

BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

OPEN PUBLIC MEETING

February 9, 2018

9:00 a.m.

Jerry Apodaca Education Building - Mabry Hall

300 Don Gaspar Street

Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219

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Page 2	Page 4
<p>1 APPEARANCES</p> <p>2 COMMISSIONERS:</p> <p>3 MS. PATRICIA GIPSON, Chair</p> <p>4 MR. GILBERT PERALTA, Vice Chair</p> <p>5 MS. KARYL ANN ARMBRUSTER, Secretary</p> <p>6 MR. R. CARLOS CABALLERO, Member</p> <p>7 MR. TIM CRONE, Member</p> <p>8 MS. DANIELLE JOHNSTON, Member</p> <p>9 MR. DAVID ROBBINS, Member</p> <p>10 MS. TRISH RUIZ, Member</p> <p>11 MS. CARMIE TOULOUSE, Member</p> <p>12 STAFF:</p> <p>13 MS. KATIE POULOS, Director, Charter School Division</p> <p>14 DR. ICELA PELAYO, Deputy Director,</p> <p>15 Options for Parents and Families</p> <p>16</p> <p>17 MR. DYLAN LANGE, Assistant Attorney General</p> <p>18 Counsel to the PEC</p> <p>19 MS. BEVERLY FRIEDMAN, NMPED Custodian of Records,</p> <p>20 Liaison to the PEC</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX TO PROCEEDINGS, Continued</p> <p>2 17 PEC Comments 258</p> <p>3 18 Executive Session, Tabled 261</p> <p>4 19 Adjourn 261</p> <p>5 REPORTER'S CERTIFICATE 262</p> <p>6</p> <p>7 ATTACHMENTS:</p> <p>8 1. Visitors' Sign-In Sheet</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 INDEX TO PROCEEDINGS</p> <p>2 PAGE</p> <p>3 1 Call to Order, Roll Call, 5</p> <p>4 Pledge of Allegiance and</p> <p>5 Salute to the New Mexico Flag 6</p> <p>6 2 Approval of Agenda 7</p> <p>7 3 Approval of Minutes and Transcript 9</p> <p>8 4 Open Forum 13</p> <p>9 5 Election of 2018 PEC Officers 18</p> <p>10 6 Discussion and Approval of Outcome for the</p> <p>11 2016-2017 Carl Perkins Consolidated Annual</p> <p>12 Report 47</p> <p>13 7 Discussion and Possible Action on</p> <p>14 Charter School Amendments 74</p> <p>15 8 Report from Options for Parents</p> <p>16 and the Charter School Division 80</p> <p>17 9 CAP for Financial Concerns 102</p> <p>18 10 Discussion and Possible Action on</p> <p>19 Academic Improvement Plans 129</p> <p>20 11 Discussion and Possible Action on</p> <p>21 Cariños De Los Niños Charter School 205</p> <p>22 12 Discussion and Possible Action on the</p> <p>23 2018 New Charter School Application Kit 212</p> <p>24 13 Governance Reporting Concerns</p> <p>25 and Non-Compliance 220</p> <p>14 Discussion and Possible Action on</p> <p>15 Policies and Procedures for Adding</p> <p>16 a School Site 235</p> <p>17 Discussion and Possible Action on</p> <p>18 Changes to Governance Board Policy 236</p> <p>19 Report from the Chair</p>	<p>1 THE CHAIR: I'm going to call to order</p> <p>2 this meeting of the Public Education Commission.</p> <p>3 It is Friday, February 9th, 2018, and it is</p> <p>4 9:03 a.m.</p> <p>5 And I will ask Commissioner Armbruster to</p> <p>6 do roll call, please.</p> <p>7 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>8 Robbins.</p> <p>9 COMMISSIONER ROBBINS: Present.</p> <p>10 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>11 Toulouse.</p> <p>12 COMMISSIONER TOULOUSE: Present.</p> <p>13 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>14 Armbruster is here.</p> <p>15 Commissioner Conyers?</p> <p>16 (No response.)</p> <p>17 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>18 Conyers is not here today.</p> <p>19 Commissioner Peralta.</p> <p>20 COMMISSIONER PERALTA: Here.</p> <p>21 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>22 Gipson.</p> <p>23 THE CHAIR: Here.</p> <p>24 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>25 Johnston.</p>

<p style="text-align: right;">Page 6</p> <p>1 COMMISSIONER JOHNSTON: Present.  2 COMMISSIONER ARMBRUSTER: Commissioner  3 Crone.  4 COMMISSIONER CRONE: Here.  5 COMMISSIONER ARMBRUSTER: Commissioner  6 Ruiz.  7 COMMISSIONER RUIZ: Present.  8 COMMISSIONER ARMBRUSTER: Commissioner  9 Caballero.  10 COMMISSIONER CABALLERO: Present.  11 COMMISSIONER ARMBRUSTER: We have a  12 quorum. We have nine present.  13 THE CHAIR: And I will then ask  14 Commissioner Ruiz to lead us in the Pledge of  15 Allegiance and Commissioner Johnston in the  16 New Mexico Salute.  17 (Pledge of Allegiance and Salute to the  18 New Mexico Flag conducted.)  19 THE CHAIR: Item No. 2 on the agenda is  20 the approval of the agenda.  21 Do we have any changes to this agenda?  22 (No response.)  23 THE CHAIR: Seeing none, I'll entertain a  24 motion.  25 COMMISSIONER RUIZ: Move to approve.</p>	<p style="text-align: right;">Page 8</p> <p>1 motion passes.  2 B, Approval of PEC transcript for the  3 December 15, 2017 meeting.  4 Are there any modifications?  5 (No response.)  6 THE CHAIR: Hearing none, I'll entertain a  7 motion.  8 COMMISSIONER RUIZ: (Indicates.)  9 THE CHAIR: A motion by Commissioner Ruiz.  10 A second by Commissioner Gipson.  11 All in favor?  12 (Commissioners so indicate.)  13 THE CHAIR: Opposed?  14 (No response.)  15 THE CHAIR: Hearing no opposition, the  16 motion passes.  17 And, finally, C, Approval of the summary  18 minutes for the December 14th and 15th, 2017, PEC  19 meeting.  20 Are there any modifications?  21 (No response.)  22 THE CHAIR: Hearing none, I'll entertain a  23 motion.  24 COMMISSIONER CRONE: (Indicates.)  25 Motion by Commissioner Crone.</p>
<p style="text-align: right;">Page 7</p> <p>1 THE CHAIR: A motion by Commissioner Ruiz.  2 Seconded by Commissioner --  3 COMMISSIONER PERALTA: Peralta.  4 THE CHAIR: -- Peralta.  5 All in favor?  6 (Commissioners so indicate.)  7 THE CHAIR: Opposed?  8 (No response.)  9 THE CHAIR: Hearing no opposition, the  10 motion passes.  11 Item No. 3, Approval of Minutes and  12 Transcript. And A is approval of the PEC transcript  13 for December 14, 2017.  14 Are there any modifications?  15 (No response.)  16 COMMISSIONER ROBBINS: (Indicates.)  17 Hearing none, there is a motion by  18 Commissioner Robbins.  19 COMMISSIONER RUIZ: (Indicates.)  20 THE CHAIR: A second by Commissioner Ruiz.  21 All in favor?  22 (Commissioners so indicate.)  23 THE CHAIR: Opposed?  24 (No response.)  25 THE CHAIR: Hearing no opposition, the</p>	<p style="text-align: right;">Page 9</p> <p>1 COMMISSIONER RUIZ: (Indicates.)  2 THE CHAIR: Second by Commissioner Ruiz.  3 All in favor?  4 (Commissioners so indicate.)  5 THE CHAIR: Opposed?  6 (No response.)  7 THE CHAIR: Hearing no opposition, the  8 motion passes.  9 Item No. 4, Public Comment.  10 And I will remind everyone there is a  11 four-minute time limit per person. And the first on  12 the agenda is -- I can't read the last name. Steven  13 Vercun- -- I -- Ver- --  14 FROM THE FLOOR: With a "V" as in  15 "Victor" -- -E-R, that's "Ver," and "-chin-,"  16 C-H-I-N, and S-K-I is "-ski."  17 THE CHAIR: I apologize.  18 FROM THE FLOOR: It's easier than  19 "Gallegos."  20 THE CHAIR: Good morning. And if you  21 could just please identify yourself for the record.  22 FROM THE FLOOR: Yes, Madam Chair, members  23 of the Board. My name is Steven Verchinski. I  24 reside at 2700 Española Street, Northeast, in  25 Albuquerque, New Mexico.</p>

<p style="text-align: right;">Page 10</p> <p>1 The reason for my being here today is just 2 one major item, is you have 94 charter public 3 schools in New Mexico with 22,378 students, 4 according to what I see online. 5 The New Mexico charter schools group, on 6 it, says their mission is to lead and support public 7 charter schools' quality, growth, and autonomy. And 8 I look at the policy with regards to private charter 9 schools; because you do have it listed on your board 10 of education as having a private charter school. 11 Now, in Chapter 22, the articles, of 12 course, with regards to the statutes, state that 13 there's a Public School Code. And under 14 Definition A, it says, "Elementary Schools, Public; 15 B, Secondary Schools, Public; C, Junior Schools; 16 Public; D, High Schools, Public." 17 You have a private charter school that's 18 been done by this Public Education Department. I 19 would like to remind you as of follows. This is a 20 copy of the 2015 State Constitution. 21 "Section 3, Control of Constitutional 22 Educational Institutions, use of State land proceeds 23 and other educational funds. 24 "The schools, colleges, universities, and 25 other educational institutions provided for by this</p>	<p style="text-align: right;">Page 12</p> <p>1 to provide information about Agenda Item No. 13. 2 And I can do that either here in the Open Forum, or 3 I'm able to respond when that agenda item comes up 4 in your meeting. So whatever the pleasure of the 5 Chair is. 6 THE CHAIR: It's fine if you want to speak 7 now, with the understanding that we don't comment; 8 so it's not a dialogue -- 9 MR. OBENSHAIN: Sure. Sure. 10 THE CHAIR: -- for the Open Forum. 11 COMMISSIONER CABALLERO: Madam Chair, 12 question. Would the Commissioners be allowed to ask 13 him questions at that point when we do consider that 14 item? 15 (The Chair consults with counsel.) 16 THE CHAIR: My preference would be that he 17 speak during the agenda piece and not the Open 18 Forum, if the -- if the desire is to question; 19 'cause we generally do not engage at the Open Forum 20 piece. 21 COMMISSIONER CABALLERO: All right. 22 THE CHAIR: So I think the preference is 23 that you -- that you come back up when the item 24 comes up on the agenda. 25 MR. OBENSHAIN: Thank you very much.</p>
<p style="text-align: right;">Page 11</p> <p>1 Constitution shall forever remain under the 2 exclusive control of the State, and no part of the 3 proceeds arising from the sale or disposal of any 4 lands granted to the State by Congress or any other 5 funds appropriated, levied, or collected for 6 educational purposes shall be used for the support 7 of any sectarian, denominational, or private school, 8 college, or university." 9 One school currently has 309 students and 10 are looking at doing another 140, according to my 11 visit with them. 12 That is unconstitutional -- state 13 Constitution -- and you are all liable if you do not 14 go ahead and correct the situation. 15 Thank you. 16 THE CHAIR: Thank you. 17 And, finally, Sam Obenshain. 18 Good morning. 19 MR. SAM OBENSHAIN: Good morning. Good 20 morning, Madam Chair, Commissioners. My name is Sam 21 Obenshain. It's O-B-E-N-S-H-A-I-N. And I'm the 22 Executive Director of Cottonwood Classical 23 Preparatory School, a State-chartered school in 24 Albuquerque. 25 And at the pleasure of the Chair, I'm here</p>	<p style="text-align: right;">Page 13</p> <p>1 THE CHAIR: Okay. Thank you. We are now 2 on to Item No. 5, and that is the election of the 3 2018 PEC officers. And I am going to temporarily 4 turn this over to Commissioner Peralta. 5 VICE CHAIR PERALTA: Thank you, 6 Madam Chair. I believe that as the Vice Chair, for 7 the election of officers, I am to conduct the 8 election process for nominations for the Chair for 9 the year 2018. 10 So at this time, I'll open the floor for 11 nominations. I'll open -- first, Commissioner 12 Toulouse. 13 COMMISSIONER TOULOUSE: Mr. Chairman, I 14 nominate Patricia Gipson. 15 COMMISSIONER PERALTA: There's a 16 nomination on the floor for Patricia Gipson. 17 Commissioner Gipson, do you accept the 18 nomination? 19 THE CHAIR: I do. 20 COMMISSIONER PERALTA: Are there any 21 nominations for the position of Chair of the 22 Commission at this time? 23 (No response.) 24 VICE CHAIR PERALTA: I see none. So, 25 Madam Secretary, if you could have the roll-call</p>

Page 14	Page 16
<p>1 vote, please?</p> <p>2 COMMISSIONER ARMBRUSTER: We're voting for</p> <p>3 Chair.</p> <p>4 Commissioner Toulouse?</p> <p>5 COMMISSIONER TOULOUSE: I vote "yes" for</p> <p>6 Patricia Gipson. We have only one. I thought we</p> <p>7 could do this by acclimation; but if we need to do a</p> <p>8 roll call, that's fine.</p> <p>9 VICE CHAIR PERALTA: We've always done</p> <p>10 roll call.</p> <p>11 COMMISSIONER TOULOUSE: I vote for the</p> <p>12 only nominee.</p> <p>13 COMMISSIONER ARMBRUSTER: Thank you.</p> <p>14 Commissioner Peralta?</p> <p>15 COMMISSIONER PERALTA: Yes.</p> <p>16 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>17 Johnston?</p> <p>18 COMMISSIONER JOHNSTON: Yes.</p> <p>19 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>20 Caballero?</p> <p>21 COMMISSIONER CABALLERO: Yes.</p> <p>22 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>23 Crone?</p> <p>24 COMMISSIONER CRONE: Yes.</p> <p>25 COMMISSIONER ARMBRUSTER: Commissioner</p>	<p>1 (No response.)</p> <p>2 THE CHAIR: Hearing none, I will ask for a</p> <p>3 roll-call vote.</p> <p>4 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>5 Johnston?</p> <p>6 COMMISSIONER JOHNSTON: Yes.</p> <p>7 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>8 Crone?</p> <p>9 COMMISSIONER CRONE: Yes.</p> <p>10 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>11 Toulouse?</p> <p>12 COMMISSIONER TOULOUSE: Yes.</p> <p>13 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>14 Robbins?</p> <p>15 COMMISSIONER ROBBINS: Yes.</p> <p>16 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>17 Gipson?</p> <p>18 THE CHAIR: Yes.</p> <p>19 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>20 Caballero?</p> <p>21 COMMISSIONER CABALLERO: Yes.</p> <p>22 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>23 Ruiz?</p> <p>24 COMMISSIONER RUIZ: Yes.</p> <p>25 COMMISSIONER ARMBRUSTER: Commissioner</p>
Page 15	Page 17
<p>1 Armbruster votes "Yes."</p> <p>2 Commissioner Robbins?</p> <p>3 COMMISSIONER ROBBINS: Yes.</p> <p>4 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>5 Ruiz?</p> <p>6 COMMISSIONER RUIZ: Yes.</p> <p>7 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>8 Gipson?</p> <p>9 THE CHAIR: Yes.</p> <p>10 COMMISSIONER ARMBRUSTER: That would be a</p> <p>11 nine-to-zero vote. Congratulations.</p> <p>12 THE CHAIR: Thank you very much. Thank</p> <p>13 you. Thank you.</p> <p>14 VICE CHAIR PERALTA: Now I yield back to</p> <p>15 the Chair.</p> <p>16 THE CHAIR: And I will now conduct and ask</p> <p>17 for nominations for Vice Chair.</p> <p>18 Commissioner Ruiz?</p> <p>19 COMMISSIONER RUIZ: I'd like to nominate</p> <p>20 Gilbert Peralta.</p> <p>21 THE CHAIR: Commissioner Peralta, do you</p> <p>22 accept?</p> <p>23 VICE CHAIR PERALTA: I do.</p> <p>24 THE CHAIR: Do I have any other</p> <p>25 nominations for Vice Chair?</p>	<p>1 Peralta?</p> <p>2 COMMISSIONER PERALTA: Yes.</p> <p>3 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>4 Armbruster votes "Yes."</p> <p>5 Nine to zero. Congratulations.</p> <p>6 THE CHAIR: Congratulations.</p> <p>7 VICE CHAIR PERALTA: Thank you.</p> <p>8 THE CHAIR: And, finally, the position of</p> <p>9 Secretary. I -- Commissioner Robbins?</p> <p>10 COMMISSIONER ROBBINS: I would nominate</p> <p>11 Karyl Ann Armbruster.</p> <p>12 THE CHAIR: Thank you. Commissioner</p> <p>13 Armbruster, do you accept?</p> <p>14 COMMISSIONER ARMBRUSTER: I do.</p> <p>15 THE CHAIR: Are there any other</p> <p>16 nominations?</p> <p>17 Seeing none or hearing none, I will -- I</p> <p>18 guess you did accept. Roll-call vote, please.</p> <p>19 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>20 Ruiz?</p> <p>21 COMMISSIONER RUIZ: Yes.</p> <p>22 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>23 Robbins?</p> <p>24 COMMISSIONER ROBBINS: Yes.</p> <p>25 COMMISSIONER ARMBRUSTER: Commissioner</p>

<p style="text-align: right;">Page 18</p> <p>1 Toulouse?  2 COMMISSIONER TOULOUSE: Yes.  3 COMMISSIONER ARMBRUSTER: Commissioner  4 Crone?  5 COMMISSIONER CRONE: Yes.  6 COMMISSIONER ARMBRUSTER: Commissioner  7 Peralta?  8 COMMISSIONER PERALTA: Yes.  9 COMMISSIONER ARMBRUSTER: Commissioner  10 Johnston?  11 COMMISSIONER JOHNSTON: Yes.  12 COMMISSIONER ARMBRUSTER: Commissioner  13 Gipson?  14 THE CHAIR: Yes.  15 COMMISSIONER ARMBRUSTER: Commissioner  16 Caballero?  17 COMMISSIONER CABALLERO: Yes.  18 COMMISSIONER ARMBRUSTER: And I accept and  19 say "Yes."  20 THE CHAIR: Congratulations.  21 COMMISSIONER ARMBRUSTER: Thank you.  22 THE CHAIR: All right.  23 Item No. 6, Discussion and Approval of  24 Outcomes for the 2016-t-2017 Carl Perkins  25 Consolidated Annual Report.</p>	<p style="text-align: right;">Page 20</p> <p>1 to be a struggle for us as a state; but we are  2 squeaking by, just getting over our targets that the  3 Feds negotiate with us, and so very pleased that  4 we've been able to do that for two years in a row.  5 What that means for us is that some of the  6 funds that we get from the Carl Perkins Act, when we  7 miss an indicator, are restricted, and we're not  8 allowed to use them broadly. We have to use them  9 very specifically for whichever target we missed.  10 So when we hit all of our indicators, it gives the  11 schools more opportunity to apply the funds in the  12 ways that they deem most appropriate.  13 So just -- I won't spend a lot of time on  14 it. But you should have a colored page that looks  15 something like this. (Indicates.) And it details  16 each of the indicators. There are eight of them at  17 the secondary level, six at the post-secondary  18 level. And you can see the historical trends, as  19 well as the '17-'18 negotiated targets. And then  20 the last column is the '18-'19 proposed targets.  21 We had a meeting with the Perkins grant  22 monitors in late January, where we discussed the  23 performance and what reasonable targets look like.  24 And those stakeholders have agreed with these  25 targets.</p>
<p style="text-align: right;">Page 19</p> <p>1 And we have Dr. Elaine Perea here.  2 DR. ELAINE PEREA: Good morning.  3 THE CHAIR: Good morning.  4 DR. ELAINE PEREA: Thank you for having  5 me. Can you hear me?  6 There? All right. Thank you. Sorry.  7 Don't have to press the button anymore.  8 THE CHAIR: No, we've moved up in the  9 world.  10 DR. ELAINE PEREA: Very nice to see you  11 again, Chairwoman Gipson, and everybody, the  12 Commissioners.  13 We did file our annual Carl Perkins report  14 in December. A copy of that is in your binder.  15 Very pleased, for the second year in a row, that we  16 met all of our performance indicators at both the  17 secondary and the post-secondary level. That is a  18 testament to the hard work of my staff and also  19 those people in the field who are administering CTE  20 every day and making sure that students are  21 incorporating their academic skills into their CTE  22 lessons.  23 And, in particular, we've talked in here  24 before about the non-traditional students. And  25 supporting those non-traditional students continues</p>	<p style="text-align: right;">Page 21</p> <p>1 The next step is that I will propose these  2 to the Feds in March, and then there will be a  3 process, if they don't agree with any of those  4 targets, where we negotiate to establish the final  5 targets.  6 So this is the -- the conclusion of the  7 '16-'17 reporting period and looking forward to the  8 '18-'19 targets.  9 As of yet, we are still awaiting a final  10 budget for '17-'18. As you know at the national  11 level, they have had some trouble getting their  12 finances in order; but hopefully, soon, we will have  13 a final budget and be able to -- to let schools know  14 their final allocations for '17-'18, since it's  15 February.  16 THE CHAIR: Thank you.  17 DR. ELAINE PEREA: I'm happy to answer any  18 questions that you all have.  19 THE CHAIR: Commissioners, any questions?  20 COMMISSIONER CABALLERO: I have a request.  21 THE CHAIR: Sure.  22 COMMISSIONER CABALLERO: And my thingie  23 doesn't turn on; but that's okay.  24 The last time you gave a report, which was  25 the beginning of last year, there was a report by</p>

1 the federal government, and you spoke to them  
2 before. There was some evaluation of the program.  
3 And there was a presentation made as to that.

4 I want to request a full report be sent to  
5 me. Maybe you can give it to the -- to our  
6 secretary, and she can give it to me the next time  
7 we meet. I want to look at that governmental  
8 evaluation, and as we're moving through the years  
9 with Perkins, I want to see if -- if we're still --  
10 if we're improving from that report.

11 DR. ELAINE PEREA: Are you referring to  
12 the federal audit which was in September '15?

13 COMMISSIONER CABALLERO: Right, right.  
14 Well, I don't know if it was September '15 or not.  
15 I know there was a federal audit which was talked  
16 about the last -- last year. But there was an audit  
17 that was talked about and presented here to the  
18 Commission.

19 THE CHAIR: I think the results came in,  
20 so that the audit may have been in '15, but we  
21 didn't get the -- you didn't have the completed  
22 audit.

23 DR. ELAINE PEREA: Last January was when  
24 we had closed out. So we got findings, and then we  
25 worked to close out those findings. I think when I

1 slippage backwards, or even, you know, maybe give  
2 them a percent higher or something.

3 Seems like we have several areas and one  
4 of them was the -- I'm looking at is the 152,  
5 meeting proficiency or advanced level. They're  
6 31 percent and 43 percent and 42 percent for the  
7 past three years, most recently at 31 percent; but  
8 we set a target of 26 percent for next year. And  
9 that just seems like we're allowing them to slip  
10 back, but still meet the target.

11 DR. ELAINE PEREA: Thank you for the  
12 question, Commissioner Robbins. I can explain that.

13 As you are probably aware, a few years  
14 ago, the New Mexico proficiency test changed from  
15 the SBA to the PARCC. And the cut scores for PARCC  
16 proficiency mean that many fewer students test  
17 proficient.

18 As a result, the students -- the number of  
19 students -- the number of CTE students, just like  
20 the number of students statewide -- has been -- has  
21 been lower. It has not moved as rapidly as the  
22 overall State numbers for the PARCC, because the way  
23 that the Feds ask us to calculate this -- these  
24 indicators are an if-ever logic. And so as we have  
25 transitioned to PARCC, students who tested

1 was here last January, we were reporting that we had  
2 closed out that audit and that the Feds had reported  
3 that we had come to a place of sufficiency for  
4 everything that they had -- that they had cited.  
5 But I'm happy to provide another copy of that audit  
6 letter, if that's what you'd like.

7 COMMISSIONER CABALLERO: Okay. And if  
8 there was a response to the Feds about the audit,  
9 let me have that, so I am not just seeing the  
10 deficiencies and not the response, so that I'll go  
11 with the response. If a lot of stuff was corrected,  
12 I'll go with the -- from the corrected forward.

13 DR. ELAINE PEREA: Okay.

14 COMMISSIONER CABALLERO: That would be  
15 helpful. Thank you.

16 DR. ELAINE PEREA: I'll send you the  
17 closeout letter from them, as well, where they  
18 indicate that they are happy with everything.

19 THE CHAIR: Oh, I'm sorry. Question.

20 COMMISSIONER ROBBINS: Oh, just a question  
21 on the targets. There are several targets where  
22 the -- the target for '18-'19 and '17-'18 are below  
23 what's been achieved the last three years. And I'm  
24 questioning why don't we at least set the target at  
25 what they've already achieved, so we don't let

1 proficient on the SBA stay in these numbers. But  
2 more broadly, when we're talking about the State  
3 proficiency rates, and we talk about just PARCC,  
4 those numbers are lower.

5 And so what you've seen as a transition --  
6 and so the reason that you see '15-'16 was at  
7 54 percent, '16-'17 is at 39 percent, and then  
8 '17-'18, we're holding the target the same, is  
9 because we are expecting that because PARCC is a  
10 more challenging cut score, that there may be fewer  
11 students who pass that.

12 And in our negotiations with the Feds,  
13 the -- the overarching logic has been that the CTE  
14 students will perform at the same level as the  
15 general population. So as we know what the general  
16 student population is doing on these two tests, we  
17 are adjusting the target to reflect the CTE.

18 The difference is that the general  
19 population, we just talk about, say,  
20 eleventh-graders; but for CTE, we talk about  
21 eleventh-graders on PARCC, plus twelfth-graders who  
22 tested proficient on the SBA or the PARCC. Does  
23 that -- so we will -- to your -- to your broader  
24 point, the PARCC is a more difficult test with more  
25 stringent requirements. And so if we -- if we have

1 the same -- the same numeric value, 40 percent,  
2 that's actually pushing rigor rather than -- than  
3 pulling back on it.

4 COMMISSIONER ROBBINS: That's true for the  
5 reading. But on the mathematics, we dropped it down  
6 to 26 percent. And last year, they attained  
7 31.6 percent on the math. But we only have a  
8 26 percent target.

9 DR. ELAINE PEREA: The SBA is part of that  
10 31 percent. And for '17-'18, there will be fewer  
11 students who had an opportunity to test on the SBA.  
12 Most of the students will have only tested on the  
13 PARCC. And so because of that, there will be -- so  
14 the State proficiency for math PARCC is around  
15 25 percent. And so we expect that as the CTE  
16 population comes to be assessed only by PARCC, that  
17 we should see the same level of performance there.  
18 Because the CTE population still includes some SBA,  
19 it's higher. I'm not sure if I'm -- you don't look  
20 like you're convinced.

21 COMMISSIONER ROBBINS: I understand your  
22 explanation. But the public is expecting higher  
23 outcomes from schools. But when we set low targets,  
24 however we explain the differences in the numbers,  
25 it -- you know, 26 percent on the PARCC still is a

1 outlying areas?

2 And do we have any movement towards --

3 DR. ELAINE PEREA: Thank you for that  
4 question, Commissioner Johnston. I actually have  
5 some very exciting developments on that front.

6 COMMISSIONER JOHNSTON: Good.

7 DR. ELAINE PEREA: A few things that are  
8 happening. One is a student organization called  
9 "Educators Rising," which has gained a lot of  
10 traction in the last couple of years. They just had  
11 their conference last week in Albuquerque, and it  
12 was very well attended. There are many new chapters  
13 this year.

14 We had our -- during the Perkins applicant  
15 workshop, we had a round table on teacher pipeline  
16 issues. And we have several secondary and  
17 post-secondary partnerships where they are building  
18 the curriculum at the high school level with a  
19 capstone class at the community college that  
20 transitions the students into the AA program.

21 We are also supporting -- CNM is launching  
22 a -- a certificate program for CTE teachers for  
23 people who are coming to CTE from business. It will  
24 be a summer, plus a school year, plus another  
25 summer. So it follows a similar model to the

1 very low level of proficiency.

2 DR. ELAINE PEREA: Absolutely. I do not  
3 disagree with you at all. That being said, if I set  
4 the targets beyond what we expect students could  
5 actually accomplish at this juncture, what that  
6 would do is just limit how schools can use the  
7 funding. And maybe -- maybe this body thinks that  
8 that would be more appropriate. But CTE has a lot  
9 of different needs. And these indicators, in  
10 particular, often, the way that the money gets spent  
11 for these is just in professional development. And  
12 so that limits the amount of the equipment, for  
13 example, that classrooms can buy.

14 COMMISSIONER ROBBINS: Thank you.

15 THE CHAIR: Commissioner Johnston?

16 COMMISSIONER JOHNSTON: Thank you,  
17 Madam Chair.

18 Dr. Perea, that brings to mind my  
19 continuing question. Can you -- do you have any  
20 more information -- or any information -- about the  
21 collaboration between Higher Ed and the colleges  
22 that no longer offer the industrial arts teaching  
23 license and the lack of teachers that we have in the  
24 state -- whom we have in the State of New Mexico to  
25 teach these essential courses, particularly in the

1 alternative licensure programs; but this is  
2 specifically for CTE teachers who have skills, but  
3 perhaps don't have the pedagogy that they need.

4 So the first class of that -- the first  
5 cohort for that will be starting this summer, and  
6 they are starting recruiting efforts for that in  
7 Albuquerque.

8 In terms of the four-year institutions, we  
9 have not yet gotten much traction with that. I have  
10 been in conversation a lot with ENMU and trying to  
11 figure out how we can work that last piece of the  
12 pipeline. But -- but I'm having some really good  
13 conversations with the community colleges and really  
14 pushing the AA to not be so much about early  
15 childhood/day care, and more for it to be about  
16 education assistants, EAs, and having some  
17 interesting conversations with the Department of  
18 Workforce Solutions about possibly developing a  
19 formal apprenticeship program for EAs to get tuition  
20 support to go back to school, get their bachelor's  
21 degree and become teachers.

22 This is especially important for our  
23 Native population, where we have a lot of Native EAs  
24 and very few Native teachers. So we really want to  
25 support them in that transition from the AA to the



<p style="text-align: right;">Page 30</p> <p>1 BA.</p> <p>2 COMMISSIONER JOHNSTON: Thank you. That's</p> <p>3 a concern of mine, because these programs are so</p> <p>4 vital. And right now, so many are shuttered across</p> <p>5 the state because of lack of teachers.</p> <p>6 Thank you.</p> <p>7 DR. ELAINE PEREA: Thank you.</p> <p>8 THE CHAIR: So I have just a follow-up</p> <p>9 question with that. Because I know I hear -- I'm</p> <p>10 down in Doña Ana. So across the board, there is</p> <p>11 concern; because we have one auto shop class left in</p> <p>12 Doña Ana, and there's -- there's absolutely a need.</p> <p>13 Is there any way that Perkins money can be</p> <p>14 used to try to set up a cooperative partnership</p> <p>15 with, like, a trade union or a housing --</p> <p>16 home-builders' association, so that monies could be</p> <p>17 used to establish and work on apprenticeships and</p> <p>18 internships that way? I don't know.</p> <p>19 DR. ELAINE PEREA: Perkins cannot be used</p> <p>20 to direct-support student -- individual students.</p> <p>21 We can't pay student tuition. We can't pay student</p> <p>22 wages. But that being said, we do have partnerships</p> <p>23 with ACE in Albuquerque, for example. And many of</p> <p>24 the trades are actively involved with their -- the</p> <p>25 CTE programs in their communities.</p>	<p style="text-align: right;">Page 32</p> <p>1 summer.</p> <p>2 We have -- all four of these major</p> <p>3 computer science companies have agreed to come to</p> <p>4 New Mexico to do training this summer. So we're</p> <p>5 hoping to develop a cohort of 12 to 20 teachers who</p> <p>6 will get training in the summer; then they will</p> <p>7 teach. Then they will take training again the next</p> <p>8 summer; and then they will be able to teach a second</p> <p>9 course.</p> <p>10 So we're building the teacher skill as we</p> <p>11 build the student skill. We've taken off the</p> <p>12 requirement for a technology endorsement for high</p> <p>13 school teacher and, instead, any math or science</p> <p>14 teacher can teach computer science. So we're trying</p> <p>15 to get innovative, especially for our small rural</p> <p>16 districts. I know that doesn't completely solve the</p> <p>17 problem, because math and science teachers are also</p> <p>18 hard to come by; but teachers who are</p> <p>19 technology-endorsed were almost nonexistent.</p> <p>20 THE CHAIR: Okay. Thank you.</p> <p>21 Commissioner Crone?</p> <p>22 COMMISSIONER CRONE: Is there anything in</p> <p>23 the Legislature, any bills to try to help CTE?</p> <p>24 DR. ELAINE PEREA: There is a bill to</p> <p>25 directly fund the Career Technical Learning Project,</p>
<p style="text-align: right;">Page 31</p> <p>1 THE CHAIR: Right. And I guess my piece</p> <p>2 of the conversation is -- and I -- this isn't a</p> <p>3 slight on people who live in Albuquerque. But</p> <p>4 the -- but the need goes out to areas that are far</p> <p>5 more remote than Albuquerque, where that need really</p> <p>6 is. And that's my concern.</p> <p>7 And I know Las Cruces isn't necessarily</p> <p>8 remote; but we are, in terms of a lot of those trade</p> <p>9 needs and the support for students to get those</p> <p>10 skills.</p> <p>11 DR. ELAINE PEREA: We do have an RFA that</p> <p>12 is out right now that is due at the end of the month</p> <p>13 that specifically targets the districts that do not</p> <p>14 qualify for the basic Perkins grant. The basic</p> <p>15 Perkins is calculated on population and has a floor</p> <p>16 of 15,000; so our smaller districts do not qualify</p> <p>17 for that money.</p> <p>18 So we've -- I think we've talked about</p> <p>19 that in these chambers before. So we have an RFA</p> <p>20 out right now for computer science programs. And</p> <p>21 there's four different choices. These are all</p> <p>22 nationally recognized programs, things you've heard</p> <p>23 of, like Cisco. And each of the four pathways has</p> <p>24 money for technology, to get the school started, and</p> <p>25 it also has money for teacher training in the</p>	<p style="text-align: right;">Page 33</p> <p>1 the CTLP, which has come before this board, and</p> <p>2 asked for intervention on their funding that is a</p> <p>3 direct -- that is -- they want direct funding</p> <p>4 instead of running through the PED.</p> <p>5 There is a bill that would support soft</p> <p>6 skills directly.</p> <p>7 There is a bill that would require</p> <p>8 students to have a post-secondary plan in the Next</p> <p>9 Step plan that would -- that could include a trade</p> <p>10 as their next step.</p> <p>11 Those are the ones that I'm aware of.</p> <p>12 COMMISSIONER CRONE: How many colleges and</p> <p>13 high schools have agreements to -- for, you know,</p> <p>14 concurrent dual enrollment, dual credit concurrent</p> <p>15 enrollment?</p> <p>16 DR. ELAINE PEREA: I think almost all</p> <p>17 schools in the state participate in the dual credit</p> <p>18 program. Not all of them offer CTE. I would have</p> <p>19 to get back to you on the exact numbers. I don't</p> <p>20 have that off the top of my head.</p> <p>21 COMMISSIONER CRONE: Okay. Just a little</p> <p>22 bit of background. I retired from full-time</p> <p>23 teaching at Northern New Mexico College when</p> <p>24 Northern decided to go down the bachelor degree path</p> <p>25 and began to systemically raise tuition in CTE and</p>

Page 34

1 eliminate CTE programs. At the point where they  
 2 started to do that, 80 percent of the enrollment was  
 3 CTE. Their enrollment dropped by 50 percent because  
 4 of that.

5 And so I've been lobbying, you know, the  
 6 current candidates for Governor, Lieutenant  
 7 Governor, to -- we really need to encourage high  
 8 schools and colleges to work together for -- for  
 9 saving money -- it would save a lot of money. CTE  
 10 can be very expensive; automotive, for example. And  
 11 this would positively impact the dropout rate. It  
 12 would positively impact the graduation rate. And it  
 13 would positively impact the fact that if you want a  
 14 licensed, bonded person, plumber, electrician, in  
 15 Santa Fe -- right now, in the housing boom, it's  
 16 almost impossible to -- if it's not a huge job,  
 17 they're not interested.

18 So that's my sermon for today.

19 THE CHAIR: Thank you.

20 Commissioner Caballero?

21 COMMISSIONER CABALLERO: And -- Madam --  
 22 I'm sure that a lot of what's going on with career  
 23 development is way out from the past and what  
 24 Commissioner Crone has brought up, the trends that  
 25 have existed that have eroded at CTE. And my

Page 35

1 concern comes from the unions.

2 And I even asked -- we had a career  
 3 something-or-other on the Rotunda, and I went table  
 4 to table asking all those folks whether they were  
 5 going to the high schools to recruit. And they said  
 6 that no, that it had been years since they had  
 7 gotten invited and that when they tried to invite  
 8 themselves, that nothing ever happens.

9 So there's very little touch and concern  
 10 with unions and associations that deal with -- with  
 11 the trades who have internships already set up. And  
 12 they go unfilled.

13 And so I have visited a training for  
 14 carpenters and construction workers. And their  
 15 internships are not filled through the schools.  
 16 They're all family-to-family or within the union  
 17 ranks. And so a few -- a week and a half ago, I  
 18 talked to -- and he wasn't involved in that; but  
 19 he's involved in the film -- he says we do not have  
 20 a pipeline of skilled workers that go from school  
 21 into their skilled work, that there is a push or a  
 22 trend to send all the kids from high school to the  
 23 junior colleges. And then at the junior colleges,  
 24 nothing happens in terms of internships.

25 And he says we have to give our young --

Page 36

1 young adults an opportunity to go from high school  
 2 to an internship, because they're earning money.

3 And he says, "I don't know why we wouldn't push  
 4 that, because those -- those young men and women can  
 5 earn money while they're training."

6 That's what the internships within the  
 7 unions do. They don't have to pay tuition.

8 But somehow, there's a trend to fill up  
 9 colleges and universities. And apparently, it's not  
 10 enough. And he gave me the example.

11 He says, "Okay. So we got a big contract.  
 12 We got a big thing going on in Los Lunas, and  
 13 they're begging for skilled workers. But guess  
 14 what? New Mexico was never able to fill those  
 15 positions; and so the contractors are having to  
 16 bring in -- fly in workers to work three days, fly  
 17 out back home for the next four."

18 And so they're spending good money for all  
 19 the jobs that we bragged about that we created, but  
 20 not for our own, because, apparently, even folks --  
 21 you know, home folks are having a hard time getting  
 22 licensure.

23 So I know this is the trends that happen  
 24 way before you got the thing that's going on right  
 25 now. But somehow -- somehow we've got to reverse it

Page 37

1 and maybe bring in the unions into the picture. I  
 2 know there's a lot of dislike about unions. To me,  
 3 that's been my lifeline, because my father was  
 4 union, and he was able to get good money because he  
 5 was union.

6 And so we have to -- we do have to reach  
 7 out; because they have something to offer. And so I  
 8 brought it up with a couple of union guys that  
 9 evening. Says, "No, there's no reach-out to us from  
 10 the CTE setup."

11 So apparently, not only do we get attacked  
 12 by various forces, but even as helpful as we can be  
 13 to train our workforce, we're never considered as a  
 14 player. And so we need to reverse that and forget  
 15 about the politics of union and non-union.

16 DR. ELAINE PEREA: Thank you for your  
 17 comments. I would like to just emphasize that every  
 18 recipient of Perkins funds must have an industry  
 19 advisory board that meets twice a year. We do audit  
 20 that for compliance. And if you would like to pass  
 21 on to me the specific people who want to be involved  
 22 and the school program that they want to be involved  
 23 with, I would be happy to make those connections;  
 24 because that is a requirement. If there is a  
 25 welding program, they have to have industry

Page 38

1 involvement on their advisory board. So -- so we  
 2 can -- we can help ensure that that's happening.  
 3 COMMISSIONER CABALLERO: Okay. All right.  
 4 Thank you.  
 5 THE CHAIR: Commissioner Ruiz, did you  
 6 have your hand up before?  
 7 COMMISSIONER RUIZ: No.  
 8 THE CHAIR: Okay. Sorry.  
 9 Commissioner Toulouse?  
 10 COMMISSIONER TOULOUSE: Madam Chair, I do  
 11 want to clarify some of what Commissioner Caballero  
 12 said. I know that ACE Leadership High School has  
 13 apprenticeships with unions, and that's part of  
 14 their graduation process is to get their students  
 15 through and in.  
 16 I also know that Media Arts with the film  
 17 industry and all, one of their mission-specific  
 18 goals is to work with and have those. I also know  
 19 that UNM has a number of apprenticeship programs  
 20 that they work their classes with the apprenticeship  
 21 program so that when the student gets through with  
 22 the class, they also have met their requirements  
 23 within the union.  
 24 So there is a lot of that. I don't know  
 25 what APS does. I have a feeling they don't do as

Page 39

1 much at the moment as the charter schools.  
 2 DR. ELAINE PEREA: Some programs more than  
 3 others, I think.  
 4 COMMISSIONER TOULOUSE: I know that the  
 5 charter schools do. And I know that at CNM, where  
 6 they have the students who are high school students  
 7 enrolled in their classes, if they are eligible for  
 8 those apprenticeships -- although many of them, the  
 9 unions don't want them till they're 18 because of  
 10 legal ramifications -- they will move them into  
 11 those.  
 12 So again, I'm not specific on to the other  
 13 APS schools. But I do know that those charter  
 14 schools do it. So I just wanted that on the record  
 15 so that -- you know, I think there's a lot more that  
 16 could be done; but I know that's also being done.  
 17 Thank you.  
 18 THE CHAIR: Unfortunately, the charter  
 19 schools are all too small to make use of the Perkins  
 20 grants. That's the problem.  
 21 Commissioner Robbins?  
 22 COMMISSIONER ROBBINS: I would let all of  
 23 the Commissioners and Ms. Perea also realize that  
 24 Workforce Solutions has an apprenticeship program  
 25 that is actively involved. Last year, I think we

Page 40

1 gave out over a million dollars in apprenticeship  
 2 grants to individual contractors throughout the  
 3 state. That is an active program.  
 4 I think some of the contractors, they only  
 5 go into one program, because there are so many  
 6 different programs. And some of these contractors  
 7 aren't large enough to be able to manage the CTE --  
 8 you know, the JTIP programs that are out there, the  
 9 PWAT programs that are out there. There are so many  
 10 different programs out there that they tend to get  
 11 into one program and stay with that program.  
 12 I think maybe coordination and discussion  
 13 within the various programs could help facilitate  
 14 and help those contractors and people in those  
 15 various industries and the trades to facilitate,  
 16 actually maximize the use of that. And also, it  
 17 needs to be publicized and, I think, communicated  
 18 within the high schools. Because you're absolutely  
 19 right.  
 20 High schools have tended to push students  
 21 only into college, even if students don't want to go  
 22 that path. And then they don't see that there's  
 23 programs that the high schools are working with them  
 24 in to go into the trades and things like that. And  
 25 we need the trades. They're -- like you said,

Page 41

1 whether it's union or not, the trades can pay very,  
 2 very well. And I think people don't realize that  
 3 those trades -- you don't have to be a computer  
 4 programmer or a doctor or a lawyer to make a  
 5 reasonable living. Trades can pay very, very well.  
 6 THE CHAIR: Thank you.  
 7 Commissioner Armbruster?  
 8 COMMISSIONER ARMBRUSTER: Two things. But  
 9 first I have a question, which is how many students  
 10 do you have to have in order to get into this CTE  
 11 business? There was a number, I remember.  
 12 DR. ELAINE PEREA: The -- any school can  
 13 offer career-technical education courses. And  
 14 85 percent of our students take at least one CTE  
 15 course during their high school experience.  
 16 To be a "CTE concentrator," which is a  
 17 formal federal definition, means the student has  
 18 taken three courses in a single career cluster. And  
 19 "career clusters" are defined by O\*NET, the national  
 20 Department of Labor.  
 21 So, for example, health care is a career  
 22 cluster. And a student would need to take three  
 23 courses in health care to be a concentrator. We  
 24 have about 6,500 students who are concentrators at  
 25 any given time out of about 100,000 high school

Page 42

1 students.

2 So it's not a real high number that are

3 concentrators. And part of that is because, again,

4 that kind of thing happens at the large

5 comprehensive high schools. To have three

6 health-care classes, three welding classes, three

7 agriculture classes requires a large high school.

8 The Perkins Reauthorization contemplates a

9 new category, which would be called "CTE Explorers,"

10 and would allow students to be a concentrator if

11 they take three courses from three different

12 clusters. In particular, we've been in

13 conversations with the Fed, because we think this

14 would be a good idea for New Mexico. And I've been

15 advocating for something I'm calling a ranching

16 program of study, which would require one business

17 class, one agriculture class, and one health class

18 as a ranching program of study.

19 So that we're looking and we're in

20 conversations with the Feds about trying to make CTE

21 more relevant for our rural communities. But that

22 being said, right now, we're about 6,500 students

23 that are concentrators.

24 COMMISSIONER ARMBRUSTER: And this is, of

25 course, one of my strongly held beliefs, is that --

Page 43

1 I'm from Los Alamos. So, of course, it's a

2 semi-different population, but not really. It's

3 clearly not rural.

4 But we used to have incredible things

5 which they've just done away with. For example, we

6 had a class that built homes. And this was, you

7 know, 20 years ago, even. And they were building

8 \$300,000 homes in the nicest areas in Los Alamos.

9 So it wasn't a slipshod job of, you know, renovating

10 a home.

11 THE CHAIR: Did they build their own

12 school?

13 COMMISSIONER ARMBRUSTER: They did not

14 build their own school. And they had a curriculum.

15 Just wanted to answer you. But the problem was that

16 they had to have a licensed contractor overseeing

17 this. And, of course, a licensed contractor isn't

18 going to work for \$30,000 a year. And that's the

19 reality of it.

20 But I think the important part that I

21 wanted to emphasize is that it isn't just kids that

22 didn't want to go to college or wanted to go into a

23 trade; there are many people who were college-bound

24 students who loved to take that class and learn how

25 to do the electricity and do the plumbing and do all

Page 44

1 of those kinds of things.

2 And it's unfortunate that those

3 opportunities have been taken away, same as with

4 auto shop, the same as with the machinists, the same

5 with all of those, so that we're forcing kids --

6 this is a public -- traditional public school. But

7 still it's not providing for those students, if

8 nothing else -- if not the future, just a skill that

9 we now have all kinds of people, even at the Lab,

10 who will complain -- the older people will say,

11 "I've got people in here who don't know the

12 difference between a hammer and a screwdriver."

13 And it's really frustrating. So I think

14 we're downplaying how important it is that everyone

15 have access to these skills.

16 DR. ELAINE PEREA: I couldn't agree with

17 you more.

18 COMMISSIONER ARMBRUSTER: I don't have an

19 answer for you; but I'm just out there for you.

20 DR. ELAINE PEREA: Thank you.

21 THE CHAIR: Commissioners, any other

22 questions? Comments?

23 COMMISSIONER JOHNSTON: I --

24 THE CHAIR: Commissioner Johnston?

25 COMMISSIONER JOHNSTON: Thank you,

Page 45

1 Madam Chair.

2 Just one closing comment. It all goes

3 back to we are unable at this point to -- to license

4 skilled teachers. Every district in the state would

5 take advantage of any pool that was created and

6 would -- probably, superintendents could get into a

7 brawl if we had five teachers in 20 districts, and

8 they would be trying to get those people.

9 So anything that we can do to support

10 increasing this pool with highly qualified folks to

11 be in the classroom and work with high school

12 students to give them that -- that first boost to

13 all of these things we've been talking about. But

14 we cannot find teachers.

15 Thank you.

16 THE CHAIR: Thank you. Commissioner

17 Crone?

18 COMMISSIONER CRONE: I'm a

19 do-it-yourselfer. And my instructors were my dad

20 and This Old House.

21 THE CHAIR: And I have the exact same

22 experience.

23 All right. Seeing no other questions,

24 comments, there is a proposed motion in Item 6.

25 COMMISSIONER JOHNSTON: So, Madam Chair, I

Page 46

1 will -- I will make the motion, if I can find the  
 2 words.  
 3 THE CHAIR: It's right -- it's the page  
 4 after the chart.  
 5 COMMISSIONER JOHNSTON: After the chart.  
 6 Thank you.  
 7 COMMISSIONER TOULOUSE: I will second it  
 8 after she finds it and reads it.  
 9 THE CHAIR: At least it wasn't -- I'll do  
 10 it. It's easier. It's right there in front of me.  
 11 COMMISSIONER JOHNSTON: I apologize. If  
 12 you have it, you go for it.  
 13 THE CHAIR: All right. I move that the  
 14 Public Education Commission approve the narrative  
 15 and data outcomes for the school year 2016-2017  
 16 Consolidated Annual Report.  
 17 And there is a second by Commissioner  
 18 Toulouse.  
 19 Commissioner Armbruster?  
 20 COMMISSIONER ARMBRUSTER: Commissioner  
 21 Crone?  
 22 COMMISSIONER CRONE: Yes.  
 23 COMMISSIONER ARMBRUSTER: Commissioner  
 24 Peralta?  
 25 COMMISSIONER PERALTA: Yes.

Page 47

1 COMMISSIONER ARMBRUSTER: Commissioner  
 2 Armbruster votes "Yes."  
 3 Commissioner Johnston?  
 4 COMMISSIONER JOHNSTON: Yes.  
 5 COMMISSIONER ARMBRUSTER: Commissioner  
 6 Ruiz?  
 7 COMMISSIONER RUIZ: Yes.  
 8 COMMISSIONER ARMBRUSTER: Commissioner  
 9 Caballero?  
 10 COMMISSIONER CABALLERO: Yes.  
 11 COMMISSIONER ARMBRUSTER: Commissioner  
 12 Gipson?  
 13 THE CHAIR: Yes.  
 14 COMMISSIONER ARMBRUSTER: Commissioner  
 15 Toulouse?  
 16 COMMISSIONER TOULOUSE: Yes.  
 17 COMMISSIONER ARMBRUSTER: Commissioner  
 18 Robbins?  
 19 COMMISSIONER ROBBINS: Yes.  
 20 COMMISSIONER ARMBRUSTER: That's a  
 21 nine-to-zero vote. Motion passes.  
 22 THE CHAIR: Motion passes. Thank you so  
 23 much. Thank you for your time. Thank you.  
 24 We are on to Item No. 7, Discussion and  
 25 Possible Action on Charter School Amendments. And I

Page 48

1 believe we only have one; correct?  
 2 MS. POULOS: Yes, Madam Chairwoman and  
 3 Commissioners. And Dr. Pelayo is going to cover  
 4 this item.  
 5 DR. PELAYO: Commissioners, good morning.  
 6 What we have here in Item 7 --  
 7 THE CHAIR: I'm sorry. I think you're  
 8 going to have to talk a little louder.  
 9 DR. PELAYO: Can you hear me now?  
 10 THE CHAIR: Yes.  
 11 DR. PELAYO: Okay. This is Item 7, the  
 12 amendment request for the Taos Integrated School of  
 13 Arts. They are requesting to amend their school's  
 14 contract related to operational structure, and,  
 15 specifically, amending the language around  
 16 instructional hours.  
 17 The first few pages of that packet there  
 18 outlines the school's history and some information  
 19 about recurrent enrollment there on Page 2 of this  
 20 section, just their recurrent enrollment. They're  
 21 not quite at your expectation of 85 percent. The  
 22 school's performance: They've recently received a  
 23 "B." We do indicate there, and as you see, the  
 24 analysis that follows, that there is some stagnant  
 25 growth in serious academic gaps among the various

Page 49

1 student groups. And I wanted to call attention to  
 2 you in relation to the amendment request itself.  
 3 We do notice, on Page 4 of the analysis  
 4 here, that as you can see from Charts 4 and 5, that  
 5 reading and math proficiency overall is quite flat.  
 6 And then we look on the next page, and you do see  
 7 here that with the lowest performing students in  
 8 Chart A, the school is still not performing at even  
 9 the State average there in terms of growth for these  
 10 students.  
 11 And the rest -- the next two pages here on  
 12 Pages 6 and 7 really start to look at the school's  
 13 data in terms of the subgroup performance. We look  
 14 at economically disadvantaged students, students  
 15 with disabilities, and English Learners, and see  
 16 just differences in terms of the enrollment between  
 17 that school and its comparison district. And I  
 18 think potentially, the Commission might have some  
 19 questions about why that is.  
 20 And when you turn the page on Page 11, the  
 21 charts on 11 and 12 really look at academic  
 22 proficiency for these students. And you do see  
 23 that, again, the performance here is flat for  
 24 economically disadvantaged students and students  
 25 with disabilities and in reading. And you see a

Page 50	Page 52
<p>1 declining proficiency for Hispanic students and also                  2 students with disabilities there in Chart 12.                  3 The next page does include some                  4 information about how they are doing with the                  5 organizational performance framework. Specifically,                  6 I'll call out there the issue related to protecting                  7 the rights of English Learners. This was an issue                  8 last year, and this was for last year, and it                  9 continued to be an issue that we called out during                  10 this year's site visit.                  11 And then on the last page of this                  12 analysis, we do have there we wanted to look into                  13 the issue of instructional time and student                  14 achievement. And while the educational research on                  15 this is mixed, we do think it's important that the                  16 school be thoughtful about what a potential decrease                  17 in instructional hours might do for the school,                  18 specifically the vulnerable populations that are                  19 already underperforming.                  20 And so, again, even though the                  21 instructional hours, the jury is out in terms of                  22 whether it's helpful to increase hours, it looks                  23 like from research, without going to too low or too                  24 high in extremes, it may not make a difference,                  25 because what really matters would be the quality of</p>	<p>1 providing that we would change our current                  2 amendment.                  3 If you look, I believe that we have just                  4 passed out the hours and school week that we have.                  5 We're not proposing a lessening of our hours, just a                  6 clarification of what those hours are.                  7 Our current contract is rather -- was                  8 rather unclear. If you were to look at our lengths                  9 of school days, as well as the amendment change that                  10 we have proposed, the hours don't equal, for                  11 kindergarten through seventh grade, 1,080 hours.                  12 They were -- I believe it was 1,022. We've kept to                  13 the same hours for -- since its existence.                  14 If you look at the four-day school week                  15 for the 2016-'17 and 2017-'18 school year, we had                  16 only decreased by one day. And that was because of                  17 a clawback that we had recently with the \$40,000 cut                  18 in order for us to make amends. We did not raise                  19 our teacher salaries. We actually stopped                  20 administrative salary, froze that, and we reduced                  21 other administration salary in order for us to meet                  22 the clawback that we had; because at that time, we                  23 were also moving to a new facility, and we were                  24 expecting to have that money in order for us to move                  25 to a new facility.</p>
Page 51	Page 53
<p>1 instruction and curriculum.                  2 So with that, generally, the Charter                  3 Schools Division does not recommend decreasing                  4 instructional hours; but given the below                  5 performance, stagnant growth and persistent                  6 achievement gaps between the students groups, we are                  7 concerned, and we at this time will not make an                  8 explicit recommendation on this amendment request.                  9 THE CHAIR: Thank you.                  10 DR. PELAYO: Thank you.                  11 THE CHAIR: Good morning.                  12 MR. RICH GREYWOLF: Good morning.                  13 THE CHAIR: And if you could please                  14 identify yourself for the record, please.                  15 MR. RICH GREYWOLF: Madam Chair and                  16 Honorable Commissioners, my name is Rich Greywolf.                  17 I'm director of Taos Integrated School for the Arts.                  18 MS. JULEE LaMURE: I'm Julie LaMure. I'm                  19 the governing council president for Taos Integrated                  20 School for the Arts.                  21 MR. RICH GREYWOLF: The amendment that                  22 we're proposing is due to a clerical error that we                  23 have in our own charter that was brought up to us                  24 this past December when CSD came. The clerical                  25 error, we just thought it would be amended by</p>	<p>1 THE CHAIR: Thank you.                  2 MS. JULEE LaMURE: I'd also like to point                  3 out that even with the slightly reduced hours, we                  4 are still ahead of the total hours that are required                  5 statutorily.                  6 DR. PELAYO: Chairwoman?                  7 THE CHAIR: Sure.                  8 DR. PELAYO: Actually, when we do our                  9 analysis here, we don't count lunch, and we don't                  10 count recess or breaks, because it needs to be                  11 school-directed activities. So when we subtract                  12 that out, it wasn't compliant with State statute,                  13 which is why it was a concern.                  14 This document here they wanted us to hand                  15 out to you is their calculation. And we do our                  16 calculation, which is different than potentially                  17 what is submitted to the school budget for approval.                  18 THE CHAIR: Okay. This is where I am at                  19 this point in time. And for those Commissioners                  20 that were here yesterday and for those of you in the                  21 audience, this was part of a conversation yesterday                  22 when we were looking at the future site visits and                  23 so on and whether we're going to continue to dig                  24 into the roots of instructional hours, and that the                  25 concept that if you're falling short on</p>

Page 54

1 instructional hours, it's going to show someplace  
 2 else.  
 3 It's going to show in your grade, because  
 4 they're not getting the appropriate amount of  
 5 instruction.  
 6 And is it to our benefit and to the staff  
 7 to have to go out and continue to try to calculate?  
 8 And is it -- does it merit our time and effort to do  
 9 the seesaw back and forth about, "We've got this  
 10 many hours, and they say we've got this many hours."  
 11 Bottom line is if you're doing the  
 12 appropriate job, it's going to show in your school  
 13 grade. And if you can bang it out of the park --  
 14 I'm not going to say this publicly -- with 80 hours,  
 15 show us how to do it, you know. And if it takes you  
 16 1,100, and that's what your school wants, then,  
 17 fine.  
 18 So I'm more amenable to allow this  
 19 amendment, because we're just -- you know, the  
 20 debate -- we had this discussion yesterday. It's --  
 21 it's just something that we're -- I think everyone  
 22 is just kind of tired of digging into. And they'll  
 23 show us through the performance of the school how  
 24 they're doing, regardless of what the hours are.  
 25 So that's -- that's where I stand based on

Page 55

1 the discussion that we had yesterday. So that's --  
 2 that's my rant.  
 3 Commissioners, anyone else?  
 4 Commissioner Johnston?  
 5 COMMISSIONER JOHNSTON: Thank you,  
 6 Madam Chair.  
 7 While I concur with the Chairwoman's  
 8 sentiments about -- about approving the change --  
 9 but I concur with that because of my distress with  
 10 these student achievement things that I have been  
 11 looking at that are presented to us, and the  
 12 flatline in growth and the -- the disconnect that I  
 13 am seeing between the methods of instruction and the  
 14 accomplishment of the students who are attending the  
 15 school.  
 16 There is no direct correlation, because --  
 17 between the length of the day and the number of  
 18 hours and the successes of the students. The  
 19 correlation there lies in other areas.  
 20 Someone said several months ago in one of  
 21 our meetings -- and I wrote it down -- that the  
 22 board, the governing council, owns the school. And  
 23 my distress comes -- or my -- comes with I don't see  
 24 the ownership of the school and the success of the  
 25 school reflected in the performance of the students

Page 56

1 and no sense of urgency.  
 2 I don't believe a four-day -- the change  
 3 in this amendment will impact that. So why should  
 4 we be -- as a Commission and as a Charter School  
 5 Division, be responsible for digging into that  
 6 detail every time we visit? We should just be able  
 7 to hold the governing council and their employee,  
 8 the head of school, accountable for the success.  
 9 And we should be having a conversation about  
 10 academic achievement, not about the -- the four-day  
 11 week and the number of hours.  
 12 So I'm in favor of -- I support what the  
 13 Chair said -- stated; but I support it because of my  
 14 frustration with seeing the lack of success of the  
 15 students, and by returning the responsibility for  
 16 the school and holding them -- holding the governing  
 17 council directly accountable for what I'm reading on  
 18 paper and seeing improvement.  
 19 Thank you.  
 20 THE CHAIR: Commissioner Toulouse?  
 21 COMMISSIONER TOULOUSE: Madam Chair, I  
 22 agree with approving this. But I also am concerned  
 23 that we closed a school a couple of years ago who  
 24 basically had cut their classroom time in half  
 25 because they thought that they could do that, and

Page 57

1 then supposedly, the students were out working on  
 2 projects nobody was reviewing.  
 3 A school in Albuquerque. A high school,  
 4 yeah.  
 5 And it -- I just want to make sure we're  
 6 not looking -- this one's fine. I just want to make  
 7 sure what we're saying isn't setting a precedent to  
 8 say to anybody, "As long as your kids are doing  
 9 fine, you can do as many hours as you want," because  
 10 that's what got that school in trouble; that and  
 11 money, not paying their stuff.  
 12 THE CHAIR: I just want to remind the  
 13 Commissioner that that may have been part of the  
 14 grounds that were found in the case. But the  
 15 overwhelming reason why that school was brought  
 16 before us was because of the --  
 17 COMMISSIONER TOULOUSE: No, I understand  
 18 it was the financial.  
 19 THE CHAIR: -- financial issues that --  
 20 COMMISSIONER TOULOUSE: Most of the  
 21 schools we close are on financial. But one of the  
 22 major deals is I don't -- I think when we looked  
 23 farther into that, those students were not learning  
 24 and weren't even in school. And that was the  
 25 pro- -- so I just don't want to set a precedent

1 where people think they can reduce hours.  
2 But this one isn't doing that. That's  
3 fine. I want that as a reminder on the record.  
4 We're not going to tell anybody, "We're not going to  
5 look at your hours at all." But hours don't come  
6 into it as long as the school is doing okay, either.

7 THE CHAIR: Okay. And I want to make  
8 myself clear that I wasn't telling you that you  
9 could do 900 hours and not comply with the law. I  
10 was going to say if you could figure out that plan,  
11 let me know. But I am not advocating that schools  
12 change their hours, and they don't comply with State  
13 law.

14 COMMISSIONER TOULOUSE: No. I knew you  
15 weren't telling them that. I was just afraid  
16 somebody, six months from now or a year from now,  
17 would read the transcript and say, "Oh, here's a  
18 piece I can pluck out of it."

19 THE CHAIR: Unfortunately, Commissioner  
20 Toulouse wasn't with us yesterday. That was part of  
21 the conversation that, with the new site visit,  
22 they're not going to dig into the hours. If, at  
23 some point down the road, that's approved -- but  
24 that was part of the conversation that we had.

25 COMMISSIONER TOULOUSE: I think generally,

1 preparatory to career development.

2 And so we did what the teachers call  
3 pre-algebra. But they took us into algebra. So  
4 we -- I wasted the next two years sitting in classes  
5 not doing anything, because I had already gone  
6 through it. So the seventh and eighth were a waste  
7 of time for me in math and science.

8 And just to point out that these teachers  
9 were able to pull it out, pull that through in sixth  
10 and seventh, what they called a pilot aggressive --  
11 in other words, they -- they wanted to prove that  
12 kids, Hispanic kids, could survive in very, very  
13 aggressive teaching methodologies.

14 And we all did. We complained. We did  
15 all kinds of stuff. And the men and women -- the  
16 boys and girls that were in my math and science, 28  
17 of us, every single one except three of us, went  
18 into the sciences; mostly engineers, some medical.  
19 I started in engineering and diverted to social  
20 studies. But -- and all of us went to college.

21 And so it can be done with low-income --  
22 with not a lot of hours. It can be done. So you  
23 just need to make up your mind, "Let's -- let's get  
24 it done. Let's do it." And next time we see your  
25 results, they're way up there. And I'm sure you can

1 that's fine. I would have been part of the  
2 conversation to say, "No, there's other things at  
3 the site visit to look at than hours."

4 I just want to be sure that nobody can  
5 take a piece out of our record and run with it;  
6 because we're not writing law when we talk about  
7 things.

8 Thank you very much.

9 THE CHAIR: Commissioner Caballero?

10 COMMISSIONER CABALLERO: Sure. Just to  
11 say that you just have to be creative and courageous  
12 on how you teach and close the gaps. I am concerned  
13 about the gaps between the higher achieving students  
14 and the ones at the bottom.

15 Of course, my -- my main concern are the  
16 Hispanic students. And I will relate a story that  
17 when I was in school, sixth and seventh became a  
18 pilot program in the newly created middle school;  
19 because the schools were getting overwhelmed -- and  
20 the high schools. And they got very, very rigorous.

21 I mean, I -- we all complained to our  
22 parents. And, of course, all our parents were from  
23 Mexico. And they were very glad to see that we were  
24 in preparatory school. Because in Mexico, those  
25 grades are preparatory, preparatory to university,

1 do it.

2 Thank you, Madam Chair.

3 THE CHAIR: Okay. Thank you very much.  
4 Commissioner Armbruster?

5 COMMISSIONER ARMBRUSTER: I'm agreeing  
6 with the Chair in everything that she said. I just  
7 want to point out that -- that this Commission has  
8 changed a lot over the years. Particularly now, we  
9 are looking at how are students doing? Again, we're  
10 not looking at the hours, if you're on the State  
11 level.

12 But I'm hoping that you are looking at  
13 ways to improve the education of your students,  
14 because -- particularly since your student profile  
15 doesn't look as much like Taos as other schools in  
16 Taos, or even in the state. And I'm certainly  
17 urging you to get into whatever remediation-type  
18 programs to learn more about how to raise those  
19 scores; because I -- in 2019, you are up for  
20 renewal, and there will be, for me, significant  
21 concerns on your lowest performing students, the  
22 fact that your students are -- you have less at-risk  
23 students. So I would expect your grades and your  
24 proficiency and growth to be much higher.

25 Again, with the Chair's comments, it



Page 62

1 doesn't matter if you're off two hours here or  
 2 there, as long as you're with the State average. So  
 3 I would vote for that amendment, to give that to  
 4 you. But I wanted to have that on the record for my  
 5 opinion.  
 6 Thank you.  
 7 MS. JULEE LaMURE: Madam Chair, may I  
 8 comment?  
 9 THE CHAIR: Sure.  
 10 MS. JULEE LaMURE: So there's a lot of  
 11 concern about the -- the performance of the school.  
 12 And I just wanted to address that. And I do agree  
 13 in part that -- that the reduced hours are not  
 14 necessari- -- a greater day is not going to  
 15 necessarily solve the problem; it's a bigger  
 16 problem.  
 17 And so some of the things that have caused  
 18 us to have what you're seeing on paper -- you know,  
 19 it doesn't reflect the whole story. So there's more  
 20 to it than that.  
 21 And we're fully prepared to sail into  
 22 being an "A" school. Right now, we're three points  
 23 away from being an "A" school. Our director we  
 24 hired three years ago -- because he is probably the  
 25 best teacher in Taos; he's been an educator for many

Page 63

1 years -- and we wanted that kind of energy in the  
 2 school. We have an almost entirely new governing  
 3 council. We have one member that's been on there  
 4 for four years; all the others are fairly new.  
 5 And so we are -- we are very, very  
 6 motivated to be one of the state's top schools.  
 7 COMMISSIONER ARMBRUSTER: Good.  
 8 THE CHAIR: Thank you. Commissioner --  
 9 Commissioner Ruiz?  
 10 COMMISSIONER RUIZ: I'd like to make a  
 11 motion.  
 12 THE CHAIR: Thank you.  
 13 COMMISSIONER RUIZ: I move to deny the  
 14 amendment request presented by Taos Integrated  
 15 School of Arts School to change its material terms  
 16 with respect to its operational structure by  
 17 reducing the instructional hours to the statutorily  
 18 required minimum, because -- PEC to provide reasons,  
 19 and they've been given, and that the request should  
 20 be denied.  
 21 COMMISSIONER JOHNSTON: And I'll second  
 22 that.  
 23 THE CHAIR: To deny?  
 24 COMMISSIONER JOHNSTON: Yes.  
 25 COMMISSIONER CABALLERO: Okay. Motion

Page 64

1 made and seconded.  
 2 THE CHAIR: Okay. Commissioners, any  
 3 discussion?  
 4 COMMISSIONER CABALLERO: Just some  
 5 discussion, Madam Chair. I think we -- I -- I, for  
 6 one, would like to ask the Commissioners to vote  
 7 down that motion; because I believe that we can --  
 8 we can vote "yes," and it won't be -- either way,  
 9 the data shows that an increase or decrease, if it's  
 10 not that dramatic, is not going to show anything.  
 11 And so if that's the case, if we don't  
 12 have data to show that you must have a bunch of  
 13 hours -- and in this case, it's not a bunch of  
 14 hours -- we will automatically see an improvement.  
 15 And that is not the case.  
 16 So I think that we just need to improve,  
 17 let it go, and evaluate them on performance. And we  
 18 have a new performance framework to be able to do  
 19 it, I think that's more clean. It will allow  
 20 schools to -- to -- for success. I think the new  
 21 framework that we're developing will push the  
 22 schools to greatness. And we can evaluate them on  
 23 all levels.  
 24 Thank you, Madam Chair.  
 25 THE CHAIR: And I'll just reiterate. My

Page 65

1 recommendation stays with approving the amendment,  
 2 that based on the discussions we've had, that  
 3 it's -- it's taking time out from other monitoring  
 4 that could be done by the team, and the  
 5 recommendation from the Director yesterday for  
 6 removing that out of the site visit. So I don't --  
 7 I don't think it's -- it's beneficial.  
 8 And as I said, the hours are the hours,  
 9 and your outcomes are going to be your outcomes.  
 10 And if there's a problem with the hours, it's going  
 11 to show in your efforts with those outcomes.  
 12 COMMISSIONER JOHNSTON: And, Madam Chair?  
 13 THE CHAIR: Commissioner Johnston?  
 14 COMMISSIONER JOHNSTON: Thank you,  
 15 Madam Chair. I changed my thought processes,  
 16 because historically, one of the difficulties that  
 17 the staff making site visits has encountered has  
 18 been the concern voiced by some of the charter  
 19 schools, not necessarily Taos International -- but  
 20 that we are delving so deeply into detail.  
 21 MR. RICH GREYWOLF: Just to -- not to --  
 22 we're not Taos International.  
 23 COMMISSIONER JOHNSTON: Integrated. Thank  
 24 you. Taos Integrated. Sorry.  
 25 MR. RICH GREYWOLF: That's okay.

Page 66

1 COMMISSIONER JOHNSTON: I'm sorry.  
2 Because this is very important to me, because I feel  
3 that I have an obligation to vote to deny because I  
4 feel that the detail -- the ability to ask the  
5 detailed questions by the team making the site visit  
6 needs to remain in place. And the school -- the  
7 school needs to understand that this is not a  
8 decision that the -- the staff who are on the visit  
9 is making. This is a decision we have imposed upon  
10 them.

11 So this is our responsibility. So the  
12 PEC, in my vote, I'm requesting that this detail  
13 continue until I see some movement.

14 And I see a puzzled look on your faces. I  
15 haven't --

16 THE CHAIR: There's a puzzled look on my  
17 face, too; because I want to make it clear that if  
18 the site visit is changed, the site visit protocol  
19 will change, regardless of what happens here. So  
20 I -- I need clarity on that so that if we do, in the  
21 near future, change that site visit, then there  
22 won't be the monitoring of that.

23 COMMISSIONER JOHNSTON: Well, I would like  
24 something in place, then, for Taos Integrated to  
25 remain at that monitoring level. That is my

Page 68

1 THE CHAIR: Okay. So that that's not a  
2 condition of this motion.

3 COMMISSIONER CABALLERO: I call the  
4 question, Madam Chair.

5 THE CHAIR: Sure.

6 COMMISSIONER TOULOUSE: He called the  
7 question.

8 THE CHAIR: Oh, I'm sorry. I thought you  
9 said you had a question.

10 COMMISSIONER CABALLERO: No. I call the  
11 question.

12 THE CHAIR: I'm sorry. I apologize. The  
13 question has been called.

14 Commissioner Armbruster?

15 COMMISSIONER ARMBRUSTER: Commissioner  
16 Robbins?

17 COMMISSIONER ROBBINS: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner  
19 Toulouse?

20 COMMISSIONER TOULOUSE: I vote "No" on the  
21 motion.

22 COMMISSIONER CABALLERO: Excuse me.  
23 Clarification. Vote "yes" on the call.

24 COMMISSIONER TOULOUSE: You don't vote on  
25 the call. When there's a call, you vote.

Page 67

1 thought.

2 COMMISSIONER TOULOUSE: Madam Chair, I  
3 think this is beyond the scope of our discussion and  
4 the motion, because this is not having anything to  
5 do with their monitoring. This is having to do with  
6 correcting a mistake in the charter --

7 COMMISSIONER JOHNSTON: But I want them to  
8 retain the ability. That is the reason I changed my  
9 mind.

10 COMMISSIONER TOULOUSE: But that's  
11 separate. That's why --

12 COMMISSIONER JOHNSTON: Yes, ma'am. But  
13 that is my reasoning. Thank you.

14 THE CHAIR: Okay. But I -- I guess I need  
15 some -- I don't think, in this motion, we have the  
16 ability to -- to place that condition into that --  
17 into that current motion, I do not believe, because  
18 that was not part of the motion.

19 COMMISSIONER JOHNSTON: Well -- but that  
20 was my -- okay. I appreciate the comments; but that  
21 was just my reason for --

22 THE CHAIR: Okay. But I need the clarity  
23 that that will not be --

24 COMMISSIONER JOHNSTON: I understand what  
25 you're saying.

Page 69

1 COMMISSIONER CABALLERO: You go straight  
2 into the voting?

3 THE CHAIR: We go straight into the vote  
4 on the motion.

5 COMMISSIONER ROBBINS: Very well. I'm  
6 voting "no" on the motion.

7 COMMISSIONER ARMBRUSTER: Pardon me just  
8 one second. I just need to clarify what I'm doing.

9 THE CHAIR: The motion is to deny the  
10 amendment request. So if you vote "yes," you are  
11 denying the amendment request, for clarity. And  
12 Commissioner Robbins voted "No."

13 COMMISSIONER ARMBRUSTER: So I had to  
14 change -- thank you.

15 Commissioner Armbruster votes "No."

16 Commissioner Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER ARMBRUSTER: Commissioner  
19 Ruiz?

20 COMMISSIONER RUIZ: Yes.

21 COMMISSIONER ARMBRUSTER: Commissioner  
22 Johnston?

23 COMMISSIONER JOHNSTON: Yes.

24 COMMISSIONER ARMBRUSTER: Commissioner  
25 Gipson?

Page 70

1 THE CHAIR: No.  
 2 COMMISSIONER ARMBRUSTER: Commissioner  
 3 Caballero?  
 4 COMMISSIONER CABALLERO: No.  
 5 COMMISSIONER ARMBRUSTER: Commissioner  
 6 Crone?  
 7 COMMISSIONER CRONE: Yes.  
 8 COMMISSIONER ARMBRUSTER: So we have three  
 9 yeses and six noes; so the motion does not pass.  
 10 COMMISSIONER CABALLERO: No. There's  
 11 four.  
 12 THE CHAIR: The motion fails on a  
 13 five-to-four vote; correct? That's my count.  
 14 COMMISSIONER ARMBRUSTER: I'm sorry. Did  
 15 you vote "Yes"?  
 16 COMMISSIONER PERALTA: I did.  
 17 COMMISSIONER ARMBRUSTER: Four-to-five  
 18 vote.  
 19 THE CHAIR: The motion does not pass on a  
 20 five-to-four vote; correct?  
 21 MS. POULOS: Madam Chairwoman, can I  
 22 address the Commission? Maybe if I do it really  
 23 quick?  
 24 THE CHAIR: Okay.  
 25 MS. POULOS: I just want to say the

Page 72

1 discussion, then you go ahead and vote on the  
 2 motion.  
 3 THE CHAIR: Just so the Commissioner is  
 4 aware, we have not adopted Robert's Rules.  
 5 COMMISSIONER TOULOUSE: When we call a  
 6 question, it means, okay, it's --  
 7 MS. JULEE LaMURE: Excuse me,  
 8 Madam Chairwoman. Just so I'm clear, I think the  
 9 original intent of this agenda item was to correct a  
 10 clerical error. And I don't understand --  
 11 THE CHAIR: I understand.  
 12 COMMISSIONER TOULOUSE: When we make that  
 13 motion, we'll --  
 14 MS. JULEE LaMURE: Okay.  
 15 COMMISSIONER TOULOUSE: Madam Chair, I  
 16 move to approve the amendment request presented by  
 17 Taos Integrated School of the Arts to change its  
 18 material terms to correct a mistake in -- a clerical  
 19 error in the charter with respect to the operational  
 20 structure on the number of hours required.  
 21 Thank you.  
 22 COMMISSIONER CABALLERO: Second.  
 23 THE CHAIR: There's a motion by  
 24 Commissioner Toulouse, a second by Commissioner  
 25 Caballero.

Page 71

1 recommendation from the discussion yesterday -- and  
 2 this is coming from the PED -- is that we would stop  
 3 looking at instructional hours; because what we do  
 4 know across the country with our most successful  
 5 charter schools are increasing instructional hours.  
 6 We know that.  
 7 But we also know that it should be the  
 8 charter school's choice, and the outcome will be  
 9 what they're held accountable for. That is  
 10 certainly why we're making that recommendation, and  
 11 we continue to stand by that recommendation.  
 12 Again, it's hard; but we're standing by  
 13 that recommendation as we move forward. Obviously,  
 14 the Commission has to make their decision today.  
 15 But we certainly do think that the school should  
 16 have the flexibility. We hope they'll use that  
 17 flexibility responsibly and make the right decision  
 18 for their students.  
 19 COMMISSIONER ROBBINS: Madam Chair, could  
 20 I inject a procedural comment here? Robert Rules --  
 21 if that's what we're following -- when someone calls  
 22 the question, there generally is a vote on calling  
 23 the question and closing down the discussion.  
 24 Generally, that's what you do is you close down the  
 25 discussion, have a majority vote to close down the

Page 73

1 Commissioner Armbruster?  
 2 COMMISSIONER ARMBRUSTER: Commissioner  
 3 Toulouse?  
 4 COMMISSIONER TOULOUSE: Yes.  
 5 COMMISSIONER ARMBRUSTER: Commissioner  
 6 Peralta?  
 7 COMMISSIONER PERALTA: No.  
 8 COMMISSIONER ARMBRUSTER: Commissioner  
 9 Gipson?  
 10 THE CHAIR: Yes.  
 11 COMMISSIONER ARMBRUSTER: Commissioner  
 12 Armbruster votes "Yes."  
 13 Commissioner Johnston?  
 14 COMMISSIONER JOHNSTON: No.  
 15 COMMISSIONER ARMBRUSTER: Commissioner  
 16 Crone?  
 17 COMMISSIONER CRONE: No.  
 18 COMMISSIONER ARMBRUSTER: Commissioner  
 19 Ruiz?  
 20 COMMISSIONER RUIZ: No.  
 21 COMMISSIONER ARMBRUSTER: Commissioner  
 22 Caballero?  
 23 COMMISSIONER CABALLERO: Yes.  
 24 THE CHAIR: You forgot Commissioner  
 25 Robbins.

Page 74

1 COMMISSIONER ARMBRUSTER: Robbins is at  
 2 the top.  
 3 COMMISSIONER ROBBINS: Yes.  
 4 COMMISSIONER ARMBRUSTER: So we have a  
 5 five-to-four vote.  
 6 THE CHAIR: The motion passes five to  
 7 four. Thank you very much.  
 8 MS. JULEE LaMURE: Thank you for your  
 9 support. We appreciate it.  
 10 THE CHAIR: Commissioners, let's take an  
 11 approximately ten-minute break.  
 12 (Recess taken, 10:25 a.m. to 10:45 a.m.)  
 13 THE CHAIR: We are on to Item No. 8,  
 14 Report from Options for Parents and the Charter  
 15 School Division.  
 16 MS. POULOS: Madam Chairwoman,  
 17 Commissioners, we're going to make this one a little  
 18 bit quick.  
 19 I don't think we have any staffing  
 20 updates, because I believe the Commissioners have  
 21 had the opportunity to be introduced to all our  
 22 staff.  
 23 So jumping right into kind of that tracker  
 24 of ongoing actions, the Commission did have a  
 25 subcommittee meet with DEAP. That is updated on the

Page 76

1 appeals on those decisions.  
 2 So, again, just on behalf of -- certainly,  
 3 on PED's and CSD's behalf, I'll be asking for  
 4 extensions on those deadlines. And so I'll be going  
 5 ahead and submitting those to the hearing officer in  
 6 the formal process.  
 7 In addition, on your tracker, we do have  
 8 the schools that you put on corrective action plans  
 9 back -- I believe that was in December. Those  
 10 schools are in your binder; so we'll discuss those  
 11 further today.  
 12 And then we have that continuing list of  
 13 schools that are looking for a new facility. We'll  
 14 make sure that's up to date.  
 15 Next in your materials behind Item 8 is  
 16 Page 11 of 298. This is a big binder. These are  
 17 your Notices of Intent. So we did receive -- I  
 18 believe that number is 18 Notices of Intent for new  
 19 charter applications for 2018. You see the  
 20 identified name of the proposed school, founder,  
 21 intended location, and date submitted.  
 22 We did have, I think, about 12 schools  
 23 attend the training on Monday. That was the first  
 24 training that we did for those new applicants. We  
 25 started them out talking about just the process in

Page 75

1 status; that was on January 17th. That school is  
 2 currently working on a Corrective Action Plan based  
 3 on some -- some outcomes that the Commission's  
 4 subcommittee said they wanted to see in that plan.  
 5 And that will be submitted to the Commission in time  
 6 to review and determine whether they're going to  
 7 approve it at the March meeting.  
 8 In addition, you obviously had the renewal  
 9 decisions from December. We at the PED are working  
 10 on getting a contract in place for legal  
 11 representation for the Commission on a short-term  
 12 basis while we're also trying to get that RFP run  
 13 through to get you that legal representation on a  
 14 long-term basis.  
 15 So one of the things that I'm actually  
 16 going to do on behalf of CSD and on behalf of the  
 17 PEC is request that our deadlines and timelines in  
 18 all of those hearings be changed to accommodate  
 19 that.  
 20 So there's the update -- we do have  
 21 appeals on all decisions from the Commission except  
 22 the Anthony appeal -- or sorry -- non-renewal.  
 23 THE CHAIR: Anthony School.  
 24 MS. POULOS: Yes, the Anthony School's  
 25 non-renewal. All the other schools have filed

Page 77

1 general, timelines, the application as a whole. And  
 2 then we dug into the last section of the  
 3 application, which is the Evidence of Support;  
 4 because that's something they need to be actively  
 5 working on, so that's why we start them at the end  
 6 of the application.  
 7 Again, not all of those attended; but  
 8 about 12 or 13 of them did attend.  
 9 Any questions about the Notices of Intent?  
 10 COMMISSIONER CABALLERO: Question. Do we  
 11 anticipate having all of these be heard by the  
 12 Commission?  
 13 MS. POULOS: Great question. We know at  
 14 least one of them -- Madam Chairwoman, Commissioner  
 15 Caballero -- one of them is intending to apply to  
 16 Albuquerque Public Schools. They're still coming to  
 17 our training. One of them, my understanding was,  
 18 intends to apply to Deming Public Schools; but  
 19 they're coming to our training, as well.  
 20 I actually don't anticipate that all 18  
 21 will show up in front of you in June. Last year, I  
 22 think we had about nine Notices of Intent, and we  
 23 ended up receiving two applications. So through  
 24 that training process, applicants tend to understand  
 25 this is a very rigorous process; it's demanding.

<p style="text-align: right;">Page 78</p> <p>1 They may not be quite ready for it, and they may 2 need another year. They may also decide that public 3 schools are not the way to go for them and their 4 program. 5 So I don't anticipate that we will have 6 all 18. I do anticipate that some will be seeking 7 authorization with their local districts, and then 8 some will drop out of the process. 9 COMMISSIONER CABALLERO: Thank you. 10 MS. POULOS: Any other -- okay. So what 11 you do have in your materials behind that is those 12 Notices of Intent, the actual notices. And those 13 run through Page 105 of 298. 14 No, they run further than that. I got 15 lost. 16 The next item -- and I want to find those 17 for the -- says "School Governance Changes." Start 18 on Page 117 of 289. You have each of these 19 packets -- I do just want to highlight for you at 20 the next -- on the next packet, we will have this 21 for you as one sheet. 22 I do want to highlight for you the 23 reporting concerns with these packets that run from, 24 again, Page 117 through the end of this section. 25 Specifically, four schools that are in here did not</p>	<p style="text-align: right;">Page 80</p> <p>1 for their Board of Finance, as well as board minutes 2 showing the action that was taken. 3 For resignations, we ask for a resignation 4 letter. For removals, we ask for a removal vote. 5 And those schools that did not submit complete 6 documentation are ACE Charter School, Alma d'Arte, 7 and ASK Academy. 8 So, again, we are -- we are bringing this 9 to you. We are going to get more sophisticated in 10 the reporting to you. I think when that happens, we 11 do need to get to a place where we start discussing 12 how the Commission wants to handle that, because we 13 do need these to be timely. We do need the 14 documentation to be complete. And it is really 15 important that our governing boards are filling 16 vacancies in a timely manner. 17 THE CHAIR: Thank you. 18 MS. POULOS: That wasn't for this item. 19 It was a later item that's actually about 20 governance; but it's different. 21 THE CHAIR: Okay. Thank you. 22 MS. POULOS: That is all that I have in 23 that report, yes. 24 THE CHAIR: Okay. Great. 25 All right. Item No. 9, CAP for Financial</p>
<p style="text-align: right;">Page 79</p> <p>1 timely report their changes to you. Your contract 2 and the documents you have about governance changes 3 do require that they notify the Commission within 4 30 days of any changes to their governance 5 structure. 6 The following schools did not make it by 7 that 30-day notification timeline. Those schools 8 are ACE Charter School, Coral Community Charter 9 School, Taos Integrated Charter School, and 10 Tierra Encantada. So those four packets were not 11 timely in their reporting to the Commission. 12 In addition, there is a requirement that 13 boards fill vacancies within 45 days, or request 14 within 45 days a 30-day extension, which would give 15 them 75 days to fill that vacancy. Of the packets 16 in your materials today, out of -- Alma d'Arte 17 Charter School, Anthony Charter School, and Taos 18 Integrated Charter School were reporting governance 19 changes. Not only were they not timely in their 20 reporting, but the governance change was not timely; 21 the filled vacancy was not done in a timely manner. 22 And lastly, we still have three schools 23 that have not submitted complete documentation, 24 because what we asked for them to submit are all the 25 forms that are necessary to have up-to-date forms</p>	<p style="text-align: right;">Page 81</p> <p>1 Concerns. Sometimes when I hear "CAP," I think 2 enrollment cap, and then I'm confused when we start 3 talking about a Corrective Action Plan. So it's, 4 like, my goodness -- so Corrective Action Plans for 5 Financial Concerns. 6 MS. POULOS: Yes. So the Commission may 7 recall you did vote to put three schools that are 8 currently on monthly reporting from the School 9 Budget and Financial Analysis Bureau on financial 10 corrective action plans. That, of course, I 11 believe, occurred in December. And they had -- they 12 had the opportunity to submit those. So we have put 13 those in front of you. 14 The -- we do have two of the -- oh, no. 15 We have all three schools here. So the first school 16 is Roots and Wings Community School. 17 What you will see in the pages that they 18 have submitted are first, their February 1st 19 reporting, because part of your requirements for 20 that plan were monthly reporting to us. And then 21 you'll see their January 1st reporting, followed by 22 the plan that they submitted, and then followed by 23 your letter identifying what they needed to submit. 24 And, you know, I will say this is not the 25 strongest of the plans that we saw submitted; it is</p>

<p style="text-align: right;">Page 82</p> <p>1 not the weakest of the plans that we saw submitted.  2 I do think that if the school is going to  3 meet the outcome of improved financial performance,  4 they may need to be more thoughtful about their  5 plan, their action steps, and who's responsible.  6 When we get to it, you'll see the plan submitted by  7 Sandoval Academy of Bilingual Education was very  8 detailed. There was clearly a lot of work that went  9 into that. And I do think that's going to be a  10 successful plan, based on the quality of that work.  11 So, you know, I do appreciate the work  12 that Roots and Wings has done so far. I do  13 appreciate that they have submitted, in a timely  14 manner, their monthly reporting. I do think that  15 they probably need to do some more work on their  16 corrective action plan.  17 THE CHAIR: Okay.  18 MS. POULOS: They are here, if you would  19 like to speak with them.  20 THE CHAIR: Yeah. So if the folks from  21 Roots and Wings want to come up, good morning.  22 FROM THE FLOOR: Good morning.  23 THE CHAIR: And if you could please  24 identify yourself for the record.  25 MR. RANDY GREEN: My name is Randy Green.</p>	<p style="text-align: right;">Page 84</p> <p>1 perspective than, you know, a public-funded budget.  2 So, yeah, we certainly could use more expertise in  3 that regard.  4 THE CHAIR: Okay. Well, I guess I will,  5 at the very least, point you to the PED website for  6 the training opportunities that are available. And  7 they -- and I'm sure if you contact CSD, they will  8 certainly help you with -- and I will also -- I'm  9 not sure if you're a member of the Charter  10 Coalition.  11 MR. RANDY GREEN: We're a member of ACES.  12 THE CHAIR: ACES. I'm not 100 percent  13 sure -- I think ACES does provide some training, I  14 believe. But I'm not completely familiar with that.  15 You could certainly contact them; or the Coalition,  16 I'm sure, would be willing to at least point you in  17 the right direction for that.  18 MR. RANDY GREEN: I have been in contact  19 with a former business manager that I worked with  20 at -- Kristine Duncan, and at Roots and Wings. And  21 we're looking at the possibility of their company's  22 school ability to do a specialized training for us.  23 THE CHAIR: Well, I certainly appreciate  24 that. And I guess I'll just ask, how much contact  25 do you have on a regular basis with your business</p>
<p style="text-align: right;">Page 83</p> <p>1 I'm the director at Roots and Wings.  2 MS. ERICA LANNON: I am Erica Lannon. I'm  3 a governance council member and a parent.  4 THE CHAIR: Good morning. So we're -- is  5 there anything that you would like to -- for the  6 Commission to know?  7 MR. RANDY GREEN: Go ahead.  8 MS. ERICA LANNON: Well, I am actually a  9 new governance council member. And I just want you  10 all to know that I'm here to listen and learn. And  11 I definitely accept the feedback to -- that we need  12 to be, you know, a little stronger in our approach.  13 And thank you.  14 MR. RANDY GREEN: I, too, am new. I mean  15 this, is my first directorship. But I -- I think  16 it -- the aspect about who's responsible certainly  17 is something we need to look at more closely and  18 identify.  19 THE CHAIR: Thank you.  20 Can I just ask, when you were developing  21 this corrective action plan, did you consult with  22 your business manager or any financial experts?  23 MR. RANDY GREEN: We did consult with our  24 business manager. And one of the board members owns  25 several businesses. But he has a little different</p>	<p style="text-align: right;">Page 85</p> <p>1 manager?  2 MR. RANDY GREEN: Our business manager  3 lives in Albuquerque. I'm talking to her daily and  4 e-mailing back, and about a number of issues. We do  5 make time every week to spend probably an hour or so  6 going over things from the previous weeks to make  7 sure that we've got everything covered.  8 THE CHAIR: Okay. And your governance  9 council, in terms of their monthly meetings, how  10 robust a conversation are you having in regards to  11 this, and how aware have they been of these  12 concerns?  13 MS. ERICA LANNON: We're very aware of the  14 concerns. And our business manager has been at  15 every meeting since the beginning of the year, and,  16 you know, we're definitely in conversation with her,  17 you know, every meeting.  18 THE CHAIR: Okay. Thank you.  19 MS. POULOS: Madam Chairwoman, I do just  20 want to say, on the training side -- and you'll see  21 this in Sandoval Academy of Bilingual Education's  22 plan -- they actually directly contacted David  23 Craig. And he was, I believe, at the board meeting  24 last night and provided training directly to that  25 board.</p>

1 THE CHAIR: Well, thank him for that, as  
2 well; because we all know that helps to hopefully  
3 stem bigger problems down -- down the road.

4 So, you know, there's ample opportunity  
5 for help and at no cost -- the help. So it is there  
6 through PED. So I truly do encourage you to make  
7 that reach-out. And I'm just going to -- I hate to  
8 get into personnel things. But I guess I have a  
9 concern when I see that you replaced the head of  
10 school. And I hope you didn't replace the head of  
11 school to save money, you know. That was -- that's  
12 what -- I looked at it, and I said "Oh, my goodness.  
13 We're helping the -- because we replaced the head of  
14 school."

15 So my concern is that the elimination of  
16 staffing -- I know sometimes those are hard issues  
17 that you do have to make cuts. But I hope that  
18 wasn't -- and I don't want to get into a particular  
19 personnel issue; but it jumped out at me that that  
20 was a concern.

21 MS. ERICA LANNON: Yes, Madam Chair. Our  
22 former director was fantastic for getting us  
23 through, you know, a period of time when we needed  
24 her expertise. And in moving forward, we had  
25 identified we needed someone a little different,

1 And, you know, one thing about being a  
2 small school, it's really hard for a student to  
3 hide, and everyone knows what their abilities and  
4 disabilities are. And so we make it a point to  
5 challenge and serve every student. And that extra  
6 staff really helps that.

7 THE CHAIR: I would also encourage you,  
8 because these are all public records, that if you  
9 want to take a look at a corrective action plan for  
10 finances that would offer you a good template, that  
11 can certainly be shared with you, as well; because  
12 the -- you know, the idea is for this plan to be  
13 developed by the school to -- so that you have that  
14 good discussion about the issues that are of  
15 concern. The school is aware of them; they outline  
16 the concern.

17 They develop cooperatively a plan on how  
18 to fix it, and also a timeline and who are the  
19 people who are going to be responsible for making  
20 sure that that action plan is carried out. And that  
21 gives us a clearer vision of your understanding of  
22 the whole process, okay?

23 Commissioners, any other questions?

24 At this point in time, I'm not -- we do  
25 not have to vote on these?

1 because we are growing. And, you know, we're a  
2 newly State-sponsored charter. Thank you.

3 THE CHAIR: Okay. Thank you.  
4 Commissioners, questions?

5 COMMISSIONER ARMBRUSTER: So you said you  
6 were growing in number of students? So how is it  
7 that you need less EAs if you have more students?

8 MS. ERICA LANNON: Well, we don't need  
9 less of them; but that was one of our -- one of our  
10 staffing cuts. And we, instead, funded -- we had a  
11 number of points on the letter that -- that itemized  
12 the salary difference -- you know, the funding cuts  
13 that were made regarding salaries of different  
14 personnel, and also some grant funding that we --  
15 that we pulled to help with some support staff.

16 Was that right?

17 MR. RANDY GREEN: That's correct. A lot  
18 of our support staff are funded by a grant from Taos  
19 Community Foundation. And so they're not coming out  
20 of our State budget by any means. But I think it's  
21 important to point out that the school did earn an  
22 "A" last year. And I believe a lot of that --  
23 although, I wasn't there -- had to do with the  
24 number of staff that were there to support the  
25 students.

1 MS. POULOS: Madam Chairwoman, you do not.

2 THE CHAIR: Right.

3 MS. POULOS: I don't know if you want to,  
4 or if you want the school to resubmit the plan --

5 THE CHAIR: With this school in  
6 particular, my preference would be a resubmission  
7 with a clearer plan. That would -- you know, that's  
8 what -- that's -- we don't have to vote on that --

9 MS. POULOS: Okay.

10 THE CHAIR: -- 'cause it's -- but I think  
11 we can just look and agree that that would be, I  
12 think, the pleasure of the Commission for you, with  
13 the help of -- and I would certainly encourage you  
14 to reach out to David Craig's office. And if he's  
15 amenable to it, and he's got the flexible time for  
16 him to come to your governance council and offer  
17 that help, that -- you know, that would be ideal.

18 And that way, you can resubmit to us a  
19 plan that we can -- we can truly see the pathway  
20 forward, and it'll also help the CSD staff to be  
21 able to monitor it, as well.

22 MR. RANDY GREEN: Do we have a deadline or  
23 a timeline on the resubmission?

24 THE CHAIR: I would like the resubmission  
25 for March.

<p style="text-align: right;">Page 90</p> <p>1 MS. POULOS: The March meeting date, 2 Madam Chair, is the 16th; is that right? So we 3 would need that at least by the 9th. 4 THE CHAIR: Yeah. 5 Commissioner Johnston? 6 COMMISSIONER JOHNSTON: Thank you. Just a 7 comment of support. While I concur with the Chair 8 and the need for more specifics, it's very evident 9 to me that under the governing council and 10 Mr. Green's leadership, you have cleaned up a great 11 deal, and that now reporting that with the details 12 to us will really solidify, in your minds and the 13 responsible parties'. 14 But I see a great deal of cleanup that's 15 gone on here that raises many questions. But I want 16 to compliment you on the work that you've done and 17 the -- 18 MR. RANDY GREEN: Thank you. Appreciate 19 that. 20 THE CHAIR: Thank you so much. 21 MS. ERICA LANNON: Thank you. 22 MS. POULOS: Madam Chairwoman, 23 Commissioners, the next school is up is SABE. And 24 what you've seen in your materials is their monthly 25 reporting. They do have plans that are -- monthly</p>	<p style="text-align: right;">Page 92</p> <p>1 MS. JACKIE RODRIGUEZ: If you'd like me to 2 speak to it, I want to go over each point. When I 3 first submitted the plan, I looked over the the 4 letter identifying the three major topics that you 5 wanted the plan to follow, which one was the monthly 6 fiscal reporting; two, student reporting; and, 7 three, the monthly report, which kind of coincides 8 with item number one; but it was clear that they 9 were different things. So within the plan you'll 10 see that, as well as the update from year one -- 11 month one to month two. 12 I just wanted to speak a little to our 13 enrollment plan, as far as we do have a plan in 14 place for student recruitment. One of our issues 15 that was addressed was not meeting projections, and 16 our budget suffering because of that. We have 17 worked with Mr. Craig from PED, as well as the Vigil 18 Group, to request trainings for our governing 19 council. We've been working, Ashley and I, weekly, 20 to make sure that the spending is very limited and 21 only on necessities for the school to run 22 effectively. 23 We also are looking at patterns for next 24 year, really looking at identifying opportunities to 25 increase our budget. We will be seeking additional</p>
<p style="text-align: right;">Page 91</p> <p>1 reporting and their plan. And they do have three 2 different plans that were developed for each of the 3 items that were requested by the Commission for 4 that. 5 They've also provided support 6 documentation, including e-mails and other items, 7 board minutes, kind of sign-ins, log-ins to 8 meetings. And then, obviously, you also have in 9 here the letter. 10 So they've provided quite a bit in their 11 report, including financials. And we do really 12 appreciate the work that has gone into the plan, as 13 well as to the reporting, and we look forward to 14 seeing the impact that that has on the school's 15 finances and their financial management over time. 16 THE CHAIR: Thank you. And there is 17 someone from SABE? 18 Yes. Sorry. Good morning. 19 MS. JACKIE RODRIGUEZ: Good morning. My 20 name is Jackie Rodriguez. I'm the director of 21 Sandoval Academy. 22 MS. ASHLEY WOLFEL: And I am Ashley 23 Wolfel. I'm the business manager of Sandoval 24 Academy. 25 (Reporter requests clarification.)</p>	<p style="text-align: right;">Page 93</p> <p>1 grants with the PED that we weren't funded for. Our 2 bilingual program was not funded this year. Our 3 hope is to get that funded next year to help 4 increase our budget, so we don't have to skim our 5 spending. 6 We are also looking at identifying 7 patterns for those projections and being realistic 8 about the students that are enrolling in our schools 9 and looking at ways to market our school. We have 10 some unique challenges, being part of the 11 Rio Rancho -- in the Rio Rancho area, that we are 12 trying to address and overcome. 13 The governing council, although they're 14 not here, did renegotiate the lease with our -- our 15 leaseholder to free up some of that money so we can 16 pay back the PED. And our hope is to pay the PED in 17 full by the end of the year, which was a pretty 18 major concern. 19 Beginning of the fiscal year, Ashley and I 20 did -- and they had already discussed -- the 21 non-renewal of some positions to address the budget. 22 And I think I kind of addressed it all in a whole, 23 if anything -- any other questions, or if Ashley 24 wants to speak. 25 THE CHAIR: I guess because it might be in</p>



<p style="text-align: right;">Page 94</p> <p>1 here and I'm just not finding it real quick, do 2 you -- what -- how much is the money that's still 3 owed to PED? 4 MS. ASHLEY WOLFEL: \$40,000. 5 THE CHAIR: \$40,000? 6 MS. ASHLEY WOLFEL: Yes. 7 THE CHAIR: Okay. And you do have a 8 projection that it will be done by the close of the 9 school year? 10 MS. ASHLEY WOLFEL: Yes. Based on the 11 school's 40th day, they're getting an increase of 12 \$79,000; so they'll be able to pay. 13 THE CHAIR: I did see that. And so 14 that -- I'm assuming your marketing plan started. 15 MS. JACKIE RODRIGUEZ: Yes. 16 THE CHAIR: Well, to see that kind of 17 increase at the start of the school year when you're 18 doing that marketing plan, that hopefully is a 19 glimmer of hope that it is working. And I want to 20 say I -- once again, I appreciate David Craig coming 21 in and helping. I appreciate the fact that you 22 reached out. 23 It is more than obvious that you're having 24 robust conversations with your school about this. 25 And those are -- we all know those are tough choices</p>	<p style="text-align: right;">Page 96</p> <p>1 Madam Chair can answer that. 2 THE CHAIR: No, I honestly can't. I think 3 there's a -- and I could be wrong. You've been in 4 the process. We just hear about the process. But I 5 believe that there's a sort of a negotiation -- oh. 6 Or does he set up the plan without -- 7 MS. JACKIE RODRIGUEZ: And I'm not too 8 clear. But I think what Mr. Craig had alluded to 9 the last meeting is that by State statute, we have 10 to pay back. I don't think there's really a 11 timeline; but... 12 COMMISSIONER CABALLERO: I know it has to 13 be paid back. But is there a timeline, by statute, 14 of a year? Within this year or -- 15 MS. POULOS: Madam Chairwoman? 16 THE CHAIR: I thought it was the school 17 year. I thought that money had to be paid -- and I 18 could be wrong. 19 MS. POULOS: Madam Chair, Commissioners, 20 no, it actually is not within the school year. 21 THE CHAIR: Oh, okay. 22 MS. POULOS: So the -- the debt that this 23 school got itself into occurred three years ago. So 24 they have been working on that for quite some time. 25 The concern is that it's -- you know. And that's</p>
<p style="text-align: right;">Page 95</p> <p>1 you have to make when you've got that debt that you 2 have to pay; because at the start of the school 3 year -- and it's tough to make some funding choices 4 for programs that you think are important but you 5 just can't do this year. 6 So -- and I truly appreciate the 7 thoroughness of this; because it does show us that 8 you understand the issue and you're addressing the 9 issue. So I will concur with the Director in her 10 support for this plan. 11 Commissioners, any questions? Comments? 12 COMMISSIONER CABALLERO: I -- I -- I 13 wasn't -- 14 THE CHAIR: I wasn't sure if you were just 15 stretching or -- 16 COMMISSIONER CABALLERO: I do have a 17 question. It's not necessarily pertaining to the 18 school; but it just came to mind. And we've 19 heard -- and I heard the gentleman from the finance 20 department talk about putting the schools in 21 repayment plan. And it's very aggressive, the 22 payback. 23 Does -- can a charter school, at some 24 point, renegotiate that and spread that out in time? 25 Or has that ever happened? Or -- I don't know if</p>	<p style="text-align: right;">Page 97</p> <p>1 why we're getting pretty aggressive on budget 2 estimates for our new schools and requiring them to 3 have good backup and support for that; because it 4 can get them into big trouble. 5 And it's challenging, because it takes 6 money away. When one school is overpaying, it takes 7 money away from other students that, you know, 8 should receive that money. 9 So it's really important that it is paid 10 back as soon as possible. The desire is not to 11 extend it over a very long period of time. It is as 12 soon as that school is capable of paying it back. 13 And the way that this is determined is the 14 school actually does work with the Director of 15 School Budget and Finance to kind of work on when 16 they are able to. But it should be an 17 as-soon-as-possible thing, because where it came 18 from is the failure of the school to adequately or 19 accurately estimate their enrollment. 20 And then the troubling part, then, is to 21 adequately respond when they knew -- and neither of 22 these ladies are responsible for that -- but to 23 adequately respond when they knew that -- that 24 estimate did not actually materialize, to just 25 continue their spending without pulling that back</p>

<p style="text-align: right;">Page 98</p> <p>1 appropriately.</p> <p>2 So it really is a reflection of poor</p> <p>3 management at the time that that debt occurred.</p> <p>4 THE CHAIR: And unfortunately, we sit here</p> <p>5 all too often with the folks who -- "It didn't</p> <p>6 happen on my watch; but now we're the ones that are</p> <p>7 responsible for trying to fix it."</p> <p>8 And sometimes we don't get good answers to</p> <p>9 our questions, because people were not there. But</p> <p>10 it becomes problematic. And we know, because we've</p> <p>11 heard it often, what happens when just the</p> <p>12 over-projection by, you know, three, four students,</p> <p>13 the devastating effect that that has on a small</p> <p>14 school.</p> <p>15 MS. JACKIE RODRIGUEZ: Yes. Absolutely.</p> <p>16 THE CHAIR: And I guess I'm glad to hear</p> <p>17 that it doesn't have to all be paid back within the</p> <p>18 school year, because that could potentially be a</p> <p>19 closure issue for a school. They may not be able to</p> <p>20 do it. But it's unfortunate that apparently, the</p> <p>21 appropriate steps aren't taken early enough to fix</p> <p>22 it so that the problem just continued on; so...</p> <p>23 COMMISSIONER CABALLERO: And, Madam Chair,</p> <p>24 my concern is that there are some charter schools</p> <p>25 who have -- were very fortunate to get capital</p>	<p style="text-align: right;">Page 100</p> <p>1 I really appreciate the response to David</p> <p>2 Craig and to the budget people and your inclusion in</p> <p>3 this of your monthly expenditure.</p> <p>4 I'm looking at the -- I'm looking at the</p> <p>5 1100 fund and all of the deficits and all of the</p> <p>6 object codes and the budget adjustments, in my</p> <p>7 experience, that we make to make up these deficits.</p> <p>8 I am seeing not enough money that can be moved to</p> <p>9 fill the holes where some of these totals have</p> <p>10 exceeded.</p> <p>11 So you said at the 40th day, you got an</p> <p>12 additional \$79,000 because of enrollment. And with</p> <p>13 the end of the year coming up, you have that</p> <p>14 additional unit value money that could come through.</p> <p>15 But what -- and I'm looking, of course, at</p> <p>16 the very top line. I'm looking at the teachers of</p> <p>17 the -- the salaries. How do you plan to move</p> <p>18 forward with these? What is the way you're working</p> <p>19 towards this?</p> <p>20 MS. ASHLEY WOLFEL: So one of the things</p> <p>21 that the school has this year is an after-school</p> <p>22 program, which brings in more revenue every month.</p> <p>23 So that's going to offset it also. And then the</p> <p>24 \$79,000.</p> <p>25 So every month when I bring the reports to</p>
<p style="text-align: right;">Page 99</p> <p>1 outlay from State Representatives and Senators. And</p> <p>2 those monies are sitting there. Some of the charter</p> <p>3 schools got into a bind and are now having to pay</p> <p>4 back. And those specific charter schools need to</p> <p>5 improve dramatically. And that targeted money was</p> <p>6 for that improvement. And so schools don't have the</p> <p>7 capability to draw down -- make the expenditure,</p> <p>8 submit it, get a drawdown. And so it's unused.</p> <p>9 And our governor has said many, many</p> <p>10 times, "If it continues to be unused, I'm just going</p> <p>11 to sweep it."</p> <p>12 And it would be a shame if those monies</p> <p>13 geared towards student improvement not being used</p> <p>14 when we can actually work with a repayment plan and</p> <p>15 get a win-win for children.</p> <p>16 Thank you, Madam Chair.</p> <p>17 THE CHAIR: Okay. Thank you.</p> <p>18 Commissioner Johnston?</p> <p>19 COMMISSIONER JOHNSTON: Thank you,</p> <p>20 Madam Chair. I would like to thank the two of you</p> <p>21 for the thoroughness with which you approached this.</p> <p>22 And had I been sitting in your chair and doing this,</p> <p>23 there would be many moments that hope would be the</p> <p>24 only thing that was carrying me forward, that at the</p> <p>25 end of this, there was going to be a resolution.</p>	<p style="text-align: right;">Page 101</p> <p>1 the GC meeting, I give the school a breakdown to</p> <p>2 show them where they're at, where they're going to</p> <p>3 end up at the end of the year. So we make sure that</p> <p>4 they're going to be positive at the end of the year.</p> <p>5 And with owing the \$40,000 back, they'll be able to</p> <p>6 pay that back.</p> <p>7 MS. JACKIE RODRIGUEZ: And just to add, I</p> <p>8 also call utility companies, I got a cut in central</p> <p>9 heat by \$100 a month. Those are changes we make</p> <p>10 that are unseen or not part of the plan, that every</p> <p>11 cost decrease helps to pay for those differences.</p> <p>12 And we've cut -- not cut -- but we have</p> <p>13 made considerable changes to bring back money or</p> <p>14 keep our money so that we could make those</p> <p>15 adjustments.</p> <p>16 COMMISSIONER JOHNSTON: You have cleaned</p> <p>17 up and made a directed effort, and you have looked</p> <p>18 at the books. I can't compliment you highly enough</p> <p>19 in what you've done. And you've helped the school</p> <p>20 stay alive.</p> <p>21 So I know there have been many, many</p> <p>22 nights and much hair-pulling and much trepidation.</p> <p>23 But that hope gets us through, and we can meet the</p> <p>24 needs of kids with what we have and still do a good</p> <p>25 job.</p>

<p style="text-align: right;">Page 102</p> <p>1 So thank you very much. This is great  2 information.  3 THE CHAIR: Commissioners, anything else?  4 (No response.)  5 THE CHAIR: Thank you so much, and thank  6 you for all the work you're doing.  7 MS. POULOS: Madam Chairwoman, the third  8 school is Cariños De Los Niños Charter School. This  9 item, we have also included in Item 11, and I would  10 love to address them together.  11 THE CHAIR: That -- I was -- great minds.  12 MS. POULOS: Okay.  13 THE CHAIR: So we will hold that off for  14 the larger discussion. Thank you.  15 That brings to us item No. 10, which is  16 academic improvement plans.  17 MS. POULOS: Madam Chairwoman,  18 Commissioners, I'm not going to go into this ad  19 nauseam. If we were going to do that, it would take  20 weeks, quite frankly.  21 I am going to ask that each of you do  22 spend the time thinking about how you want to move  23 forward on schools that are required to submit  24 academic improvement plans.  25 We have a summary report for you. And</p>	<p style="text-align: right;">Page 104</p> <p>1 do what I really believe is a very strong process,  2 the NMDASH. Schools took different approaches on  3 that, and that's what I want to give Dr. Pelayo the  4 opportunity to talk with you about, as well as some  5 schools met reporting deadlines and some schools  6 didn't.  7 Again, we need to spend a lot more time  8 discussing this and thinking about where we go  9 forward, what you want to communicate to schools and  10 how you want to hold them accountable.  11 One of the pieces of feedback that we have  12 received in the past is that, "Oh, well, we haven't  13 started implementing because CSD didn't approve our  14 plan, or PEC didn't approve our plan."  15 And you've got to figure out where you  16 want to land on that and whether you want to do that  17 or not.  18 So, again, I want to give Dr. Pelayo just  19 the opportunity to give you the big interview of who  20 chose which route, where they are in that route, and  21 whether they're timely or not. And then you can  22 discuss as you'd like.  23 THE CHAIR: We can talk amongst ourselves.  24 DR. PELAYO: Commissioners? I'll talk  25 loudly.</p>
<p style="text-align: right;">Page 103</p> <p>1 that summary report breaks our schools into a couple  2 of different groups. And I'm going to have  3 Dr. Pelayo go over that quickly with you. But what  4 I want to do is direct you to Page 7 of 7, which --  5 which is the appendix identifying each of the  6 schools that received a "D" or "F" letter grade on  7 the 2017 School Report Card, which, according to  8 your performance framework, then requires them to  9 submit a School Improvement Plan.  10 This is the summary. It also gives you a  11 summary of whether they are in CSI or TSI status  12 which is -- under ESSA, it's a skill that is in need  13 of Comprehensive Support and Improvement, meaning  14 overall, it is in the lowest 5 percent of the  15 schools in the state; or a Targeted Support and  16 Intervention. And that means one or more subgroups  17 in the school scored in the lowest 5 percent in the  18 state.  19 And you'll see that there's a pretty good  20 alignment between those "D" and "F" letter grades  21 and that CSI/TSI status.  22 Then you'll see when they submitted their  23 plan and the type that they chose. You gave them  24 two options this year. You allowed them to do a  25 School Improvement Plan under an old template or to</p>	<p style="text-align: right;">Page 105</p> <p>1 So, yes, we are in Item 10. And the  2 report here provides a summary on your tool, but  3 also NMDASH. This is something that the Priority  4 Schools Bureau came to you-all at an earlier work  5 session in 2017 to discuss to you and present to you  6 as a potential option.  7 We are really pleased about half the  8 schools did opt to work with the NMDASH. And so  9 what I have here is group of about -- about five  10 groups; but, really, they fall into two basic  11 categories: One would be those charter schools that  12 leveraged the additional PED-offered resources of  13 support, and those that did not.  14 And so this first group of schools were  15 early adopters and were really excited about taking  16 the opportunities we provided. We created a  17 30-series training for those charter schools that  18 were interested in opting into DASH. And so -- that  19 had a "D" or "F." And those schools are listed on  20 Page 2 on that table, Table 1.  21 And for the most part, the schools did  22 submit their plans on time. The idea here was to  23 submit it in a way that they could get feedback from  24 the Priority Schools Bureau team in order to receive  25 the credentials to enter their plan in online. And</p>

<p style="text-align: right;">Page 106</p> <p>1 so they did get substantial feedback from the 2 Priority Schools Bureau. 3 And the idea was that they would do that 4 before the third training, which happened in early 5 November, so that they could get additional support 6 in entering into their plans. 7 Those are the seven schools that opted 8 with that route. 9 Then there is Table 2 on Page 3. These 10 are schools that are also interested in NMDASH, have 11 moved a little more slowly in terms of getting their 12 plans to the PSB for feedback, and are currently 13 still working with the Priority Schools to move 14 forward. For example, the first school there, the 15 American Sign Language Academy, and Six Directions 16 Indigenous School, we have not heard what they're 17 doing with their second round of feedback, still not 18 in a place where they are offered access to enter 19 their plans online. 20 THE CHAIR: Oh, they can't. 21 DR. PELAYO: Yeah, they can't, because the 22 second round of feedback of the plan is still not 23 quite ready. 24 And then on the next page, Page 4, now 25 this is the second group of schools in three groups.</p>	<p style="text-align: right;">Page 108</p> <p>1 December 20th, well after you-all had voted on their 2 non-renewal. 3 Then if you turn the page to Page 6, you 4 do have here the charter schools who earned a "D" or 5 "F" were required to submit a school improvement 6 plan and then applied for renewal with the local 7 authorizer. 8 And you can see there is one school out of 9 the 21 schools that were required to submit a plan 10 that did not; and that was Academy of Trades and 11 Technology. And they were also not renewed. 12 So the other three there did go to a 13 different authorizer. And two of those chose the 14 School Improvement Plan submitted on time. And one 15 of them did move towards the NMDASH and actually had 16 that plan with good feedback as a strong plan in its 17 first submission. 18 That is all on the summary, if you have 19 any questions about that. 20 THE CHAIR: Commissioners? 21 COMMISSIONER CABALLERO: Go ahead. No, 22 no. Go ahead. 23 THE CHAIR: I had said -- with looking at 24 the summaries from NMDASH -- and I know it's a 25 summary. But -- and then I look at the individual</p>
<p style="text-align: right;">Page 107</p> <p>1 These are charter schools that we offered additional 2 support from the Priority Schools Bureau and 3 partnering with them to bring them training specific 4 to them, chose instead to do the School Improvement 5 Plan, even as this group highly encouraged to use 6 the NMDASH due to its promising practices and 7 results. 8 And so we have the three schools listed 9 there in Table 3: Cariños De Los Niños, Dream Diné, 10 and La Tierra Montessori School. I call your 11 attention to the fact that Cariños De Los Niños did 12 not submit their plan until a couple of weeks ago, 13 and it was not on your template or NMDASH. It was 14 something they created, and that is actually in 15 here, as well. 16 And the other two groups of schools were 17 schools up for renewal, and "D" or "F." And were up 18 for renewal. And the first group were up for 19 renewal with the PEC. And as you can see there, 20 that three of those four schools chose to go with 21 the School Improvement Plan. One school did choose 22 to go with the NMDASH, submitted initially on time, 23 but then did not submit what was required if they 24 wanted additional feedback to have their plan be 25 robust and strong, did not submit that plan until</p>	<p style="text-align: right;">Page 109</p> <p>1 improvement plans, if the schools decide -- you 2 know, some of them look like -- honestly, I thought 3 I was reading a new application; because it -- there 4 didn't seem to be a good direction with them. 5 You know, I -- from a personal 6 perspective, I don't understand why a school 7 wouldn't want to use the DASH program, because it 8 just seems to guide you through the steps so much 9 easier. 10 I know there's a learning curve with it; 11 but, you know, based on the training that came to us 12 about it, I just feel that it certainly provides the 13 schools with a clearer pathway to move themselves 14 forward, and ultimately, I think an easier process; 15 because it's -- it's -- it's right there in front of 16 them, and it's clear, so that they -- they're not 17 wallowing in the -- the process of having to do it 18 all on their own. The prompts are there to move 19 them along with DASH. 20 So that's -- that's my comment. It's 21 disconcerting that people aren't meeting deadlines; 22 but that's unfortunate. 23 Commissioner Caballero? 24 COMMISSIONER CABALLERO: Yes. On the 25 request from -- from the Department on Page 6 is</p>

<p style="text-align: right;">Page 110</p> <p>1 some guidance as to what we should do. I strongly  2 believe we need to integrate whatever our monitoring  3 from PEC into what we're trying to do with the  4 letter, notice letter and all that, kind of  5 integrated to that. If it seems like we're being  6 too lenient, maybe keep what we're doing now, and  7 then eventually integrate our monitoring and our  8 focus with those that are not doing well through  9 that renewal of notices and the letter and all of  10 that.</p> <p>11 So that's what I think we should focus as  12 a Commission.</p> <p>13 THE CHAIR: I think you're correct. I  14 think as we engage in a greater conversation about  15 those letters of concerns, that we'll -- you know,  16 if that's approved down the road, that it may --  17 that may be part of that language that requir- --  18 requirement may be to -- that the school has to use  19 NMDASH, something like that.</p> <p>20 So, yes, I agree with you. And it's  21 certainly something that we have to keep in our  22 conversation right now, yes.</p> <p>23 Commissioners, any -- so we're -- we're  24 looking to what we want to do going forward. But  25 we're really not voting on anything. We're just</p>	<p style="text-align: right;">Page 112</p> <p>1 there's -- it's a data-driven answer.  2 THE CHAIR: It's a data-driven world at  3 this point in time.  4 COMMISSIONER ARMBRUSTER: Exactly. But I  5 think when you do individual ones -- sometimes  6 people can do it. It's sort of theirs. But they  7 may suffer the consequences of not using something  8 that's data-based. I mean, that's just my concern.  9 THE CHAIR: Well -- and as it has been  10 stated -- Commissioner Caballero mentioned  11 previously -- that the new performance framework is  12 helping to drive that success; so that this falls in  13 line with that.  14 Commissioner Johnston?  15 COMMISSIONER JOHNSTON: Thank you,  16 Madam Chair.  17 I don't know whether -- I'm reading at the  18 bottom of Page 6 that CSD -- Charter School  19 Division -- has requested direction from the  20 Commission regarding criteria and standards with  21 which the Division is to review and monitor  22 compliance. Would it be appropriate to task the  23 Division with drafting a template that --  24 THE CHAIR: For --  25 COMMISSIONER JOHNSTON: -- that contains</p>
<p style="text-align: right;">Page 111</p> <p>1 giving CSD a direction. And, you know, I'm going to  2 say, without being able to vote and make it a  3 forceful -- but I think any communication that --  4 for me, any communication that comes from the PEC  5 needs to, as strong as we can, encourage the school  6 to use NMDASH, that that is certainly our -- I hope  7 I'm speaking for everyone -- that is our belief that  8 that is the best pathway forward for them to make  9 genuine improvement and will help them to engage  10 with their staff better in developing that  11 improvement plan, as opposed to the individual ones  12 that somehow, I think, are just not -- so --  13 Commissioner Armbruster?</p> <p>14 COMMISSIONER ARMBRUSTER: And I would  15 agree with you. And to kind of add my comment is  16 when we ask for applications for new schools, we're  17 asking them to show us why they believe what they  18 are going to do. There's data to back that up as  19 being successful.</p> <p>20 And so if we carry it over to -- for  21 whatever reason, the school is not being successful,  22 there should be some data showing that what they're  23 doing, going to do, is successful. And I believe we  24 have that in New Mexico DASH. But various schools,  25 both charter and traditional public schools, that</p>	<p style="text-align: right;">Page 113</p> <p>1 the things we've been talking about and the things  2 they feel are appropriate?  3 We've talked about NMDASH; I agree with  4 that. Data-based; I agree with that.  5 But if they're going to be utilizing the  6 tool and the timing, perhaps I would be clearer in  7 my head with what we're asking. I don't know  8 whether we're being direct enough.  9 May I ask them?  10 THE CHAIR: Yeah. Because I'll be  11 honest --  12 COMMISSIONER JOHNSTON: I think we're  13 all --  14 THE CHAIR: I'm confused.  15 COMMISSIONER JOHNSTON: Would it be  16 appropriate to ask, Dr. Pelayo, the Staff to create  17 some sort of a draft guidance template for us that  18 solidifies --  19 THE CHAIR: I guess -- yeah. I'm confused  20 with -- I'm trying to help you out here. I'm  21 confused with, I guess, the -- maybe it's just the  22 word "guidance," "the draft template for guidance."  23 I'm not -- I'm not sure exactly what you're asking  24 for.  25 COMMISSIONER JOHNSTON: Okay. I was</p>

1 asking for something that we could look at as a  
2 Commission and vote on, if that's where we need to  
3 go with the template. Do we just -- I don't know  
4 what to request. So, anyway --

5 MS. POULOS: Madam Chairwoman,  
6 Commissioner Johnston, are you talking about a  
7 template for the schools' use for an improvement  
8 plan, which I think we have under DASH? I think  
9 we've already spoken about the moving forward with  
10 the accountability plan, which I think will actually  
11 lay that out with clarity. If a school doesn't  
12 submit their improvement plan in the format  
13 required, which I think you can actually revise that  
14 accountability plan that we've been talking about to  
15 require the NMDASH, if they don't submit that timely  
16 letter, they would fall into that intervention  
17 schedule, which would enable a communication from  
18 the Commission to say, "Hey, you have to do that."

19 I think the one outstanding question --  
20 and this may be what you were getting at -- is do we  
21 review and approve improvement plans? And I don't  
22 think this Commission should, if you're asking for  
23 my opinion. Again, I think it goes to putting the  
24 onus on the school, giving them that autonomy and  
25 flexibility, and then holding them accountable. If

1 didn't" -- or, "Using the correct process, if you  
2 didn't, then the PEC is working on an intervention  
3 schedule that would say, This is a notice of  
4 concern."

5 COMMISSIONER JOHNSTON: Thank you. That  
6 clarified for me. So it's really NMDASH and then  
7 the timeline. The submission is the important thing  
8 that we're looking at here.

9 THE CHAIR: Correct. And if they're using  
10 DASH, the submission timelines are established in  
11 DASH; correct?

12 DR. PELAYO: They do use a 90-day planning  
13 cycle. And so from that point of submission, that  
14 would be the first 90-day plan, and then 90 days  
15 thereafter.

16 THE CHAIR: That's why DASH helps to  
17 answer a lot of questions. And it makes it cleaner  
18 and clearer for everyone. But if it's going to be a  
19 more traditional home-grown improvement plan, then  
20 they create the timelines within that improvement  
21 plan that they're -- and that's -- we'll get the  
22 update.

23 COMMISSIONER JOHNSTON: So the movement  
24 toward DASH remains imperative.

25 THE CHAIR: Absolutely.

1 they create an improvement plan that is not  
2 successful in improving academics, then they have  
3 demonstrated to you that they do not have the  
4 capacity to run a public school that meets your  
5 expectations. And I think you go from there.

6 COMMISSIONER JOHNSTON: Thank you. That  
7 helps. We have NMDASH that you referenced. That  
8 should fill in. The improvement plans will then be  
9 submitted to the Charter School Division, and that  
10 will be a conversation and a dialogue between the  
11 revisions that are required between the Division and  
12 the charter school; is that correct?

13 No?

14 MS. POULOS: No, Madam Chair, Commissioner  
15 Johnston. We wouldn't do that either. It's going  
16 to be on the schools. The schools have to  
17 demonstrate that they are capable of running their  
18 own school district and doing it effectively.

19 What I think would happen is, again -- and  
20 actually, PED, through a different bureau, does give  
21 support on these -- the NMDASH plans. But what we  
22 would only be communicating is, "Did you meet the  
23 PEC submission timeline," which is, "From the date  
24 you earned that Tier 1 or 'F' or whatever it is, did  
25 you submit in a timely manner? And if you

1 COMMISSIONER JOHNSTON: Thank you.

2 COMMISSIONER CABALLERO: Whenever --

3 COMMISSIONER PERALTA: Just real quick. I  
4 think that's kind of what we, as a Commission, need  
5 to really make a strong statement to the schools,  
6 that New Mexico DASH is the tool; because it's going  
7 to be in the best interests of the school to utilize  
8 that, particularly because it's on the 90-day cycle,  
9 and it's constantly monitoring them throughout the  
10 entire school year.

11 They need to understand that we, as a  
12 Commission, I think -- I'm not just campaigning on  
13 this -- is that that's the only -- that's the only  
14 resource that we really want to look at or we want  
15 the schools to use.

16 THE CHAIR: Right. Right.

17 COMMISSIONER PERALTA: It puts everybody  
18 on the same playing field.

19 THE CHAIR: Right. And as we go into that  
20 intervention ladder, hopefully, that can be codified  
21 in that. So that's hopefully what we can do.

22 Commissioner Caballero?

23 COMMISSIONER CABALLERO: Yes. I just need  
24 a clarification and maybe a request for something.  
25 I -- I thought that the -- the School Improvement

<p style="text-align: right;">Page 118</p> <p>1 Plan -- that schools -- charter schools -- had the  2 option -- and I'm now talking about this whole  3 notion that charter schools are free to choose, have  4 the option to do, and they're autonomous. So do we  5 have a policy that if they fall to "D" and "F," that  6 they must have DASH -- NMDASH?  7 THE CHAIR: No.  8 COMMISSIONER CABALLERO: Okay. So I think  9 that some schools are going to have to have their  10 own improvement plan, and we caution them on that.  11 The other thing is if we could, and we  12 have the resources to -- to track and document, one,  13 the School Improvement Plan and NMDASH -- because we  14 are going to be driven by data under the Every Child  15 Succeeds Act -- and we can show as a Commission that  16 a School Improvement Plan can actually work if it  17 has these ingredients; or, NMDASH is far superior to  18 any School Improvement Plan, and we need to request  19 that they should do it.  20 But either way -- either way -- to  21 document NMDASH and document a School Improvement  22 Plan, if we document it well, charter schools and  23 schools can actually draw down federal monies  24 whenever they want to copy and have that in their  25 school. Because Every Child Succeeds Act is driven</p>	<p style="text-align: right;">Page 120</p> <p>1 because it was poorly written to start with?  2 So it's difficult to track with certainty  3 those school-created improvement plans, because if  4 they weren't created strong to start with, they're  5 going to fail anyway. That's the -- that's the --  6 that's a concern I have with that. But I -- and the  7 issue of whether we do or do not put them on DASH  8 will be a future conversation.  9 But it is not anywhere a requirement.  10 It's simply the -- it has been consistently the  11 recommendation of the Commission for the schools  12 that have come before us to try to use it.  13 Commissioner Toulouse?  14 COMMISSIONER TOULOUSE: Madam Chair, I  15 think that you can have the most perfect plan out  16 there. And if you don't implement it right -- and  17 so I'm more concerned with the outcomes that come  18 from the implementation than I am on whether they do  19 their own plan or use NMDASH.  20 Now, I think NMDASH is new enough yet,  21 some people may be also watching it. I'd watch it  22 several years before I'd particularly want to. But  23 I learned as a bureaucrat a long time ago to take  24 whatever tools are offered me and continue my own  25 way, too, until I figured out what worked best. And</p>
<p style="text-align: right;">Page 119</p> <p>1 by models that show, through data, they work. And  2 so we would be helping ourselves, and we would be  3 helping the charter schools that we do have some  4 data.  5 Now, I don't know what our resources are  6 to do that. But I'm just throwing that out as  7 something that would be beneficial for all of us.  8 THE CHAIR: What's the limit on your  9 credit card?  10 COMMISSIONER CABALLERO: I do not have a  11 credit card.  12 THE CHAIR: I'm going to say that at this  13 point in time, in their contracts, the only thing  14 that's stipulated is if they have a "D" or an "F,"  15 they are required to create an improvement plan.  16 But -- and I agree with you with the data part. And  17 I'll agree, to some extent, on that autonomy issue  18 with forcing schools to head towards NMDASH to some  19 degree. I understand that.  20 But as we saw with the financial  21 improvement plans, to say that we're going to track  22 the improvement plans to be able to say a  23 school-created improvement plan is going to be  24 better than DASH, the only -- we've seen good plans  25 and really bad plans created; so that did it fail</p>	<p style="text-align: right;">Page 121</p> <p>1 if whatever they gave me worked best, boy, I'm going  2 to use that. If not, I've got my backup here.  3 I don't want to be a micromanager to  4 people. I want them to do their plan. But that's  5 not -- the hardest part of anything isn't doing the  6 plan. Just like when you submit a new application  7 for a job -- or for a school. I've told several of  8 the people. I've said, "This is the easy part,"  9 when they say, "Huh?" But it is.  10 The hardest part is going through the year  11 of getting it ready and then the first year of  12 teaching that school. That's the hard work. And  13 it's the same thing with these plans. It's making  14 sure you get it done, and then you continue to get  15 it done, so that when you reach where you want to  16 be, you don't slack off and say, "Okay, I don't need  17 to do it anymore"; because those are the good  18 practices that you need to continue.  19 So I'm more interested in making sure that  20 whatever we get maintains the results that we want  21 to maintain than exactly what format it's done in.  22 THE CHAIR: And I certainly agree with  23 you. It's the outcomes that we're looking for; so  24 that if the school has the best way to do it and  25 it's working, then I support them in that.</p>

<p style="text-align: right;">Page 122</p> <p>1 Commissioner Armbruster? 2 COMMISSIONER ARMBRUSTER: I just have a 3 question probably for CSD. If a school is choosing 4 their own plan right now, and then they're seeing 5 that it's not -- it's just not working -- which is 6 great if they can see that -- is there a particular 7 time you can enter NMDASH? Or can you do it at any 8 time? Or if something's not working, can you 9 change? 10 MS. POULOS: Madam Chairwoman and 11 Commissioners, I want to clarify one thing in 12 answering your question. NMDASH is not a thing that 13 says, "You have to do da-da-da-da." It's actually a 14 system that helps you develop your own school 15 improvement plan. And it takes you through the 16 process of how you actually develop an improvement 17 plan. 18 So all the School Improvement Plans under 19 NMDASH are very individualized. They're based on a 20 look at the school data. It is actually a tool. We 21 hear from charter schools all the time, "You didn't 22 help us; you didn't tell us what to put in a plan." 23 This is actually the tool that helps the 24 schools understand the process for implement 25 planning. And it is technical assistance, quite</p>	<p style="text-align: right;">Page 124</p> <p>1 COMMISSIONER ARMBRUSTER: And I think we 2 had that training, a version of that training. And 3 it was -- which is why I'm not so concerned about 4 the autonomy; because it was, like, the fourth-grade 5 teachers get together, or the third-grade teachers 6 or whatever, and say, "Look. What is it the adult 7 actions can do to improve student..." -- and it 8 doesn't matter whether they're bilingual, 9 unilingual, special ed, whatever. They have to have 10 a plan that can't be because of that. And that was 11 the whole thing -- 12 THE CHAIR: The question of autonomy is 13 not the individual teachers being involved, but the 14 school being sent, "You have to do this," as opposed 15 to a choice. That's where the autonomy. And that's 16 for another time. 17 But I guess at this point in time, you're 18 looking -- really asking us, do we need all this on 19 a -- on a monthly basis? 20 MS. POULOS: No, I wouldn't do that to you 21 on a monthly basis. 22 THE CHAIR: Because if that's the case, my 23 answer is "No." 24 MS. POULOS: No. I think it is as -- 25 Madam Chairwoman -- as we move forward thinking</p>
<p style="text-align: right;">Page 123</p> <p>1 frankly, that's coming from the PED, a different 2 bureau. 3 That being said, we offered training to 4 the schools in order to enter into or to utilize the 5 DASH system because they need training. They need 6 to understand the whole process from beginning to 7 end. That is something they can't really utilize it 8 unless they get training. 9 So it makes it challenging. If there are 10 schools that say, "We want to," the bureau that we 11 work with is very willing to figure out how to 12 provide that training and support. They are very 13 willing to work to make sure they support the 14 schools and give them that support. 15 One last thing is while you may want to, I 16 think, be cautious of how you're defining autonomy; 17 because I don't think requiring a school to use a 18 system violates that, if there are certain criteria 19 to get them to that place. 20 But the really important thing for you to 21 think about is that they're still going to have all 22 that autonomy that's built into looking at their own 23 data, making decisions about their own school, and 24 figuring out how that's going to play out in their 25 school for the improvement process.</p>	<p style="text-align: right;">Page 125</p> <p>1 about how we do that. I do think the idea of 2 clearly communicating to schools that, "We're not 3 going to approve your improvement plan; how you're 4 going to be held accountable for that is through 5 your outcomes," is really important. 6 But you do have to submit it in a timely 7 manner. And I think that intervention schedule is 8 where we want to go. I do want you all to see this, 9 know that it exists, and see the difference in 10 quality. 11 THE CHAIR: I appreciate that. I don't 12 want -- we don't need this to continue. 13 COMMISSIONER CABALLERO: I did read it, 14 Madam Chair. I did read all -- 15 THE CHAIR: I did, too. I went through 16 all of them. And it's, you know, fascinating 17 reading. It really is; because it is interesting to 18 see how schools have tried to figure it out. 19 But I think -- yes, on that reporting 20 that, you know, a school has timely submitted, they 21 haven't timely submitted, you know, like the -- you 22 know, the one sheet that you have with DASH; so that 23 we know, yes, they did submit it on time; no, they 24 didn't; that's -- and I think at the end of the 25 year, you know, we get some feedback on, you know,</p>



1 what the status is, what -- you know, have they --  
2 because I'm assuming that -- well, depending on the  
3 timeline that they've created in the improvement  
4 plan, but that most of the improvement plans should  
5 conclude at the end of the school year. Most.

6 MS. POULOS: Madam Chairwoman,  
7 Commissioners, the improvement plans should never  
8 conclude -- quite frankly, an improvement plan  
9 should never conclude --

10 THE CHAIR: Well, I understand. But there  
11 are submissions and things like that that should --

12 MS. POULOS: Yes. So they should look  
13 at -- they actually should, at the end of every  
14 year, look at what they've put in place, was it  
15 effective or not, what needs to change. And then  
16 they should be looking forward to the next year.

17 THE CHAIR: Right. And I guess, then, the  
18 next piece of that is when reports come out, to be  
19 able to get that comparison. This is -- this is the  
20 data we have on this school; so that -- so that the  
21 improvement plan that they created did not achieve  
22 what -- you know, what it was intended to.

23 MS. POULOS: Yeah.

24 THE CHAIR: So I -- I guess we're looking  
25 at maybe September?

1 picture of where --

2 THE CHAIR: This does represent about a  
3 third.

4 COMMISSIONER CABALLERO: A third?

5 THE CHAIR: Yeah, roughly. Because we  
6 have been -- I don't know what our exact number is  
7 now. It's around 55.

8 MS. POULOS: Yeah. It's in the 50s.

9 THE CHAIR: So we're approaching half.  
10 Just trying to be nice.

11 COMMISSIONER CABALLERO: Okay. Thank you.

12 THE CHAIR: But, yes. And I know -- and I  
13 know you're correct. I saw that somewhere. I did  
14 see a chart somewhere like that. Yeah. Thank you.

15 So are we clear or not?

16 MS. POULOS: Madam Chairwoman, we are.  
17 There was one thing that I forgot that I did want to  
18 say, which is under ESSA, charter schools --  
19 traditional public schools, anybody that is  
20 identified as CTI or TSI is required to do NMDASH.  
21 I just wanted to clarify that.

22 THE CHAIR: Okay. So we have --

23 COMMISSIONER CABALLERO: Are you saying  
24 under our State plan, that's the requirement?

25 MS. POULOS: That's correct.

1 MS. POULOS: Yeah, probably.

2 THE CHAIR: Yeah.

3 MS. POULOS: Probably.

4 THE CHAIR: I think that would be  
5 appropriate; so that we could see, you know, based  
6 on the data they submitted at the end of the year,  
7 PARCC scores, whatever is needed, so that we get,  
8 you know, a concise list of -- you know, so we could  
9 see if those improvement plans saw any successes or  
10 not.

11 Commissioner Caballero?

12 COMMISSIONER CABALLERO: Commissioner, did  
13 I -- am I thinking in my mind that we saw a pie  
14 chart of how, overall, our schools are doing? I  
15 counted 21 schools in this Page 7 that they're "D"  
16 or "F." And so I kind of want to know the  
17 percentage of schools in this category, overall,  
18 those that are in the middle and those that are at  
19 the top, just to have a big picture of our situation  
20 with our charter schools.

21 THE CHAIR: So do you want a comparison of  
22 just charter to charter? Or charters to the  
23 traditionals, as well?

24 COMMISSIONER CABALLERO: Well, charter to  
25 charter; probably both, so that we kind of get a big

1 COMMISSIONER CABALLERO: Okay.

2 THE CHAIR: So there's 15 of those schools  
3 that are required already.

4 Okay. Thank you.

5 THE CHAIR: We are on to Item No. 11.

6 MS. POULOS: Yes, Madam Chairwoman and  
7 Commissioners. Icela and I are going to tag-team on  
8 this one. We have brought in front of you Cariños  
9 De Los Niños Charter School because of a variety of  
10 pretty serious concerns that we have.

11 I actually just want to start with  
12 financials. We already identified in Item 9 the  
13 item of financial Corrective Action Plans. This is  
14 a school that was placed on a financial Corrective  
15 Action Plan in November, based on being placed on  
16 financial reporting by the School Budget and  
17 Financial Analysis Bureau.

18 The -- what we received from the school is  
19 challenging to call a plan. And it's concerning to  
20 us, because it doesn't appear that it will help this  
21 school with its financial management. And, in fact,  
22 we haven't received the monthly reporting that was  
23 identified by the Commission in that Corrective  
24 Action Plan environment.

25 And I think Director Craig is here to talk

1 about some of his continuing concerns about  
2 financial reporting, management. And so I'd like to  
3 let him come talk to you quickly, because he has  
4 other things that he needs to do.

5 MR. CRAIG: Madam Chair, members of the  
6 Commission and Director Poulos, thanks for moving  
7 your agenda around giving me some time. I've got a  
8 lunch meeting with my family. So that's the  
9 important thing that I had coming up. So I wanted  
10 to say thanks for that.

11 Director Poulos is very accurate in saying  
12 that we still have ongoing concerns about Cariños De  
13 Los Niños in the School Budget and Finance Analysis  
14 Bureau. If you'll remember the last time I came  
15 before the Public Education Commission, we discussed  
16 the reasons they were put on monthly reporting,  
17 which had to do with membership projections that  
18 didn't materialize.

19 And then we kind of found the same shuffle  
20 with La Resolana, in which expenditures and  
21 encumbrances showed more than what they had budget  
22 authority to do, and we had to do some budget  
23 maintenance.

24 And another big reason we put them on  
25 monthly reporting is we were concerned that they

1 this money as an aside in sort of the Secretary's  
2 emergency reserve, unless you say, 'Mother, may I?'"

3 So we're going to do that for this school;  
4 right? But I don't know how much to set aside,  
5 because I haven't received any monthly reports for  
6 November, December, or January. And the reports  
7 that we've been getting from the school are  
8 sometimes up to -- it looks to me three months late.  
9 We got August -- I'm sorry -- July, August,  
10 September, all after the December holiday.

11 So, you know, monthly reports are only  
12 good to the extent that you get them monthly. If  
13 you get all of them --

14 THE CHAIR: Can I interrupt you just for a  
15 second? I just need clarity. You said you didn't  
16 get August until --

17 MR. CRAIG: It looks like July, August,  
18 and September all came in December 27th.

19 THE CHAIR: That's what I thought you  
20 said. Okay.

21 MR. CRAIG: June -- we got the final June  
22 report for the month of June when they closed the  
23 year from Corinne Teller. I said previously from  
24 the Vigil Group. That's not correct. It was from  
25 Corinne Teller. We got that in August.

1 were spending at a rate that they were going to  
2 exceed the revenues that they had coming into that  
3 school, which means they weren't sustainably  
4 spending. We were afraid they were going to close  
5 the year in the red.

6 Based upon their information that I've got  
7 right now, the cash report we received -- and let me  
8 do an aside. They did change business officials in,  
9 I believe, June, between the Vigil Group and now  
10 Corinne Teller. And so I want to address that and  
11 some other points, too; but it kind of is an  
12 overarching theme on some of the reasons we have  
13 concerns.

14 When we got the final June report from the  
15 Vigil Group, it did show a negative balance in their  
16 operational fund. So, you know, I was worried about  
17 them. My worries kind of got proven true.

18 And then I said, "Well, we're going to  
19 really need a good touch point with this school  
20 going forward for their monthly reports to monitor  
21 the cash flows coming in and out of that school."

22 What happens -- what we're going to do  
23 with them is the same thing we do with anybody that  
24 closes the year in the red after we've told them no,  
25 is we're going to say, "You're going to have to park

1 So I didn't even find out they closed the  
2 year in the red until August. So, I mean, there's a  
3 timing issue; right? Sometimes people are, like,  
4 "Dave, why don't you do more hands-on?"

5 It's, like, until I know it's an issue, I  
6 can't address it.

7 But, you know, we -- so we have many  
8 concerns with their budget. We think that they can  
9 clean up some of their budget maintenance, too.  
10 There's probably some outstanding BARs. Those are  
11 of less concern to us than cash flow issues when  
12 you've got a deficit situation.

13 In the meantime, Molly's group has gone  
14 out to do a T&E audit on these guys. So we've got  
15 concerns about making sure that we do the  
16 expenditure side and we get that drawn down to the  
17 point where they close. But on the revenue side,  
18 we've got issues probably popping up there; because  
19 preliminary findings from that audit indicate that  
20 none of the documentation from the T&E index, which  
21 is a powerful multiplier in the Public School  
22 Funding Formula, can be confirmed.

23 In fact, Dan, one of Molly's team, had to  
24 go out and reconstruct the T&E themselves to be able  
25 to figure out what was on site versus what was

<p style="text-align: right;">Page 134</p> <p>1 reported to us, so that we actually have a number 2 that we can adjust down to, because the school was 3 unable to construct that on their own. 4 From where I stand, that's going to be a 5 really bad situation when we're already trying to 6 work with them in a very tight budget scenario to 7 decrease expenditures when I have the additional 8 problem of less revenues coming into the school. 9 Those are the big ones. And I just -- I 10 mean, we can get into, you know, the fact that they 11 have many outstanding issues from prior financial 12 audits that haven't been corrected. There's no 13 Corrective Action Plan on file. I mean, the list is 14 long. 15 We have met in a very cooperative manner 16 with Cariños to communicate our concerns. Vernon 17 has always been very willing to meet with us. In 18 fact, he himself has gotten out in front to try and 19 address these situations in a one-on-one. But I 20 just don't see the changes happening necessary that 21 we can actually say with full confidence that we're 22 going to be in a positive position at the end of the 23 year; because we can meet for forever. But until I 24 actually get the documents turned in -- and there 25 have been a lot of back-and-forth between Corinne</p>	<p style="text-align: right;">Page 136</p> <p>1 our verification processes, either. 2 THE CHAIR: Okay. Because I still have 3 that question. Because October still doesn't get 4 identified anywhere; because I have July, August -- 5 and December didn't come in until December. 6 MS. POULOS: No, that was September didn't 7 come in until December 27th. 8 THE CHAIR: So I still have October as a 9 question. 10 MR. CRAIG: So, Madam Chair, I'll pass 11 around my cheat sheet, if it'll help. But we got 12 June in August 9th of 2017; July, August, September 13 in December 27th of 2017; October, we got 14 February 8th. So we just got that yesterday. And 15 November, December, and January are still 16 outstanding, okay? 17 THE CHAIR: Okay. All right. Okay. 18 MR. CRAIG: And I apologize for my cat 19 scrawl. 20 THE CHAIR: And I don't want to delay your 21 family lunch. The rest of us are envious about it. 22 Just so you know, in -- I believe it was the 23 December meeting or November meeting -- I'm not sure 24 exactly which one it was -- the current business 25 administrator had surprised us with a report to us</p>
<p style="text-align: right;">Page 135</p> <p>1 Teller and the school about providing information 2 necessary to complete these reports. 3 I don't generally get into those and start 4 picking sides. From where I stand, it's the 5 school's responsibility to get those reports in to 6 me. And it's up to the school's leadership to make 7 sure that it gets in. 8 So that's all I have to say. And I want 9 to say thank you for allowing me to address this 10 again in front of the Commission. 11 THE CHAIR: Thank you. And -- before -- 12 or do you want -- 13 MS. POULOS: Sorry. Just really quickly, 14 I just want it to be clear for the Commission. Are 15 you saying, David, that we at PED have not received 16 the October, November, December, or January monthly 17 reports? 18 MR. CRAIG: I'm sorry that that wasn't 19 clear. And I'll try and get a handout for you guys. 20 No, we have not received a November, 21 December, or January report. And those are the 22 reports that are still outstanding. To be honest, 23 we have a lot of concerns, the reports that have 24 been turned in. They're completed, and they're 25 submitted. They haven't been verified or matched</p>	<p style="text-align: right;">Page 137</p> <p>1 that they were not sure if the school would be able 2 to open at the beginning of -- after the break. 3 And that was -- that was an unanticipated 4 statement. So that, without a doubt -- so I guess 5 my concern is obviously, those financial issues are 6 just multiplying. And how sustainable at this 7 moment in time is -- is the school? 8 MR. CRAIG: Well, Madam Chair and Director 9 Poulos and members of the Commission, I just -- I am 10 very hesitant now to submit any sort of personal 11 opinion on any of that. What I can tell you is I 12 don't have the data necessary to form those types of 13 decisions. And I -- and it's a concerning to me 14 because when I don't have the data, I can't make 15 data-driven decisions. 16 I will say that if the school is intending 17 to close, we really need to be made aware of that 18 and reticent [verbatim] of that as soon as possible. 19 The Charter Schools Division has their processes by 20 which school closure -- and it's very -- it takes a 21 lot of work, I mean, is the bottom line. And I have 22 processes to secure the finances of that school and 23 ensure that I'm not paying -- you know, I'm not 24 leaving vendors out in the cold. I have to make 25 certain changes that have to be done to ensure that</p>

Page 138

1 that's going to happen.

2 So if we have a situation and a decision  
3 has been made to close that school, I really -- we  
4 would prefer that that was done through the formal  
5 process of school closure of the Charter Schools  
6 Division. What I don't want to have is a situation  
7 in which I have to deal with outstanding debts  
8 because we weren't made aware until right before the  
9 school closed. That's really not ideal for me as an  
10 administrator.

11 I will say that there's been conversations  
12 about whether or not the building can be sold or  
13 leased back. I did look into that. And it's my  
14 understanding -- and I -- for reasons beyond my  
15 control, I have very in-depth knowledge of that  
16 building sale. And Española Public Schools has  
17 rights of first refusal for any sale or lease of  
18 that. So I don't know if that was going to go  
19 forward as a possibility; but it was something we  
20 discussed.

21 I will say that Chancellor Jaramillo  
22 presented a budget plan that he says is going to  
23 help with the solvency when we last had our meeting  
24 with School Budget in October.

25 But I said, "I don't know how you can say

Page 139

1 with full faith and confidence that this is going to  
2 address any deficit until you have your cash report  
3 and your monthly reports done that allow you to  
4 actually calculate what the amount that you might be  
5 short are."

6 And he said, "Okay." And then it was  
7 agreed that we were going to try and get these in to  
8 me as soon as possible; so -- that's a lot.

9 THE CHAIR: And that's to date.

10 MR. CRAIG: To date. And that's where  
11 we're at.

12 THE CHAIR: Thank you so much.

13 MR. CRAIG: I appreciate it.

14 THE CHAIR: Enjoy your lunch.

15 MR. CRAIG: And, Madam Chair, if may, two  
16 more statements?

17 One is that we have ongoing concerns with  
18 Cariños. They have been very responsive. I hope we  
19 can get movement on some of these outstanding issues  
20 so we can work in a collaborative manner.

21 The second is is that none of this is  
22 anything that could raise to the level of a Board of  
23 Finance suspension. I just want to be clear on  
24 that, that it is legal to operate something poorly;  
25 you are allowed to do that. And I have many school

Page 140

1 districts and charter schools around the state that  
2 do. I'll give you equal opportunity on that.

3 But there does come a time in which if you  
4 are consistently not providing me with reports, and  
5 it shows a pattern of behavior over time, and I  
6 start having suspicions about gross negligence, that  
7 that conversation does start, okay?

8 Okay. Thank you.

9 THE CHAIR: Okay. Thank you so much.

10 MS. POULOS: Madam Chairwoman, we can go  
11 on?

12 THE CHAIR: Okay.

13 MS. POULOS: I do want to let you know  
14 that I'm trying to find Molly Saiz, who's the audit  
15 manager. And she can talk to you about one of the  
16 items here. But I do just want to continue through  
17 our concerns. And so, again, the financial is  
18 certainly a concern.

19 Again, going back to the quality of that  
20 response to the Corrective Action Plan requirement,  
21 it was a one-page document that was a bullet that,  
22 in my opinion, when I read it, simply restates the  
23 expectations that the Commission has, rather than  
24 providing a plan for how the school is going to meet  
25 those expectations.

Page 141

1 Again, we also -- the Commission's plan  
2 did say that they were going to require monthly  
3 reporting. And to date, we have received no monthly  
4 update that could be considered reporting that would  
5 align with what the PEC expected.

6 In addition, one of the items that we  
7 have -- and I did give you an additional piece of  
8 information on that this morning -- is that at one  
9 of the Cariños board meetings, the Commission -- the  
10 board of that school made a public vote regarding  
11 ethical misconduct allegations. And the vote that  
12 board made was very concerning to us. It said that  
13 they would not investigate those allegations. And  
14 it said they wouldn't do that because no official  
15 complaint had been filed with them.

16 But they were aware of the allegations.  
17 And in our opinion, it is absolutely the board's  
18 obligation, when an allegation like that is made, to  
19 investigate that and determine how they are going to  
20 move forward. Nothing in any of the minutes that we  
21 have reviewed after that vote demonstrated that the  
22 board did something different.

23 However, you do have a letter, again, that  
24 we handed to you today from the board attorney, the  
25 attorney that represents that school board,

<p style="text-align: right;">Page 142</p> <p>1 indicating an investigation was done. Yet we don't 2 have anything to demonstrate from their board 3 minutes that they changed the vote they originally 4 made or made any other decision. 5 I do want to let you know that with 6 regards to that ethical misconduct, the Public 7 Education Department does have an investigation 8 ongoing at this time. 9 So in addition to that, we have a variety 10 of other compliance concerns that come from the site 11 visit that the Charter Schools Division team 12 conducted at the school on December 6th. 13 One of the most concerning from my team -- 14 and they directly addressed this with me, and that 15 they were -- there was missing a background check in 16 the file of one staff member and no demonstration 17 that any action had been taken to ensure that 18 background checks had been done for those 19 individuals. 20 There was also no report -- four employees 21 had not done the training that is required for 22 employees on child abuse reporting. 23 And the school could produce no evidence 24 that the required drills, those fire drills and 25 shelter-in-place drills, had been conducted for the</p>	<p style="text-align: right;">Page 144</p> <p>1 went to the prior school district. And their 2 training and experience index was decreased. 3 The school had knowledge of those problems 4 with the files from that year, from a year ago, and 5 had the opportunity to correct them and did not. 6 When the T&amp;E Bureau came and did the exact same 7 audit, they found the exact same problems and 8 additional problems. 9 And at this point, there will be a 10 correction to the T&amp;E, which will impact the current 11 year funding. And as soon as that's calculated, it 12 will be an adjustment to their current year funding. 13 And it's pretty concerning that they had that year 14 to correct that and still didn't, and then still had 15 about a couple of weeks to correct it with the audit 16 bureau and did not respond in that couple of weeks, 17 either, to correct those concerns. 18 One of the other things that will come in 19 play when we talk about the academic -- and maybe I 20 should do that as I'm trying to combine these. So 21 on the academic side, this school is one of the 22 schools that was required to have an improvement 23 plan for their academic performance. It was 24 submitted untimely. It was submitted four months 25 late.</p>
<p style="text-align: right;">Page 143</p> <p>1 current year or for the previous year. 2 So those were certainly on the top of the 3 list of concerns for my staff who takes student 4 health and safety very seriously. 5 The other items is that -- and you heard a 6 little bit about this, and I hope that Molly will be 7 able to join us from the audit bureau -- the Staff 8 looks at employment files. And the CSD Staff 9 noticed, when they looked at those employment files, 10 that a variety of licensure and background -- 11 sorry -- not only licensure and background checks, 12 but evidence of training and experience; so those 13 degrees and that private educational experience was 14 missing. As a result, the audit bureau did go and 15 do another audit. 16 It's really important to note that the 17 audit bureau had done that exact same audit in the 18 prior academic year and gave almost all of the same 19 findings to Cariños, with the directive that it 20 needed to be corrected. 21 Cariños didn't suffer any financial 22 repercussions from that in the prior academic year. 23 The reason for that is they were newly a 24 PEC-authorized school, so that the -- the 25 detriment -- right? -- the repercussions actually</p>	<p style="text-align: right;">Page 145</p> <p>1 In addition, it's not on the PEC's 2 template, and it's very hard to kind of align that 3 plan. I'm not -- it's not one of the high-quality 4 plans we received. 5 And when we look at that, some of the 6 things that they said they were going to do in that 7 plan, and then the team looks at the files at the 8 school and what's happening at the school, and those 9 things don't appear to be being implemented, things 10 like professional development. Plans and support 11 for teacher improvement were not available. 12 Just a couple -- also a concern from that 13 plan is the school did not implement the required 14 benchmark assessment that -- I think Istation and 15 NWEA at the beginning of the year. They waited two 16 months prior to implementing that, which also made 17 us unable to identify appropriate RTI and Student 18 Assistance Team processes, because they didn't have 19 data at the beginning of the year. 20 They also did not have compliant English 21 Learner identification and assessment practices. 22 The team did not identify standards-aligned 23 instruction occurring in the classrooms. 24 The other thing that kind of, I think, 25 goes to both the academics and to the financials is</p>

Page 146

1 that they have had very high truancy rates; but also  
2 they have had a very high number of student  
3 withdrawals. In fact, between the 40th day and the  
4 80th day, they've seen a decrease in the number of  
5 students by 26 students. And when we actually  
6 looked at the enrollment and withdrawal data,  
7 they've had -- Dr. Pelayo has this in front of her  
8 so I'm going to let her tell you what that data  
9 says.

10 DR. PELAYO: And we can have copies made  
11 for you. I'm going to give this to you. I did run  
12 a report in S.T.A.R.S. to look at the enrollment and  
13 withdrawals. And looking -- I did match student ID  
14 to those, so you'll get a copy of that.

15 But looking at their enrollment from  
16 August 14th to -- through December 11th, there were  
17 43 students that withdrew. And 30 percent of those,  
18 or 13 of them, were only enrolled at the school for  
19 a month. And four of those students of those that  
20 withdrew were at the school less than a week.

21 So there are some significant concerns  
22 about students not persisting at that school. And  
23 we do see the number of enrollment drop from the  
24 40th day to the 80th day by 26 students. So at the  
25 40th day, the enrollment reported to the State,

Page 148

1 you've already heard about. And if you do have  
2 questions about the bilingual, we do have our  
3 director from that bureau to answer any questions  
4 you have.

5 The last piece I do want to talk about,  
6 though, is the governing body. And you have this  
7 summary on Page 5, which shows you the number of  
8 changes that we've had over the last year, year and  
9 a half. It's a lot. There's a lot of turnover on  
10 this board. And it's concerning for us.

11 And then the other piece of that is we've  
12 had a lot of additions since the new training rule  
13 went into effect. And none of the new board members  
14 have attended the new board member training. And  
15 they've been voting without that training, which the  
16 whole point of that training was to ensure that  
17 prior to voting, they had the training and were --  
18 you know, knew of their responsibilities to be able  
19 to do so.

20 All of the board members have registered  
21 for ten hours of training at this point, but have  
22 not attended that. And I think we did have three  
23 members -- three new board members that attended a  
24 training yesterday, which also aligns to the fact  
25 that that October report came in -- right? -- which

Page 147

1 which was reported late, was 106, and at the 80th  
2 day is 80. So that is a decrease of 26 students.

3 MS. POULOS: And one of the things that  
4 the team heard -- I believe from the Director --  
5 when they were at the school, concerned some of that  
6 enrollment practice, which was kind of an  
7 identification that there was -- there was a  
8 description of students as belligerent and a  
9 statement that they didn't fit with the culture of  
10 school, and after a meeting with the school, parents  
11 would disenroll those students.

12 It's concerning, I think, especially  
13 considering the large number of disenrolls, the  
14 short time that students are at the school. This is  
15 all creating an environment that's -- that's really  
16 concerning to the PED, and we feel like we  
17 absolutely must bring all of this information  
18 forward to the Commission.

19 The last piece I want to touch on -- well,  
20 two more. Late reporting. Dr. Pelayo mentioned  
21 that. The 40th day reporting was done untimely.  
22 And in addition, the State-funded bilingual  
23 education program has reporting requirements. And  
24 the school also was late in meeting those reporting  
25 requirements, as well as that monthly financial that

Page 149

1 is pretty concerning to us that some of this seems  
2 to be very last-minute.

3 I'm going to stop there. That is why we  
4 are bringing this to you. Our recommendation to you  
5 is certainly that this school is put on some sort of  
6 a corrective action that sets very clear  
7 expectations with very clear timelines to come into  
8 compliance with the expectations of this Commission  
9 for the performance of an effective public charter  
10 school.

11 THE CHAIR: Commissioners, I'm just going  
12 to ask if you want to take a short break to start  
13 your lunch before we hear from the school.

14 MS. FRIEDMAN: It's not here yet.

15 THE CHAIR: Or that's -- oh, it's not here  
16 yet? Okay. I can eat my lunch.

17 COMMISSIONER TOULOUSE: We can watch you.

18 THE CHAIR: Okay. All right. So I take  
19 that back. All right. We will all move on. Thank  
20 you.

21 I'm going to ask for a five-minute break.  
22 If I can indulge everyone for just five minutes  
23 and -- okay?

24 COMMISSIONER CABALLERO: Thank you.

25 THE CHAIR: Thank you.

Page 150	Page 152
<p>1 (Recess taken, 12:25 p.m. to 12:32 p.m.)</p> <p>2 THE CHAIR: Good afternoon, and thank you</p> <p>3 for being here. And if you could please identify</p> <p>4 yourself for the record?</p> <p>5 MR. VERNON JARAMILLO: Thank you, Madam</p> <p>6 President, members of the Commission. My name is</p> <p>7 Vernon Jaramillo, Chancellor for Cariños Charter</p> <p>8 School. To the left of me is Ms. Teller, our</p> <p>9 business manager. To the right of me is Father</p> <p>10 Terry; he's a founder of Cariños ten years ago. He</p> <p>11 came back to be a new board member now. Our</p> <p>12 attorney, Mr. Ron VanAmberg. And Bernice Life is my</p> <p>13 assistant at the charter school.</p> <p>14 THE CHAIR: So I believe your attorney may</p> <p>15 be here to address the ethical. So I'm just going</p> <p>16 to state at this point in time, because it is an</p> <p>17 ongoing PED investigation, that that matter will not</p> <p>18 be a part of this conversation right now.</p> <p>19 FATHER BRENNAN: Yes. Then since there's</p> <p>20 no conversation, Madam Chair, if we can dismiss our</p> <p>21 lawyer?</p> <p>22 THE CHAIR: That's -- once again, that's</p> <p>23 entirely up to you. I don't give you that kind of</p> <p>24 advice. That's completely up to you.</p> <p>25 MR. VERNON JARAMILLO: Can I make a</p>	<p>1 I'm more comfortable with allowing PED to carry out</p> <p>2 that investigation and then report to us whatever</p> <p>3 they need to. And I don't want to muddy that at</p> <p>4 this point in time.</p> <p>5 MR. VERNON JARAMILLO: I'd like to make a</p> <p>6 statement if -- and the statement is based on our</p> <p>7 contract, the Commission-approved, Page 44. We</p> <p>8 would have done the reporting ourselves had it been</p> <p>9 determined. But it's not yet.</p> <p>10 THE CHAIR: Once again, that is not a</p> <p>11 piece of what we're going to be discussing today.</p> <p>12 MR. VERNON JARAMILLO: I understand that.</p> <p>13 THE CHAIR: Okay. So --</p> <p>14 FATHER BRENNAN: We will dismiss our</p> <p>15 lawyer since we're not going into that today.</p> <p>16 THE CHAIR: Once again, that's the</p> <p>17 determination of the school.</p> <p>18 MR. VanAMBERG: Thank you.</p> <p>19 THE CHAIR: So, now, we can move on to</p> <p>20 adding those other areas.</p> <p>21 MR. VERNON JARAMILLO: I'm going to have</p> <p>22 Ms. Teller address the financial part for clarity.</p> <p>23 Thank you.</p> <p>24 THE CHAIR: Sure.</p> <p>25 MS. CORINNE TELLER: Madam Chair, would</p>
Page 151	Page 153
<p>1 statement, Madam President?</p> <p>2 THE CHAIR: If it's in regards to that</p> <p>3 ethical question, I would prefer no, because it is</p> <p>4 an ongoing PED investigation, and we're not going to</p> <p>5 address it right now. So I'm going to say no. If I</p> <p>6 have any objections from Commissioners, that's okay.</p> <p>7 So I'm going to say no if it is regarding that.</p> <p>8 MR. VERNON JARAMILLO: I need to clarify</p> <p>9 if you'll allow me, and you can stop me whenever you</p> <p>10 want to.</p> <p>11 THE CHAIR: I think I'm going to stop you</p> <p>12 now, because I don't want to address that -- so your</p> <p>13 clarification, I think, is going to address that</p> <p>14 ethical concern. And, once again, it's an ongoing</p> <p>15 PED investigation.</p> <p>16 COMMISSIONER CABALLERO: Madam Chair, for</p> <p>17 clarity, are we going to strike that failure to</p> <p>18 investigate ethical from -- from --</p> <p>19 THE CHAIR: Correct, yes.</p> <p>20 COMMISSIONER CABALLERO: Okay.</p> <p>21 THE CHAIR: That is being removed from</p> <p>22 this conversation right now.</p> <p>23 COMMISSIONER CABALLERO: Okay.</p> <p>24 THE CHAIR: Because it has come to our</p> <p>25 attention that is an ongoing PED investigation. So</p>	<p>1 you like to direct the conversation? Or would you</p> <p>2 like me to just speak?</p> <p>3 THE CHAIR: Well, I think the conversation</p> <p>4 has initially been directed by Mr. Craig.</p> <p>5 MS. CORINNE TELLER: Sure.</p> <p>6 THE CHAIR: So I think if you wish to</p> <p>7 address any of those areas that he has addressed</p> <p>8 concerns with, that's certainly the areas we have</p> <p>9 concerns with.</p> <p>10 MS. CORINNE TELLER: Okay.</p> <p>11 THE CHAIR: So anything that you feel that</p> <p>12 you need to clarify for us, this is your time.</p> <p>13 MS. CORINNE TELLER: Okay. I am actually</p> <p>14 going to speak on the third section of the</p> <p>15 Corrective Action Plan, which relates directly to</p> <p>16 finances. I think the rest is for the board and for</p> <p>17 Mr. Jaramillo.</p> <p>18 Regarding this part, the July, August, and</p> <p>19 September reports, as David Craig said, were turned</p> <p>20 in in December. I had met with the budget analyst</p> <p>21 in November and requested that I could turn all of</p> <p>22 those in once I was able to figure out what -- there</p> <p>23 was a variance, a significant variance in the cash</p> <p>24 balance compared to bank balance. And I wanted to</p> <p>25 figure out if that was something that had to be</p>

<p style="text-align: right;">Page 154</p> <p>1 fixed maybe with journal entries in the prior year 2 or something else. 3 She said that it was okay; although she 4 preferred them sooner than later. 5 Once I was able to determine what was 6 going on, which was actually because the prior 7 business manager had posted expenses incorrectly, 8 that that's what was causing that variance, and that 9 finally, the amount that was off had dissipated, 10 then I was able to determine that that was what it 11 was. That was at the time in December when I turned 12 in the reports. 13 Since then, the reports have not been 14 turned in because I'm limited on what I can do based 15 on the information I receive. I've requested -- all 16 of the expenses are up to date, because I maintain 17 those. Cash receipts come into the school, and she 18 makes the deposits, et cetera. I need that to be 19 able to enter revenue. And I requested several 20 times for her to send those to me, and I haven't 21 received them yet. So without that piece, I cannot 22 submit -- 23 THE CHAIR: Let me just clarify. When you 24 say "she," you're talking about someone from the 25 school?</p>	<p style="text-align: right;">Page 156</p> <p>1 need in order to complete my job. 2 What else? The financial situation is 3 better. I can't prove that by financial reports. 4 But I can tell you from what I look at on my side. 5 Just to give you a summary, right now, the current 6 bank balance is -- I don't know if I should -- is it 7 okay to say that? I guess so; right? I'm not 8 giving an account number or anything; but -- 9 THE CHAIR: It's a public school; so I'm 10 assuming that's ultimately public record. 11 MS. CORINNE TELLER: Okay. So current 12 bank balance is \$324,000. I'm estimating, on the 13 high end, \$75,000 of that is nonoperational. So, of 14 course, that has to be spent on specific items. 15 Again, assuming, on the high end, \$50,000 16 in outstanding items that haven't cleared the bank, 17 that would leave -- and then there's an 18 approximately \$150,000 that is set aside on my books 19 for the prior fiscal year expenses that hadn't been 20 paid by the end of the year. 21 That leaves the school with an estimated 22 \$50,000 in cash right now. So -- and that is in 23 line with what was reported in October. October was 24 approximately \$50,000, as well. 25 So as far as the year-end position, I'm</p>
<p style="text-align: right;">Page 155</p> <p>1 MS. CORINNE TELLER: Correct. 2 THE CHAIR: I'm confused. "She." "Her." 3 MS. CORINNE TELLER: Maybe I should just 4 say "the school." "The school." I haven't received 5 what I need from the school. I'm a contracted 6 business manager. I work remotely. 7 So I haven't received what I need from the 8 school in order to finish those reports. Once I get 9 them, they will be submitted efficiently. 10 Just so you can have a background, maybe 11 this will help you to feel a little bit better about 12 where the school is going. I work with three other 13 schools. They all are in a solid financial state. 14 I've never been late in a report to PED. In fact, 15 one of the schools, when I took over, was in a 16 similar situation with Cariños with a negative cash 17 balance. 18 Within a year, we turned it around; they 19 had positive 50. They currently have \$400,000. I 20 enjoy what I do. I like helping schools' financial 21 status so that the school can worry about the rest 22 of it, and I do what I do. 23 I know there's a lot going on at the 24 school which may have prevented them getting me what 25 I need. But that's the bottom line. That's what I</p>	<p style="text-align: right;">Page 157</p> <p>1 expecting, as of now, to have about \$15,000 budget 2 remaining from operational funds. 3 The exception to that is what I found out 4 yesterday, that the T&amp;E reporting may affect the 5 funding for this year. So that could -- I guess 6 would decrease that further if that position stands 7 with the PEC. 8 So from now on, that -- we would have to 9 revisit the expenses, if that's the case. 10 To let you know, I wasn't -- thankfully -- 11 I guess not thankfully -- my first time here having 12 to deal with a Corrective Action Plan, things like 13 this. So I didn't really know how the PEC wanted to 14 have this presented. So within the request for a 15 Corrective Action Plan, it stated to have reporting 16 done monthly, et cetera, which I have attempted to 17 do. 18 I didn't know -- which I, in our response, 19 I agreed to do that. So what I will do is I will be 20 getting with Ms. Poulos and asking for the template 21 that you had said "Check with the school that has a 22 good CAP," so that I can do that on the financial 23 side for you guys. 24 But just to fill you in on what we have -- 25 I have been doing is we -- once we had an updated</p>



1 status on the staffing, then we updated our  
2 expenses, looked -- I took a look at prior expenses  
3 for the last couple of years, and also got input  
4 from the school on what they expected them to be  
5 this year, so that we could fine-tune the budget.

6 I carefully analyzed the fund balances  
7 with the recent audit. There are cash transfers  
8 that need to happen, because there are negative cash  
9 balances, which I have taken that into  
10 consideration. I do review the budget within our  
11 financial management system on a regular basis. And  
12 I also -- I'm the one who approves all expenses.

13 Every single expense comes through me. So  
14 if it isn't included in the budget that we have  
15 discussed, I usually have to say, "I'm sorry, but we  
16 can't," just to keep the school in line with what we  
17 had discussed and with the budget.

18 Another thing that I do with all of my  
19 schools, including Cariños, is three quotes on all  
20 purchases. So that helps to make sure that the  
21 school is getting the best attainable price.

22 Something I found is that some schools  
23 tend to just get the easiest thing, which isn't  
24 always the least expensive. And like the schools  
25 here earlier, every dollar matters when you're in a

1 MR. VERNON JARAMILLO: Madam President,  
2 members of the Commission, the plan that was  
3 submitted is a plan -- a draft of a plan. We will  
4 use our format with action plan, the template  
5 that -- I wanted to say -- at the State Department.  
6 And we don't have problems doing that.

7 THE CHAIR: Are we talking financial or  
8 academic improvement?

9 MR. VERNON JARAMILLO: The one that  
10 applies to the board members for training.

11 THE CHAIR: Oh, okay.

12 MR. VERNON JARAMILLO: All members have  
13 been trained. Three members were trained yesterday.  
14 I had requested from the State whether we can get  
15 our own consultant at one time to train our board  
16 members. And they said no, they have to be licensed  
17 or certified through the PED. So it's not out of  
18 negligence; it's only time. This is the right time  
19 that they could attend the training.

20 With regards to S.T.A.R.S., we have  
21 Jennie, a new office manager. If you recall the  
22 last meeting, some people resigned and we had to  
23 reorganize ourselves. So now we have a person  
24 working with S.T.A.R.S., and that's going really  
25 well.

1 situation like this.

2 So what else did I have notes on?

3 I think that's -- that's about all I have.

4 From now on -- like I said, I didn't quite -- I did  
5 provide the BARs in December at the board meeting  
6 and it's provided the expected year-end position and  
7 a budget detail at the November board meeting, which  
8 could have been turned in with the monthly  
9 reporting, which I understand didn't happen.

10 I will personally be turning that in  
11 myself. I think there was just confusion on all our  
12 part on exactly what you wanted.

13 So I will be personally turning in the  
14 financial part to the Charter School e-mail myself  
15 to make sure that gets to you.

16 THE CHAIR: Okay.

17 MS. CORINNE TELLER: Any other questions  
18 for me?

19 THE CHAIR: Do we want to do questions  
20 individually or wait for the school to conclude?  
21 That's --

22 COMMISSIONER PERALTA: I'd like to  
23 conclude.

24 THE CHAIR: Yeah. Just let's go through  
25 with whatever the school has to say, in total.

1 With regards to the T&E, that was done  
2 sometime in mid-December. I had a back-hold.  
3 [Verbatim.] I had the flu until the second week of  
4 January. I know that it doesn't matter. But I did  
5 send letters to those employees for them to provide  
6 the documents to us. It was mailed to them. I used  
7 due diligence, and I'll do that again to make sure  
8 that we provide those documents. It isn't out of  
9 negligence, either.

10 We've done everything possible, including  
11 praying and hoping that we get our act together in  
12 terms of -- but I also need assistance from the  
13 State Department, as -- in Page 9 of our charter  
14 application says they will provide assistance and --  
15 ready and available to us. Hopefully, we can work  
16 to make that happen.

17 Ms. Life, any comments?

18 MS. BERNICE LIFE: No.

19 MR. VERNON JARAMILLO: Any comments on --  
20 the responses?

21 MS. BERNICE LIFE: Based on our site visit  
22 on December the 6th, we received the report. And  
23 I -- I believe that there's many of those issues  
24 that I'd like to address. But I think we can  
25 address them, hopefully, through some kind of

1 corrective action.

2 COMMISSIONER ARMBRUSTER: Pardon me a  
3 second. Number one, I can't remember who you are.  
4 And number two, I couldn't hear you.

5 MS. BERNICE LIFE: I'm Bernice Life. And  
6 I'm the vice principal at the school.

7 Like I said, December the 6th, we did, you  
8 know, have a site visit. We had several issues that  
9 were brought up. I believe some of them are not  
10 correct. I mean, I believe that we had a lot of the  
11 data wasn't actually looked at. We -- we have a  
12 report that says we didn't do certain things; but I  
13 think that the evidence was there.

14 I -- you know, through a Corrective Action  
15 Plan, I'm willing to work through it and see if we  
16 can't get you whatever it is that you really do  
17 need.

18 Our NWEA, our MAPs, were administered  
19 within the time frame of the NWEA. We were not  
20 on -- I mean, we were able to submit our MAPs  
21 testing. We had some unforeseen dire problems at  
22 the beginning of the year. It was impossible to do  
23 it before then. But they were administered as the  
24 contract says we need to, and they were at the  
25 beginning of your test results.

1 So between the teachers and myself and  
2 Mr. Jaramillo, we all got together. We came up with  
3 a plan. But I have no template. I didn't know you  
4 had three trainings for New Mexico DASH. I wished I  
5 had. I would have attended every single one of  
6 them. If there's anything that I am, I'm very  
7 righteous. I will follow everything in black and  
8 white. Whatever it is you want, I will give it to  
9 you. But I didn't realize that that was -- I was  
10 stunned.

11 Our improvement plan, again, I'm not --  
12 maybe the problem here is that I'm not receiving the  
13 e-mails from PED and PEC. Someone else is, because  
14 I don't get the information. And so I'm not sure --  
15 I get these e-mails from Mr. Jaramillo, says,  
16 "You're late on submitting this."

17 And it's, like, "I didn't know I had a  
18 deadline on that. I didn't know I had a timeline  
19 for something that I didn't -- I don't have."

20 So I really do need help from PED and PEC.  
21 I need someone to please help guide me; because I'm  
22 new at this, and I need someone to help me so that  
23 we can meet these timelines. I'm the hardest  
24 working individual you can ever meet; but I need to  
25 know what I need to do first. That's all I have to

1 We are, again, not going to administer our  
2 NWEA until next month within our window to give the  
3 teachers the opportunity to provide the instruction  
4 that they need in order for us to show some  
5 improvement. If I had them tested now in January --  
6 I mean, in February -- I would have only had a few  
7 weeks for them to be able to show some improvement  
8 on test scores. So they are scheduled for now in  
9 March, and we're -- we're going to meet the  
10 middle-of-year testing, as well.

11 I have -- I don't have everything in front  
12 of me. But that was a concern to me because that is  
13 our charter school obligation. And I feel like we  
14 are meeting that obligation. We are meeting the --  
15 the PDPs; we're meeting the PLCs. We are meeting  
16 everything that we are including in our improvement  
17 plan.

18 I want to tell you that I was stunned,  
19 because when I was asked to write a school  
20 improvement plan to work with our staff, and we all  
21 got together, I didn't know what I was going to use  
22 for a template. I didn't know there was a template  
23 available to me, or I would have used the easy plan  
24 rather than try to research and figure out what kind  
25 of a plan to write.

1 say.

2 MR. VERNON JARAMILLO: I'd like to have  
3 Father Terry say a few words as a new board member,  
4 as a founder. Thank you.

5 FATHER BRENNAN: Thank you, Madam Chair,  
6 and members. When I heard that there was a vacancy  
7 on the board -- I resigned three years ago, because  
8 I was transferred out of the area. But now that I'm  
9 back in the area, I couldn't wait to get involved  
10 with the school again. I've always admired the  
11 concept, the teachers, the work, the product of the  
12 school. And I've been involved now for a little  
13 over -- a little more than a week.

14 But I really have the desire, the energy,  
15 the -- the -- the time to put into the school. And  
16 what I hear in the last week that maybe I could be  
17 directly involved in helping is a true liaison  
18 between the school, the administration, and -- and  
19 the Charter School Division.

20 In the past, I worked very close with the  
21 Charter School Division. I had no public school  
22 background. But I was brought up to speed very  
23 quickly on what needs to be done as a board member  
24 and as a school by the good work and members of the  
25 Charter School Division that were here before ten

1 years ago to help. I feel like I could use that  
2 experience that I've had in the past to plug into  
3 what you have now.

4 So what I'd like to do, to suggest, as I  
5 hear Vernon and Ms. Life saying, is that in our  
6 present contract with -- with you all, there is the  
7 great opportunity to use technical help. And  
8 because you guys really know what you're doing, I  
9 see a big difference between ten years ago and even  
10 now that really jazes me to be plugged into.

11 I would love to be able to see how we can  
12 put a timeline together, both from what the school  
13 is to do -- but I'm going to challenge you. Is  
14 there a way we could include in the timeline things  
15 that the technical staff could be expected to help  
16 us to do? If that could be part of what we do and  
17 we all work together hand-in-hand for the good of  
18 the students, for the good of the community, for the  
19 good of the parents, I'd like this to really be a  
20 chance for you all to reach out a hand to a  
21 struggling school, very definitely a struggling  
22 school, but as we hear financially, not one that has  
23 to go under, one that with the proper reports filed  
24 and the information brought together in a timely  
25 way, I think time is what we're hearing -- I'm

1 year on a daily basis, making trips down here,  
2 making trips to Española, talking to our business  
3 manager, and getting the job done.

4 Give us a chance, please.

5 MR. VERNON JARAMILLO: Thank you, Father  
6 Brennan.

7 Lastly, a comment is -- the comment about  
8 belligerent students. We had some kids who were  
9 misbehaving. They were up for possible expulsion.  
10 We met with the parents and gave them the option of  
11 leaving the school, and they willingly withdrew  
12 instead of being expelled, which would be -- that  
13 question was never brought forth, either, whenever  
14 we gave that information.

15 There should be more inquiry on that's  
16 what we meant, instead of after-the-fact.

17 MS. BERNICE LIFE: And just to -- just to  
18 bring it back around, this is all about our  
19 students. You know that our charter mission is  
20 about at-risk students. Our population is at-risk,  
21 which means that their parents are also at-risk. We  
22 have such a dire need for us to continue with  
23 Cariños Charter because we're the only ones in the  
24 Valley that will take the child that we have in our  
25 school. And that is what's really important to me.

1 hearing -- is what we've been lacking on. But with  
2 a timeline, time deadlines can be met.

3 I see three very dedicated people. I've  
4 known this man since we hired him way back when. I  
5 think you've all had a little experience with him  
6 through the years. Our attorney told us out there  
7 while we were waiting for the hearing, Ron Van  
8 Amberg, "Father Brennan, "I've never met a man that  
9 works as hard as he does."

10 No, but maybe there's woman that works as  
11 hard as he does. I want to plug in to Bernice and  
12 see what we can do. This lady over here impresses  
13 me with what she does with charter schools. I don't  
14 see a reason why we can't give it one last-gasp  
15 chance to see what we could do together.

16 I would like to finally add that with the  
17 board that we have now -- I've had some interesting  
18 board members I've worked with with Cariños over the  
19 years. But I like, really like, appreciate, and  
20 respect the board we have right now.

21 So don't sell us down too quickly. Give  
22 us a chance to work together with technical staff,  
23 which I think is going to be the lifeline and the  
24 answer to what we need to do today. I will be  
25 dedicating myself between now and the end of the

1 I see that we have parents -- you can pick  
2 any child in any classroom, and they all have a  
3 story. And we're trying to raise test scores. And  
4 that's my mission; that's what I have to do. But  
5 first, we've got to find food for them. We've got  
6 to find clothing for them. We've got to make them  
7 feel emotionally able to even want to come to  
8 school.

9 We've got bipolar students; we've got  
10 schizophrenic students; we've got students who  
11 are -- I mean, you name the gamut of any at-risk  
12 child, and you're going to find the child in my  
13 building. And those children that have been with us  
14 have been with us. We have those that finally left,  
15 because, again, we have a shortage of teachers.

16 You know, we don't have teachers because  
17 we have to find them. And that's all over the  
18 country and all over the state. But we're a  
19 smaller -- smaller school. And we have a public  
20 school next door. Some of our students thought they  
21 were going to go to a teacher, and they ended up  
22 with a sub at another location.

23 I think for me, it's all about our  
24 students. It's the population that we serve. And  
25 no one seems -- I'm sorry. I don't mean to say "no

1 one" -- but it seems when I go out and I hear about  
2 all of the criticism about Cariños Charter, it's  
3 because we have that population.

4 I don't have the cream of the students,  
5 you know, the ones who are going to score well. I  
6 don't have the students that are motivated to go to  
7 school or want to learn. First, we want to get them  
8 at that place where they want to learn. And we're  
9 trying as hard as we can. And those students that  
10 are there are trying as hard as they can.

11 But as an educational diagnostician, I see  
12 that the potential, the cognitive potential in many  
13 of our students isn't going to -- they're not going  
14 to make the kind of gains that everybody thinks that  
15 we should be able to make. They're going to make  
16 their movement, and it's going to be there, and it's  
17 going to be steady; but it's not going to be fast.  
18 It's going to be very slow.

19 And I see that right now. I've been  
20 here -- this is my third year. And I've seen -- I  
21 mean, we talk the lowest 25 percent on our SAT.  
22 RTI, we're talking -- let's get our lowest 25  
23 percent statewide, those are those kids you start  
24 looking at for Tier 1 and Tier 2. I've got to  
25 look -- all of our kids come in under 25. So I've

1 Why I started this charter school ten  
2 years ago was because my heart is in Española, and I  
3 see the problems that are in Española. To try to  
4 get to the heart of the problems, the heart of the  
5 problems has to be ground zero with the children,  
6 with the families working together that way.

7 When I volunteered to come back on the  
8 board is because I think maybe things have even  
9 gotten worse from when I started the charter school  
10 ten years ago. I would love to see improvements  
11 being made. And when I see dedicated staff, and  
12 when I see what's going on there right now in an  
13 area that's gotten worse, what can you do when you  
14 are in different geographic areas in the state, and  
15 the challenges are very real and very deep?

16 I think that if our charter school were  
17 not there, as we hear today, and being on -- on the  
18 ground and seeing what the school is all about, who  
19 is going to take over for these children? Who is  
20 going to help them in a way that would be better  
21 than what we're doing?

22 We are able to concentrate on them in a  
23 way that if they were main-lined back into the  
24 regular public schools, it would be very difficult  
25 for them to pick up and continue on what they're

1 got to figure out, What's our cutoff? If they're  
2 all under 25 percent, we can't put them all in  
3 special ed. So let's start looking at the lowest  
4 10 percent. Let's start looking at those.

5 I've got some at the 1st and 2nd and  
6 3rd percent. So those are the ones we have in our  
7 Tier 2s right now. We've got kids at our 25th  
8 percentile that are waiting because we've got so  
9 much to do with another group.

10 And we're working -- I mean, the teachers  
11 are working hard. They work one-on-one with these  
12 kids. They do what -- I think if you saw what we  
13 really were doing, you'd be impressed. But numbers  
14 and data doesn't show up for you. But I'm just  
15 always remembering that the children are what we're  
16 thinking about.

17 FATHER BRENNAN: Madam Chair, if I could  
18 follow up on what she said, and then I'll cut it  
19 off. But just let's say for the last year, I've  
20 been in a cushy school district -- so Wagon Mound  
21 and Roy -- that post a 98 percent graduation rate.  
22 I see happiness; I see families; I see connection; I  
23 see no crime, no problems, no drugs, no anything.  
24 Ojalá that that could be all of our school  
25 districts.

1 doing.

2 I want to be involved with the hardest  
3 cases. I want to be involved with what can make a  
4 bigger impact in the community than just walking  
5 away and saying, "Well, we tried, and we did our  
6 bilingual thing, and now we can walk away."

7 We've got an issue. And if you'll support  
8 us, we can help the whole public school system in  
9 Española by doing what we're doing. We can help  
10 these children by being a smaller school and more  
11 intense and more one-on-one. I would hope and  
12 pray -- I do pray -- that you'd be able to allow  
13 what we do to continue at least a while longer to  
14 see whether now that we've identified what the  
15 administra- -- the -- yeah, the way that we can work  
16 together with the PED, if we can do that to satisfy  
17 those things.

18 It's not a question of finances; it's not  
19 a question of staffing. It's more a question of  
20 taking care of these matters, which I think we can  
21 do. And I even have an idea where I can maybe go to  
22 get a few teachers that would come to the Española  
23 Valley. I'll share that with the staff later. I've  
24 not really done that yet or been out there long  
25 enough. But there are those who would find it a

<p style="text-align: right;">Page 174</p> <p>1 real challenge, a very personal dignity challenge to  2 be able to come to a place like Española and provide  3 for those who are most in need.  4 Thanks be to God there are still be people  5 of good heart that might want to do just that.  6 MR. VERNON JARAMILLO: A comment from  7 Ms. Teller.  8 MS. CORINNE TELLER: I got so wrapped up  9 in the technical things from the CAP, I just wanted  10 to mention that there was one school I worked with  11 in the past that they were in a situation similar to  12 this. And they did not want to make any changes  13 regarding their expenses. They were very stubborn  14 about it. So we parted ways partway through the  15 year, because I knew I couldn't help them with an  16 attitude like that.  17 Cariños has worked on trying to decrease  18 expenses, because that's why they initially were  19 here at the beginning of the school year. So I just  20 want to say that they have worked toward that, and  21 it's shown by being negative 60 at the end of last  22 year -- I'm sorry -- being negative 160 -- and being  23 hopefully positive 15, depending on the T&amp;E; so...  24 MR. VERNON JARAMILLO: Some of the  25 adjustments that we made is that I, as a counselor</p>	<p style="text-align: right;">Page 176</p> <p>1 what the concerns are and how they are going to work  2 to fix them and identify the outcomes that are --  3 that they will provide to us.  4 So it is not the intention of the  5 Commission or CSD, at this point in time, to develop  6 the improvement plan and provide it to the school.  7 That being said, I can't imagine that --  8 and I could be wrong -- that you haven't been  9 directed to NMDASH during this school year.  10 MS. POULOS: Madam Chairwoman, they  11 received all of the same notifications. And there  12 were communications that were direct to schools we  13 didn't hear from. Even more so, I actually want to  14 go back to last year where we invited the school to  15 apply for Principals Pursuing Excellence to get more  16 in-depth technical assistance and support from our  17 Priority Schools Bureau. And they made a choice not  18 to do that.  19 So we certainly have given them that  20 opportunity in both of those areas.  21 THE CHAIR: Because the NMDASH does  22 provide -- by entering into that, you get the -- you  23 get the training to -- which gives you the guidance  24 for and gives you the prompts, so that you're still  25 developing that improvement plan; but through the</p>
<p style="text-align: right;">Page 175</p> <p>1 and also a teacher -- so I do everything, teach  2 different grades. And that's the commitment that I  3 have to Cariños. And I don't mind working late  4 hours.  5 Sometimes we feel that we work in  6 isolation. We need the help. Charter School  7 Division, State Department, other than sending us to  8 websites, we need their technical assistance in  9 guiding us, guiding us by having a personal -- I  10 compliment Baylor, Ms. Pierce, Ms. Cotton, and  11 Dolores, who's always been there for us. But we  12 need other people, as well, not just threats of,  13 "We're going to revoke you" or whatever. I don't  14 need that. I need support.  15 With that in mind, Madam President and  16 members of the Commission, we embrace a plan, a  17 Corrective Action Plan, but with assistance from the  18 Charter School Division, more direct assistance, and  19 from the State Department. Please help us out.  20 Thank you.  21 THE CHAIR: Well, as we -- as you've been  22 sitting here today, I hope that you've heard that  23 the -- the purpose of a Corrective Action Plan and  24 improvement plan is for the school to develop it  25 and -- and by doing so, they best identify what --</p>	<p style="text-align: right;">Page 177</p> <p>1 training, you understand how to use NMDASH. It  2 guides you through your development of the 90-day  3 plan. And that's where I'm somewhat at a loss where  4 the acceptance of the offer has not taken place.  5 And I'll go back to two years ago, when  6 the school came to us for renewal, coming from the  7 district, understanding some of the history of what  8 had occurred between the school and the district,  9 and us having very limited information in regards to  10 the school, we gave the three-year renewal, because  11 we wanted to give the school a chance.  12 But at this moment in time, two years down  13 the road, we have these serious financial concerns.  14 And I appreciate the fact -- and this is not an  15 indictment on your poor business management skills;  16 so -- but I do question that the school is going to  17 be able to finish the school year out in a positive  18 manner, simply because you've got -- you've got a  19 huge over-projection of students at this point in  20 time. You've lost 20? 40?  21 MS. POULOS: 26.  22 THE CHAIR: 26 students. So that for your  23 budget to be able to come out at the end of the year  24 in a positive manner, when your -- when your  25 finances are going to be reduced first by those</p>

Page 178

1 26 students that you no longer have, and, secondly,  
2 by the T&E audit, even if -- I can be corrected if  
3 I'm wrong here. But the correction is going to take  
4 place.

5 And if you can provide the  
6 documentation -- but the correction is going to take  
7 place. So you've got those two enormous budget  
8 issues right there.

9 MS. CORINNE TELLER: May I --

10 THE CHAIR: And I have a -- you went to  
11 the Budget Bureau in November to ask if it would be  
12 okay to provide the July, August, and September  
13 reports in December. But you're still going -- in  
14 November, asking for July, August, and September.  
15 So you're still two months beyond that.

16 And I don't understand what people don't  
17 understand about monthly reporting. I don't. If  
18 something is required on a monthly basis, I don't  
19 understand why those reports don't come. That's --  
20 it's incredibly challenging for me to -- to  
21 understand that. And if the school -- I think  
22 there's this enormous communication breakdown at  
23 this school; because the business manager is sitting  
24 here saying she's not getting the information that  
25 she needs to do her job appropriately. The vice

Page 180

1 students. It's to be able to move you through that  
2 school year and to have the tools to see, "What do  
3 we need to do with those students to move them on?"

4 And if that's not done until a quarter of  
5 the school year is done, they've lost. And we're  
6 all -- and we are all here for the purpose of -- of  
7 helping those kids.

8 And I have -- and I know we can't get into  
9 a lot of this. But I have a big problem with  
10 someone sitting before me and saying, "Well, we  
11 didn't want to expel them; so we kind of discouraged  
12 them from coming into the school."

13 We are a public school. And our  
14 obligation is to take every student that comes in to  
15 us and do the best we can with them. And to somehow  
16 portray it as doing a favor by not putting a blot on  
17 a student's report that they had been expelled --  
18 I'm personally appalled at that.

19 And each and every one of us know schools  
20 in New Mexico. And outside of a very few, our  
21 schools deal with challenging students, each and  
22 every one of them. And they walk in the door, and  
23 we diagnose them, and we work with them. And our  
24 obligation is to do the best we can with them.

25 And I'm sorry. I'm -- I'm -- I'm truly at

Page 179

1 principal of the school is being told that she's not  
2 getting the information that she needs to carry out  
3 her job and to appropriately monitor the students  
4 and do whatever reporting is necessary.

5 So that there is a communication breakdown  
6 somewhere. And it's more than obvious. And I think  
7 it's -- there's multiple layers to it. And my  
8 biggest question is where is the governance council  
9 in all of this? And unfortunately, the governance  
10 council is like a revolving door right now. You've  
11 had so many resignations, I don't know how they keep  
12 up to speed on what's going on in the school;  
13 because on a regular basis, more than half the  
14 governance council is brand new.

15 So they're just barely getting training,  
16 and they don't -- they don't fully understand what  
17 the questions are that they need to ask. So the  
18 leadership has to come, then, from the school. And  
19 that school's not effectively communicating with  
20 each other.

21 And who's suffering here? And I'm -- you  
22 know, I don't know what your dire problems were with  
23 the assessment issues at the beginning of the school  
24 year. But the requirement for those assessments  
25 isn't just to do busy time with the -- with the

Page 181

1 a loss here. And I'm going to finish my rant at  
2 this moment in time. But I think the Director --  
3 before anyone else, if you want to speak -- but I  
4 think the Director -- and I apologize -- did want to  
5 say something.

6 MS. POULOS: Madam Chairwoman, I actually  
7 want to share something and then turn it over to  
8 Dr. Pelayo to share a little more about what we know  
9 about the academic data. But I did want to share  
10 one of the other concerns about governance, because  
11 the Chairwoman brought this up. And we've been  
12 saying this for months now.

13 The governing board is supposed to be the  
14 ultimate -- last stop, the ultimate leader on  
15 direction. And we have concerns about the bylaws  
16 and the way that the governing board members are  
17 screened, vetted, and selected.

18 All their membership applications go  
19 directly to and are initially screened by the school  
20 leader, meaning the school leader is selecting his  
21 employers. The board is not taking on that  
22 responsibility, which belongs solely and exclusively  
23 to the board. That is certainly a concern for us  
24 that I wanted to address as we talk about  
25 governance.

Page 182

1 But Dr. Pelayo also has access to the  
 2 school's Istation data, both in reading English and  
 3 in Spanish. And they do have two data points. They  
 4 have beginning-of-the-year and middle-of-the-year  
 5 data points in that for this year. And it's quite  
 6 concerning.  
 7 And I think it's worth your hearing that,  
 8 because we've heard that, you know, they're serving  
 9 the students well and getting results. But the data  
 10 is telling us otherwise.  
 11 DR. PELAYO: Chairwoman and Commissioners.  
 12 So this school, part of their charter mission is to  
 13 be a dual language program, which would require some  
 14 instruction in both languages, and assessment, which  
 15 they've chosen to do. So Istation is the early  
 16 literacy form of assessment, and, from the data  
 17 they've provided us, shows that while they have  
 18 tested more students in January than in September,  
 19 they are -- we're not trending in a way that we  
 20 would want to see the direction go.  
 21 The Istation assessment data is provided  
 22 in three tiers, where Tier 1 is where we want  
 23 students to be; Tier 2 would require more rigorous  
 24 monthly progress monitoring; and Tier 3 would be  
 25 where students are really struggling. And so from

Page 183

1 September to January, for the students in  
 2 kindergarten through third grade, which are required  
 3 to take this assessment, we're seeing 42 percent of  
 4 the students that were tested in September were in  
 5 that Tier 3, so the bottom tier. That has grown  
 6 12 percent to 54, where Tier 1, where we want kids  
 7 to be, has remained the same. So instead of moving  
 8 kids from Tier 2 to Tier 1, kids from Tier 2 are  
 9 moving into Tier 3.  
 10 I do have that, and I can get that printed  
 11 for you. That's for English.  
 12 And then when we look at Spanish, which  
 13 the school claims to be a dual-language school,  
 14 from -- from the first reporting period to the  
 15 second, has gone down, and no students, really, are  
 16 in Tiers 1 or 2.  
 17 And I'll just hold this up -- and I can  
 18 get this to you. Red means Tier 3, which means that  
 19 bottom tier we don't want kids in. The top half  
 20 here is the data for the beginning of the year.  
 21 This is the middle of the year. It's going the  
 22 wrong way. That's a problem.  
 23 And frankly, I'm really appalled at the  
 24 statements made by the school leadership that  
 25 somehow we should be saying, "Poor kids, they can't

Page 184

1 learn." I'm offended for the students in Española  
 2 that a school leader would actually say that kids  
 3 can't learn.  
 4 MS. BERNICE LIFE: If I can, I never said  
 5 that they can't learn.  
 6 DR. PELAYO: You said they were --  
 7 MS. BERNICE LIFE: I said that the  
 8 cognitive level of some of our children is so low  
 9 that we're not going to see the kind of gain that  
 10 you are expecting us to see.  
 11 But I never said that they can't learn;  
 12 because I am an advocate for those students who are  
 13 the lowest. And I've always worked with the  
 14 students that are at their very lowest. That is --  
 15 that is totally my passion. And I will do anything  
 16 I can to make sure that any student that is in my  
 17 school learns, and that they learn to their  
 18 capacity. That -- I never said that they can't  
 19 learn and that they're not there.  
 20 I also want to address the belligerent  
 21 students.  
 22 THE CHAIR: No, I'm sorry. That was a  
 23 statement that I made. It wasn't a question that I  
 24 had. So we're -- it was not a question of --  
 25 MS. BERNICE LIFE: It was just a

Page 185

1 clarification.  
 2 THE CHAIR: It was not a question. And  
 3 let me just clarify something. The goals that were  
 4 set were negotiated with that school.  
 5 MS. BERNICE LIFE: That's right.  
 6 THE CHAIR: So that -- and this Commission  
 7 has always negotiated goals that are based on growth  
 8 and not proficiency. And that's what we're looking  
 9 to see, that the school is doing the appropriate job  
 10 because the students are growing.  
 11 Commissioner Johnston?  
 12 COMMISSIONER JOHNSTON: Thank you,  
 13 Madam Chair.  
 14 We've spent a great deal of time this  
 15 morning talking historically. And I think it's time  
 16 to look at this proactively, because we know, every  
 17 one knows where we are right now with the needs of  
 18 these students. And students who are living in  
 19 chaos at home and are high-needs students absolutely  
 20 need a structured environment to flourish.  
 21 The goal of this Commission is that all  
 22 charter schools provide a structured, safe,  
 23 moving-forward district or education.  
 24 There are systemic failures here. We go  
 25 from finances to academic noncompliance to

Page 186

1 structural failures to organizational weaknesses.  
2 So in moving forward, we have to strengthen these so  
3 that these children will flourish.

4 At this point -- at this point,  
5 Madam Chair, to move forward with this and so that  
6 you know what our expectation is -- because it's a  
7 very solid, proactive, structured, supportive.  
8 However, for a child to learn, that child has to  
9 take the job and move forward with it. We can't  
10 carry it. We need the school to do the same thing  
11 in moving forward.

12 I don't know where to go. But I think we  
13 need to -- I think you have some information about a  
14 possible Corrective Action Plan that would provide  
15 structure, would provide direction.

16 THE CHAIR: Steps to be taken, yes.

17 COMMISSIONER JOHNSTON: And would give you  
18 very specific information about what you have to do.  
19 And I think it's time for you to stand up straight  
20 and do it.

21 Thank you, Madam Chair.

22 THE CHAIR: Thank you.

23 Commissioner Caballero?

24 COMMISSIONER CABALLERO: Question. I  
25 understand that in procedure, there's got to be a

Page 188

1 second one.

2 After we scheduled the first one, we  
3 called a second one. And at that time, I only  
4 suspended the boy for five days, because I know  
5 there's that ten-days expulsion rule. I gave him  
6 five days, so that we could have this IEP meeting,  
7 so that we could sit down and discuss everything  
8 that went on. The parent pulled him out before we  
9 were able to continue the process.

10 Now, I think what Mr. Jaramillo -- and  
11 that's where he can answer to the belligerent  
12 statement. But there was a lot of belligerent  
13 statements that were going on. And I don't think  
14 his intent was that we get rid of belligerent kids.  
15 It was a student -- an incident, and it happened.  
16 But it was misinterpreted in the way that it was  
17 stated. I don't believe that that's -- I didn't get  
18 that from him when he said it.

19 MR. VERNON JARAMILLO: Thank you for  
20 asking a question. She's clear about that. I don't  
21 want this statement to poison the water here.

22 COMMISSIONER CABALLERO: Thank you.

23 THE CHAIR: Commissioners?

24 Commissioner Armbruster?

25 COMMISSIONER ARMBRUSTER: Sure. I just

Page 187

1 question for anybody to -- to answer to. But I also  
2 believe that we should allow folks in that seat, the  
3 hot seat, to be able to -- to talk about certain  
4 things.

5 And we did get a report that -- that  
6 showed that. And it's part of my report. And it  
7 did show that the school administrator used  
8 "belligerent students that did not fit in the  
9 culture of the school." That, we do have in black  
10 and white.

11 So I am going to ask you the question on  
12 that. Can you explain that for me, please?

13 MR. VERNON JARAMILLO: Yes, Commissioner.

14 MS. BERNICE LIFE: On that particular  
15 statement -- and I was involved in this -- in this  
16 incident with a student. I have a student that  
17 was -- that literally threatened to kill another  
18 student in front of me and was in an altercation  
19 with him. He threatened to kill him.

20 I called the police. The police came  
21 over. We did what we needed to do at that point. I  
22 suspended the student. The student was special  
23 education. I called an IEP meeting, and I -- I had  
24 the meeting scheduled. The mother canceled the  
25 first one. Then she called the second -- on the

Page 189

1 need some information gathering, so I am asking you  
2 questions to which I do want you to answer.

3 Number one, how many special education  
4 teachers do you have on staff?

5 MS. BERNICE LIFE: One.

6 COMMISSIONER ARMBRUSTER: And how many  
7 students are in special ed? I'm sure it's in this  
8 mass of stuff.

9 MS. BERNICE LIFE: Currently, we have 21  
10 students in special ed.

11 COMMISSIONER ARMBRUSTER: About 25 percent  
12 of your population.

13 MS. BERNICE LIFE: And seven kids in SAT.

14 COMMISSIONER ARMBRUSTER: Do you have a  
15 social worker?

16 MS. BERNICE LIFE: We have a social  
17 worker; we have an occupational therapist. We have  
18 all of the ancillary providers that we need, based  
19 on IEPs.

20 COMMISSIONER ARMBRUSTER: And assuming,  
21 from what you're describing -- although I don't  
22 know, and, obviously, we're not using names -- that  
23 a significant portion of the 21 percent are for  
24 psychological reasons?

25 MS. BERNICE LIFE: Well, we have a



<p style="text-align: right;">Page 190</p> <p>1 high percent -- in fact, the social worker is the 2 person that we have the most as far as FTE. Most of 3 our students that are in special ed are in social 4 work, as well, because they do get the 5 social/emotional therapy. 6 COMMISSIONER ARMBRUSTER: Okay. And, you 7 know, I -- even though I've been on the Commission a 8 number years, it's like I'm always learning new 9 things. And I think there's always this fine line 10 between autonomy as a school and us -- or CSD -- 11 telling you what to do. 12 So you were saying that you did not 13 receive the e-mails. And I think Ms. Poulos just 14 mentioned how many that had gone out. But how many 15 times have you reached out to the other direction, 16 have you called them for -- for support about the 17 training, about the New Mexico DASH, about -- 18 MS. BERNICE LIFE: If I knew there was 19 training, or if I knew about New Mexico DASH, I 20 would have been the first person to make the phone 21 call. Today was the first time I had ever heard 22 that there were two options for -- I was stunned. 23 And I -- and I would have. I mean, if I 24 had known that there's something, I will pick up the 25 phone and call. Just like special ed. I knew they</p>	<p style="text-align: right;">Page 192</p> <p>1 How do you keep your documentation? 2 MS. BERNICE LIFE: I have trained the SAT 3 process. We have got one of the best SAT -- no 4 one -- and I had my SAT files on my desk all day 5 long. I was asked, and I kept telling -- 6 COMMISSIONER JOHNSTON: Instead of telling 7 me about the miscommunication, tell me what's in 8 those files. Tell me what you're required to put in 9 them. Tell me when the team meets. 10 MS. BERNICE LIFE: We start with the 11 universal screening. 12 COMMISSIONER JOHNSTON: What is the 13 universal screening? 14 MS. BERNICE LIFE: We had established that 15 MAPs would be our universal screener at the 16 beginning of the year. Because we started so late 17 with MAPs, the teachers were implementing their own 18 teacher resources to determine these students 19 through -- you know, they did teacher tests; they 20 did observations. We were meeting -- we meet 21 weekly. We have -- 22 COMMISSIONER JOHNSTON: Well -- and so you 23 have not been able -- because of the not giving the 24 MAPs, you were not able to move forward with the 25 identification?</p>
<p style="text-align: right;">Page 191</p> <p>1 were having a training yesterday. I hadn't gotten 2 any word about it. So I made the call, and I went 3 to training yesterday. 4 I attempt to do the best I can with what 5 I've got. But, you know, I really need to have more 6 information. 7 COMMISSIONER ARMBRUSTER: Perhaps all the 8 e-mails are not going to you, but going to -- 9 THE CHAIR: That's where the communication 10 breakdown in the school is. 11 COMMISSIONER ARMBRUSTER: Yeah. 12 COMMISSIONER CABALLERO: I have one 13 question, Madam Chair, to the finance person. 14 There's three months missing: November, 15 December, January. And I got the explanation what 16 you're doing. Do you have any idea when these will 17 be done and submitted to -- to this side? 18 MS. CORINNE TELLER: I'm hoping in a week 19 or two, I should get the information that I need, 20 and I'll work on those right away. 21 COMMISSIONER JOHNSTON: Thank you, 22 Madam Chair. I'm really concerned, because during 23 the visit there was no evidence of the 24 implementation of the RTI or the SAT process. And 25 when I asked -- do you understand the SAT process?</p>	<p style="text-align: right;">Page 193</p> <p>1 MS. BERNICE LIFE: What happened at the 2 beginning of the year is that we started out pretty 3 strapped with finances. We didn't have an IT 4 coordinator. We didn't have -- 5 COMMISSIONER JOHNSTON: What did you do in 6 place of that? If you have a high-needs student, 7 how did you intervene as a SAT without that 8 technology support? What did you do? 9 MS. BERNICE LIFE: The teachers were doing 10 self-evaluations. They were working with the 11 students. They were giving them their own exams. 12 They were working with -- you know, in comparison -- 13 we used last year's data, as well. I mean, we have 14 last year's data. 15 COMMISSIONER JOHNSTON: And you are a 16 licensed diagnostician? 17 MS. BERNICE LIFE: Yes, I am. 18 COMMISSIONER JOHNSTON: Were the teachers 19 coming to you right away with concerns about these 20 students? 21 MS. BERNICE LIFE: Almost the first day of 22 school. They can tell me the students that are 23 already behind, you know. My job is to get in there 24 and try to help them with interventions. 25 COMMISSIONER JOHNSTON: The student who</p>

<p style="text-align: right;">Page 194</p> <p>1 threatened the other student, is he on an IEP?  2 MS. BERNICE LIFE: He was on an IEP; but  3 he's since transferred.  4 COMMISSIONER JOHNSTON: Was it a  5 manifestation? Did you convene a meeting?  6 MS. BERNICE LIFE: I called a meeting,  7 yes, the day that this child -- and I was standing  8 in the hallway.  9 COMMISSIONER JOHNSTON: I'm just asking,  10 did you convene a meeting?  11 MS. BERNICE LIFE: I called for an  12 immediate IEP meeting. I called the parent. She  13 said she would be coming in the next day. The next  14 day, she canceled and said she couldn't come.  15 COMMISSIONER JOHNSTON: But a  16 manifestation -- what did you do in that case?  17 MS. BERNICE LIFE: The student was  18 suspended for five days. On the fifth day, we were  19 to meet again. That day, she came in and she  20 withdrew him from school. He was no longer my  21 student.  22 COMMISSIONER JOHNSTON: Where I'm  23 concerned is I don't see the creative thinking that  24 is required to provide the structure yet, within  25 that structured environment, the flexibility and the</p>	<p style="text-align: right;">Page 196</p> <p>1 I just -- I have a sense of urgency about the needs  2 of the students. And the NWEA and the MAP as an  3 initial screening, there are also other tools that  4 could be used. And I just -- thank you. I just had  5 to ask about RTI and SAT.  6 THE CHAIR: Okay.  7 MS. BERNICE LIFE: We do have an RTI and  8 SAT in place.  9 THE CHAIR: Are we good?  10 Okay. I'll do this because it's -- okay.  11 I move that the PEC require that Cariños De Los  12 Niños School take corrective action to address all  13 the issues of noncompliance related to the school's  14 academic, financial, and organizational performance;  15 specifically, that the school must, one, immediately  16 come into compliance by adhering to all of the terms  17 of the financial Corrective Action Plan as set forth  18 at our November 17th, 2018 -- 2017, sorry -- PEC  19 meeting by submitting all past due reports no later  20 than February 15th, 2018, which are required, to  21 include the monthly reports on student enrollment,  22 including updates on the number of withdrawals,  23 enrollments; and, second, action taken to improving  24 financial management, budget adjustments required to  25 adjust for the growth that has not materialized for</p>
<p style="text-align: right;">Page 195</p> <p>1 application of the standards to meet -- I mean, the  2 manifestation hearing and the alternative discipline  3 plan. And if a student was suspended for five days,  4 did anybody reach out to this parent on the first  5 day?  6 MS. BERNICE LIFE: The parent was one of  7 our teachers.  8 COMMISSIONER JOHNSTON: Okay. It's  9 just --  10 MS. BERNICE LIFE: Yes, yes. And  11 immediately -- I mean, I -- my specialty is special  12 ed.  13 COMMISSIONER JOHNSTON: Yes. That's why  14 I'm asking.  15 MS. BERNICE LIFE: And so -- and so -- I  16 did -- I met with -- I called. The mom wasn't home.  17 She didn't come to work the day this happened. I  18 called her, and I told her what had happened. I  19 told her the police had been called.  20 She sent her sister to the school rather  21 than coming herself. She picked up her son, and  22 they -- and they went to the police department to  23 follow up with whatever the police side of things  24 were.  25 COMMISSIONER JOHNSTON: That's all right.</p>	<p style="text-align: right;">Page 197</p> <p>1 repayments for prior year repayments.  2 MR. VERNON: Did we have repayments?  3 THE CHAIR: I'm sorry. And updated  4 year-end position forecasts.  5 2. Meet with the CSD staff at the PED  6 office in Santa Fe on February 20th, 2018, to  7 discuss all outstanding noncompliance such that the  8 school is able to clear all findings, including  9 ensuring that all employees' files contain all the  10 required and valid licensure and experience  11 verification, documentation, found during the PED's  12 Audit and Accounting Bureau's Training and  13 Experience Audit, and come into compliance on or  14 before a second site visit to be conducted on  15 April 9th, 2018.  16 No later than February 28th, 2018, the  17 school must submit to PED a budget that reflects all  18 outstanding budget maintenance through January 2018  19 and/or pending board approval and all monthly  20 reports completed, submitted, and verified,  21 including the cash report, which will enable the  22 school to end the year with a positive balance.  23 4. No later than February 28th, 2018, the  24 school must submit as part of its monthly financial  25 reports bank reconciliations for all outstanding</p>

<p style="text-align: right;">Page 198</p> <p>1 months since July 1st of 2017.</p> <p>2 Ensure that all governing board members</p> <p>3 complete the training for which they are currently</p> <p>4 registered.</p> <p>5 This is now 6. If the school fails to</p> <p>6 meet -- I'm sorry. Let me make this No. 6.</p> <p>7 By February 16th, submit to PEC revised</p> <p>8 governance screening and selection process for board</p> <p>9 members that removes the school leader entirely from</p> <p>10 the selection and recruitment process.</p> <p>11 And, 7. If the school fails to meet any</p> <p>12 of the deadlines established, the CSD will notify</p> <p>13 the PEC and recommend the PEC issue a Notice of</p> <p>14 Intent to Revoke the charter.</p> <p>15 COMMISSIONER CABALLERO: Madam Chair,</p> <p>16 question. I had asked earlier how long it would</p> <p>17 take to submit what was needed. She said a couple</p> <p>18 of weeks. Can those deadlines that Madam Chair just</p> <p>19 read out be moved? I know that was prepared in</p> <p>20 advance. Or maybe allow the Director and the school</p> <p>21 to look at -- revisit the timeline?</p> <p>22 I don't want to, at this juncture, set the</p> <p>23 school up to not be in compliance, as they already</p> <p>24 told us that it will take two weeks to finalize</p> <p>25 those three months.</p>	<p style="text-align: right;">Page 200</p> <p>1 the -- not only the school in peril, but also</p> <p>2 students and whether they're remaining and whether</p> <p>3 they need to look at other options if the school is</p> <p>4 no longer able to function as a school.</p> <p>5 Thank you.</p> <p>6 THE CHAIR: This is not meant to be a</p> <p>7 setup for failure. I think the Public Education</p> <p>8 Commission, by renewing the school, number one,</p> <p>9 showed it was sincerely supportive of this school</p> <p>10 moving forward; but that with -- with the school not</p> <p>11 complying with the Corrective Action Plan and</p> <p>12 implementing that, and certainly the financial</p> <p>13 issues that are carried over from last year, as</p> <p>14 well, I'm -- you know, I'm at a loss at this moment</p> <p>15 in time.</p> <p>16 FATHER BRENNAN: May I speak, Madam</p> <p>17 Commissioner?</p> <p>18 THE CHAIR: At this point in time, no. We</p> <p>19 have a second?</p> <p>20 THE REPORTER: Who was the second? I'm</p> <p>21 sorry.</p> <p>22 COMMISSIONER RUIZ: (Indicates.)</p> <p>23 THE CHAIR: Commissioner Armbruster?</p> <p>24 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>25 Johnston?</p>
<p style="text-align: right;">Page 199</p> <p>1 I understand that in the governance, that</p> <p>2 could stay. I mean, they've got to make those</p> <p>3 changes; that's within reason. But the others, I'm</p> <p>4 not quite sure whether they can meet it. And,</p> <p>5 again, I would hate to set them up for a</p> <p>6 noncompliance just on -- on the dates alone. If</p> <p>7 it's no biggy. I know that it was done in advance.</p> <p>8 THE CHAIR: Well, just so the Commissioner</p> <p>9 understands that this was done in advance; but it</p> <p>10 was also done in advance with conversations with</p> <p>11 David Craig's office and what would be appropriate</p> <p>12 for the timeline in terms of what they need and when</p> <p>13 they need it.</p> <p>14 So I'm hesitant to change. And I'm</p> <p>15 also -- I'll be honest with you. I'm hesitant to</p> <p>16 change, simply because deadlines have not --</p> <p>17 deadlines just have not been followed so often, I</p> <p>18 hesitate to change. But that's me.</p> <p>19 COMMISSIONER PERALTA: Yeah. Madam Chair,</p> <p>20 I agree that the deadlines specified in your motion</p> <p>21 are adequate. I think it's -- in fairness, that</p> <p>22 this school needs to know exactly where they're</p> <p>23 going to be coming the end of the school year,</p> <p>24 whether they're going to be able to exist or not.</p> <p>25 And so by pushing dates back, you know, puts -- puts</p>	<p style="text-align: right;">Page 201</p> <p>1 COMMISSIONER JOHNSTON: Yes. And I'm</p> <p>2 just -- I'm in favor. And I wanted to -- I've lost</p> <p>3 the motion in all of the discussion.</p> <p>4 THE CHAIR: Do you need it repeated?</p> <p>5 COMMISSIONER JOHNSTON: I don't know "yes"</p> <p>6 or "no."</p> <p>7 THE CHAIR: You need the motion repeated?</p> <p>8 COMMISSIONER JOHNSTON: Yes, ma'am. Or at</p> <p>9 least the introductory part of it, the first</p> <p>10 paragraph. I apologize.</p> <p>11 THE CHAIR: I move that the PEC require</p> <p>12 that Cariños De Los Niños Charter School take</p> <p>13 corrective action to address all of the issues of</p> <p>14 noncompliance related to the school's academic,</p> <p>15 financial, and organizational performance.</p> <p>16 COMMISSIONER JOHNSTON: Yes, ma'am.</p> <p>17 THE CHAIR: Specifically, they must --</p> <p>18 COMMISSIONER JOHNSTON: That's all I</p> <p>19 needed was the beginning. I vote "Yes."</p> <p>20 COMMISSIONER ARMBRUSTER: Commissioner</p> <p>21 Toulouse?</p> <p>22 COMMISSIONER TOULOUSE: Yes, in the hopes</p> <p>23 that they can get it together; because I'd sure like</p> <p>24 to see their governance council keep them going.</p> <p>25 COMMISSIONER ARMBRUSTER: Commissioner</p>

Page 202

1 Caballero?  
2 COMMISSIONER CABALLERO: I would like to  
3 abstain. You didn't call for an abstention. But I  
4 would like to explain my abstention. It's kind of  
5 out of order.  
6 THE CHAIR: It is.  
7 COMMISSIONER CABALLERO: And I was waiting  
8 for the Secretary to call abstentions in the  
9 beginning.  
10 COMMISSIONER ARMBRUSTER: You're correct.  
11 I did not.  
12 COMMISSIONER CABALLERO: Very short. I'm  
13 not against -- Madam Chair, I'm not against the --  
14 THE CHAIR: Can I have just one second?  
15 (Chair consults with legal counsel.)  
16 THE CHAIR: I'm sorry. I thought there  
17 was something in there, and it's not. So I just  
18 wanted to clarify that before we moved forward on  
19 that. So I appreciate that. So -- and you may --  
20 COMMISSIONER CABALLERO: Madam Chair, if  
21 you want, I can explain my abstention at the end.  
22 If you deem that that would be fair to the  
23 Commissioners, I can explain it at the end.  
24 THE CHAIR: No. I thought there was a  
25 rule regarding abstentions. And it's about

Page 203

1 recusals. So --  
2 COMMISSIONER CABALLERO: Oh, okay. All  
3 right.  
4 THE CHAIR: So that's what I needed the  
5 clarification on before --  
6 COMMISSIONER CABALLERO: So I can explain  
7 my abstention now, that I'm not against the school  
8 having a plan. In fact, I'm in favor of the plan.  
9 I was just -- I can only abstain, primarily because  
10 I believe they needed that extra week; because I did  
11 ask that clearly, and I wanted to know so that we do  
12 the right decision. That is a "No." So I do like  
13 them to have a plan, but I cannot vote "For" without  
14 the extension of time.  
15 THE CHAIR: Okay. Thank you.  
16 COMMISSIONER ARMBRUSTER: Commissioner  
17 Armbruster votes "Yes."  
18 Commissioner Peralta?  
19 COMMISSIONER PERALTA: Yes.  
20 COMMISSIONER ARMBRUSTER: Commissioner  
21 Crone?  
22 COMMISSIONER CRONE: Yes.  
23 COMMISSIONER ARMBRUSTER: Commissioner  
24 Ruiz?  
25 COMMISSIONER RUIZ: Yes.

Page 204

1 COMMISSIONER ARMBRUSTER: Commissioner  
2 Robbins?  
3 COMMISSIONER ROBBINS: Yes.  
4 COMMISSIONER ARMBRUSTER: That is seven  
5 for the motion.  
6 THE CHAIR: I didn't vote.  
7 COMMISSIONER ARMBRUSTER: Oh, I'm sorry.  
8 Guess I didn't call your name. That's a good  
9 reason.  
10 THE CHAIR: Yes. Thank you.  
11 COMMISSIONER ARMBRUSTER: I counted you.  
12 THE CHAIR: I do believe this will come  
13 out in letter form, as well, so that it will be  
14 outlined for the school.  
15 Can we do that?  
16 MS. POULOS: Madam Chairwoman, thank for  
17 you that direction. We will develop a letter for  
18 you and send it to you for your signature.  
19 THE CHAIR: This will all be outlined, so  
20 there should be no question about what's in the  
21 motion.  
22 FATHER BRENNAN: I mention that is a  
23 holiday. I wonder if we will get the letter by the  
24 first deadline on the 12th.  
25 THE CHAIR: I'm sure we can get something

Page 205

1 in writing within a few minutes. If you need this  
2 in writing right now, then I'm sure we can  
3 accommodate that right now.  
4 FATHER BRENNAN: Very good. Thank you.  
5 THE CHAIR: Thank you. And,  
6 Commissioners, we'll take a 15-minute break and move  
7 on. Thank you.  
8 MR. VERNON JARAMILLO: Thank you for your  
9 time.  
10 (Recess taken, 1:45 p.m. to 2:25 p.m.)  
11 THE CHAIR: Get a little order here.  
12 We are on No. 12, Discussion and Possible  
13 Action on the 2018 New Charter School Application  
14 Kit, which we did have an opportunity to spend some  
15 quality time with yesterday; so I appreciate  
16 everyone and the work yesterday on that. And there  
17 aren't all-around significant changes. There were  
18 just some modifications to it.  
19 So, Director?  
20 MS. POULOS: Okay. Madam Chairwoman,  
21 Commissioners, so this is the new process by which  
22 you approve your new application kit. As you  
23 learned earlier today, you have about 18 potential  
24 applicants. The one change -- the one big change  
25 that we have recommended that was included in your

<p style="text-align: right;">Page 206</p> <p>1 materials from the beginning is that we are 2 recommending that the budget appendix on the 3 five-year budget plan really show a much more 4 realistic picture of expenditures and revenues that 5 a new school could utilize, and give them the 6 opportunity to -- to demonstrate their capacity, if 7 they have any grant funding. 8       So in that form, if you take a look at -- 9 it's in the back of the document. It's much larger 10 than it used to be. The instructions do identify 11 that they -- that a school or an applicant would 12 delete any revenue codes, any revenue lines that 13 they would not be using. 14       The same thing goes for expenditures. So 15 I don't think it will end up being too burdensome 16 when you do review those. But I do think it'll be a 17 much more realistic picture. 18       In addition, on the amendment materials 19 that you have, there were a couple of items that we 20 discussed yesterday that I wanted to read into the 21 record. One was on Part A on Page 2; it still had a 22 2017 reference. So we changed that to instead of 23 the "2017 Application Cycle," to read the "2018 24 Application Cycle." 25       In Part C on Page 5, there was a remaining</p>	<p style="text-align: right;">Page 208</p> <p>1 adjustments will be made to meet budget and cash 2 flow challenges." 3       We wanted to change that so it reads, 4 "Provide a clear and meaningful prediction of what 5 budget adjustments will be made to meet budget and 6 cash flow challenges, and/or how the school will 7 address the failure to receive any anticipated 8 funding sources." 9       That reflects the fact that they're going 10 to be budgeting more revenue sources, and some may 11 not be guaranteed. We want to make sure they can 12 appropriately respond if they do not have access to 13 certain funding sources that they didn't initially 14 put in their budgets. 15       Part C, Page 50, we wanted to add one more 16 bullet, which was not in the materials right now, 17 which would follow up to that and say that, "The 18 complete response must address how the school 19 responds to the failure to receive any anticipated 20 funding sources"; so just updates the rubric to 21 match the changes to the prompt. 22       On Part D, Page 6, Question 16 and 17 were 23 accidentally left in your materials. Those were 24 school-specific questions from last year's 25 applicants. Each applicant review team will develop</p>
<p style="text-align: right;">Page 207</p> <p>1 typo that should have been "measurable" spelled 2 correctly. And we did find that and get that 3 corrected. 4       Part C, Page 48, remove the bullet that 5 reads, "Budget the correct percentage for the local 6 special education unless the school has sufficient 7 justification for why it will a large population. 8 Provide justification if applicable." [Verbatim.] 9       The reason we're doing that, we're 10 recommending that deletion there is that's about 11 expenditures. And expenditures are going to look 12 very different from school to school. That item is 13 in the prior item for revenues. And that's because 14 what we're asking schools to do, which we have not 15 asked them to do in the past, is use the local 16 percentage of special education student to estimate 17 what percentage of special education students they 18 will have. 19       In the past, we asked them to use 20 10 percent, which was not necessarily a realistic 21 number, based on where they're located. So we 22 changed that. 23       In Part C on Page 50, we did want to 24 insert some language. Right now it says, "Provide a 25 clear and meaningful prediction of what budget</p>	<p style="text-align: right;">Page 209</p> <p>1 their own school-specific or applicant-specific 2 questions. There may be two; there may be 3 substantially more. So those would not be part of 4 the standard questions that everyone receives. So 5 we marked those out to have those removed. 6       On the Capacity Interview script, Page 1, 7 we added my last name, which was missing. 8       And then we, on Page 3, changed the -- the 9 text that currently specifies that decisions will be 10 made on August 23rd and 24th, to change that to read 11 that, "Decisions will be made in the last week of 12 August, 2018. The reason for that is -- although it 13 shouldn't read "last week"; because the last week is 14 the week I'm on a boat in Alaska. 15       THE CHAIR: I think that is actually the 16 third week in August. 17       MS. POULOS: The third week in August. 18 And the reason we want to do this, instead of 19 specifying specific dates, is if we have 20 18 applicants, it's going to take more than two 21 days. 22       So those are the only recommended changes. 23 I did give you a handout with recommended motion 24 changes, if you would like to accept this 25 application kit, which just helps you reflect that</p>

Page 210	Page 212
<p>1 you're adopting what was in the materials with any 2 revisions that were discussed on the record today, 3 which I just did. You may have additional ones that 4 you want to discuss. 5 It's one front-and-back landscape sheet. 6 Maybe I didn't hand it out. 7 THE CHAIR: I think I got it. 8 COMMISSIONER RUIZ: Madam Chair, I would 9 like to make a motion. 10 THE CHAIR: Thank you. 11 COMMISSIONER RUIZ: I move to approve the 12 2018 Annual Application Kit, as presented in the 13 material for today's meeting, with the changes 14 discussed on the record today. 15 COMMISSIONER ROBBINS: Second. 16 THE CHAIR: There's a motion by 17 Commissioner Ruiz and a second by Commissioner 18 Robbins. 19 Any discussion? 20 COMMISSIONER ARMBRUSTER: Any abstentions? 21 COMMISSIONER CABALLERO: Thank you. 22 COMMISSIONER ARMBRUSTER: Commissioner 23 Toulouse? 24 COMMISSIONER TOULOUSE: Yes. 25 COMMISSIONER ARMBRUSTER: Commissioner</p>	<p>1 We are on to item No. 13, Governance 2 Reporting Concerns and Non-Compliance. 3 MS. POULOS: Madam Chairwoman, 4 Commissioners, this is something we have been 5 talking about for quite some time. As you recall, 6 we did implement a new policy where you require 7 governing boards to report to you the number of 8 board members they were going to have at the 9 beginning of each fiscal year. 10 May I remind you of your rationale for 11 this policy, because I think it's important. 12 Board members who leave the board, 13 vacancies, must be filled within 45 days, or 75, if 14 they get that extension. 15 We were notified of some board members of 16 some certain boards leaving. We said to the school 17 boards -- or the school -- school boards through 18 their school leader, "You have not met the deadline 19 for filling this vacancy." 20 They responded, "It's not a vacancy unless 21 it falls below five." 22 We responded, "There was somebody in it. 23 There is nobody in it anymore. It appears to be a 24 vacancy." 25 So to clarify that for everyone, the</p>
<p>Page 211</p> <p>1 Peralta? 2 COMMISSIONER PERALTA: Yes. 3 COMMISSIONER ARMBRUSTER: Commissioner 4 Robbins? 5 COMMISSIONER ROBBINS: Yes. 6 COMMISSIONER ARMBRUSTER: Commissioner 7 Caballero? 8 COMMISSIONER CABALLERO: Yes. 9 COMMISSIONER ARMBRUSTER: Commissioner 10 Crone? 11 COMMISSIONER CRONE: Yes. 12 COMMISSIONER ARMBRUSTER: Commissioner 13 Gipson? 14 THE CHAIR: Yes. 15 COMMISSIONER ARMBRUSTER: Commissioner 16 Johnston? 17 COMMISSIONER JOHNSTON: Yes. 18 COMMISSIONER ARMBRUSTER: Commissioner 19 Ruiz? 20 COMMISSIONER RUIZ: Yes. 21 COMMISSIONER ARMBRUSTER: Commissioner 22 Armbruster votes "Yes." 23 The motion passes. 24 THE CHAIR: Thank you. Motion passes 25 unanimously.</p>	<p>Page 213</p> <p>1 policy was put in place where boards would identify. 2 "We will have five members." "We will have seven 3 members." They could no longer use a range. 4 So that helped you know how many board 5 members they have and how many vacancies they have, 6 which means how many positions need to be filled. 7 We have had a good number of our schools 8 come into compliance with that reporting 9 expectation. And so you see, on the first page of 10 this item, the report that shows that 68 percent of 11 your schools are fully in compliance. They have 12 been able to report correctly; they have been able 13 to submit the correct documentation. 14 We have a few schools that have refused to 15 comply, either explicitly in a communication, or 16 have not submitted the required reporting. 17 Those schools are Cottonwood Classical 18 Preparatory School, ACE Leadership High School, 19 North Valley Academy, Academy of Trades and 20 Technology, Explore Academy, Health Leadership High 21 School, School of Dreams Academy, Technology 22 Leadership High School, Albuquerque Sign Language 23 Academy, and Walatowa Charter School. 24 We have recently sent communication -- 25 Chairwoman, I believe we sent that; right? You were</p>

<p style="text-align: right;">Page 214</p> <p>1 able to sign those?  2 THE CHAIR: Some.  3 MS. POULOS: Did we send those, the  4 communication on to the Chairwoman's --  5 THE CHAIR: I'm pretty sure I signed and  6 scanned those back, did I not?  7 MS. POULOS: Then we have not.  8 THE CHAIR: Okay.  9 MS. POULOS: So we are bringing these  10 forward at this point so that you know, with  11 clarity, who stands in that position. Our intention  12 was -- and I think we've probably gotten a little  13 bit off on that -- to get letters out, signed under  14 Chairwoman's name, saying, "You have until March to  15 comply. At that point we'll bring you in front of  16 the Commission to talk about this."  17 We do still have some that they've  18 submitted the report; but it's still incorrect or  19 incomplete. So we're still trying, through  20 technical assistance, to get those reports to be  21 complete. Those are eight schools, and they are  22 listed in your materials on Page 2.  23 At this point, I think we want to make  24 sure that letter goes out under the Chairwoman's  25 name to clearly communicate. We may need to push</p>	<p style="text-align: right;">Page 216</p> <p>1 initial letter had a March date that they would come  2 up to the March meeting, which might still be  3 doable?  4 MS. POULOS: Yeah, if we can get them out  5 next week.  6 THE CHAIR: I think if we can get them out  7 this week, I think a March date is more than  8 reasonable notice to them to have to come up to our  9 March meeting. And it did come up when we were  10 having the DEAP subcommittee Corrective Action Plan  11 meeting, that they have a challenge, because they  12 had some folks in the queue that wanted to be on;  13 but because you sign a letter that you're only going  14 to have five, they end up having to -- they felt  15 they ended up having to turn someone down to serve  16 on the board because they had committed to five this  17 year. So it did open the door to a possible flaw in  18 what we initially thought.  19 I think -- I think it's reasonable to  20 allow the schools that flexibility, as long as they  21 continue to make notice to us if there's -- if  22 there's a change. But we don't want to discourage  23 someone who wants to serve and say, "No, you have to  24 wait until someone's off before can you come on."  25 So it did kind of make us a little aware</p>
<p style="text-align: right;">Page 215</p> <p>1 until April, if you feel more comfortable with that,  2 which is fine. But we do want the Commission to  3 know that we will be talking, I believe, about the  4 policy, potentially, if we have time today.  5 And we have made a couple of recommended  6 changes, because currently, your policy does not  7 allow boards to change that number until the next  8 fiscal year, meaning they established seven at the  9 beginning of this fiscal year, they must wait until  10 the beginning of the next fiscal year to change that  11 to eight, nine, ten or five.  12 There was a good reason for that. The  13 Commission felt that they didn't want to see those  14 changing because they felt the community needed to  15 have the stability and know how many board members  16 were going to be on that board. It also presents  17 challenges for the school. So I think it's worth  18 having that discussion.  19 But, again, at this point, I think what we  20 want to do is make sure that letter goes out next  21 week, absolutely, and that we have a clear  22 communication with these schools about the need to  23 accurately report this information to the  24 Commission.  25 THE CHAIR: Right. Because I think the</p>	<p style="text-align: right;">Page 217</p> <p>1 of a shortcoming there.  2 COMMISSIONER ARMBRUSTER: Can I --  3 THE CHAIR: Sure.  4 COMMISSIONER ARMBRUSTER: I just want to  5 make sure it's clear in my mind. So School X has  6 five, and someone says, "I would really love to be  7 on the governing board."  8 Okay. So now they have six. So when --  9 if one of them leaves, then do they have to replace  10 it to get the sixth one?  11 MS. POULOS: So I think --  12 Madam Chairwoman and Commissioner Armbruster, this  13 is the issue that this Commission has to deal with.  14 Do you want to know how many board members they  15 have, and, thus, when one leaves, they need to be  16 able to replace that board member? And one of the  17 things that you may see is -- and you may then find  18 this is a problem you need to deal with -- when they  19 lose a board member, they decide they can't replace  20 one, then they send you a notice and say, "Now we're  21 decreasing back to five." And another month later,  22 they send you a notice saying, "We're increasing  23 back to six."  24 That is not your intent. Your intent is  25 to get stability in the board and have them</p>

<p style="text-align: right;">Page 218</p> <p>1 understand that governance is one of the most 2 important parts of charter schools. They have to be 3 able to have a strong board, and they have to be 4 able to find numbers. So you're going to have to 5 figure out that balance in your policies. 6 But I do think it's really important to 7 establish with clarity. One of the things that 8 schools have been saying, the ones that say, "We're 9 not going to give you this information, we're not 10 going report this," is, "Our contract says we'll 11 have six to nine; so it conflicts with our 12 contract." 13 Well, I'm going to say, "No, it doesn't. 14 Because six to nine, eight does not conflict with 15 your contract"; right? "it establishes where you're 16 falling within that six to nine at this point in 17 time." 18 And it's about transparency and clarity 19 with your authorizer, which is who you are, so that 20 you know what their governance structure is. And 21 you have every right to that. 22 THE CHAIR: Right. Right. And that was 23 certainly the intention. And I support the idea 24 that no matter what your number is, if someone 25 leaves, you have an obligation to fill it, because</p>	<p style="text-align: right;">Page 220</p> <p>1 It's frightening; but I can. 2 THE CHAIR: I actually can, too; but I 3 don't want -- I won't be able to see out after I do 4 it. 5 COMMISSIONER ARMBRUSTER: Okay. 6 MS. POULOS: So these are things like 7 votes not being taken, minutes not being provided. 8 COMMISSIONER ARMBRUSTER: It wasn't all 9 that far, however. 10 MS. POULOS: Range; so still having a 11 range rather than that specific number. So, you 12 know, we're -- we're continuing to try and work with 13 these schools. I think there's somebody out there 14 telling them they don't have to comply, and so 15 they're not acknowledging the communications. I 16 think the communication from the Chairwoman should 17 help with that, and then we'll just move forward 18 from there. 19 THE CHAIR: Okay. Thank you. We're on to 20 No. 14, Policies and Procedures for Adding. Can we 21 flip first to the checklist? I think that might be 22 the -- 23 MS. POULOS: Behind the first goldenrod 24 sheet. 25 THE CHAIR: And this, I believe, follows,</p>
<p style="text-align: right;">Page 219</p> <p>1 that's your -- that's your board; so that you can't 2 just keep seesawing up and down, because, "It's okay 3 because we put 'up to' in our contract." 4 So that was the -- certainly, the 5 rationale. So I guess we'll have to -- we'll have 6 to put off to a short time in the work session 7 clarifying and seeing if we want to adjust to bring 8 forward any changes. But at this point in time, we 9 hope to see those schools in March. 10 MS. POULOS: We hope to see them comply. 11 THE CHAIR: Yes, we do. And if not, we'll 12 see them in March. 13 Okay. Thank you. 14 COMMISSIONER ARMBRUSTER: So -- so the 15 people -- I don't know; I guess there's eight 16 here -- who submitted, but incorrectly. Were those 17 long -- is it a lot that they had to do to submit 18 this? I'm looking at Alma d'Arte. 19 MS. POULOS: Madam Chair, Commissioner, I 20 believe you can see, on Page 1 of 19, a summary of 21 that. So you can pick one of them. 22 THE CHAIR: See that little tiny -- 23 MS. POULOS: Sorry. 24 COMMISSIONER ARMBRUSTER: And I just want 25 to say I can read that -- I can actually read this.</p>	<p style="text-align: right;">Page 221</p> <p>1 to a great extent, the checklist for when a new 2 school is going to open -- 3 MS. POULOS: Madam Chairwoman? 4 THE CHAIR: -- by and large. 5 MS. POULOS: Madam Chair and 6 Commissioners, yes. Yes, it does. The timelines 7 were adjusted a little bit. And I think things that 8 we thought were absolutely not necessary were also 9 removed. 10 THE CHAIR: Right. Right. 11 Does anyone have any questions or comments 12 on that? I mean, I went through it, and I thought 13 everything that was -- I couldn't think of anything 14 else to put in or take out; because it is -- I mean, 15 it's -- to a great extent, with that new site, 16 everything is brand new, so that you've got a lot of 17 those compliance things that really need to be 18 checked off. 19 And I just need to refresh my memory. Is 20 there a -- are we established -- I guess that's the 21 only thing that I'm not clear on. Is there -- are 22 we doing a Commencement of Operation? Because that 23 was, you know -- 24 MS. POULOS: So I think that's -- I mean, 25 I do have it saying that there is a vote to commence</p>



Page 222

1 operations.

2 THE CHAIR: Right. That's what I thought.

3 MS. POULOS: When you look at the very  
4 end, there is some -- there's items that are due two  
5 weeks prior to the opening, which is what happens  
6 with our brand new schools, as well.

7 THE CHAIR: Right.

8 MS. POULOS: And then there's items that  
9 are due by June 1st. Typically, what you have done  
10 with our brand new schools is at your June meeting,  
11 you vote to commence operations, and it's  
12 conditional on fully executing the items that are  
13 due two weeks prior.

14 We've never had to -- we've had some  
15 challenges with schools that didn't quite meet that.  
16 We probably need to make sure we're clear on how we  
17 move forward, if that happens. But we can wait  
18 until June to really be explicit to all that.

19 THE CHAIR: And I'm -- and I like that  
20 idea of having -- in case -- so everyone gets a -- a  
21 clear picture on where they really are, and that  
22 it's clear they really are, in fact, ready to go.  
23 So I'm fine with putting that in, 'cause -- we have  
24 one?

25 MS. POULOS: One.

Page 223

1 THE CHAIR: Do we have a school -- we have  
2 two schools this year -- three.

3 MS. POULOS: That will be opening, brand  
4 new. Three brand new that will be opening. And we  
5 have this one --

6 THE CHAIR: Right. So we will have those  
7 four schools in June for the Commencement of  
8 Operation. And I'm fine with that, okay?

9 Are we -- are we good with this?

10 So we --

11 COMMISSIONER JOHNSTON: Madam Chair, thank  
12 you. Do we have to have a vote on this now?

13 THE CHAIR: I do believe we --

14 COMMISSIONER JOHNSTON: I didn't know. I  
15 was asking.

16 THE CHAIR: I believe we should vote on  
17 this. But it is something that, with new schools  
18 and so on, we've voted on the checklist. So this is  
19 something that we should vote on.

20 COMMISSIONER JOHNSTON: Thank you.

21 THE CHAIR: So -- and I think it's a  
22 simple motion.

23 So I move that the PEC adopt the polic- --  
24 well, no, it's the checklist for Commencement of  
25 Operation for --

Page 224

1 MS. POULOS: It has a name.

2 COMMISSIONER TOULOUSE: New School Site  
3 Implementation Checklist.

4 THE CHAIR: So a New School Site  
5 Implementation Checklist.

6 COMMISSIONER TOULOUSE: I second.

7 THE CHAIR: Did you get all that?

8 THE REPORTER: (Indicates.)

9 THE CHAIR: Any discussion?

10 (No response.)

11 THE CHAIR: Commissioner Armbruster?

12 COMMISSIONER ARMBRUSTER: Any abstentions?

13 COMMISSIONER CABALLERO: Thank you.

14 COMMISSIONER ARMBRUSTER: You're welcome.  
15 Commissioner Ruiz?

16 COMMISSIONER RUIZ: Yes.

17 COMMISSIONER ARMBRUSTER: Commissioner  
18 Toulouse?

19 COMMISSIONER TOULOUSE: Yes.

20 COMMISSIONER ARMBRUSTER: Commissioner  
21 Robbins?

22 COMMISSIONER ROBBINS: Yes.

23 COMMISSIONER ARMBRUSTER: Commissioner

24 Crone?

25 COMMISSIONER CRONE: Yes.

Page 225

1 COMMISSIONER ARMBRUSTER: Commissioner  
2 Peralta?

3 COMMISSIONER PERALTA: Yes.

4 COMMISSIONER ARMBRUSTER: Commissioner  
5 Caballero?

6 COMMISSIONER CABALLERO: Yes.

7 COMMISSIONER ARMBRUSTER: Commissioner  
8 Armbruster votes "Yes."

9 Commissioner Gipson?

10 THE CHAIR: Yes.

11 COMMISSIONER ARMBRUSTER: Commissioner  
12 Johnston?

13 COMMISSIONER JOHNSTON: Yes.

14 COMMISSIONER ARMBRUSTER: It's a  
15 nine-to-zero vote. The motion passes.

16 THE CHAIR: Okay. So now we're on to the  
17 first -- the front section, which is the process for  
18 approving a new site, and a school wanting to add an  
19 additional site, which we, months ago, had done -- I  
20 lost my mind yesterday. But when we had the  
21 discussion about the -- about the amendment process,  
22 which was done at a work session a while ago, there  
23 had been a discussion about how this was going to  
24 roll out.

25 And Matt did contact me this morning, and

1 I know he spoke with Katie, as well, this morning.  
 2 So Matt, as I was leaving my phone in the car and  
 3 disconnecting with him, Commissioner Johnston  
 4 thought I was talking to her.  
 5 COMMISSIONER JOHNSTON: She came in the  
 6 front office just talking.  
 7 THE CHAIR: He asked if he could weigh in  
 8 on this. So I gracefully allowed him to.  
 9 MR. MATT PAHL: Thank you for your grace,  
 10 Madam Chair.  
 11 THE CHAIR: Madam President.  
 12 MR. MATT PAHL: Madam President. Why not?  
 13 Madam Chair, members of the Commission, I  
 14 called the Chair and Director Poulos this morning,  
 15 because we realized that we didn't feel like we got  
 16 the input from schools on the new application  
 17 that -- that we feel comfortable with. And so I  
 18 know it's up for potential -- potential decision.  
 19 I do think this is 90 plus percent of the  
 20 way there. But what we're requesting from the  
 21 Coalition side of things is that we get two, three  
 22 more weeks to get some feedback from our members on  
 23 this, if you're interested in that, so you all can  
 24 take a vote on a final product at your March  
 25 meeting.

1 I appreciate the urgency by which the  
 2 Commission went -- went and added this issue, and I  
 3 think schools really appreciate that.  
 4 Kelly and I find ours -- we think we're a  
 5 pretty formidable two-person staff. But Session can  
 6 kind of blow up the work plan for a two-person  
 7 staff. And we've had this for weeks. And we  
 8 just -- I didn't get feedback back to Katie until  
 9 last night. And even as I was doing it, it felt  
 10 like, you know, we need to get some feedback from  
 11 members.  
 12 So it's a request. And I appreciate you  
 13 hearing that today. Thank you.  
 14 THE CHAIR: Right. And this was -- part  
 15 of the process when we discussed it at the work  
 16 session was that it would be sent out to the schools  
 17 for feedback, and then we got bogged into  
 18 Public Impact and -- you know, to the point that I  
 19 didn't -- I couldn't even remember at the end of  
 20 yesterday. So, you know, it's -- so I -- I think  
 21 because we don't have anyone that's knocking on the  
 22 door right now -- but I'm sure there -- you know,  
 23 there's a line starting, and they want to be able to  
 24 start working on that. And I appreciate that.  
 25 But I think to be as transparent as we

1 can, to allow this. And we spoke -- when we spoke  
 2 briefly this morning, we thought, if we could, make  
 3 it also through e-mail or however you want to do it.  
 4 But if we do, what we're going to talk about later  
 5 is the -- the regional meetings. If there's time,  
 6 and they're scheduled at a point before our March  
 7 meeting, we could also take comment at those  
 8 regional meetings on this, as well; so that there  
 9 would be perhaps two opportunities for people to  
 10 weigh in.  
 11 Those regional meetings can't happen  
 12 before our March meeting. You're still doing that  
 13 reach-out, as well. And I will also ask and place  
 14 some burden on CSD to send out to the schools, as  
 15 well, so that we're not having someone sit in front  
 16 of us and say, "I didn't get the e-mail." So that  
 17 we've done this.  
 18 COMMISSIONER ARMBRUSTER: I just had a  
 19 question. I know that not all schools belong to the  
 20 Coalition. So -- and I'm sure we must know who does  
 21 and doesn't. I don't. But anyway -- so do we  
 22 contact those people, also?  
 23 THE CHAIR: That's what I just asked the  
 24 Director to do. So she sends the same e-mail out  
 25 for --

1 COMMISSIONER ARMBRUSTER: Right. Got it.  
 2 I just was not -- that's fine.  
 3 THE CHAIR: Yes, that was the intention,  
 4 so that schools that may not be on that list -- and  
 5 this -- you can post? Can do you that? Can you put  
 6 a -- can you put a -- can you post this on your --  
 7 on your website so that people can see it?  
 8 MR. MATT PAHL: Madam Chair, if you'd like  
 9 the public to see it, yes, we can do that. We also  
 10 have another method by which we communicate with  
 11 members that's very similar to that. But we'd be  
 12 open to doing both, or one or the other. I think  
 13 it's posted now on the -- on the CSD web- -- or the  
 14 PEC website. So we'd have no problem just making it  
 15 available on the front page of the website.  
 16 THE CHAIR: Okay. So are we --  
 17 COMMISSIONER JOHNSTON: May I ask?  
 18 THE CHAIR: Sure.  
 19 COMMISSIONER JOHNSTON: Clarification.  
 20 I'm having to get lots of clarification today,  
 21 because yesterday was -- so I'm very pleased, I  
 22 think if I understand it, that what we've done is  
 23 this new Site Implementation Checklist has now been  
 24 approved and is in effect; so there's a guide there.  
 25 So working on the second part, which is

<p style="text-align: right;">Page 230</p> <p>1 what we're talking about now, and allowing more time 2 is -- is in conjunction with that. So -- okay. 3 Thank you. 4 THE CHAIR: Because the checklist, at this 5 point in time, immediately affects a school now that 6 needs it for June. And this -- I know schools need 7 it; but no one is being harmed in any way at this 8 point in time in not having this right now. 9 COMMISSIONER JOHNSTON: It's clear. 10 THE CHAIR: Right. And actually, they 11 have an outline. If they wanted to start working on 12 it, I don't think there's going to be overreaching 13 changes to it; so that they could -- they got the 14 idea, okay? 15 COMMISSIONER JOHNSTON: Okay. Thank you. 16 THE CHAIR: All right. So we will not 17 proceed to vote on this at this point in time and we 18 will put it on the March agenda. We'll put it on 19 also for the March work session, if there's 20 substantial -- well, we'll look at it anyway. I 21 think that's -- 22 COMMISSIONER TOULOUSE: Madam Chair, I 23 have a concern here on the last bullet here on 24 the -- under "Determining Eligibility." As long as 25 we're still in court in Rio Rancho, I don't think we</p>	<p style="text-align: right;">Page 232</p> <p>1 right now, that's not an option to think about. 2 Down the road, it may be, and it may not. So, to 3 me, I just don't think that should be -- 4 THE CHAIR: Well -- and of course, that -- 5 we still have until March. So something could come 6 up. But it's certainly something that we will take 7 into consideration when we have the discussion at 8 the work session. And I'm actually assuming that 9 there won't be any decision by our March meeting? 10 No. 11 COMMISSIONER ARMBRUSTER: And right now, 12 Madam Chair, since anyone who wants to replicate had 13 to do it by January, no one's going to be doing it 14 right now. So it's not an emergency; right? 15 Because that's what we said the submission window 16 was, from September to January. 17 THE CHAIR: We haven't approved that. 18 COMMISSIONER ARMBRUSTER: We did that in 19 November. Didn't we do that when we did those other 20 amendments, and said something could be by a certain 21 time, something could be at other times, when we 22 were doing the original -- 23 MS. POULOS: Madam Chair, Commissioner 24 Armbruster, those were all drafts. None of that has 25 been approved.</p>
<p style="text-align: right;">Page 231</p> <p>1 should have -- 2 THE CHAIR: I'm sorry? Could you just -- 3 is there a page number, so I can -- 4 COMMISSIONER TOULOUSE: Page 1. 5 COMMISSIONER ARMBRUSTER: Patty, right 6 here, the last bullet. 7 COMMISSIONER TOULOUSE: See, the very 8 last -- right here. 9 THE CHAIR: "...is seeking to open a new 10 school"? 11 COMMISSIONER TOULOUSE: And after that, 12 "has received a discretionary waiver." That's still 13 in court. 14 MS. POULOS: And, Madam Chairwoman, we 15 discussed that, and we discussed that this, as a 16 draft, was a draft, and it was absolutely pending 17 any legal resolution. But we wanted it in there 18 since that is a potential open legal question. And 19 if it is, we want to acknowledge how that might look 20 different. 21 COMMISSIONER TOULOUSE: I just think we're 22 giving the message to other people that right now, 23 that's an option, because we're having them look at 24 this. If we're having -- say, people, if they're 25 getting ready to start, if this is an outline. And</p>	<p style="text-align: right;">Page 233</p> <p>1 COMMISSIONER ARMBRUSTER: Oh, okay. 2 MS. POULOS: Again, to the Chairwoman's 3 point, we don't know anybody that's knocking down 4 the door to submit, to start up in the fall. We did 5 have the one. 6 COMMISSIONER TOULOUSE: Which this 7 Commission didn't know about until three days 8 before. 9 MS. POULOS: No one would be foolish 10 enough to submit in February and think they could 11 open in June. 12 MR. MATT PAHL: It would be pretty tough. 13 THE CHAIR: Okay. So we're moving on. 14 MR. MATT PAHL: Madam Chair, you know, 15 just for a couple of overarching comments on the 16 document, because I know a lot of people will be 17 thinking of it -- and I just want to thank you for 18 considering the feedback of all charters, including 19 our members. 20 Two things I did want to mention is dates 21 are more enduring in policy than other indicators. 22 And I note one -- one example of that in the current 23 policy is that, you know, by the January meeting, 24 that you should have a submission for this amendment 25 in.</p>

1 You know, in this last year, we didn't  
2 have a January meeting. The January meeting floats  
3 a little bit. So having a date in there. And  
4 that's just -- you know, making that enduring policy  
5 is -- I mean, when I say 90 percent, I mean it as  
6 far as the way I look at it. But I think these are  
7 important things that can turn out to be  
8 contentious, you know, three years from now. So  
9 it's small things like that.

10 I have some questions. And I hope,  
11 Director Poulos, that we can look at some of the  
12 data behind these, like the returning students.  
13 That's not data we have for all schools. And so  
14 just looking at that.

15 And that 75 percent mark. I know you all  
16 gave the good thought behind it. We just haven't  
17 seen it yet.

18 So getting some information will be really  
19 helpful in that. I appreciate the assumed  
20 collaboration. I'm seeing a head nod from Director  
21 Poulos; so I appreciate it, just in advance.

22 Thank you.

23 THE CHAIR: And I appreciate that you keep  
24 rubbing in that we didn't have a January meeting.

25 COMMISSIONER CABALLERO: He was looking

1 forward to having a January meeting.

2 THE CHAIR: Apparently, he came, and we  
3 weren't here.

4 MR. MATT PAHL: This is the last time I  
5 get to speak in front of the Commission. Is that --

6 THE CHAIR: Because new terms will be  
7 starting, and people will be sworn in, we're almost  
8 guaranteeing there will be a January meeting.

9 All right. Thank you.

10 MR. MATT PAHL: Thank you.

11 THE CHAIR: All right. We are now on to  
12 item No. 15, Discussion and Possible Action of  
13 Changes to Governance Board Policy.

14 MS. POULOS: Yeah, Madam Chairwoman, this  
15 is -- this is what -- we drafted this up based on  
16 the conversation at that DEAP meeting. Again, what  
17 I think I heard you say is we potentially probably  
18 need to do this during work session, which I think  
19 makes sense.

20 The great thing about that now is that you  
21 have about a month with the term that we're putting  
22 in front of you as a recommendation to think about  
23 it; so -- yes.

24 THE CHAIR: Okay. So we're moving this to  
25 March.

1 MS. POULOS: Yes. But please don't ignore  
2 what you already have.

3 THE CHAIR: I won't. I won't. All right.

4 We're now onto Item No. 16, the Report  
5 from the Chair.

6 So I -- my first item is to ask  
7 Commissioners to send to Beverly within, hopefully,  
8 the next two weeks what subcommittees you would like  
9 to serve on. And I think at this point in time, all  
10 the ones that we have listed are active, I believe.

11 MS. FRIEDMAN: I believe they are.

12 THE CHAIR: Because I think we moved out  
13 one or two, maybe, the last time. But I'm pretty  
14 sure that every one that -- that is listed is an  
15 active committee; so there shouldn't be any concerns  
16 about that. So if you would do that and --

17 COMMISSIONER PERALTA: There are some that  
18 are reflecting Commissioner Pogna.

19 COMMISSIONER RUIZ: I'm on the NMPSIA. It  
20 says Millie and hasn't been changed.

21 THE CHAIR: It hasn't been changed on the  
22 website, or --

23 MS. FRIEDMAN: On the sheet.

24 COMMISSIONER RUIZ: On the sheet.

25 THE CHAIR: Got you. And that might have

1 just been pulled from --

2 COMMISSIONER CRONE: It says 2017.

3 MS. FRIEDMAN: Yeah, from March.

4 THE CHAIR: So those -- hopefully, we will  
5 do that at the ever-growing March meeting, and we'll  
6 get that set. So -- and also at the March work  
7 session, I think it shouldn't take that long for a  
8 policy and procedure review for us, because we spent  
9 a lot of time when Ms. McKee was with us last year,  
10 and I think we dug into that a lot.

11 So I don't think there should be any  
12 significant changes. But if you would, in your  
13 spare time, take a look at those -- the policy and  
14 procedures and see if there's any -- you know,  
15 highlight anything that you might -- you think we  
16 may need to look at for that March work session.  
17 Hopefully, it's just a quick perusal of it.

18 COMMISSIONER JOHNSTON: And that's that  
19 green Rules of Procedure book.

20 THE CHAIR: Correct, yes, yeah, which  
21 we -- I mean, we went through page by page last year  
22 with it. So hopefully, we don't have to spend as  
23 much time with it.

24 COMMISSIONER ARMBRUSTER: I'm sorry.  
25 Could you just tell me, on the New Mexico Indian

Page 238

1 Education Advisory Counsel -- James is on it?  
 2 THE CHAIR: James attends regularly.  
 3 COMMISSIONER ARMBRUSTER: And you are on.  
 4 THE CHAIR: I have never been notified of  
 5 a meeting. Correct? Millie had been on it at one  
 6 time.  
 7 COMMISSIONER ARMBRUSTER: So right now,  
 8 mostly, it's just Jim.  
 9 THE CHAIR: He attends regularly. And  
 10 that's fine.  
 11 COMMISSIONER ARMBRUSTER: No, no, that's  
 12 fine.  
 13 THE CHAIR: But I have never been notified  
 14 of the meeting. But he notifies me that he's going.  
 15 And that's the only way I know they meet; because he  
 16 sends me a note saying he's going. But -- and I do  
 17 believe they meet out toward Gallup, I think.  
 18 MS. FRIEDMAN: They do, regularly.  
 19 THE CHAIR: They do, yeah. So I  
 20 appreciate the fact that he's -- so, yes. But  
 21 they --  
 22 COMMISSIONER ARMBRUSTER: I was trying to  
 23 correct this a little bit.  
 24 THE CHAIR: The update on the RFP and the  
 25 PEC attorney. And the RFP has been published. So

Page 240

1 who -- a procurement person -- I'm looking at  
 2 Mr. Peralta, because he's looking back at me. You  
 3 know what I'm saying.  
 4 THE CHAIR: Well, I think, at the very  
 5 least at this point in time, if we requested that a  
 6 checklist for that subcommittee be created so that  
 7 we had, in front of us, "This is what we have to do,  
 8 and this is our time frame," so that that way  
 9 there's a checkoff: "We did this. We did this."  
 10 And that there are no, then, bumps in the road. So  
 11 I think at the very least, we can do that.  
 12 COMMISSIONER JOHNSTON: Okay. That would  
 13 be helpful.  
 14 MS. POULOS: Okay. Madam Chairwoman,  
 15 February 2nd, the RFP was issued, and it was on our  
 16 website and it was in the newspapers.  
 17 The submission of the proposals must be by  
 18 February 19th.  
 19 Then from February 19th through March 2nd,  
 20 the Commission will evaluate those proposals.  
 21 And then you will select finalists on  
 22 March 2nd.  
 23 They will submit best and final offers by  
 24 March 5th.  
 25 And oral presentations for your selected

Page 239

1 we're, once again, getting ready to have to do the  
 2 review of the applications and go through that  
 3 process. So I will keep you posted. Off the top of  
 4 my head, I -- because it's been a while since I  
 5 looked at it, I can't remember the cutoff date for  
 6 submission.  
 7 MS. POULOS: Madam Chairwoman, it's  
 8 February 19th. And then would you like me to read  
 9 the rest of the dates?  
 10 THE CHAIR: If you would, yes.  
 11 MS. POULOS: Give me one second.  
 12 COMMISSIONER JOHNSTON: Madam Chair?  
 13 While --  
 14 THE CHAIR: Uh-huh.  
 15 COMMISSIONER JOHNSTON: With the RFP and  
 16 the work that we've been doing with schools and  
 17 their designated procurement officers and the way  
 18 that we worked diligently last time -- but the  
 19 procurement process, we were all new at it -- would  
 20 it be advisable for us to have someone from the  
 21 Charter School Division who's knowledgeable in the  
 22 procurement process for the State assist us to make  
 23 sure all of our steps are correct?  
 24 That's just a thought. Because in  
 25 looking -- in retrospect, if we had someone to --

Page 241

1 finalists will be March 5th through 7th.  
 2 And then the Commission will be able to  
 3 vote at its March 16th, based on the recommendation  
 4 of the subcommittee to its final decision.  
 5 THE CHAIR: Okay. So let me just get this  
 6 straight. The -- the subcommittee of the Commission  
 7 needs to make the determination by March 2nd of the  
 8 finalists; correct?  
 9 MS. POULOS: Yes, the finalists that they  
 10 want to hear from.  
 11 THE CHAIR: Hear from.  
 12 MS. POULOS: But the important part is all  
 13 submissions be evaluated in writing.  
 14 THE CHAIR: Be evaluated -- yes, we got  
 15 that. We got that. So I'm just -- so the  
 16 subcommittee would need to meet, at the very latest,  
 17 the 27th or the 28th.  
 18 COMMISSIONER JOHNSTON: Of February.  
 19 THE CHAIR: Of February. So that all  
 20 evaluation sheets could be populated by the  
 21 Commissioners and turned in. We need to give  
 22 that -- you know, that kind of time so that people  
 23 have sufficient time to go to FedEx if they need to,  
 24 to get it scanned or whatever needs to be done so  
 25 there is sufficient time, so that final

Page 242

1 determination is submitted to PED by March 2nd -- on  
2 or before March 2nd.

3 COMMISSIONER JOHNSTON: And, Madam Chair,  
4 my -- my feeling, as a member of the prior  
5 subcommittee, is that it would be -- it would have  
6 been beneficial for me had we met in person, as far  
7 as completing all my requirements. I know it takes  
8 a half-day to do it; but I just want to be sure that  
9 should I be on the subcommittee this time, that I do  
10 it correctly. So that's just my thought.

11 THE CHAIR: Okay. All right. I -- I  
12 guess I need to get a little clarity on this. So  
13 that you would -- you would appreciate that the  
14 members of the subcommittee be in the same room when  
15 we're filling out the forms.

16 COMMISSIONER JOHNSTON: And doing all of  
17 the discussion and reviewing the forms, that we are  
18 together rather than on the telephone. My  
19 experience with --

20 THE CHAIR: I see what you're saying. I'm  
21 concerned about decisions being made. So that's my  
22 concern.

23 Okay. I -- yeah, I think -- I think we  
24 can do that.

25 COMMISSIONER JOHNSTON: My experience with

Page 244

1 So just be aware, if you're interested in  
2 serving on that subcommittee, that subcommittee will  
3 be meeting somewhere between the 26th and the 28th  
4 of February.

5 COMMISSIONER CABALLERO: Question.  
6 Question on procedure. Are we to get the selected  
7 person from the subcommittee to the Commission to  
8 vote? Or are we --

9 THE CHAIR: Ultimately, yes. Ultimately,  
10 the final -- the finalist will -- that vote will be  
11 taken by the full Commission, and they will see  
12 the -- they will -- the subcommittee will bring  
13 forward the recommendation to the full Commission  
14 on -- and the full Commission does have to vote on  
15 that. But not a group of finalists. The -- it's  
16 the decision of the subcommittee who they believe --

17 COMMISSIONER CABALLERO: Right. And we  
18 don't have, in our bylaws, those procedures. I'm  
19 just concerned, as a Commissioner, to vote on the  
20 recommended person just -- just that one person. So  
21 I would have to vote up or down, not knowing who  
22 else came up, not knowing --

23 THE CHAIR: Actually, all of the RFPs are  
24 on the -- you can see every RFP. So you can see all  
25 the applications. They are published; they're on

Page 243

1 procurement in instances like this, we have all been  
2 in the same room. You're right. Everybody has to  
3 come to an individual --

4 THE CHAIR: Exactly. And that's what I'm  
5 trying to avoid, that we're not all working together  
6 in filling out the form.

7 COMMISSIONER JOHNSTON: No. And I know it  
8 places a burden on you.

9 THE CHAIR: Right. But I fully agree that  
10 it becomes challenging when we're doing telephone  
11 conferencing. It does become difficult. And I  
12 agree with that.

13 So if anyone is -- if anyone wants to  
14 serve on the subcommittee, they're going to need to  
15 send Beverly a note that they want to do so. And  
16 just be aware that if that is something that you're  
17 interested in doing, that that meeting will take  
18 place somewhere between the 27th, 28th -- hold on.  
19 I have to see what -- well, we have -- in theory, we  
20 have March 1st.

21 But that's a tight deadline for everyone  
22 that -- well, if we're all together, and we can fill  
23 out the forms separately, and someone has them all,  
24 then we're good, because they can all be turned in  
25 together. So that would be good.

Page 245

1 the website. So that it won't be without knowledge  
2 of any of those -- any that turned in an RFP; so  
3 that that all -- that information is all public.

4 COMMISSIONER CABALLERO: Yes. And, again,  
5 the procedure to do it this way is not an agreed  
6 procedure by the Commission. It's not in our  
7 bylaws.

8 So I'm still saying it is difficult, as a  
9 Commissioner, to make a "yes" or "no" on the  
10 recommended. I believe -- and I thought that the  
11 procedure was going to be the subcommittee to come  
12 to you with a short list, and then the full  
13 Commission will hear out the short list and then  
14 vote as a Commission who they preferred from the  
15 short list.

16 THE CHAIR: That is not what we did the  
17 last time.

18 COMMISSIONER CABALLERO: I know you  
19 didn't.

20 THE CHAIR: So we're following the same  
21 procedure that we did the last time.

22 COMMISSIONER CABALLERO: And still the  
23 procedure you followed the first time is not in the  
24 bylaws. So I can bring up anything --

25 THE CHAIR: I'm just making -- reminding

<p style="text-align: right;">Page 246</p> <p>1 you -- I don't know.</p> <p>2 COMMISSIONER CABALLERO: The fact that it</p> <p>3 got done last time doesn't mean it's correct or I</p> <p>4 like it.</p> <p>5 MS. POULOS: Madam Chairwoman,</p> <p>6 Commissioner, the process might not be in your</p> <p>7 bylaws; but it was, in fact, what the Commission</p> <p>8 discussed and voted on when you voted to go forward</p> <p>9 with the RFP process. That procedure of the</p> <p>10 subcommittee coming forward and bringing one</p> <p>11 recommendation to the Commission actually was what</p> <p>12 was discussed when the vote was made to do an RFP</p> <p>13 and have a subcommittee. So while it's not in your</p> <p>14 bylaws, you and the Commission did vote on it.</p> <p>15 COMMISSIONER CABALLERO: So you're saying</p> <p>16 that historically, we do have in the minutes that</p> <p>17 the Commission voted on the procedure, and that</p> <p>18 procedure was voted on? What I do remember is the</p> <p>19 assignment of the subcommittee, and that was it, and</p> <p>20 then having to vote up or down. And so that was it.</p> <p>21 But I -- if you can point out from the</p> <p>22 record where the Commission voted on that procedure,</p> <p>23 I would be happy to be enlightened with that. But I</p> <p>24 don't believe that procedure was voted on by the</p> <p>25 Commission.</p>	<p style="text-align: right;">Page 248</p> <p>1 THE CHAIR: Thank you.</p> <p>2 Okay. I had the opportunity to actually</p> <p>3 sit through a site visit. And I appreciated</p> <p>4 Dr. Pelayo and the work that the entire team did</p> <p>5 that day. I sat through the opening, where the</p> <p>6 school gave a short presentation on what they are.</p> <p>7 And then I did take leave while they were going</p> <p>8 through records and so on.</p> <p>9 And then I came back and had the</p> <p>10 opportunity to sit through the exit interview.</p> <p>11 So -- and it was certainly a lot of work by a lot</p> <p>12 of -- a lot of intense work by the team on that day.</p> <p>13 So I applaud them for that work and the</p> <p>14 journey -- they had to come down to Cruces and mull</p> <p>15 over where they go. And the school -- in terms of</p> <p>16 preparation. So -- and I'm sure some do a better</p> <p>17 job than others. So I'm sure that's interesting, as</p> <p>18 you go around and do that. So I appreciated that.</p> <p>19 I also had the opportunity, on Tuesday, I</p> <p>20 believe it was, of this week, Advance New Mexico had</p> <p>21 a Getting Ready for Renewal workshop. And they</p> <p>22 asked me if I would stop in and participate. And</p> <p>23 Matt and I sat on a panel at the end. So I want to</p> <p>24 thank them for that.</p> <p>25 We have also had -- we had our -- as the</p>
<p style="text-align: right;">Page 247</p> <p>1 THE CHAIR: Commissioner Toulouse?</p> <p>2 COMMISSIONER TOULOUSE: Madam Chair,</p> <p>3 Commissioner Caballero, we're a public entity. So</p> <p>4 we're under the State Procurement Code. And so what</p> <p>5 we're doing follows the State Procurement Code. And</p> <p>6 we are obligated to go with the one with the highest</p> <p>7 points, unless it can be justified very clearly in</p> <p>8 writing why we would go with somebody with a lower</p> <p>9 point score.</p> <p>10 And that's the reason for the committee</p> <p>11 who give their points individually. And then</p> <p>12 usually, the procurement manager takes them and adds</p> <p>13 them up separately, and then that's the</p> <p>14 recommendation.</p> <p>15 So it comes from everybody's -- you know,</p> <p>16 I mean it wasn't my individual recommendation, the</p> <p>17 last one. I preferred another one. But that's not</p> <p>18 how the points came out. And -- but we're -- this</p> <p>19 is under the -- we don't have an option, as a public</p> <p>20 entity, to make our own procurement procedures.</p> <p>21 So there's, you know, a few little things</p> <p>22 we can do differently; but that's it. Otherwise,</p> <p>23 this whole process, including the point system and</p> <p>24 all is part of the State Procurement Code.</p> <p>25 COMMISSIONER CABALLERO: Thank you.</p>	<p style="text-align: right;">Page 249</p> <p>1 Director mentioned, we had our subcommittee meeting</p> <p>2 with DEAP. And I hope that's going to turn out</p> <p>3 well. We're still waiting for their submission of</p> <p>4 their Corrective Action Plan, and thank Commissioner</p> <p>5 Peralta and Ruiz for being there and putting in the</p> <p>6 time with them; and we'll see how it goes based on</p> <p>7 the submissions that they do, which will be coming</p> <p>8 in soon, so that we should be looking for that at</p> <p>9 the March meeting. And that was the anticipation.</p> <p>10 And Commissioner Toulouse and I had an</p> <p>11 opportunity to sit with Media Arts on --</p> <p>12 MS. FRIEDMAN: It was Tuesday?</p> <p>13 THE CHAIR: That was Tuesday. Wednesday</p> <p>14 was Advance New Mexico.</p> <p>15 Tuesday evening. And we believe that we</p> <p>16 will be successful in being able to negotiate with</p> <p>17 the school the concerns that were identified in the</p> <p>18 motion, and that we are hoping that there will be --</p> <p>19 the school will rescind the appeal, and we can</p> <p>20 successfully move that through the negotiations</p> <p>21 process. So that's where we stand with that.</p> <p>22 I think -- I went to the LESC in December.</p> <p>23 And there was -- Director, was that the meeting you</p> <p>24 were at? Was that December when you were there? I</p> <p>25 think there was a discussion on the virtual schools</p>

1 in December.

2 MS. POULOS: There was a discussion on  
3 virtual schools in December that I did present.

4 THE CHAIR: So they did grant me the  
5 opportunity -- they asked me to -- as long as I was  
6 there, to come forward and -- because we had just  
7 gone through the renewal process; right? So it was  
8 about virtual schools.

9 COMMISSIONER ARMBRUSTER: Right.

10 THE CHAIR: So I appreciated their  
11 willingness to -- and, actually, they apologized for  
12 not asking the PEC being part of that discussion.  
13 And other years, even though we were there, we were  
14 not allowed to offer anything.

15 So I thanked the members of the LESC for  
16 offering us that opportunity to add some insight  
17 into what had recently occurred and our general  
18 thoughts based on that with virtual schools.

19 And I think I'm -- so next up is the man  
20 who's still upset that we didn't have a January  
21 meeting. So we've got the Charter Coalition.

22 MR. MATT PAHL: Thank you, Madam Chair.  
23 Since I know this is being transcribed, I'll just  
24 say I'm glad you took the month of January off and  
25 that, you know, if there isn't meaningful business,

1 As the Commission works on approving new  
2 schools or potential second sites for schools or  
3 really truly pitting schools against one another,  
4 I've never once heard a charter school say, "Oh, I  
5 had an option between this building, the second  
6 building, and the third building."

7 They only have one option, the building  
8 that comes to them and works for them.

9 And so when you're not -- it's not really  
10 a buyers' market when you're looking for a facility  
11 as a charter school. If that sits within a  
12 half-a-mile of another charter school or another  
13 district school, now you're taking funding away from  
14 that school. And that's funding that isn't  
15 necessarily funding that follows the student.  
16 That's funding that's generated because you're a  
17 small school. And for many schools, that's hundreds  
18 of thousand of dollars. So that element is  
19 problematic.

20 Furthermore, I'll be sending you all a  
21 study that was published this summer on the -- it's  
22 called the "spillover effect." And it notes that as  
23 charter schools get closer to district schools, the  
24 students do better at district schools. When  
25 there's that option nearby, and the students at

1 that we don't waste our time on that. So I  
2 appreciate the missing January meeting.

3 Just a couple of things. The last month  
4 has really been focused on the Legislative Session.  
5 And there are three items that I wanted to bring  
6 forth today, just to let you know what we've been up  
7 to.

8 Senate Bill 147 is the Small School Size  
9 Adjustment bill. This year it's changed. In years  
10 past, it's just been a flat-out no small school size  
11 adjustment for charter schools. This year, it works  
12 off of a radius. So if there are two schools that  
13 serve the same grade levels within a mile of one  
14 another, they would have their enrollment combined  
15 and then factored into small school size.

16 So it is possible that two schools could  
17 generate small school size after adding their  
18 student populations together; but it's very  
19 unlikely.

20 Senator Kernan then picked up the bill and  
21 immediately introduced an amendment for a  
22 half-a-mile radius. That impacts about 12 charter  
23 schools and probably two dozen district schools. We  
24 still think that's bad policy, and I'll tell you why  
25 right now.

1 district schools do -- of the scenarios that they  
2 played out, they do the best when the schools are  
3 co-located, which is another reason why this bill is  
4 not the best policy to figure out the small school  
5 size.

6 It totally disincentivizes collocation,  
7 which, at the end of day, would solve some problems  
8 for a number of our charter schools, particularly  
9 those in our rural areas, where there just isn't an  
10 inventory of buildings for them to choose from.

11 I've committed to Director Abbey and have  
12 spoken to the sponsor of the bill, Senator Kernan,  
13 about working on this in the interim. So as -- as I  
14 know was mentioned at the work group yesterday, as  
15 we talk about facilities, we'll be keeping this  
16 piece of legislation in mind and keep you apprised  
17 of any progress, and, of course, invite you, as  
18 appropriate, if we're meeting in your backyard and  
19 any kind of a more public setting.

20 But please feel free to reach out to us on  
21 the work that we're doing. It's probably the eighth  
22 year in a row. This is my eighth Legislative  
23 Session, and there's always been a small school size  
24 bill; so likely, much longer than that. And I think  
25 they're getting close to a real policy solution that



1 is not an attack on charters. But I think we're  
2 falling short of the actual solution at present.

3 The next bill I wanted to share with you  
4 all is the Age Cap bill. This one would cap the age  
5 of funded students in New Mexico at 21 years old.  
6 This is House Bill 289 and Senate Bill 196.

7 It's another bill that's been brought up  
8 many times, and would impact a few charters very  
9 significantly.

10 I think one of the items that I would ask  
11 the Commission to consider is when those new  
12 applications come forward, let's ask this question,  
13 whether they think they're going to be enrolling  
14 students of that age, so they can factor that into a  
15 potential change in their revenue.

16 I don't know that any decision could be  
17 made based on that. I don't know that it would be  
18 warranted, because this is just a conversation, a  
19 back-and-forth. But knowing that it's come up many  
20 times, it may be worthwhile, in that application  
21 process, to just ask the question.

22 We just don't want anybody being caught  
23 flatfooted. And we'll be here, as we engage with  
24 applicants as we sometimes do, we'll remind them of  
25 that if there seems there's potential if they're

1 to fund them, the right parameters we should put  
2 around those schools to, make sure we're setting  
3 them up for success and transparency for the public.

4 That memorial hasn't been heard yet. But  
5 I do think that regardless of the memorial, the work  
6 will move forward over this interim. So I'm sure  
7 some of you have been involved in that conversation.  
8 It sounds like, Madam Chair, you have.

9 But I just thought I would highlight those  
10 pieces of legislation. And we'll be sending the  
11 "spillover effect" to you, because I do really think  
12 it's -- it's getting into Phase Two of what charters  
13 can be. And I think you're seeing it a little bit  
14 in Albuquerque right now, where the district  
15 themselves is starting to view charters from the  
16 lens of a parent, which is parents just see schools.  
17 They don't always know about the divisions between a  
18 district and a charter school. And when you look at  
19 it from a parent's lenses, you're just looking at  
20 what's best for your kid.

21 So they're trying to remove those barriers  
22 from a district to a charter and figuring out how to  
23 provide options to the parent and student for  
24 whatever options are best for students, whether it  
25 be a district school, a district magnet or a charter

1 running a program that's reengaging students that  
2 have previously dropped out, oftentimes they will  
3 serve students that are over 21 years of age. So  
4 something to be aware of.

5 Last one is a memorial from Senator  
6 Stewart. And the memorial number -- I will get that  
7 for you in just a moment here. The memorial is  
8 virtual charter school work group. It's Senate  
9 Memorial 26. It's a result of their study on the  
10 virtual charter schools. We are named in that  
11 memorial, the Coalition, to work on that work group  
12 with Senator Stewart, with the LESC, with the  
13 National Alliance for Public Charter Schools.

14 And it's really trying to figure out --  
15 you know, we have our Public School Code. And we  
16 have our charter schools, which don't always even  
17 fit into that Public School Code very well. Now  
18 we're adding another layer of the virtual schools.  
19 And there are many places where the Public School  
20 Code just doesn't fit for virtual.

21 So it's figuring out the appropriate  
22 changes in statute that can focus on what the  
23 memorial calls virtual charter schools. But I would  
24 just call this virtual schools as a whole, just any  
25 public virtual school, figuring out the right ways

1 school. Keep an eye out for that. I'll be sending  
2 it out this weekend.

3 Lastly, I just want to note, we held our  
4 National School Choice event at the Albuquerque  
5 Convention Center. You may have seen something in  
6 the paper or KRQE. We had over 500 students attend  
7 to celebrate their ability to choose a school that  
8 was right for them. It was a proud moment for us.  
9 And the student performances were wonderful.

10 So with that, thank you, Madam Chair.  
11 Thank you, Commissioners. I'll sit here for  
12 questions; but if you --

13 THE CHAIR: While you're here, I was just  
14 thinking, we really haven't had the discussion about  
15 the regional meetings. So we need to look at a time  
16 frame so that we can get enough notice out to the  
17 schools of where we're going to be and be able to  
18 get -- I briefly spoke with the Director at the end  
19 of the meeting yesterday about having to do that;  
20 because it's -- you know, it's, like, tomorrow. It  
21 is.

22 MR. MATT PAHL: Right.

23 THE CHAIR: So we'll have to do something  
24 and get it out to Commissioners as to what -- you  
25 know, what we're looking at in terms of a time

Page 258

1 frame. But, I mean, we're looking at, once again,  
2 late -- late February, mid-March. Well, yeah,  
3 because we're looking at voting on that whole packet  
4 by April.

5 So there we go. And I also forgot to  
6 mention in my report that we have potentially  
7 32 schools up for renewal in December; so pack your  
8 bags, because that's going to take -- if all of them  
9 did it, it would take more than a week. So just be  
10 aware of scheduling, that December -- it can be a  
11 hefty load. And even if half the applicants stick  
12 with the new school applications, and given the  
13 geographic diversity of them, we could be on the  
14 road quite a -- quite a while in July with the  
15 community input hearings.

16 So we'll get together and try to figure  
17 out the logistics of those -- those regional  
18 meetings.

19 Okay. Thank you.

20 MR. MATT PAHL: Thanks, Madam Chair.

21 THE CHAIR: I don't think there's anyone  
22 from the School Boards?

23 COMMISSIONER PERALTA: No, I don't see  
24 anybody out there.

25 THE CHAIR: Okay. All right. I think

Page 260

1 THE CHAIR: Thank you. Commissioner  
2 Crone?

3 COMMISSIONER CRONE: Not a word.

4 THE CHAIR: Commissioner Ruiz?

5 COMMISSIONER RUIZ: (Indicates.)

6 THE CHAIR: Commissioner Johnston?

7 COMMISSIONER JOHNSTON: I did attend my  
8 first State Library Commission meeting. Very  
9 enlightening. And the question I came away from the  
10 meeting with is the GO Bond money and the allocation  
11 of GO Bond dollars to school libraries has been  
12 separated from the State Library Commission. And  
13 they have never had a clear explanation of how  
14 schools do disseminate that bond money.

15 So I talked with Beverly yesterday, and  
16 I'm going to work on trying to find that out for  
17 them. It was very interesting.

18 THE CHAIR: Thank you.

19 Commissioner Armbruster?

20 COMMISSIONER ARMBRUSTER: No.

21 THE CHAIR: Commissioner Peralta?

22 COMMISSIONER PERALTA: I'm good, Chair.

23 THE CHAIR: Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: No, other than to  
25 thank the people that did know about my grandson

Page 259

1 I've -- we're on to comments from the Commissioners.  
2 Commissioner Robbins?

3 COMMISSIONER ROBBINS: Over the last  
4 couple of weeks, I was invited to two charter  
5 schools in Albuquerque. One of them was Coral  
6 Community School. Went down there and, just during  
7 the lunch hour, sat around talked with a couple of  
8 the students.

9 It is a -- well, I don't want to say -- I  
10 guess it is gender-based; they have the girls and  
11 the boys separated. Talked with a couple of the  
12 young ladies and talked with three of the young men.  
13 They all love the school. They like the idea of  
14 being separated, because they're not trying to act  
15 up or show off for the other gender, which can kind  
16 of make for a little bit better environment.

17 I also was invited to the School of  
18 Excellence, which is actually just right down the  
19 street from where I live. But very impressed with  
20 that school and some of the things that they're  
21 doing with the eighth through the -- eighth grade  
22 through seniors in terms of visits to colleges and  
23 things like that.

24 So very impressed by the students and --  
25 and the staff at both of the schools.

Page 261

1 because of the good wishes they were sending;  
2 because it was a rough week. Thank you.

3 THE CHAIR: Commissioner Caballero?

4 COMMISSIONER CABALLERO: None.

5 THE CHAIR: I'll entertain a motion to  
6 adjourn.

7 COMMISSIONER RUIZ: So moved.

8 COMMISSIONER ARMBRUSTER: (Indicates.)

9 THE CHAIR: Seconded by -- moved by  
10 Commissioner Ruiz, seconded by Commissioner  
11 Armbruster.

12 Any opposed?

13 COMMISSIONER CABALLERO: Abstain.

14 THE CHAIR: We do not need the Executive  
15 Session, because that -- that case has -- there's  
16 been an extension on that case, so that there's not  
17 an immediacy to have any discussion.

18 COMMISSIONER JOHNSTON: Merry Christmas  
19 and Happy New Year. Happy Valentine's.

20 THE CHAIR: We are adjourned.

21 (Proceedings adjourned at 3:40 p.m.)  
22  
23  
24  
25

BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

REPORTER'S CERTIFICATE

I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on February 22, 2018.

Cynthia C. Chapman, RMR-CRR, NM CCR #219  
BEAN & ASSOCIATES, INC.  
201 Third Street, NW, Suite 1630  
Albuquerque, New Mexico 87102

Job No.: 9568L (CC)

RECEIPT

JOB NUMBER: 9568L CC Date: 2/9/18  
PROCEEDINGS: OPEN PUBLIC MEETING  
CASE CAPTION: In re: Open Public Meeting of the Public Education Commission

ATTORNEY: MS. BEVERLY FRIEDMAN - PED  
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## A

<p><b>a.m</b> 1:11 5:4 74:12,12</p> <p><b>AA</b> 28:20 29:14,25</p> <p><b>Abbey</b> 253:11</p> <p><b>abilities</b> 88:3</p> <p><b>ability</b> 66:4 67:8,16 84:22 257:7</p> <p><b>able</b> 12:3 20:4 21:13 32:8 36:14 37:4 40:7 56:6 60:9 64:18 89:21 94:12 97:16 98:19 101:5 111:2 119:22 126:19 133:24 137:1 143:7 148:18 153:22 154:5,10,19 162:20 163:7 166:11 169:7 170:15 172:22 173:12 174:2 177:17,23 180:1 187:3 188:9 192:23,24 197:8 199:24 200:4 213:12,12 214:1 217:16 218:3,4 220:3 227:23 241:2 249:16 257:17</p> <p><b>absolutely</b> 27:2 30:12 40:18 98:15 116:25 141:17 147:17 185:19 215:21 221:8 231:16</p> <p><b>abstain</b> 202:3 203:9 261:13</p> <p><b>abstention</b> 202:3,4,21 203:7</p> <p><b>abstentions</b> 202:8,25 210:20 224:12</p> <p><b>abuse</b> 142:22</p> <p><b>academic</b> 3:15 19:21 48:25 49:21 56:10 102:16,24 143:18,22 144:19,21,23 160:8 181:9 185:25 196:14 201:14</p> <p><b>academics</b> 115:2 145:25</p> <p><b>Academy</b> 80:7 82:7 85:21 91:21 91:24 106:15 108:10 213:19,19 213:20,21,23</p> <p><b>accept</b> 13:17 15:22 17:13,18 18:18 83:11 209:24</p> <p><b>acceptance</b> 177:4</p> <p><b>access</b> 44:15 106:18 182:1 208:12</p> <p><b>accidentally</b> 208:23</p> <p><b>acclimation</b> 14:7</p> <p><b>accommodate</b> 75:18 205:3</p> <p><b>accomplish</b> 27:5</p> <p><b>accomplishment</b> 55:14</p> <p><b>account</b> 156:8</p> <p><b>accountability</b> 114:10,14</p> <p><b>accountable</b> 56:8,17 71:9 104:10 114:25 125:4</p>	<p><b>Accounting</b> 197:12</p> <p><b>accurate</b> 130:11</p> <p><b>accurately</b> 97:19 215:23</p> <p><b>ACE</b> 30:23 38:12 79:8 80:6 213:18</p> <p><b>ACES</b> 84:11,12,13</p> <p><b>achieve</b> 126:21</p> <p><b>achieved</b> 23:23,25</p> <p><b>achievement</b> 50:14 51:6 55:10 56:10</p> <p><b>achieving</b> 59:13</p> <p><b>acknowledge</b> 231:19</p> <p><b>acknowledging</b> 220:15</p> <p><b>act</b> 20:6 118:15,25 161:11 259:14</p> <p><b>action</b> 3:11,15,16,18,21,23 47:25 75:2 76:8 80:2 81:3,4,10 82:5 82:16 83:21 88:9,20 129:13,15 129:24 134:13 140:20 142:17 149:6 153:15 157:12,15 160:4 162:1,14 175:17,23 186:14 196:12,17,23 200:11 201:13 205:13 216:10 235:12 249:4</p> <p><b>actions</b> 74:24 124:7</p> <p><b>active</b> 40:3 236:10,15</p> <p><b>actively</b> 30:24 39:25 77:4</p> <p><b>activities</b> 53:11</p> <p><b>actual</b> 78:12 254:2</p> <p><b>ad</b> 102:18</p> <p><b>add</b> 101:7 111:15 167:16 208:15 225:18 250:16</p> <p><b>added</b> 209:7 227:2</p> <p><b>adding</b> 3:21 152:20 220:20 251:17 255:18</p> <p><b>addition</b> 75:8 76:7 79:12 141:6 142:9 145:1 147:22 206:18</p> <p><b>additional</b> 92:25 100:12,14 105:12 106:5 107:1,24 134:7 141:7 144:8 210:3 225:19</p> <p><b>additions</b> 148:12</p> <p><b>address</b> 62:12 70:22 93:12,21 102:10 131:10 133:6 134:19 135:9 139:2 150:15 151:5,12,13 152:22 153:7 161:24,25 181:24 184:20 196:12 201:13 208:7,18</p> <p><b>addressed</b> 92:15 93:22 142:14 153:7</p> <p><b>addressing</b> 95:8</p>	<p><b>adds</b> 247:12</p> <p><b>adequate</b> 199:21</p> <p><b>adequately</b> 97:18,21,23</p> <p><b>adhering</b> 196:16</p> <p><b>adjourn</b> 4:4 261:6</p> <p><b>adjourned</b> 261:20,21</p> <p><b>adjust</b> 134:2 196:25 219:7</p> <p><b>adjusted</b> 221:7</p> <p><b>adjusting</b> 25:17</p> <p><b>adjustment</b> 144:12 251:9,11</p> <p><b>adjustments</b> 100:6 101:15 174:25 196:24 208:1,5</p> <p><b>administer</b> 163:1</p> <p><b>administered</b> 162:18,23</p> <p><b>administering</b> 19:19</p> <p><b>administra-</b> 173:15</p> <p><b>administration</b> 52:21 165:18</p> <p><b>administrative</b> 52:20</p> <p><b>administrator</b> 136:25 138:10 187:7</p> <p><b>admired</b> 165:10</p> <p><b>adopt</b> 223:23</p> <p><b>adopted</b> 72:4</p> <p><b>adopters</b> 105:15</p> <p><b>adopting</b> 210:1</p> <p><b>adult</b> 124:6</p> <p><b>adults</b> 36:1</p> <p><b>advance</b> 198:20 199:7,9,10 234:21 248:20 249:14</p> <p><b>advanced</b> 24:5</p> <p><b>advantage</b> 45:5</p> <p><b>advice</b> 150:24</p> <p><b>advisable</b> 239:20</p> <p><b>advisory</b> 37:19 38:1 238:1</p> <p><b>advocate</b> 184:12</p> <p><b>advocating</b> 42:15 58:11</p> <p><b>affect</b> 157:4</p> <p><b>afraid</b> 58:15 131:4</p> <p><b>after-school</b> 100:21</p> <p><b>after-the-fact</b> 168:16</p> <p><b>afternoon</b> 150:2</p> <p><b>age</b> 254:4,4,14 255:3</p> <p><b>agenda</b> 3:5 6:19,20,21 9:12 12:1 12:3,17,24 72:9 130:7 230:18</p> <p><b>aggressive</b> 60:10,13 95:21 97:1</p> <p><b>ago</b> 24:14 35:17 43:7 55:20 56:23 62:24 96:23 107:12 120:23</p>
---	---	---

144:4 150:10 165:7 166:1,9  
172:2,10 177:5 225:19,22  
**agree** 21:3 44:16 56:22 62:12  
89:11 110:20 111:15 113:3,4  
119:16,17 121:22 199:20 243:9  
243:12  
**agreed** 20:24 32:3 139:7 157:19  
245:5  
**agreeing** 61:5  
**agreements** 33:13  
**agriculture** 42:7,17  
**ahead** 11:14 53:4 72:1 76:5 83:7  
108:21,22  
**Alamos** 43:1,8  
**Alaska** 209:14  
**Albuquerque** 1:22 9:25 11:24  
28:11 29:7 30:23 31:3,5 57:3  
77:16 85:3 213:22 256:14 257:4  
259:5 262:21  
**algebra** 60:3  
**align** 141:5 145:2  
**alignment** 103:20  
**aligns** 148:24  
**alive** 101:20  
**all-around** 205:17  
**allegation** 141:18  
**allegations** 141:11,13,16  
**Allegiance** 3:3 6:15,17  
**Alliance** 255:13  
**allocation** 260:10  
**allocations** 21:14  
**allow** 42:10 54:18 64:19 139:3  
151:9 173:12 187:2 198:20  
215:7 216:20 228:1  
**allowed** 12:12 20:8 103:24  
139:25 226:8 250:14  
**allowing** 24:9 135:9 152:1 230:1  
**alluded** 96:8  
**Alma** 79:16 80:6 219:18  
**altercation** 187:18  
**alternative** 29:1 195:2  
**Amberg** 167:8  
**amenable** 54:18 89:15  
**amend** 48:13  
**amended** 51:25  
**amending** 48:15  
**amendment** 48:12 49:2 51:8,21

52:2,9 54:19 56:3 62:3 63:14  
65:1 69:10,11 72:16 206:18  
225:21 233:24 251:21  
**amendments** 3:11 47:25 232:20  
**amends** 52:18  
**American** 106:15  
**amount** 27:12 54:4 139:4 154:9  
**ample** 86:4  
**Ana** 30:10,12  
**analysis** 48:24 49:3 50:12 53:9  
81:9 129:17 130:13  
**analyst** 153:20  
**analyzed** 158:6  
**ancillary** 189:18  
**and/or** 197:19 208:6  
**Ann** 2:4 17:11  
**annual** 3:9 18:25 19:13 46:16  
210:12  
**answer** 21:17 43:15 44:19 96:1  
112:1 116:17 124:23 148:3  
167:24 187:1 188:11 189:2  
**answering** 122:12  
**answers** 98:8  
**Anthony** 75:22,23,24 79:17  
**anticipate** 77:11,20 78:5,6  
**anticipated** 208:7,19  
**anticipation** 249:9  
**anybody** 57:8 58:4 128:19  
131:23 187:1 195:4 233:3  
254:22 258:24  
**anymore** 19:7 121:17 212:23  
**anyway** 114:4 120:5 228:21  
230:20  
**Apodaca** 1:12  
**apologize** 9:17 46:11 68:12  
136:18 181:4 201:10  
**apologized** 250:11  
**appalled** 180:18 183:23  
**apparently** 36:9,20 37:11 98:20  
235:2  
**appeal** 75:22 249:19  
**appeals** 75:21 76:1  
**appear** 129:20 145:9  
**appears** 212:23  
**appendix** 103:5 206:2  
**applaud** 248:13  
**applicable** 207:8

**applicant** 28:14 206:11 208:25  
**applicant-specific** 209:1  
**applicants** 76:24 77:24 205:24  
208:25 209:20 254:24 258:11  
**application** 3:18 77:1,3,6 109:3  
121:6 161:14 195:1 205:13,22  
206:23,24 209:25 210:12  
226:16 254:20  
**applications** 76:19 77:23 111:16  
181:18 239:2 244:25 254:12  
258:12  
**applied** 108:6  
**applies** 160:10  
**apply** 20:11 77:15,18 176:15  
**appraised** 253:16  
**appreciate** 67:20 74:9 82:11,13  
84:23 90:18 91:12 94:20,21  
95:6 100:1 125:11 139:13  
167:19 177:14 202:19 205:15  
227:1,3,12,24 234:19,21,23  
238:20 242:13 251:2  
**appreciated** 248:3,18 250:10  
**apprenticeship** 29:19 38:19,20  
39:24 40:1  
**apprenticeships** 30:17 38:13  
39:8  
**approach** 83:12  
**approached** 99:21  
**approaches** 104:2  
**approaching** 128:9  
**appropriate** 20:12 27:8 54:4,12  
98:21 112:22 113:2,16 127:5  
145:17 185:9 199:11 253:18  
255:21  
**appropriated** 11:5  
**appropriately** 98:1 178:25 179:3  
208:12  
**approval** 3:5,6,9 6:20 7:11,12 8:2  
8:17 18:23 53:17 197:19  
**approve** 6:25 46:14 72:16 75:7  
104:13,14 114:21 125:3 205:22  
210:11  
**approved** 58:23 110:16 229:24  
232:17,25  
**approves** 158:12  
**approving** 55:8 56:22 65:1  
225:18 252:1

**approximately** 74:11 156:18,24  
**April** 197:15 215:1 258:4  
**APS** 38:25 39:13  
**area** 93:11 165:8,9 172:13  
**areas** 24:3 28:1 31:4 43:8 55:19  
 152:20 153:7,8 172:14 176:20  
 253:9  
**arising** 11:3  
**Armbruster** 2:4 5:5,7,10,13,14  
 5:17,21,24 6:2,5,8,11 14:2,13  
 14:16,19,22,25 15:1,4,7,10 16:4  
 16:7,10,13,16,19,22,25 17:3,4  
 17:11,13,14,19,22,25 18:3,6,9  
 18:12,15,18,21 41:7,8 42:24  
 43:13 44:18 46:19,20,23 47:1,2  
 47:5,8,11,14,17,20 61:4,5 63:7  
 68:14,15,18 69:7,13,15,18,21  
 69:24 70:2,5,8,14,17 73:1,2,5,8  
 73:11,12,15,18,21 74:1,4 87:5  
 111:13,14 112:4 122:1,2 124:1  
 162:2 188:24,25 189:6,11,14,20  
 190:6 191:7,11 200:23,24  
 201:20,25 202:10 203:16,17,20  
 203:23 204:1,4,7,11 210:20,22  
 210:25 211:3,6,9,12,15,18,21  
 211:22 217:2,4,12 219:14,24  
 220:5,8 224:11,12,14,17,20,23  
 225:1,4,7,8,11,14 228:18 229:1  
 231:5 232:11,18,24 233:1  
 237:24 238:3,7,11,22 250:9  
 260:19,20 261:8,11  
**articles** 10:11  
**arts** 27:22 38:16 48:13 51:17,20  
 63:15 72:17 249:11  
**as-soon-as-possible** 97:17  
**Ashley** 91:22,22 92:19 93:19,23  
 94:4,6,10 100:20  
**aside** 131:8 132:1,4 156:18  
**asked** 33:2 35:2 79:24 163:19  
 191:25 192:5 198:16 207:15,19  
 226:7 228:23 248:22 250:5  
**asking** 35:4 76:3 111:17 113:7,23  
 114:1,22 124:18 157:20 178:14  
 188:20 189:1 194:9 195:14  
 207:14 223:15 250:12  
**aspect** 83:16  
**assessed** 26:16

**assessment** 145:14,21 179:23  
 182:14,16,21 183:3  
**assessments** 179:24  
**assignment** 246:19  
**assist** 239:22  
**assistance** 122:25 145:18 161:12  
 161:14 175:8,17,18 176:16  
 214:20  
**assistant** 2:11 150:13  
**assistants** 29:16  
**Associates** 1:20 262:20  
**association** 30:16  
**associations** 35:10  
**assumed** 234:19  
**assuming** 94:14 126:2 156:10,15  
 189:20 232:8  
**at-risk** 61:22 168:20,20,21  
 169:11  
**ATTACHMENTS** 4:7  
**attack** 254:1  
**attacked** 37:11  
**attainable** 158:21  
**attained** 26:6  
**attempt** 191:4  
**attempted** 157:16  
**attend** 76:23 77:8 160:19 257:6  
 260:7  
**attended** 28:12 77:7 148:14,22  
 148:23 164:5  
**attending** 55:14  
**attends** 238:2,9  
**attention** 49:1 107:11 151:25  
**attitude** 174:16  
**attorney** 2:11 141:24,25 150:12  
 150:14 167:6 238:25 263:7,12  
 263:17,22  
**audience** 53:21  
**audit** 22:12,15,16,20,22 23:2,5,8  
 37:19 133:14,19 140:14 143:7  
 143:14,15,17,17 144:7,15 158:7  
 178:2 197:12,13  
**audits** 134:12  
**August** 132:9,9,16,17,25 133:2  
 136:4,12,12 146:16 153:18  
 178:12,14 209:10,12,16,17  
**authority** 130:22  
**authorization** 78:7

**authorizer** 108:7,13 218:19  
**auto** 30:11 44:4  
**automatically** 64:14  
**automotive** 34:10  
**autonomous** 118:4  
**autonomy** 10:7 114:24 119:17  
 123:16,22 124:4,12,15 190:10  
**available** 84:6 145:11 161:15  
 163:23 229:15  
**average** 49:9 62:2  
**avoid** 243:5  
**awaiting** 21:9  
**aware** 24:13 33:11 72:4 85:11,13  
 88:15 137:17 138:8 141:16  
 216:25 243:16 244:1 255:4  
 258:10

---

**B**


---

**B** 8:2 10:15 48:23  
**BA** 30:1  
**bachelor** 33:24  
**bachelor's** 29:20  
**back** 12:23 15:14 24:10 26:3  
 29:20 33:19 36:17 45:3 54:9  
 76:9 85:4 93:16 96:10,13 97:10  
 97:12,25 98:17 99:4 101:5,6,13  
 111:18 138:13 140:19 149:19  
 150:11 165:9 167:4 168:18  
 172:7,23 176:14 177:5 199:25  
 206:9 214:6 217:21,23 227:8  
 240:2 248:9  
**back-and-forth** 134:25 254:19  
**back-hold** 161:2  
**background** 33:22 142:15,18  
 143:10,11 155:10 165:22  
**backup** 97:3 121:2  
**backwards** 24:1  
**backyard** 253:18  
**bad** 119:25 134:5 251:24  
**bags** 258:8  
**balance** 131:15 153:24,24 155:17  
 156:6,12 197:22 218:5  
**balances** 158:6,9  
**bang** 54:13  
**bank** 153:24 156:6,12,16 197:25  
**barely** 179:15  
**barriers** 256:21

<b>BARs</b> 133:10 159:5	195:15 196:7	<b>bogged</b> 227:17
<b>based</b> 54:25 65:2 75:2 82:10 94:10 109:11 122:19 127:5 129:15 131:6 152:6 154:14 161:21 185:7 189:18 207:21 235:15 241:3 249:6 250:18 254:17	<b>best</b> 62:25 111:8 117:7 120:25 121:1,24 158:21 175:25 180:15 180:24 191:4 192:3 240:23 253:2,4 256:20,24	<b>bond</b> 260:10,11,14
<b>basic</b> 31:14,14 105:10	<b>better</b> 111:10 119:24 155:11 156:3 172:20 248:16 252:24 259:16	<b>bonded</b> 34:14
<b>basically</b> 56:24	<b>Beverly</b> 2:13 236:7 243:15 260:15 263:7	<b>book</b> 237:19
<b>basis</b> 75:12,14 84:25 124:19,21 158:11 168:1 178:18 179:13	<b>beyond</b> 27:4 67:3 138:14 178:15	<b>books</b> 101:18 156:18
<b>Baylor</b> 175:10	<b>big</b> 36:11,12 76:16 97:4 104:19 127:19,25 130:24 134:9 166:9 180:9 205:24	<b>boom</b> 34:15
<b>Bean</b> 1:20 262:20	<b>bigger</b> 62:15 86:3 173:4	<b>boost</b> 45:12
<b>began</b> 33:25	<b>biggest</b> 179:8	<b>bottom</b> 54:11 59:14 112:18 137:21 155:25 183:5,19
<b>begging</b> 36:13	<b>biggy</b> 199:7	<b>boy</b> 121:1 188:4
<b>beginning</b> 21:25 85:15 93:19 123:6 137:2 145:15,19 162:22 162:25 174:19 179:23 183:20 192:16 193:2 201:19 202:9 206:1 212:9 215:9,10	<b>bilingual</b> 82:7 85:21 93:2 124:8 147:22 148:2 173:6	<b>boys</b> 60:16 259:11
<b>beginning-of-the-year</b> 182:4	<b>bill</b> 32:24 33:5,7 251:8,9,20 253:3,12,24 254:3,4,6,6,7	<b>bragged</b> 36:19
<b>behalf</b> 75:16,16 76:2,3	<b>bills</b> 32:23	<b>brand</b> 179:14 221:16 222:6,10 223:3,4
<b>behavior</b> 140:5	<b>bind</b> 99:3	<b>brawl</b> 45:7
<b>belief</b> 111:7	<b>binder</b> 19:14 76:10,16	<b>break</b> 74:11 137:2 149:12,21 205:6
<b>beliefs</b> 42:25	<b>bipolar</b> 169:9	<b>breakdown</b> 101:1 178:22 179:5 191:10
<b>believe</b> 13:6 48:1 52:3,12 56:2 64:7 67:17 74:20 76:9,18 81:11 84:14 85:23 87:22 96:5 104:1 110:2 111:17,23 131:9 136:22 147:4 150:14 161:23 162:9,10 187:2 188:17 203:10 204:12 213:25 215:3 219:20 220:25 223:13,16 236:10,11 238:17 244:16 245:10 246:24 248:20 249:15	<b>bit</b> 33:22 74:18 91:10 143:6 155:11 214:13 221:7 234:3 238:23 256:13 259:16	<b>breaks</b> 53:10 103:1
<b>belligerent</b> 147:8 168:8 184:20 187:8 188:11,12,14	<b>black</b> 164:7 187:9	<b>Brennan</b> 150:19 152:14 165:5 167:8 168:6 171:17 200:16 204:22 205:4
<b>belong</b> 228:19	<b>blot</b> 180:16	<b>briefly</b> 228:2 257:18
<b>belongs</b> 181:22	<b>blow</b> 227:6	<b>bring</b> 36:16 37:1 100:25 101:13 107:3 147:17 168:18 214:15 219:7 244:12 245:24 251:5
<b>benchmark</b> 145:14	<b>board</b> 3:23 9:23 10:9 30:10 33:1 37:19 38:1 55:22 80:1,1 83:24 85:23,25 91:7 139:22 141:9,10 141:12,22,24,25 142:2 148:10 148:13,14,20,23 150:11 153:16 159:5,7 160:10,15 165:3,7,23 167:17,18,20 172:8 181:13,16 181:21,23 197:19 198:2,8 212:8 212:12,12,15 213:4 215:15,16 216:16 217:7,14,16,19,25 218:3 219:1 235:13	<b>bringing</b> 80:8 149:4 214:9 246:10
<b>beneficial</b> 65:7 119:7 242:6	<b>board's</b> 141:17	<b>brings</b> 27:18 100:22 102:15
<b>benefit</b> 54:6	<b>boards</b> 79:13 80:15 212:7,16,17 212:17 213:1 215:7 258:22	<b>broad</b> 25:23
<b>Bernice</b> 150:12 161:18,21 162:5 162:5 167:11 168:17 184:4,7,25 185:5 187:14 189:5,9,13,16,25 190:18 192:2,10,14 193:1,9,17 193:21 194:2,6,11,17 195:6,10	<b>boat</b> 209:14	<b>broadly</b> 20:8 25:2
	<b>body</b> 27:7 148:6	<b>brought</b> 34:24 37:8 51:23 57:15 129:8 162:9 165:22 166:24 168:13 181:11 254:7

138:12,16 169:13 252:5,6,6,7  
**buildings** 253:10  
**built** 43:6 123:22  
**bullet** 140:21 207:4 208:16  
 230:23 231:6  
**bumps** 240:10  
**bunch** 64:12,13  
**burden** 228:14 243:8  
**burdensome** 206:15  
**bureau** 81:9 105:4,24 106:2  
 107:2 115:20 123:2,10 129:17  
 130:14 143:7,14,17 144:6,16  
 148:3 176:17 178:11  
**Bureau's** 197:12  
**bureaucrat** 120:23  
**business** 28:23 41:11 42:16 83:22  
 83:24 84:19,25 85:2,14 91:23  
 131:8 136:24 150:9 154:7 155:6  
 168:2 177:15 178:23 250:25  
**businesses** 83:25  
**busy** 179:25  
**button** 19:7  
**buy** 27:13  
**buyers'** 252:10  
**bylaws** 181:15 244:18 245:7,24  
 246:7,14

---

**C**

---

**C** 1:20 2:1 3:1 4:1 8:17 10:15  
 206:25 207:4,23 208:15 262:8  
 262:19  
**C-H-I-N** 9:16  
**Caballero** 2:4 6:9,10 12:11,21  
 14:20,21 16:20,21 18:16,17  
 21:20,22 22:13 23:7,14 34:20  
 34:21 38:3,11 47:9,10 59:9,10  
 63:25 64:4 68:3,10,22 69:1  
 70:3,4,10 72:22,25 73:22,23  
 77:10,15 78:9 95:12,16 96:12  
 98:23 108:21 109:23,24 112:10  
 117:2,22,23 118:8 119:10  
 125:13 127:11,12,24 128:4,11  
 128:23 129:1 149:24 151:16,20  
 151:23 186:23,24 188:22  
 191:12 198:15 202:1,2,7,12,20  
 203:2,6 210:21 211:7,8 224:13  
 225:5,6 234:25 244:5,17 245:4

245:18,22 246:2,15 247:3,25  
 261:3,4,13  
**calculate** 24:23 54:7 139:4  
**calculated** 31:15 144:11  
**calculation** 53:15,16  
**call** 3:3,3 5:1,6 14:8,10 49:1 50:6  
 60:2 68:3,10,23,25,25 72:5  
 101:8 107:10 129:19 190:21,25  
 191:2 202:3,8 204:8 255:24  
**called** 28:8 42:9 50:9 60:10 68:6  
 68:13 187:20,23,25 188:3  
 190:16 194:6,11,12 195:16,18  
 195:19 226:14 252:22  
**calling** 42:15 71:22  
**calls** 71:21 255:23  
**campaigning** 117:12  
**canceled** 187:24 194:14  
**candidates** 34:6  
**cap** 3:14 80:25 81:1,2 157:22  
 174:9 254:4,4  
**capability** 99:7  
**capable** 97:12 115:17  
**capacity** 115:4 184:18 206:6  
 209:6  
**capital** 98:25  
**capstone** 28:19  
**CAPTION** 263:4  
**car** 226:2  
**card** 103:7 119:9,11  
**care** 29:15 41:21,23 173:20  
**career** 32:25 34:22 35:2 41:18,19  
 41:21 60:1  
**career-technical** 41:13  
**carefully** 158:6  
**Cariños** 3:17 102:8 107:9,11  
 129:8 130:12 134:16 139:18  
 141:9 143:19,21 150:7,10  
 155:16 158:19 167:18 168:23  
 170:2 174:17 175:3 196:11  
 201:12  
**Carl** 3:9 18:24 19:13 20:6  
**CARLOS** 2:4  
**CARMIE** 2:7  
**carpenters** 35:14  
**carried** 88:20 200:13  
**carry** 111:20 152:1 179:2 186:10  
**carrying** 99:24

**case** 57:14 64:11,13,15 124:22  
 157:9 194:16 222:20 261:15,16  
 263:4  
**cases** 173:3  
**cash** 131:7,21 133:11 139:2  
 153:23 154:17 155:16 156:22  
 158:7,8 197:21 208:1,6  
**cat** 136:18  
**categories** 105:11  
**category** 42:9 127:17  
**caught** 254:22  
**cause** 12:19 89:10 222:23  
**caused** 62:17  
**causing** 154:8  
**caution** 118:10  
**cautious** 123:16  
**CC** 1:25 262:25 263:2  
**CCR** 1:20 262:8,19  
**celebrate** 257:7  
**Center** 257:5  
**central** 101:8  
**certain** 123:18 137:25 162:12  
 187:3 208:13 212:16 232:20  
**certainly** 61:16 71:10,15 76:2  
 83:16 84:2,8,15,23 88:11 89:13  
 109:12 110:21 111:6 121:22  
 140:18 143:2 149:5 153:8  
 176:19 181:23 200:12 218:23  
 219:4 232:6 248:11  
**certainty** 120:2  
**certificate** 4:5 28:22 262:7  
**certified** 160:17 262:8  
**certify** 262:10  
**cetera** 154:18 157:16  
**chair** 2:3,3 3:24 5:1,23 6:13,19  
 6:23 7:1,4,7,9,20,23,25 8:6,9,13  
 8:15,22 9:2,5,7,17,20,22 11:16  
 11:20,25 12:5,6,10,11,15,16,22  
 13:1,5,6,6,8,19,21,24 14:3,9  
 15:9,12,14,15,16,17,21,23,24  
 15:25 16:2,18 17:6,7,8,12,15  
 18:14,20,22 19:3,8 21:16,19,21  
 22:19 23:19 27:15,17 30:8 31:1  
 32:20 34:19 38:5,8,10 39:18  
 41:6 43:11 44:21,24 45:1,16,21  
 45:25 46:3,9,13 47:13,22 48:7  
 48:10 51:9,11,13,15 53:1,7,18



55:6 56:13,20,21 57:12,19 58:7  
 58:19 59:9 61:2,3,6 62:7,9 63:8  
 63:12,23 64:2,5,24,25 65:12,13  
 65:15 66:16 67:2,14,22 68:1,4,5  
 68:8,12 69:3,9 70:1,12,19,24  
 71:19 72:3,11,15,23 73:10,24  
 74:6,10,13 75:23 80:17,21,24  
 82:17,20,23 83:4,19 84:4,12,23  
 85:8,18 86:1,21 87:3 88:7 89:2  
 89:5,10,24 90:2,4,7,20 91:16  
 93:25 94:5,7,13,16 95:14 96:1,2  
 96:16,19,21 98:4,16,23 99:16  
 99:17,20,22 102:3,5,11,13  
 104:23 106:20 108:20,23  
 110:13 112:2,9,16,24 113:10,14  
 113:19 115:14 116:9,16,25  
 117:16,19 118:7 119:8,12  
 120:14 121:22 124:12,22  
 125:11,14,15 126:10,17,24  
 127:2,4,21 128:2,5,9,12,22  
 129:2,5 130:5 132:14,19 135:11  
 136:2,8,10,17,20 137:8 139:9  
 139:12,14,15 140:9,12 149:11  
 149:15,18,25 150:2,14,20,22  
 151:2,11,16,19,21,24 152:10,13  
 152:16,19,24,25 153:3,6,11  
 154:23 155:2 156:9 159:16,19  
 159:24 160:7,11 165:5 171:17  
 175:21 176:21 177:22 178:10  
 184:22 185:2,6,13 186:5,16,21  
 186:22 188:23 191:9,13,22  
 196:6,9 197:3 198:15,18 199:8  
 199:19 200:6,18,23 201:4,7,11  
 201:17 202:6,13,14,15,16,20,24  
 203:4,15 204:6,10,12,19,25  
 205:5,11 209:15 210:7,8,10,16  
 211:14,24 214:2,5,8 215:25  
 216:6 217:3 218:22 219:11,19  
 219:22 220:2,19,25 221:4,5,10  
 222:2,7,19 223:1,6,11,13,16,21  
 224:4,7,9,11 225:10,16 226:7  
 226:10,11,13,14 227:14 228:23  
 229:3,8,16,18 230:4,10,16,22  
 231:2,9 232:4,12,17,23 233:13  
 233:14 234:23 235:2,6,11,24  
 236:3,5,12,21,25 237:4,20  
 238:2,4,9,13,19,24 239:10,12

239:14 240:4 241:5,11,14,19  
 242:3,11,20 243:4,9 244:9,23  
 245:16,20,25 247:1,2 248:1  
 249:13 250:4,10,22 256:8  
 257:10,13,23 258:20,21,25  
 260:1,4,6,18,21,22,23 261:3,5,9  
 261:14,20  
**Chair's** 61:25  
**Chairman** 13:13  
**Chairwoman** 19:11 48:2 53:6  
 70:21 72:8 74:16 77:14 85:19  
 89:1 90:22 96:15 102:7,17  
 114:5 122:10 124:25 126:6  
 128:16 129:6 140:10 176:10  
 181:6,11 182:11 204:16 205:20  
 212:3 213:25 217:12 220:16  
 221:3 231:14 235:14 239:7  
 240:14 246:5  
**Chairwoman's** 55:7 214:4,14,24  
 233:2  
**challenge** 88:5 166:13 174:1,1  
 216:11  
**challenges** 93:10 172:15 208:2,6  
 215:17 222:15  
**challenging** 25:10 97:5 123:9  
 129:19 178:20 180:21 243:10  
**chambers** 31:19  
**chance** 166:20 167:15,22 168:4  
 177:11  
**Chancellor** 138:21 150:7  
**change** 52:1,9 55:8 56:2 58:12  
 63:15 66:19,21 69:14 72:17  
 79:20 122:9 126:15 131:8  
 199:14,16,18 205:24,24 208:3  
 209:10 215:7,10 216:22 254:15  
**changed** 24:14 61:8 65:15 66:18  
 67:8 75:18 142:3 206:22 207:22  
 209:8 236:20,21 251:9  
**changes** 3:23 6:21 78:17 79:1,2,4  
 79:19 101:9,13 134:20 137:25  
 148:8 174:12 199:3 205:17  
 208:21 209:22,24 210:13 215:6  
 219:8 230:13 235:13 237:12  
 255:22  
**changing** 215:14  
**chaos** 185:19  
**Chapman** 1:20 262:8,19

**Chapter** 10:11  
**chapters** 28:12  
**chart** 46:4,5 49:8 50:2 127:14  
 128:14  
**charter** 2:9 3:11,13,17,18 10:2,5  
 10:7,8,10,17 39:1,5,13,18 47:25  
 51:2,23 56:4 65:18 67:6 71:5,8  
 72:19 74:14 76:19 79:8,8,9,17  
 79:17,18 80:6 84:9 87:2 95:23  
 98:24 99:2,4 102:8 105:11,17  
 107:1 108:4 111:25 112:18  
 115:9,12 118:1,3,22 119:3  
 122:21 127:20,22,22,24,25  
 128:18 129:9 137:19 138:5  
 140:1 142:11 149:9 150:7,13  
 159:14 161:13 163:13 165:19  
 165:21,25 167:13 168:19,23  
 170:2 172:1,9,16 175:6,18  
 182:12 185:22 198:14 201:12  
 205:13 213:23 218:2 239:21  
 250:21 251:11,22 252:4,11,12  
 252:23 253:8 255:8,10,13,16,23  
 256:18,22,25 259:4  
**charters** 127:22 233:18 254:1,8  
 256:12,15  
**charts** 49:4,21  
**cheat** 136:11  
**check** 142:15 157:21  
**checked** 221:18  
**checklist** 220:21 221:1 223:18,24  
 224:3,5 229:23 230:4 240:6  
**checkoff** 240:9  
**checks** 142:18 143:11  
**child** 118:14,25 142:22 168:24  
 169:2,12,12 186:8,8 194:7  
**childhood/day** 29:15  
**children** 99:15 169:13 171:15  
 172:5,19 173:10 184:8 186:3  
**chin-** 9:15  
**choice** 71:8 124:15 176:17 257:4  
**choices** 31:21 94:25 95:3  
**choose** 107:21 118:3 253:10  
 257:7  
**choosing** 122:3  
**chose** 103:23 104:20 107:4,20  
 108:13  
**chosen** 182:15

<p><b>Christmas</b> 261:18  <b>Cisco</b> 31:23  <b>cited</b> 23:4  <b>claims</b> 183:13  <b>clarification</b> 52:6 68:23 91:25  117:24 151:13 185:1 203:5  229:19,20  <b>clarified</b> 116:6  <b>clarify</b> 38:11 69:8 122:11 128:21  151:8 153:12 154:23 185:3  202:18 212:25  <b>clarifying</b> 219:7  <b>clarity</b> 66:20 67:22 69:11 114:11  132:15 151:17 152:22 214:11  218:7,18 242:12  <b>class</b> 28:19 29:4 30:11 38:22  42:17,17,17 43:6,24  <b>classes</b> 38:20 39:7 42:6,6,7 60:4  <b>Classical</b> 11:22 213:17  <b>classroom</b> 45:11 56:24 169:2  <b>classrooms</b> 27:13 145:23  <b>clawback</b> 52:17,22  <b>clean</b> 64:19 133:9  <b>cleaned</b> 90:10 101:16  <b>cleaner</b> 116:17  <b>cleanup</b> 90:14  <b>clear</b> 58:8 66:17 72:8 92:8 96:8  109:16 128:15 135:14,19  139:23 149:6,7 188:20 197:8  207:25 208:4 215:21 217:5  221:21 222:16,21,22 230:9  260:13  <b>cleared</b> 156:16  <b>clearer</b> 88:21 89:7 109:13 113:6  116:18  <b>clearly</b> 43:3 82:8 125:2 203:11  214:25 247:7  <b>clerical</b> 51:22,24 72:10,18  <b>close</b> 22:25 57:21 59:12 71:24,25  94:8 131:4 133:17 137:17 138:3  165:20 253:25  <b>closed</b> 22:24 23:2 56:23 132:22  133:1 138:9  <b>closely</b> 83:17  <b>closeout</b> 23:17  <b>closer</b> 252:23  <b>closes</b> 131:24</p>	<p><b>closing</b> 45:2 71:23  <b>closure</b> 98:19 137:20 138:5  <b>clothing</b> 169:6  <b>cluster</b> 41:18,22  <b>clusters</b> 41:19 42:12  <b>CNM</b> 28:21 39:5  <b>co-located</b> 253:3  <b>Coalition</b> 84:10,15 226:21  228:20 250:21 255:11  <b>Code</b> 10:13 247:4,5,24 255:15,17  255:20  <b>codes</b> 100:6 206:12  <b>codified</b> 117:20  <b>cognitive</b> 170:12 184:8  <b>cohort</b> 29:5 32:5  <b>coincides</b> 92:7  <b>cold</b> 137:24  <b>collaboration</b> 27:21 234:20  <b>collaborative</b> 139:20  <b>collected</b> 11:5  <b>college</b> 11:8 28:19 33:23 40:21  43:22 60:20  <b>college-bound</b> 43:23  <b>colleges</b> 10:24 27:21 29:13 33:12  34:8 35:23,23 36:9 259:22  <b>collocation</b> 253:6  <b>colored</b> 20:14  <b>column</b> 20:20  <b>combine</b> 144:20  <b>combined</b> 251:14  <b>come</b> 12:23 23:3 32:3,18 33:1  58:5 82:21 89:16 100:14 120:12  120:17 126:18 130:3 136:5,7  140:3 142:10 144:18 149:7  151:24 154:17 169:7 170:25  172:7 173:22 174:2 177:23  178:19 179:18 194:14 195:17  196:16 197:13 204:12 213:8  216:1,8,9,24 232:5 243:3  245:11 248:14 250:6 254:12,19  <b>comes</b> 12:3,24 26:16 35:1 55:23  55:23 111:4 158:13 180:14  247:15 252:8  <b>comfortable</b> 152:1 215:1 226:17  <b>coming</b> 28:23 71:2 77:16,19  87:19 94:20 100:13 123:1 130:9  131:2,21 134:8 177:6 180:12</p>	<p>193:19 194:13 195:21 199:23  246:10 249:7  <b>commence</b> 221:25 222:11  <b>Commencement</b> 221:22 223:7,24  <b>comment</b> 9:9 12:7 45:2 62:8  71:20 90:7 109:20 111:15 168:7  168:7 174:6 228:7  <b>comments</b> 4:2 37:17 44:22 45:24  61:25 67:20 95:11 161:17,19  221:11 233:15 259:1  <b>Commission</b> 1:1 5:2 13:22 22:18  46:14 49:18 56:4 61:7 70:22  71:14 74:24 75:5,11,21 77:12  79:3,11 80:12 81:6 83:6 89:12  91:3 110:12 112:20 114:2,18,22  117:4,12 118:15 120:11 129:23  130:6,15 135:10,14 137:9  140:23 141:9 147:18 149:8  150:6 160:2 175:16 176:5 185:6  185:21 190:7 200:8 214:16  215:2,13,24 217:13 226:13  227:2 233:7 235:5 240:20 241:2  241:6 244:7,11,13,14 245:6,13  245:14 246:7,11,14,17,22,25  252:1 254:11 260:8,12 262:1,12  263:5  <b>Commission's</b> 75:3 141:1  <b>Commission-approved</b> 152:7  <b>Commissioner</b> 5:5,7,7,9,10,10,12  5:13,13,15,17,17,19,20,21,21  5:24,24 6:1,2,2,4,5,5,7,8,8,10  6:11,14,15,25 7:1,2,3,16,18,19  7:20 8:8,9,10,24,25 9:1,2 12:11  12:21 13:4,11,13,15,17,20 14:2  14:4,5,11,13,14,15,16,16,18,19  14:19,21,22,22,24,25,25 15:2,3  15:4,4,6,7,7,10,18,19,21 16:4,4  16:6,7,7,9,10,10,12,13,13,15,16  16:16,19,19,21,22,22,24,25,25  17:2,3,3,9,10,12,14,19,19,21,22  17:22,24,25,25 18:2,3,3,5,6,6,8  18:9,9,11,12,12,15,15,17,18,21  21:20,22 22:13 23:7,14,20  24:12 26:4,21 27:14,15,16 28:4  28:6 30:2 32:21,22 33:12,21  34:20,21,24 38:3,5,7,9,10,11  39:4,21,22 41:7,8 42:24 43:13</p>
---	--	--

44:18,23,24,25 45:16,18,25  
 46:5,7,11,17,19,20,20,22,23,23  
 46:25 47:1,1,3,4,5,5,7,8,8,10,11  
 47:11,14,14,16,17,17,19,20  
 55:4,5 56:20,21 57:13,17,20  
 58:14,19,25 59:9,10 61:4,5 63:7  
 63:8,9,10,13,21,24,25 64:4  
 65:12,13,14,23 66:1,23 67:2,7  
 67:10,12,19,24 68:3,6,10,14,15  
 68:15,17,18,18,20,22,24 69:1,5  
 69:7,12,13,15,16,17,18,18,20  
 69:21,21,23,24,24 70:2,2,4,5,5  
 70:7,8,10,14,16,17 71:19 72:3,5  
 72:12,15,22,24,24 73:1,2,2,4,5  
 73:5,7,8,8,11,11,13,14,15,15,17  
 73:18,18,20,21,21,23,24 74:1,3  
 74:4 77:10,14 78:9 87:5 90:5,6  
 95:12,16 96:12 98:23 99:18,19  
 101:16 108:21 109:23,24  
 111:13,14 112:4,10,14,15,25  
 113:12,15,25 114:6 115:6,14  
 116:5,23 117:1,2,3,17,22,23  
 118:8 119:10 120:13,14 122:1,2  
 124:1 125:13 127:11,12,12,24  
 128:4,11,23 129:1 149:17,24  
 151:16,20,23 159:22 162:2  
 185:11,12 186:17,23,24 187:13  
 188:22,24,25 189:6,11,14,20  
 190:6 191:7,11,12,21 192:6,12  
 192:22 193:5,15,18,25 194:4,9  
 194:15,22 195:8,13,25 198:15  
 199:8,19 200:17,22,23,24,24  
 201:1,5,8,16,18,20,20,22,25,25  
 202:2,7,10,12,20 203:2,6,16,16  
 203:18,19,20,20,22,23,23,25  
 204:1,1,3,4,7,11 210:8,11,15,17  
 210:17,20,21,22,22,24,25,25  
 211:2,3,3,5,6,6,8,9,9,11,12,12  
 211:15,15,17,18,18,20,21,21  
 217:2,4,12 219:14,19,24 220:5  
 220:8 223:11,14,20 224:2,6,11  
 224:12,13,14,15,16,17,17,19,20  
 224:20,22,23,23,25 225:1,1,3,4  
 225:4,6,7,7,9,11,11,13,14 226:3  
 226:5 228:18 229:1,17,19 230:9  
 230:15,22 231:4,5,7,11,21  
 232:11,18,23 233:1,6 234:25

236:17,18,19,24 237:2,18,24  
 238:3,7,11,22 239:12,15 240:12  
 241:18 242:3,16,25 243:7 244:5  
 244:17,19 245:4,9,18,22 246:2  
 246:6,15 247:1,2,3,25 249:4,10  
 250:9 258:23 259:2,3 260:1,3,4  
 260:5,6,7,19,20,21,22,23,24  
 261:3,4,7,8,10,10,13,18  
**Commissioners** 2:2 7:6,22 8:12  
 9:4 11:20 12:12 19:12 21:19  
 39:23 44:21 48:3,5 51:16 53:19  
 55:3 64:2,6 74:10,17,20 87:4  
 88:23 90:23 95:11 96:19 102:3  
 102:18 104:24 108:20 110:23  
 122:11 126:7 129:7 149:11  
 151:6 182:11 188:23 202:23  
 205:6,21 212:4 221:6 236:7  
 241:21 257:11,24 259:1  
**commitment** 175:2  
**committed** 216:16 253:11  
**committee** 236:15 247:10  
**communicate** 104:9 134:16  
 214:25 229:10  
**communicated** 40:17  
**communicating** 115:22 125:2  
 179:19  
**communication** 111:3,4 114:17  
 178:22 179:5 191:9 213:15,24  
 214:4 215:22 220:16  
**communications** 176:12 220:15  
**communities** 30:25 42:21  
**community** 28:19 29:13 79:8  
 81:16 87:19 166:18 173:4  
 215:14 258:15 259:6  
**companies** 32:3 101:8  
**company's** 84:21  
**compared** 153:24  
**comparison** 49:17 126:19 127:21  
 193:12  
**complain** 44:10  
**complained** 59:21 60:14  
**complaint** 141:15  
**complete** 79:23 80:5,14 135:2  
 156:1 198:3 208:18 214:21  
**completed** 22:21 135:24 197:20  
**completely** 32:16 84:14 150:24  
**completing** 242:7

**compliance** 37:20 112:22 142:10  
 149:8 196:16 197:13 198:23  
 213:8,11 221:17  
**compliant** 53:12 145:20  
**compliment** 90:16 101:18 175:10  
**comply** 58:9,12 213:15 214:15  
 219:10 220:14  
**complying** 200:11  
**comprehensive** 42:5 103:13  
**computer** 31:20 32:3,14 41:3  
**concentrate** 172:22  
**concentrator** 41:16,23 42:10  
**concentrators** 41:24 42:3,23  
**concept** 53:25 165:11  
**concern** 30:3,11 31:6 35:1,9  
 53:13 59:15 62:11 65:18 86:9  
 86:15,20 88:15,16 93:18 96:25  
 98:24 112:8 120:6 133:11 137:5  
 140:18 145:12 151:14 163:12  
 181:23 230:23 242:22  
**concern.'** 116:4  
**concerned** 51:7 56:22 59:12  
 120:17 124:3 130:25 147:5  
 191:22 194:23 242:21 244:19  
**concerning** 129:19 137:13  
 141:12 142:13 144:13 147:12  
 147:16 148:10 149:1 182:6  
**concerns** 3:14,19 61:21 78:23  
 81:1,5 85:12,14 110:15 129:10  
 130:1,12 131:13 133:8,15  
 134:16 135:23 139:17 140:17  
 142:10 143:3 144:17 146:21  
 153:8,9 176:1 177:13 181:10,15  
 193:19 212:2 236:15 249:17  
**concise** 127:8  
**conclude** 126:5,8,9 159:20,23  
**conclusion** 21:6  
**concur** 55:7,9 90:7 95:9  
**concurrent** 33:14,14  
**condition** 67:16 68:2  
**conditional** 222:12  
**conduct** 13:7 15:16  
**conducted** 6:18 142:12,25  
 197:14  
**conference** 28:11  
**conferencing** 243:11  
**confidence** 134:21 139:1

**confirmed** 133:22  
**conflict** 218:14  
**conflicts** 218:11  
**confused** 81:2 113:14,19,21  
 155:2  
**confusion** 159:11  
**Congratulations** 15:11 17:5,6  
 18:20  
**Congress** 11:4  
**conjunction** 230:2  
**connection** 171:22  
**connections** 37:23  
**consequences** 112:7  
**consider** 12:13 254:11  
**considerable** 101:13  
**consideration** 158:10 232:7  
**considered** 37:13 141:4  
**considering** 147:13 233:18  
**consistently** 120:10 140:4  
**Consolidated** 3:9 18:25 46:16  
**constantly** 117:9  
**constitute** 262:10  
**Constitution** 10:20 11:1,13  
**Constitutional** 10:21  
**construct** 134:3  
**construction** 35:14  
**consult** 83:21,23  
**consultant** 160:15  
**consults** 12:15 202:15  
**contact** 84:7,15,18,24 225:25  
 228:22  
**contacted** 85:22  
**contain** 197:9  
**contains** 112:25  
**contemplates** 42:8  
**contentious** 234:8  
**continue** 53:23 54:7 66:13 71:11  
 97:25 120:24 121:14,18 125:12  
 140:16 168:22 172:25 173:13  
 188:9 216:21  
**continued** 4:1 50:9 98:22  
**continues** 19:25 99:10  
**continuing** 27:19 76:12 130:1  
 220:12  
**contract** 36:11 48:14 52:7 75:10  
 79:1 152:7 162:24 166:6 218:10  
 218:12,15 219:3

**contracted** 155:5  
**contractor** 43:16,17  
**contractors** 36:15 40:2,4,6,14  
**contracts** 119:13  
**control** 10:21 11:2 138:15  
**convene** 194:5,10  
**Convention** 257:5  
**conversation** 29:10 31:2 53:21  
 56:9 58:21,24 59:2 85:10,16  
 110:14,22 115:10 120:8 140:7  
 150:18,20 151:22 153:1,3  
 235:16 254:18 256:7  
**conversations** 29:13,17 42:13,20  
 94:24 138:11 199:10  
**convinced** 26:20  
**Conyers** 5:15,18  
**cooperative** 30:14 134:15  
**cooperatively** 88:17  
**coordination** 40:12  
**coordinator** 193:4  
**copies** 146:10  
**copy** 10:20 19:14 23:5 118:24  
 146:14  
**Coral** 79:8 259:5  
**Corinne** 131:10 132:23,25  
 134:25 152:25 153:5,10,13  
 155:1,3 156:11 159:17 174:8  
 178:9 191:18  
**correct** 11:14 48:1 70:13,20 72:9  
 72:18 87:17 110:13 115:12  
 116:1,9,11 128:13,25 132:24  
 144:5,14,15,17 151:19 155:1  
 162:10 202:10 207:5 213:13  
 237:20 238:5,23 239:23 241:8  
 246:3  
**corrected** 23:11,12 134:12  
 143:20 178:2 207:3  
**correcting** 67:6  
**correction** 144:10 178:3,6  
**corrective** 75:2 76:8 81:3,4,10  
 82:16 83:21 88:9 129:13,14,23  
 134:13 140:20 149:6 153:15  
 157:12,15 162:1,14 175:17,23  
 186:14 196:12,17 200:11  
 201:13 216:10 249:4  
**correctly** 207:2 213:12 242:10  
**correlation** 55:16,19

**cost** 86:5 101:11  
**Cotton** 175:10  
**Cottonwood** 11:22 213:17  
**council** 51:19 55:22 56:7,17 63:3  
 83:3,9 85:9 89:16 90:9 92:19  
 93:13 179:8,10,14 201:24  
**counsel** 2:12 12:15 202:15 238:1  
**counselor** 174:25  
**count** 53:9,10 70:13  
**counted** 127:15 204:11  
**country** 71:4 169:18  
**County** 262:13  
**couple** 28:10 37:8 56:23 103:1  
 107:12 144:15,16 145:12 158:3  
 198:17 206:19 215:5 233:15  
 251:3 259:4,7,11  
**courageous** 59:11  
**course** 10:12 32:9 41:15 42:25  
 43:1,17 59:15,22 81:10 100:15  
 156:14 232:4 253:17  
**courses** 27:25 41:13,18,23 42:11  
**court** 1:21 230:25 231:13 262:9  
**cover** 48:3  
**covered** 85:7  
**Craig** 85:23 92:17 94:20 96:8  
 100:2 129:25 130:5 132:17,21  
 135:18 136:10,18 137:8 139:10  
 139:13,15 153:4,19  
**Craig's** 89:14 199:11  
**cream** 170:4  
**create** 113:16 115:1 116:20  
 119:15  
**created** 36:19 45:5 59:18 105:16  
 107:14 119:25 120:4 126:3,21  
 240:6  
**creating** 147:15  
**creative** 59:11 194:23  
**credentials** 105:25  
**credit** 33:14,17 119:9,11  
**crime** 171:23  
**criteria** 112:20 123:18  
**criticism** 170:2  
**Crone** 2:5 6:3,4 8:24,25 14:23,24  
 16:8,9 18:4,5 32:21,22 33:12,21  
 34:24 45:17,18 46:21,22 70:6,7  
 73:16,17 203:21,22 211:10,11  
 224:24,25 237:2 260:2,3

**Cruces** 31:7 248:14  
**CSD** 51:24 75:16 84:7 89:20  
 104:13 111:1 112:18 122:3  
 143:8 176:5 190:10 197:5  
 198:12 228:14 229:13  
**CSD's** 76:3  
**CSI** 103:11  
**CSI/TSI** 103:21  
**CTE** 19:19,21 24:19 25:13,17,20  
 26:15,18 27:8 28:22,23 29:2  
 30:25 32:23 33:18,25 34:1,3,9  
 34:25 37:10 40:7 41:10,14,16  
 42:9,20  
**CTI** 128:20  
**CTLP** 33:1  
**culture** 147:9 187:9  
**current** 34:6 52:1,7 67:17 136:24  
 143:1 144:10,12 156:5,11  
 233:22  
**currently** 11:9 75:2 81:8 106:12  
 155:19 189:9 198:3 209:9 215:6  
**curriculum** 28:18 43:14 51:1  
**curve** 109:10  
**cushy** 171:20  
**Custodian** 2:13  
**cut** 24:15 25:10 52:17 56:24  
 101:8,12,12 171:18  
**cutoff** 171:1 239:5  
**cuts** 86:17 87:10,12  
**cycle** 116:13 117:8 206:23,24  
**Cynthia** 1:20 262:8,19

---

## D

---

**D** 3:1,1 4:1,1 10:16 103:6,20  
 105:19 107:17 108:4 118:5  
 119:14 127:15 208:22  
**d'Arte** 79:16 80:6 219:18  
**da-da-da-da** 122:13  
**dad** 45:19  
**daily** 85:3 168:1  
**Dan** 133:23  
**DANIELLE** 2:5  
**DASH** 105:18 109:7,19 111:24  
 114:8 116:10,11,16,24 117:6  
 118:6 119:24 120:7 123:5  
 125:22 164:4 190:17,19  
**data** 46:15 49:13 64:9,12 111:18

111:22 118:14 119:1,4,16  
 122:20 123:23 126:20 127:6  
 137:12,14 145:19 146:6,8  
 162:11 171:14 181:9 182:2,3,5  
 182:9,16,21 183:20 193:13,14  
 234:12,13  
**data-based** 112:8 113:4  
**data-driven** 112:1,2 137:15  
**date** 76:14,21 90:1 115:23 139:9  
 139:10 141:3 154:16 216:1,7  
 234:3 239:5 263:2,9,14,19,24  
**dates** 199:6,25 209:19 233:20  
 239:9  
**Dave** 133:4  
**David** 2:6 85:22 89:14 94:20  
 100:1 135:15 153:19 199:11  
**day** 19:20 52:16 55:17 62:14  
 94:11 100:11 146:3,4,24,24,25  
 147:2,21 192:4 193:21 194:7,13  
 194:14,18,19 195:5,17 248:5,12  
 253:7  
**days** 36:16 52:9 79:4,13,14,15  
 116:14 188:4,6 194:18 195:3  
 209:21 212:13 233:7  
**De** 3:17 102:8 107:9,11 129:9  
 130:12 196:11 201:12  
**deadline** 89:22 164:18 204:24  
 212:18 243:21  
**deadlines** 75:17 76:4 104:5  
 109:21 167:2 198:12,18 199:16  
 199:17,20  
**deal** 35:10 90:11,14 138:7 157:12  
 180:21 185:14 217:13,18  
**deals** 57:22  
**DEAP** 74:25 216:10 235:16  
 249:2  
**debate** 54:20  
**debt** 95:1 96:22 98:3  
**debts** 138:7  
**December** 7:13 8:3,18 19:14  
 51:24 75:9 76:9 81:11 108:1  
 132:6,10,18 135:16,21 136:5,5  
 136:7,13,15,23 142:12 146:16  
 153:20 154:11 159:5 161:22  
 162:7 178:13 191:15 249:22,24  
 250:1,3 258:7,10  
**decide** 78:2 109:1 217:19

**decided** 33:24  
**decision** 66:8,9 71:14,17 138:2  
 142:4 203:12 226:18 232:9  
 241:4 244:16 254:16  
**decisions** 75:9,21 76:1 123:23  
 137:13,15 209:9,11 242:21  
**declining** 50:1  
**decrease** 50:16 64:9 101:11  
 134:7 146:4 147:2 157:6 174:17  
**decreased** 52:16 144:2  
**decreasing** 51:3 217:21  
**dedicated** 167:3 172:11  
**dedicating** 167:25  
**deem** 20:12 202:22  
**deep** 172:15  
**deeply** 65:20  
**deficiencies** 23:10  
**deficit** 133:12 139:2  
**deficits** 100:5,7  
**defined** 41:19  
**defining** 123:16  
**definitely** 83:11 85:16 166:21  
**definition** 10:14 41:17  
**degree** 29:21 33:24 119:19  
**degrees** 143:13  
**DEL'D** 263:9,14,19,24  
**delay** 136:20  
**delete** 206:12  
**deletion** 207:10  
**DELIVERED** 263:9,14,19,24  
**delving** 65:20  
**demanding** 77:25  
**Deming** 77:18  
**demonstrate** 115:17 142:2 206:6  
**demonstrated** 115:3 141:21  
**demonstration** 142:16  
**denied** 63:20  
**denominational** 11:7  
**deny** 63:13,23 66:3 69:9  
**denying** 69:11  
**department** 10:18 29:17 41:20  
 95:20 109:25 142:7 160:5  
 161:13 175:7,19 195:22  
**depending** 126:2 174:23  
**deposits** 154:18  
**Deputy** 2:10  
**describing** 189:21

**description** 147:8  
**designated** 239:17  
**desire** 12:18 97:10 165:14  
**desk** 192:4  
**detail** 56:6 65:20 66:4,12 159:7  
**detailed** 66:5 82:8  
**details** 20:15 90:11  
**determination** 152:17 241:7  
 242:1  
**determine** 75:6 141:19 154:5,10  
 192:18  
**determined** 97:13 152:9  
**Determining** 230:24  
**detriment** 143:25  
**devastating** 98:13  
**develop** 32:5 88:17 122:14,16  
 175:24 176:5 204:17 208:25  
**developed** 88:13 91:2  
**developing** 29:18 64:21 83:20  
 111:10 176:25  
**development** 27:11 34:23 60:1  
 145:10 177:2  
**developments** 28:5  
**diagnose** 180:23  
**diagnostician** 170:11 193:16  
**dialogue** 12:8 115:10  
**difference** 25:18 44:12 50:24  
 87:12 125:9 166:9  
**differences** 26:24 49:16 101:11  
**different** 27:9 31:21 40:6,10  
 42:11 53:16 80:20 83:25 86:25  
 87:13 91:2 92:9 103:2 104:2  
 108:13 115:20 123:1 141:22  
 172:14 175:2 207:12 231:20  
**differently** 247:22  
**difficult** 25:24 120:2 172:24  
 243:11 245:8  
**difficulties** 65:16  
**dig** 53:23 58:22  
**digging** 54:22 56:5  
**dignity** 174:1  
**diligence** 161:7  
**diligently** 239:18  
**Diné** 107:9  
**dire** 162:21 168:22 179:22  
**direct** 33:3,3 55:16 103:4 113:8  
 153:1 175:18 176:12

**direct-support** 30:20  
**directed** 101:17 153:4 176:9  
**direction** 84:17 109:4 111:1  
 112:19 181:15 182:20 186:15  
 190:15 204:17  
**Directions** 106:15  
**directive** 143:19  
**directly** 32:25 33:6 56:17 85:22  
 85:24 142:14 153:15 165:17  
 181:19  
**director** 2:9,10 11:22 51:17  
 62:23 65:5 83:1 86:22 91:20  
 95:9 97:14 129:25 130:6,11  
 137:8 147:4 148:3 181:2,4  
 198:20 205:19 226:14 228:24  
 234:11,20 249:1,23 253:11  
 257:18  
**directorship** 83:15  
**disabilities** 49:15,25 50:2 88:4  
**disadvantaged** 49:14,24  
**disagree** 27:3  
**discipline** 195:2  
**disconcerting** 109:21  
**disconnect** 55:12  
**disconnecting** 226:3  
**discourage** 216:22  
**discouraged** 180:11  
**discretionary** 231:12  
**discuss** 76:10 104:22 105:5 188:7  
 197:7 210:4  
**discussed** 20:22 93:20 130:15  
 138:20 158:15,17 206:20 210:2  
 210:14 227:15 231:15,15 246:8  
 246:12  
**discussing** 80:11 104:8 152:11  
**discussion** 3:9,11,15,16,18,21,23  
 18:23 40:12 47:24 54:20 55:1  
 64:3,5 67:3 71:1,23,25 72:1  
 88:14 102:14 201:3 205:12  
 210:19 215:18 224:9 225:21,23  
 232:7 235:12 242:17 249:25  
 250:2,12 257:14 261:17  
**discussions** 65:2  
**disenroll** 147:11  
**disenrolls** 147:13  
**disincentivizes** 253:6  
**Disks** 263:8,13,18,23

**dislike** 37:2  
**dismiss** 150:20 152:14  
**disposal** 11:3  
**disseminate** 260:14  
**dissipated** 154:9  
**distress** 55:9,23  
**district** 45:4 49:17 115:18 144:1  
 171:20 177:7,8 185:23 251:23  
 252:13,23,24 253:1 256:14,18  
 256:22,25,25  
**districts** 31:13,16 32:16 45:7  
 78:7 140:1 171:25  
**diversity** 258:13  
**diverted** 60:19  
**Division** 2:9 3:13 51:3 56:5 74:15  
 112:19,21,23 115:9,11 137:19  
 138:6 142:11 165:19,21,25  
 175:7,18 239:21  
**divisions** 256:17  
**do-it-yourselfer** 45:19  
**doable** 216:3  
**doctor** 41:4  
**document** 53:14 118:12,21,21,22  
 140:21 206:9 233:16 263:8,13  
 263:18,23  
**documentation** 79:23 80:6,14  
 91:6 133:20 178:6 192:1 197:11  
 213:13  
**documents** 79:2 134:24 161:6,8  
**doing** 11:10 25:16 50:4 54:11,24  
 57:8 58:2,6 60:5 61:9 69:8  
 94:18 99:22 102:6 106:17 110:6  
 110:8 111:23 115:18 121:5  
 127:14 157:25 160:6 166:8  
 171:13 172:21 173:1,9,9 175:25  
 180:16 185:9 191:16 193:9  
 207:9 221:22 227:9 228:12  
 229:12 232:13,22 239:16  
 242:16 243:10,17 247:5 253:21  
 259:21  
**dollar** 158:25  
**dollars** 40:1 252:18 260:11  
**Dolores** 175:11  
**Don** 1:12  
**Doña** 30:10,12  
**door** 169:20 179:10 180:22  
 216:17 227:22 233:4

**doubt** 137:4  
**downplaying** 44:14  
**dozen** 251:23  
**Dr** 2:10 19:1,2,4,10 21:17 22:11  
 22:23 23:13,16 24:11 26:9 27:2  
 27:18 28:3,7 30:7,19 31:11  
 32:24 33:16 37:16 39:2 41:12  
 44:16,20 48:3,5,9,11 51:10 53:6  
 53:8 103:3 104:3,18,24 106:21  
 113:16 116:12 146:7,10 147:20  
 181:8 182:1,11 184:6 248:4  
**draft** 113:17,22 160:3 231:16,16  
**drafted** 235:15  
**drafting** 112:23  
**drafts** 232:24  
**dramatic** 64:10  
**dramatically** 99:5  
**draw** 99:7 118:23  
**drawdown** 99:8  
**drawn** 133:16  
**Dream** 107:9  
**Dreams** 213:21  
**drills** 142:24,24,25  
**drive** 112:12  
**driven** 118:14,25  
**drop** 78:8 146:23  
**dropout** 34:11  
**dropped** 26:5 34:3 255:2  
**drugs** 171:23  
**dual** 33:14,14,17 182:13  
**dual-language** 183:13  
**due** 31:12 51:22 107:6 161:7  
 196:19 222:4,9,13  
**dug** 77:2 237:10  
**Duncan** 84:20  
**DYLAN** 2:11

---

**E**

---

**E** 2:1,1 3:1,1,1 4:1,1,1  
**e-mail** 159:14 228:3,16,24  
**e-mailing** 85:4  
**e-mails** 91:6 164:13,15 190:13  
 191:8  
**E-R** 9:15  
**earlier** 105:4 158:25 198:16  
 205:23  
**early** 29:14 98:21 105:15 106:4

182:15  
**earn** 36:5 87:21  
**earned** 108:4 115:24  
**earning** 36:2  
**EAs** 29:16,19,23 87:7  
**easier** 9:18 46:10 109:9,14  
**easiest** 158:23  
**easy** 121:8 163:23  
**eat** 149:16  
**economically** 49:14,24  
**ed** 27:21 124:9 171:3 189:7,10  
 190:3,25 195:12  
**education** 1:1,12 5:2 10:10,18  
 29:16 41:13 46:14 61:13 82:7  
 130:15 142:7 147:23 185:23  
 187:23 189:3 200:7 207:6,16,17  
 238:1 262:1,12 263:5  
**Education's** 85:21  
**educational** 10:22,23,25 11:6  
 50:14 143:13 170:11  
**educator** 62:25  
**Educators** 28:9  
**effect** 98:13 148:13 229:24  
 252:22 256:11  
**effective** 126:15 149:9  
**effectively** 92:22 115:18 179:19  
**efficiently** 155:9  
**effort** 54:8 101:17  
**efforts** 29:6 65:11  
**eight** 20:16 214:21 215:11  
 218:14 219:15  
**eighth** 60:6 253:21,22 259:21,21  
**either** 12:2 58:6 64:8 115:15  
 118:20,20 136:1 144:17 161:9  
 168:13 213:15  
**Elaine** 19:1,2,4,10 21:17 22:11  
 22:23 23:13,16 24:11 26:9 27:2  
 28:3,7 30:7,19 31:11 32:24  
 33:16 37:16 39:2 41:12 44:16  
 44:20  
**election** 3:8 13:2,7,8  
**electrician** 34:14  
**electricity** 43:25  
**element** 252:18  
**Elementary** 10:14  
**eleventh-graders** 25:20,21  
**Eligibility** 230:24

**eligible** 39:7  
**eliminate** 34:1  
**elimination** 86:15  
**embrace** 175:16  
**emergency** 132:2 232:14  
**emotionally** 169:7  
**emphasize** 37:17 43:21  
**employee** 56:7  
**employees** 142:20,22 161:5  
**employees'** 197:9  
**employers** 181:21  
**employment** 143:8,9  
**enable** 114:17 197:21  
**Encantada** 79:10  
**encountered** 65:17  
**encourage** 34:7 86:6 88:7 89:13  
 111:5  
**encouraged** 107:5  
**encumbrances** 130:21  
**ended** 77:23 169:21 216:15  
**endorsement** 32:12  
**enduring** 233:21 234:4  
**energy** 63:1 165:14  
**engage** 12:19 110:14 111:9  
 254:23  
**engineering** 60:19  
**engineers** 60:18  
**English** 49:15 50:7 145:20 182:2  
 183:11  
**enjoy** 139:14 155:20  
**enlightened** 246:23  
**enlightening** 260:9  
**ENMU** 29:10  
**enormous** 178:7,22  
**enrolled** 39:7 146:18  
**enrolling** 93:8 254:13  
**enrollment** 33:14,15 34:2,3 48:19  
 48:20 49:16 81:2 92:13 97:19  
 100:12 146:6,12,15,23,25 147:6  
 196:21 251:14  
**enrollments** 196:23  
**ensure** 38:2 137:23,25 142:17  
 148:16 198:2  
**ensuring** 197:9  
**enter** 105:25 106:18 122:7 123:4  
 154:19  
**entering** 106:6 176:22

**entertain** 6:23 8:6,22 261:5  
**entire** 117:10 248:4  
**entirely** 63:2 150:23 198:9  
**entity** 247:3,20  
**entries** 154:1  
**envious** 136:21  
**environment** 129:24 147:15  
 185:20 194:25 259:16  
**equal** 52:10 140:2  
**equipment** 27:12  
**Erica** 83:2,2,8 85:13 86:21 87:8  
 90:21  
**eroded** 34:25  
**error** 51:22,25 72:10,19  
**Española** 9:24 138:16 168:2  
 172:2,3 173:9,22 174:2 184:1  
**especially** 29:22 32:15 147:12  
**ESSA** 103:12 128:18  
**essential** 27:25  
**establish** 21:4 30:17 218:7  
**established** 116:10 192:14  
 198:12 215:8 221:20  
**establishes** 218:15  
**estimate** 97:19,24 207:16  
**estimated** 156:21  
**estimates** 97:2  
**estimating** 156:12  
**et** 154:18 157:16  
**ethical** 141:11 142:6 150:15  
 151:3,14,18  
**evaluate** 64:17,22 240:20  
**evaluated** 241:13,14  
**evaluation** 22:2,8 241:20  
**evening** 37:9 249:15  
**event** 257:4  
**eventually** 110:7  
**ever-growing** 237:5  
**everybody** 19:11 117:17 170:14  
 243:2  
**everybody's** 247:15  
**evidence** 77:3 142:23 143:12  
 162:13 191:23  
**evident** 90:8  
**exact** 33:19 45:21 128:6 143:17  
 144:6,7  
**exactly** 112:4 113:23 121:21  
 136:24 159:12 199:22 243:4

**example** 27:13 30:23 34:10 36:10  
 41:21 43:5 106:14 233:22  
**exams** 193:11  
**exceed** 131:2  
**exceeded** 100:10  
**Excellence** 176:15 259:18  
**exception** 157:3  
**excited** 105:15  
**exciting** 28:5  
**exclusive** 11:2  
**exclusively** 181:22  
**Excuse** 68:22 72:7  
**executing** 222:12  
**Executive** 4:3 11:22 261:14  
**Exhibits** 263:8,13,18,23  
**exist** 199:24  
**existed** 34:25  
**existence** 52:13  
**exists** 125:9  
**exit** 248:10  
**expect** 26:15 27:4 61:23  
**expectation** 48:21 186:6 213:9  
**expectations** 115:5 140:23,25  
 149:7,8  
**expected** 141:5 158:4 159:6  
 166:15  
**expecting** 25:9 26:22 52:24 157:1  
 184:10  
**expel** 180:11  
**expelled** 168:12 180:17  
**expenditure** 99:7 100:3 133:16  
**expenditures** 130:20 134:7 206:4  
 206:14 207:11,11  
**expense** 158:13  
**expenses** 154:7,16 156:19 157:9  
 158:2,2,12 174:13,18  
**expensive** 34:10 158:24  
**experience** 41:15 45:22 100:7  
 143:12,13 144:2 166:2 167:5  
 197:10,13 242:19,25  
**expertise** 84:2 86:24  
**experts** 83:22  
**explain** 24:12 26:24 187:12 202:4  
 202:21,23 203:6  
**explanation** 26:22 191:15 260:13  
**explicit** 51:8 222:18  
**explicitly** 213:15

**Explore** 213:20  
**Explorers** 42:9  
**expulsion** 168:9 188:5  
**extend** 97:11  
**extension** 79:14 203:14 212:14  
 261:16  
**extensions** 76:4  
**extent** 119:17 132:12 221:1,15  
**extra** 88:5 203:10  
**extremes** 50:24  
**eye** 257:1

---

**F**


---

**F** 103:6,20 105:19 107:17 108:5  
 118:5 119:14 127:16  
**F'** 115:24  
**face** 66:17  
**faces** 66:14  
**facilitate** 40:13,15  
**facilities** 253:15  
**facility** 52:23,25 76:13 252:10  
**fact** 34:13 61:22 94:21 107:11  
 129:21 133:23 134:10,18 146:3  
 148:24 155:14 177:14 190:1  
 203:8 208:9 222:22 238:20  
 246:2,7  
**factor** 254:14  
**factored** 251:15  
**fail** 119:25 120:5  
**fails** 70:12 198:5,11  
**failure** 97:18 151:17 200:7 208:7  
 208:19  
**failures** 185:24 186:1  
**fair** 202:22  
**fairly** 63:4  
**fairness** 199:21  
**faith** 139:1  
**fall** 105:10 114:16 118:5 233:4  
**falling** 53:25 218:16 254:2  
**falls** 112:12 212:21  
**familiar** 84:14  
**families** 2:10 171:22 172:6  
**family** 130:8 136:21  
**family-to-family** 35:16  
**fantastic** 86:22  
**far** 31:4 82:12 92:13 118:17  
 156:25 190:2 220:9 234:6 242:6



<b>farther</b> 57:23	<b>film</b> 35:19 38:16	215:8,9,10
<b>fascinating</b> 125:16	<b>final</b> 21:4,9,13,14 131:14 132:21 226:24 240:23 241:4,25 244:10	<b>fit</b> 147:9 187:8 255:17,20
<b>fast</b> 170:17	<b>finalist</b> 244:10	<b>five</b> 45:7 74:6 105:9 149:22 188:4 188:6 194:18 195:3 212:21 213:2 215:11 216:14,16 217:6 217:21
<b>father</b> 37:3 150:9,19 152:14 165:3,5 167:8 168:5 171:17 200:16 204:22 205:4	<b>finalize</b> 198:24	<b>five-minute</b> 149:21
<b>favor</b> 7:5,21 8:11 9:3 56:12 180:16 201:2 203:8	<b>finally</b> 8:17 11:17 17:8 154:9 167:16 169:14	<b>five-to-four</b> 70:13,20 74:5
<b>Fe</b> 1:13 34:15 197:6 262:13	<b>finance</b> 80:1 95:19 97:15 130:13 139:23 191:13	<b>five-year</b> 206:3
<b>February</b> 1:11 5:3 21:15 81:18 136:14 163:6 196:20 197:6,16 197:23 198:7 233:10 239:8 240:15,18,19 241:18,19 244:4 258:2 262:16	<b>finances</b> 21:12 88:10 91:15 137:22 153:16 173:18 177:25 185:25 193:3	<b>fix</b> 88:18 98:7,21 176:2
<b>Fed</b> 42:13	<b>financial</b> 3:14 57:18,19,21 80:25 81:5,9,9 82:3 83:22 91:15 119:20 129:13,14,16,17,21 130:2 134:11 137:5 140:17 143:21 147:25 152:22 155:13 155:20 156:2,3 157:22 158:11 159:14 160:7 177:13 196:14,17 196:24 197:24 200:12 201:15	<b>fixed</b> 154:1
<b>federal</b> 22:1,12,15 41:17 118:23	<b>financially</b> 166:22	<b>Flag</b> 3:4 6:18
<b>FedEx</b> 241:23	<b>financials</b> 91:11 129:12 145:25	<b>flat</b> 49:5,23
<b>Feds</b> 20:3 21:2 23:2,8 24:23 25:12 42:20	<b>find</b> 45:14 46:1 78:16 133:1 140:14 169:5,6,12,17 173:25 207:2 217:17 218:4 227:4 260:16	<b>flat-out</b> 251:10
<b>feedback</b> 83:11 104:11 105:23 106:1,12,17,22 107:24 108:16 125:25 226:22 227:8,10,17 233:18	<b>finding</b> 94:1	<b>flatfooted</b> 254:23
<b>feel</b> 66:2,4 109:12 113:2 147:16 153:11 155:11 163:13 166:1 169:7 175:5 215:1 226:15,17 253:20	<b>findings</b> 22:24,25 133:19 143:19 197:8	<b>flatline</b> 55:12
<b>feeling</b> 38:25 242:4	<b>finds</b> 46:8	<b>flaw</b> 216:17
<b>felt</b> 215:13,14 216:14 227:9	<b>fine</b> 12:6 14:8 54:17 57:6,9 58:3 59:1 190:9 215:2 222:23 223:8 229:2 238:10,12	<b>flexibility</b> 71:16,17 114:25 194:25 216:20
<b>fewer</b> 24:16 25:10 26:10	<b>fine-tune</b> 158:5	<b>flexible</b> 89:15
<b>field</b> 19:19 117:18	<b>finish</b> 155:8 177:17 181:1	<b>flip</b> 220:21
<b>fifth</b> 194:18	<b>fire</b> 142:24	<b>floats</b> 234:2
<b>figure</b> 29:11 58:10 104:15 123:11 125:18 133:25 153:22,25 163:24 171:1 218:5 253:4 255:14 258:16	<b>first</b> 9:11 13:11 29:4,4 41:9 45:12 48:17 76:23 81:15,18 83:15 92:3 105:14 106:14 107:18 108:17 116:14 121:11 138:17 157:11 164:25 169:5 170:7 177:25 183:14 187:25 188:2 190:20,21 193:21 195:4 201:9 204:24 213:9 220:21,23 225:17 236:6 245:23 260:8	<b>floor</b> 9:14,18,22 13:10,16 31:15 82:22
<b>figured</b> 120:25	<b>fiscal</b> 92:6 93:19 156:19 212:9	<b>flourish</b> 185:20 186:3
<b>figuring</b> 123:24 255:21,25 256:22		<b>flow</b> 133:11 208:2,6
<b>file</b> 19:13 134:13 142:16		<b>flows</b> 131:21
<b>filed</b> 75:25 141:15 166:23		<b>flu</b> 161:3
<b>files</b> 143:8,9 144:4 145:7 192:4,8 197:9		<b>fly</b> 36:16,16
<b>fill</b> 36:8,14 79:13,15 100:9 115:8 157:24 218:25 243:22		<b>focus</b> 110:8,11 255:22
<b>filled</b> 35:15 79:21 212:13 213:6		<b>focused</b> 251:4
<b>filling</b> 80:15 212:19 242:15 243:6		<b>folks</b> 35:4 36:20,21 45:10 82:20 98:5 187:2 216:12

**forever** 11:1 134:23  
**forget** 37:14  
**forgot** 73:24 128:17 258:5  
**form** 137:12 182:16 204:13 206:8 243:6  
**formal** 29:19 41:17 76:6 138:4  
**format** 114:12 121:21 160:4  
**former** 84:19 86:22  
**formidable** 227:5  
**forms** 79:25,25 242:15,17 243:23  
**Formula** 133:22  
**forth** 54:9 168:13 196:17 251:6  
**fortunate** 98:25  
**Forum** 3:7 12:2,10,18,19  
**forward** 21:7 23:12 71:13 86:24 89:20 91:13 99:24 100:18 102:23 104:9 106:14 109:14 110:24 111:8 114:9 124:25 126:16 131:20 138:19 141:20 147:18 186:2,5,9,11 192:24 200:10 202:18 214:10 219:8 220:17 222:17 235:1 244:13 246:8,10 250:6 254:12 256:6  
**found** 57:14 130:19 144:7 157:3 158:22 197:11  
**Foundation** 87:19  
**founder** 76:20 150:10 165:4  
**four** 31:21,23 32:2 36:17 63:4 70:11 74:7 78:25 79:10 98:12 107:20 142:20 144:24 146:19 223:7  
**four-day** 52:14 56:2,10  
**four-minute** 9:11  
**Four-to-five** 70:17  
**four-year** 29:8  
**fourth-grade** 124:4  
**frame** 162:19 240:8 257:16 258:1  
**framework** 50:5 64:18,21 103:8 112:11  
**frankly** 102:20 123:1 126:8 183:23  
**free** 93:15 118:3 253:20  
**Friday** 5:3  
**FRIEDMAN** 2:13 149:14 236:11 236:23 237:3 238:18 249:12 263:7  
**frightening** 220:1

**front** 28:5 46:10 77:21 81:13 109:15 129:8 134:18 135:10 146:7 163:11 187:18 214:15 225:17 226:6 228:15 229:15 235:5,22 240:7  
**front-and-back** 210:5  
**froze** 52:20  
**frustrating** 44:13  
**frustration** 56:14  
**FTE** 190:2  
**full** 22:4 93:17 134:21 139:1 244:11,13,14 245:12  
**full-time** 33:22  
**fully** 62:21 179:16 213:11 222:12 243:9  
**function** 200:4  
**fund** 32:25 100:5 131:16 158:6 256:1  
**funded** 87:10,18 93:1,2,3 254:5  
**funding** 27:7 33:2,3 87:12,14 95:3 133:22 144:11,12 157:5 206:7 208:8,13,20 252:13,14,15 252:16  
**funds** 10:23 11:5 20:6,11 37:18 157:2  
**further** 76:11 78:14 157:6  
**Furthermore** 252:20  
**future** 44:8 53:22 66:21 120:8

---

## G

---

**G** 3:1 4:1  
**gain** 184:9  
**gained** 28:9  
**gains** 170:14  
**Gallegos** 9:19  
**Gallup** 238:17  
**gamut** 169:11  
**gaps** 48:25 51:6 59:12,13  
**Gaspar** 1:12  
**gathering** 189:1  
**GC** 101:1  
**geared** 99:13  
**gender** 259:15  
**gender-based** 259:10  
**general** 2:11 25:15,15,18 77:1 250:17  
**generally** 12:19 51:2 58:25 71:22

71:24 135:3  
**generate** 251:17  
**generated** 252:16  
**gentleman** 95:19  
**genuine** 111:9  
**geographic** 172:14 258:13  
**getting** 20:2 21:11 36:21 54:4 59:19 75:10 86:22 94:11 97:1 106:11 114:20 121:11 132:7 155:24 157:20 158:21 168:3 178:24 179:2,15 182:9 231:25 234:18 239:1 248:21 253:25 256:12  
**Gilbert** 2:3 15:20  
**Gipson** 2:3 5:22 8:10 13:14,16,17 14:6 15:8 16:17 18:13 19:11 47:12 69:25 73:9 211:13 225:9  
**girls** 60:16 259:10  
**give** 22:5,6 24:1 35:25 45:12 62:3 79:14 101:1 104:3,18,19 115:20 123:14 140:2 141:7 146:11 150:23 156:5 163:2 164:8 167:14,21 168:4 177:11 186:17 206:5 209:23 218:9 239:11 241:21 247:11  
**given** 41:25 51:4 63:19 176:19 258:12  
**gives** 20:10 88:21 103:10 176:23 176:24  
**giving** 111:1 114:24 130:7 156:8 192:23 193:11 231:22  
**glad** 59:23 98:16 250:24  
**glimmer** 94:19  
**go** 11:14 23:10,12 29:20 33:24 35:12,20 36:1 40:5,21,24 43:22 43:22 46:12 54:7 64:17 69:1,3 72:1 78:3 83:7 92:2 102:18 103:3 104:8 107:20,22 108:12 108:21,22 114:3 115:5 117:19 125:8 133:24 138:18 140:10 143:14 159:24 166:23 169:21 170:1,6 173:21 176:14 177:5 181:18 182:20 185:24 186:12 222:22 239:2 241:23 246:8 247:6,8 248:15,18 258:5 260:10 260:11  
**goal** 185:21

**goals** 38:18 185:3,7  
**God** 174:4  
**goes** 31:4 45:2 114:23 145:25  
 206:14 214:24 215:20 249:6  
**going** 5:1 13:3 34:22 35:5 36:12  
 36:24 43:18 48:3,8 50:23 53:23  
 54:1,3,12,14 58:4,4,10,22 62:14  
 64:10 65:9,10 74:17 75:6,16  
 76:4 80:9 82:2,9 85:6 86:7  
 88:19 99:10,25 100:23 101:2,4  
 102:18,19,21 103:2 110:24  
 111:1,18,23 113:5 115:15  
 116:18 117:6 118:9,14 119:12  
 119:21,23 120:5 121:1,10  
 123:21,24 125:3,4 129:7 131:1  
 131:4,18,20,22,25,25 132:3  
 134:4,22 138:1,18,22 139:1,7  
 140:19,24 141:2,19 145:6 146:8  
 146:11 149:3,11,21 150:15  
 151:4,5,7,11,13,17 152:11,15  
 152:21 153:14 154:6 155:12,23  
 160:24 163:1,9,21 166:13  
 167:23 169:12,21 170:5,13,13  
 170:15,16,17,17,18 172:12,19  
 172:20 175:13 176:1 177:16,25  
 178:3,6,13 179:12 181:1 183:21  
 184:9 187:11 188:13 191:8,8  
 199:23,24 201:24 207:11 208:9  
 209:20 212:8 215:16 216:13  
 218:4,9,10,13 221:2 225:23  
 228:4 230:12 232:13 238:14,16  
 243:14 245:11 248:7 249:2  
 254:13 257:17 258:8 260:16  
**goldenrod** 220:23  
**good** 9:20 11:18,19,19 19:2,3  
 28:6 29:12 36:18 37:4 42:14  
 48:5 51:11,12 63:7 82:21,22  
 83:4 88:10,14 91:18,19 97:3  
 98:8 101:24 103:19 108:16  
 109:4 119:24 121:17 131:19  
 132:12 150:2 157:22 165:24  
 166:17,18,19 174:5 196:9 204:8  
 205:4 213:7 215:12 223:9  
 234:16 243:24,25 260:22 261:1  
**goodness** 81:4 86:12  
**gotten** 29:9 35:7 134:18 172:9,13  
 191:1 214:12

**governance** 3:19,23 78:17 79:2,4  
 79:18,20 80:20 83:3,9 85:8  
 89:16 179:8,9,14 181:10,25  
 198:8 199:1 201:24 212:1 218:1  
 218:20 235:13  
**governing** 51:19 55:22 56:7,16  
 63:2 80:15 90:9 92:18 93:13  
 148:6 181:13,16 198:2 212:7  
 217:7  
**government** 22:1  
**governmental** 22:7  
**governor** 34:6,7 99:9  
**grace** 226:9  
**gracefully** 226:8  
**grade** 52:11 54:3,13 103:6 183:2  
 251:13 259:21  
**grades** 59:25 61:23 103:20 175:2  
**graduation** 34:12 38:14 171:21  
**grandson** 260:25  
**grant** 20:21 31:14 87:14,18 206:7  
 250:4  
**granted** 11:4  
**grants** 39:20 40:2 93:1  
**great** 77:13 80:24 90:10,14 102:1  
 102:11 122:6 166:7 185:14  
 221:1,15 235:20  
**greater** 62:14 110:14  
**greatness** 64:22  
**green** 82:25,25 83:7,14,23 84:11  
 84:18 85:2 87:17 89:22 90:18  
 237:19  
**Green's** 90:10  
**Greywolf** 51:12,15,16,21 65:21  
 65:25  
**gross** 140:6  
**ground** 172:5,18  
**grounds** 57:14  
**group** 10:5 92:18 105:9,14  
 106:25 107:5,18 131:9,15  
 132:24 133:13 171:9 244:15  
 253:14 255:8,11  
**groups** 49:1 51:6 103:2 105:10  
 106:25 107:16  
**growing** 87:1,6 185:10  
**grown** 183:5  
**growth** 10:7 48:25 49:9 51:5  
 55:12 61:24 185:7 196:25

**guaranteed** 208:11  
**guaranteeing** 235:8  
**guess** 17:18 31:1 36:13 67:14  
 84:4,24 86:8 93:25 98:16  
 113:19,21 124:17 126:17,24  
 137:4 156:7 157:5,11 204:8  
 219:5,15 221:20 242:12 259:10  
**guidance** 110:1 113:17,22,22  
 176:23  
**guide** 109:8 164:21 229:24  
**guides** 177:2  
**guiding** 175:9,9  
**guys** 37:8 133:14 135:19 157:23  
 166:8

---

## H

---

**hair-pulling** 101:22  
**half** 35:17 56:24 105:7 128:9  
 148:9 179:13 183:19 258:11  
**half-a-mile** 251:22 252:12  
**half-day** 242:8  
**Hall** 1:12  
**hallway** 194:8  
**hammer** 44:12  
**hand** 38:6 53:14 166:20 210:6  
 262:16  
**hand-in-hand** 166:17  
**handed** 141:24  
**handle** 80:12  
**handout** 135:19 209:23  
**hands-on** 133:4  
**happen** 36:23 98:6 115:19 138:1  
 158:8 159:9 161:16 228:11  
**happened** 95:25 106:4 188:15  
 193:1 195:17,18  
**happening** 28:8 38:2 134:20  
 145:8  
**happens** 35:8,24 42:4 66:19  
 80:10 98:11 131:22 222:5,17  
**happiness** 171:22  
**happy** 21:17 23:5,18 37:23  
 246:23 261:19,19  
**hard** 19:18 32:18 36:21 71:12  
 86:16 88:2 121:12 145:2 167:9  
 167:11 170:9,10 171:11  
**hardest** 121:5,10 164:23 173:2  
**harmed** 230:7

**hate** 86:7 199:5  
**head** 33:20 56:8 86:9,10,13 113:7  
 119:18 234:20 239:4  
**health** 41:21,23 42:17 143:4  
 213:20  
**health-care** 42:6  
**hear** 19:5 30:9 48:9 81:1 96:4  
 98:16 122:21 149:13 162:4  
 165:16 166:5,22 170:1 172:17  
 176:13 241:10,11 245:13  
**heard** 31:22 77:11 95:19,19  
 98:11 106:16 143:5 147:4 148:1  
 165:6 175:22 182:8 190:21  
 235:17 252:4 256:4  
**hearing** 7:9,17,25 8:6,15,22 9:7  
 16:2 17:17 76:5 166:25 167:1,7  
 182:7 195:2 227:13  
**hearings** 75:18 258:15  
**heart** 172:2,4,4 174:5  
**heat** 101:9  
**hefty** 258:11  
**held** 42:25 71:9 125:4 257:3  
 262:12  
**help** 32:23 38:2 40:13,14 84:8  
 86:5,5 87:15 89:13,17,20 93:3  
 111:9 113:20 122:22 129:20  
 136:11 138:23 155:11 164:20  
 164:21,22 166:1,7,15 172:20  
 173:8,9 174:15 175:6,19 193:24  
 220:17  
**helped** 101:19 213:4  
**helpful** 23:15 37:12 50:22 234:19  
 240:13  
**helping** 86:13 94:21 112:12  
 119:2,3 155:20 165:17 180:7  
**helps** 86:2 88:6 101:11 115:7  
 116:16 122:14,23 158:20  
 209:25  
**hereunto** 262:15  
**hesitant** 137:10 199:14,15  
**hesitate** 199:18  
**Hey** 114:18  
**hide** 88:3  
**high** 10:16 28:18 32:12 33:13  
 34:7 35:5,22 36:1 38:12 39:6  
 40:18,20,23 41:15,25 42:2,5,7  
 45:11 50:24 57:3 59:20 146:1,2

156:13,15 190:1 213:18,20,22  
**high-needs** 185:19 193:6  
**high-quality** 145:3  
**higher** 24:2 26:19,22 27:21 59:13  
 61:24  
**highest** 247:6  
**highlight** 78:19,22 237:15 256:9  
**highly** 45:10 101:18 107:5  
**hired** 62:24 167:4  
**Hispanic** 50:1 59:16 60:12  
**historical** 20:18  
**historically** 65:16 185:15 246:16  
**history** 48:18 177:7  
**hit** 20:10  
**hold** 56:7 102:13 104:10 183:17  
 243:18  
**holding** 25:8 56:16,16 114:25  
**holes** 100:9  
**holiday** 132:10 204:23  
**home** 36:17,21 43:10 185:19  
 195:16  
**home-builders'** 30:16  
**home-grown** 116:19  
**homes** 43:6,8  
**honest** 113:11 135:22 199:15  
**honestly** 96:2 109:2  
**Honorable** 51:16  
**hope** 71:16 86:10,17 93:3,16  
 94:19 99:23 101:23 111:6  
 139:18 143:6 173:11 175:22  
 219:9,10 234:10 249:2  
**hopefully** 21:12 86:2 94:18  
 117:20,21 161:15,25 174:23  
 236:7 237:4,17,22  
**hopes** 201:22  
**hoping** 32:5 61:12 161:11 191:18  
 249:18  
**hot** 187:3  
**hour** 85:5 259:7  
**hours** 48:16 50:17,21,22 51:4  
 52:4,5,6,10,11,13 53:3,4,24  
 54:1,10,10,14,24 55:18 56:11  
 57:9 58:1,5,5,9,12,22 59:3  
 60:22 61:10 62:1,13 63:17  
 64:13,14 65:8,8,10 71:3,5 72:20  
 148:21 175:4  
**House** 45:20 254:6

**housing** 30:15 34:15  
**huge** 34:16 177:19  
**Huh** 121:9  
**hundreds** 252:17

---

**I**


---

**I?'** 132:2  
**Icela** 2:10 129:7  
**ID** 146:13  
**idea** 42:14 88:12 105:22 106:3  
 125:1 173:21 191:16 218:23  
 222:20 230:14 259:13  
**ideal** 89:17 138:9  
**identification** 145:21 147:7  
 192:25  
**identified** 76:20 86:25 128:20  
 129:12,23 136:4 173:14 249:17  
**identify** 9:21 51:14 82:24 83:18  
 145:17,22 150:3 175:25 176:2  
 206:10 213:1  
**identifying** 81:23 92:4,24 93:6  
 103:5  
**IEP** 187:23 188:6 194:1,2,12  
**IEPs** 189:19  
**if-ever** 24:24  
**ignore** 236:1  
**imagine** 176:7  
**immediacy** 261:17  
**immediate** 194:12  
**immediately** 195:11 196:15  
 230:5 251:21  
**impact** 34:11,12,13 56:3 91:14  
 144:10 173:4 227:18 254:8  
**impacts** 251:22  
**imperative** 116:24  
**implement** 120:16 122:24 145:13  
 212:6  
**implementation** 120:18 191:24  
 224:3,5 229:23  
**implemented** 145:9  
**implementing** 104:13 145:16  
 192:17 200:12  
**important** 29:22 43:20 44:14  
 50:15 66:2 80:15 87:21 95:4  
 97:9 116:7 123:20 125:5 130:9  
 143:16 168:25 212:11 218:2,6  
 234:7 241:12

**imposed** 66:9  
**impossible** 34:16 162:22  
**impressed** 171:13 259:19,24  
**impresses** 167:12  
**improve** 61:13 64:16 99:5 124:7  
**improved** 82:3  
**improvement** 3:15 56:18 64:14  
 99:6,13 102:16,24 103:9,13,25  
 107:4,21 108:5,14 109:1 111:9  
 111:11 114:7,12,21 115:1,8  
 116:19,20 117:25 118:10,13,16  
 118:18,21 119:15,21,22,23  
 120:3 122:15,16,18 123:25  
 125:3 126:3,4,7,8,21 127:9  
 144:22 145:11 160:8 163:5,7,16  
 163:20 164:11 175:24 176:6,25  
**improvements** 172:10  
**improving** 22:10 115:2 196:23  
**in-depth** 138:15 176:16  
**incident** 187:16 188:15  
**include** 33:9 50:3 166:14 196:21  
**included** 102:9 158:14 205:25  
**includes** 26:18  
**including** 91:6,11 158:19 161:10  
 163:16 196:22 197:8,21 233:18  
 247:23  
**inclusion** 100:2  
**incomplete** 214:19  
**incorporating** 19:21  
**incorrect** 214:18  
**incorrectly** 154:7 219:16  
**increase** 50:22 64:9 92:25 93:4  
 94:11,17  
**increasing** 45:10 71:5 217:22  
**incredible** 43:4  
**incredibly** 178:20  
**index** 133:20 144:2  
**Indian** 237:25  
**indicate** 7:6,22 8:12 9:4 23:18  
 48:23 133:19  
**Indicates** 7:16,19 8:8,24 9:1  
 20:15 200:22 224:8 260:5 261:8  
**indicating** 142:1  
**indicator** 20:7  
**indicators** 19:16 20:10,16 24:24  
 27:9 233:21  
**indictment** 177:15

**Indigenous** 106:16  
**individual** 30:20 40:2 108:25  
 111:11 112:5 124:13 164:24  
 243:3 247:16  
**individualized** 122:19  
**individually** 159:20 247:11  
**individuals** 142:19  
**indulge** 149:22  
**industrial** 27:22  
**industries** 40:15  
**industry** 37:18,25 38:17  
**information** 12:1 27:20,20 48:18  
 50:4 102:2 131:6 135:1 141:8  
 147:17 154:15 164:14 166:24  
 168:14 177:9 178:24 179:2  
 186:13,18 189:1 191:6,19  
 215:23 218:9 234:18 245:3  
**ingredients** 118:17  
**initial** 196:3 216:1  
**initially** 107:22 153:4 174:18  
 181:19 208:13 216:18  
**inject** 71:20  
**innovative** 32:15  
**input** 158:3 226:16 258:15  
**inquiry** 168:15  
**insert** 207:24  
**insight** 250:16  
**instances** 243:1  
**institutions** 10:22,25 29:8  
**instruction** 51:1 54:5 55:13  
 145:23 163:3 182:14  
**instructional** 48:16 50:13,17,21  
 51:4 53:24 54:1 63:17 71:3,5  
**instructions** 206:10  
**instructors** 45:19  
**integrate** 110:2,7  
**integrated** 48:12 51:17,19 63:14  
 65:23,24 66:24 72:17 79:9,18  
 110:5  
**intended** 76:21 126:22  
**intending** 77:15 137:16  
**intends** 77:18  
**intense** 173:11 248:12  
**intent** 72:9 76:17,18 77:9,22  
 78:12 188:14 198:14 217:24,24  
**intention** 176:4 214:11 218:23  
 229:3

**interested** 34:17 105:18 106:10  
 121:19 226:23 243:17 244:1  
**interesting** 29:17 125:17 167:17  
 248:17 260:17  
**interests** 117:7  
**interim** 253:13 256:6  
**International** 65:19,22  
**internship** 36:2  
**internships** 30:18 35:11,15,24  
 36:6  
**interrupt** 132:14  
**intervene** 193:7  
**intervention** 33:2 103:16 114:16  
 116:2 117:20 125:7  
**interventions** 193:24  
**interview** 104:19 209:6 248:10  
**introduced** 74:21 251:21  
**introductory** 201:9  
**inventory** 253:10  
**investigate** 141:13,19 151:18  
**investigation** 142:1,7 150:17  
 151:4,15,25 152:2  
**invite** 35:7 253:17  
**invited** 35:7 176:14 259:4,17  
**involved** 30:24 35:18,19 37:21,22  
 39:25 124:13 165:9,12,17 173:2  
 173:3 187:15 256:7  
**involvement** 38:1  
**isolation** 175:6  
**issue** 50:6,7,9,13 86:19 95:8,9  
 98:19 119:17 120:7 133:3,5  
 173:7 198:13 217:13 227:2  
**issued** 240:15  
**issues** 28:16 57:19 85:4 86:16  
 88:14 92:14 133:11,18 134:11  
 137:5 139:19 161:23 162:8  
 178:8 179:23 196:13 200:13  
 201:13  
**Istation** 145:14 182:2,15,21  
**it'll** 89:20 136:11 206:16  
**item** 6:19 7:11 9:9 10:2 12:1,3,14  
 12:23 13:2 18:23 45:24 47:24  
 48:4,6,11 72:9 74:13 76:15  
 78:16 80:18,19,25 92:8 102:9,9  
 102:15 105:1 129:5,12,13  
 207:12,13 212:1 213:10 235:12  
 236:4,6

**itemized** 87:11  
**items** 91:3,6 140:16 141:6 143:5  
 156:14,16 206:19 222:4,8,12  
 251:5 254:10

---

**J**

---

**Jackie** 91:19,20 92:1 94:15 96:7  
 98:15 101:7  
**James** 238:1,2  
**January** 20:22 22:23 23:1 75:1  
 81:21 132:6 135:16,21 136:15  
 161:4 163:5 182:18 183:1  
 191:15 197:18 232:13,16  
 233:23 234:2,2,24 235:1,8  
 250:20,24 251:2  
**Jaramillo** 138:21 150:5,7,25  
 151:8 152:5,12,21 153:17 160:1  
 160:9,12 161:19 164:2,15 165:2  
 168:5 174:6,24 187:13 188:10  
 188:19 205:8  
**jazzes** 166:10  
**Jennie** 160:21  
**Jerry** 1:12  
**Jim** 238:8  
**job** 1:25 34:16 43:9 54:12 101:25  
 121:7 156:1 168:3 178:25 179:3  
 185:9 186:9 193:23 248:17  
 262:25 263:2  
**jobs** 36:19  
**Johnston** 2:5 5:25 6:1,15 14:17  
 14:18 16:5,6 18:10,11 27:15,16  
 28:4,6 30:2 44:23,24,25 45:25  
 46:5,11 47:3,4 55:4,5 63:21,24  
 65:12,13,14,23 66:1,23 67:7,12  
 67:19,24 69:22,23 73:13,14  
 90:5,6 99:18,19 101:16 112:14  
 112:15,25 113:12,15,25 114:6  
 115:6,15 116:5,23 117:1 185:11  
 185:12 186:17 191:21 192:6,12  
 192:22 193:5,15,18,25 194:4,9  
 194:15,22 195:8,13,25 200:25  
 201:1,5,8,16,18 211:16,17  
 223:11,14,20 225:12,13 226:3,5  
 229:17,19 230:9,15 237:18  
 239:12,15 240:12 241:18 242:3  
 242:16,25 243:7 260:6,7 261:18  
**join** 143:7

**journal** 154:1  
**journey** 248:14  
**JTIP** 40:8  
**JULEE** 51:18 53:2 62:7,10 72:7  
 72:14 74:8  
**Julie** 51:18  
**July** 132:9,17 136:4,12 153:18  
 178:12,14 198:1 258:14  
**jumped** 86:19  
**jumping** 74:23  
**junction** 27:5 198:22  
**June** 77:21 131:9,14 132:21,21  
 132:22 136:12 222:9,10,18  
 223:7 230:6 233:11  
**junior** 10:15 35:23,23  
**jury** 50:21  
**justification** 207:7,8  
**justified** 247:7

---

**K**

---

**Karyl** 2:4 17:11  
**Katie** 2:9 226:1 227:8  
**keep** 101:14 110:6,21 158:16  
 179:11 192:1 201:24 219:2  
 234:23 239:3 253:16 257:1  
**keeping** 253:15  
**Kelly** 227:4  
**kept** 52:12 192:5  
**Kernan** 251:20 253:12  
**kid** 256:20  
**kids** 35:22 43:21 44:5 57:8 60:12  
 60:12 101:24 168:8 170:23,25  
 171:7,12 180:7 183:6,8,8,19,25  
 184:2 188:14 189:13  
**kill** 187:17,19  
**kind** 42:4 54:22 63:1 74:23 91:7  
 92:7 93:22 94:16 97:15 110:4  
 111:15 117:4 127:16,25 130:19  
 131:11,17 145:2,24 147:6  
 150:23 161:25 163:24 170:14  
 180:11 184:9 202:4 216:25  
 227:6 241:22 253:19 259:15  
**kindergarten** 52:11 183:2  
**kinds** 44:1,9 60:15  
**kit** 3:18 205:14,22 209:25 210:12  
**knew** 58:14 97:21,23 148:18  
 174:15 190:18,19,25

**knocking** 227:21 233:3  
**know** 21:10,13 22:14,15 24:1  
 25:15 26:25 30:9,18 31:7 32:16  
 33:13 34:5 36:3,21,23 37:2  
 38:12,16,18,24 39:4,5,13,15,16  
 40:8 43:7,9 44:11 54:15,19  
 58:11 62:18 71:4,6,7 77:13  
 81:24 82:11 83:6,10,12 84:1  
 85:16,17 86:2,4,11,16,23 87:1  
 87:12 88:1,12 89:3,7,17 94:25  
 95:25 96:12,25 97:7 98:10,12  
 101:21 108:24 109:2,5,10,11  
 110:15 111:1 112:17 113:7  
 114:3 119:5 125:9,16,20,21,22  
 125:23,25,25 126:1,22 127:5,8  
 127:8,16 128:6,12,13 131:16  
 132:4,11 133:5,7 134:10 136:22  
 137:23 138:18,25 140:13 142:5  
 148:18 155:23 156:6 157:10,13  
 157:18 161:4 162:8,14 163:21  
 163:22 164:3,17,18,25 166:8  
 168:19 169:16 170:5 179:11,22  
 179:22 180:8,19 181:8 182:8  
 185:16 186:6,12 188:4 189:22  
 190:7 191:5 192:19 193:12,23  
 198:19 199:7,22,25 200:14  
 201:5 203:11 213:4 214:10  
 215:3,15 217:14 218:20 219:15  
 220:12 221:23 223:14 226:1,18  
 227:10,18,20,22 228:19,20  
 230:6 233:3,7,14,16,23 234:1,4  
 234:8,15 237:14 238:15 240:3  
 241:22 242:7 243:7 245:18  
 246:1 247:15,21 250:23,25  
 251:6 253:14 254:16,17 255:15  
 256:17 257:20,25 260:25  
**knowing** 244:21,22 254:19  
**knowledge** 138:15 144:3 245:1  
**knowledgeable** 239:21  
**known** 167:4 190:24  
**knows** 88:3 185:17  
**Kristine** 84:20  
**KRQE** 257:6

---

**L**

---

**La** 107:10 130:20  
**Lab** 44:9

<b>Labor</b> 41:20	<b>lease</b> 93:14 138:17	187:14 189:5,9,13,16,25 190:18
<b>lack</b> 27:23 30:5 56:14	<b>leased</b> 138:13	192:2,10,14 193:1,9,17,21
<b>lacking</b> 167:1	<b>leaseholder</b> 93:15	194:2,6,11,17 195:6,10,15
<b>ladder</b> 117:20	<b>leave</b> 156:17 212:12 248:7	196:7
<b>ladies</b> 97:22 259:12	<b>leaves</b> 156:21 217:9,15 218:25	<b>lifeline</b> 37:3 167:23
<b>lady</b> 167:12	<b>leaving</b> 137:24 168:11 212:16	<b>limit</b> 9:11 27:6 119:8
<b>LaMURE</b> 51:18,18 53:2 62:7,10	226:2	<b>limited</b> 92:20 154:14 177:9
72:7,14 74:8	<b>left</b> 30:11 150:8 169:14 208:23	<b>limits</b> 27:12
<b>land</b> 10:22 104:16	<b>legal</b> 39:10 75:10,13 139:24	<b>line</b> 54:11 100:16 112:13 137:21
<b>lands</b> 11:4	202:15 231:17,18	155:25 156:23 158:16 190:9
<b>landscape</b> 210:5	<b>legislation</b> 253:16 256:10	227:23
<b>LANGE</b> 2:11	<b>Legislative</b> 251:4 253:22	<b>lines</b> 206:12
<b>language</b> 48:15 106:15 110:17	<b>Legislature</b> 32:23	<b>list</b> 76:12 127:8 134:13 143:3
182:13 207:24 213:22	<b>length</b> 55:17	229:4 245:12,13,15
<b>languages</b> 182:14	<b>lengths</b> 52:8	<b>listed</b> 10:9 105:19 107:8 214:22
<b>Lannon</b> 83:2,2,8 85:13 86:21	<b>lenient</b> 110:6	236:10,14
87:8 90:21	<b>lens</b> 256:16	<b>listen</b> 83:10
<b>large</b> 40:7 42:4,7 147:13 207:7	<b>lenses</b> 256:19	<b>literacy</b> 182:16
221:4	<b>LESC</b> 249:22 250:15 255:12	<b>literally</b> 187:17
<b>larger</b> 102:14 206:9	<b>lessening</b> 52:5	<b>little</b> 33:21 35:9 48:8 74:17 83:12
<b>Las</b> 31:7	<b>lessons</b> 19:22	83:25 86:25 92:12 106:11 143:6
<b>last-gasp</b> 167:14	<b>let's</b> 60:23,23,24 74:10 159:24	155:11 165:12,13 167:5 181:8
<b>last-minute</b> 149:2	170:22 171:3,4,19 254:12	205:11 214:12 216:25 219:22
<b>lastly</b> 79:22 168:7 257:3	<b>letter</b> 23:6,17 80:4 81:23 87:11	221:7 234:3 238:23 242:12
<b>late</b> 20:22 132:8 144:25 147:1,20	91:9 92:4 103:6,20 110:4,4,9	247:21 256:13 259:16
147:24 155:14 164:16 175:3	114:16 141:23 204:13,17,23	<b>live</b> 31:3 259:19
192:16 258:2,2	214:24 215:20 216:1,13	<b>lives</b> 85:3
<b>latest</b> 241:16	<b>letters</b> 110:15 161:5 214:13	<b>living</b> 41:5 185:18
<b>launching</b> 28:21	<b>level</b> 19:17 20:17,18 21:11 24:5	<b>load</b> 258:11
<b>law</b> 58:9,13 59:6	25:14 26:17 27:1 28:18 61:11	<b>lobbying</b> 34:5
<b>lawyer</b> 41:4 150:21 152:15	66:25 139:22 184:8	<b>local</b> 78:7 108:6 207:5,15
<b>lay</b> 114:11	<b>levels</b> 64:23 251:13	<b>located</b> 207:21
<b>layer</b> 255:18	<b>leveraged</b> 105:12	<b>location</b> 76:21 169:22
<b>layers</b> 179:7	<b>levied</b> 11:5	<b>log-ins</b> 91:7
<b>lead</b> 6:14 10:6	<b>liable</b> 11:13	<b>logic</b> 24:24 25:13
<b>leader</b> 181:14,20,20 184:2 198:9	<b>liaison</b> 2:13 165:17	<b>logistics</b> 258:17
212:18	<b>libraries</b> 260:11	<b>long</b> 57:8 58:6 62:2 97:11 120:23
<b>leadership</b> 38:12 90:10 135:6	<b>Library</b> 260:8,12	134:14 173:24 192:5 198:16
179:18 183:24 213:18,20,22	<b>license</b> 27:23 45:3	216:20 219:17 230:24 237:7
<b>learn</b> 43:24 61:18 83:10 170:7,8	<b>licensed</b> 34:14 43:16,17 160:16	250:5
184:1,3,5,11,17,19 186:8	193:16	<b>long-term</b> 75:14
<b>learned</b> 120:23 205:23	<b>licensure</b> 29:1 36:22 143:10,11	<b>longer</b> 27:22 173:13 178:1
<b>Learner</b> 145:21	197:10	194:20 200:4 213:3 253:24
<b>Learners</b> 49:15 50:7	<b>lies</b> 55:19	<b>look</b> 10:8 20:23 22:7 26:19 49:6
<b>learning</b> 32:25 57:23 109:10	<b>Lieutenant</b> 34:6	49:12,13,21 50:12 52:3,8,14
190:8	<b>Life</b> 150:12 161:17,18,21 162:5,5	58:5 59:3 61:15 66:14,16 83:17
<b>learns</b> 184:17	166:5 168:17 184:4,7,25 185:5	88:9 89:11 91:13 108:25 109:2

114:1 117:14 122:20 124:6  
 126:12,14 138:13 145:5 146:12  
 156:4 158:2 170:25 183:12  
 185:16 198:21 200:3 206:8  
 207:11 222:3 230:20 231:19,23  
 234:6,11 237:13,16 256:18  
 257:15  
**looked** 57:22 86:12 92:3 101:17  
 143:9 146:6 158:2 162:11 239:5  
**looking** 11:10 21:7 24:4 42:19  
 53:22 55:11 57:6 61:9,10,12  
 71:3 76:13 84:21 92:23,24 93:6  
 93:9 100:4,4,15,16 108:23  
 110:24 116:8 121:23 123:22  
 124:18 126:16,24 146:13,15  
 170:24 171:3,4 185:8 219:18  
 234:14,25 239:25 240:1,2 249:8  
 252:10 256:19 257:25 258:1,3  
**looks** 20:14 50:22 132:8,17 143:8  
 145:7  
**Los** 3:17 36:12 43:1,8 102:8  
 107:9,11 129:9 130:13 196:11  
 201:12  
**lose** 217:19  
**loss** 177:3 181:1 200:14  
**lost** 78:15 177:20 180:5 201:2  
 225:20  
**lot** 20:13 23:11 27:8 28:9 29:10  
 29:23 31:8 34:9,22 37:2 38:24  
 39:15 60:22 61:8 62:10 82:8  
 87:17,22 104:7 116:17 134:25  
 135:23 137:21 139:8 148:9,9,12  
 155:23 162:10 180:9 188:12  
 219:17 221:16 233:16 237:9,10  
 248:11,11,12  
**lots** 229:20  
**louder** 48:8  
**loudly** 104:25  
**love** 102:10 166:11 172:10 217:6  
 259:13  
**loved** 43:24  
**low** 26:23 27:1 50:23 184:8  
**low-income** 60:21  
**lower** 24:21 25:4 247:8  
**lowest** 49:7 61:21 103:14,17  
 170:21,22 171:3 184:13,14  
**Lunas** 36:12

**lunch** 53:9 130:8 136:21 139:14  
 149:13,16 259:7

---

**M**

---

**ma'am** 67:12 201:8,16  
**Mabry** 1:12  
**machinists** 44:4  
**Madam** 9:22 11:20 12:11 13:6,25  
 27:17 34:21 38:10 45:1,25 48:2  
 51:15 55:6 56:21 61:2 62:7  
 64:5,24 65:12,15 67:2 68:4  
 70:21 71:19 72:8,15 74:16  
 77:14 85:19 86:21 89:1 90:2,22  
 96:1,15,19 98:23 99:16,20  
 102:7,17 112:16 114:5 115:14  
 120:14 122:10 124:25 125:14  
 126:6 128:16 129:6 130:5  
 136:10 137:8 139:15 140:10  
 150:5,20 151:1,16 152:25 160:1  
 165:5 171:17 175:15 176:10  
 181:6 185:13 186:5,21 191:13  
 191:22 198:15,18 199:19  
 200:16 202:13,20 204:16  
 205:20 210:8 212:3 217:12  
 219:19 221:3,5 223:11 226:10  
 226:11,12,13 229:8 230:22  
 231:14 232:12,23 233:14  
 235:14 239:7,12 240:14 242:3  
 246:5 247:2 250:22 256:8  
 257:10 258:20  
**magnet** 256:25  
**mailed** 161:6  
**main** 59:15  
**main-lined** 172:23  
**maintain** 121:21 154:16  
**maintains** 121:20  
**maintenance** 130:23 133:9  
 197:18  
**major** 10:2 32:2 57:22 92:4  
 93:18  
**majority** 71:25  
**making** 19:20 65:17 66:5,9 71:10  
 88:19 121:13,19 123:23 133:15  
 168:1,2 229:14 234:4 245:25  
**man** 167:4,8 250:19  
**manage** 40:7  
**management** 91:15 98:3 129:21

130:2 158:11 177:15 196:24  
**manager** 83:22,24 84:19 85:1,2  
 85:14 91:23 140:15 150:9 154:7  
 155:6 160:21 168:3 178:23  
 247:12  
**manifestation** 194:5,16 195:2  
**manner** 79:21 80:16 82:14  
 115:25 125:7 134:15 139:20  
 177:18,24  
**MAP** 196:2  
**MAPs** 162:18,20 192:15,17,24  
**March** 21:2 75:7 89:25 90:1  
 163:9 214:14 216:1,2,7,9 219:9  
 219:12 226:24 228:6,12 230:18  
 230:19 232:5,9 235:25 237:3,5  
 237:6,16 240:19,22,24 241:1,3  
 241:7 242:1,2 243:20 249:9  
**mark** 234:15  
**marked** 209:5  
**market** 93:9 252:10  
**marketing** 94:14,18  
**mass** 189:8  
**match** 146:13 208:21  
**matched** 135:25  
**material** 63:15 72:18 210:13  
**materialize** 97:24 130:18  
**materialized** 196:25  
**materials** 76:15 78:11 79:16  
 90:24 206:1,18 208:16,23 210:1  
 214:22  
**math** 26:7,14 32:13,17 49:5 60:7  
 60:16  
**mathematics** 26:5  
**Matt** 225:25 226:2,9 229:8  
 233:12,14 235:4,10 248:23  
 250:22 257:22 258:20  
**matter** 62:1 124:8 150:17 161:4  
 218:24 262:14  
**matters** 50:25 158:25 173:20  
**maximize** 40:16  
**McKee** 237:9  
**mean** 24:16 59:21 83:14 112:8  
 133:2 134:10,13 137:21 162:10  
 162:20 163:6 169:11,25 170:21  
 171:10 190:23 193:13 195:1,11  
 199:2 221:12,14,24 234:5,5  
 237:21 246:3 247:16 258:1



**meaning** 103:13 181:20 215:8  
**meaningful** 207:25 208:4 250:25  
**means** 20:5 41:17 72:6 87:20  
 103:16 131:3 168:21 183:18,18  
 213:6  
**meant** 168:16 200:6  
**measurable** 207:1  
**Media** 38:16 249:11  
**medical** 60:18  
**meet** 22:7 24:10 52:21 74:25 82:3  
 101:23 115:22 134:17,23  
 140:24 163:9 164:23,24 192:20  
 194:19 195:1 197:5 198:6,11  
 199:4 208:1,5 222:15 238:15,17  
 241:16  
**meeting** 1:10 5:2 8:3,19 12:4  
 20:21 24:5 75:7 85:15,17,23  
 90:1 92:15 96:9 101:1 109:21  
 130:8 136:23,23 138:23 147:10  
 147:24 159:5,7 160:22 163:14  
 163:14,15,15 187:23,24 188:6  
 192:20 194:5,6,10,12 196:19  
 210:13 216:2,9,11 222:10  
 226:25 228:7,12 232:9 233:23  
 234:2,2,24 235:1,8,16 237:5  
 238:5,14 243:17 244:3 249:1,9  
 249:23 250:21 251:2 253:18  
 257:19 260:8,10 263:3,4  
**meetings** 55:21 85:9 91:8 141:9  
 228:5,8,11 257:15 258:18  
**meets** 37:19 115:4 192:9  
**member** 2:4,5,5,6,6,7 63:3 83:3,9  
 84:9,11 142:16 148:14 150:11  
 165:3,23 217:16,19 242:4  
**members** 9:22 83:24 130:5 137:9  
 148:13,20,23,23 150:6 160:2,10  
 160:12,13,16 165:6,24 167:18  
 175:16 181:16 198:2,9 212:8,12  
 212:15 213:2,3,5 215:15 217:14  
 226:13,22 227:11 229:11  
 233:19 242:14 250:15  
**membership** 130:17 181:18  
**memorial** 255:5,6,7,9,11,23  
 256:4,5  
**memory** 221:19  
**men** 36:4 60:15 259:12  
**mention** 174:10 204:22 233:20

258:6  
**mentioned** 112:10 147:20 190:14  
 249:1 253:14  
**merit** 54:8  
**Merry** 261:18  
**message** 231:22  
**met** 19:16 38:22 104:5 134:15  
 153:20 167:2,8 168:10 195:16  
 212:18 242:6  
**method** 229:10  
**methodologies** 60:13  
**methods** 55:13  
**Mexico** 1:2,13,22 3:4 6:16,18  
 9:25 10:3,5 24:14 27:24 32:4  
 33:23 36:14 42:14 59:23,24  
 111:24 117:6 164:4 180:20  
 190:17,19 237:25 248:20  
 249:14 254:5 262:2,9,12,13,21  
**micromanager** 121:3  
**mid-December** 161:2  
**mid-March** 258:2  
**middle** 59:18 127:18 183:21  
**middle-of-the-year** 182:4  
**middle-of-year** 163:10  
**mile** 251:13  
**Millie** 236:20 238:5  
**million** 40:1  
**mind** 27:18 60:23 67:9 95:18  
 127:13 175:3,15 217:5 225:20  
 253:16  
**minds** 90:12 102:11  
**mine** 30:3  
**minimum** 63:18  
**minutes** 3:6 7:11 8:18 80:1 91:7  
 141:20 142:3 149:22 205:1  
 220:7 246:16  
**misbehaving** 168:9  
**miscommunication** 192:7  
**misconduct** 141:11 142:6  
**misinterpreted** 188:16  
**missed** 20:9  
**missing** 142:15 143:14 191:14  
 209:7 251:2  
**mission** 10:6 168:19 169:4  
 182:12  
**mission-specific** 38:17  
**mistake** 67:6 72:18

**mixed** 50:15  
**model** 28:25  
**models** 119:1  
**modifications** 7:14 8:4,20 205:18  
**Molly** 140:14 143:6  
**Molly's** 133:13,23  
**mom** 195:16  
**moment** 39:1 137:7 177:12 181:2  
 200:14 255:7 257:8  
**moments** 99:23  
**Monday** 76:23  
**money** 27:10 30:13 31:17,24,25  
 34:9,9 36:2,5,18 37:4 52:24  
 57:11 86:11 93:15 94:2 96:17  
 97:6,7,8 99:5 100:8,14 101:13  
 101:14 132:1 260:10,14  
**monies** 30:16 99:2,12 118:23  
**monitor** 89:21 112:21 131:20  
 179:3  
**monitoring** 65:3 66:22,25 67:5  
 110:2,7 117:9 182:24  
**monitors** 20:22  
**Montessori** 107:10  
**month** 31:12 92:11,11 100:22,25  
 101:9 132:22 146:19 163:2  
 217:21 235:21 250:24 251:3  
**monthly** 81:8,20 82:14 85:9  
 90:24,25 92:5,7 100:3 124:19  
 124:21 129:22 130:16,25  
 131:20 132:5,11,12 135:16  
 139:3 141:2,3 147:25 157:16  
 159:8 178:17,18 182:24 196:21  
 197:19,24  
**months** 55:20 58:16 132:8  
 144:24 145:16 178:15 181:12  
 191:14 198:1,25 225:19  
**morning** 9:20 11:18,19,20 19:2,3  
 48:5 51:11,12 82:21,22 83:4  
 91:18,19 141:8 185:15 225:25  
 226:1,14 228:2  
**mother** 132:2 187:24  
**motion** 6:24 7:1,10,17 8:1,7,9,16  
 8:23,25 9:8 45:24 46:1 47:21  
 47:22 63:11,25 64:7 67:4,15,17  
 67:18 68:2,21 69:4,6,9 70:9,12  
 70:19 72:2,13,23 74:6 199:20  
 201:3,7 204:5,21 209:23 210:9

210:16 211:23,24 223:22  
225:15 249:18 261:5  
**motivated** 63:6 170:6  
**Mound** 171:20  
**move** 6:25 39:10 46:13 52:24  
63:13 71:13 72:16 100:17  
102:22 106:13 108:15 109:13  
109:18 124:25 141:20 149:19  
152:19 180:1,3 186:5,9 192:24  
196:11 201:11 205:6 210:11  
220:17 222:17 223:23 249:20  
256:6  
**moved** 19:8 24:21 100:8 106:11  
198:19 202:18 236:12 261:7,9  
**movement** 28:2 66:13 116:23  
139:19 170:16  
**moving** 22:8 52:23 86:24 114:9  
130:6 183:7,9 186:2,11 200:10  
233:13 235:24  
**moving-forward** 185:23  
**MR.MATT** 226:12  
**MR.VERNON** 197:2  
**muddy** 152:3  
**mull** 248:14  
**multiple** 179:7  
**multiplier** 133:21  
**multiplying** 137:6

---

**N**

---

**N** 2:1 3:1,1 4:1,1  
**name** 9:12,23 11:20 51:16 76:20  
82:25 91:20 150:6 169:11 204:8  
209:7 214:14,25 224:1  
**named** 255:10  
**names** 189:22  
**narrative** 46:14  
**national** 21:10 41:19 255:13  
257:4  
**nationally** 31:22  
**Native** 29:23,23,24  
**nauseam** 102:19  
**near** 66:21  
**nearby** 252:25  
**necessari-** 62:14  
**necessarily** 31:7 62:15 65:19  
95:17 207:20 252:15  
**necessary** 79:25 134:20 135:2

137:12 179:4 221:8  
**necessities** 92:21  
**need** 14:7 29:3 30:12 31:4,5 34:7  
37:14 40:25 41:22 60:23 64:16  
66:20 67:14,22 69:8 77:4 78:2  
80:11,13,13 82:4,15 83:11,17  
87:7,8 90:3,8 99:4 103:12  
104:7 110:2 114:2 117:4,11,23  
118:18 121:16,18 123:5,5  
124:18 125:12 131:19 132:15  
137:17 151:8 152:3 153:12  
154:18 155:5,7,25 156:1 158:8  
161:12 162:17,24 163:4 164:20  
164:21,22,24,25 167:24 168:22  
174:3 175:6,8,12,14,14 179:17  
180:3 185:20 186:10,13 189:1  
189:18 191:5,19 199:12,13  
200:3 201:4,7 205:1 213:6  
214:25 215:22 217:15,18  
221:17,19 222:16 227:10 230:6  
235:18 237:16 241:16,21,23  
242:12 243:14 257:15 261:14  
**needed** 81:23 86:23,25 127:7  
143:20 187:21 198:17 201:19  
203:4,10 215:14  
**needs** 27:9 31:9 40:17 53:10 66:6  
66:7 101:24 111:5 126:15 130:4  
165:23 178:25 179:2 185:17  
196:1 199:22 230:6 241:7,24  
**negative** 131:15 155:16 158:8  
174:21,22  
**negligence** 140:6 160:18 161:9  
**negotiate** 20:3 21:4 249:16  
**negotiated** 20:19 185:4,7  
**negotiation** 96:5  
**negotiations** 25:12 249:20  
**neither** 97:21  
**never** 36:14 37:13 126:7,9  
155:14 167:8 168:13 184:4,11  
184:18 222:14 238:4,13 252:4  
260:13  
**new** 1:2,13,22 3:4,18 6:16,18  
9:25 10:3,5 24:14 27:24 28:12  
32:4 33:23 36:14 42:9,14 52:23  
52:25 58:21 63:2,4 64:18,20  
76:13,18,24 83:9,14 97:2 109:3  
111:16,24 112:11 117:6 120:20

121:6 148:12,13,14,23 150:11  
160:21 164:4,22 165:3 179:14  
180:20 190:8,17,19 205:13,21  
205:22 206:5 212:6 221:1,15,16  
222:6,10 223:4,4,17 224:2,4  
225:18 226:16 229:23 231:9  
235:6 237:25 239:19 248:20  
249:14 252:1 254:5,11 258:12  
261:19 262:2,9,12,13,21  
**newly** 59:18 87:2 143:23  
**newspapers** 240:16  
**nice** 19:10 128:10  
**nicest** 43:8  
**night** 85:24 227:9  
**nights** 101:22  
**nine** 6:12 17:5 77:22 215:11  
218:11,14,16  
**nine-to-zero** 15:11 47:21 225:15  
**Niños** 3:17 102:8 107:9,11 129:9  
130:13 196:12 201:12  
**NM** 1:20 262:19  
**NMDASH** 104:2 105:3,8 106:10  
107:6,13,22 108:15,24 110:19  
111:6 113:3 114:15 115:7,21  
116:6 118:6,13,17,21 119:18  
120:19,20 122:7,12,19 128:20  
176:9,21 177:1  
**NMPED** 2:13  
**NMPSIA** 236:19  
**nod** 234:20  
**noes** 70:9  
**nominate** 13:14 15:19 17:10  
**nomination** 13:16,18  
**nominations** 13:8,11,21 15:17,25  
17:16  
**nominee** 14:12  
**Non-Compliance** 3:20 212:2  
**non-renewal** 75:22,25 93:21  
108:2  
**non-traditional** 19:24,25  
**non-union** 37:15  
**noncompliance** 185:25 196:13  
197:7 199:6 201:14  
**nonexistent** 32:19  
**nonoperational** 156:13  
**North** 213:19  
**Northeast** 9:24

**Northern** 33:23,24  
**note** 143:16 233:22 238:16  
 243:15 257:3  
**notes** 159:2 252:22  
**notice** 49:3 110:4 116:3 198:13  
 216:8,21 217:20,22 257:16  
**noticed** 143:9  
**notices** 76:17,18 77:9,22 78:12  
 78:12 110:9  
**notification** 79:7  
**notifications** 176:11  
**notified** 212:15 238:4,13  
**notifies** 238:14  
**notify** 79:3 198:12  
**notion** 118:3  
**November** 106:5 129:15 132:6  
 135:16,20 136:15,23 153:21  
 159:7 178:11,14 191:14 196:18  
 232:19  
**number** 24:18,19,20 38:19 41:11  
 42:2 55:17 56:11 72:20 76:18  
 85:4 87:6,11,24 92:8 128:6  
 134:1 146:2,4,23 147:13 148:7  
 156:8 162:3,4 189:3 190:8  
 196:22 200:8 207:21 212:7  
 213:7 215:7 218:24 220:11  
 231:3 253:8 255:6 263:2  
**numbers** 24:22 25:1,4 26:24  
 33:19 171:13 218:4  
**numeric** 26:1  
**NW** 1:21 262:20  
**NWEA** 145:15 162:18,19 163:2  
 196:2

---

## O

---

**O** 3:1,1 4:1,1  
**O-B-E-N-S-H-A-I-N** 11:21  
**O\*NET** 41:19  
**Obenshain** 11:17,19,21 12:9,25  
**object** 100:6  
**objections** 151:6  
**obligated** 247:6  
**obligation** 66:3 141:18 163:13,14  
 180:14,24 218:25  
**observations** 192:20  
**obvious** 94:23 179:6  
**obviously** 71:13 75:8 91:8 137:5

189:22  
**occupational** 189:17  
**occurred** 81:11 96:23 98:3 177:8  
 250:17  
**occurring** 145:23  
**October** 135:16 136:3,8,13  
 138:24 148:25 156:23,23  
**offended** 184:1  
**offer** 27:22 33:18 37:7 41:13  
 88:10 89:16 177:4 250:14  
**offered** 106:18 107:1 120:24  
 123:3  
**offering** 250:16  
**offers** 240:23  
**office** 89:14 160:21 197:6 199:11  
 226:6  
**officer** 76:5  
**officers** 3:8 13:3,7 239:17  
**official** 141:14  
**officials** 131:8  
**offset** 100:23  
**oftentimes** 255:2  
**oh** 23:19,20 58:17 68:8 81:14  
 86:12 96:5,21 104:12 106:20  
 149:15 160:11 203:2 204:7  
 233:1 252:4  
**Ojalá** 171:24  
**okay** 13:1 21:23 23:7,13 32:20  
 33:21 36:11 38:3,8 48:11 53:18  
 58:6,7 61:3 63:25 64:2 65:25  
 67:14,20,22 68:1 70:24 72:6,14  
 78:10 80:21,24 82:17 84:4 85:8  
 85:18 87:3 88:22 89:9 94:7  
 96:21 99:17 102:12 113:25  
 118:8 121:16 128:11,22 129:1,4  
 132:20 136:2,16,17,17 139:6  
 140:7,8,9,12 149:16,18,23  
 151:6,20,23 152:13 153:10,13  
 154:3 156:7,11 159:16 160:11  
 178:12 190:6 195:8 196:6,10,10  
 203:2,15 205:20 214:8 217:8  
 219:2,13 220:5,19 223:8 225:16  
 229:16 230:2,14,15 233:1,13  
 235:24 240:12,14 241:5 242:11  
 242:23 248:2 258:19,25  
**old** 45:20 103:25 254:5  
**older** 44:10

**once** 94:20 150:22 151:14 152:10  
 152:16 153:22 154:5 155:8  
 157:25 239:1 252:4 258:1  
**one's** 57:6 232:13  
**one-on-one** 134:19 171:11  
 173:11  
**one-page** 140:21  
**ones** 33:11 59:14 98:6 111:11  
 112:5 134:9 168:23 170:5 171:6  
 210:3 218:8 236:10  
**ongoing** 74:24 130:12 139:17  
 142:8 150:17 151:4,14,25  
**online** 10:4 105:25 106:19  
**onus** 114:24  
**open** 1:10 3:7 12:2,10,17,19  
 13:10,11 137:2 216:17 221:2  
 229:12 231:9,18 233:11 263:3,4  
**opening** 222:5 223:3,4 248:5  
**operate** 139:24  
**Operation** 221:22 223:8,25  
**operational** 48:14 63:16 72:19  
 131:16 157:2  
**operations** 222:1,11  
**opinion** 62:5 114:23 137:11  
 140:22 141:17  
**opportunities** 44:3 84:6 92:24  
 105:16 228:9  
**opportunity** 20:11 26:11 36:1  
 74:21 81:12 86:4 104:4,19  
 140:2 144:5 163:3 166:7 176:20  
 205:14 206:6 248:2,10,19  
 249:11 250:5,16  
**opposed** 7:7,23 8:13 9:5 111:11  
 124:14 261:12  
**opposition** 7:9,25 8:15 9:7  
**opt** 105:8  
**opted** 106:7  
**opting** 105:18  
**option** 105:6 118:2,4 168:10  
 231:23 232:1 247:19 252:5,7,25  
**options** 2:10 3:12 74:14 103:24  
 190:22 200:3 256:23,24  
**oral** 240:25  
**order** 3:3 5:1 21:12 41:10 52:18  
 52:21,24 105:24 123:4 155:8  
 156:1 163:4 202:5 205:11  
**organization** 28:8

**organizational** 50:5 186:1 196:14 201:15  
**original** 72:9 232:22  
**originally** 142:3  
**ours-** 227:4  
**outcome** 3:9 71:8 82:3  
**outcomes** 18:24 26:23 46:15 65:9 65:9,11 75:3 120:17 121:23 125:5 176:2  
**outlay** 99:1  
**outline** 88:15 230:11 231:25  
**outlined** 204:14,19  
**outlines** 48:18  
**outlying** 28:1  
**outside** 180:20  
**outstanding** 114:19 133:10 134:11 135:22 136:16 138:7 139:19 156:16 197:7,18,25  
**over-projection** 98:12 177:19  
**overall** 24:22 49:5 103:14 127:14 127:17  
**overarching** 25:13 131:12 233:15  
**overcome** 93:12  
**overpaying** 97:6  
**overreaching** 230:12  
**overseeing** 43:16  
**overwhelmed** 59:19  
**overwhelming** 57:15  
**owed** 94:3  
**owing** 101:5  
**ownership** 55:24  
**owns** 55:22 83:24

---

**P**

---

**P** 2:1,1 3:1 4:1  
**p.m** 150:1,1 205:10,10 261:21  
**pack** 258:7  
**packet** 48:17 78:20 258:3  
**packets** 78:19,23 79:10,15  
**page** 3:2 20:14 46:3 48:19 49:3,6 49:20,20 50:3,11 76:16 78:13 78:18,24 103:4 105:20 106:9,24 106:24 108:3,3 109:25 112:18 127:15 148:7 152:7 161:13 206:21,25 207:4,23 208:15,22 209:6,8 213:9 214:22 219:20 229:15 231:3,4 237:21,21

**pages** 48:17 49:11,12 81:17 262:10  
**PAHL** 226:9,12 229:8 233:12,14 235:4,10 250:22 257:22 258:20  
**paid** 96:13,17 97:9 98:17 156:20  
**panel** 248:23  
**paper** 56:18 62:18 257:6  
**paragraph** 201:10  
**parameters** 256:1  
**PARCC** 24:15,15,22,25 25:3,9 25:21,22,24 26:13,14,16,25 127:7  
**Pardon** 69:7 162:2  
**parent** 83:3 188:8 194:12 195:4,6 256:16,23  
**parent's** 256:19  
**parents** 2:10 3:12 59:22,22 74:14 147:10 166:19 168:10,21 169:1 256:16  
**park** 54:13 131:25  
**part** 11:2 26:9 38:13 42:3 43:20 53:21 57:13 58:20,24 59:1 62:13 67:18 81:19 93:10 97:20 101:10 105:21 110:17 119:16 121:5,8,10 150:18 152:22 153:18 159:12,14 166:16 182:12 187:6 197:24 201:9 206:21,25 207:4,23 208:15,22 209:3 227:14 229:25 241:12 247:24 250:12  
**parted** 174:14  
**participate** 33:17 248:22  
**particular** 19:23 27:10 42:12 86:18 89:6 122:6 187:14  
**particularly** 27:25 61:8,14 117:8 120:22 253:8  
**parties'** 90:13  
**partnering** 107:3  
**partnership** 30:14  
**partnerships** 28:17 30:22  
**parts** 218:2  
**partway** 174:14  
**pass** 25:11 37:20 70:9,19 136:10  
**passed** 52:4  
**passes** 7:10 8:1,16 9:8 47:21,22 74:6 211:23,24 225:15  
**passion** 184:15

**path** 33:24 40:22  
**pathway** 89:19 109:13 111:8  
**pathways** 31:23  
**Patricia** 2:3 13:14,16 14:6  
**pattern** 140:5  
**patterns** 92:23 93:7  
**Patty** 231:5  
**pay** 30:21,21 36:7 41:1,5 93:16 93:16 94:12 95:2 96:10 99:3 101:6,11  
**payback** 95:22  
**paying** 57:11 97:12 137:23  
**PDPs** 163:15  
**PEC** 2:12,13 3:8 4:2 7:12 8:2,18 13:3 63:18 66:12 75:17 104:14 107:19 110:3 111:4 115:23 116:2 141:5 157:7,13 164:13,20 196:11,18 198:7,13,13 201:11 223:23 229:14 238:25 250:12  
**PEC's** 145:1  
**PEC-authorized** 143:24  
**PED** 33:4 71:2 75:9 84:5 86:6 92:17 93:1,16,16 94:3 115:20 123:1 135:15 147:16 150:17 151:4,15,25 152:1 155:14 160:17 164:13,20 173:16 197:5 197:17 242:1 263:7  
**PED's** 76:3 197:11  
**PED-offered** 105:12  
**pedagogy** 29:3  
**Pelayo** 2:10 48:3,5,9,11 51:10 53:6,8 103:3 104:3,18,24 106:21 113:16 116:12 146:7,10 147:20 181:8 182:1,11 184:6 248:4  
**pending** 197:19 231:16  
**people** 19:19 28:23 31:3 37:21 40:14 41:2 43:23 44:9,10,11 45:8 58:1 88:19 98:9 100:2 109:21 112:6 120:21 121:4,8 133:3 160:22 167:3 174:4 175:12 178:16 219:15 228:9,22 229:7 231:22,24 233:16 235:7 241:22 260:25  
**Peralta** 2:3 5:19,20 7:3,3,4 13:4,5 13:15,20,24 14:9,14,15 15:14 15:20,21,23 17:1,2,7 18:7,8

46:24,25 69:16,17 70:16 73:6,7  
117:3,17 159:22 199:19 203:18  
203:19 211:1,2 225:2,3 236:17  
240:2 249:5 258:23 260:21,22  
**percent** 24:2,6,6,6,7,8 25:7,7  
26:1,6,7,8,10,15,25 34:2,3  
41:14 48:21 84:12 103:14,17  
146:17 170:21,23 171:2,4,6,21  
183:3,6 189:11,23 190:1 207:20  
213:10 226:19 234:5,15  
**percentage** 127:17 207:5,16,17  
**percentile** 171:8  
**Perea** 19:1,2,4,10 21:17 22:11,23  
23:13,16 24:11 26:9 27:2,18  
28:3,7 30:7,19 31:11 32:24  
33:16 37:16 39:2,23 41:12  
44:16,20  
**perfect** 120:15  
**perform** 25:14  
**performance** 19:16 20:23 26:17  
48:22 49:13,23 50:5 51:5 54:23  
55:25 62:11 64:17,18 82:3  
103:8 112:11 144:23 149:9  
196:14 201:15  
**performances** 257:9  
**performing** 49:7,8 61:21  
**peril** 200:1  
**period** 21:7 86:23 97:11 183:14  
**Perkins** 3:9 18:24 19:13 20:6,21  
22:9 28:14 30:13,19 31:14,15  
37:18 39:19 42:8  
**persistent** 51:5  
**persisting** 146:22  
**person** 9:11 34:14 160:23 190:2  
190:20 191:13 240:1 242:6  
244:7,20,20  
**personal** 109:5 137:10 174:1  
175:9  
**personally** 159:10,13 180:18  
**personnel** 86:8,19 87:14  
**perspective** 84:1 109:6  
**pertaining** 95:17  
**perusal** 237:17  
**Phase** 256:12  
**phone** 190:20,25 226:2  
**pick** 169:1 172:25 190:24 219:21  
**picked** 195:21 251:20

**picking** 135:4  
**picture** 37:1 127:19 128:1 206:4  
206:17 222:21  
**pie** 127:13  
**piece** 12:17,20 29:11 31:1 58:18  
59:5 126:18 141:7 147:19 148:5  
148:11 152:11 154:21 253:16  
**pieces** 104:11 256:10  
**Pierce** 175:10  
**pilot** 59:18 60:10  
**pipeline** 28:15 29:12 35:20  
**pitting** 252:3  
**place** 23:3 66:6,24 67:16 75:10  
80:11 92:14 106:18 123:19  
126:14 170:8 174:2 177:4 178:4  
178:7 193:6 196:8 213:1 228:13  
243:18  
**placed** 129:14,15  
**places** 243:8 255:19  
**plan** 33:8,9 58:10 75:2,4 81:3,20  
81:22 82:5,6,10,16 83:21 85:22  
88:9,12,17,20 89:4,7,19 91:1,12  
92:3,5,9,13,13 94:14,18 95:10  
95:21 96:6 99:14 100:17 101:10  
103:9,23,25 104:14,14 105:25  
106:22 107:5,12,21,24,25 108:6  
108:9,14,16,16 111:11 114:8,10  
114:12,14 115:1 116:14,19,21  
118:1,10,13,16,18,22 119:15,23  
120:15,19 121:4,6 122:4,15,17  
122:22 124:10 125:3 126:4,8,21  
128:24 129:15,19,24 134:13  
138:22 140:20,24 141:1 144:23  
145:3,7,13 153:15 157:12,15  
160:2,3,3,4 162:15 163:17,20  
163:23,25 164:3,11 175:16,17  
175:23,24 176:6,25 177:3  
186:14 195:3 196:17 200:11  
203:8,8,13 206:3 216:10 227:6  
249:4  
**planning** 116:12 122:25  
**plans** 3:15 76:8 81:4,10,25 82:1  
90:25 91:2 102:16,24 105:22  
106:6,12,19 109:1 114:21 115:8  
115:21 119:21,22,24,25 120:3  
121:13 122:18 126:4,7 127:9  
129:13 145:4,10

**play** 123:24 144:19  
**played** 253:2  
**player** 37:14  
**playing** 117:18  
**PLCs** 163:15  
**please** 5:6 9:21 14:1 17:18 51:13  
51:14 82:23 150:3 164:21 168:4  
175:19 187:12 236:1 253:20  
**pleased** 19:15 20:3 105:7 229:21  
**pleasure** 11:25 12:4 89:12  
**Pledge** 3:3 6:14,17  
**pluck** 58:18  
**plug** 166:2 167:11  
**plugged** 166:10  
**plumber** 34:14  
**plumbing** 43:25  
**plus** 25:21 28:24,24 226:19  
**Pogna** 236:18  
**point** 12:13 25:24 34:1 45:3 53:2  
53:19 58:23 60:8 61:7 84:5,16  
87:21 88:4,24 92:2 95:24 112:3  
116:13 119:13 124:17 131:19  
133:17 144:9 148:16,21 150:16  
152:4 176:5 177:19 186:4,4  
187:21 200:18 214:10,15,23  
215:19 218:16 219:8 227:18  
228:6 230:5,8,17 233:3 236:9  
240:5 246:21 247:9,23  
**points** 62:22 87:11 131:11 182:3  
182:5 247:7,11,18  
**poison** 188:21  
**polic-** 223:23  
**police** 187:20,20 195:19,22,23  
**policies** 3:21 218:5 220:20  
**policy** 3:23 10:8 118:5 212:6,11  
213:1 215:4,6 233:21,23 234:4  
235:13 237:8,13 251:24 253:4  
253:25  
**politics** 37:15  
**pool** 45:5,10  
**poor** 98:2 177:15 183:25  
**poorly** 120:1 139:24  
**popping** 133:18  
**populated** 241:20  
**population** 25:15,16,19 26:16,18  
29:23 31:15 43:2 168:20 169:24  
170:3 189:12 207:7

**populations** 50:18 251:18  
**portion** 189:23  
**portray** 180:16  
**position** 13:21 17:8 134:22  
 156:25 157:6 159:6 197:4  
 214:11  
**positions** 36:15 93:21 213:6  
**positive** 101:4 134:22 155:19  
 174:23 177:17,24 197:22  
**positively** 34:11,12,13  
**possibility** 84:21 138:19  
**possible** 3:11,15,16,18,21,23  
 47:25 97:10 137:18 139:8  
 161:10 168:9 186:14 205:12  
 216:17 235:12 251:16  
**possibly** 29:18  
**post** 171:21 229:5,6  
**post-secondary** 19:17 20:17  
 28:17 33:8  
**posted** 154:7 229:13 239:3  
**potential** 50:16 105:6 170:12,12  
 205:23 226:18,18 231:18 252:2  
 254:15,25  
**potentially** 49:18 53:16 98:18  
 215:4 235:17 258:6  
**Poulos** 2:9 48:2 70:21,25 74:16  
 75:24 77:13 78:10 80:18,22  
 81:6 82:18 85:19 89:1,3,9 90:1  
 90:22 96:15,19,22 102:7,12,17  
 114:5 115:14 122:10 124:20,24  
 126:6,12,23 127:1,3 128:8,16  
 128:25 129:6 130:6,11 135:13  
 136:6 137:9 140:10,13 147:3  
 157:20 176:10 177:21 181:6  
 190:13 204:16 205:20 209:17  
 212:3 214:3,7,9 216:4 217:11  
 219:10,19,23 220:6,10,23 221:3  
 221:5,24 222:3,8,25 223:3  
 224:1 226:14 231:14 232:23  
 233:2,9 234:11,21 235:14 236:1  
 239:7,11 240:14 241:9,12 246:5  
 250:2  
**powerful** 133:21  
**practice** 147:6  
**practices** 107:6 121:18 145:21  
**pray** 173:12,12  
**praying** 161:11

**pre-algebra** 60:3  
**precedent** 57:7,25  
**prediction** 207:25 208:4  
**prefer** 138:4 151:3  
**preference** 12:16,22 89:6  
**preferred** 154:4 245:14 247:17  
**preliminary** 133:19  
**preparation** 248:16  
**preparatory** 11:23 59:24,25,25  
 60:1 213:18  
**prepared** 62:21 198:19  
**present** 5:9,12 6:1,7,10,12 105:5  
 166:6 250:3 254:2  
**presentation** 22:3 248:6  
**presentations** 240:25  
**presented** 22:17 55:11 63:14  
 72:16 138:22 157:14 210:12  
**presents** 215:16  
**president** 51:19 150:6 151:1  
 160:1 175:15 226:11,12  
**press** 19:7  
**pretty** 93:17 97:1 103:19 129:10  
 144:13 149:1 193:2 214:5 227:5  
 233:12 236:13  
**prevented** 155:24  
**previous** 85:6 143:1  
**previously** 112:11 132:23 255:2  
**price** 158:21  
**primarily** 203:9  
**principal** 162:6 179:1  
**Principals** 176:15  
**printed** 183:10  
**prior** 134:11 143:18,22 144:1  
 145:16 148:17 154:1,6 156:19  
 158:2 197:1 207:13 222:5,13  
 242:4  
**Priority** 105:3,24 106:2,13 107:2  
 176:17  
**private** 10:8,10,17 11:7 143:13  
**pro-** 57:25  
**proactive** 186:7  
**proactively** 185:16  
**probably** 24:13 45:6 62:24 82:15  
 85:5 122:3 127:1,3,25 133:10  
 133:18 214:12 222:16 235:17  
 251:23 253:21  
**problem** 32:17 39:20 43:15 62:15

62:16 65:10 98:22 134:8 164:12  
 180:9 183:22 217:18 229:14  
**problematic** 98:10 252:19  
**problems** 86:3 144:3,7,8 160:6  
 162:21 171:23 172:3,4,5 179:22  
 253:7  
**procedural** 71:20  
**procedure** 186:25 237:8,19 244:6  
 245:5,6,11,21,23 246:9,17,18  
 246:22,24  
**procedures** 3:21 220:20 237:14  
 244:18 247:20  
**proceed** 230:17  
**proceedings** 1:10 261:21 262:11  
 263:3  
**proceeds** 10:22 11:3  
**process** 13:8 21:3 38:14 76:6,25  
 77:24,25 78:8 88:22 96:4,4  
 104:1 109:14,17 116:1 122:16  
 122:24 123:6,25 138:5 188:9  
 191:24,25 192:3 198:8,10  
 205:21 225:17,21 227:15 239:3  
 239:19,22 246:6,9 247:23  
 249:21 250:7 254:21  
**processes** 65:15 136:1 137:19,22  
 145:18  
**procurement** 239:17,19,22 240:1  
 243:1 247:4,5,12,20,24  
**produce** 142:23  
**product** 165:11 226:24  
**professional** 1:21 27:11 145:10  
**proficiency** 24:5,14,16 25:3  
 26:14 27:1 49:5,22 50:1 61:24  
 185:8  
**proficient** 24:17 25:1,22  
**profile** 61:14  
**program** 22:2 28:20,22 29:19  
 33:18 37:22,25 38:21 39:24  
 40:3,5,11,11 42:16,18 59:18  
 78:4 93:2 100:22 109:7 147:23  
 182:13 255:1  
**programmer** 41:4  
**programs** 29:1 30:3,25 31:20,22  
 34:1 38:19 39:2 40:6,8,9,10,13  
 40:23 61:18 95:4  
**progress** 182:24 253:17  
**Project** 32:25

**projection** 94:8  
**projections** 92:15 93:7 130:17  
**projects** 57:2  
**promising** 107:6  
**prompt** 208:21  
**prompts** 109:18 176:24  
**proper** 166:23  
**proposals** 240:17,20  
**propose** 21:1  
**proposed** 20:20 45:24 52:10  
 76:20  
**proposing** 51:22 52:5  
**protecting** 50:6  
**protocol** 66:18  
**proud** 257:8  
**prove** 60:11 156:3  
**proven** 131:17  
**provide** 12:1 23:5 63:18 84:13  
 123:12 159:5 161:5,8,14 163:3  
 174:2 176:3,6,22 178:5,12  
 185:22 186:14,15 194:24 207:8  
 207:24 208:4 256:23  
**provided** 10:25 85:24 91:5,10  
 105:16 159:6 182:17,21 220:7  
**providers** 189:18  
**provides** 105:2 109:12  
**providing** 44:7 52:1 135:1 140:4  
 140:24  
**PSB** 106:12  
**psychological** 189:24  
**public** 1:1,10 5:2 9:9 10:2,6,13  
 10:14,15,16,18 26:22 44:6,6  
 46:14 77:16,18 78:2 88:8  
 111:25 115:4 128:19 130:15  
 133:21 138:16 141:10 142:6  
 149:9 156:9,10 165:21 169:19  
 172:24 173:8 180:13 200:7  
 227:18 229:9 245:3 247:3,19  
 253:19 255:13,15,17,19,25  
 256:3 262:1,12 263:3,4,5  
**public-funded** 84:1  
**publicized** 40:17  
**publicly** 54:14  
**published** 238:25 244:25 252:21  
**pull** 60:9,9  
**pulled** 87:15 188:8 237:1  
**pulling** 26:3 97:25

**purchases** 158:20  
**purpose** 175:23 180:6  
**purposes** 11:6  
**Pursuing** 176:15  
**push** 35:21 36:3 40:20 64:21  
 214:25  
**pushing** 26:2 29:14 199:25  
**put** 76:8 81:7,12 120:7 122:22  
 126:14 130:16,24 149:5 165:15  
 166:12 171:2 192:8 208:14  
 213:1 219:3,6 221:14 229:5,6  
 230:18,18 256:1  
**puts** 117:17 199:25,25  
**putting** 95:20 114:23 180:16  
 222:23 235:21 249:5  
**puzzled** 66:14,16  
**PWAT** 40:9

---

### Q

---

**qualified** 45:10  
**qualify** 31:14,16  
**quality** 10:7 50:25 82:10 125:10  
 140:19 205:15  
**quarter** 180:4  
**question** 12:12,18 23:19,20 24:12  
 27:19 28:4 30:9 41:9 68:4,7,9  
 68:11,13 71:22,23 72:6 77:10  
 77:13 95:17 114:19 122:3,12  
 124:12 136:3,9 151:3 168:13  
 173:18,19,19 177:16 179:8  
 184:23,24 185:2 186:24 187:1  
 187:11 188:20 191:13 198:16  
 204:20 208:22 228:19 231:18  
 244:5,6 254:12,21 260:9  
**questioning** 23:24  
**questions** 12:13 21:18,19 44:22  
 45:23 49:19 66:5 77:9 87:4  
 88:23 90:15 93:23 95:11 98:9  
 108:19 116:17 148:2,3 159:17  
 159:19 179:17 189:2 208:24  
 209:2,4 221:11 234:10 257:12  
**queue** 216:12  
**quick** 70:23 74:18 94:1 117:3  
 237:17  
**quickly** 103:3 130:3 135:13  
 165:23 167:21  
**quite** 48:21 49:5 78:1 91:10

96:24 102:20 106:23 122:25  
 126:8 159:4 182:5 199:4 212:5  
 222:15 258:14,14  
**quorum** 6:12  
**quotes** 158:19

---

### R

---

**R** 2:1,4 3:1 4:1  
**radius** 251:12,22  
**raise** 33:25 52:18 61:18 139:22  
 169:3  
**raises** 90:15  
**ramifications** 39:10  
**ranching** 42:15,18  
**Rancho** 93:11,11 230:25  
**Randy** 82:25,25 83:7,14,23 84:11  
 84:18 85:2 87:17 89:22 90:18  
**range** 213:3 220:10,11  
**ranks** 35:17  
**rant** 55:2 181:1  
**rapidly** 24:21  
**rate** 34:11,12 131:1 171:21  
**rates** 25:3 146:1  
**rationale** 212:10 219:5  
**reach** 37:6 89:14 121:15 166:20  
 195:4 253:20  
**reach-out** 37:9 86:7 228:13  
**reached** 94:22 190:15  
**read** 9:12 58:17 125:13,14  
 140:22 198:19 206:20,23  
 209:10,13 219:25,25 239:8  
**reading** 26:5 49:5,25 56:17 109:3  
 112:17 125:17 182:2  
**reads** 46:8 207:5 208:3  
**ready** 78:1 106:23 121:11 161:15  
 222:22 231:25 239:1 248:21  
**real** 42:2 94:1 117:3 172:15  
 174:1 253:25  
**realistic** 93:7 206:4,17 207:20  
**reality** 43:19  
**realize** 39:23 41:2 164:9  
**realized** 226:15  
**really** 29:12,13,24 31:5 34:7 43:2  
 44:13 49:12,21 50:25 70:22  
 80:14 88:2,6 90:12 91:11 92:24  
 96:10 97:9 98:2 100:1 104:1  
 105:7,10,15 110:25 116:6 117:5

117:14 119:25 123:7,20 124:18  
 125:5,17 131:19 134:5 135:13  
 137:17 138:3,9 143:16 147:15  
 157:13 160:24 162:16 164:20  
 165:14 166:8,10,19 167:19  
 168:25 171:13 173:24 182:25  
 183:15,23 191:5,22 206:3 217:6  
 218:6 221:17 222:18,21,22  
 227:3 234:18 251:4 252:3,9  
 255:14 256:11 257:14  
**reason** 10:1 25:6 57:15 67:8,21  
 111:21 130:24 143:23 167:14  
 199:3 204:9 207:9 209:12,18  
 215:12 247:10 253:3  
**reasonable** 20:23 41:5 216:8,19  
**reasoning** 67:13  
**reasons** 63:18 130:16 131:12  
 138:14 189:24  
**Reauthorization** 42:8  
**REC'D** 263:10,15,20,25  
**recall** 81:7 160:21 212:5  
**RECEIPT** 263:1  
**receipts** 154:17  
**receive** 76:17 97:8 105:24 154:15  
 190:13 208:7,19  
**received** 48:22 103:6 104:12  
 129:18,22 131:7 132:5 135:15  
 135:20 141:3 145:4 154:21  
 155:4,7 161:22 176:11 231:12  
**receives** 209:4  
**receiving** 77:23 164:12  
**recess** 53:10 74:12 150:1 205:10  
**recipient** 37:18  
**recognized** 31:22  
**recommend** 51:3 198:13  
**recommendation** 51:8 65:1,5  
 71:1,10,11,13 120:11 149:4  
 235:22 241:3 244:13 246:11  
 247:14,16  
**recommended** 205:25 209:22,23  
 215:5 244:20 245:10  
**recommending** 206:2 207:10  
**reconciliations** 197:25  
**reconstruct** 133:24  
**record** 9:21 39:14 51:14 58:3  
 59:5 62:4 82:24 150:4 156:10  
 206:21 210:2,14 246:22

**records** 2:13 88:8 248:8  
**recruit** 35:5  
**recruiting** 29:6  
**recruitment** 92:14 198:10  
**recurrent** 48:19,20  
**recusals** 203:1  
**red** 131:5,24 133:2 183:18  
**reduce** 58:1  
**reduced** 52:20 53:3 62:13 177:25  
**reducing** 63:17  
**reengaging** 255:1  
**reference** 206:22  
**referenced** 115:7  
**referring** 22:11  
**reflect** 25:17 62:19 209:25  
**reflected** 55:25  
**reflecting** 236:18  
**reflection** 98:2  
**reflects** 197:17 208:9  
**refresh** 221:19  
**refusal** 138:17  
**refused** 213:14  
**regard** 84:3  
**regarding** 87:13 112:20 141:10  
 151:7 153:18 174:13 202:25  
**regardless** 54:24 66:19 256:5  
**regards** 10:8,12 85:10 142:6  
 151:2 160:20 161:1 177:9  
**regional** 228:5,8,11 257:15  
 258:17  
**registered** 148:20 198:4  
**regular** 84:25 158:11 172:24  
 179:13  
**regularly** 238:2,9,18  
**reiterate** 64:25  
**relate** 59:16  
**related** 48:14 50:6 196:13 201:14  
**relates** 153:15  
**relation** 49:2  
**relevant** 42:21  
**remain** 11:1 66:6,25  
**remained** 183:7  
**remaining** 157:2 200:2 206:25  
**remains** 116:24  
**remediation-type** 61:17  
**remember** 41:11 130:14 162:3  
 227:19 239:5 246:18

**remembering** 171:15  
**remind** 9:10 10:19 57:12 212:10  
 254:24  
**reminder** 58:3  
**reminding** 245:25  
**remote** 31:5,8  
**remotely** 155:6  
**removal** 80:4  
**removals** 80:4  
**remove** 207:4 256:21  
**removed** 151:21 209:5 221:9  
**removes** 198:9  
**removing** 65:6  
**renegotiate** 93:14 95:24  
**renewal** 61:20 75:8 107:17,18,19  
 108:6 110:9 177:6,10 248:21  
 250:7 258:7  
**renewed** 108:11  
**renewing** 200:8  
**renovating** 43:9  
**reorganize** 160:23  
**repayment** 95:21 99:14  
**repayments** 197:1,1,2  
**repeated** 201:4,7  
**repercussions** 143:22,25  
**replace** 86:10 217:9,16,19  
**replaced** 86:9,13  
**replicate** 232:12  
**report** 3:10,12,24 18:25 19:13  
 21:24,25 22:4,10 46:16 74:14  
 79:1 80:23 91:11 92:7 102:25  
 103:1,7 105:2 131:7,14 132:22  
 135:21 136:25 139:2 142:20  
 146:12 148:25 152:2 155:14  
 161:22 162:12 180:17 187:5,6  
 197:21 212:7 213:10,12 214:18  
 215:23 218:10 236:4 258:6  
**reported** 1:20 23:2 134:1 146:25  
 147:1 156:23  
**Reporter** 91:25 200:20 224:8  
 262:9  
**REPORTER'S** 4:5 262:7  
**reporting** 1:21 3:19 21:7 23:1  
 78:23 79:11,18,20 80:10 81:8  
 81:19,20,21 82:14 90:11,25  
 91:1,13 92:6,6 104:5 125:19  
 129:16,22 130:2,16,25 141:3,4



142:22 147:20,21,23,24 152:8  
157:4,15 159:9 178:17 179:4  
183:14 212:2 213:8,16  
**reports** 100:25 126:18 131:20  
132:5,6,11 135:2,5,17,22,23  
139:3 140:4 153:19 154:12,13  
155:8 156:3 166:23 178:13,19  
196:19,21 197:20,25 214:20  
**represent** 128:2  
**representation** 75:11,13  
**Representatives** 99:1  
**represents** 141:25  
**request** 21:20 22:4 48:12 49:2  
51:8 63:14,19 69:10,11 72:16  
75:17 79:13 92:18 109:25 114:4  
117:24 118:18 157:14 227:12  
**requested** 91:3 112:19 153:21  
154:15,19 160:14 240:5  
**requesting** 48:13 66:12 226:20  
**requests** 91:25  
**requir-** 110:17  
**require** 33:7 42:16 79:3 114:15  
141:2 182:13,23 196:11 201:11  
212:6  
**required** 53:4 63:18 72:20  
102:23 107:23 108:5,9 114:13  
115:11 119:15 128:20 129:3  
142:21,24 144:22 145:13  
178:18 183:2 192:8 194:24  
196:20,24 197:10 213:16  
**requirement** 32:12 37:24 79:12  
110:18 120:9 128:24 140:20  
179:24  
**requirements** 25:25 38:22 81:19  
147:23,25 242:7  
**requires** 42:7 103:8  
**requiring** 97:2 123:17  
**rescind** 249:19  
**research** 50:14,23 163:24  
**reserve** 132:2  
**reside** 9:24  
**resignation** 80:3  
**resignations** 80:3 179:11  
**resigned** 160:22 165:7  
**Resolana** 130:20  
**resolution** 99:25 231:17  
**resource** 117:14

**resources** 105:12 118:12 119:5  
192:18  
**respect** 63:16 72:19 167:20  
**respond** 12:3 97:21,23 144:16  
208:12  
**responded** 212:20,22  
**responds** 208:19  
**response** 5:16 6:22 7:8,15,24 8:5  
8:14,21 9:6 13:23 16:1 23:8,10  
23:11 100:1 102:4 140:20  
157:18 208:18 224:10  
**responses** 161:20  
**responsibilities** 148:18  
**responsibility** 56:15 66:11 135:5  
181:22  
**responsible** 56:5 82:5 83:16  
88:19 90:13 97:22 98:7  
**responsibly** 71:17  
**responsive** 139:18  
**rest** 49:11 136:21 153:16 155:21  
239:9  
**restates** 140:22  
**restricted** 20:7  
**resubmission** 89:6,23,24  
**resubmit** 89:4,18  
**result** 24:18 143:14 255:9  
**results** 22:19 60:25 107:7 121:20  
162:25 182:9  
**retain** 67:8  
**reticent** 137:18  
**retired** 33:22  
**retrospect** 239:25  
**returning** 56:15 234:12  
**revenue** 100:22 133:17 154:19  
206:12,12 208:10 254:15  
**revenues** 131:2 134:8 206:4  
207:13  
**reverse** 36:25 37:14  
**review** 75:6 112:21 114:21  
158:10 206:16 208:25 237:8  
239:2  
**reviewed** 141:21  
**reviewing** 57:2 242:17  
**revise** 114:13  
**revised** 198:7  
**revisions** 115:11 210:2  
**revisit** 157:9 198:21

**revoke** 175:13 198:14  
**revolving** 179:10  
**RFA** 31:11,19  
**RFP** 75:12 238:24,25 239:15  
240:15 244:24 245:2 246:9,12  
**RFPs** 244:23  
**Rich** 51:12,15,16,21 65:21,25  
**rid** 188:14  
**right** 12:21 18:22 19:6 22:13,13  
30:4 31:1,12,20 34:15 36:24  
38:3 40:19 42:22 45:23 46:3,10  
46:13 62:22 71:17 74:23 80:25  
84:17 87:16 89:2 90:2 109:15  
110:22 117:16,16,19 120:16  
122:4 126:17 131:7 132:4 133:3  
136:17 138:8 143:25 148:25  
149:18,19 150:9,18 151:5,22  
156:5,7,22 160:18 167:20  
170:19 171:7 172:12 178:8  
179:10 185:5,17 191:20 193:19  
195:25 203:3,12 205:2,3 207:24  
208:16 213:25 215:25 218:15  
218:21,22,22 221:10,10 222:2,7  
223:6 227:14,22 229:1 230:8,10  
230:16 231:5,8,22 232:1,11,14  
232:14 235:9,11 236:3 238:7  
242:11 243:2,9 244:17 250:7,9  
251:25 255:25 256:1,14 257:8  
257:22 258:25 259:18  
**righteous** 164:7  
**rights** 50:7 138:17  
**rigor** 26:2  
**rigorous** 59:20 77:25 182:23  
**Rio** 93:11,11 230:25  
**Rising** 28:9  
**RMR** 262:8  
**RMR-CRR** 1:20 262:19  
**road** 58:23 86:3 110:16 177:13  
232:2 240:10 258:14  
**Robbins** 2:6 5:8,9 7:16,18 15:2,3  
16:14,15 17:9,10,23,24 23:20  
24:12 26:4,21 27:14 39:21,22  
47:18,19 68:16,17 69:5,12  
71:19 73:25 74:1,3 204:2,3  
210:15,18 211:4,5 224:21,22  
259:2,3  
**Robert** 71:20

**Robert's** 72:4  
**robust** 85:10 94:24 107:25  
**Rodriguez** 91:19,20 92:1 94:15  
 96:7 98:15 101:7  
**roll** 3:3 5:6 14:8,10 225:24  
**roll-call** 13:25 16:3 17:18  
**Ron** 150:12 167:7  
**room** 242:14 243:2  
**roots** 53:24 81:16 82:12,21 83:1  
 84:20  
**Rotunda** 35:3  
**rough** 261:2  
**roughly** 128:5  
**round** 28:15 106:17,22  
**route** 104:20,20 106:8  
**row** 19:15 20:4 253:22  
**Roy** 171:21  
**RTI** 145:17 170:22 191:24 196:5  
 196:7  
**rubbing** 234:24  
**rubric** 208:20  
**Ruiz** 2:6 6:6,7,14,25 7:1,19,20  
 8:8,9 9:1,2 15:5,6,18,19 16:23  
 16:24 17:20,21 38:5,7 47:6,7  
 63:9,10,13 69:19,20 73:19,20  
 200:22 203:24,25 210:8,11,17  
 211:19,20 224:15,16 236:19,24  
 249:5 260:4,5 261:7,10  
**rule** 148:12 188:5 202:25  
**Rules** 71:20 72:4 237:19  
**run** 59:5 75:12 78:13,14,23 92:21  
 115:4 146:11  
**running** 33:4 115:17 255:1  
**rural** 32:15 42:21 43:3 253:9

---

**S**

---

**S** 2:1 3:1 4:1  
**S-K-I** 9:16  
**S.T.A.R.S** 146:12 160:20,24  
**SABE** 90:23 91:17  
**safe** 185:22  
**safety** 143:4  
**sail** 62:21  
**Saiz** 140:14  
**salaries** 52:19 87:13 100:17  
**salary** 52:20,21 87:12  
**sale** 11:3 138:16,17

**Salute** 3:4 6:16,17  
**Sam** 11:17,19,20  
**Sandoval** 82:7 85:21 91:21,23  
**Santa** 1:13 34:15 197:6 262:13  
**sat** 170:21 189:13 191:24,25  
 192:2,3,4 193:7 196:5,8 248:5  
 248:23 259:7  
**satisfy** 173:16  
**save** 34:9 86:11  
**saving** 34:9  
**saw** 81:25 82:1 119:20 127:9,13  
 128:13 171:12  
**saying** 57:7 67:25 128:23 130:11  
 135:15 166:5 173:5 178:24  
 180:10 181:12 183:25 190:12  
 214:14 217:22 218:8 221:25  
 238:16 240:3 242:20 245:8  
 246:15  
**says** 10:6,14 35:19,25 36:3,11  
 37:9 78:17 122:13 138:22 146:9  
 161:14 162:12,24 164:15  
 207:24 217:6 218:10 236:20  
 237:2  
**SBA** 24:15 25:1,22 26:9,11,18  
**scanned** 214:6 241:24  
**scenario** 134:6  
**scenarios** 253:1  
**schedule** 114:17 116:3 125:7  
**scheduled** 163:8 187:24 188:2  
 228:6  
**scheduling** 258:10  
**schizophrenic** 169:10  
**school** 2:9 3:11,13,17,18,22  
 10:10,13,17 11:7,9,23,23 28:18  
 28:24 29:20 31:24 32:13 35:20  
 35:22 36:1 37:22 38:12 39:6  
 41:12,15,25 42:7 43:12,14 44:6  
 45:11 46:15 47:25 48:12 49:8  
 49:17 50:16,17 51:17,20 52:4,9  
 52:14,15 53:17 54:12,16,23  
 55:15,22,24,25 56:4,8,16,23  
 57:3,3,10,15,24 58:6 59:17,18  
 59:24 62:11,22,23 63:2,15,15  
 66:6,7 71:15 72:17 74:15 75:1  
 75:23 76:20 78:17 79:8,9,9,17  
 79:17,18 80:6 81:8,15,16 82:2  
 84:22 86:10,11,14 87:21 88:2

88:13,15 89:4,5 90:23 92:21  
 93:9 94:9,17,24 95:2,18,23  
 96:16,20,23 97:6,12,14,15,18  
 98:14,18,19 100:21 101:1,19  
 102:8,8 103:7,9,17,25 106:14  
 106:16 107:4,10,21,21 108:5,8  
 108:14 109:6 110:18 111:5,21  
 112:18 114:11,24 115:4,9,12,18  
 117:7,10,25 118:13,16,18,21,25  
 121:7,12,24 122:3,14,18,20  
 123:17,23,25 124:14 125:20  
 126:5,20 129:9,14,16,18,21  
 130:13 131:3,19,21 132:3,7  
 133:21 134:2,8 135:1 137:1,7  
 137:16,20,22 138:3,5,9,24  
 139:25 140:24 141:10,25  
 142:12,23 143:24 144:1,3,21  
 145:8,8,13 146:18,20,22 147:5  
 147:10,10,14,24 149:5,10,13  
 150:8,13 152:17 154:17,25  
 155:4,4,5,8,12,21,24 156:9,21  
 157:21 158:4,16,21 159:14,20  
 159:25 162:6 163:13,19 165:10  
 165:12,15,18,19,21,21,24,25  
 166:12,21,22 168:11,25 169:8  
 169:19,20 170:7 171:20,24  
 172:1,9,16,18 173:8,10 174:10  
 174:19 175:6,18,24 176:6,9,14  
 177:6,8,10,11,16,17 178:21,23  
 179:1,12,18,23 180:2,5,12,13  
 181:19,20 182:12 183:13,13,24  
 184:2,17 185:4,9 186:10 187:7  
 187:9 190:10 191:10 193:22  
 194:20 195:20 196:12,15 197:8  
 197:17,22,24 198:5,9,11,20,23  
 199:22,23 200:1,3,4,8,9,10  
 201:12 203:7 204:14 205:13  
 206:5,11 207:6,12,12 208:6,18  
 212:16,17,17,18 213:18,18,21  
 213:21,22,23 215:17 217:5  
 221:2 223:1 224:2,4 225:18  
 230:5 231:10 239:21 248:6,15  
 249:17,19 251:8,10,15,17 252:4  
 252:11,12,13,14,17 253:4,23  
 255:8,15,17,19,25 256:18,25  
 257:1,4,7 258:12,22 259:6,13  
 259:17,20 260:11

**school's** 48:13,18,22 49:12 71:8  
 75:24 91:14 94:11 135:5,6  
 179:19 182:2 196:13 201:14  
**school-created** 119:23 120:3  
**school-directed** 53:11  
**school-specific** 208:24 209:1  
**schools** 10:3,5,9,14,15,15,16,24  
 20:11 21:13 26:23 27:6 33:13  
 33:17 34:8 35:5,15 39:1,5,13,14  
 39:19 40:18,20,23 42:5 51:3  
 57:21 58:11 59:19,20 61:15  
 63:6 64:20,22 65:19 71:5 75:25  
 76:8,10,13,22 77:16,18 78:3,25  
 79:6,7,22 80:5 81:7,15 93:8  
 95:20 97:2 98:24 99:3,4,6  
 102:23 103:1,6,15 104:2,5,5,9  
 105:4,8,11,14,17,19,21,24  
 106:2,7,10,13,25 107:1,2,8,16  
 107:17,20 108:4,9 109:1,13  
 111:16,24,25 115:16,16 117:5  
 117:15 118:1,1,3,9,22,23 119:3  
 119:18 120:11 122:21,24 123:4  
 123:10,14 125:2,18 127:14,15  
 127:17,20 128:18,19 129:2  
 137:19 138:5,16 140:1 142:11  
 144:22 155:13,15 158:19,22,24  
 167:13 172:24 176:12,17  
 180:19,21 185:22 207:14 213:7  
 213:11,14,17 214:21 215:22  
 216:20 218:2,8 219:9 220:13  
 222:6,10,15 223:2,7,17 226:16  
 227:3,16 228:14,19 229:4 230:6  
 234:13 239:16 249:25 250:3,8  
 250:18 251:11,12,16,23,23  
 252:2,2,3,17,23,23,24 253:1,2,8  
 255:10,13,16,18,23,24 256:2,16  
 257:17 258:7 259:5,25 260:14  
**schools'** 10:7 114:7 155:20  
**science** 31:20 32:3,13,14,17 60:7  
 60:16  
**sciences** 60:18  
**scope** 67:3  
**score** 25:10 170:5 247:9  
**scored** 103:17  
**scores** 24:15 61:19 127:7 163:8  
 169:3  
**scrawl** 136:19

**screened** 181:17,19  
**screener** 192:15  
**screening** 192:11,13 196:3 198:8  
**screwdriver** 44:12  
**script** 209:6  
**seat** 187:2,3  
**second** 7:20 8:10 9:2 19:15 32:8  
 46:7,17 63:21 69:8 72:22,24  
 106:17,22,25 132:15 139:21  
 161:3 162:3 183:15 187:25  
 188:1,3 196:23 197:14 200:19  
 200:20 202:14 210:15,17 224:6  
 229:25 239:11 252:2,5  
**secondary** 10:15 19:17 20:17  
 28:16  
**seconded** 7:2 64:1 261:9,10  
**secondly** 178:1  
**secretary** 2:4 13:25 17:9 22:6  
 202:8  
**Secretary's** 132:1  
**sectarian** 11:7  
**section** 10:21 48:20 77:2 78:24  
 153:14 225:17  
**secure** 137:22  
**see** 10:4 13:24 19:10 20:18 22:9  
 25:6 26:17 40:22 48:23 49:4,6  
 49:15,22,25 55:23 59:23 60:24  
 64:14 66:13,14 75:4 76:19  
 81:17,21 82:6 85:20 86:9 89:19  
 90:14 92:10 94:13,16 103:19,22  
 107:19 108:8 122:6 125:8,9,18  
 127:5,9 128:14 134:20 146:23  
 162:15 166:9,11 167:3,12,14,15  
 169:1 170:11,19 171:22,22,22  
 171:23 172:3,10,11,12 173:14  
 180:2 182:20 184:9,10 185:9  
 194:23 201:24 213:9 215:13  
 217:17 219:9,10,12,20,22 220:3  
 229:7,9 231:7 237:14 242:20  
 243:19 244:11,24,24 249:6  
 256:16 258:23  
**seeing** 6:23 17:17 23:9 45:23  
 55:13 56:14,18 62:18 91:14  
 100:8 122:4 172:18 183:3 219:7  
 234:20 256:13  
**seeking** 78:6 92:25 231:9  
**seen** 25:5 90:24 119:24 146:4

170:20 234:17 257:5  
**seesaw** 54:9  
**seesawing** 219:2  
**select** 240:21  
**selected** 181:17 240:25 244:6  
**selecting** 181:20  
**selection** 198:8,10  
**self-evaluations** 193:10  
**sell** 167:21  
**semi-different** 43:2  
**Senate** 251:8 254:6 255:8  
**Senator** 251:20 253:12 255:5,12  
**Senators** 99:1  
**send** 23:16 35:22 154:20 161:5  
 204:18 214:3 217:20,22 228:14  
 236:7 243:15  
**sending** 175:7 252:20 256:10  
 257:1 261:1  
**sends** 228:24 238:16  
**seniors** 259:22  
**sense** 56:1 196:1 235:19  
**sent** 22:4 124:14 195:20 213:24  
 213:25 227:16  
**sentiments** 55:8  
**separate** 67:11  
**separated** 259:11,14 260:12  
**separately** 243:23 247:13  
**September** 22:12,14 126:25  
 132:10,18 136:6,12 153:19  
 178:12,14 182:18 183:1,4  
 232:16  
**serious** 48:25 129:10 177:13  
**seriously** 143:4  
**sermon** 34:18  
**serve** 88:5 169:24 216:15,23  
 236:9 243:14 251:13 255:3  
**Service** 1:21  
**serving** 182:8 244:2  
**session** 4:3 105:5 219:6 225:22  
 227:5,16 230:19 232:8 235:18  
 237:7,16 251:4 253:23 261:15  
**set** 23:24 24:8 26:23 27:3 30:14  
 35:11 57:25 96:6 132:4 156:18  
 185:4 196:17 198:22 199:5  
 237:6 262:15  
**sets** 149:6  
**setting** 57:7 253:19 256:2

<b>setup</b> 37:10 200:7	<b>single</b> 41:18 60:17 158:13 164:5	<b>solution</b> 253:25 254:2
<b>seven</b> 106:7 189:13 204:4 213:2 215:8	<b>sister</b> 195:20	<b>Solutions</b> 29:18 39:24
<b>seventh</b> 52:11 59:17 60:6,10	<b>sit</b> 98:4 188:7 228:15 248:3,10 249:11 257:11	<b>solve</b> 32:16 62:15 253:7
<b>shame</b> 99:12	<b>site</b> 3:22 50:10 53:22 58:21 59:3 65:6,17 66:5,18,18,21 133:25 142:10 161:21 162:8 197:14 221:15 224:2,4 225:18,19 229:23 248:3	<b>solvency</b> 138:23
<b>share</b> 173:23 181:7,8,9 254:3	<b>sites</b> 252:2	<b>somebody</b> 58:16 212:22 220:13 247:8
<b>shared</b> 88:11	<b>sits</b> 252:11	<b>someone's</b> 216:24
<b>sheet</b> 4:7 78:21 125:22 136:11 210:5 220:24 236:23,24	<b>sitting</b> 60:4 99:2,22 175:22 178:23 180:10	<b>someplace</b> 54:1
<b>sheets</b> 241:20	<b>situation</b> 11:14 127:19 133:12 134:5 138:2,6 155:16 156:2 159:1 174:11	<b>something's</b> 122:8
<b>shelter-in-place</b> 142:25	<b>situations</b> 134:19	<b>something-or-other</b> 35:3
<b>shop</b> 30:11 44:4	<b>six</b> 20:17 58:16 70:9 106:15 217:8,23 218:11,14,16	<b>somewhat</b> 177:3
<b>short</b> 53:25 139:5 147:14 149:12 202:12 219:6 245:12,13,15 248:6 254:2	<b>sixth</b> 59:17 60:9 217:10	<b>son</b> 195:21
<b>short-term</b> 75:11	<b>size</b> 251:8,10,15,17 253:5,23	<b>soon</b> 21:12 97:10,12 137:18 139:8 144:11 249:8
<b>shortage</b> 169:15	<b>ski</b> 9:16	<b>sooner</b> 154:4
<b>shortcoming</b> 217:1	<b>skill</b> 32:10,11 44:8 103:12	<b>sophisticated</b> 80:9
<b>show</b> 54:1,3,12,15,23 64:10,12 65:11 77:21 95:7 101:2 111:17 118:15 119:1 131:15 163:4,7 171:14 187:7 206:3 259:15	<b>skilled</b> 35:20,21 36:13 45:4	<b>sorry</b> 19:6 23:19 38:8 48:7 65:24 66:1 68:8,12 70:14 75:22 91:18 132:9 135:13,18 143:11 158:15 169:25 174:22 180:25 184:22 196:18 197:3 198:6 200:21 202:16 204:7 219:23 231:2 237:24
<b>showed</b> 130:21 187:6 200:9	<b>skills</b> 19:21 29:2 31:10 33:6 44:15 177:15	<b>sort</b> 96:5 112:6 113:17 132:1 137:10 149:5
<b>showing</b> 80:2 111:22	<b>skim</b> 93:4	<b>sounds</b> 256:8
<b>shown</b> 174:21	<b>slack</b> 121:16	<b>sources</b> 208:8,10,13,20
<b>shows</b> 64:9 140:5 148:7 182:17 213:10	<b>slight</b> 31:3	<b>Spanish</b> 182:3 183:12
<b>shuffle</b> 130:19	<b>slightly</b> 53:3	<b>spare</b> 237:13
<b>shuttered</b> 30:4	<b>slip</b> 24:9	<b>speak</b> 12:6,17 82:19 92:2,12 93:24 153:2,14 181:3 200:16 235:5
<b>side</b> 85:20 133:16,17 144:21 156:4 157:23 191:17 195:23 226:21	<b>slippage</b> 24:1	<b>speaking</b> 111:7
<b>sides</b> 135:4	<b>slipshod</b> 43:9	<b>special</b> 124:9 171:3 187:22 189:3 189:7,10 190:3,25 195:11 207:6 207:16,17
<b>sign</b> 106:15 213:22 214:1 216:13	<b>slow</b> 170:18	<b>specialized</b> 84:22
<b>Sign-In</b> 4:7	<b>slowly</b> 106:11	<b>specialty</b> 195:11
<b>sign-ins</b> 91:7	<b>small</b> 32:15 39:19 88:2 98:13 234:9 251:8,10,15,17 252:17 253:4,23	<b>specific</b> 37:21 39:12 99:4 107:3 156:14 186:18 209:19 220:11
<b>signature</b> 204:18	<b>smaller</b> 31:16 169:19,19 173:10	<b>specifically</b> 20:9 29:2 31:13 48:15 50:5,18 78:25 196:15 201:17
<b>signed</b> 214:5,13	<b>social</b> 60:19 189:15,16 190:1,3	<b>specifics</b> 90:8
<b>significant</b> 61:20 146:21 153:23 189:23 205:17 237:12	<b>social/emotional</b> 190:5	<b>specified</b> 199:20
<b>significantly</b> 254:9	<b>soft</b> 33:5	<b>specifies</b> 209:9
<b>similar</b> 28:25 155:16 174:11 229:11	<b>sold</b> 138:12	<b>specifying</b> 209:19
<b>simple</b> 223:22	<b>solely</b> 181:22	
<b>simply</b> 120:10 140:22 177:18 199:16	<b>solid</b> 155:13 186:7	
<b>sincerely</b> 200:9	<b>solidifies</b> 113:18	
	<b>solidify</b> 90:12	

**speed** 165:22 179:12  
**spelled** 207:1  
**spend** 20:13 85:5 102:22 104:7  
 205:14 237:22  
**spending** 36:18 92:20 93:5 97:25  
 131:1,4  
**spent** 27:10 156:14 185:14 237:8  
**spillover** 252:22 256:11  
**spoke** 22:1 226:1 228:1,1 257:18  
**spoken** 114:9 253:12  
**sponsor** 253:12  
**spread** 95:24  
**squeaking** 20:2  
**stability** 215:15 217:25  
**staff** 2:8 19:18 54:6 65:17 66:8  
 74:22 87:15,18,24 88:6 89:20  
 111:10 113:16 142:16 143:3,7,8  
 163:20 166:15 167:22 172:11  
 173:23 189:4 197:5 227:5,7  
 259:25  
**staffing** 74:19 86:16 87:10 158:1  
 173:19  
**stagnant** 48:24 51:5  
**stakeholders** 20:24  
**stand** 54:25 71:11 134:4 135:4  
 186:19 249:21  
**standard** 209:4  
**standards** 112:20 195:1  
**standards-aligned** 145:22  
**standing** 71:12 194:7  
**stands** 157:6 214:11  
**start** 49:12 77:5 78:17 80:11 81:2  
 94:17 95:2 120:1,4 129:11  
 135:3 140:6,7 149:12 170:23  
 171:3,4 192:10 227:24 230:11  
 231:25 233:4  
**started** 31:24 34:2 60:19 76:25  
 94:14 104:13 172:1,9 192:16  
 193:2  
**starting** 29:5,6 227:23 235:7  
 256:15  
**state** 1:2 10:12,20,22 11:2,4,12  
 20:1 24:22 25:2 26:14 27:24,24  
 30:5 33:17 40:3 45:4 49:9  
 53:12 58:12 61:10,16 62:2  
 87:20 96:9 99:1 103:15,18  
 128:24 140:1 146:25 150:16

155:13 160:5,14 161:13 169:18  
 172:14 175:7,19 239:22 247:4,5  
 247:24 260:8,12 262:2,9,13  
**state's** 63:6  
**State-chartered** 11:23  
**State-funded** 147:22  
**State-sponsored** 87:2  
**stated** 56:13 112:10 157:15  
 188:17 262:14  
**statement** 117:5 137:4 147:9  
 151:1 152:6,6 184:23 187:15  
 188:12,21  
**statements** 139:16 183:24 188:13  
**statewide** 24:20 170:23  
**status** 75:1 103:11,21 126:1  
 155:21 158:1  
**statute** 53:12 96:9,13 255:22  
**statutes** 10:12  
**statutorily** 53:5 63:17  
**stay** 25:1 40:11 101:20 199:2  
**stays** 65:1  
**steady** 170:17  
**stem** 86:3  
**step** 21:1 33:9,10  
**steps** 82:5 98:21 109:8 186:16  
 239:23  
**Steven** 9:12,23  
**Stewart** 255:6,12  
**stick** 258:11  
**stipulated** 119:14  
**stop** 71:2 149:3 151:9,11 181:14  
 248:22  
**stopped** 52:19  
**story** 59:16 62:19 169:3  
**straight** 69:1,3 186:19 241:6  
**strapped** 193:3  
**street** 1:12,21 9:24 259:19  
 262:20  
**strengthen** 186:2  
**stretching** 95:15  
**strike** 151:17  
**stringent** 25:25  
**strong** 104:1 107:25 108:16  
 111:5 117:5 120:4 218:3  
**stronger** 83:12  
**strongest** 81:25  
**strongly** 42:25 110:1

**structural** 186:1  
**structure** 48:14 63:16 72:20 79:5  
 186:15 194:24 218:20  
**structured** 185:20,22 186:7  
 194:25  
**struggle** 20:1  
**struggling** 166:21,21 182:25  
**stubborn** 174:13  
**student** 25:16 28:8 30:20,21,21  
 32:11 38:21 41:17,22 49:1  
 50:13 55:10 61:14 88:2,5 92:6  
 92:14 99:13 124:7 143:3 145:17  
 146:2,13 180:14 184:16 187:16  
 187:16,18,22,22 188:15 193:6  
 193:25 194:1,17,21 195:3  
 196:21 207:16 251:18 252:15  
 256:23 257:9  
**student's** 180:17  
**students** 10:3 11:9 19:20,24,25  
 24:16,18,19,19,20,25 25:11,14  
 26:11,12 27:4 28:20 30:20 31:9  
 33:8 38:14 39:6,6 40:20,21  
 41:9,14,24 42:1,10,22 43:24  
 44:7 45:12 49:7,10,14,14,22,24  
 49:24 50:1,2 51:6 55:14,18,25  
 56:15 57:1,23 59:13,16 61:9,13  
 61:21,22,23 71:18 87:6,7,25  
 93:8 97:7 98:12 146:5,5,17,19  
 146:22,24 147:2,8,11,14 166:18  
 168:8,19,20 169:9,10,10,20,24  
 170:4,6,9,13 177:19,22 178:1  
 179:3 180:1,3,21 182:9,18,23  
 182:25 183:1,4,15 184:1,12,14  
 184:21 185:10,18,18,19 187:8  
 189:7,10 190:3 192:18 193:11  
 193:20,22 196:2 200:2 207:17  
 234:12 252:24,25 254:5,14  
 255:1,3 256:24 257:6 259:8,24  
**studies** 60:20  
**study** 42:16,18 252:21 255:9  
**stuff** 23:11 57:11 60:15 189:8  
**stunned** 163:18 164:10 190:22  
**sub** 169:22  
**subcommittee** 74:25 75:4 216:10  
 240:6 241:4,6,16 242:5,9,14  
 243:14 244:2,2,7,12,16 245:11  
 246:10,13,19 249:1

**subcommittees** 236:8  
**subgroup** 49:13  
**subgroups** 103:16  
**submission** 108:17 115:23 116:7  
 116:10,13 232:15 233:24 239:6  
 240:17 249:3  
**submissions** 126:11 241:13 249:7  
**submit** 79:24 80:5 81:12,23 99:8  
 102:23 103:9 105:22,23 107:12  
 107:23,25 108:5,9 114:12,15  
 115:25 121:6 125:6,23 137:10  
 154:22 162:20 197:17,24 198:7  
 198:17 213:13 219:17 233:4,10  
 240:23  
**submitted** 53:17 75:5 76:21  
 79:23 81:18,22,25 82:1,6,13  
 92:3 103:22 107:22 108:14  
 115:9 125:20,21 127:6 135:25  
 144:24,24 155:9 160:3 191:17  
 197:20 213:16 214:18 219:16  
 242:1  
**submitting** 76:5 164:16 196:19  
**substantial** 106:1 230:20  
**substantially** 209:3  
**subtract** 53:11  
**Succeeds** 118:15,25  
**success** 55:24 56:8,14 64:20  
 112:12 256:3  
**successes** 55:18 127:9  
**successful** 71:4 82:10 111:19,21  
 111:23 115:2 249:16  
**successfully** 249:20  
**suffer** 112:7 143:21  
**suffering** 92:16 179:21  
**sufficiency** 23:3  
**sufficient** 207:6 241:23,25  
**suggest** 166:4  
**Suite** 1:21 262:20  
**summaries** 108:24  
**summary** 8:17 102:25 103:1,10  
 103:11 105:2 108:18,25 148:7  
 156:5 219:20  
**summer** 28:24,25 29:5 32:1,4,6,8  
 252:21  
**superintendents** 45:6  
**superior** 118:17  
**support** 10:6 11:6 29:20,25 31:9

33:5 45:9 56:12,13 74:9 77:3  
 87:15,18,24 90:7 91:5 95:10  
 97:3 103:13,15 105:13 106:5  
 107:2 115:21 121:25 123:12,13  
 123:14 145:10 173:7 175:14  
 176:16 190:16 193:8 218:23  
**supporting** 19:25 28:21  
**supportive** 186:7 200:9  
**supposed** 181:13  
**supposedly** 57:1  
**sure** 12:9,9 19:20 21:21 26:19  
 34:22 53:7 57:5,7 59:4,10  
 60:25 62:9 68:5 76:14 84:7,9  
 84:13,16 85:7 88:20 92:20  
 95:14 101:3 113:23 121:14,19  
 123:13 133:15 135:7 136:23  
 137:1 152:24 153:5 158:20  
 159:15 161:7 164:14 184:16  
 188:25 189:7 199:4 201:23  
 204:25 205:2 208:11 214:5,24  
 215:20 217:3,5 222:16 227:22  
 228:20 229:18 236:14 239:23  
 242:8 248:16,17 256:2,6

**surprised** 136:25  
**survive** 60:12  
**suspended** 187:22 188:4 194:18  
 195:3  
**suspension** 139:23  
**suspicious** 140:6  
**sustainable** 137:6  
**sustainably** 131:3  
**sweep** 99:11  
**sworn** 235:7  
**system** 122:14 123:5,18 158:11  
 173:8 247:23  
**systemic** 185:24  
**systemically** 33:25

---

## T

---

**T** 3:1 4:1  
**T&E** 133:14,20,24 144:6,10  
 157:4 161:1 174:23 178:2  
**table** 28:15 35:3,4 105:20,20  
 106:9 107:9  
**Tabled** 4:3  
**tag-team** 129:7  
**take** 32:7 41:14,22 42:11 43:24

45:5 59:5 74:10 88:9 102:19  
 120:23 149:12,18 168:24  
 172:19 178:3,6 180:14 183:3  
 186:9 196:12 198:17,24 201:12  
 205:6 206:8 209:20 221:14  
 226:24 228:7 232:6 237:7,13  
 243:17 248:7 258:8,9  
**taken** 32:11 41:18 44:3 74:12  
 80:2 98:21 142:17 150:1 158:9  
 177:4 186:16 196:23 205:10  
 220:7 244:11  
**takes** 54:15 97:5,6 122:15 137:20  
 143:3 242:7 247:12  
**talk** 25:3,19,20 48:8 59:6 95:20  
 104:4,23,24 129:25 130:3  
 140:15 144:19 148:5 170:21  
 181:24 187:3 214:16 228:4  
 253:15  
**talked** 19:23 22:15,17 31:18  
 35:18 113:3 259:7,11,12 260:15  
**talking** 25:2 45:13 76:25 81:3  
 85:3 113:1 114:6,14 118:2  
 154:24 160:7 168:2 170:22  
 185:15 212:5 215:3 226:4,6  
 230:1  
**Taos** 48:12 51:17,19 61:15,16  
 62:25 63:14 65:19,22,24 66:24  
 72:17 79:9,17 87:18  
**target** 20:9 23:22,24 24:8,10 25:8  
 25:17 26:8  
**targeted** 99:5 103:15  
**targets** 20:2,19,20,23,25 21:4,5,8  
 23:21,21 26:23 27:4 31:13  
**task** 112:22  
**teach** 27:25 32:7,8,14 59:12  
 175:1  
**teacher** 28:15 31:25 32:10,13,14  
 52:19 62:25 145:11 169:21  
 175:1 192:18,19  
**teachers** 27:23 28:22 29:2,21,24  
 30:5 32:5,17,18 45:4,7,14 60:2  
 60:8 100:16 124:5,5,13 163:3  
 164:1 165:11 169:15,16 171:10  
 173:22 189:4 192:17 193:9,18  
 195:7  
**teaching** 27:22 33:23 60:13  
 121:12

**team** 65:4 66:5 105:24 133:23  
142:11,13 145:7,18,22 147:4  
192:9 208:25 248:4,12

**technical** 32:25 122:25 166:7,15  
167:22 174:9 175:8 176:16  
214:20

**technology** 31:24 32:12 108:11  
193:8 213:20,21

**technology-endorsed** 32:19

**telephone** 242:18 243:10

**tell** 58:4 122:22 137:11 146:8  
156:4 163:18 192:7,8,9 193:22  
237:25 251:24

**Teller** 131:10 132:23,25 135:1  
150:8 152:22,25 153:5,10,13  
155:1,3 156:11 159:17 174:7,8  
178:9 191:18

**telling** 58:8,15 182:10 190:11  
192:5,6 220:14

**template** 88:10 103:25 107:13  
112:23 113:17,22 114:3,7 145:2  
157:20 160:4 163:22,22 164:3

**temporarily** 13:3

**ten** 148:21 150:10 165:25 166:9  
172:1,10 215:11

**ten-days** 188:5

**ten-minute** 74:11

**tend** 40:10 77:24 158:23

**tended** 40:20

**term** 235:21

**terms** 29:8 31:8 35:24 49:9,13,16  
50:21 63:15 72:18 85:9 106:11  
161:12 196:16 199:12 235:6  
248:15 257:25 259:22

**Terry** 150:10 165:3

**test** 24:14,16 25:24 26:11 162:25  
163:8 169:3

**testament** 19:18

**tested** 24:25 25:22 26:12 163:5  
182:18 183:4

**testimony** 262:15

**testing** 162:21 163:10

**tests** 25:16 192:19

**text** 209:9

**thank** 11:15,16 12:25 13:1,5  
14:13 15:12,12,13 17:7,12  
18:21 19:4,6 21:16 23:15 24:11

27:14,16 28:3 30:2,6,7 32:20  
34:19 37:16 38:4 39:17 41:6  
44:20,25 45:15,16 46:6 47:22  
47:23,23 51:9,10 53:1 55:5  
56:19 59:8 61:2,3 62:6 63:8,12  
64:24 65:14,23 67:13 69:14  
72:21 74:7,8 78:9 80:17,21  
83:13,19 85:18 86:1 87:2,3  
90:6,18,20,21 91:16 99:16,17  
99:19,20 102:1,5,5,14 112:15  
115:6 116:5 117:1 128:11,14  
129:4 135:9,11 139:12 140:8,9  
149:19,24,25 150:2,5 152:18,23  
165:4,5 168:5 175:20 185:12  
186:21,22 188:19,22 191:21  
196:4 200:5 203:15 204:10,16  
205:4,5,7,8 210:10,21 211:24  
219:13 220:19 223:11,20  
224:13 226:9 227:13 230:3,15  
233:17 234:22 235:9,10 247:25  
248:1,24 249:4 250:22 257:10  
257:11 258:19 260:1,18,25  
261:2

**thanked** 250:15

**thankfully** 157:10,11

**thanks** 130:6,10 174:4 258:20

**theirs** 112:6

**theme** 131:12

**theory** 243:19

**therapist** 189:17

**therapy** 190:5

**thing** 36:12,24 42:4 88:1 97:17  
99:24 116:7 118:11 119:13  
121:13 122:11,12 123:15,20  
124:11 128:17 130:9 131:23  
145:24 158:18,23 173:6 186:10  
206:14 221:21 235:20

**thingie** 21:22

**things** 28:7 31:22 40:24 41:8  
43:4 44:1 45:13 55:10 59:2,7  
62:17 75:15 85:6 86:8 92:9  
100:20 113:1,1 126:11 130:4  
144:18 145:6,9,9 147:3 157:12  
162:12 166:14 172:8 173:17  
174:9 187:4 190:9 195:23  
217:17 218:7 220:6 221:7,17  
226:21 233:20 234:7,9 247:21

251:3 259:20,23

**think** 12:22 22:19,25 31:18 33:16  
39:3,15,25 40:4,12,17 41:2  
42:13 43:20 44:13 48:7 49:18  
50:15 54:21 57:22 58:1,25 64:5  
64:16,19,20 65:7 67:3,15 71:15  
72:8 74:19 76:22 77:22 80:10  
81:1 82:2,9,14 83:15 84:13  
87:20 89:10,12 93:22 95:4 96:2  
96:8,10 109:14 110:11,13,14  
111:3,12 112:5 113:12 114:8,8  
114:10,13,19,22,23 115:5,19  
117:4,12 118:8 120:15,20  
123:16,17,21 124:1,24 125:1,7  
125:19,24 127:4 129:25 133:8  
145:14,24 147:12 148:22  
151:11,13 153:3,6,16 159:3,11  
161:24 162:13 166:25 167:5,23  
169:23 171:12 172:8,16 173:20  
178:21 179:6 181:2,4 182:7  
185:15 186:12,13,19 188:10,13  
190:9,13 199:21 200:7 206:15  
206:16 209:15 210:7 212:11  
214:12,23 215:17,19,25 216:6,7  
216:19,19 217:11 218:6 220:13  
220:16,21 221:7,13,24 223:21  
226:19 227:3,4,20,25 229:12,22  
230:12,21,25 231:21 232:1,3  
233:10 234:6 235:17,18,22  
236:9,12 237:7,10,11,15 238:17  
240:4,11 242:23,23 249:22,25  
250:19 251:24 253:24 254:1,10  
254:13 256:5,11,13 258:21,25

**thinking** 102:22 104:8 124:25  
127:13 171:16 194:23 233:17  
257:14

**thinks** 27:7 170:14

**third** 1:21 102:7 106:4 128:3,4  
153:14 170:20 183:2 209:16,17  
252:6 262:20

**third-grade** 124:5

**thoroughness** 95:7 99:21

**thought** 14:6 51:25 56:25 65:15  
67:1 68:8 96:16,17 109:2  
117:25 132:19 169:20 202:16  
202:24 216:18 221:8,12 222:2  
226:4 228:2 234:16 239:24

242:10 245:10 256:9  
**thoughtful** 50:16 82:4  
**thoughts** 250:18  
**thousand** 252:18  
**threatened** 187:17,19 194:1  
**threats** 175:12  
**three** 23:23 24:7 36:16 41:18,22  
 42:5,6,6,11,11 60:17 62:22,24  
 70:8 79:22 81:7,15 91:1 92:4,7  
 96:23 98:12 106:25 107:8,20  
 108:12 132:8 148:22,23 155:12  
 158:19 160:13 164:4 165:7  
 167:3 182:22 191:14 198:25  
 223:2,4 226:21 233:7 234:8  
 251:5 259:12  
**three-year** 177:10  
**throwing** 119:6  
**tier** 115:24 170:24,24 171:7  
 182:22,23,24 183:5,5,6,8,8,8,9  
 183:18,19  
**Tierra** 79:10 107:10  
**tiers** 182:22 183:16  
**tight** 134:6 243:21  
**till** 39:9  
**TIM** 2:5  
**time** 9:11 13:10,22 20:13 21:24  
 22:6 36:21 41:25 47:23 50:13  
 51:7 52:22 53:19 54:8 56:6,24  
 60:7,24 65:3 75:5 85:5 86:23  
 88:24 89:15 91:15 95:24 96:24  
 97:11 98:3 102:22 104:7 105:22  
 107:22 108:14 112:3 119:13  
 120:23 122:7,8,21 124:16,17  
 125:23 130:7,14 137:7 140:3,5  
 142:8 147:14 150:16 152:4  
 153:12 154:11 157:11 160:15  
 160:18,18 162:19 165:15  
 166:25 167:2 176:5 177:12,20  
 179:25 181:2 185:14,15 186:19  
 188:3 190:21 200:15,18 203:14  
 205:9,15 212:5 215:4 218:17  
 219:6,8 228:5 230:1,5,8,17  
 232:21 235:4 236:9,13 237:9,13  
 237:23 238:6 239:18 240:5,8  
 241:22,23,25 242:9 245:17,21  
 245:23 246:3 249:6 251:1  
 257:15,25 263:10,15,20,25

**timeline** 79:7 88:18 89:23 96:11  
 96:13 115:23 116:7 126:3  
 164:18 166:12,14 167:2 198:21  
 199:12  
**timelines** 75:17 77:1 116:10,20  
 149:7 164:23 221:6  
**timely** 79:1,11,19,20,21 80:13,16  
 82:13 104:21 114:15 115:25  
 125:6,20,21 166:24  
**times** 99:10 154:20 190:15  
 232:21 254:8,20  
**timing** 113:6 133:3  
**tiny** 219:22  
**tired** 54:22  
**to'** 219:3  
**today** 5:18 10:1 34:18 71:14  
 76:11 79:16 141:24 152:11,15  
 167:24 172:17 175:22 190:21  
 205:23 210:2,14 215:4 227:13  
 229:20 251:6  
**today's** 210:13  
**told** 121:7 131:24 167:6 179:1  
 195:18,19 198:24  
**tomorrow** 257:20  
**tool** 105:2 113:6 117:6 122:20,23  
**tools** 120:24 180:2 196:3  
**top** 33:20 63:6 74:2 100:16  
 127:19 143:2 183:19 239:3  
**topics** 92:4  
**total** 53:4 159:25  
**totally** 184:15 253:6  
**totals** 100:9  
**touch** 35:9 131:19 147:19  
**tough** 94:25 95:3 233:12  
**Toulouse** 2:7 5:11,12 13:12,13  
 14:4,5,11 16:11,12 18:1,2 38:9  
 38:10 39:4 46:7,18 47:15,16  
 56:20,21 57:17,20 58:14,20,25  
 67:2,10 68:6,19,20,24 72:5,12  
 72:15,24 73:3,4 120:13,14  
 149:17 201:21,22 210:23,24  
 224:2,6,18,19 230:22 231:4,7  
 231:11,21 233:6 247:1,2 249:10  
 260:23,24  
**track** 118:12 119:21 120:2  
**tracker** 74:23 76:7  
**traction** 28:10 29:9

**trade** 30:15 31:8 33:9 43:23  
**trades** 30:24 35:11 40:15,24,25  
 41:1,3,5 108:10 213:19  
**traditional** 44:6 111:25 116:19  
 128:19  
**traditionals** 127:23  
**train** 37:13 160:15  
**trained** 160:13,13 192:2  
**training** 31:25 32:4,6,7 35:13  
 36:5 76:23,24 77:17,19,24 84:6  
 84:13,22 85:20,24 105:17 106:4  
 107:3 109:11 123:3,5,8,12  
 124:2,2 142:21 143:12 144:2  
 148:12,14,15,16,17,21,24  
 160:10,19 176:23 177:1 179:15  
 190:17,19 191:1,3 197:12 198:3  
**trainings** 92:18 164:4  
**transcribed** 250:23  
**transcript** 1:10 3:6 7:12,12 8:2  
 58:17 262:11 263:8,13,18,23  
**transferred** 165:8 194:3  
**transfers** 158:7  
**transition** 25:5 29:25  
**transitioned** 24:25  
**transitions** 28:20  
**transparency** 218:18 256:3  
**transparent** 227:25  
**trend** 35:22 36:8  
**trending** 182:19  
**trends** 20:18 34:24 36:23  
**trepidation** 101:22  
**tried** 35:7 125:18 173:5  
**trips** 168:1,2  
**TRISH** 2:6  
**trouble** 21:11 57:10 97:4  
**troubling** 97:20  
**truancy** 146:1  
**true** 26:4 131:17 165:17 262:10  
**truly** 86:6 89:19 95:6 180:25  
 252:3  
**try** 30:14 32:23 54:7 120:12  
 134:18 135:19 139:7 163:24  
 172:3 193:24 220:12 258:16  
**trying** 29:10 32:14 42:20 45:8  
 75:12 93:12 98:7 110:3 113:20  
 128:10 134:5 140:14 144:20  
 169:3 170:9,10 174:17 214:19



238:22 243:5 255:14 256:21  
259:14 260:16  
**TSI** 103:11 128:20  
**Tuesday** 248:19 249:12,13,15  
**tuition** 29:19 30:21 33:25 36:7  
**turn** 13:4 21:23 49:20 108:3  
153:21 181:7 216:15 234:7  
249:2  
**turned** 134:24 135:24 153:19  
154:11,14 155:18 159:8 241:21  
243:24 245:2  
**turning** 159:10,13  
**turnover** 148:9  
**twelfth-graders** 25:21  
**twice** 37:19  
**two** 20:4 25:16 41:8 49:11 60:4  
62:1 77:23 81:14 92:6,11 99:20  
103:24 105:10 107:16 108:13  
139:15 145:15 147:20 162:4  
177:5,12 178:7,15 182:3 190:22  
191:19 198:24 209:2,20 222:4  
222:13 223:2 226:21 228:9  
233:20 236:8,13 251:12,16,23  
256:12 259:4  
**two-person** 227:5,6  
**type** 103:23  
**types** 137:12  
**Typically** 222:9  
**typo** 207:1

---

**U**

---

**Uh-huh** 239:14  
**ultimate** 181:14,14  
**ultimately** 109:14 156:10 244:9,9  
**unable** 45:3 134:3 145:17  
**unanimously** 211:25  
**unanticipated** 137:3  
**unclear** 52:8  
**unconstitutional** 11:12  
**underperforming** 50:19  
**understand** 26:21 57:17 66:7  
67:24 72:10,11 77:24 95:8  
109:6 117:11 119:19 122:24  
123:6 126:10 152:12 159:9  
177:1 178:16,17,19,21 179:16  
186:25 191:25 199:1 218:1  
229:22

**understanding** 12:7 77:17 88:21  
138:14 177:7  
**understands** 199:9  
**unfilled** 35:12  
**unforeseen** 162:21  
**unfortunate** 44:2 98:20 109:22  
**unfortunately** 39:18 58:19 98:4  
179:9  
**unilingual** 124:9  
**union** 30:15 35:16 37:4,5,8,15  
38:23 41:1  
**unions** 35:1,10 36:7 37:1,2 38:13  
39:9  
**unique** 93:10  
**unit** 100:14  
**universal** 192:11,13,15  
**universities** 10:24 36:9  
**university** 11:8 59:25  
**UNM** 38:19  
**unseen** 101:10  
**untimely** 144:24 147:21  
**unused** 99:8,10  
**up-to-date** 79:25  
**update** 75:20 92:10 116:22 141:4  
238:24  
**updated** 74:25 157:25 158:1  
197:3  
**updates** 74:20 196:22 208:20  
**upset** 250:20  
**urgency** 56:1 196:1 227:1  
**urging** 61:17  
**use** 10:22 20:8,8 27:6 39:19  
40:16 71:16 84:2 107:5 109:7  
110:18 111:6 114:7 116:12  
117:15 120:12,19 121:2 123:17  
160:4 163:21 166:1,7 177:1  
207:15,19 213:3  
**usually** 158:15 247:12  
**utility** 101:8  
**utilize** 117:7 123:4,7 206:5  
**utilizing** 113:5

---

**V**

---

**V** 9:14  
**vacancies** 79:13 80:16 212:13  
213:5  
**vacancy** 79:15,21 165:6 212:19

212:20,24  
**Valentine's** 261:19  
**valid** 197:10  
**Valley** 168:24 173:23 213:19  
**value** 26:1 100:14  
**Van** 167:7  
**VanAmberg** 150:12 152:18  
**variance** 153:23,23 154:8  
**variety** 129:9 142:9 143:10  
**various** 37:12 40:13,15 48:25  
111:24  
**vendors** 137:24  
**Ver** 9:15  
**Ver-** 9:13  
**verbatim** 137:18 161:3 207:8  
**Verchinski** 9:23  
**Vercun-** 9:13  
**verification** 136:1 197:11  
**verified** 135:25 197:20  
**Vernon** 134:16 150:5,7,25 151:8  
152:5,12,21 160:1,9,12 161:19  
165:2 166:5 168:5 174:6,24  
187:13 188:19 205:8  
**version** 124:2  
**versus** 133:25  
**vetted** 181:17  
**vice** 2:3 13:5,6,24 14:9 15:14,17  
15:23,25 17:7 162:6 178:25  
**Victor** 9:15  
**view** 256:15  
**Vigil** 92:17 131:9,15 132:24  
**violates** 123:18  
**virtual** 249:25 250:3,8,18 255:8  
255:10,18,20,23,24,25  
**vision** 88:21  
**visit** 11:11 50:10 56:6 58:21 59:3  
65:6 66:5,8,18,18,21 142:11  
161:21 162:8 191:23 197:14  
248:3  
**visited** 35:13  
**Visitors'** 4:7  
**visits** 53:22 65:17 259:22  
**vital** 30:4  
**voiced** 65:18  
**volunteered** 172:7  
**vote** 14:1,5,11 15:11 16:3 17:18  
47:21 62:3 64:6,8 66:3,12

68:20,23,24,25 69:3,10 70:13  
 70:15,18,20 71:22,25 72:1 74:5  
 80:4 81:7 88:25 89:8 111:2  
 114:2 141:10,11,21 142:3  
 201:19 203:13 204:6 221:25  
 222:11 223:12,16,19 225:15  
 226:24 230:17 241:3 244:8,10  
 244:14,19,21 245:14 246:12,14  
 246:20  
**voted** 69:12 108:1 223:18 246:8,8  
 246:17,18,22,24  
**votes** 15:1 17:4 47:2 69:15 73:12  
 203:17 211:22 220:7 225:8  
**voting** 14:2 69:2,6 110:25 148:15  
 148:17 258:3  
**vulnerable** 50:18

---

**W**

---

**wages** 30:22  
**Wagon** 171:20  
**wait** 159:20 165:9 215:9 216:24  
 222:17  
**waited** 145:15  
**waiting** 167:7 171:8 202:7 249:3  
**waiver** 231:12  
**Walatowa** 213:23  
**walk** 173:6 180:22  
**walking** 173:4  
**wallowing** 109:17  
**want** 12:6 22:4,7,9 29:24 33:3  
 34:13 37:21,22 38:11 39:9  
 40:21 43:22 57:5,6,9,12,25 58:3  
 58:7 59:4 61:7 66:17 67:7  
 70:25 78:16,19,22 82:21 83:9  
 85:20 86:18 88:9 89:3,4 90:15  
 92:2 94:19 102:22 103:4 104:3  
 104:9,10,16,16,18 109:7 110:24  
 117:14,14 118:24 120:22 121:3  
 121:4,15,20 122:11 123:10,15  
 125:8,8,12 127:16,21 128:17  
 129:11 131:10 135:8,12,14  
 136:20 138:6 139:23 140:13,16  
 142:5 147:19 148:5 149:12  
 151:10,12 152:3 159:19 163:18  
 164:8 167:11 169:7 170:7,7,8  
 173:2,3 174:5,12,20 176:13  
 180:11 181:3,4,7,9 182:20,22

183:6,19 184:20 188:21 189:2  
 198:22 202:21 207:23 208:11  
 209:18 210:4 214:23 215:2,13  
 215:20 216:22 217:4,14 219:7  
 219:24 220:3 227:23 228:3  
 231:19 233:17,20 241:10 242:8  
 243:15 248:23 254:22 257:3  
 259:9  
**wanted** 39:14 43:15,21,22 49:1  
 50:12 53:14 60:11 62:4,12 63:1  
 75:4 92:5,12 107:24 128:21  
 130:9 153:24 157:13 159:12  
 160:5 174:9 177:11 181:24  
 201:2 202:18 203:11 206:20  
 208:3,15 216:12 230:11 231:17  
 251:5 254:3  
**wanting** 225:18  
**wants** 54:16 80:12 93:24 216:23  
 232:12 243:13  
**warranted** 254:18  
**wasn't** 35:18 43:9 46:9 53:12  
 58:8,20 80:18 86:18 87:23  
 95:13,14 135:18 157:10 162:11  
 184:23 195:16 220:8 247:16  
**waste** 60:6 251:1  
**wasted** 60:4  
**watch** 98:6 120:21 149:17  
**watching** 120:21  
**water** 188:21  
**way** 24:22 27:10 30:13,18 34:23  
 36:24 60:25 64:8 78:3 89:18  
 97:13 100:18 105:23 118:20,20  
 120:25 121:24 166:14,25 167:4  
 172:6,20,23 173:15 181:16  
 182:19 183:22 188:16 226:20  
 230:7 234:6 238:15 239:17  
 240:8 245:5  
**ways** 20:12 61:13 93:9 174:14  
 255:25  
**we'll** 72:13 76:10,13 110:15  
 116:21 205:6 214:15 218:10  
 219:5,5,11 220:17 230:18,20  
 237:5 249:6 253:15 254:23,24  
 256:10 257:23 258:16  
**we're** 14:2 20:7 22:8,9,10 24:9  
 25:2,8 32:4,10,14 37:13 42:19  
 42:19,22 44:5,14 51:22 52:5

53:23 54:19,21 57:5,7 58:4,4  
 59:6 61:9 62:21,22 64:21 65:22  
 71:10,12,21 74:17 75:12 83:4  
 84:11,21 85:13,16 86:13 87:1  
 97:1 98:6 110:3,5,6,23,23,25,25  
 111:16 113:7,8,12 116:8 119:21  
 121:23 125:2 126:24 128:9  
 131:18,22,25 132:3 134:5,21  
 139:11 151:4 152:11,15 163:9,9  
 163:15 166:25 168:23 169:3,18  
 170:8,22 171:10,15 172:21  
 173:9 175:13 180:5 182:19  
 183:3 184:9,24 185:8 189:22  
 207:9,9,14 214:19 217:20,22  
 218:8,9 220:12,12,19 222:16  
 225:16 226:20 227:4 228:4,15  
 230:1,25 231:21,23,24 233:13  
 235:7,21,24 236:4 239:1 242:15  
 243:5,10,22,24 245:20 247:3,4  
 247:5,18 249:3 253:18,21 254:1  
 255:18 256:2 257:17,25 258:1,3  
 259:1  
**we've** 14:9 19:8,23 20:4 31:18,18  
 32:11 36:25 42:12 45:13 52:12  
 54:9,10 65:2 85:7 92:19 95:18  
 98:10 101:12 113:1,3 114:9,14  
 119:24 131:24 132:7 133:14,18  
 148:8,11 161:10 167:1 169:5,5  
 169:6,9,9,10 171:7,8 173:7,14  
 181:11 182:8 185:14 214:12  
 222:14,14 223:18 227:7 228:17  
 229:22 239:16 250:21 251:6  
**weakest** 82:1  
**weaknesses** 186:1  
**web-** 229:13  
**website** 84:5 229:7,14,15 236:22  
 240:16 245:1  
**websites** 175:8  
**Wednesday** 249:13  
**week** 28:11 35:17 52:4,14 56:11  
 85:5 146:20 161:3 165:13,16  
 191:18 203:10 209:11,13,13,14  
 209:16,17 215:21 216:5,7  
 248:20 258:9 261:2  
**weekend** 257:2  
**weekly** 92:19 192:21  
**weeks** 85:6 102:20 107:12 144:15

144:16 163:7 198:18,24 222:5  
 222:13 226:22 227:7 236:8  
 259:4  
**weigh** 226:7 228:10  
**welcome** 224:14  
**welding** 37:25 42:6  
**went** 35:3 60:17,20 82:8 125:15  
 144:1 148:13 178:10 188:8  
 191:2 195:22 221:12 227:2,2  
 237:21 249:22 259:6  
**weren't** 57:24 58:15 93:1 120:4  
 131:3 138:8 235:3  
**whereof** 262:15  
**whichever** 20:9  
**white** 164:8 187:10  
**willing** 84:16 123:11,13 134:17  
 162:15  
**willingly** 168:11  
**willingness** 250:11  
**win-win** 99:15  
**window** 163:2 232:15  
**Wings** 81:16 82:12,21 83:1 84:20  
**wish** 153:6  
**wished** 164:4  
**wishes** 261:1  
**withdrawal** 146:6  
**withdrawals** 146:3,13 196:22  
**withdrew** 146:17,20 168:11  
 194:20  
**Wolfel** 91:22,23 94:4,6,10 100:20  
**woman** 167:10  
**women** 36:4 60:15  
**wonder** 204:23  
**wonderful** 257:9  
**word** 113:22 191:2 260:3  
**words** 46:2 60:11 165:3  
**work** 19:18 29:11 30:17 34:8  
 35:21 36:16 38:18,20 43:18  
 45:11 82:8,10,11,15 90:16  
 91:12 97:14,15 99:14 102:6  
 105:4,8 118:16 119:1 121:12  
 123:11,13 134:6 137:21 139:20  
 155:6,12 161:15 162:15 163:20  
 165:11,24 166:17 167:22  
 171:11 173:15 175:5 176:1  
 180:23 190:4 191:20 195:17  
 205:16 219:6 220:12 225:22

227:6,15 230:19 232:8 235:18  
 237:6,16 239:16 248:4,11,12,13  
 253:14,21 255:8,11,11 256:5  
 260:16  
**worked** 22:25 84:19 92:17  
 120:25 121:1 165:20 167:18  
 174:10,17,20 184:13 239:18  
**worker** 189:15,17 190:1  
**workers** 35:14,20 36:13,16  
**workforce** 29:18 37:13 39:24  
**working** 40:23 57:1 75:2,9 77:5  
 92:19 94:19 96:24 100:18  
 106:13 116:2 121:25 122:5,8  
 160:24 164:24 171:10,11 172:6  
 175:3 193:10,12 227:24 229:25  
 230:11 243:5 253:13  
**works** 167:9,10 251:11 252:1,8  
**workshop** 28:15 248:21  
**world** 19:9 112:2  
**worried** 131:16  
**worries** 131:17  
**worry** 155:21  
**worse** 172:9,13  
**worth** 182:7 215:17  
**worthwhile** 254:20  
**wouldn't** 36:3 109:7 115:15  
 124:20 141:14  
**wrapped** 174:8  
**write** 163:19,25  
**writing** 59:6 205:1,2 241:13  
 247:8  
**written** 120:1  
**wrong** 96:3,18 176:8 178:3  
 183:22  
**wrote** 55:21

---

**X**


---

**X** 3:1 4:1 217:5

---

**Y**


---

**yeah** 57:4 82:20 84:2 90:4 106:21  
 113:10,19 126:23 127:1,2 128:5  
 128:8,14 159:24 173:15 191:11  
 199:19 216:4 235:14 237:3,20  
 238:19 242:23 258:2  
**year** 13:9 19:15 21:25 22:16 24:8  
 26:6 28:13,24 37:19 39:25

43:18 46:15 50:8,8 52:15 58:16  
 77:21 78:2 85:15 87:22 92:10  
 92:24 93:2,3,17,19 94:9,17 95:3  
 95:5 96:14,14,17,20 98:18  
 100:13,21 101:3,4 103:24  
 117:10 121:10,11 125:25 126:5  
 126:14,16 127:6 131:5,24  
 132:23 133:2 134:23 143:1,1,18  
 143:22 144:4,4,11,12,13 145:15  
 145:19 148:8,8 154:1 155:18  
 156:19,20 157:5 158:5 162:22  
 168:1 170:20 171:19 174:15,19  
 174:22 176:9,14 177:17,23  
 179:24 180:2,5 182:5 183:20,21  
 192:16 193:2 197:1,22 199:23  
 200:13 212:9 215:8,9,10 216:17  
 223:2 234:1 237:9,21 251:9,11  
 253:22 261:19

**year's** 50:10 193:13,14 208:24

**year-end** 156:25 159:6 197:4

**years** 20:4 22:8 23:23 24:7,13

28:10 35:6 43:7 56:23 60:4

61:8 62:24 63:1,4 96:23 120:22

150:10 158:3 165:7 166:1,9

167:6,19 172:2,10 177:5,12

190:8 234:8 250:13 251:9 254:5

255:3

**yeses** 70:9

**yesterday** 53:20,21 54:20 55:1

58:20 65:5 71:1 136:14 148:24

157:4 160:13 191:1,3 205:15,16

206:20 225:20 227:20 229:21

253:14 257:19 260:15

**yield** 15:14

**you-all** 105:4 108:1

**young** 35:25 36:1,4 259:12,12

---

**Z**


---

**zero** 17:5 172:5

---

**0**


---



---

**1**


---

**1** 3:3 4:7 105:20 115:24 170:24

182:22 183:6,8,16 209:6 219:20

231:4

**1,022** 52:12

**1,080** 52:11

**1,100** 54:16  
**1:45** 205:10  
**10** 3:15 102:15 105:1 171:4  
 207:20  
**10:25** 74:12  
**10:45** 74:12  
**100** 84:12 101:9  
**100,000** 41:25  
**102** 3:15  
**105** 78:13  
**106** 147:1  
**11** 3:16 49:20,21 76:16 102:9  
 129:5  
**1100** 100:5  
**117** 78:18,24  
**11th** 146:16  
**12** 3:18 32:5 49:21 50:2 76:22  
 77:8 183:6 205:12 251:22  
**12:25** 150:1  
**12:32** 150:1  
**129** 3:16  
**12th** 204:24  
**13** 3:8,19 12:1 77:8 146:18 212:1  
**14** 3:21 7:13 220:20  
**140** 11:10  
**147** 251:8  
**14th** 8:18 146:16  
**15** 3:23 8:3 22:12,14,20 129:2  
 174:23 235:12  
**15-'16** 25:6  
**15-minute** 205:6  
**15,000** 31:16 157:1  
**150,000** 156:18  
**152** 24:4  
**15th** 8:18 196:20  
**16** 3:24 208:22 236:4  
**16-'17** 21:7 25:7  
**160** 174:22  
**1630** 1:21 262:20  
**16th** 90:2 198:7 241:3  
**17** 4:2 208:22  
**17-'18** 20:19 21:10,14 23:22 25:8  
 26:10  
**17th** 75:1 196:18  
**18** 3:9 4:3 39:9 76:18 77:20 78:6  
 205:23 209:20  
**18-'19** 20:20 21:8 23:22

**19** 4:4 219:20  
**196** 254:6  
**19th** 239:8 240:18,19  
**1st** 81:18,21 171:5 198:1 222:9  
 243:20  


---

**2**  


---

**2** 3:5 6:19 48:19 105:20 106:9  
 170:24 182:23 183:8,8,16 197:5  
 206:21 214:22  
**2/9/18** 263:2  
**2:25** 205:10  
**20** 32:5 43:7 45:7 177:20  
**201** 1:21 262:20  
**2015** 10:20  
**2016-'17** 52:15  
**2016-2017** 3:9 46:15  
**2016-t-2017** 18:24  
**2017** 7:13 8:3,18 103:7 105:5  
 136:12,13 196:18 198:1 206:22  
 206:23 237:2  
**2017-'18** 52:15  
**2018** 1:11 3:8,18 5:3 13:3,9 76:19  
 196:18,20 197:6,15,16,18,23  
 205:13 206:23 209:12 210:12  
 262:16  
**2019** 61:19  
**205** 3:18  
**20th** 108:1 197:6  
**21** 108:9 127:15 189:9,23 254:5  
 255:3  
**212** 3:19  
**219** 1:20 262:8,19  
**22** 10:11 262:16  
**22,378** 10:3  
**220** 3:21  
**235** 3:23  
**236** 3:24  
**23rd** 209:10  
**24th** 209:10  
**25** 26:15 170:21,22,25 171:2  
 189:11  
**258** 4:2  
**25th** 171:7  
**26** 24:8 26:6,8,25 146:5,24 147:2  
 177:21,22 178:1 255:9  
**261** 4:3,4

**262** 4:5  
**26th** 244:3  
**2700** 9:24  
**27th** 132:18 136:7,13 241:17  
 243:18  
**28** 60:16  
**289** 78:18 254:6  
**28th** 197:16,23 241:17 243:18  
 244:3  
**298** 76:16 78:13  
**2nd** 171:5 240:15,19,22 241:7  
 242:1,2  
**2s** 171:7

---

**3**


---

**3** 3:6 7:11 10:21 106:9 107:9  
 182:24 183:5,9,18 209:8  
**3:40** 261:21  
**30** 79:4 146:17  
**30-day** 79:7,14  
**30-series** 105:17  
**30,000** 43:18  
**300** 1:12  
**300,000** 43:8  
**309** 11:9  
**31** 24:6,7 26:10  
**31.6** 26:7  
**32** 258:7  
**324,000** 156:12  
**39** 25:7  
**3rd** 171:6

---

**4**


---

**4** 3:7 9:9 49:3,4 106:24 197:23  
**40** 26:1 177:20  
**40,000** 52:17 94:4,5 101:5  
**400,000** 155:19  
**40th** 94:11 100:11 146:3,24,25  
 147:21  
**42** 24:6 183:3  
**43** 24:6 146:17  
**44** 152:7  
**45** 79:13,14 212:13  
**47** 3:11  
**48** 207:4

---

**5**


---

**5** 3:3,8 13:2 49:4 103:14,17 148:7

206:25  
**50** 34:3 155:19 207:23 208:15  
**50,000** 156:15,22,24  
**500** 257:6  
**50s** 128:8  
**54** 25:7 183:6  
**55** 128:7  
**5th** 240:24 241:1

---

**6**

---

**6** 3:5,9 18:23 45:24 49:12 108:3  
 109:25 112:18 198:5,6 208:22  
**6,500** 41:24 42:22  
**60** 174:21  
**68** 213:10  
**6th** 142:12 161:22 162:7

---

**7**

---

**7** 3:6,11 47:24 48:6,11 49:12  
 103:4,4 127:15 198:11  
**74** 3:12  
**75** 79:15 212:13 234:15  
**75,000** 156:13  
**79,000** 94:12 100:12,24  
**7th** 241:1

---

**8**

---

**8** 3:12 74:13 76:15  
**80** 3:14 34:2 54:14 147:2  
**80th** 146:4,24 147:1  
**85** 41:14 48:21  
**87102** 1:22 262:21  
**8th** 136:14

---

**9**

---

**9** 1:11 3:7,14 80:25 129:12  
 161:13  
**9:00** 1:11  
**9:03** 5:4  
**90** 116:14 226:19 234:5  
**90-day** 116:12,14 117:8 177:2  
**900** 58:9  
**94** 10:2  
**9568L** 1:25 262:25 263:2  
**98** 171:21  
**9th** 5:3 90:3 136:12 197:15