there, because they're the ones  
24 that have worked with the school on these initial  
25 goals. I agree with that; I think it's important

1 that they do that. I just wanted all the  
2 Commissioners to know that.

3 THE CHAIR: I believe we're ready for an  
4 update on the New Mexico School for the Arts.

5 MS. BARNES: So, the update. And,  
6 actually, we can either wait and discuss it -- maybe  
7 we should discuss it during the Director's Report,  
8 because I'm actually conflicted out of the School  
9 for the Arts. So, I think it's best to talk about  
10 it in the Director's Report.

11 The updates on that is just what I was  
12 saying earlier. They negotiated, had a contract  
13 negotiation. They've gone back and forth with Abby  
14 and Patti Matthews in terms of the contract  
15 language. And they are one of several schools that  
16 have presented a negotiation of the financial  
17 framework. And I think we should have that as a  
18 broader discussion.

19 They're scheduled to come forward with  
20 their documents in April, and I think we should be  
21 able to meet that.

22 THE CHAIR: Okay. Thank you very much.  
23 Let's move on to Item No. 11.

24 Julia, it's still you, update on the Ralph  
25 J. Bunche appeal.

1 MS. BARNES: It is. And in just a minute,  
2 I need to speak to Rachel on an issue that's popped  
3 up. In a minute, I need to take a break, since  
4 we're still on my agenda items.

5 There is no update on Ralph J. Bunche.  
6 The appeal -- as you know, you all said that they  
7 would not be renewed. They submitted documentation  
8 to appeal that, and the Cabinet Secretary is looking  
9 at that. We haven't gotten any -- I just don't have  
10 an update on where that is.

11 THE CHAIR: Okay. Thank you. Do you want  
12 to go ahead with your Director's Report now, or do  
13 you need to --

14 MS. BARNES: You know, if I -- I'd like  
15 for Rachel to do something on an issue that just  
16 popped up. And I'd like to speak to her by phone.  
17 So, if we can even take a couple of minutes and let  
18 me come --

19 THE CHAIR: Let's take like a ten-minute  
20 recess, please, ten-minute break, whatever the word  
21 is.

22 (Recess taken, 1:43 p.m. to 1:53 p.m.)

23 THE CHAIR: Let's resume our meeting,  
24 please.

25 Let's go to Item No. 12, Report from

1 Options for Parents. Julia.

2 MS. BARNES: Gosh. I'm on the agenda a  
3 lot.

4 So, at 2:00 in the afternoon, I will say  
5 greetings from me. I'm really glad to be here as  
6 the interim Charter School Division Director. We're  
7 really excited by, actually, all the progress. And  
8 I know we stacked this book with things we wanted  
9 from you. So, we're pretty excited with that.

10 I wanted to say one thing, just to make  
11 sure that I've raised it and that everybody knows  
12 what's happening as I take this new position. There  
13 are two things that I -- that I've done in terms of  
14 making sure that there weren't any conflicts of  
15 interest.

16 COMMISSIONER GANT: Just a sec. If I may,  
17 you've sat out there a long time now. We might have  
18 a long discussion on contracts. Maybe we can knock  
19 out McCurdy.

20 MS. BARNES: I was thinking of doing  
21 McCurdy and International School in just a second.  
22 This is a short thing that I just was going to put  
23 on the record, and then we were turning to them.  
24 But I agree with you, for sure.

25 Anyway, I just wanted to put a couple of

1 things, actually, on the record about what I've done  
2 about possible conflicts of interest. First, I  
3 think most of you know that I was on the founding  
4 committee for the New Mexico School for the Arts. I  
5 still am presently not doing anything directly with  
6 them. So, when issues come up, I think Dan Hill is  
7 going to handle that with me.

8 To the extent that there's general issues  
9 that involve the contract or whatever, I'm still  
10 working on those issues or getting them information.

11 I was volunteering in their school, and  
12 I've stopped doing that. I'm likely to go volunteer  
13 in Tony Gerlicz' school, because it's not a charter,  
14 just to make sure. So -- and I had some really cute  
15 math kids there. But there will be more cute math  
16 kids elsewhere.

17 The third thing -- and I just want to  
18 mention it -- is that Patti Matthews and I are close  
19 personal friends, and we talked about -- you know,  
20 she presents here all the time, and she raises  
21 issues here all the time.

22 So, we've made a decision there were  
23 things that we did routinely together in public.  
24 And we've just made a decision we're not going to do  
25 those anymore; not so much that it's a conflict from



1 our perspective, but that if members of the  
2 community saw that and thought that that was  
3 somewhat of an appearance of a conflict. And I just  
4 wanted to make sure that I raised that with you.

5 I hope that doesn't mean I won't still be  
6 able to have dinner with Patti Matthews, because I  
7 enjoy her a lot. But between the two of us, we  
8 don't talk about work together. But we were just  
9 concerned that if we were out in public and someone  
10 said, "What are those -- what are they doing  
11 together?" -- and I think it was just best to treat  
12 it on the record.

13 I'm happy to take a few questions about  
14 what I've just said, either now or in private. I  
15 think it's important that the Commission have  
16 integrity, that the Division have integrity. So, I  
17 just wanted to raise those. I don't know if there  
18 was questions or comments on that.

19 THE CHAIR: No? No.

20 MS. BARNES: Great, okay. Then, I think  
21 we should jump down just a little bit to McCurdy,  
22 and then we'll go to International School. I think  
23 I have the update. And I think Deborah Bennett  
24 Anderson is here, and she can answer any questions;  
25 although, I don't think she's planning on

1 necessarily saying anything.

2 I do understand the Commission had said  
3 that they would allow them -- allow McCurdy to come  
4 in early on a contract. I understand that to be the  
5 case. They would like to do that, so we will add  
6 that as the second additional school.

7 I am actually thinking that we can take  
8 them off of the report at this point, because I feel  
9 like they've addressed most of their issues. We'll  
10 address them with them on the contract. I think she  
11 can come forward, if she has something to say.

12 But they were on our Director's Report  
13 list for some issues of concern. But I'm feeling --  
14 I'm feeling like we're on track with the school.  
15 So, that's the update from them.

16 THE CHAIR: Could we get a financial  
17 update, as well?

18 MS. BARNES: Did you want to give an  
19 update on where that is? You thought you would get  
20 away without presenting.

21 MS. ANDERSON: For the record, I'm Deborah  
22 Bennett Anderson. I know that part already.

23 Madame Chair, the financial update. In  
24 fact, Deanna Gomez, who has -- is the consultant  
25 that was hired by PED, was actually in the room a

1 few minutes ago. She's been here waiting most of  
2 the day, such as I have.

3 She talked with Paul Aguilar sometime ago,  
4 earlier this morning. Paul seems to be very pleased  
5 with the progress that we're making. She has been  
6 able to make all the reports for this year,  
7 submitted and approved and so forth, and she and her  
8 consultant group are in the process of  
9 reconstructing the financial database on AptaFund  
10 for the FY '12 -- '11/'12 school year -- yes -- no,  
11 '12/'13. Excuse me. I'm already off.

12 And I believe we're making great progress.  
13 There's always some resistance to newness. But  
14 we're actually going to go in -- another board  
15 member and I are going to go in this next week and  
16 help them do some changes in formatting and how  
17 records are being filed. So, I believe that we're  
18 making good progress.

19 THE CHAIR: Thank you. Thank you.

20 MS. ANDERSON: Uh-huh.

21 MS. BARNES: So, I'd just like direction.  
22 We will put them on the list for the contract. But  
23 I would just wonder if you all want to continue to  
24 have them on the list. You know, obviously,  
25 Ms. Bennett Anderson has been great at coming down.

1 I'm sure she would still come, but I'm wondering if  
2 it's needed.

3 THE CHAIR: Do we need to keep them on the  
4 Director's Report? It seems like, to me, certainly,  
5 if they're coming under contract, we don't need to.

6 COMMISSIONER BERGMAN: I think we can drop  
7 them for now, unless something else comes up that  
8 occurs, and we're not aware of it this time. But I  
9 do have a question.

10 THE CHAIR: Please, go ahead.

11 COMMISSIONER BERGMAN: Julia, you perhaps  
12 might answer this. You just mentioned -- do you  
13 have an idea yet when we might sit down and do that  
14 contract? It would depend on when they would feel  
15 they're ready to sit down and do it, I know.

16 MS. BARNES: The way that we have worked  
17 the scheduling in June is we've given a longer lead  
18 time to work with the new schools. And they are on  
19 the list. Some things are trading around a little  
20 bit. But -- so, I don't know if we could do it in  
21 July, at the July meeting.

22 We'll need to get some negotiation dates  
23 in there. And I want enough time for staff to work  
24 with both schools, because they're coming under  
25 contract for a reason. I want to really give enough

1 time to work with them. That's my thinking.

2 We could do it in June. It's feeling --  
3 these take longer than you would think. These  
4 worksheets are quite a bit more intense than -- than  
5 I think. Maybe that's just because I've done a  
6 bunch of them. But every person who's doing a  
7 worksheet hasn't done it yet. So, it's a new  
8 process all over.

9 COMMISSIONER BERGMAN: Just, my thinking  
10 is we really are booked pretty solid through May.  
11 So, yeah, I would think maybe a negotiation session  
12 sometime in June, when it's a little -- when it  
13 finally slows down. And that's before the flood of  
14 new applications comes in on July the 1st and we all  
15 become weighted down mentally with that prospect.  
16 And perhaps in a July meeting, depending on how the  
17 negotiations go and all the questions are answered,  
18 then, yeah, I have no problem with that kind of  
19 schedule. I don't think we should try at this point  
20 to jam it in any earlier than that.

21 THE CHAIR: No. June at the earliest.

22 MS. BARNES: Okay. You do want the  
23 performance frameworks in place for the new school  
24 year; so, I don't want to get too far into the  
25 school year. But there still is some room. So, we

1 will back them up, though, so that the worksheets,  
2 negotiations and stuff, start earlier, so there's  
3 enough time. That is the piece that is just  
4 remarkably hard to get to the deadline.

5 All right. International School at  
6 Mesa Del Sol. Sean Joyce is here. He's got an  
7 update from the school. And then I want to check  
8 into about what are the next steps for Mesa Del Sol  
9 and what we should be doing, as well.

10 THE CHAIR: Good afternoon.

11 MR. JOYCE: Good afternoon.

12 THE CHAIR: Please be sure the recorder  
13 gets your name.

14 MR. JOYCE: Good afternoon, Madame Chair,  
15 members of the Commission. My name is Sean Joyce,  
16 S-E-A-N. I'm Head of School at the International  
17 School at Mesa Del Sol.

18 THE CHAIR: Whenever you're ready, go  
19 right ahead.

20 MR. JOYCE: Okay. I believe you have a  
21 document in front of you, which may be either  
22 single-page -- double-side, or two pages, with  
23 respect to the concerns addressed by the Public  
24 Education Commission at your hearing for  
25 reauthorization in December. There were three

1 concerns, and I'm here this afternoon to address  
2 those three concerns.

3 MS. BARNES: And, Sean, I'm not sure that  
4 document made it. You may have e-mailed it to me.  
5 I'm sorry about that.

6 COMMISSIONER BERGMAN: All we have is the  
7 snapshot.

8 MS. BARNES: He sent it day before  
9 yesterday, I think. And this is part of what's --  
10 it's hard to get all of the loose ends.

11 MR. JOYCE: Well, I'd be happy to just  
12 give you a brief overview. It's not a lengthy  
13 document, at all. Excuse me.

14 Madame Chair, members of the Commission.  
15 The first concern was with respect to the  
16 achievement of our lowest quartile of our students.  
17 And, so, I had listed a number of items that we have  
18 either put into place or begun to put into place for  
19 the coming school year.

20 The first is to address the overall scaled  
21 scores. And our growth is -- our goals are to grow  
22 an average of 1.3 per year in math and 1.7 per year  
23 in reading for the lowest quartile students. And  
24 that's recommended by the Charter School Division.

25 We have 15 contractual days of

1 professional development for all of our  
2 instructional staff in their contract. Eight of  
3 those are provided throughout the course of the  
4 school year. Approximately every six weeks, the  
5 students are released; staff is working together to,  
6 again, address professional learning with respect to  
7 the International Baccalaureate, differentiated  
8 instruction, literacy, math, numeracy, et cetera, to  
9 address those goals of our lowest achieving  
10 students.

11 That professional development is itemized,  
12 is structured and targeted with respect to  
13 differentiated instruction, a balanced literacy  
14 program, which we heretofore have not implemented,  
15 but have begun this spring and will continue through  
16 the next three years, using data-driven  
17 decision-making and training the staff on how to do  
18 these formative assessments and the use of that to  
19 inform their instruction. Continuing with our  
20 thinking maps, professional development, and use in  
21 the instructional program.

22 We look to hire additional highly  
23 qualified special education personnel. And that's  
24 been an issue that -- you recall from our original  
25 reauthorization the exponential increase in the



1 number of students with special needs and our  
2 inability to support that without additional special  
3 education staff. So, we're looking at hiring a  
4 director of special education, a teacher, and  
5 several educational assistants to support that  
6 growth, looking at developing grade-level goal teams  
7 to focus on those best practices; the formative  
8 assessments, differentiated instruction, et cetera,  
9 specifically targeting those highest and lowest  
10 performing students -- groups.

11 And then the last item there is engaging  
12 our parents and families in the intervention  
13 process. And the last time I was before the  
14 Commission in January, we talked about some of those  
15 after-school programs that we had initiated, and the  
16 delivery of those through an Internet, web-based  
17 intervention program. And I listed several of those  
18 programs here, such as Get Ahead Math, BrainPOP,  
19 MobyMax, Brainchild, et cetera.

20 Those are some of the programs that staff  
21 have been using with the students during the school  
22 day, and we're delivering them through the family  
23 component at home, so that they can, again, be a  
24 part of that intervention process for those  
25 students.

1           So, those are my responses to the concerns  
2 by the Public Education Commission with respect to  
3 our achievement of the lowest quartile of students,  
4 and I would be happy to answer any questions you may  
5 have with respect to that.

6           THE CHAIR: I see no questions at this  
7 point.

8           MR. JOYCE: Well, thank you.  
9 Madame Chair, members of the Commission, I'll  
10 continue then.

11           The second action, concern, was with  
12 respect to our certification for the International  
13 Baccalaureate Middle Years Program. In the ID  
14 world, the Middle Years Program is sixth grade  
15 through tenth grade. And our school is a  
16 K-through-8; so, our Middle Years Program is six  
17 through eight. So, I've highlighted the process for  
18 the authorization and certification of our MYP, or  
19 Middle Years Program.

20           That starts with an "Application A" part  
21 of the process, and we'll begin that in October.  
22 We'll begin this spring identifying our Middle Years  
23 Program staff; those are our sixth-, seventh-, and  
24 eighth-grade teachers, and begin identifying their  
25 training starting in July.

1           In the past, we have sent staff to Texas,  
2 Arizona, Colorado, because they have authorized,  
3 approved IB training; and, so, our staff are sent  
4 there to receive those three- to eight-day  
5 trainings.

6           Additionally, we are a member of the  
7 New Mexico Association of IB World Schools, and we  
8 are in the process -- as that association here in  
9 Albuquerque -- that's where it's housed -- is to  
10 begin to initiate IB-authorized training for our  
11 New Mexico World Schools. There's sort of a  
12 critical mass with the IB organization, because of  
13 the expense of bringing IB trainers to any site to  
14 do that. Most of -- or many of our schools have  
15 authorized IB trainers, but IB doesn't authorize the  
16 use of in-house training by your people. It has to  
17 be through their organization to organize those.

18           And they typically send trainers from  
19 different parts of the country or globe. And you  
20 can imagine, it's -- you don't want that kind of  
21 in-breeding. Those inside trainers are very  
22 valuable. But for the optimization process, IB  
23 would rather have people off-site.

24           So, we'll begin that authorization process  
25 with our application A beginning this summer, and

1 throughout the course of the year, providing two on  
2 three trainings a year for or MYP staff, which we've  
3 been unable to do. But we're initiating that  
4 process come July.

5 We will hire -- as is required by the  
6 International Baccalaureate organization, we're  
7 required to hire a Middle Year Program coordinator  
8 and a library media specialist. And we have had a  
9 library media specialist in the past. We lost that  
10 person, due to a medical situation. We have not  
11 been able to fill that position. But we have  
12 flown -- or advertised that position, and are  
13 looking to fill it again.

14 In the past, we've had a Primary Year  
15 coordinator, and will maintain that for our Primary  
16 Year Program. But we also have to have a  
17 coordinator for our Middle Year Program. That's the  
18 requirement of IB.

19 So, those are the action items that we  
20 have listed here for you to address those concerns  
21 with respect to the certification of our Middle  
22 Years Program.

23 Are there any questions? I'd be happy to  
24 answer those.

25 THE CHAIR: Commissioner Gant?

1           COMMISSIONER GANT:  Madame Chair, members.  
2    I guess I should have asked this question last time.  
3    I guess I was tired.  I don't know.  But looking at  
4    the snapshot we were given with your scores and  
5    everything else on it, and the problems you cited  
6    that led to these grades and these scores, and the  
7    problems you had with special needs students, hiring  
8    staff and keeping staff, et cetera, et cetera,  
9    et cetera, during the last meeting, why is it you  
10   think you want to take something else on before you  
11   fix everything that you've got a problem with now?

12           MR. JOYCE:  Madame Chair,  
13   Commissioner Gant, fellow members, largely because  
14   the community expects us to grow and certify our  
15   Middle Years Program.  We have had a sixth-grade  
16   program for three years now; seventh grade for two;  
17   and we're currently in our first year of eighth  
18   grade.  To make it viable and credible, we need to  
19   go through that process.

20           And the Commission, yourselves,  
21   instituted -- or made that a statement profoundly to  
22   us, that you wanted us to authorize.  So, we are  
23   moving forward with that.

24           We are more able to do that because of the  
25   partnership that has grown more strong in the last

1 three months with Mesa Del Sol. And they were here  
2 in December -- Mike Daly was here at my right --  
3 during that meeting, as his public show of support  
4 for us. And he continues to attend governing  
5 council meetings, finance committee meetings,  
6 facility meetings, so that he's becoming a much more  
7 present person.

8 But with respect to your question,  
9 Commissioner Gant, one, we didn't do it because of  
10 funding. And now, we're acquiring a funding stream  
11 directly from Mesa Del Sol for that. Two, we don't  
12 want to do anything unless we are doing it well, and  
13 it is with the expectation that all our students  
14 succeed. I don't believe there's a charter school  
15 here that ever is in front of you that doesn't have  
16 the expectation of doing the very best and having  
17 high expectations, and that is, rightfully, your  
18 expectation of us.

19 So, with that in mind, that is, in fact, a  
20 big reason for us to move forward and to certify  
21 that and to have a program, do it well, or to not do  
22 it at all. We feel very strongly. Our community  
23 continues to support that. We have a high  
24 enrollment and return rate for the enrollment of  
25 those students. If we're going to do it, we need to

1 do it well.

2 COMMISSIONER GANT: Madame Chair, I guess  
3 I missed that, where we said we wanted you to do it.  
4 I apologize. But I will be very frankly  
5 disappointed if the grades come out even close to  
6 what they are right now, and you're moving on to  
7 something else.

8 That's just my comments. It's just -- if  
9 you can't fix what you've got -- that's the way I do  
10 things. If I can't fix what I've got, I don't move  
11 on to anything bigger and better. That's all my  
12 comments.

13 THE CHAIR: Any other comments? No?  
14 Please proceed.

15 MR. JOYCE: Madame Chair, members of the  
16 Commission. The third action was concerning the  
17 school's plans to be in a public facility by August  
18 of 2015. I've noted several items there that,  
19 again, with increased collaboration with Mesa Del  
20 Sol, the residential developer out on Mesa Del Sol,  
21 we have begun a plot plan and facilities design for  
22 the -- during this current school year.

23 And I do have an additional plot plan,  
24 which shows the location of that, which is exactly  
25 adjacent to our current site, and the outline of a

1 92,000-square-foot facility to house our K-8 school.

2 So, that is going forward as through the  
3 spring and early summer, to develop that permanent  
4 facility. We are developing the portable facilities  
5 during the summertime, with the last move a building  
6 from the Public School Facilities Association and to  
7 include physical education and playground facilities  
8 which have been wanton the last four years.

9 We have initiated that bonding process  
10 with Mesa Del Sol to begin that process in the  
11 coming school year, based upon our sustainability  
12 and the performance that this Commission expects,  
13 and our community through enrollment projections,  
14 and the meaning of those projections.

15 And then the last item I noted there are  
16 all of our facilities are public facilities.  
17 They've been purchased through lease assistance  
18 monies. We have a 50-year lease with Mesa Del Sol  
19 for the land upon which our facilities reside. And  
20 all of our facilities consist of Public School  
21 Facilities Association E-certified classroom  
22 buildings. And they are inspected annually for  
23 those certifications.

24 THE CHAIR: And I assume, from what you  
25 said, that PSFA is very much involved with this new



1 facility that you are proposing?

2 MR. JOYCE: Madame Chair, yes, as we move  
3 forward, absolutely. We -- our FMP was approved in  
4 November of 2012. And we worked directly with Bill  
5 Sprick on that.

6 THE CHAIR: Thank you very much. Are  
7 there any other questions or comments? Commissioner  
8 Bergman.

9 COMMISSIONER BERGMAN: Not really -- I'm  
10 going to address this more to Julia. Julia, even if  
11 it's going to be after the fact, I would kind of  
12 like to have a copy of this document that we don't  
13 have right this minute. If you'll e-mail it to me?

14 MS. BARNES: Linda is bringing them down  
15 right now. She just e-mailed me.

16 THE CHAIR: Any other questions or  
17 concerns? Julia?

18 MS. BARNES: The only thing I'm wondering,  
19 and, Sean, you can let me know, is are there more  
20 things that you need to report on an ongoing basis  
21 to the Commission? Is it something that needs to be  
22 done monthly? Is it -- I know La Jicarita has moved  
23 to just giving us an update that we put in the  
24 Director's Report.

25 I'm just checking in, because it does take

1 a school leader out of his school once a month, and  
2 I just want to make sure that's what we want to have  
3 happen.

4 THE CHAIR: Personally, I think I would  
5 feel comfortable with a written report, like  
6 La Jicarita is proposing. But if there comes a time  
7 when we would like to visit with you directly, we  
8 can certainly ask that you come back and meet with  
9 us. But I think a written report, for me, would be  
10 fine.

11 COMMISSIONER BERGMAN: I agree that they  
12 don't necessarily have to come every time.

13 MS. BARNES: Okay. Is that all right with  
14 you?

15 MR. JOYCE: Absolutely.

16 MS. BARNES: Great. Okay. Absolutely.

17 THE CHAIR: Thank you very much for that  
18 update.

19 MR. JOYCE: Thank you very much,  
20 Madame Chair, members of the Commission.

21 COMMISSIONER PARKER: Thank you.

22 MS. BARNES: All right. You do have an  
23 update in your packet from La Jicarita. Brad is  
24 here as well, actually. And, Brad, you're on both  
25 of the next two schools; right? You left and -- am

1 I right about that? I don't want to put him on the  
2 spot. But La Jicarita's update is in the Director's  
3 Report.

4 They are reporting on the same items  
5 they've been doing for a while. I think, again,  
6 we're feeling more comfortable with what's happening  
7 with that school. You know, I think we're looking  
8 at how do we handle issues with schools that are of  
9 some concern and whether you enter into a Corrective  
10 Action Plan. This is more of an informal way to  
11 handle that.

12 I think we've been quite pleased,  
13 actually. A lot of the schools are very responsive  
14 to us, and I feel it does help a school get on  
15 track. You can, of course, always take corrective  
16 action or whatever action you needed. But we're  
17 kind of playing around with this format.

18 So, I don't know that I could answer any  
19 questions on La Jicarita. But this is what they  
20 have. Any comments or questions on that?

21 COMMISSIONER BERGMAN: While you're  
22 looking --

23 THE CHAIR: Please go ahead.

24 COMMISSIONER BERGMAN: -- I have liked the  
25 way we have handled it. I've been comfortable with

1 it, that in these kinds of situations where there  
2 are possible problems that, at least, initially, for  
3 a month or two, they do come and see us, personally,  
4 so they can answer questions, so we can ask  
5 questions, so they can explain to us how they're  
6 going to correct whatever the problem might be. But  
7 then we release them, as we're doing today, so they  
8 can be in their school and concentrate on their  
9 school and then give us these written reports like I  
10 see here from La Jicarita.

11 So, I'm comfortable with that. I'm not  
12 sure it's productive to keep them coming month after  
13 month after month. That's just my personal opinion,  
14 Madame Chair. Thank you.

15 MS. BARNES: The next one is Uplift. And  
16 it is a policy issue, as well. And Brad is here.  
17 He can talk about it. Maybe Karen -- Brad is right  
18 in front now.

19 MR. RICHARDSON: Down front. Down front.

20 MS. BARNES: This is -- I think you know  
21 that when a school is -- receives a grade of D or F,  
22 that Priority Schools becomes involved with that  
23 school, and there can be an instructional audit.  
24 What has occurred in the last year, or maybe two  
25 years, is Priority Schools has asked Charter Schools

1 Division, if it's a State charter, to do the  
2 instructional audit. And the Staff has done that.

3 It does add to the time for our liaisons  
4 to go out. But I'm pretty supportive of it, because  
5 it allows our liaisons to go and really look at  
6 what's happening with the school that you could  
7 potentially take action on.

8 So, Uplift is one of those schools. So,  
9 they went -- the Staff went and did an instructional  
10 audit using the protocols of the Priority Schools  
11 Bureau. And -- and there -- they are now on our  
12 watch list. We're looking as to kind of the  
13 interrelation between Priority Schools. And you, as  
14 an authorizer, back to one of Joe's comments earlier  
15 about it being two -- two entities dealing with the  
16 school.

17 So, we are looking at what we bring to you  
18 that we found out from an instructional audit or  
19 not. But they are somewhat on our watch list now.  
20 They are, by definition, schools with a lower grade.  
21 So, they usually are issues of concern.

22 So, I think that Brad can tell you  
23 generally what he found, or -- anyway, I'm not quite  
24 sure how we want to address having -- I'm not sure  
25 it's even a dual role. But we need to look into it

1 a little bit further. We did want to tell you  
2 further that internally, we're looking closely at  
3 this school.

4 THE CHAIR: Julia, if I might just ask you  
5 a question. Every other school that you reported to  
6 us on has either been here or sent a report, and we  
7 have neither from this school. Why is that?

8 MS. BARNES: It's more because we were --  
9 we're in this -- we're not quite sure how to handle  
10 the Priority School issue. So, Brad, I don't  
11 know --

12 MR. RICHARDSON: If I can -- yeah.

13 MS. BARNES: Add to it a little bit?

14 MR. RICHARDSON: Good afternoon,  
15 Commissioners. I was asked to go on the  
16 instructional audit. Ron Christopherson and I both  
17 went on sort of a twin mission. They were up for a  
18 site visit, and we used that opportunity to conduct  
19 the instructional audit.

20 I'm not the school's liaison; Karen is.  
21 But we had made a decision that we didn't want the  
22 primary liaison to conduct that. We wanted someone  
23 who was familiar with the school, but not so  
24 familiar that it might cloud their objectivity.

25 So, I went there. And, really, what --

1 the day we went was the third day that an interim  
2 director had been appointed for the school. She  
3 took the opportunity to tell us, "I welcome these  
4 visits, because it's giving me a window into what  
5 the issues of the school are."

6 Now, as it happens, this director is  
7 fairly well experienced, knows what she's doing.  
8 She did confess that it's been several years since  
9 she had to start from the beginning with a school.  
10 But she had -- she did learn quite a bit, as -- in  
11 the process.

12 We found that the real trouble was the  
13 transition from a resigning head, the head of the  
14 school that helped to -- was the first head of that  
15 school -- this is really a school only in the second  
16 year. She resigned sort of in the September-October  
17 period. The governing council asked the lead  
18 teacher, sort of quasi-administrator, to hold things  
19 together while she appointed, or found, a new  
20 director, this person who's stepping in is an  
21 interim director. But that transition was very  
22 rocky.

23 And, really, what we found had more to do  
24 with the rough nature of the transition, and then  
25 the lack of familiarity among the teachers with

1 their charter goals and their charter mission.

2 So, we set that on, we think, a pretty  
3 firm footing. I had a chance to check in with  
4 the -- the interim administrator this last week.  
5 And she reports that things are looking pretty -- a  
6 lot stronger, obviously, than when we were there.  
7 And it's because of the transition. It's because of  
8 this rough period that we're not quite sure whether  
9 or not to raise this to the level of they need a  
10 corrective action.

11 As you might know, the instructional audit  
12 already requires a considerable amount of action on  
13 the part of the school, based on the findings that  
14 we -- that we gave them, their sort of to-do list.  
15 So, they are working on those things that we found,  
16 and they're trying to address those. But whether or  
17 not it now requires anything special from the  
18 Commission to say, "You need to do X, Y, and Z, or  
19 take this audit seriously," I don't know. And so, I  
20 sort of left it in Julia's hands to have that  
21 discussion with you.

22 MS. BARNES: So, I guess we're looking for  
23 direction, what you would like to see, whether we  
24 should investigate, what -- when we go on these  
25 instructional audits, does that automatically



1 trigger a report to you -- you know, I just don't  
2 quite know -- I'm more raising questions and can  
3 come back with more answers after direction from you  
4 this time.

5 THE CHAIR: Certainly, from my  
6 perspective, I think if a school is placed under an  
7 instructional audit, we'd like to know it. How long  
8 does that process take? Is it a yearlong thing? A  
9 few months? What?

10 MR. RICHARDSON: Madame Chair, my  
11 understanding is the -- as long as the school  
12 remains an F or a D school, they are under that --  
13 if you will, that obligation to keep improving. And  
14 after the school comes out of that, with a C or a B  
15 or whatever their State grade might be, it really  
16 takes them two cycles before -- before that moves  
17 away.

18 So, they won't be -- if they get a D next  
19 year or an F next year on their State grade, it  
20 won't require a second visit. It might require some  
21 kind of intervention with them, but -- and  
22 conversation with them. But they've had that --  
23 they've had that audit, at this point. So, it could  
24 take them up to two, maybe three years to come out  
25 from under that -- if you will, that cloud.

1 THE CHAIR: Are there reports that are  
2 generated when they're under this audit?

3 MR. RICHARDSON: Yes, Madame Chair. We --  
4 we have this template and the protocol that the  
5 Priority Schools Bureau gave us, and that requires  
6 us to identify findings. And the findings are given  
7 ratings of zeros, which means they could be positive  
8 or neutral, things that we've observed that might  
9 have an effect on what's going on. In many cases, I  
10 think we use the zero as a way of saying, "These are  
11 things you're doing quite well; keep doing them."

12 There are findings that are given a rating  
13 of a "1," which is a lower priority, but you do have  
14 to attend to them. Anything that's given a rating  
15 of "2" is, "This room is on fire; fix it."

16 They have, then, two weeks to develop a  
17 plan, and that's then uploaded into their EPPS in  
18 the PED system. And then once that's in place, we  
19 follow their progress that way.

20 THE CHAIR: And so, you or Karen,  
21 whomever, would be tracking this, would be following  
22 this process with the school?

23 MR. RICHARDSON: Yes, that's right.

24 THE CHAIR: So, it would seem to me that  
25 if you're tracking this, we could have monthly

1 updates to see how -- how things are going. Does  
2 that sound reasonable? Commissioner?

3 COMMISSIONER BERGMAN: I just wanted to  
4 add -- I think it might be interesting for our newer  
5 Commissioners that weren't involved in this one,  
6 this one -- just to tell you how this came about  
7 originally -- they applied several years ago. It  
8 really was a poor application. They were denied.  
9 They, of course, at that time had the option, as  
10 many of them now seem to want to do, to immediately  
11 run to the Secretary with an appeal.

12 They did not do that; went back, spent a  
13 second year, applied again. It was a better  
14 application, but it still was not a good  
15 application. They were denied again. Now, they  
16 could have gotten mad at that point. They didn't.  
17 They gritted their teeth and went back for a third  
18 year and came to us, and by that time, they had  
19 gotten the process down and the forms down, and they  
20 brought an application to us that this Commission  
21 did approve.

22 So, they were tenacious. I admired their  
23 tenacity in doing that. I admired their willingness  
24 to go back and rework it and rework it and get a  
25 document. But because of that process, I wasn't

1 totally surprised to see that they had some  
2 difficulties as they tried to start up their school.

3 But, yeah, I would be comfortable with  
4 just being kept in the loop as to what -- how  
5 they're addressing these various issues.

6 THE CHAIR: Commissioner Carr?

7 COMMISSIONER CARR: Madame Chair. Yeah.  
8 But, you know, in addition, you know, to what you're  
9 talking about with an audit is what every school  
10 gets. But we have our performance contract,  
11 frameworks. So, in addition to them having  
12 difficulty with their grading, we're also looking at  
13 their goals and their frameworks. And so, we're  
14 looking above and beyond what a regular -- a  
15 traditional public school would go through.

16 So, I would like to see included in the  
17 report something in regards to how is their progress  
18 compared to their contract.

19 THE CHAIR: Jeff, I don't -- I was just  
20 asking Commissioner Bergman --

21 COMMISSIONER BERGMAN: I don't think we've  
22 actually done a -- I was just sitting here thinking.  
23 I can't remember. I don't know if there's anybody  
24 that does remember. I don't know if we gave them a  
25 full five years, or because of that three-year

1 process, whether we gave them a -- but I don't think  
2 they have a contract yet.

3 COMMISSIONER GANT: Renewal is 2017.

4 MR. RICHARDSON: Madame Chair,  
5 Commissioner Carr. As I mentioned, we combined two  
6 visits, a site visit, one of our annual site visits  
7 with the school, in which we focused in on those  
8 charter elements; so under their charter, they have  
9 this mission, the terms of that charter, along with  
10 the performance goals. And we sent them a separate  
11 report on that.

12 And that was one area that did concern us,  
13 because it seemed as though the teachers we met with  
14 were not familiar with those goals. And because  
15 it's an Expeditionary Learning school, they do have  
16 a considerable number of teachers who are trained in  
17 Expeditionary Learning. And when we recited the  
18 goals, a number of them scratched their heads and  
19 said, "Well, that's not an Expeditionary goal. This  
20 term doesn't make sense to us. They don't -- the  
21 organization, the Expeditionary Learning  
22 organization doesn't provide this kind of rubric."

23 So, it isn't that they're not  
24 knowledgeable and that they can't implement what  
25 they're meant to implement. It just seemed to me

1 that somewhere along the line, the communication got  
2 broken down.

3 Now, when I talked to the new interim  
4 administrator, she's turned that back over to the  
5 team to say, "Right. Here are our goals. If this  
6 is something that is not correct, then we need to go  
7 back to the Commission to talk to them about that  
8 and redefine a goal that would make sense in this  
9 case."

10 So, I see the ability there, the capacity  
11 is there. Something just happened from the first  
12 year to the second year, which is, again, the reason  
13 why I put it in Julia's lap to ask her, "How do you  
14 want us to proceed with this?"

15 COMMISSIONER TOULOUSE: Madame Chair?

16 THE CHAIR: Yes, Commissioner.

17 COMMISSIONER TOULOUSE: Mr. Richardson,  
18 are they aware that they're being presented to us  
19 right now? Juarez.

20 MS. BARNES: No, I don't think -- we could  
21 have e-mailed them. I don't think that we did.

22 MR. RICHARDSON: Maybe informally,  
23 Commissioner. I -- because I met with the interim  
24 director. She happened to be in the Department this  
25 last week, and I took the opportunity to chat with

1 her. I mentioned it to her. But I don't know that  
2 she formally understands that she's being addressed.

3 COMMISSIONER TOULOUSE: I think it might  
4 be fair, if we're going to ask reports on them, for  
5 the interim director and the board to be aware that  
6 we are now tracking their process and certainly  
7 willing to provide whatever kind of comments or  
8 support we could provide to them before this comes  
9 up in something more drastic.

10 MR. RICHARDSON: Right.

11 COMMISSIONER TOULOUSE: Thank you.

12 MS. BARNES: And I think we ought to look  
13 at all the schools that we did instructional audits  
14 and just establish a process. And we'll do that --  
15 probably what we'll do, I'm thinking, is the liaison  
16 will get an informal report that says, "This is  
17 going to go into the Director's Report about your  
18 school," so that they know.

19 THE CHAIR: I think if a school is under  
20 instructional audit, we need to be aware of that.  
21 And then any reports that are generated either by  
22 the liaison or through the audit itself, whatever  
23 information is being generated on that school, we  
24 need to be aware of it.

25 MS. BARNES: Great.

1 THE CHAIR: Does anyone disagree or have  
2 another thought? Okay. Thank you. Appreciate it.

3 MS. BARNES: A quick look at the report,  
4 before we go on. No. I think the other things that  
5 we were going to discuss tie right in with Agenda  
6 No. 8, so I think we would be ready to do that. And  
7 we've lost our entire audience except for people  
8 that we pay, just about.

9 COMMISSIONER BERGMAN: Actually, Julia,  
10 just before we finish your report, there is one item  
11 we should discuss that was in that report that we  
12 haven't. And this was the issue that,  
13 Commissioner Gant, you raised a couple of weeks ago  
14 about those signatures. I think we should have just  
15 a brief discussion about why documents are not being  
16 signed.

17 I noticed today that some of these  
18 amendment requests, they all have a signature box.  
19 Some of them have been signed; some of them have not  
20 been signed. My feeling is if a document has a  
21 signature box, before that gets to us, somebody  
22 ought to have signed that.

23 We shouldn't be having a flurry of e-mails  
24 back and forth for three or four days and then  
25 having you go back and having all those Notices of



1 Intent to be signed after the fact when they should  
2 have been signed in the first place.

3 I know it may sound like nitpicking. But  
4 if a document requires a signature, it ought to be  
5 signed before it comes to us. So, that may be  
6 another little area you guys are going to have to  
7 discuss with all those various charter schools.  
8 When they submit something, they've got to sign it.  
9 Somebody's going to put their name on the line.

10 MS. BARNES: Well, and a lot of -- a  
11 couple of comments on that. A lot of issues we're  
12 working towards, with Amy Chacon, who several of you  
13 met her yesterday -- but she's replaced Susan.  
14 We'll have another person -- there's another job  
15 posting, that I think we're kind of using them in a  
16 paralegal-type way, where they're going to follow up  
17 on those type of things.

18 So, I think we'll set a process that  
19 before you ask for signatures on Notices of Intent,  
20 we'll make sure that we ask that.

21 But Amy is going to develop a large  
22 spreadsheet of what we get from everybody, for a  
23 couple of purposes. One is to make sure that we  
24 finish the site visits and that we get the  
25 information back from the schools that we're

1 requesting. There's just a large management of  
2 everything that we've put into place, and making  
3 sure the schools know that things are their  
4 responsibility.

5 I raised that just a couple of times in  
6 passing in this meeting. But the amendments are  
7 just popping up like matzo ball soup. Every time I  
8 turn around, there's another thing from someone, and  
9 they seem to be coming in very late. And there's  
10 something about the actual PEC meeting coming up  
11 that makes people say, "Oh, I've got to get that to  
12 Julia."

13 We've got to push it back. We actually  
14 tried to do that. So, my goal is to get you a  
15 binder and to be done with the binder. And we were  
16 fairly successful, except for the amendments.

17 So, we've got to look at that piece,  
18 because it's -- it's a good thing that we're getting  
19 their attention and that they know that they need to  
20 do some stuff that maybe they weren't doing before.  
21 But it's still more chaotic. So, I mean, in some of  
22 these cases, we were lucky to even have a document.

23 THE CHAIR: You know, I've said in the  
24 past on amendments, that what I'd like to do is have  
25 a set time when you can do amendments, twice a year,

1 three times a year, four times a year, not just  
2 willy-nilly, whenever you wake up and decide, "I'll  
3 do an amendment form." And I know that's not the  
4 way it's done.

5 That suggestion was never -- never went  
6 over too well with CSD people. They didn't think  
7 that was workable. But I do think we need to get a  
8 handle on this.

9 And if we have to say, "Okay. We'll do  
10 amendments every meeting," then, okay. But then, we  
11 need to say, "If we don't have all documentation for  
12 an amendment two weeks before the meeting, we're not  
13 going to accept it."

14 Frankly, I would even like to say, "If you  
15 send us a document that's not signed, we're not  
16 going to come track you down and ask you to sign it.  
17 It's just not accepted."

18 We're dealing with adults. And I don't  
19 really feel like we need to hold anybody's hand, and  
20 I don't think they want us to. I think it's just  
21 some things have been allowed to slide, and I really  
22 don't want them to slide anymore.

23 MS. BARNES: And the contract process  
24 pushes that, because it makes people, all of a  
25 sudden -- "Oh, yeah. I forgot to ask about that."

1           So, you know what? We had six or seven  
2 amendments. And we're going to continue to have  
3 that. So, it's more of an issue now.

4           THE CHAIR: Is that action that PEC needs  
5 to take, to say, "Requests for amendments must be  
6 received no later than three weeks prior to a  
7 scheduled meeting"? Or is that just a procedural  
8 thing that you all can put in place?

9           MS. BARNES: I'm wondering, to go back to  
10 your previous comment -- and, Joe, this is something  
11 we would need to speak to Abby about. Could we say  
12 "This meeting and this meeting will be amendments,"  
13 and then that's what we do? Because, then, we could  
14 send out a blast to the charter schools: "Just a  
15 reminder. The March meeting is coming up. It's an  
16 amendment meeting. Please look at what you're  
17 doing."

18           We may still have the amendments as we  
19 clean up the contracts. But those -- you know,  
20 those people were here, and they were organized, and  
21 they were ready -- usually, I think.

22           THE CHAIR: Can we --

23           COMMISSIONER BERGMAN: Madame Chair?

24           THE CHAIR: -- do that? Yes, Commissioner  
25 Bergman.

1           COMMISSIONER BERGMAN: If we want to go  
2 down that road, we need to keep in mind -- we saw  
3 one today. Some of these schools are going to have  
4 amendments that require immediate attention, like on  
5 this facility issue today. So, if there has to be  
6 at least some leeway in a procedure like that, where  
7 we say, "Routine amendments that" -- however you'd  
8 want to word it. But if something requires  
9 immediate action, these schools need to have the  
10 option to bring us that stuff at their -- at our  
11 next meeting.

12           I don't think just saying once every six  
13 months. That's going to be too restrictive, I  
14 think. I really do. I just raise that issue to  
15 think about.

16           MS. BARNES: I agree with that.

17           COMMISSIONER TOULOUSE: Madame Chair?

18           THE CHAIR: Commissioner?

19           COMMISSIONER TOULOUSE: Just from what  
20 I've seen in these 14 months, we have so many  
21 different kinds of amendments coming forward that  
22 maybe we need to put this on the agenda for our next  
23 meeting, or a later one, to discuss some way of  
24 setting these, you know, in -- kind of doing a  
25 triage. "This has got to be done right now; it

1 really does." "This can wait." And schedule them  
2 in that kind of way, and do some kind of formal  
3 notice that, "These kind of amendments are accepted  
4 only at these points during a year. These kinds are  
5 accepted prior -- two weeks prior to the meeting,"  
6 or something like that, so the people will know.

7 But I think it needs to be an agenda item,  
8 so people can discuss it, and we can do a formal  
9 motion and set up some kind of schedule and classify  
10 different kinds of amendments as to whether they're  
11 an emergency, whether it's -- shouldn't have been an  
12 emergency and can just wait. You know what I mean?

13 But I don't think we can get away with  
14 saying just a few times a year, or we're not going  
15 to do them this meeting, because then we'll have  
16 something that really should have been done, or  
17 we'll have people going ahead; like I know at least  
18 one school last year, by the time they came to us  
19 this fall to move, they had already negotiated the  
20 contract, signed it, and were working with an  
21 architect.

22 So, I don't want that kind of thing to  
23 happen. And we'd be giving them an excuse to do  
24 that continually if we said we would only do them  
25 three or four times a year or something.

1 MR. DVORAK: I would -- would you like me  
2 to address that?

3 THE CHAIR: I wish you would.

4 MR. DVORAK: Two points: The first is  
5 that I will check with Abby, and I will talk to her  
6 before the next meeting, just to clarify to make  
7 sure there are no restrictions or limitations on  
8 implementing any of these types of procedural rules.  
9 I would expect there would not be. It's part of the  
10 job of this Commission to, you know, go through and  
11 accept these applications and the amendments. So, I  
12 can ask that she look into that.

13 And the other, I would also agree with  
14 Commissioner Toulouse that this is something,  
15 clearly -- the discussion could be had, because it's  
16 related to the issues that you're talking about at  
17 hand. But I would recommend that it would be  
18 something that could be added potentially into the  
19 Rules of Order, and that could be something that  
20 would be a vote by the Commission to include.

21 So, there would be no ambiguity in terms  
22 of set dates for just general amendment versus  
23 exceptions, and possibly even votes by the  
24 Commission to accept, you know, emergency items at  
25 different points throughout the year, if they meet

1 certain criteria.

2 So, those are things I think that we could  
3 probably have as a discussion, possibly with Abby  
4 and Julia and the Chair, and then bring it to either  
5 the next Commission meeting or a meeting following  
6 that.

7 THE CHAIR: Okay. Thank you.  
8 Commissioner Bergman.

9 COMMISSIONER BERGMAN: And, here again, I  
10 feel compelled to note that this is happening  
11 because this Commission took the position that we  
12 wanted these schools coming to us with -- we didn't  
13 want them making all these major decisions without  
14 input from this Commission and approval from this  
15 Commission. So, we are part of the reason why we  
16 are being flooded, and, I believe, rightly so.

17 I was one of the ones that has pushed that  
18 for years, that we wanted these schools coming to us  
19 on these amendments. We didn't want them changing  
20 their stuff up without us being involved. So, if  
21 we're going to insist they do it, we need to  
22 accommodate them in some way, shape, or form. And I  
23 agree we probably need to discuss this some more.

24 THE CHAIR: Commissioner Gant?

25 COMMISSIONER GANT: Madame Chair, members.



1 I think, also, besides what Commissioner Bergman  
2 said there, I think since SB 446 now is well  
3 established, and HB 283, which is the facilities  
4 side of the house, charter schools are waking up and  
5 saying, "Oh, they're serious."

6 And I think that -- and as far as these  
7 late ones coming in, like one today about the  
8 building, they've known for a year -- for a year --  
9 that building was going to go away. So, I have no  
10 sympathy for people -- for schools like that. I  
11 really don't. You know what? Take care of it.

12 MS. BARNES: I have a -- I agree with you.  
13 And on the other -- and there were some comments  
14 about that today, as well. I said it was an  
15 emergency. And Karen said, "There was no  
16 emergency."

17 I was like, "Well, okay."

18 THE CHAIR: Okay.

19 MS. BARNES: But I do -- I don't know. On  
20 the other hand, if you were going to weigh it, you  
21 know, the International School at Mesa Del Sol  
22 waited because they wanted to have a board meeting.  
23 That is a good thing to get their board involved.

24 But, goodness, I don't like chaos. And  
25 this was -- Linda Olivas actually is working with

1 me, so that we're more -- you know, that we're  
2 really pushing it. But it is really baby-sitting on  
3 these amendments, because it wasn't because I didn't  
4 want to have them. And I couldn't even remember  
5 them all. I mean, you know --

6 THE CHAIR: I think, too, our agendas are  
7 getting so huge, we have so much to do, and it takes  
8 a great deal of time. We may need to get a little  
9 bit more organized, consolidate some things, like  
10 amendments. And we may even have to set a special  
11 meeting now and then, or add half a day to a regular  
12 meeting or something, just to do amendments.

13 There are all kinds of options, I think,  
14 out there. But we do need to discuss it. We do  
15 need to be sure we're on good, firm legal ground  
16 whatever we decide to do. So, maybe our best bet  
17 would be to ask Beverly to include this on our list  
18 of possible items for the agenda for the next  
19 meeting. And maybe we can talk about it when we get  
20 some more information from Joe and from Abby after  
21 this.

22 Commissioner?

23 COMMISSIONER BERGMAN: But I do think your  
24 suggestion of setting a deadline is a reasonable  
25 thing. In our discussion, we want to -- and have

1 the exception, if it is an emergency. And then who  
2 defines what's an emergency? But, I mean, you know,  
3 if we just said, "What's an emergency," One  
4 person's emergency is another person's --

5 THE CHAIR: Lack of planning.

6 COMMISSIONER BERGMAN: Yeah. So, there  
7 should be some criteria that says, ten days,  
8 14 days, whatever it's going to be. We can't flood  
9 Julia with this stuff three days before our meeting.

10 THE CHAIR: That's right.

11 Okay. Julia, have you completed your  
12 Director's Report?

13 MS. BARNES: Yes. The other things that I  
14 wanted to talk about roll right into the final thing  
15 that's on my list, which is the forms.

16 THE CHAIR: Okay. All right. We've  
17 finished, then, Item No. 12. Let's go back to Item  
18 No. 8.

19 And this, for those of you who were at the  
20 work session yesterday, know that we went through a  
21 whole bunch of stuff, and I feel like we got a lot  
22 done.

23 Julia, I don't know how you want to do  
24 this.

25 MS. BARNES: Let me just -- thank you.

1 Thank you all for who could come yesterday. I know  
2 that those of you who couldn't have work conflicts.  
3 But there were a lot of you there, and I really  
4 appreciate that, and appreciate you taking the time  
5 to talk about it today.

6 So, let me just walk you through --  
7 contract and performance frameworks. I have a  
8 worksheet. Again, that is a document that collects  
9 all of the blanks from the contract and the  
10 performance framework. We've updated that. I'll  
11 pass that out in a moment. I do have just a couple  
12 more comments on contracts before we look at the  
13 documents.

14 There -- just in terms of the upcoming  
15 negotiations, three schools have swapped places.  
16 But they've done nothing more than swap places. So,  
17 we haven't changed any of the negotiation times.  
18 We're going to get you the appropriate worksheets  
19 for the schools that are doing it.

20 I have an updated worksheet, but I -- I  
21 mean, I have an updated chart, which I can send out.  
22 However, I just want to say that we're going to send  
23 you the worksheet you're going to look at anyway.  
24 So, I've been really hesitant to let anybody make us  
25 have another negotiation day. So far, so good.

1                   COMMISSIONER BERGMAN: I would just note,  
2 Julia, that I'm going to discuss that here in just a  
3 minute, whenever we get to my part in that. We're  
4 just going to quickly review what you just said.

5                   MS. BARNES: Okay. Great.

6                   Two things on the performance framework.  
7 And I think we might talk about one of them. I  
8 wanted -- I'm trying to raise with you issues that  
9 are popping up. One of them is short-cycle  
10 assessments. Several schools last year used  
11 short-cycle assessments as their indicator, and they  
12 used Discovery, which was really not rolled out  
13 until this year. We're really working with those  
14 schools to understand how to use Discovery to see  
15 how that looks.

16                   It is not that -- not that easy.  
17 Actually, I -- I have a judgment about the  
18 contractors and the companies, because I think  
19 short-cycle assessments should tell you -- somebody  
20 should tell you, "If you score this, you're in third  
21 grade, and if you score that, you're in fourth  
22 grade."

23                   But, man, pinning those guys down, that's  
24 tough. And, then, how does that apply in  
25 New Mexico? Anyway, it's been an interesting thing,

1 and we're not done yet.

2           What we are doing with those three schools  
3 is they're all using Discovery. We're going to take  
4 back the information from Discovery. All three  
5 schools have begun two short-cycle assessments. And  
6 we're just looking at it. So we may bring that  
7 back. It is not outside of the realm of possibility  
8 that, you know, we may need to bring an additional  
9 indicator for those schools to you. I'm hoping not.  
10 I'm hoping we can use short-cycle assessments. I'm  
11 just not sure. So that's a little bit of a  
12 heads-up.

13           The second is the financial framework. I  
14 think most of you were here yesterday when Paul  
15 Aguilar came in. At least three schools are  
16 questioning the financial frameworks. Paul allowed  
17 us -- really, offered a lot of resources to look at  
18 that for next year. The issue is what we do right  
19 now, this year? Because I think none of us are  
20 really happy with that financial framework. But it  
21 is already -- it's already been accepted. It might  
22 be difficult to negotiate new ones now. I'm not  
23 clear on that, and I'm not clear, actually, if you  
24 want to talk about that right now.

25           THE CHAIR: I would almost rather we

1 waited until after your meeting next week with --  
2 with those folks. And then you can bring something  
3 back to us. Right now, we're just going, "Okay.  
4 Some of them don't like it, so what do we do?"

5 So, let's wait until we have some better  
6 information.

7 MS. BARNES: Okay, great. I'll bring that  
8 back. That's great.

9 Okay. So, let me start and pass out the  
10 documents.

11 COMMISSIONER BERGMAN: While you're doing  
12 that, Julia, a question just occurred to me. The  
13 documents that we used in this first round of  
14 negotiations for the contract and the performance  
15 framework, were those essentially the new documents?

16 MS. BARNES: Yes.

17 COMMISSIONER BERGMAN: Because I would  
18 note last year, as we went through the negotiations,  
19 we started using the documents we had, then things  
20 just immediately started jumping out at me, and I  
21 started writing questions right and left. This  
22 time, nothing jumped out at me on those documents.  
23 So, I was fairly well pleased at how they did get  
24 rolled out. So, nothing jumped out at me. That  
25 surprised me.

1 MS. BARNES: I will add one caveat to  
2 that. This last round, particularly in School for  
3 the Arts, the negotiations between Patti and Abby,  
4 there is a couple of technical cleanups that I might  
5 add to the document. The documents are posted,  
6 though. You did approve them. We did do technical  
7 changes. So, we're getting smaller and smaller each  
8 time.

9 This one, I hope, is not too hard. On the  
10 worksheet, we only -- the only proposed change from  
11 yesterday is to -- let's see what page it's on -- on  
12 Page 9. So, for those of you who weren't here  
13 yesterday, we are struggling with the fact that the  
14 application and the renewal application require  
15 goals, and then we turn around and ask them to  
16 negotiate goals.

17 So, we are working to get into the schools  
18 to present us a first draft, a strong first draft,  
19 and to indicate to us why they wanted -- why they  
20 want to change them in the negotiation session. So,  
21 we just did some wordsmithing to say that they can  
22 propose to do it; the PEC doesn't have to agree.

23 And that was the only major change. This  
24 document has been improved -- you'll see right above  
25 that, actually, is the Alma d'Arte goal is the



1 sample. So, I don't know if there is questions.  
2 This is a document that is reviewed, not approved,  
3 since it might change again. I don't know if  
4 there's any questions on that.

5 THE CHAIR: Julia, if I might propose,  
6 when we get into the contract, we did a lot of  
7 little wordsmithing changes. I don't know if each  
8 and every one of those needs to be pointed out. I  
9 do think you need to point out very clearly about  
10 the weighting changes in the scoring and major  
11 changes like that, and then see if there are  
12 questions.

13 But I know we spent a long time on this  
14 darling yesterday; but a lot of it was just -- we  
15 talked about a word for a good long while. So,  
16 let's just see what you think is the best way to go  
17 and what questions anyone might have. But I think  
18 certainly, the highlights might work.

19 MS. BARNES: Great. I do point that one  
20 out because it is a -- on the worksheet, it  
21 percolates through.

22 Does anyone want to make any comment  
23 before saying that you've reviewed the worksheet?  
24 And I know -- Commissioners Peralta and Carr, I know  
25 you couldn't be there, and then we throw 700 pages

1 of documents at you. But I'm happy to explain  
2 anything, in particular; Commissioner Conyers, as  
3 well.

4 COMMISSIONER CARR: Well, Madame Chair, I  
5 have a great deal of trust in, you know, what you  
6 guys did when we weren't here. And I would support  
7 you as being part of that -- part of the leadership,  
8 too, if I didn't have a great deal of confidence in  
9 what you were doing. But I'll look through -- you  
10 know -- so, I -- I'll just leave it at that. I have  
11 a lot of trust in you guys.

12 THE CHAIR: Thank you.

13 COMMISSIONER BERGMAN: Thank you.

14 MS. BARNES: Okay. Moving on, then, to  
15 the application, I think we do, then, want an  
16 approval of these. I've only given you two of them  
17 that we've really worked on. And I've done it again  
18 as track changes, so you can see them.

19 The highlights, I think -- and, actually,  
20 they're both -- the Section A is the introduction  
21 section. Section C is the actual. So, I will, as  
22 Commissioner Shearman wanted, give you the  
23 highlights.

24 One of the major things, I think, was an  
25 alignment of how the application is scored with how

1 the performance frameworks will be scored, which is  
2 looking at primarily, did you exceed or meet, not  
3 meet or fall far, far below. We're going to -- the  
4 roll-up sheet will be the same, show you that.

5 We're actually going to tell -- you know,  
6 we can count how many times they have exceeded or  
7 met the standards, and you'll see, when we talk in a  
8 minute, about the application itself.

9 If it's an important item like the  
10 mission, the mission-specific indicators, how you're  
11 going to select your board, you get more points if  
12 you give a very solid answer and exceed or meet the  
13 standards. So, there is an added bonus, I'll say,  
14 in terms of how the scoring is going to happen.

15 We, then -- so, that's a major alignment  
16 with the way the performance indicators are going to  
17 be, because, ultimately, we want really strong  
18 applications and really strong performance  
19 indicators.

20 Then we added throughout kind of  
21 clarification language as to what we expect from the  
22 applicants. This will help people know what to do.  
23 It will also help people be clear on what we expect  
24 of them. So, there are some notes and things along  
25 that line.

1           COMMISSIONER GANT:  Madame Chair, Julia,  
2  while you're looking, you know, you might inform the  
3  rest of them how we went through with the  
4  multipliers, and we changed the scoring, and why we  
5  did it the way we did it.  That might be of  
6  interest.

7           MS. BARNES:  So, last year, I think -- I  
8  think there was a lot of internal conversation at  
9  CSD about how to start to get the kind of  
10 applications, the quality application, that you  
11 want, that CSD wanted.  And there wasn't an  
12 opportunity, or CSD didn't take the opportunity, to  
13 go over this with you guys.

14           So, I thought the conversation was a  
15 continuation of that.  And -- and, so, now, again,  
16 if something is important, you get -- you kind of  
17 get bonus points if you score well on exceeds or  
18 meets.

19           I think it's very consistent with the kind  
20 of thinking that CSD was doing to -- and you  
21 achieved the same thing in a way that I think makes  
22 sense to you, and I think that that's going to work  
23 well.

24           THE CHAIR:  Julia, if I might just jump in  
25 here and just say, when we were working through this

1 yesterday, when we got to Page 3 of Part C,  
2 Application and Rubric, where it actually, under the  
3 Academic Framework, where it actually starts listing  
4 how the applicant met that condition, or that  
5 requirement, exceeds, meets, partially meets, and  
6 does not meet, we spent a lot of time on this.

7 I had a great deal of difficulty giving  
8 anyone a point when they didn't do anything, or if  
9 they partially pitifully met some part of it.

10 So, we finally -- and then we talked about  
11 the multipliers or the extra points that were  
12 awarded last year. And I honestly never understood  
13 how those extra points were earned, how sometimes  
14 they got three times the points, or other times,  
15 they got two times the points, I just didn't  
16 understand at all.

17 So, what we decided to do was on issues  
18 that we felt were vitally important to the  
19 application and to the success of a charter school,  
20 we made those parts more -- worth more if they did a  
21 really good job.

22 For instance, under this first -- under  
23 the mission, we said, "Instead of four points, if  
24 you exceed -- in other words, if you just did a  
25 top-notch job, we're going to give you eight points.

1 If you simply met the conditions, we were going to  
2 give you six points. If you partially met, you  
3 didn't get any additional consideration at all; you  
4 got two points. If you did not meet, you still got  
5 the one point."

6 There were items further over -- and,  
7 certainly, I don't think it will come to anybody's  
8 surprise that when we got to goals -- and that's  
9 over on Page 5 -- "exceeds" now is worth 12 points;  
10 "meets" is worth nine points; "partially meets" is  
11 two, and "does not meet" is one.

12 What we're trying to say is when an  
13 applicant looks at this application, they're going  
14 to say, "Wow, if I don't know how to write a goal,  
15 maybe I ought to figure it out or ask somebody or  
16 get some help. There is no way my application is  
17 going to be successful if I am only partially  
18 meeting the requirement. I've either got to meet it  
19 or exceed it, or I'm dead in the water."

20 And that was exactly our intent.

21 So, as you look through this, anytime the  
22 points for "exceeds" and "meets" are more than four  
23 and three, that's where we made the change and  
24 proposed extra points for doing a really good job;  
25 in other words, we want a really outstanding

1 application. If you do one, you're going to get the  
2 points; if you do a really mediocre application, I  
3 doubt it's going to survive.

4 That was my mindset. Certainly, the  
5 others who were here yesterday were all of the same  
6 mind. Commissioner Bergman?

7 COMMISSIONER BERGMAN: And, here, again,  
8 for the benefit of those, we did have a bigger  
9 discussion that, as we weighted some of those  
10 categories higher, you'll see there is a gap in  
11 there. And Commissioner Parker, particularly,  
12 raised the issue more than one time, "Are we skewing  
13 the figures?"

14 And, yes, we may be skewing the figures a  
15 little bit. But one Commissioner, in particular, in  
16 the areas of goals, who shall go unnamed, was the  
17 reason why that one got so much weighting. And even  
18 if it skews it a little, I think it skews it to the  
19 positive side, because you all who have been here a  
20 while know that we have trouble with virtually every  
21 application on the goals and the mission statement.  
22 If we can encourage them by giving them extra points  
23 to solve that problem so we don't waste hours in our  
24 hearings and hours in our meetings trying to figure  
25 out why they didn't give us goals and why they

1 didn't -- that was our goal.

2 We had some spirited discussions about  
3 that yesterday. I share what our Chair said. A lot  
4 of thought went into this yesterday.

5 MS. BARNES: Let me also add -- and I  
6 think Commissioner Parker, you can let me know --  
7 the score sheet is going to show that the skewing  
8 thing is, if someone got eight points and then got  
9 one point on something else, it'll average out to  
10 still looking pretty good, but they did very poorly  
11 in one section.

12 So, I think what we'll do is show you what  
13 they scored in each one in colors. So, if there's a  
14 lot of red on that application -- like, if they hit  
15 every, you know, multiplier question out of the  
16 park, but everything else is red, that's going to  
17 graphically snow you.

18 And I think, at least, that was what I  
19 took away with what you were saying. So, even  
20 though the points may look good, you can still see  
21 this was a very erratic application, and you should  
22 really look at it.

23 So, I think the score sheet, which we'll  
24 bring you next time so you can see it, just a  
25 roll-up of all the decisions that were made are



1 being made here in these drafts. But I think how we  
2 represent it to you is going to be a good -- and  
3 that's going too inform how we represent the  
4 performance frameworks for you, too.

5 THE CHAIR: Yes.

6 COMMISSIONER TOULOUSE: For the ones who  
7 weren't here, too, the other thing we discussed was  
8 not having the reviewers to see those additional  
9 points, so that they would look at something and  
10 say, "Oh, I don't want to give them this many, or I  
11 don't want to hurt them." So, the reviewers will  
12 not see the points. They will only see "exceeds,"  
13 you know, "meets."

14 MS. BARNES: And along that line -- Rachel  
15 and I talked about it afterwards -- they want to  
16 give, like, a 2.5. Now, what they're going to do is  
17 you have to choose one of those four, period. So,  
18 we're not going to have them focus on the scores.

19 I'm not entirely positive we're going to  
20 do a different application, because everything gets  
21 confusing. But what we decided to do was to  
22 limit -- they have to choose one of those four  
23 categories.

24 THE CHAIR: And it's the words, not the  
25 numbers.

1 MS. BARNES: It's the words, not the  
2 numbers.

3 THE CHAIR: So, I think that may take some  
4 of the pressure off. But I think we're going to be  
5 surprised, perhaps, when applicants really look at  
6 this and understand, "This is really important. You  
7 know, if I can get 12 points for doing this thing  
8 real good, this must be really important." So, I  
9 hope they'll focus in.

10 MS. BARNES: There's three trainings  
11 coming up. We'll emphasize the things that you all,  
12 in this document, have emphasized. So, I think the  
13 alignment and consistency will be good.

14 Let me just explain a little bit about the  
15 finance section. The schools will now present you,  
16 again -- or, still, I guess, maybe -- with a  
17 five-year budget. They will assume 15-percent  
18 special ed kids, which is the State average. So,  
19 you can see if they can address those issues.

20 It is a capacity issue, because they never  
21 use this budget for something later on. But they  
22 will show you how they're dealing with special ed.

23 And, then, we've asked them a couple of  
24 hypotheticals; in particular, two: What are you  
25 going to do if less students show up your first

1 year? You've budgeted for 100 kids, and 75 show up;  
2 what are you going to do?

3 The second is, How are you going to  
4 address special ed needs when you may not have the  
5 funding till the next year? Because, actually,  
6 International School really struggled with that.  
7 They had a lot more students. They didn't know how  
8 they were going to pay for it. But that isn't a  
9 good answer, so, you have to find an answer. So, we  
10 put some hypotheticals in there.

11 Those are the highlights. It didn't --  
12 the changes were exhaustive, but they took a long  
13 time to get there.

14 COMMISSIONER GANT: Exhausted you, also.  
15 Madame Chair?

16 THE CHAIR: Commissioner Gant.

17 COMMISSIONER GANT: A couple of things,  
18 Madame Chair. On the waivers. For you all, it's on  
19 Page 40. You know, we saw some applications that  
20 said -- that talked about waivers, and we looked --  
21 they would come up, and it said, "Insert," and  
22 nothing there.

23 Do we -- you know, for our future  
24 reference and understanding of where they're going  
25 and all that, you know, they can get a teaching

1 load. And they don't have to tell us, I guess, what  
2 they're doing. But wouldn't it be nice if we, as a  
3 Commission, understood what they're doing with  
4 teaching load or these other waivers that are all --  
5 you know.

6           Instead of saying, "I'm going to get these  
7 all, they don't need to know why," I think we do.

8           MS. BARNES: I wish we could explain it in  
9 English, too, because Rachel and I wanted to take  
10 out the waiver section, because they never know how  
11 to explain it. Maybe we do a better job -- it's  
12 required, so we left it in.

13           And what you're asking is really, how are  
14 you going to roll out your program? So, we're still  
15 struggling a little bit with that. But I think we  
16 can do that with training.

17           COMMISSIONER GANT: Another thing on the  
18 points -- Madame Chair -- you get the high ones, and  
19 you get the ones that are just four, three, two,  
20 one. They may max out the four, three, two, one.  
21 But if they dump the big ones, they can forget it.

22           MS. BARNES: Right. Right.

23           COMMISSIONER GANT: That'll just take it  
24 right down the tubes, and they'll say, "Well, look.  
25 We passed all these, and we got a two on the others;

1 so, why aren't we getting a" --

2 "Hey, you didn't give us a mission. You  
3 didn't give us the goals. There are some others in  
4 here with high points, too."

5 THE CHAIR: Finance.

6 COMMISSIONER GANT: Finance and all that.  
7 So they can tube this thing and still have high  
8 marks on the low ones.

9 COMMISSIONER BERGMAN: If someone was to  
10 raise that issue, I would say there is a reason why  
11 you looked at that document and saw that twelve  
12 points or that eight points there. It wasn't an  
13 accident. It involved a great deal of  
14 back-and-forthing with our Commission.

15 THE CHAIR: It was totally intentional.

16 COMMISSIONER GANT: And past experience on  
17 charter applications that were so mediocre, but they  
18 had the points.

19 THE CHAIR: Don't want mediocre.

20 COMMISSIONER CARR: Madame Chair. So,  
21 just curiosity, if they didn't meet the goal at all,  
22 why did they get one point?

23 MS. BARNES: Don't start down that road.  
24 You're preaching to the choir right there.

25 THE CHAIR: Don't ask me.

1 COMMISSIONER CARR: Must have been a good  
2 point.

3 COMMISSIONER GANT: Commissioner Carr, if  
4 I may, we talked about the statistics of what would  
5 happen if we get a zero.

6 COMMISSIONER CARR: Okay.

7 COMMISSIONER GANT: And it just doesn't  
8 work. So, we decided -- that's when we got into  
9 conversations about multipliers and making them  
10 higher and all that kind of good stuff.

11 COMMISSIONER CARR: Like I said before, I  
12 trust you.

13 MS. BARNES: I think Commissioner Shearman  
14 passed you a note to ask that question.

15 THE CHAIR: Okay. Julia, now, we did --  
16 we did the application. We made no changes to the  
17 rubric. We made no changes to the capacity  
18 interview; is that right?

19 MS. BARNES: Correct. We put a page break  
20 in on the Executive Summary.

21 THE CHAIR: Right. So, what we're  
22 actually looking at is the application that we did  
23 modify.

24 MS. BARNES: With the documents that I  
25 just handed out to you. All Commissioners have a

1 good draft of everything. I would like you to vote  
2 on the entire application. So, that is Section A,  
3 the introduction, the changes we just went over;  
4 Section B, whatever that is. There were no changes.  
5 The Executive Summary, there were no changes, from  
6 what's in your binder.

7 Section C, we modified primarily the  
8 points. We just went over this.

9 D is the questions that we ask in the  
10 capacity interview.

11 Those four documents actually make up the  
12 application. We would like you to vote on that  
13 today.

14 THE CHAIR: Okay. Okay.

15 MS. BARNES: Section E, just to finalize  
16 the whole process, is the roll-up -- and score  
17 sheet, we'll bring you that next time. But it's  
18 just a presentation of what's in --

19 THE CHAIR: It's just a working document.

20 MS. BARNES: And it's just how we format  
21 it.

22 COMMISSIONER BERGMAN: How about this  
23 contract negotiation worksheet? Did we already  
24 approve that and give you the option -- do we need  
25 to include that?

1 MS. BARNES: I don't think you need to  
2 include it in the vote, because I think you're just  
3 reviewing that document. And you've reviewed it,  
4 and nobody said anything, so I'm good with that.

5 THE CHAIR: Commissioners, let me ask you  
6 this: We're looking at Parts A, B, C, and D,  
7 primarily edits, corrections, changes were made to  
8 Part C, the application.

9 Do you want to approve, or do you want to  
10 take action on all four of those parts in one  
11 motion? Or do you want to deal with them  
12 individually?

13 COMMISSIONER BERGMAN: Let's do it all at  
14 once, if we can.

15 THE CHAIR: I'm hearing all at once. Is  
16 there any reason why we shouldn't?

17 MR. DVORAK: You do need to accept --  
18 because of what was distributed with the packet.  
19 This is an amendment. So, you have to approve this  
20 or substitute it in. So, you have to vote to  
21 substitute this in, and then you can vote to approve  
22 it in whole. Does that make sense?

23 COMMISSIONER BERGMAN: No.

24 MR. DVORAK: No? Okay. So, what was  
25 distributed in the binder was what was in the



1 agenda. But these were distributed at the start.

2 COMMISSIONER BERGMAN: So, you're saying  
3 this possibly is different than what was in our  
4 binder?

5 MR. DVORAK: It is different. That's why  
6 it needs to be voted on separately.

7 THE CHAIR: So, first, we need a motion  
8 that says what?

9 MR. DVORAK: You should introduce a motion  
10 to adopt these as amended, or approve the amended  
11 copy, and then pass that motion, and then vote to  
12 approve as amended. Does that make sense?

13 THE CHAIR: No, but I'll do it if you say  
14 to.

15 COMMISSIONER BERGMAN: I see -- what we  
16 were handed was an A part and a C part? Were we  
17 handed anything else that I'm not seeing here?

18 MS. FRIEDMAN: Three parts.

19 MS. BARNES: The worksheet was the first  
20 part; so, you're correct.

21 COMMISSIONER BERGMAN: She says we don't  
22 need to do that.

23 MS. BARNES: You need to substitute into  
24 your documents for consideration Part A and C in a  
25 vote, and then vote.

1 MR. DVORAK: You can do them,  
2 individually, but you can also do --

3 THE CHAIR: Okay. So, the first thing we  
4 need is a motion to accept Parts A and B that were  
5 distributed today. We need to accept those as a  
6 substitution. Please do that, somebody.

7 Commissioner Bergman.

8 COMMISSIONER BERGMAN: I see a hand  
9 raised. You normally ask, "Do we have discussion?"

10 COMMISSIONER TOULOUSE: No, I was going to  
11 move, too. So, you make the motion; I'll second.

12 COMMISSIONER BERGMAN: I would move that  
13 the Public Education Commission accept as a  
14 substitution the Part A to the new Charter School  
15 Application Kit, and the Part C Application and  
16 Rubric section to the new Charter School Application  
17 Kit, to replace the documents that we had earlier  
18 that were in our binder. Is that acceptable?

19 THE CHAIR: We have a motion. Do we have  
20 a second?

21 COMMISSIONER TOULOUSE: Madame Chair, I  
22 second.

23 THE CHAIR: All right. Motion and second.  
24 Is there any discussion? Can I have a voice vote?

25 MR. DVORAK: You can do either.

1 THE CHAIR: We're going to do a voice  
2 vote. All those in favor, please say "Aye."

3 (Commissioners so indicate.)

4 THE CHAIR: Any opposed, please say "No."  
5 (Silence.)

6 THE CHAIR: Motion carries unanimously.  
7 Now, the second motion needs to say.

8 MR. DWORAK: Do you want to adopt both of  
9 those documents as substitut- --

10 THE CHAIR: All four documents.

11 MR. DVORAK: Okay. Then you would adopt a  
12 motion to adopt the two as substituted, and the  
13 other two documents, whichever they were --

14 COMMISSIONER BERGMAN: Do we want to  
15 include Part E, which is the score sheet? We don't  
16 have the score sheet yet. Or can we wait on that  
17 part?

18 MS. BARNES: You can wait on that part.

19 COMMISSIONER BERGMAN: A and C as  
20 substituted, and B and D as we originally had it; is  
21 that correct?

22 THE CHAIR: That's correct. That's  
23 correct.

24 COMMISSIONER TOULOUSE: Madame Chair, I  
25 would make that motion, if it's appropriate.

1 THE CHAIR: Okay.

2 COMMISSIONER TOULOUSE: Madame Chair, I  
3 move that we approve the two sections, A and C,  
4 which we just placed -- replaced the previous ones  
5 in our binder, and the existing B and D, which we  
6 have, which make the complete application packet so,  
7 that it can be promulgated to the public.

8 COMMISSIONER PERALTA: Second.

9 MR. DVORAK: You can always rephrase a  
10 member's motion, too, if you want to clarify it.

11 THE CHAIR: I think it's fine.

12 COMMISSIONER BERGMAN: Sounds good to me.

13 THE CHAIR: We have a motion. Do we have  
14 a second?

15 COMMISSIONER PERALTA: Yes, second.

16 THE CHAIR: Motion by Commissioner  
17 Toulouse, second by Commissioner Peralta, to accept  
18 all four parts, A, B, C, and D, as have now been  
19 placed in our notebooks. Any discussion further?

20 COMMISSIONER BERGMAN: I would just say  
21 that in the past, I think, and in this case, we  
22 might want to do a roll call. I think we've done  
23 roll-call votes in the past for something like this.  
24 I may be wrong.

25 THE CHAIR: He likes to write stuff down.

1 Let's have a roll-call vote, Commissioner Bergman.

2 COMMISSIONER BERGMAN: Commissioner Carr.

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Conyers.

6 COMMISSIONER CONYERS: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Parker.

9 COMMISSIONER PARKER: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Peralta.

12 COMMISSIONER PERALTA: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna.

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Toulouse.

17 COMMISSIONER TOULOUSE: Yes.

18 COMMISSIONER BERGMAN: Commissioner Gant.

19 COMMISSIONER GANT: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Shearman.

22 THE CHAIR: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Bergman votes "Yes."

25 Madame Chair, by a nine-to-zero vote, that

1 motion has carried, and hallelujah.

2 THE CHAIR: Thank you all very much. The  
3 motion carries unanimously.

4 MS. BARNES: Yeah. So, in follow-up, we  
5 will send this out to every new applicant. And we  
6 will -- we're going to confirm with Abby that we can  
7 require use of this form and just ensure that we  
8 can. That training is coming up very soon.

9 So, let me just -- go ahead.

10 COMMISSIONER BERGMAN: Based on what Julia  
11 just said -- that's another thing we discussed  
12 yesterday. I raised the issue that we have gone to  
13 all this trouble for all these forms, and we've had  
14 a few applicants each year that just choose to  
15 ignore our form. And I think that's what she's  
16 referring to. They're going to -- can we require  
17 them to use our forms that we have used so much time  
18 and energy on?

19 THE CHAIR: Thank you for remembering  
20 that.

21 MS. BARNES: So, let me give you an  
22 overarching view of where we are. The contract and  
23 performance frameworks are completed.

24 There are a few more technical changes,  
25 language cleanup, that I may get to the Executive

1 Committee, but they are posted; you are using them;  
2 you just reviewed the worksheet. We're good on  
3 that.

4 The next pressing issue on those is  
5 looking at the financial framework, and we'll bring  
6 that back to you.

7 The application forms and assessment  
8 templates, we are good to go. You just approved  
9 them. We will get you the score sheet next time.

10 The renewal form and assessment with  
11 template, Madame Chair, I think we need to find  
12 probably a two-hour block to look at them, not a  
13 long period of time. So much of what you have just  
14 done, we can just incorporate in the documents. We  
15 already know which direction we're going.

16 I do not think there will be a rubric. I  
17 think we will use the analysis form that CSD uses,  
18 because, unlike the application, where you can just  
19 score an answer, it is much more -- there are much  
20 broader questions on the renewals. It's not really  
21 a yes-no. So, we'll look at that when we look at  
22 the renewal forms.

23 Site visit forms, you have reviewed them.  
24 The Staff, I will tell you, is just going to town on  
25 those forms. We're really figuring out how to --

1 how to roll out the site visit and performance  
2 framework process internally. I don't think there's  
3 any more action on that.

4 Section E, which is the last one, is  
5 protocols. I think -- at least at this time, I  
6 think that Abby Lewis' proposal, and mine, is that  
7 rather than promulgate rules at the Public Education  
8 Department on actions that you all take, like  
9 corrective action, what you do -- let's use a  
10 protocol pro- -- a procedure process.

11 We can draft those procedures and even  
12 have a working session on them, where we can get  
13 input from the public. After we know that those are  
14 working well for you in a year or so, then that's  
15 fine if we want to turn them into rules. But I  
16 think we'd like to continue the kind of process and  
17 progress that we've made on the forms.

18 That's, at least, the current thinking.  
19 It will be after the negotiations. So, that's, at  
20 least, what we're thinking.

21 All right. And here's where we're going  
22 to, is you can all get a beautiful binder. And, you  
23 know, they're just going to have tabs of what I just  
24 went over. Everything that you've approved or  
25 reviewed is going to be in here. We've got a sample



1 of it. And then the -- the -- this chart,  
2 actually -- I wish I had printed out more of the  
3 chart; I can pass it around -- it tells you when you  
4 need to look at it again on the calendar.

5 And it's not terrible, actually. It  
6 really kind of rolls out during the year, so that we  
7 know when you should just look at it again to use it  
8 again. So, you're right on track for the renewals.  
9 You'll look at them next meeting. You'll look at  
10 them in March, and then they'll roll out to be used  
11 in July. So, it becomes a more standardized  
12 process, a whole lot less intense process. Maybe we  
13 just got all the tracks laid. We're getting there.

14 So, we were going to make a binder for  
15 each person. We'll also put your procedures in  
16 here, as well. So, this will be a comprehensive  
17 book to -- that you can carry around with you.

18 And I -- we were going to make one for  
19 everyone, and one that is kept here in Santa Fe.

20 COMMISSIONER CARR: Madame Chair?

21 THE CHAIR: Yes.

22 COMMISSIONER CARR: Could we get that in  
23 electronic form to put on our new computers?

24 MS. BARNES: Yes.

25 THE CHAIR: That would be nice.

1 COMMISSIONER CARR: Yeah.

2 MS. BARNES: Rather than a binder.

3 COMMISSIONER CARR: For me, personally,  
4 I'd rather have it in computer form. But I know  
5 others might want something else.

6 COMMISSIONER BERGMAN: I think one or two  
7 of us might like to have the binder.

8 MS. BARNES: So, who wants it  
9 electronically? One, two, three, four.

10 MR. DVORAK: Abby would.

11 MS. BARNES: Five, six; so, six  
12 electronic. And then the rest, we'll give you hard  
13 copies.

14 COMMISSIONER BERGMAN: I know that causes  
15 some angst, but, please, I just love to sit down  
16 with a book. I can't sit down with a floppy disk.  
17 I can't --

18 COMMISSIONER CARR: I mean, same thing. I  
19 mean, with -- some of us may, when we get --  
20 everybody gets computers, rather than have these  
21 binders. I'm fine with having it -- the electronic  
22 version, like Mr. Gant has here.

23 MS. BARNES: Actually -- let's see. So,  
24 five of you -- who does not want a binder? You want  
25 one. You just want it electronically.

1 COMMISSIONER TOULOUSE: No, I want a  
2 binder. He wants it electronically.

3 MS. BARNES: So, how many people just want  
4 it electronically? One, two -- four. So --

5 THE CHAIR: One, two, four. I like that.

6 COMMISSIONER BERGMAN: We have five. Abby  
7 is five.

8 MS. BARNES: Okay. So, we'll just -- we  
9 can just do a CD, and then, everybody, we'll give  
10 you a CD and a binder for the rest. I'm so proud of  
11 you guys. We got so far. I am.

12 COMMISSIONER GANT: You're the one who did  
13 all the work.

14 MS. BARNES: Well -- and I know some  
15 people said it was like watching grass grow. But  
16 there's a lot of grass that grew.

17 THE CHAIR: Okay. That's it, Julia?

18 MS. BARNES: Can I -- give me one second,  
19 but I think so. I'm done talking.

20 THE CHAIR: Okay. Then let's move on to  
21 Item 13, Discussion and Possible Action on PEC Rules  
22 of Procedure. I hope everyone has had an  
23 opportunity to read these. There are some fairly  
24 significant changes in these.

25 Joe, I'll ask you to -- do you want to go

1 through them, or do you want to answer questions?

2 How do we want to do this, Commissioners?

3 It's 3:30. We probably can't even think  
4 anymore, but --

5 COMMISSIONER TOULOUSE: Madame Chair, I'm  
6 one of the ones who had some concerns last time. I  
7 have reviewed this document, and I am quite pleased  
8 with the way it has been reworked, and I think this  
9 meets our needs, from my standpoint.

10 So, looking at the clock, too, and the  
11 fact that this is middle of the afternoon -- I'm  
12 getting tired -- I really would be comfortable to  
13 see, if after a brief discussion, people are ready  
14 to vote, because I am.

15 COMMISSIONER BERGMAN: You just asked --  
16 I'm with her. I like this document. I'm ready to  
17 go.

18 THE CHAIR: Okay. Does anyone have any  
19 questions or concerns that they want to bring  
20 forward at this time?

21 MR. DVORAK: I can address -- give a brief  
22 overview of what we did. But I think it's  
23 self-explanatory.

24 THE CHAIR: As I read through it, I went,  
25 "Yeah, yeah, yeah."

1           Let's see if there are any questions, or  
2 we're ready to move to a motion.

3           COMMISSIONER GANT: Let's hear what he has  
4 to say, too.

5           THE CHAIR: Do you?

6           MR. DVORAK: Well, there was a lot of  
7 feedback that we received -- I received -- or Abby,  
8 also, clearly, I guess it was last month. So --  
9 yes, it must have been. Anyway -- so, a lot of  
10 those changes were all incorporated fairly easily  
11 into this document. And I think the simplicity of  
12 this is that it's easily amendable. And, so,  
13 anything that seemed controversial, we steered clear  
14 of, and I think that we were able to reword it and  
15 incorporate the provisions that were generally  
16 acceptable and amend, or even remove, others that  
17 either were not wanted or just seemed like they  
18 needed a little bit more time to be considered.

19           So, I don't know if there are any  
20 questions. I'd be happy to try to answer them.

21           THE CHAIR: Thank you. Are there  
22 questions?

23           COMMISSIONER BERGMAN: Not a question, but  
24 just a clarification, because one of the changes was  
25 it made our secretary, me, responsible for the

1 recorder. And I know we briefly discussed that last  
2 time. Beverly, are you the one that actually  
3 arranges for the recorder?

4 MS. FRIEDMAN: Exactly.

5 COMMISSIONER BERGMAN: So, you're going to  
6 continue to take care of that, and so, I'm not going  
7 to try and track down a recorder for all these  
8 meetings. Is that correct? Because that's what it  
9 says in here. I just want to be sure that you're  
10 going to continue to take care of it.

11 MS. FRIEDMAN: That's true. I don't  
12 know -- Madame Chair, I don't know whether that  
13 needs to be defined in those Rules of Procedure. I  
14 don't think so. I don't think so.

15 THE CHAIR: I think -- my thought would be  
16 the Secretary takes care of that.

17 MS. FRIEDMAN: Right.

18 COMMISSIONER BERGMAN: I delegate that to  
19 you, as a managerial decision.

20 MS. BARNES: I wonder, Joe -- there was a  
21 question as to whether working sessions need to be  
22 recorded or not. And that would be good to clear  
23 that up. I think, based on yesterday -- two times  
24 ago, of course, it was transcribed. This last time,  
25 what I'm going to do is forward the changed

1 documents to Beverly as part of the record. But I  
2 don't know what you need to do.

3 MR. DVORAK: Well, it depends -- if you're  
4 looking at the question from a legal standpoint, the  
5 Open Meetings Act does not require a transcription.  
6 It does require certain things, like votes and other  
7 procedural items to be written out and provided in  
8 minutes. But minutes can be very, very basic.  
9 Clearly, if a meeting is longer or more complicated,  
10 the minutes become longer.

11 But some meetings can satisfy the Open  
12 Meetings Act requirements by a simple one-page  
13 set -- or compilation -- of minutes.

14 MS. BARNES: And the working sessions, by  
15 definition, there's no vote taken.

16 MR. DVORAK: Right. And as long as it's  
17 noted -- I would suggest that, as an addendum, or  
18 even the beginning of the minutes from this meeting,  
19 that the minutes from the working session only  
20 include -- at least at minimum, include the time the  
21 meeting was called to order, if any votes were made,  
22 and general outcome of the meeting, and then when  
23 the meeting was called to close.

24 If bodies -- other bodies do suggest or  
25 require in their own rules that any type of meeting

1 held by the body, as long as there is a quorum, do  
2 transcribe their minutes, that would be something  
3 that would be completely up to the Commission. So,  
4 if that was something that they wanted to do, say,  
5 it was any meeting that was subject to the Open  
6 Meetings Act, they could require that meetings be  
7 transcribed completely.

8 But legally, there is no requirement. The  
9 Open Meetings Act requirements for minutes of a  
10 meeting are fairly simple.

11 COMMISSIONER BERGMAN: Madame Chair?

12 THE CHAIR: Commissioner?

13 COMMISSIONER BERGMAN: Then, based on what  
14 our current attorney today just said, might I impose  
15 upon you, Beverly -- could you maybe just do a  
16 one-page document, just a paragraph or something?  
17 We started at 9:30. We ended at 4:00. We took no  
18 votes.

19 MS. FRIEDMAN: That's what I have.

20 COMMISSIONER BERGMAN: If you'd just do a  
21 one-page thing that you might put into your file or  
22 somewhere, where -- to meet his -- what he just  
23 said, that there's some document that says that,  
24 right? If you wouldn't mind doing that for me --

25 MS. FRIEDMAN: Yes, Commissioner Bergman.



1 What I had planned for yesterday was indeed to do  
2 that, after talking to Mr. Dworak. And my question  
3 is, do you want that posted on the PE website, like  
4 I did the past two meetings when we posted the  
5 transcribed work sessions, and want them approved at  
6 the next meeting? Or do you want those just as  
7 notes that go as an addendum to the minutes for the  
8 meeting the following day?

9 MR. DVORAK: From a legal perspective, I  
10 think that you could put it at the beginning, just  
11 like this agenda, the agenda -- the posted agenda  
12 that was required under the Open Meeting Act,  
13 because it was a full quorum. This was sufficient,  
14 the agenda that is for today. At the very beginning  
15 of it, it says that there was a working session  
16 yesterday. So, if you include it at the very  
17 beginning of the minutes for today, that there was a  
18 working session and when it was called to order and  
19 a basic explanation of what happened and that there  
20 was no vote taken or action taken and when it was  
21 closed, I think that would be sufficient for the  
22 Open Meetings Act.

23 COMMISSIONER BERGMAN: Based on what you  
24 just said -- you said "quorum." We did have a  
25 quorum yesterday. So, would there need to be a

1 short sentence, "There was a quorum present"?

2 "There was a quorum present." Or am I nitpicking  
3 now?

4 MR. DVORAK: I can go over the  
5 requirements separately if you'd like, Beverly, to  
6 explain -- to make sure that the minutes reflect the  
7 requirements under OMA.

8 COMMISSIONER BERGMAN: So just the four  
9 words, "A quorum was present."

10 MR. DVORAK: I can touch base with you  
11 after the meeting to make sure all that information  
12 is included.

13 THE CHAIR: Okay. All right.  
14 Commissioner Gant?

15 COMMISSIONER GANT: Madame Chair,  
16 yesterday, when we first started the work session,  
17 or before or whatever, there was a discussion about  
18 having minutes, verbatim meeting minutes, for  
19 regular meetings.

20 And Mr. Hill, I guess, the attorney for  
21 the PED, is saying we don't need them. But in my  
22 view, if we have to ever go to court -- so, I'm --  
23 do we need a consensus here from the -- from the  
24 Commission, whether we want full verbatim minutes or  
25 not?

1 THE CHAIR: Can we do that, since it's not  
2 noted on the agenda, or is that Rules of Procedure?

3 COMMISSIONER GANT: Could we have that  
4 during the PEC discussion point? At that point, we  
5 could have it as an action item.

6 COMMISSIONER BERGMAN: PEC Comments?  
7 Yeah.

8 MR. DVORAK: Technically, the recording of  
9 the minutes is at the discretion of the Chair. And  
10 right now, these minutes would be in consultation  
11 with the Commission Secretary. Unless it was  
12 included in the rules, whether it be in the statute,  
13 the code or the Rules of Procedure, there is no  
14 obligation to have the minutes transcribed. That's  
15 a decision that's made -- it's an administrative  
16 procedural decision. It's just at the discretion of  
17 the Chair of the body.

18 So, if the Commission wanted to require  
19 that these minutes be transcribed, that would be  
20 something that they -- you could certainly vote upon  
21 or include in here. And you could do it now, or in  
22 (inaudible).

23 THE CHAIR: Commissioner?

24 COMMISSIONER BERGMAN: Well, here again,  
25 in that regard, I personally agree with Mr. Gant. I

1 would like to have it. But we can jump up and down  
2 all we want. Maybe we should go ahead and, like I  
3 say, come to a consensus, but if PED's not going to  
4 pay for it, we aren't going to have it, 'cause we --  
5 our budget is already stretched to its max, of zero.  
6 If we don't have any money, we can't pay for it,  
7 yeah.

8 COMMISSIONER GANT: Madame Chair? I'm one  
9 of these kind that says go ahead and do it until  
10 they tell you you can't do it and force the issue.

11 COMMISSIONER BERGMAN: Yeah, let's force  
12 it. I hear you. I want to have it, actually.

13 THE CHAIR: All right. So, you are saying  
14 we could go ahead and add it to these Rules of  
15 Procedure, or wait until we get to Comments and talk  
16 about it there. But we could vote, if we wanted to,  
17 on that issue?

18 MR. DWORAK: Madame Chair, you could vote  
19 to change the language of these Rules of Procedure  
20 to include the requirement that minutes be  
21 transcribed. But if it's not included, there's  
22 absolutely nothing to prohibit you from continuing  
23 this practice of transcribing it. It's something  
24 that, because there's a cost involved, I think that  
25 it's a fine -- it's a -- it's something that

1 requires, I think, some extra consideration, only in  
2 the sense that if you don't have a budget for it,  
3 but, yet, you have a requirement in your Rules of  
4 Procedure, you could hit a roadblock at some time in  
5 the future if the funding isn't there for the  
6 transcription.

7 But you could certainly include it. And  
8 if it doesn't happen, you would be only breaking --  
9 because of budgetary restraints if it didn't happen,  
10 you would only be breaking the Rules of Procedure.

11 COMMISSIONER BERGMAN: I wouldn't want to  
12 take up a collection to pay for something we  
13 insisted on and that they, down the hall refused to  
14 pay for. We don't have the money.

15 THE CHAIR: Let us bump this to next  
16 month's agenda, please. And maybe we can look into  
17 the item. Perhaps we can get Deputy Secretary  
18 Aguilar to weigh in on this one for us and maybe  
19 commit to assuring the funds will be there.

20 I believe we're to the point where we're  
21 ready for a motion on our PEC Rules of Procedure, as  
22 presented.

23 COMMISSIONER GANT: Madame Chair, I move  
24 we accept the Rules of Procedures, as written.

25 COMMISSIONER BERGMAN: Second.

1 THE CHAIR: Motion by Commissioner Gant,  
2 seconded by Commissioner Bergman, to accept the  
3 Rules of -- the Public Education Commission Rules of  
4 Procedure, or Rules of Order.

5 COMMISSIONER BERGMAN: I think it says  
6 "Rules of Procedure" on the front.

7 COMMISSIONER CARR: Rules of Procedure.

8 THE CHAIR: It says "Rules of Order."

9 COMMISSIONER BERGMAN: I don't have it in  
10 front of me.

11 THE CHAIR: Joe?

12 MR. DWORAK: The document itself does say  
13 "Rules of Order." If you would like to change that,  
14 that's an editorial issue. So, I -- it can be  
15 called anything -- is the amendment on the floor?

16 THE CHAIR: There's a motion on the floor,  
17 yes.

18 MR. DVORAK: Has it been seconded?

19 THE CHAIR: Yes. And it said, "Rules of  
20 Procedure."

21 MR. DVORAK: If you'd like to have a  
22 discussion on whether you want to change it, that's  
23 fine.

24 THE CHAIR: I don't want to have a  
25 discussion. I want to vote on the motion.

1 MR. DVORAK: You can have the individual  
2 who made the motion and the second --

3 COMMISSIONER GANT: Madame Chair, I  
4 withdraw the motion.

5 COMMISSIONER BERGMAN: I withdraw the  
6 second.

7 THE CHAIR: All right.

8 COMMISSIONER GANT: So, what is it called?

9 COMMISSIONER BERGMAN: "Rules of Order"  
10 instead of "Rules of Procedure."

11 COMMISSIONER GANT: Madame Chair, I move  
12 that we accept the Rules of Order, as presented and  
13 written.

14 THE CHAIR: Thank you.

15 COMMISSIONER BERGMAN: Second.

16 MR. DWORAK: Can I -- sorry. Just, as a  
17 legal issue, is it possible to include a stipulation  
18 with the order to grant editorial privileges, so in  
19 case there's any various minor, nontechnical changes  
20 and commas, things like that, we can go ahead and  
21 correct that?

22 COMMISSIONER BERGMAN: To you or Abby?

23 MR. DVORAK: Yeah.

24 COMMISSIONER GANT: Madame Chair, I add  
25 the stipulation that editorial --

1 MR. DWORAK: "Editorial privilege" is  
2 fine.

3 COMMISSIONER GANT: -- editorial  
4 privileges by our attorneys are included in the  
5 motion.

6 COMMISSIONER BERGMAN: And I would then  
7 add a second to that stipulation.

8 COMMISSIONER GANT: Now, you've got to  
9 vote on that one.

10 THE CHAIR: Now, we vote on it.

11 MR. DVORAK: The whole thing.

12 THE CHAIR: We vote on the whole thing.

13 MR. DVORAK: As stipulated.

14 THE CHAIR: You've heard the motion and  
15 the second. And I wouldn't even attempt to restate  
16 it, unless I need to.

17 All right. Thank you very much. Further  
18 discussion? All those in favor, please say "Aye."

19 (Commissioners so indicate.)

20 THE CHAIR: Any opposed, "No."

21 (Silence.)

22 THE CHAIR: The Rules of Order, as  
23 presented, are approved. Thank you very much.

24 Next item is PEC Meeting Calendar. You  
25 have one in your binder. It has been -- it's been



1 brought to our attention that our March meeting  
2 currently scheduled on March the 28th -- no, it's  
3 the April and May meeting that's the -- well --

4 COMMISSIONER BERGMAN: So, it's the March  
5 and April. You're right.

6 THE CHAIR: The March meeting is scheduled  
7 to coincide with the Spring Budget Workshop. Then  
8 the April meeting is the 11th, which is barely two  
9 weeks later. And, then, of course, the May meeting  
10 is on the 9th, March -- pardon me -- April 20th is  
11 Easter. Friday, April 18th, is Good Friday.

12 So, we're working with some constraints  
13 there, if we consider moving the April meeting to  
14 later in the month to where it doesn't fall almost  
15 right on top of the March meeting. What are your  
16 thoughts?

17 COMMISSIONER BERGMAN: If you move it that  
18 way, then we have the same problem with April and  
19 May. So, we're going to be within two weeks of one  
20 or the other. I don't think we have any choice. If  
21 it's a problem for someone, sad to say --

22 COMMISSIONER CARR: Is it necessary that  
23 we meet in April?

24 COMMISSIONER PERALTA: I was going to say,  
25 is there a real need in April?

1 COMMISSIONER BERGMAN: The contract  
2 negotiations. We're going to have some contracts  
3 every meeting. That's why we did this, yeah.

4 MS. BARNES: The -- it's possible -- it's  
5 back to the question as to whether it's long or not.  
6 I think, though, the reason why it might be okay is  
7 that they're not incredibly long conversations,  
8 typically, on the contracts themselves, because  
9 they've been so thoroughly vetted by the -- by the  
10 teams. That doesn't mean there won't be.

11 So, we could do one or -- we could do one  
12 or the other. We could keep April 11th. People  
13 that are on that calendar are planning on coming,  
14 but we could let them know. And if there wasn't an  
15 April meeting and everything got moved to May, that  
16 would be possible.

17 COMMISSIONER BERGMAN: And if we just have  
18 some contract negotiations to finalize, maybe it  
19 would be a fairly short meeting, and we wouldn't  
20 have -- I know it would be a half-day meeting. And  
21 I know we'd have to travel. But right now, I don't  
22 know what else is going to be on in April.

23 THE CHAIR: Well, I don't, either. But I  
24 know that if we just cancel a meeting, then the next  
25 month is going to be just horrendous. And I don't

1 think we can do that.

2 COMMISSIONER TOULOUSE: Madame Chair,  
3 didn't we sort of have this discussion when we set  
4 the calendar, that we knew we would have these  
5 closer, but that we were adjusting for the other  
6 meetings and things like that, just like when we set  
7 January prior to the Legislative Session, and that  
8 sort of thing?

9 So, I seem to remember this discussion,  
10 that we would have this one meeting where there was  
11 a couple of weeks in between.

12 THE CHAIR: Well -- and the other thing is  
13 because it's so close to the holiday, I know that  
14 Commissioner Parker would not be available to come  
15 to the meeting on April the 11th. Would that impact  
16 anyone else? Would they be out of town or whatever  
17 because of the holiday?

18 Okay. So, what's your pleasure on the  
19 calendar?

20 COMMISSIONER PERALTA: Just leave as is.

21 THE CHAIR: Leave it as it is?

22 COMMISSIONER CARR: Leave it as it is.

23 MS. FRIEDMAN: Madame Chair?

24 THE CHAIR: I'm hearing somebody.

25 Beverly?

1 MS. FRIEDMAN: Madame Chair, on the  
2 meeting for March 28th, that will take place in  
3 Albuquerque during the Spring Budget Workshop. Do  
4 you need time the day before to have a work session?  
5 And if you do, I've got a room here in Santa Fe,  
6 Mabry Hall. But I don't have one in Albuquerque at  
7 the hotel.

8 I can certainly ask them if they can find  
9 a room for a work session on that Thursday.

10 THE CHAIR: I think we will need a work  
11 session, will we not?

12 COMMISSIONER BERGMAN: Wasn't that what  
13 you said yesterday?

14 MS. BARNES: And I have it in my calendar  
15 for a two-hour work session. I think that's  
16 sufficient for the renewal documents.

17 THE CHAIR: If we could do the afternoon  
18 of the 13th -- I mean Thursday, the 10th -- I'm  
19 sorry. Let me back up. Afternoon of March 27th, do  
20 they -- have they reserved us a room to have our  
21 meeting?

22 MS. FRIEDMAN: Yes, they have.

23 THE CHAIR: So, if they could find us a  
24 room for the afternoon?

25 MS. FRIEDMAN: Okay. I will ask them.

1 THE CHAIR: Okay, great. Okay.

2 MS. BARNES: At 3:00? 3:00 to 5:00? Or  
3 what time?

4 THE CHAIR: Why don't we make it, like,  
5 1:00? And then if we run long, we'll have time.

6 COMMISSIONER BERGMAN: What do we want to  
7 have? Because I know some of the Commissioners  
8 don't attend the Spring Budget Workshop. So, how  
9 will that, either a 1:00 or a 3:00, affect you guys  
10 if you're not going to the Spring Budget Workshop.

11 COMMISSIONER CARR: I'm actually going to  
12 go this year.

13 MS. BARNES: I think we might have set  
14 3:00 to allow people to go to the Spring Budget  
15 Workshop, if I recall.

16 THE CHAIR: I hate to limit us to really  
17 just two hours.

18 COMMISSIONER BERGMAN: Commissioner Pogna  
19 just said 1:00. I could live with 1:00.

20 THE CHAIR: I think 1:00 would be more  
21 reasonable.

22 COMMISSIONER GANT: Madame Chair, for the  
23 record, though, I have a PSCOC meeting on the  
24 morning of the 27th. I will try to be back down to  
25 Albuquerque by 1:00. But go ahead and start.

1 THE CHAIR: Okay. Are we okay with the  
2 calendar?

3 All right. Let's go to Commissioner Carr  
4 for Legislative Committee Report.

5 COMMISSIONER CARR: Well, I know I sent  
6 out FYIs on what was going on. We certainly -- one  
7 of the good things I think we got out of the two  
8 amendments we were supporting was that I think  
9 people found out what the PEC was. And I was the  
10 guest on the Senate floor for about three days, and  
11 I was introduced as a member of the Public Education  
12 Commission. And I -- you know, I participated in at  
13 least five hearings as a member of the Public  
14 Education Commission.

15 And I think that -- we got a lot out of  
16 it. The -- the Whip count on the -- our -- the main  
17 amendment was 50/50. But it was not brought to the  
18 floor. There are all kinds of reasons why things  
19 are not brought to the floor, you know. Unlike us,  
20 they can operate without -- they're not subject to  
21 the Open Meetings Act. So, there's all kinds of  
22 private discussions that go on, negotiations, and  
23 speculation.

24 You know, I can speculate, you know, all  
25 you want. Our amendment could have been used as a

1 wedge for something else. But I have no way of  
2 knowing that. If I had been privy to it and sworn  
3 to silence, then I couldn't tell you that, probably.

4 So, I think we were really close. There  
5 were two members of the House that were sick who  
6 didn't show up -- actually, there were really three.  
7 And with the elections coming up, who knows how that  
8 will go. But I think we should just keep presenting  
9 it. Every year, it's gone through the process.  
10 Most people agree that it's the right thing to do.  
11 The National Education Association of New Mexico did  
12 a survey where 80 percent of the people in  
13 New Mexico supported it. That's even more than the  
14 people who supported a minimum wage. That's rare  
15 that you have that many people support something.  
16 So, there's a great deal of public  
17 support. That let me know that if it passed the  
18 Legislature, it wouldn't have a problem at all  
19 passing a popular vote. So, we'll take a look at it  
20 again, you know. And, then, if you guys want me to,  
21 you know, push this full-steam ahead, or if there's  
22 something else, you know, we want to add, you know,  
23 as we get -- after the elections, probably, we'll  
24 have an idea of what we're going to be capable of  
25 doing and not doing, and we'll just try again.

1 THE CHAIR: Any questions? You know,  
2 Jeff, the only thing I thought of after the bill was  
3 actively being looked at is there was no mention of  
4 charter school responsibilities in the bill. And I  
5 wondered if that needed to be included, or if it was  
6 just assumed that those duties would continue.

7 COMMISSIONER CARR: Well, one of -- I --  
8 Senator Keller sponsored Senate Joint Resolution 8,  
9 which was the amendment that supports -- that would  
10 have had us just assume responsibilities over the  
11 Charter Division. That -- it was a -- there were  
12 questions on it, and everybody -- there were  
13 actually people who asked that question in the  
14 hearing, "Well, who's going to take care of the  
15 Charter Division?"

16 Well, if it's -- we have a State School  
17 Board, it'll be the State School Board. It's --  
18 so -- and we're talking about an amendment. You  
19 know, you can't -- you can't put a lot of details in  
20 an amendment, you know. We were asked about  
21 everything you can imagine, you know. Are we going  
22 to have salaries? Is it going to cost more money?  
23 I -- just, you know, tons of things.

24 And I think there was a great deal of  
25 education taking place with the Senators and House



1 members, too.

2 So, that wasn't really a question. And,  
3 then, you know, Senate Joint Resolution 8, which --  
4 you know, I'll tell you what happened with that.  
5 When we got to the final committee, that passed  
6 through every committee except for the Judiciary  
7 Committee. And I testified for it to -- we had  
8 people take walks, and we lost a quorum. And I  
9 don't know why. And neither one of the Senators  
10 showed up who sponsored it.

11 And, so, I spoke, and another Senator who  
12 didn't know anything about it, you know, had to be  
13 there. And, so, I don't know what happened. That  
14 was a mystery. And because that was held out. And  
15 I told the people who were still there that this was  
16 a choice. You know, we wanted to have a choice. If  
17 they didn't want to go full board with the State  
18 School Board, then how about this? But it never  
19 went anywhere.

20 THE CHAIR: There's next year.

21 COMMISSIONER POGNA: Madame Chair?

22 THE CHAIR: Yes.

23 COMMISSIONER POGNA: I wanted to ask Jeff  
24 a question. Did you hear anything about how did the  
25 Governor feel about losing the power? Did you hear

1 anything about it? I haven't.

2 COMMISSIONER CARR: Nothing -- nothing  
3 direct. But I think it was quite clear, all the  
4 committee votes were party-line. And I -- you know,  
5 there was a great deal of intimidation and things  
6 that go on. You know, same thing when Governor  
7 Richardson was there. Some people were scared of  
8 him; some people weren't.

9 But -- you know. And then there was a  
10 great deal of discussion about how we came to where  
11 we are today anyway, you know, from 2003. And there  
12 was four or five Senators on one committee who had  
13 went against Governor Richardson: Linda Lopez,  
14 Michael Sanchez, the Senate Minority Leader, who was  
15 also against it. And because -- you know, the  
16 Chamber of Commerce had supported changing this.

17 And they were -- they were present at  
18 every meeting, speaking out against it, as well as  
19 the Business Alliance -- Business Round Table --  
20 yeah -- sorry.

21 But there -- vast majority of people that  
22 were at every committee meeting. Some of the  
23 committee meetings were jam-packed, and there was  
24 standing room only, that -- you know, for people who  
25 actually supported what we wanted.

1           So, I think -- I think that's -- that  
2 spoke loudly to a lot of people. And I think there  
3 was a lot of Republicans who would have liked to  
4 have voted for it, because they didn't like it,  
5 anyway. But, you know, that's politics.

6           THE CHAIR: Any other questions?

7           COMMISSIONER TOULOUSE: Madame Chair?

8           THE CHAIR: Commissioner?

9           COMMISSIONER TOULOUSE: This is a comment,  
10 too. I think that one thing that this did this  
11 time, coming at the same time, there was the  
12 continuation of the confirmation hearing and all.  
13 We got media time.

14          COMMISSIONER CARR: Yes.

15          COMMISSIONER TOULOUSE: We got -- you  
16 know, all the television stations mentioned it.

17          COMMISSIONER CARR: Yes.

18          COMMISSIONER TOULOUSE: The new- -- of  
19 course, the Albuquerque Journal doesn't think we  
20 should be here, anyway. They don't even know who we  
21 are and don't even know why they should know. But  
22 we got mentioned. And it wasn't a negative thing on  
23 the Albuquerque TV stations, at all.

24                 So, it raised everybody's awareness. So,  
25 I think that's a very positive thing that happened

1 with this.

2 THE CHAIR: Thank you very much.

3 COMMISSIONER GANT: Madame Chair, just a  
4 comment on the Chamber of Commerce, because I deal  
5 with the one down in Cruces quite a bit. I'm on a  
6 lot of committees for them down there. They just  
7 take the attitude, "The Governor wants it;  
8 therefore, I want it," whether it's right or wrong.  
9 They take the attitude, The "Governor wants it, that  
10 makes it right." And they'll tell you that in a  
11 heartbeat.

12 THE CHAIR: They don't wear out their  
13 brains thinking that way. Thank you, Jeff, for all  
14 your work. We'll be working that again, I'm sure.

15 Let's go to PEC Charter School Committee  
16 Report. Commissioner Bergman?

17 COMMISSIONER BERGMAN: Thank you,  
18 Madame Chair. I also share -- thank you, again,  
19 Jeff, for all that hard work. But I'd also like to  
20 note that our colleagues, or our friends -- I'm not  
21 sure what the right terminology is -- over at the  
22 LESC committee -- Kevin is still sitting back there  
23 with us -- they have helped us in a great many ways  
24 over the last two years in getting bills done. And  
25 we really appreciate that.

1           They probably have to be non-partisan and  
2 all that. But they have worked hard, and we  
3 appreciate it, I can assure you.

4           THE CHAIR: They are our good friends, and  
5 we appreciate it. We appreciate you being here,  
6 Kevin.

7           COMMISSIONER CARR: Because you sparked a  
8 point, the LESC, there was a lot of questions.  
9 There was all kinds of political ramifications for  
10 the LESC. I think it would be a good idea for us to  
11 ask -- as a body, at some point in another meeting,  
12 that we ask the LESC to take those two amendments  
13 and study them further for the next Legislative  
14 Session.

15           THE CHAIR: How do we do that, Kevin?

16           MR. FORCE: Probably do it as informally  
17 as speaking to Frances about it. Or you can speak  
18 directly to the Chair. Frances (inaudible) isn't  
19 the Chair.

20           I can't speak directly for the Chair or  
21 any members. But State-level governance is probably  
22 going to be an issue that we look at in this term.  
23 But, again, we haven't had our organizational  
24 meeting yet; it won't be after the Spring Budget  
25 Workshop, and after the final day for bills. So, I

1 think it's going to be in April. I don't know what  
2 the dates are yet.

3 So, I can't be certain what our topics are  
4 going to be. But I think that is going to be one  
5 for consideration. And if the members or the Chair  
6 of the PEC brought it to the attention of the  
7 Director or the Chair, I think it would carry some  
8 weight.

9 THE CHAIR: Thank you. Appreciate that.

10 COMMISSIONER BERGMAN: I know we want to  
11 get out of here, because I want to get out here.  
12 I've got a long drive ahead of me.

13 We need to briefly discuss -- we have two  
14 negotiation sessions. One is next week. Are we  
15 still on the 5th and the 6th? And we're also on the  
16 25th of March? That's the day before the Spring  
17 Budget Workshop. That's the one we moved?

18 MS. BARNES: Yes.

19 COMMISSIONER BERGMAN: Okay. Now,  
20 Cien Aguas was dropped, and we're putting Health  
21 Sciences in there?

22 MS. BARNES: Yes, we are.

23 COMMISSIONER BERGMAN: But I don't have  
24 your newest -- I still have the old one.

25 THE CHAIR: It's in the binder, isn't it?

1 COMMISSIONER BERGMAN: Is it in here? Is  
2 it in the old one? Yeah, I'm getting tired, too.  
3 There it is.

4 MS. BARNES: So, yes, we've changed that.  
5 I don't believe that I have the final draft for  
6 their worksheet. And -- they are on a very short  
7 rope. They have asked a very major favor that  
8 turned CSD inside out. And I don't think -- I don't  
9 think they met the deadline yesterday. So...

10 THE CHAIR: I'm sorry. Say that again.

11 MS. BARNES: They had a requirement,  
12 because they asked a very special favor that caused  
13 us to do a lot of shifting to put them in now.

14 THE CHAIR: "They"?

15 MS. BARNES: The school, Health Services.

16 THE CHAIR: Oh, okay.

17 MS. BARNES: I don't believe that the  
18 worksheet is finished, and I'm getting them to you  
19 today or tomorrow. So...

20 COMMISSIONER BERGMAN: So, we have a  
21 really short window to read all those documents  
22 before we come back to Albuquerque on Tuesday.

23 MS. BARNES: You do. You do, which is why  
24 they need to --

25 COMMISSIONER BERGMAN: Yeah, very quickly.

1 MS. BARNES: I was very clear about what  
2 they needed to do.

3 COMMISSIONER GANT: Madame Chair, I think,  
4 Julia, or Commissioner Bergman, when that meeting  
5 starts next week -- and I will be there, unless I  
6 have a wreck down here -- should make it very clear  
7 that when we ask -- when CSD asks for paperwork,  
8 they're not asking for it just for the fun of it.

9 MS. BARNES: Right.

10 COMMISSIONER GANT: You know. So, I think  
11 that would be a very appropriate time to make it  
12 clear to them that they failed in their mission to  
13 do what CSD had asked them to do.

14 MS. BARNES: I'm following up on that when  
15 I leave here. And maybe -- maybe I missed it.

16 THE CHAIR: Well, he was here this  
17 morning; Raphael was. Or at least I thought that  
18 was him.

19 COMMISSIONER TOULOUSE: Yeah, he was here.

20 COMMISSIONER BERGMAN: Commissioner Gant  
21 makes a very valid point. I'll be happy to make  
22 that point. Or, if you're there.

23 Well, we really need to discuss, so we can  
24 get out of here. So, the negotiations on the 5th,  
25 two negotiations, School of Dreams and Health



1 Sciences Academy, or whatever it is.

2 Last month, Commissioner Peralta and  
3 Commissioner Gant indicated they would be there.  
4 Now, Commissioner Shearman, you're probably  
5 intending to be there, and I'm going to be there.  
6 Are you still going to be able to be there?

7 COMMISSIONER PERALTA: When?

8 COMMISSIONER BERGMAN: The 5th, a  
9 Wednesday, an all-day session, going to be held at  
10 the Bar Association office up there in that area  
11 where the Albuquerque Journal Center is, near the  
12 Marriott Pyramid.

13 THE CHAIR: Near the construction.

14 COMMISSIONER BERGMAN: Just a few blocks  
15 away. It's fairly easy to find. I've been there  
16 once. It's off of Jefferson. Right now, that's  
17 four; that's as many as we can accommodate without a  
18 quorum. Commissioner Gant, Commissioner Shearman,  
19 myself, Commissioner Peralta, on the 5th.

20 On the 6th, that is still going to be  
21 Cesar Chavez and Gilbert Sena?

22 MS. BARNES: Yes.

23 COMMISSIONER BERGMAN: Also, an all-day  
24 session, also at the Bar Association. And  
25 Commissioner Toulouse, you indicated you were going

1 to be there.

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner Pogna,  
4 you indicated you were going to be there.

5 COMMISSIONER POGNA: That's what -- I'm  
6 trying to be there. I will not be there. I have my  
7 (inaudible) board meetings on Wednesday and  
8 Thursday. But I can be there for the Gilbert Sena.

9 COMMISSIONER BERGMAN: Are you going to be  
10 there, Gene?

11 COMMISSIONER GANT: Yes.

12 COMMISSIONER BERGMAN: That will still  
13 give us three. So, that's fine. You don't have to  
14 come on that one.

15 COMMISSIONER POGNA: At the Cesar Chavez?  
16 I can be there in the afternoon.

17 COMMISSIONER BERGMAN: If you want to be  
18 there, okay. If you want to come, come. We still  
19 won't have a quorum.

20 Now, the one on the 25th, that is a  
21 Tuesday. Is that still New America School and  
22 CEPI-1?

23 MS. BARNES: Yes, it is.

24 COMMISSIONER BERGMAN: At that one,  
25 Commissioner Gant and Commissioner Pogna, you

1 indicated you would be at that one. That is the day  
2 before the Spring Budget Workshop, and that will be  
3 an all-day session. Are you going to be at that  
4 one, Commissioner Pogna?

5 COMMISSIONER POGNA: Yes, sir.

6 COMMISSIONER BERGMAN: Commissioner  
7 Shearman?

8 THE CHAIR: (Indicates.)

9 COMMISSIONER BERGMAN: Commissioner Gant,  
10 are you going to be at that one? We have three, if  
11 you don't feel the need to be there.

12 COMMISSIONER GANT: 25th of March, right?

13 THE CHAIR: Uh-huh.

14 COMMISSIONER GANT: Yeah, I'll probably be  
15 there.

16 COMMISSIONER BERGMAN: We'll pencil you  
17 in. Fine. We'll have four. That's what I have.  
18 We've taken care of that. We'll take care of April  
19 at the March meeting.

20 Thank you, again. I think Commissioner  
21 Parker found it very educational, for those of you  
22 who have not gone to one. And I appreciate him  
23 taking the time to drive all the way down to  
24 Las Cruces to be with Commissioner Gant and myself.  
25 He was a very hard-working partner in those

1 negotiations.

2 THE CHAIR: That's good to hear. Thank  
3 you, Commissioner Bergman.

4 We're down to 17, PEC Comments. One thing  
5 I need to ask before we get into individual  
6 comments, we -- Beverly has made me aware that we  
7 need to start thinking about travel, if anyone is  
8 going to the -- any conference this year.

9 And we certainly need it to be focused on  
10 charter schools. We don't have a whole lot of  
11 money, and we certainly want to get the best return  
12 on our dollars that we can. Beverly didn't look up  
13 when the national NACSA conference is.

14 MS. FRIEDMAN: Madame Chair, yes, ma'am,  
15 it's in October. And I believe that I sent the  
16 dates to you. But if not, I will send those dates.

17 THE CHAIR: And it's in Miami, as I  
18 recall.

19 MS. FRIEDMAN: It's in Miami, right.

20 THE CHAIR: If you know right now that  
21 you're going, or want to go, please let Beverly  
22 know.

23 (Show of hands.)

24 COMMISSIONER BERGMAN: Most definitely,  
25 yes.

1 THE CHAIR: Let's firm this up.

2 COMMISSIONER BERGMAN: I bypassed it last  
3 year. I let you guys go.

4 THE CHAIR: Let's firm this up at our next  
5 meeting, at our March meeting. So, come to the  
6 meeting prepared to say, "Yes, I want to go," or,  
7 "No, I'm not going to be able to."

8 COMMISSIONER BERGMAN: Sounds good.

9 THE CHAIR: All right. Now, then, that's  
10 all I have to say.

11 Has anyone got a comment they'd like to  
12 share at this point? Mr. Conyers? Words of wisdom?

13 COMMISSIONER CONYERS: I have none.

14 THE CHAIR: Commissioner Peralta?

15 COMMISSIONER PERALTA: I'm good.

16 THE CHAIR: All right. Commissioner  
17 Pogna?

18 COMMISSIONER POGNA: No.

19 THE CHAIR: Joe, we thank you for being  
20 here. Any parting shots?

21 MR. DWORAK: I yield. I've had my say.

22 THE CHAIR: Commissioner Gant?

23 COMMISSIONER GANT: I yield.

24 THE CHAIR: Commissioner Carr?

25 COMMISSIONER CARR: I yield.

1 THE CHAIR: Toulouse?

2 COMMISSIONER TOULOUSE: I'm asleep.

3 THE CHAIR: Don't be for long.

4 Commissioner Parker?

5 COMMISSIONER PARKER: Commissioners,  
6 Julia, thank you so much for all your hard work,  
7 and, Joe, thank you for walking us through our  
8 Roberts insight in our meeting.

9 THE CHAIR: Julia, final words?

10 MS. BARNES: I'm done.

11 THE CHAIR: You're done. All right. This  
12 meeting has reached the end of our agenda, unless  
13 anybody else has anything. Oh, Open Forum. Sorry.

14 I did not have anyone sign up on the Open  
15 Forum sheet, so we will move past that.

16 We are to Item 19, Adjourn.

17 COMMISSIONER GANT: I move we adjourn.

18 COMMISSIONER CARR: Second.

19 THE CHAIR: Motion and second to adjourn.

20 All those in favor, please say "Aye."

21 (Commissioners so indicate.)

22 THE CHAIR: Any opposed, we'll shoot you.

23 Have a safe drive home. We'll see you next month.

24 (Proceedings adjourned at 4:08 p.m.)

25

1                   BEFORE THE PUBLIC EDUCATION COMMISSION  
2                                   STATE OF NEW MEXICO

3  
4  
5                   REPORTER'S CERTIFICATE

6           I, Cynthia C. Chapman, RMR, CCR #219, Certified  
7 Court Reporter in the State of New Mexico, do hereby  
8 certify that the foregoing pages constitute a true  
9 transcript of proceedings had before the said NEW  
10 MEXICO PUBLIC EDUCATION COMMISSION, held in the State  
11 of New Mexico, County of Santa Fe, in the matter  
12 therein stated.

13           In testimony whereof, I have hereunto set my  
14 hand on March 13, 2014.

15  
16  
17                                   *Cynthia Chapman*

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