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BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC WORKING SESSION
VOLUME ONE
January 8, 2014
2:00 p.m.
Jerry Apodaca Education Building, Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
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A P P E A R A N C E S

COMMISSIONERS:

MR. EUGENE GANT, Vice Chair
MR. VINCE BERGMAN, Secretary
MR. JAMES CONYERS
MR. TYSON PARKER
MS. CARMIE TOULOUSE

STAFF:

MS. JULIA BARNES, Contract Attorney to the CSD
MS. BEVERLY FRIEDMAN, PIO & PED Liaison
MR. TONY GERLICZ, Director, Options for Parents
MS. ABBY LEWIS, Counsel to the PEC

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1 ACTING CHAIR GANT: Call this PEC working
2 session to order. Vince, we need a roll call,
3 please. We don't need a quorum, but we need a roll
4 call.

5 COMMISSIONER BERGMAN: Commissioner
6 Parker.

7 COMMISSIONER PARKER: Here.

8 COMMISSIONER BERGMAN: Commissioner
9 Toulouse.

10 COMMISSIONER TOULOUSE: Present.

11 COMMISSIONER BERGMAN: Commissioner Gant.

12 ACTING CHAIR GANT: Here.

13 COMMISSIONER BERGMAN: Commissioner
14 Bergman is here.

15 Mr. Chair, you have four members. That's
16 not a quorum. But since this is a work session, we
17 don't have an action item anyway, so, I don't think
18 it matters.

19 THE CHAIR: Thank you. Ms. Barnes?

20 MS. FRIEDMAN: Excuse me, Julia. Let me
21 mention to you, when that is on the clip and anyone
22 else pushes their microphone down, it makes that
23 noise.

24 MS. BARNES: Do you want me to go with
25 that?

1 MS. FRIEDMAN: No. I mean, you can leave
2 it like that, but maybe --

3 COMMISSIONER BERGMAN: I actually don't
4 think I need the mic with just this little group
5 here.

6 MS. BARNES: Try it without it? Good.
7 Thank you. Happy New Year.

8 ACTING CHAIR GANT: So far.

9 MS. FRIEDMAN: Abby, are you on the net?

10 MS. LEWIS: I found a Jetpack in my
11 borrowed laptop.

12 MS. FRIEDMAN: We just hooked up.

13 MS. BARNES: Okay. So, we have a working
14 session today and tomorrow. We're going to -- we've
15 put a whole lot of documents in front of you that
16 cover a whole lot of different things.

17 So, let me tell you kind of what's on my
18 mind. The -- there are two kinds of documents,
19 documents that require your approval at some point,
20 and we're going to, I think, continue to put them on
21 the agendas, including this upcoming agenda, so that
22 you may take action whenever we're ready to take
23 action.

24 However, what I'm hoping to get into kind
25 of a rhythm about is to get as far as we can in a

1 working session, but not rush to approve them the
2 next day. We can -- then we can do whatever changes
3 came out of the working session, and you can approve
4 them the following time.

5 So, there is a group -- so, there's a
6 group of documents for you to approve at some point.
7 And then there are a group of documents that are
8 internal CSD working documents, and the documents
9 that they're using to do their work that we're
10 providing to you, so that you can see how they're
11 doing it, you can give comment or whatever. But I
12 don't think that you need to approve them because --
13 and, actually, because they're kind of living
14 documents, they might be difficult to approve. So,
15 I'll show you which ones are which.

16 But they comprehensively roll out the
17 entire accountability framework, which, as we'll
18 continue to talk, parts of it are very awkward, and
19 parts of it, I think, are in tension with each
20 other. So, by the end of this, it will be a
21 complete group.

22 I think, ultimately, Abby would also like
23 to walk you through PEC protocols. And whether it's
24 in the same binder or not -- but, you know, it's
25 kind of a series of conversations around protocols.

1 We have most every document in some form
2 of draft available now. I'll show you a couple of
3 places where we don't that we're working on, and I
4 think these working conversations will help us.

5 The only urgent ones are the contract
6 documents. And I would like to start with those.

7 We went through the contract about halfway
8 at the last working session. And there's a red-line
9 document; that was the document I was looking for
10 which they had already put in your binder, because
11 everyone is more organized than me. So, I can show
12 you what came out of the last working group session
13 so that people can see that.

14 And, unfortunately, the contracts take a
15 couple of things. But let me first have you turn to
16 Tab 6 in your binder, which is our Tab -- and that
17 whole section are all of the documents we may get
18 to.

19 So, again, this is a version of the same
20 document that was in front of you last month. It'll
21 continue to change. But, ultimately, it will be the
22 index to the binder. Ultimately, it will show us
23 exactly which documents have been approved and when
24 you should look at them annually.

25 So, did everybody find the chart?

1 So, under Section A, there are three
2 documents and only two require approval. The third
3 one is a working document that shows us all the
4 changes. So, we're going to -- my proposal is that
5 we start with these first, and finish up what we
6 started last time.

7 The next section, Section B, is
8 application forms and assessment templates. And we
9 anticipate there might be a lot of conversation
10 about that, because I think there were a lot of
11 comments by the PEC about the form of the
12 application before. So, my -- my thinking is that
13 we get to that as soon as we can in a working
14 session. But my plan for those documents is to let
15 us take your comments, and let's work on them and
16 bring those back to you, either at the next working
17 session -- but more for the February meeting. So,
18 there's not extreme urgency to get those passed.
19 And that includes all the way down to the letter of
20 intent.

21 Now, CSD has been working on those
22 application documents, so I think that they want to
23 kind of have a dialogue around them.

24 Section C is the renewal application
25 documents. You just used those; you just saw those

1 in the renewal packages. And as far as we know, we
2 think there's less comment on that. But who knows?
3 We're a talkative group. And we have put in purple,
4 you know, just some comments that we have.

5 Section D, site visit forms and the annual
6 assessment templates. Those are primarily internal
7 CSD documents as to how, each year, when a charter
8 school is entered into a contract with you and they
9 have a performance framework, it's an annual deal.
10 Well, the whole point is to come back to you and
11 report to you about it. So, I can tell you, the
12 staff right here, they have not as much gray hair as
13 I have, but they have quite a bit more gray hair due
14 to putting those documents together. So, I'd like
15 to show them to you.

16 Actually, I think the site visit form is
17 truly a work of art. And that's -- and one of those
18 documents is missing, how are we going to bring you
19 that information every year.

20 Finally, the last section is one that --
21 oh, the last section is a couple more documents for
22 the contracts. We were hoping you would get here.
23 Happy New Year.

24 (Ms. Susan Fox enters.)

25 MS. BARNES: So, we'll talk about, also,

1 this first section. Somehow it got divided into two
2 groups. Those are more about the new contract, so
3 we will talk about those first.

4 On the last page is closure. You already
5 approved that form, and, in fact, we're already
6 using it on the TLC closure. So, that is an example
7 of how something is going to stay on the chart, even
8 once it's approved.

9 The last group of documents, the protocols
10 and MOUs, I think that we will get to those maybe a
11 little bit later. It was -- I'm not sure how those
12 are going to evolve. We might talk about one of the
13 MOUs that you all made a proposal to CSD, we might
14 talk about that. I don't anticipate we'll get to
15 there. And I'm not ready to get to there. But I
16 guess I could get up to being ready, but be -- so,
17 we're going to do the contracts first, talk about
18 the applications, maybe delay your vote. That's up
19 to you, of course.

20 But the only one that we are hoping you
21 will get to a vote on are the contract documents.
22 And, so, whatever we talk about today, I'll commit
23 to getting that ready.

24 Okay? Good? Comments?

25 ACTING CHAIR GANT: You have the floor.

1 MS. BARNES: I know. I'm not going to
2 call on -- Commissioner Bergman?

3 COMMISSIONER BERGMAN: Well, I don't think
4 we're going to get to the application, because you
5 don't have any input on that application yet, so, I
6 don't think we're going to vote on that. You don't
7 have --

8 MS. BARNES: Right. And Commissioner
9 Shearman isn't here.

10 COMMISSIONER BERGMAN: But I have changes
11 I want on the application. That's down the road
12 when we talk about it. I did have -- your
13 mentioning the closure made me think of a question.
14 Since Kelly is going, who's going to lead the
15 closure process?

16 MS. BARNES: That is an excellent
17 question. I think it's unclear right now.

18 MR. GERLICZ: Commissioner Bergman,
19 members of the Commission, it is not yet known. We
20 need to move on it quickly. And since Kelly is not
21 here and not available, either, we are searching to
22 contract with another individual who will lead the
23 process.

24 MS. BARNES: We did have an initial
25 meeting, and Kelly got a lot of things, a lot of

1 balls, rolling. And, so, I -- but we do need
2 someone to lead that process.

3 COMMISSIONER BERGMAN: You don't think you
4 have somebody on staff that can do that?

5 MR. GERLICZ: We have any one of my staff
6 who could do that. But to do that at this point
7 would take them away from what we consider to be
8 also highly important work. So, we're trying to
9 contract out with someone else.

10 COMMISSIONER BERGMAN: Thank you.

11 MS. BARNES: It's just so exciting. You
12 never know what's going to happen.

13 COMMISSIONER BERGMAN: A thrill a minute.

14 MS. BARNES: So, let's go over the --
15 let's go over the contract briefly, look at the red
16 line. So, Sue, you are welcome to share my
17 documents, if you want.

18 So, in your binder, what I would like you
19 to find -- and I think -- Tony, where is it?
20 Behind --

21 MR. GERLICZ: Appendix 2.

22 MS. BARNES: Appendix 2. It's actually a
23 document without a cover page. It starts with
24 Section 1.02. It is the red line. Abby and I
25 started working on the contract changes that came

1 out of the last working session. So, I just wanted
2 to show them to you.

3 MR. GERLICZ: It should be behind
4 Appendix 2.

5 MS. LEWIS: 2 or 1? Are we talking
6 contractor framework?

7 MS. BARNES: I didn't see where they put
8 them.

9 MS. LEWIS: That's A1, behind Tab 5 -- 6.

10 MS. BARNES: I have more copies, Tony.
11 That's probably even easier.

12 ACTING CHAIR GANT: Just go straight to
13 A2.

14 MS. BARNES: It starts with --

15 COMMISSIONER BERGMAN: I see a contract
16 form, but I don't see any red lines.

17 MR. GERLICZ: Well, they don't come out
18 red in the copy.

19 MS. BARNES: They do here.

20 COMMISSIONER BERGMAN: They do here, okay.

21 MR. GERLICZ: They come out blue.

22 COMMISSIONER BERGMAN: Mr. Chair, I think
23 we should note for the record that Commissioner
24 Conyers has arrived. So, there are now five of us
25 present.

1 ACTING CHAIR GANT: And he's smiling.

2 COMMISSIONER CONYERS: I hope that's okay.

3 ACTING CHAIR GANT: We haven't got to
4 Friday yet, so you can still smile today. Go ahead.

5 MS. BARNES: So, I actually think it was
6 pretty easy to put into place what you all said.
7 So, we tried to only put into place what everyone
8 came up with. So, we changed "Governing Council" to
9 "Governing Body."

10 We put in, on Page 10, that "the parties
11 may agree to use electronic notice."

12 We did the clarifying language that we
13 talked about during the working session.

14 On Page 13, we took out the sections on
15 amending the charter, because the law now only has
16 us amending the contract.

17 We took out sentences that seemed not
18 really necessary for the contract; many of them were
19 cleanup.

20 I might just give you a second to kind of
21 look through them. I just wanted to be clear with
22 everyone what we did change.

23 COMMISSIONER BERGMAN: So, this it -- what
24 you're just handing us, this is the final result of
25 what we did last time?

1 MS. BARNES: Exactly.

2 COMMISSIONER BERGMAN: With -- in blue
3 lettering, or some of it is yellow highlighted, some
4 of it is blue-lined out?

5 MS. BARNES: Exactly.

6 COMMISSIONER BERGMAN: But this is the
7 final sort of product?

8 MS. BARNES: Yes. We can also come back
9 to this tomorrow morning, if people want to -- I
10 just want to make sure that things happened the way
11 people wanted them to.

12 Sue, you should have already gotten that.

13 MS. FOX: Yeah, you just gave it to me.

14 MS. BARNES: Yeah, I think I e-mailed it
15 to Patti, as well. I felt it was quite easy,
16 actually, to do what you had indicated.

17 MS. FOX: Well, that's dangerous.

18 MS. BARNES: Do people want a little bit
19 longer to look at it?

20 MS. FOX: Julia, I thought, under -- on
21 Page 19, under the third-party contracts for real
22 estate contracts, didn't we have a discussion about
23 the PSFA assurances that schools already provide for
24 that?

25 MS. BARNES: We did.

1 MS. LEWIS: Oh. I asked PSFA -- I wanted
2 to make sure it was the same function. So, I asked
3 PSFA to send it to me, and your question reminds me
4 that I didn't get it. So, I want to look at them
5 side by side and make sure they fulfill the same --
6 do you have one?

7 MS. FOX: Do I have one with me?

8 MS. LEWIS: In your file?

9 MS. FOX: No.

10 MS. LEWIS: I'll ask PSFA to send them to
11 me, so I want to compare and make sure they serve
12 the same function before including them.

13 MS. BARNES: Also, Sue, we thought the
14 language might work. "Shall provide notice by
15 submitting a written assurance" could be the same.

16 MS. FOX: Okay.

17 MS. BARNES: So, we did look at it. But
18 that was not obvious in the red line. Sorry. But I
19 think the point is still well-taken. But, yes, we
20 should flag it. But we thought the language already
21 took care of it, one way or the other, frankly.

22 MS. FOX: It's vague enough, I think.

23 MS. BARNES: Okay. So, now, we need to go
24 back and find the documents that help us move
25 forward, if we're okay with that.

1 So, under -- Tony's maybe better at
2 showing you where this document is. There is the
3 overview of contract changes. Tony, do you --

4 MR. GERLICZ: The overview of contract
5 changes is A3, Appendix A3. So, it's in the "A"
6 section.

7 MS. BARNES: I think it's easiest to take
8 it out, but you can do any way that you want.

9 And what we did on this chart -- do you
10 see it? It looks like this on the front page
11 [indicates], and then it looks -- has a lot of
12 sections on both sides. It's the same document we
13 used last time.

14 I don't think that's it, Vince.

15 COMMISSIONER BERGMAN: I got -- we have so
16 many documents now, I'm having a hard time keeping
17 up with them all.

18 MS. LEWIS: Where is it?

19 MR. GERLICZ: It's Appendix 3. Find
20 Appendix 3, and it's the document right behind that.

21 MS. LEWIS: There we go. A3.

22 COMMISSIONER BERGMAN: I see A1. Getting
23 closer, A2, B1. Did I miss one?

24 MR. GERLICZ: No, A3. You missed one.

25 COMMISSIONER BERGMAN: A3, Overview.

1 Thank you.

2 MS. BARNES: All right. So, this is the
3 same document we used at the last working session.
4 What I did, in the far right column, was indicated
5 what we did with each change, as far as we got.

6 That means we actually got through and up
7 to Page 19. So, it's just a written record of what
8 we did.

9 And we're starting on Section 6. And the
10 contract that we're going to use is A1. And that
11 puts us on Page 28 of that contract.

12 Now, just to reiterate, the contract is
13 the document that we sign with the school for the
14 duration of the charter; typically, five years,
15 unless you said something else. And, then, we're
16 going to get to the performance frameworks, which
17 are annual.

18 This Section 6 starts to talk about the
19 annual performance frameworks. And, then, let me
20 tell you a little bit about, just, the language that
21 we were using.

22 Each year, including what you recently
23 did, you will post a performance framework template,
24 a blank form. That was just posted for comment, and
25 the comments were due last month. You have an

1 obligation to consult with your charters, and we're
2 doing it that way. So, we're calling that blank
3 document the "template." It doesn't have any
4 specific school -- no specific -- for any specific
5 school, the specific indicators are not there. When
6 you sit down and negotiate, you'll fill in the
7 template.

8 So, we've changed the words in here to
9 having it be a template. So, it looks like, on
10 Page 28, when we're talking about the
11 "organizational framework," Patti talked about, at
12 the bottom of Page 28 -- has everybody found that,
13 under Tab A1? -- she talked about taking it out,
14 that first sentence -- I don't care -- and the last
15 sentence.

16 We made a structural decision that the
17 contract would contain every section that you also
18 find in the performance framework, so that they
19 would match if you ever compared them side by side.
20 So there's an organizational framework, an academic
21 framework, and a financial framework.

22 The organizational framework has the most
23 questions. We put them here all the way through the
24 contract, so that when you compared the
25 organizational framework to the contract, you could

1 follow that the contract sets out the organizational
2 framework. That's what the last sentence at the top
3 of Page 29 is going for, but we can take it out.

4 COMMISSIONER BERGMAN: Okay. Question.

5 MS. BARNES: Yes.

6 COMMISSIONER BERGMAN: Okay. Back on
7 Page 28, at the very bottom -- I'm going to get
8 started again here. It says, "One indicator
9 negotiated annually that relates to return
10 enrollment is included in this framework."

11 Now, that indicator that's mentioned there
12 is just the recurrent enrollment?

13 MS. BARNES: Yes.

14 COMMISSIONER BERGMAN: Or that's for the
15 entire section, we're only going to have one
16 indicator?

17 MS. BARNES: There -- the organizational
18 framework, I am guessing, is almost never going to
19 change, because you have to comply with the Open
20 Meetings Act. You have to comply with special ed.
21 You have to comply with federal grants.

22 What the organizational framework does is
23 it pulls together, in one framework, all of the
24 compliance factors for a school. It -- it's set by
25 other laws. It's simply a combination and a

1 collection of all of the things that a school is
2 supposed to comply with.

3 COMMISSIONER BERGMAN: I'm just wondering
4 which law says it would just be one indicator,
5 because I can't find that in the laws.

6 MS. BARNES: So, under 9.1, it sets out a
7 whole list of things that we were also supposed to
8 include. Every other one of those is included in
9 the academic framework, and only one of them -- one
10 of the things listed in 9.1 was included in the
11 organizational framework, because that made more
12 sense to most people. It didn't make more sense to
13 me, but -- 'cause I wanted them all in the academic
14 framework.

15 But 9.1, No. (1), "Student academic
16 performance" -- I'm looking at the law, 22-8B-9.

17 ACTING CHAIR GANT: If you're looking for
18 it, it's Page 50.

19 MS. BARNES: Of the contract?

20 ACTING CHAIR GANT: 9.1 is on Page 50.

21 MS. BARNES: 9.1 of the law.

22 ACTING CHAIR GANT: Oh.

23 MS. BARNES: So, under the organizational
24 framework, it combines every other laws [verbatim].

25 We then have to put 22-8B-9.1 -- there's

1 nine factors -- we had to put them into the
2 performance framework somewhere.

3 No. (1) says "Student academic
4 performance." We put that into the academic
5 framework under A through F.

6 "Student academic growth." We put that
7 into the Academic Framework, using A through F.

8 "Achievement gaps," No. (3). That's in
9 the academic framework, using A through F.

10 "Attendance" is the same.

11 No. (5) is "Recurrent enrollment from year
12 to year." That is -- that was put in the
13 organizational framework, because it's not a student
14 grade or student performance. It is how the school,
15 as a whole, is operating.

16 COMMISSIONER BERGMAN: And based on who's
17 coming back.

18 MS. BARNES: And based on who's coming
19 back. So, all that sentence says is if you want to
20 find out where everything in 22-8B-9.1 went, the
21 answer is (1) through (4) are in the academic, and
22 then No. (5) is in the organizational. It's
23 probably far more information than anyone, other
24 than this group, wants to know, but...

25 COMMISSIONER BERGMAN: Let's see. I think

1 some of it is confusing, to some people.

2 MS. BARNES: We can take that sentence
3 out, because in the sentence there at 9.02, it uses
4 the word "performance indicators," which is plural,
5 of course. Let's take that sentence out, then.

6 COMMISSIONER BERGMAN: Well, I don't want
7 to take it out. I want "indicators"; I want plural.
8 That A through H there, did that come out of Senate
9 Bill 446? Was that lifted out of Senate Bill 446?

10 MS. BARNES: Exactly. It told us what we
11 wanted to look at in the performance framework.
12 Most of them go in the academic framework, and only
13 one of them goes in the organizational framework.

14 COMMISSIONER BERGMAN: That's what I'm
15 struggling with, because I don't remember seeing it
16 in Senate Bill 446. For instance, it limited us on
17 A, student academic performance, to one indicator.

18 MS. BARNES: It didn't.

19 COMMISSIONER BERGMAN: We seem to be doing
20 that. We seem to be telling people, one indicator,
21 yeah. They seem to be -- and that's why we also
22 have to -- as we get to the application, that's
23 where this is going to come in, too.

24 MS. BARNES: It's also the next -- we're
25 going to look at the performance framework in a

1 minute, which is the next document.

2 COMMISSIONER BERGMAN: I don't want to
3 change up your order. But even where we started
4 back here, Article VI, on Page 29, the very next
5 sentence, where I questioned the last sentence that
6 says one "indicator," the very next sentence says,
7 "The annual School Specific Indicators" -- again,
8 plural -- as a part of the organizational framework.
9 So is it plural, or is it one?

10 MS. FOX: If I could offer a suggestion,
11 Mr. Chair, and Commissioner Bergman, I agree with
12 you. The one "indicator negotiated annually"
13 language is confusing. So, maybe we can just take
14 out that language and start with that last sentence
15 with, "The indicator related to recurrent enrollment
16 is included within this framework."

17 MS. BARNES: Sure.

18 ACTING CHAIR GANT: That's fine.

19 COMMISSIONER BERGMAN: Yeah. I can live
20 with that, I think. So, just the indicator -- of
21 course, that still implies the indicator is just one
22 indicator.

23 MS. BARNES: Well, there is only one
24 recurrent enrollment indicator.

25 COMMISSIONER BERGMAN: But we're tying it

1 to the recurrent enrollment. So, we don't need
2 multiple indicators on the recurrent enrollment.

3 MS. BARNES: Right. So, Sue has fixed
4 that. "The indicator related to recurrent
5 enrollment is included in this framework."

6 Patti wanted the first sentence out as
7 confusing. She wanted the last sentences out as
8 confusing. It doesn't matter.

9 MS. FOX: I think she was -- she had the
10 same concern as Commissioner Bergman. So, I think
11 maybe we've taken care of that.

12 COMMISSIONER BERGMAN: Yeah, we've taken
13 care of that.

14 MS. BARNES: Just fixed it? Okay. So,
15 we're going to make a change to 28.

16 6.01, we've already done that. We already
17 took out -- on Page 20 of the chart, 6.01, we took
18 out the section on amending the previous charter,
19 because the law now only has us amending the
20 contract. So, this is the document, and the
21 indicators, that will always be amended.

22 COMMISSIONER BERGMAN: Well, under 6.01 --
23 I've already fast-forwarded through some of this
24 stuff. Where is the actual list of specific items
25 that the PEC, at some point, is going to say, "This

1 is what requires an amendment?" Where are those
2 going to be listed?

3 MS. BARNES: We're coming right up to it.

4 COMMISSIONER BERGMAN: Because I didn't
5 see it under 6.02.

6 MS. BARNES: Everything under 6.02 are the
7 material terms of the contract.

8 COMMISSIONER BERGMAN: We've had those
9 discussions, and sometimes it is confusing, because
10 some do not agree that everything requires an
11 amendment. I think most things do require an
12 amendment, but we have to discuss that. That's just
13 my personal opinion. That's --

14 MS. LEWIS: From a strictly legal point of
15 view, versus specific to education law, I agree with
16 you. Everything in a written contract has to be --
17 in order to be modified has to be in writing, and it
18 has to be approved by both parties. So, I took out
19 all the language that narrowed with these
20 amendments.

21 So, I'm a little unclear about your
22 question. Where is there still language in the most
23 recent version that says amendments do not need to
24 be --

25 COMMISSIONER BERGMAN: Well, because --

1 I'm still working off my notes from the last thing.
2 That's where my notes are, which, apparently, is not
3 the current version that we have here. And it said
4 there -- and I highlighted it -- "Provisions not
5 listed in this Article VI may be changed by the
6 school without approval of the authorizer."

7 And I wanted to discuss that. I put a
8 little question mark there.

9 MS. BARNES: It's still here, Abby.

10 MS. LEWIS: Oh, it is? I meant to --

11 MS. BARNES: What we're looking to do is
12 to tell a school -- he's looking on Page 29,
13 Section 6.01.

14 MS. LEWIS: Thank you.

15 MS. BARNES: What we're looking to do with
16 this contract is allow a school, for example, to
17 change a textbook version that they're using and not
18 have to bring it to you as an amendment, or to
19 change one of their policies that doesn't require
20 your approval.

21 So, we want clarity to a school about what
22 they need to amend and what they don't.

23 COMMISSIONER BERGMAN: Let me know. Along
24 those lines, Julia -- I probably will not be able to
25 find it now. But two or three years ago, when

1 Mr. Obenshain was the interim administrator, or
2 director, a list actually was published: "This
3 requires an amendment; this doesn't require an
4 amendment."

5 Out of all this stuff here, I'm not going
6 to be able -- I did find it in my papers, and I'm
7 pretty sure I pulled it out. So, there was a list
8 at some point in the file somewhere that listed --
9 because we had this discussion before: what requires
10 an amendment, what doesn't require an amendment.
11 There was a list that said, "Okay, these things" --
12 like what you're talking about -- "we're not going
13 to tell -- we're not going to meddle in all the
14 affairs of these schools."

15 So, we tried to define what was a major
16 change and what was quoted -- nothing is minor --
17 but that was a minor change.

18 MS. BARNES: The way that the contract
19 does that is, if it's in these pages, from Page 29
20 through 35, if it's written in here and populated in
21 these pages, they have to come forward to amend it
22 with you, if they change them.

23 So, that would be the school mission. Any
24 optional supplemental -- any indicators that they
25 wanted to change: the educational program of the

1 school, any student focus terms, any teacher focus
2 terms, any government structure, any total student
3 enrollment, any school location, food service, and
4 transportation. So, from Page 29 to Page 35, we
5 list out the categories that provide the important
6 terms of the school.

7 COMMISSIONER BERGMAN: Uh-huh.

8 MS. BARNES: And if -- are there more,
9 Commissioner, on the list that you have?

10 COMMISSIONER BERGMAN: Let me read this
11 list to you, because I think it's germane to what
12 we're talking about. I don't see Sam's name on
13 here, because I know he's the one that did it,
14 because I remember discussing it with him.

15 It states, "Major changes to a charter are
16 material and require a formal revision of the
17 charter by an amendment. The PEC reserves the right
18 at any time to revise what changes it considers to
19 be material."

20 So, Abby, we would always want that kind
21 of language in there, anyway.

22 "Any list of material and nonmaterial
23 changes published by the PEC is for guidance only
24 and is not meant to be inclusive or exclusive of
25 other possibilities."

1 That covers us, again, with some legalese.

2 "When in doubt regarding whether a change
3 in a charter is material, charter schools are to
4 request an amendment before implementing the
5 change."

6 That was to cover something slipping
7 through the cracks. And in here, changes that are
8 material -- this is what was listed at that time.
9 And I don't have a date on this either.

10 "Amendments to the bylaws of the Governing
11 Body;

12 "Changes to the operational procedures of
13 the Governing Body;

14 "Having the school managed by a management
15 company or a charter management organization when it
16 was not managed before, or vice versa;

17 "Changes in the membership of the
18 Governing Body;

19 "Change of the business managers for the
20 school;

21 "Increasing the student enrollment beyond
22 what was stated in the application for the charter;

23 "Adding grades not included in the
24 application for the charter;

25 "Changing the student assessment measures;

1 "Modifying the special education plan;
2 "Changing the length of the school day and
3 year;

4 "Changing the name of the school;

5 "Changing the physical location of the
6 school facility;

7 "Changes to the curriculum and pedagogical
8 approach." And you could argue about that from now
9 till Sunday. I don't know what that actually means.

10 And then we did a specific list: "Changes
11 that are nonmaterial include provisions of
12 transportation and food services for the school" --
13 and I probably agreed to that at the time, because I
14 remember working with Sam. But, to me, I'm not sure
15 why I would have agreed to that, if you want to know
16 the truth.

17 This is where I would agree:

18 "Changes in the personnel policies or
19 employee handbooks that are consistent with state
20 and federal law." That should be certainly internal
21 to a school.

22 "Changes to the operational policy
23 governing the relationship of parents to the school;

24 "Changes to student disciplinary policy;

25 "Changes in the internal fixed control

1 procedures that are consistent with state and
2 federal law relative to fiscal procedures."

3 So, we actually have what we consider
4 nonmaterial, even when I made this list with Sam,
5 was a fairly short list.

6 MS. LEWIS: I did take that out. I was
7 just looking at my red-line version. I did take
8 that sentence out. So, it's up to the Commission,
9 obviously.

10 I'm -- you know, as I expressed with the
11 negotiations last year, I'm uncomfortable with
12 accepting things in a written document that don't
13 need -- from a legal perspective -- that don't need
14 to be amended in writing. It seems confusing and
15 dangerous.

16 But looking back at my red-line, I did
17 take that sentence out.

18 COMMISSIONER BERGMAN: And, actually, I do
19 see a date. Second page has a date. That was done
20 May 17th, 2010.

21 And, Julia, if you'd like to have this
22 list, I'll give it to you. I would like to have it
23 back. As you see, I keep all kinds of stuff.

24 MS. BARNES: So -- Sue.

25 COMMISSIONER BERGMAN: And we did close by

1 saying that, "All amendments must be approved by the
2 school's Governing Body before submission to the
3 PEC."

4 But that's the way it's been done, anyway.
5 So -- but we put that in there, anyway, yeah.

6 MS. BARNES: Here's what we're trying to
7 do. Under 22-8B-9, which says what's supposed to be
8 in this contract, it says that it "shall include any
9 material term of the charter application, as
10 determined by the parties to the contract."

11 So, it says, "The charter contract shall
12 include" that.

13 So, it's telling us that we need to bring
14 into this contract any material terms of the charter
15 application, as determined by the parties. So, it's
16 telling us to do, not by a list, but in this
17 document, what you want in here as important.

18 COMMISSIONER BERGMAN: If we don't list
19 it, how do we know what it is, though?

20 MS. BARNES: Well, we can -- this is a
21 list, and we can add --

22 COMMISSIONER BERGMAN: If it just makes a
23 general statement in the contract, then how do we
24 know what -- again, we're back to what's material
25 and what's not.

1 MS. BARNES: That's what this Section 6
2 is. It defines what's material.

3 COMMISSIONER BERGMAN: We have to list
4 what we consider, as the PEC, to be material.

5 MS. BARNES: So, let's go with what's in
6 here already. So, like, on Page 29, we're saying
7 the school's mission statement, at the bottom of
8 Page 29, is material.

9 COMMISSIONER BERGMAN: Okay.

10 MS. BARNES: We are saying -- and we're
11 probably going to -- Abby, this is what I was
12 telling you about. One of Patti's comments is that
13 the mission statement should be moved below to
14 Section C, so that it is a material term of the
15 contract?

16 MS. LEWIS: Right.

17 MS. BARNES: So, we should just move that.
18 But the school's mission statement is.

19 "The educational program of the school."

20 So, you had, on your list, the student
21 assessment, special education. There was a
22 general --

23 COMMISSIONER BERGMAN: Adding grades; that
24 would probably be under educational program.

25 MS. BARNES: So, we've got student focus

1 terms, because sometimes they will say, on their
2 website -- they'll make a promise that all students
3 shall -- you know, like Media Arts: "All students
4 shall do an internship." Well, that made it into
5 their material terms of their contract.

6 Teacher focus terms: For example, if they
7 promise to do a certain type of teacher training,
8 that goes in here.

9 Governance structure: You had several.
10 You had bylaws, the operat- -- you'd have to reread
11 it for me.

12 COMMISSIONER BERGMAN: Operational
13 procedures of the Governing Body.

14 MS. BARNES: A management contract.

15 COMMISSIONER BERGMAN: Whether it's going
16 to be managed by a management company or not, or if
17 it had a management company and then they decided
18 they wanted to get rid of it, or vice versa, they'd
19 still have to ask our approval to get rid of their
20 management company.

21 MS. BARNES: So, Abby and Sue, I'm just
22 wondering if we take Commissioner Bergman's list and
23 add -- make sure that there's subcategories here, so
24 that the school has to answer these questions as we
25 negotiate these pages. Because, you'll see, they're

1 blank.

2 COMMISSIONER BERGMAN: Actually, I'll give
3 you this list.

4 MS. BARNES: They're place-holders.

5 COMMISSIONER BERGMAN: I'll tell you. Sam
6 and I had a very good philosophical discussion. I
7 also brought up the point, if you actually make a
8 list, like we did, then if you don't put on the list
9 something that turns out to be material, now you've
10 got this list that provides a legal loophole that
11 lawyers can jump through with horses.

12 I pointed that out to Sam, and we made a
13 list and forgot to put something in here, where
14 we're actually creating a problem for ourselves.
15 That's why we tried to make this as inclusive as we
16 could when we discussed all that, because we didn't
17 want to leave any holes that could be jumped
18 through.

19 Does anybody think of anything that I read
20 off there that should be in there that wasn't, or
21 shouldn't be in there that is?

22 MS. FOX: Can I just react a little bit?
23 It's -- my goal, in being here, is to get as
24 concrete a document as we can, so that, whether it's
25 over-inclusive or whatever, just so that everyone

1 knows where they're operating, going forward. But I
2 guess I would just -- I was surprised to hear you
3 say that bylaw amendments needed to be brought
4 before this body, because, you know, occasionally,
5 there are bylaw amendments of things like, "We're
6 going to call a quorum something different than we
7 have in the past." You could be bombarded with a
8 whole lot of stuff that you might not actually
9 really deem material.

10 So, whatever we do with this section, I
11 see this Section 6.02 as being one of the major
12 things that we sit down individually with the PEC
13 and negotiate, rather than being primarily a
14 template-type --

15 MS. BARNES: Certainly, that's true. But
16 I think what Commissioner Bergman is saying is,
17 "Let's make sure the checklist is in here, and then
18 what we do with the checklist with each individual
19 school" -- and I'm hearing some of the things.

20 COMMISSIONER BERGMAN: Well, I'm a little
21 uncomfortable -- maybe I heard you word it
22 differently than I actually heard it, saying that
23 these material terms have to be negotiated with the
24 school. The school shouldn't be able to say, "Well,
25 we're going to increase our enrollment. We don't

1 agree with you saying that we have to do an
2 amendment on increasing our enrollment, so we're
3 going to -- if nothing else, we're going to not
4 accept this contract if you put that term in there,"
5 I don't think these are negotiable. I don't think
6 these --

7 MS. BARNES: That's true.

8 MS. FOX: No, I'm not saying that. I'm
9 just saying that, with something like an overarching
10 statement that, "All bylaws changes need to be
11 brought to you," I'm saying that's something you
12 might want to think about, because, otherwise, your
13 schedule can be really full with little bylaw
14 things.

15 COMMISSIONER BERGMAN: I'm already
16 thinking about it. I'm amenable to taking that out,
17 from the legal standpoint.

18 MS. LEWIS: Yeah. I don't think that
19 belongs in here, because we're talking about
20 amendments to this contract, not amendments to the
21 schools' bylaws. So, I don't think it belongs here.

22 MS. BARNES: Well -- and, also, like, it
23 doesn't say who the business manager is. I think
24 that there's requirements that the PED be notified
25 of who the business manager is; that's for sure.

1 COMMISSIONER BERGMAN: We also have to be
2 notified. And I think, given -- didn't I say
3 that --

4 MS. BARNES: Right. That's --

5 COMMISSIONER BERGMAN: Yeah, change to the
6 business manager, we consider material and would
7 require an amendment. So, in other words, that
8 would require them to notify PEC, "Yeah, this
9 business manager is gone."

10 As we just discovered with McCurdy, their
11 business manager is gone, and we didn't really know
12 that. In fact, PED didn't know that for a while,
13 apparently, yeah.

14 MS. LEWIS: But I'm not sure that fits,
15 either, because you don't have -- legally, you don't
16 have any say over who the school employs, so long as
17 they're properly certified. So, if we follow your
18 logic to the end, it means the school has to come
19 before you to hire a new business manager, and that
20 wouldn't be within your scope.

21 COMMISSIONER BERGMAN: Let me give this to
22 Julia. Julia, would you make a copy -- I only have
23 the one copy -- and hand it to Abby, you two? And
24 if Susan wants to sit in, as lawyers, and go over
25 this list -- but I do want this back, please. It's

1 attached to my paperwork.

2 MS. BARNES: Ron can --

3 ACTING CHAIR GANT: If you don't mind, I
4 do agree that -- with Abby and others, that this
5 bylaw -- only to the extent -- I don't know how you
6 would word it -- it doesn't affect the mission of
7 the school. I mean, they shouldn't have to come --
8 I'm on several boards, and I'm not taking that stuff
9 to anybody else.

10 COMMISSIONER BERGMAN: The three of you
11 should be able to sit down and iron those kinds of
12 things out, so we'll have something.

13 MS. BARNES: And what there is, too, is --
14 what I think -- what she was just handing me a note
15 about is that several of these things are also
16 reported to the PED, elsewhere. So, there's maybe a
17 section where notices need to be given under the
18 contract.

19 MS. FOX: Like the governing council
20 membership, that Board of Finance designation.

21 MS. BARNES: Exactly, exactly. So, there
22 might be a list of things where they might need to
23 provide notice. And I am just not finding where
24 this contract says how many -- what the cap is.

25 COMMISSIONER BERGMAN: I'm just concerned

1 that if it goes to the PED, we may never hear about
2 it. And if it comes to CSD, we may hear about it.
3 When you say "PED," that could be somebody on the
4 third floor in the south wing or something.

5 MS. EHLERT: May I address that?

6 MS. BARNES: Sure.

7 MS. EHLERT: We have Board of Finance
8 documentation that you initially approve, which
9 you're familiar with, when new schools are
10 establishing their board. And any changes of
11 membership or business manager is reported to the
12 Charter Schools Division. So, we have replacement
13 documents, updating documents for the Board of
14 Finance. We could easily report those to you when
15 those occur.

16 COMMISSIONER BERGMAN: I guess, since
17 we're now having a monthly director report, whoever
18 the director is going to be in February would just
19 be -- that's the kind of stuff that would need to
20 also be included in the director's report, yeah.

21 ACTING CHAIR GANT: That would be
22 interesting information, if it happens too much to a
23 school. If you hear, "Well, we changed the Board of
24 Finance this month," and two months later, "We did
25 it again," and on and on and on, you'd start to

1 wonder what's going on.

2 MS. BARNES: Where -- Sue or Abby, do you
3 remember where we've put the cap? I can't put my
4 finger on where the cap is.

5 MS. FOX: It's under "Total Student
6 Enrollment."

7 MS. BARNES: Where is that?

8 COMMISSIONER TOULOUSE: Page 31.

9 MS. FOX: 6.02 (c), Roman numeral (v).

10 COMMISSIONER BERGMAN: Under Page 31, it
11 says, "Total School Enrollment."

12 MS. BARNES: So, it's not going to be
13 negotiated. It's going to be populated here. How
14 you describe the educational program of the school
15 that language may be negotiated. So, I don't know
16 that negotiated -- what happened last year, and is
17 happening again this year, is the liaisons populated
18 the worksheet first and went to the website and
19 pulled the major terms and looked at the renewal
20 application and pulled what they had said.

21 And, then, the document goes to the
22 school. And, then, we -- those populated terms were
23 put in here and were discussed during the
24 negotiations.

25 So, you're correct. You're not going to

1 negotiate the student enrollment number. It's going
2 to be just populated in there.

3 COMMISSIONER BERGMAN: It's going to come
4 right out of the application.

5 MS. BARNES: Exactly. So are lots of
6 things that come -- we found a lot of promises that
7 schools made on their website. Well, if you made it
8 on your website, it's going to make it into the
9 contract.

10 COMMISSIONER BERGMAN: But who's going to
11 catch that? See? I don't go to their websites.

12 MS. BARNES: The liaisons have gone to
13 their website. And, then, we're talking to the
14 schools about what's important.

15 So, let's take your list and see if we can
16 do a "notice" section.

17 COMMISSIONER BERGMAN: If I didn't
18 cover -- if Sam and I didn't think of everything, if
19 you guys think of something that should be on the
20 list that's not there now -- but you may remember,
21 we've had at least two schools exceeded their caps.
22 And we didn't -- and nobody -- CSD didn't know about
23 it for a while, and we didn't know about it, and --
24 boy.

25 MS. BARNES: That's going to be a breach

1 of the material terms of the contract, under
2 Page 31.

3 Okay. Let's work on that a little bit.
4 But this is the section that gets populated. We
5 just need to make sure that it has everything that
6 we want it to have in it.

7 COMMISSIONER BERGMAN: Okay. Well, let's
8 go back to (b), "Optional Supplemental Indicators."

9 Here, again, "The School may identify
10 optional supplemental indicators, as set" -- I
11 assume that's supposed to be "forth" -- "in the
12 Academic Framework." I do not like the word "may."
13 That tells them they don't necessarily have to do
14 indicators. Again, to me, that's confusing.

15 MS. BARNES: Now, that's directly from the
16 law.

17 COMMISSIONER BERGMAN: Did that come
18 directly out of the bill, or --

19 MS. BARNES: It did. So, what it says is
20 that you are going to make a performance framework
21 template, just like you did, and we're going to talk
22 about that next. It's a 17-page document. There
23 are lots and lots of indicators in there.

24 The law, under 22-8B-9.1(C), it says that
25 exact language. "The performance frameworks," I

1 guess, "shall allow for the inclusion of additional
2 rigorous, valid, and reliable indicators proposed by
3 a charter school to augment external evaluation of
4 its performance."

5 COMMISSIONER BERGMAN: The word you just
6 read there is "shall."

7 MS. LEWIS: "Shall allow."

8 COMMISSIONER BERGMAN: We've discussed
9 "shall" that and "may" before. "Shall" means you
10 will; "may" means you might not.

11 MS. BARNES: It allows the charter schools
12 to do it.

13 MS. FOX: It's the option of the charter
14 schools.

15 MS. BARNES: It's the option of the
16 charters.

17 COMMISSIONER BERGMAN: That's probably the
18 part I don't like. It's the option of the charter
19 school to decide whether they're going to do
20 indicators and goals. I don't like that stuff, as
21 you well know.

22 MS. BARNES: Let's talk about what means,
23 so, that, the 17-page performance framework -- in
24 the Academic Performance Framework, it includes A
25 through F. They're assessed against A through F.

1 They have to do a mission-specific goal.
2 And then, they may, according to this
3 section, provide more.

4 The second indicator is the financial
5 indicator that looks to their audit. And it's two
6 or three pages of indicators looking at the
7 finances.

8 And then the third one, the Organizational
9 Framework, is a complete compliance document. It
10 says that you have to comply with special ed; you
11 have to comply with the Open Meetings Act; you have
12 to comply with the Personnel Act.

13 It -- so, I could count them, but there's
14 probably 30 to 40 indicators in the Performance
15 Framework.

16 COMMISSIONER BERGMAN: Okay.

17 MS. BARNES: So, there's never just one.
18 And I really get that you want to make sure that
19 you've included goals in there. And in a lot of
20 ways, you -- that framework is a 360-degree look at
21 the school.

22 COMMISSIONER BERGMAN: I just do not want
23 to repeat what we just went through, where most of
24 the applicants somehow got the impression they
25 didn't have to put goals in their application.

1 MS. BARNES: Right.

2 COMMISSIONER BERGMAN: And the terminology
3 we're calling "indicators" here, indicators are
4 goals. I don't want to have us have to go through
5 that again, where we have to renegotiate with a
6 Navajo school, or renegotiate with this school,
7 because they misunderstood that they're supposed to
8 have goals in their application. Somehow, we have
9 to address that, either in this contract
10 specifically, in the performance frameworks
11 specifically, in the application specifically, even
12 in the letter of intent, which the one that you just
13 sent to us a week or so ago, actually, I found -- I
14 made no notes.

15 You'll be pleased to know I made no notes
16 on the letter of intent, so, I found nothing that I
17 quibbled with in the letter of intent. But I didn't
18 see any specific language that told me the
19 applicants -- I could have liked to have seen
20 some -- "At some point, you guys are going to have
21 to provide sufficient academic organizational and
22 financial goals to the PEC, so that they can make an
23 informed decision on whether to grant you a charter
24 or not."

25 MS. BARNES: Right.

1 COMMISSIONER BERGMAN: So, that was
2 actually the only thing I would have suggested for
3 the letter of intent is a paragraph that said
4 something like that. See, I just don't want to
5 go -- we've gone through this several times now,
6 where an applicant said, "Well, we didn't know we
7 needed to do goals." They've sat right there and
8 said that to us, with a straight face. "We didn't
9 have to do goals." There we sit. Now, we're done,
10 because we don't allow them to change their
11 application. We've been down that road before,
12 where they're handing us paperwork from the table
13 there, and we can't do that.

14 So, somehow, I'm seeing this as a vehicle
15 to make sure we don't go down that road again. No,
16 I accept your assurances, and --

17 MS. BARNES: Well -- but I -- this whole
18 section and the next couple of sections talk about
19 the performance framework. So, even though it's
20 jumping around, just -- I'm a little tempted to have
21 us look at it.

22 COMMISSIONER BERGMAN: If that's where you
23 want to go, let's go.

24 MS. BARNES: Can people follow us if we go
25 to the performance frameworks? Is that too

1 confusing?

2 COMMISSIONER BERGMAN: What page?

3 MS. BARNES: It is 2A. A2, Appendix A2.

4 So, let me just reiterate. You have a
5 five-year contract. The five-year contract requires
6 an annual performance framework. It can change
7 every year. It could be the same every year. But
8 they're annual. So, in a five-year contract, you're
9 going to have five performance frameworks, one for
10 each year: year one, year two, year three, year
11 four, year five. You're going to enter into that at
12 the beginning of a year, and the CSD staff is going
13 to go, during their site visit, and assess you
14 against this criteria. And this criteria includes
15 goals. That's why I want to go there.

16 So, this -- I call it a blank document;
17 it's 15 pages. It is what the Public Education
18 Commission, last year -- and it's unchanged this
19 year -- said that they were going to use as the
20 template for every school's negotiation. So, every
21 school is going to include these factors.

22 And you're also going -- the schools are
23 also going to negotiate some more. But a lot of the
24 work is already done.

25 So, if you look at Page 2 of the Academic

1 Performance Framework, you all are saying that every
2 school is going to meet acceptable standards
3 according to New Mexico grading A-through-F system.
4 And they're going to exceed that standard if they
5 get an A; they're going to meet the standard if they
6 get a B; they may or may not meet the standard if
7 they get a C. If they get a C, they have to do a
8 little bit more work; and, so, those two sections
9 for C. And if they get a D or an F, they fall far
10 below the standards.

11 So, every school is assessed under "A
12 through F."

13 "A through F" includes lots of the
14 components that the law required us to look at. So,
15 we used it as one of the indicators that you all are
16 going to assess a school with.

17 So, effectively, no school can come
18 forward and say, "Oh, let's not use 'A through F'
19 for my school. I don't want you to look at 'A
20 through F.'" You have indicated to all of your
21 schools that that's what you want to do.

22 No. 2 -- and then the next ones are what
23 you were talking about, Commissioner Bergman. So,
24 let's come back to those in a second, and let me
25 show you what else is in this document.

1 COMMISSIONER BERGMAN: Before we go
2 further, can I ask a question on No. 1, while it's
3 burning in my mind, because I guess I somehow had
4 not noticed this before. Maybe the question is more
5 for Tony. On the "C" standard, where it says,
6 "Meets standard and adds" -- it says, "The
7 authorizer and the school have agreed on an
8 improvement plan which the parties believe will
9 result in improved results."

10 So, are we saying -- is that what we've
11 been saying, if you're a "C" school, you're going to
12 have to have some kind of a corrective plan or an
13 improvement plan or something? I had not followed
14 that before.

15 MR. GERLICZ: Commissioner Bergman, what
16 the -- the purpose of this language is, is to allow
17 the Commission to say, "You have met the standards
18 if we have an improvement plan, or, you are
19 accredited by a national accrediting body."

20 So, we haven't done that. But it allows
21 the Commission to say, "We" -- "you've received a
22 'C' grade on the report card; you've met standards,
23 if you've done this."

24 And remember, that number one on these
25 performance standards is just number one. There is

1 also a number two and number three. So, we look at
2 all of them together.

3 COMMISSIONER BERGMAN: Right, yeah.

4 MS. BARNES: We have not yet -- last year,
5 you entered into your first seven contracts and your
6 first seven performance frameworks. They are
7 working this year under that performance framework.
8 So, no school has gotten the grade for this year.

9 MR. GERLICZ: We haven't done that yet.

10 MS. BARNES: We haven't hit it yet.

11 Let's go to look through the rest of the
12 document, so you've got a handle on what else is in
13 this performance framework.

14 The Financial Performance Framework has
15 two pages of indicators that look at the school
16 audit from a variety of lenses.

17 It comes straight off the audit. And I
18 think in other states, where schools have more
19 control over their money, they can get in more
20 financial trouble. In New Mexico, you can't enter
21 into -- you can't have a credit card; you can't
22 enter into debt; you get 1/12 of your money. It's
23 all based on a formula. So ours looks at these five
24 factors.

25 And in fact, Valerie -- you may or may not

1 be here -- was taking last year's -- the most recent
2 audit that came out and was looking at the schools
3 according to these criteria.

4 The third framework is the organizational
5 framework. And you'll see that it is seven pages --
6 six pages of indicators. When the staff goes in,
7 they're going to see if they met the material terms
8 of the contract. This one takes you back to and
9 into the contract that we were just talking about.

10 It goes back and looks at, "You said,
11 in -- it says in the contract that you will train
12 all of your teachers in Montessori, and that they
13 would have a 30-hour training. Please show me the
14 list of all your teachers. Please show me all of
15 your trainings, and was it 30 hours?"

16 They're going -- so, the staff is going to
17 go in and ask them. And that's why it's important
18 to get that section right: "Did you do this, and
19 did you do this, and did you do that?"

20 And that's why, if you've made -- if the
21 school has made a promise to parents to hold six
22 open houses, the staff's going to check on that, if
23 it made it into that section of the contract.

24 So, No. 1 on the organizational framework
25 does go back into the contract and make sure that

1 they're doing it.

2 The next one starts to talk about the law.
3 Are you doing everything you're supposed to do in
4 New Mexico law -- I'm on Page 8, No. 1.b. "Are you
5 in compliance with your graduation requirements,
6 your promotion retention requirements, your Common
7 Core standards, your EPSS, your parent surveys?"
8 So, it lists a large group of things that are
9 required in New Mexico law for providing an
10 appropriate education. 1.c. looks at the rights of
11 students, and it looks at due process.

12 ACTING CHAIR GANT: Just a question. On
13 1.b, where it says "Working to Meet Standard," it
14 says the school is basically to institute remedies.
15 How do we know, as the authorizer -- I mean, it's
16 just a check mark, so we don't know what the
17 remedies are. Are we supposed to get a report or
18 something on that?

19 MS. BARNES: Well, it's to the
20 satisfaction of the authorizer; so, yes. If there
21 is a serious -- if they did not implement one of
22 these programs -- let's say they didn't do any
23 parent surveys.

24 ACTING CHAIR GANT: Whatever.

25 MS. BARNES: Let's just pick one of them.

1 ACTING CHAIR GANT: Yeah.

2 MS. BARNES: Well, when Karen goes into
3 that school and says, "What did you do for your
4 parent survey," and they say, "We forgot to send
5 them," that's actually the document on here that
6 isn't yet filled out, which is -- well, it's one of
7 the roll-up documents. They're going to need to
8 bring back to you --

9 ACTING CHAIR GANT: Okay.

10 MS. BARNES: -- you know, "This is -- was
11 not done correct."

12 So, we're going to have to work through
13 this process to see how we bring back these issues
14 for you.

15 ACTING CHAIR GANT: All right. Thank you.

16 COMMISSIONER BERGMAN: Let me ask a
17 question of the liaisons. When you go and do your
18 site visits, are you taking these extensive lists,
19 as in this document right here, to ensure you don't
20 overlook? Is that part of your protocol?

21 MS. EHLERT: Commissioner Bergman, yes, it
22 is. We have a -- you'll see it somewhere in this
23 process, a site visit tool that breaks down each of
24 those questions in the framework, where we're
25 looking for sometimes ten items to verify that the

1 school is -- for example, respecting the rights of
2 students, what does that really mean, and identify
3 that.

4 MS. BARNES: Let me show you that.

5 COMMISSIONER BERGMAN: Thank you.

6 MS. EHLERT: Sure.

7 MS. BARNES: Let's look at it again. It's
8 D1. This is the site visit tool. It's why I wanted
9 so much of your time today and tomorrow, because
10 this is a huge project. And CSD has been working
11 and working and thinking and drafting and -- but
12 they've taken the compliance -- and, actually, you
13 know, one of my questions to Karen, "Was it clear
14 what you do when you go in to do a site visit?"

15 She said, "Absolutely."

16 So, this document tells them how they're
17 going to come and check the box off in these
18 sections.

19 Let me just keep going, just to --

20 MS. FOX: Julia, could I interject
21 something on 1.b.?

22 MS. BARNES: Yes.

23 MS. FOX: I guess, my -- I just have a
24 comment, and that is, on all of these bullet points
25 under "Meets Standard," the first thing that the

1 school is going to do is look at this and say,
2 "These are what we need to meet."

3 And then later, if someone comes in and
4 says, "Oh, you didn't do 'X,' and it's not in one of
5 these bullet points, the school's going to make some
6 hay out of that."

7 So my comment is, if this is something --
8 if there is an education requirement that's not in
9 these bullet points currently, put it in there, so
10 the school knows that that's what they --

11 MS. BARNES: I will tell you, we've tried
12 to do that. And if there's ones that we've
13 missed -- but Abby and I have looked at that for,
14 like, "What if we miss something?" But we really
15 tried to do that, because the charter schools used
16 to say, "Tell me everything I'm supposed to know."

17 And all we had was, like, a flip answer
18 like, "Well, go to the law library," or something.
19 It was, like, ridiculous. So, we actually have
20 tried to name in here. And that's part of the
21 process that happened two years ago was to take a
22 generic form and make it New Mexico-specific.

23 That's so that when Senator Sapien says,
24 "Is this a New Mexico document," I say, "Absolutely.
25 It's tied to our laws."

1 Let me keep walking you through a little
2 bit.

3 ACTING CHAIR GANT: One question on, I
4 guess, what you said. My brain, you know, is a
5 little old. But didn't we go -- there was a
6 discussion -- I believe you brought it up, Tony --
7 about decreasing the number of reports or
8 requirements by the charter school. And one of
9 them, I thought at one time, they talked about the
10 EPSS not being a requirement?

11 You know, I look at this and I say, "Okay,
12 maybe there are more than we need to put in here."
13 But what if they come along in a year or so or two
14 years, or whatever, and the law changes, and then we
15 have to go back and redo this contract and all that?

16 Do you see what I'm saying? If the PED
17 decides that the EPSS is not required and we've
18 already signed the contract, then what?

19 MR. GERLICZ: Well, we cross that bridge
20 when we come to it. But back to your first comment,
21 is that it's absolutely correct that we are very,
22 very -- the CSD and -- I would say -- and the PED,
23 the hierarchy of the PED, is also aligned with us in
24 removing all of these requirements of reporting that
25 charters are required to do. We are currently in

1 conversation with the Deputy Secretary for Policy
2 and Programs about can we rework this mandatory EPSS
3 plan to fold in the performance frameworks so it's
4 one and the same document, it's not two different
5 documents. And I'm optimistic that that
6 conversation will continue to go forward.

7 So, to answer your first question,
8 absolutely, we need to do everything we can to
9 reduce duplication of forms, added forms, et cetera,
10 while we comply with the law. So, they're never
11 going to get rid of EPSS. That, I'm fairly
12 confident, and that's a federal requirement. It
13 isn't a state requirement.

14 So, what we have to do in the charter
15 world is to make sure that all of these additional
16 requirements that are now laid on charters are
17 folded into the existing requirements, that they're
18 not just more. That's what we have to work with the
19 infrastructure a little bit.

20 ACTING CHAIR GANT: I just see a problem
21 coming down with that.

22 MS. BARNES: Also, this document, this
23 template for the performance framework, you're going
24 to look at annually. So, the contract is a
25 five-year document for a five-year charter. But

1 every year, they do a new performance framework. So
2 this framework that we're looking at right this
3 moment is only for next year.

4 So, if you are unhappy with something, or
5 something changes, or we make some progress in
6 another way, this template will be looked at again;
7 not necessarily changed, but looked at again next
8 year.

9 COMMISSIONER BERGMAN: Actually, I think
10 your top sentence above those bullet things may take
11 care of that, anyway. It states, "The school
12 demonstrates compliance with applicable laws, rules,
13 and regulations."

14 If the laws, rules, and regulations are
15 changed by the Feds or the Legislature, then that's
16 going to mean that, even though EPSS is in here now,
17 then, if that law is changed, then, in future
18 contracts, yeah, the next time we did the
19 performance framework, EPSS goes out the door.

20 MS. BARNES: Out the door. So, you can
21 still keep stopping me, but I'm going to try to move
22 forward a little bit.

23 The next section talks about -- these are
24 just categories, and the categories kind of came
25 from what NACSA was looking at nationally, how do

1 schools usually have requirements placed on them?

2 The next one is dealing with the rights of
3 students. The next one, 1.d., is the rights of
4 students with disabilities. So, that is the
5 indicator that deals with special ed.

6 The next one is English Language Learners.

7 The next one is compulsory attendance
8 laws.

9 And then 1.g., you'll see there's nothing
10 to negotiate. There's nothing that's discussed
11 between any specific school and the PEC up to here,
12 until we get to 1.g., which is that recurrent
13 enrollment goal. And it is filled out by each
14 school. And it is random in the fact that it's the
15 only thing in this organizational framework that you
16 have to fill out. That's why I think it's random to
17 put it here. But I also understand it has to do
18 with the school's organization. And, so, that is
19 put in by the schools, and it is discussed at the
20 negotiation sessions.

21 This year, unlike last year, we have some
22 SAM schools coming forward. Well, they have a very
23 non-traditional population; they come and go all the
24 time. So, the way this indicator is written may
25 well not work for them. Well, they could bring a

1 different -- different language to the table.

2 But I actually really like this indicator,
3 because I think it's kind of a -- I think when
4 parents are unhappy with the school, they often
5 walk. And, so, just like Commissioner Gant was
6 saying earlier, if you have a lot of turnover and
7 you have a lot of problems, if you have a huge
8 problem with recurrent enrollment, and you're losing
9 three-quarters of your student population every
10 year, it's an interesting indicator.

11 We get a lot of comments by the schools,
12 "Oh, do I really have to fill this out?"

13 It's like, "Yup, you do."

14 But if they have a -- and I don't know if
15 you remember. But last year, for example,
16 Cottonwood talked about they lose students right at
17 the end of middle school going into high school,
18 because they might want an IB program through
19 seventh grade or eighth grade, but, then, new kids
20 come in.

21 So, they could have -- they didn't -- but
22 they could have talked about a different way to talk
23 about this. So, this is one that is negotiated.

24 COMMISSIONER BERGMAN: Okay. But based on
25 your comments just now about the SAM schools, should

1 we not have a separate box right here, a first box
2 for the traditional schools, and a second box for
3 the SAM schools, instead of waiting until the issue
4 arises, and then saying, "Whoops, we don't have a
5 box; what do we do?"

6 MS. BARNES: Well, if -- if -- yes. One
7 of the things that we could do is think about that.
8 But I actual- -- it's just my point of view, which
9 you -- I didn't quite know -- I don't understand
10 Cesar Chavez as well as Cesar Chavez understands
11 itself. So, they're going to come to the table and
12 negotiate. So, the way that it is right now, I
13 don't know how to draft one. They know more about
14 their population. They know more about how it
15 worked.

16 COMMISSIONER BERGMAN: Tony, have you got
17 any thoughts before you leave?

18 MS. FOX: I like -- I'm sorry, Tony. I
19 was going to say I like Commissioner Bergman's idea
20 of at least indicating the option of a school
21 indicating their own method for meeting this goal,
22 so that schools -- I mean, I'm here. And if I'm
23 representing the school, I'll make sure I tell them
24 that we can do something different or propose
25 something different. But for those that don't bring

1 a lawyer to the table, you might put a place-holder
2 there.

3 MS. BARNES: We talked about a worksheet.
4 In the worksheet.

5 MR. GERLICZ: Commissioner Bergman, my
6 response to your question would be that it's not a
7 bad idea to put something in there to indicate that
8 a SAM school concept exists. I'm not sure that any
9 of us know the details, even ourselves, of what that
10 means. So, stay away from specifics. But to
11 embrace what Sue has indicated, that a school could
12 list some things of their own under that SAM model,
13 that we would need to work on, but to stay away from
14 specifics, because I'm not sure that everybody is
15 very clear on --

16 COMMISSIONER BERGMAN: I just know we're
17 going to have to deal with it. We just dealt with
18 it in December. A number of those schools were SAM
19 schools. I was going back and forth looking at that
20 stuff, and that was one of the things I took into
21 account was the fact that, boy, they had so much
22 mobility, and they had so much -- kids are coming in
23 one month and walking out the next month, and there
24 were indications that some of them came back two
25 months later, again. And how does the school keep

1 track with that, much less the PEC?

2 MR. GERLICZ: That's the reality of our
3 society for some of those schools.

4 MS. FOX: Put the burden on the school to
5 describe some viable, reasonable, meaningful,
6 alternative method.

7 MR. GERLICZ: And make it unique to their
8 school.

9 MS. BARNES: We tell them that in the
10 trainings all the time.

11 COMMISSIONER BERGMAN: I think they did
12 that in their applications very well this time.

13 COMMISSIONER TOULOUSE: Can they just put
14 a box in there to indicate, "If SAM school," and
15 then a statement, "then must discuss with PED
16 staff," or something, just --

17 MS. BARNES: That -- the way that this
18 happens -- I'm going to have you just glance
19 quickly. Appendix E1 is the contract worksheet.
20 What we've done is we've taken every block from the
21 contract and the performance indicators and pulled
22 them into this document that Commissioner Bergman
23 knows really well, because he looked at it every
24 single time we negotiated last time.

25 This is -- it's just the working document

1 that we negotiate from. And, so, the recurrent
2 enrollment is on Page 11 and 12. It's just set
3 forth there.

4 So, the schools are already seeing what
5 they need to put in that will eventually populate
6 the contract and the performance indicators. And,
7 actually, the first group of schools that are going
8 to be the first ones that you negotiate with, their
9 worksheets are due to you -- when?

10 MS. EHLERT: Friday.

11 MS. BARNES: Friday. So, their first
12 draft of the worksheets have already been given to
13 them. We already gave them a pre-populated version.
14 They already are working with their boards to give
15 the first draft to people like -- to the liaisons.
16 And, then, the liaisons will talk about it and go
17 back and forth.

18 So, I'm guessing, when Cesar Chavez comes
19 up, they're going to say to their liaison, "Wow, we
20 really can't do this indicator on Page 11. Can we
21 give you a new one," and they can put it in here
22 then.

23 So, when you come to a negotiation
24 session, you're going to see the worksheet. And
25 that's what we work from. It will eventually

1 populate the document we were just looking at.

2 So --

3 COMMISSIONER TOULOUSE: I guess not having
4 been through the contract negotiation, I'm still
5 concerned that there isn't some way in a document
6 that goes into a file that somebody can have to go
7 back and look at where you went forward on it. I'm
8 an old bureaucrat. I'm the one here, as you know,
9 who isn't the educator; I'm the bureaucrat and the
10 manager and all, because I have a major concern
11 about boards and their structures that comes as a
12 manager.

13 But for right now, in looking at this, I
14 have a problem with what you're going to do
15 something different for somebody if there's not some
16 way to indicate it first on a formal piece of paper
17 that goes somewhere. And, then, you could do all of
18 this other negotiating and come out at the other
19 end.

20 MS. BARNES: Well, let's definitely at
21 least put some language here that says -- we can, on
22 l.g., underneath the section that -- where there are
23 blanks, we could say -- what do you want to say?

24 MS. FOX: I would just say, you know,
25 "Other method of meeting recurrent enrollment goals

1 proposed."

2 And, again, this is negotiating. So, if
3 it makes no sense, it won't make it into the final
4 contract.

5 MS. BARNES: Sure. So, let's say, "Other
6 method to" -- what do you want?

7 COMMISSIONER BERGMAN: As long as we word
8 it to where we don't create another loophole that
9 somebody can use to wiggle out of this whole
10 category.

11 MS. BARNES: Well, they're going to have
12 to do something. So, I'm putting it in the middle
13 of 1.g.

14 MS. FOX: You guys, it'll either be
15 approved through the negotiation or modified through
16 the negotiation, or you'll say, "No way, you've got
17 to go back to this other methodology." But at least
18 it lets the schools know that if they're, for
19 example, not just a SAM school, but Cottonwood
20 Classical, where they do have a demonstrated issue
21 with how their kids move in and out of the school,
22 they can at least bring that to your attention to
23 talk about it.

24 MS. BARNES: I put -- so, this will be in
25 the middle of 1.g., after the lines, before the

1 "Meets," "Does not meet," or "Falls far below,"
2 "Other methods for assessing recurrent enrollment
3 goal," and then put a series of blanks, so people
4 could do that. Let me tell you, schools are not shy
5 with telling us which part of these aren't working
6 for them.

7 COMMISSIONER TOULOUSE: I'm just being
8 your bureaucrat here. Even though I've been retired
9 a lot of years, I can go back to it.

10 MS. BARNES: And, so, let me just say one
11 more thing, if you're a bureaucrat -- and that's
12 your word; it's not a word I would have chosen to
13 use for you.

14 COMMISSIONER TOULOUSE: It's better than
15 other words I was called during my years in State
16 government.

17 MS. BARNES: Because there's going to be
18 five of these forms completed in a five-year
19 contract, one for each year. And then there are
20 going to be five assessments. We're going to get to
21 those assessments, so...

22 ACTING CHAIR GANT: Julia, just for my
23 education, what makes a student eligible or not
24 eligible for re-enrollment?

25 MS. BARNES: Well, if you're in twelfth

1 grade, you're no longer eligible for re-enrollment.

2 ACTING CHAIR GANT: Not by age.

3 MS. BARNES: If you've been expelled, if
4 you're graduating from --

5 MR. GERLICZ: Twelfth grade and graduated.

6 ACTING CHAIR GANT: You can go up to 24 or
7 25 years of age.

8 MR. GERLICZ: If you're not graduated.

9 ACTING CHAIR GANT: If you hit 22, you
10 can't go any further, if you're disabled.

11 MS. BARNES: Well -- and that's a really
12 good example of what the SAM schools are bringing
13 in. So, they'll be able to define that population.
14 That's tended to be -- it's the student that they
15 expect can reasonably come back to their school the
16 next year. And it also allows them to say -- you
17 know, let's say a school has brought in a lot of
18 foreign exchange students. Well, they're not coming
19 back the next year. So, they shouldn't be counted
20 in their numbers. So, we're just giving them an
21 opportunity to tell us.

22 ACTING CHAIR GANT: But, then, you go back
23 to 1 -- whatever it is -- back here, it says, "At
24 least 85 percent of the students" must -- "will be
25 required to reenroll at the school."

1 MS. BARNES: To meet the -- that's because
2 they've got to take out the 20 eighth-graders, and
3 they've got to take out the ten kids that were
4 foreign exchange. So, it actually let's them tell
5 you how many kids are -- how many kids are expected
6 to come back the next year. And they are specific
7 students.

8 MR. GERLICZ: Eighty-five percent of those
9 students who are eligible for reenrollment.

10 ACTING CHAIR GANT: All right.

11 MS. BARNES: And under Section D, they
12 explain why certain kids are not eligible for
13 re-enrollment. So, they might say, "We have 30
14 twelfth-graders," or "We" -- you know, whatever. I
15 think it's pretty interesting -- I've been impressed
16 as to how much conversation there's been around
17 this, and that a lot of schools struggle with
18 re-enrollment. They don't struggle with the number
19 of students in their school, but they can lose a
20 bunch of kids.

21 COMMISSIONER BERGMAN: I found it
22 interesting you mentioned Senator Sapien. He didn't
23 finish up with Senate Bill 446 when it was done.
24 He's still thinking about it, as Tony can attest
25 from our LESC meeting in Clovis, where Senator

1 Sapien got up and said, "Have you people forgotten
2 that this is a performance contract?" He said,
3 "It's not a contract. It's a performance" -- do you
4 remember him saying that to you, Tony?

5 MR. GERLICZ: Yeah.

6 COMMISSIONER BERGMAN: "It's a
7 performance." So, if Senator Sapien is still
8 watching this, he's watching us. He's watching --
9 he's keeping track of this. And that -- he said,
10 "The whole purpose of that bill was performance."

11 MS. BARNES: Well -- and lots of this is
12 perf- -- I always feel like my answer to Senator
13 Sapien is, "I think it's a great act. I think
14 it's -- I think it's" --

15 COMMISSIONER BERGMAN: I think Senator
16 Sapien would agree with me that goals are
17 performance. I'm just going to throw that in there.

18 MR. GERLICZ: Depending on what type of
19 goals.

20 MS. BARNES: Let's go back to the goals
21 section.

22 So, the next section, we already had a
23 financial framework which was based on numbers. But
24 here are the sections to make sure they're using
25 sound business practices.

1 So No. 2 on Page 10 and 11 look at "Sound
2 Business Practices." And it, again would be, if a
3 school was having some internal controls issues, it
4 would come up at this point.

5 No. 3 looks at "Governance and Reporting."
6 This is the section, Commissioner Bergman, that I
7 want to make sure that we haven't already covered
8 some of the material terms of governance under these
9 sections.

10 COMMISSIONER BERGMAN: Well, it looks like
11 they're just having to demonstrate compliance,
12 again, with these various things.

13 MS. BARNES: Yes, it's having the
14 policies, complying with the Open Meetings Act,
15 complying with the conflict-of-interest policy.

16 We do cover a lot of, you know, sound
17 business organizational practices there.

18 The next section is on "Employees,"
19 including the certification of teachers, the
20 Personnel Act, the Charter School Act, the Family
21 Medical Leave Act, the ADA, and, then, doing the
22 required background checks.

23 Finally, Section 5 looks at facilities,
24 health and safety regulations, and handling
25 information.

1 So, we can go back now -- once you see
2 everything you're going to look at for a school,
3 then I think we come back to what you want to focus
4 on, which is Pages 2, 3, and 4, which are their
5 school-specific goals. So "A through F" is a
6 performance goal. And it's quite comprehensive.
7 That was at least where, once we looked at it,
8 there's lots that goes into "A through F."

9 And I know Commissioner Gant frequently is
10 pulling that report card, because there's lots of
11 data there.

12 The way that it reads right now is that,
13 in addition to everything that we've talked about,
14 they also have to -- have to do at least one
15 mission-specific indicator. And from the -- from
16 the negotiations last year, I -- did any school just
17 do one indicator? Many of them ended up with four
18 or five.

19 COMMISSIONER BERGMAN: I'm not -- yeah,
20 I -- for some reason, my impression was they all
21 were trying to get by with one. But maybe I'm just
22 fitting my perception to what I want to accomplish.

23 MR. GERLICZ: I think that was true with
24 Cottonwood. I don't think that was true with the
25 other schools.

1 COMMISSIONER BERGMAN: Okay.

2 MS. BARNES: And let me just -- I know I'm
3 just giving you so much information, and I'm so glad
4 you gave me a day and a half, because I want you --
5 it's -- I really want to get -- I really want an
6 understanding all the way through.

7 ACTING CHAIR GANT: Before you leave
8 this -- just a sec -- what's the definition -- okay.
9 Let's go to Governance and Reporting on Page 11.

10 MS. BARNES: Okay.

11 ACTING CHAIR GANT: I need a definition of
12 what is -- it says, 3.b. It says, "Is the school
13 holding management accountable?"

14 So, define what in the school is holding
15 management accountable. Do you see what I'm saying?
16 A school is an organization.

17 MS. BARNES: Well, that's described right
18 below it. So, in order to see -- you know, that's
19 why the wording under "Meets" and "Working to Meet"
20 and "Falls Far Below" is important.

21 ACTING CHAIR GANT: But the school is
22 demonstrating it. But how is it holding the
23 management accountable?

24 MS. BARNES: Well, because they have to
25 provide a written annual evaluation of their head of

1 school and periodically review the relationship and
2 contracts with a partner organization. Those are
3 the two sections under "holding the school
4 management accountable."

5 ACTING CHAIR GANT: I guess where -- I
6 guess I'm not -- define "school," the word.

7 MS. BARNES: Oh, the word "school"?

8 MR. GERLICZ: The governing body.

9 ACTING CHAIR GANT: That's what I'm
10 saying. I'm just curious.

11 MS. BARNES: Well, that's a good point,
12 to --

13 ACTING CHAIR GANT: When it says "The
14 school will do this," well --

15 MS. BARNES: It's not the governing body.
16 Much of it is done by the principal.

17 MR. GERLICZ: The governing body holds
18 management accountable.

19 MS. FOX: Yeah. I mean, it's a good
20 question.

21 MS. LEWIS: We can define "school" in this
22 contract as "Designated head administrator." So, I
23 think we covered ourselves there, no?

24 ACTING CHAIR GANT: How do you hold -- who
25 holds --

1 MS. BARNES: We certainly use the word
2 "school" throughout the indicators.

3 MS. LEWIS: But we defined it in this
4 contract with broader definition than we're talking
5 about it here. So, I think the way we defined it in
6 the contract will cover us.

7 MS. BARNES: These are incorporated into
8 the contract.

9 COMMISSIONER TOULOUSE: I don't know --
10 again, I've only had a year. But every school that
11 I've seen that came up in front of us that was
12 having a major problem was one that was having a
13 problem within the board; whether the board was
14 churning, was fighting among themselves, whether
15 they were not meeting all the requirements.

16 And, then, whether there was a -- whoever
17 was the head of the school, whatever you call them,
18 principal, headmaster, or -mistress, or executive,
19 or whatever they were called who was being replaced
20 over and over, or else in conflict with the board.

21 And I have a concern of, then -- and we've
22 also had these problems come up on the schools where
23 you can go months without a full board.

24 Shouldn't there be something in here to
25 show that there is a procedure in place to make sure

1 that a board remains fully staffed within a 30- to
2 60-day period of a vacancy? I just -- I don't know
3 where it goes, but I --

4 MR. GERLICZ: It goes in the bylaws. It
5 goes in the governing council's bylaws, and it's up
6 to the governing council to follow those bylaws.

7 COMMISSIONER TOULOUSE: I just see it as a
8 problem -- I don't know where it goes. I'm just
9 bringing it up that, again, I've looked at this.
10 And every school that I've seen with a problem has
11 had a board problem, whether it was one that was too
12 weak or too strong, that fought among themselves.
13 The schools that come up here and look good seem to
14 have a consolidated board and somebody who's running
15 it who works with them, not everybody working
16 against each other.

17 I don't know how that comes in, that there
18 ought to be something in there that encourages that
19 kind of organization, or our kids are hurting.

20 MS. LEWIS: Well, Commissioner Toulouse,
21 something to keep in mind is that, in addition to
22 8B, all of 22 applies to charter schools, unless
23 specifically excepted. One of those is -- as
24 Commissioner Gant was talking about the 45 days, one
25 of those is a requirement, when you are under the

1 minimum amount of -- you know, this calls it the
2 "local school board," but we're talking about
3 charter schools now. So, there is, in the law, a
4 45-day window for that.

5 And I agree with you we need to tell the
6 schools what that is, because we have had this
7 problem before. But we already have the language,
8 if we just pull it from --

9 MS. BARNES: And 3.a. is an indicator --
10 on Page 11 -- is the indicator that says that they
11 have to adopt and adhere to governing board
12 organization and membership rules, you know. So,
13 it --

14 MS. FOX: But that's -- that's pretty much
15 controlled by the school itself. I think what
16 Commissioner Toulouse is saying is -- and I agree --
17 if there's going to be a requirement for replacement
18 within "X" number of days, let's stick it in here.
19 When Dr. Duran and Sam were at the CSD a few years
20 ago, even though there weren't formal contracts
21 required like this one, they did have charter
22 schools enter into a charter contract that said,
23 "You will replace any missing governing council
24 members within 60 days."

25 And that's helpful, because it gives the

1 school a time frame.

2 MS. BARNES: Well, maybe we should look at
3 that.

4 MS. LEWIS: I looked at that last year.
5 There's a memo floating around somewhere. And I am
6 troubled by the 60 days, from a legal perspective,
7 because it's not in line with this broader -- it's
8 NMSA 22-5-9 is the one that talks about the
9 vacancies.

10 MS. FOX: Rarely do I quibble with you,
11 Abby. But I would quibble on the application of
12 that. If you want it to be 45 days, just stick it
13 in there.

14 COMMISSIONER BERGMAN: I thought we
15 changed that last time, 60 to 45.

16 MS. LEWIS: We did with a couple of
17 schools.

18 MS. BARNES: What I would suggest we do is
19 I have two more comments on the performance
20 framework, and I suggest we take a break and come
21 back to the contract, because the contract will make
22 a little more sense, now that we've spent some time
23 on the performance framework.

24 Let me say two things: When you put
25 conditions on a school, which you did for the

1 renewing schools, our plan is to add them, probably,
2 to the organizational framework, so that it becomes
3 an indicator that is monitored.

4 And we did that for Anthony -- you know,
5 you can turn your conditions into something that a
6 CSD staff member can look towards. So, that's what
7 we plan on doing during the negotiation, so that
8 everyone knows how those conditions got in here.
9 That happened with Connections Academy, because, if
10 you recall, the Cabinet Secretary, when she granted
11 them their charter, she put conditions on them. And
12 we put those conditions in the organizational
13 framework. So, that is the tool to monitor what you
14 ask them to do.

15 Now, I'm just going to go back to what --
16 to what Commissioner Bergman is saying about goals.

17 COMMISSIONER BERGMAN: You've got me.
18 You've convinced me.

19 MS. BARNES: On Page 3 and 4 -- have I,
20 for real? He just gives in finally.

21 COMMISSIONER BERGMAN: It will be an
22 ongoing discussion. I actually had a question.
23 Since we went back to 12, I want to go back to 12.

24 MS. BARNES: Okay. We'll go back to 12.

25 But I just want to say one thing clearly about that.

1 COMMISSIONER BERGMAN: I was just curious.
2 I want to ask the staff this question. 4.b. says,
3 "Is the school respecting employee rights?"

4 What exactly does that mean to you, and
5 how do you walk into a school and determine -- I
6 know it says those three acts there. But how are
7 you actually -- do you actually go in and ask a
8 school superintendent of a charter school, "Do you
9 have an employee complaint file, and may I see it?"
10 How are you determining that?

11 MS. EHLERT: When we go into the school,
12 typically, we would look for a staff handbook to
13 start with. And, in that handbook, generally, the
14 rights are spelled out in some form.

15 We can look at policies, if they're
16 separate from a handbook. If there have been any
17 complaints filed with PED, we get a report on that;
18 we have access to that.

19 So, we look at a variety of things. When
20 we go into a school and we speak with staff,
21 sometimes issues come up. You know, we don't do
22 that every single year, where we're interviewing all
23 of the school staff. But there's a variety of
24 indicators that we come across that trigger maybe
25 need for more explanation on the part of the school,

1 or even an investigation. So --

2 COMMISSIONER BERGMAN: Do you occasionally
3 get an employee that takes you by the elbow and says
4 "Can we walk over here?"

5 MR. GERLICZ: Yeah.

6 MS. EHLERT: Yeah.

7 COMMISSIONER BERGMAN: "You need to look
8 into this"?

9 MS. EHLERT: Yes.

10 MS. BARNES: There was a good example of
11 that, and so Tony turned it over to the appropriate
12 bureau. That's exactly what happened.

13 COMMISSIONER BERGMAN: I assume there's
14 some line, though, that determines whether you put
15 that into your actual follow-up report, or --

16 MR. GERLICZ: The -- I would say the
17 pleasure of working with the staff that we have at
18 CSD is that they're all seasoned educators. So,
19 it's not like they can hear a complaint and say,
20 "Oh, so-and-so said this. This is incredibly
21 serious."

22 They have -- they have the ability to
23 determine whether it's serious or not and needs to
24 be pursued, or whether it's one disgruntled
25 employee, or it's a common theme that's heard in a

1 variety of sectors. We can do that.

2 COMMISSIONER BERGMAN: I was just thinking
3 about -- is it TLC, where they had that two-page
4 list of various employee complaints that nobody
5 seemed to have heard about the headmaster, sort of
6 swept it under the rug? And, so, here again, if you
7 don't hear about it, we don't hear about it.

8 I just was curious, how do you hear about
9 it if you don't ask? Thank you.

10 MR. GERLICZ: Any other comments? Ron?

11 MR. CHRISTOPHERSON: Commissioner Bergman,
12 part of what Karen talked about a little earlier is
13 our site worksheet, where you may see, in the final
14 documents, just a "yes" or "no." There's a whole
15 series of things that we have for each one of the
16 different questions.

17 So, for that one indicator, in our site
18 visit tool, there may be five or six different cues
19 for us to be asking, or to be looking for, or for us
20 to do our homework, before we ever go out to the
21 site, by checking with PED.

22 So, even though there's just one check
23 mark at the end, there's a whole series of questions
24 and surveys and opportunities for us to dig before
25 we ever get to the final document.

1 MS. BARNES: And, actually, what I'd like
2 to do is reserve, like, the last 15 minutes, from,
3 like, quarter to 5:00 to 5:00, and have them show
4 you what's already in here, which is the site
5 visits, because I think that's going to make sense
6 to you right now. So, let's reserve that -- we've
7 got a little bit more time than that.

8 Okay. So, I just want to -- on the
9 performance frameworks, this is one of the -- one of
10 the two documents that's important to us to try to
11 have you vote on them on Friday.

12 The way that this is set out is that,
13 right now -- and it's the same way it was last
14 year -- we just proposed the same performance
15 framework as last year, because our thinking is we
16 need to get some years under our belt and see how
17 it's working.

18 And we think that there's 15 pages of
19 indicators, and that's a lot. So, under the
20 academic indicator, your template presently says you
21 will be assessed on "A through F," and you must -- a
22 school must identify one mission-specific indicator,
23 and you can do more.

24 So, on Friday, if this document is voted
25 in, that's -- that's how it's set up. That's a

1 choice that we made last year, and we're -- and you
2 approved that last year. And we're proposing it to
3 you again this year. And the vote's on Friday.

4 So -- so, that's -- and certainly, I can
5 make that small change on the recurrent enrollment
6 goal, so that it's clear. So, we will have a
7 slightly amended version for you.

8 Okay. Commissioner Gant, with your
9 permission, what I suggest we do is take a break.

10 ACTING CHAIR GANT: One quick question, if
11 I may.

12 MS. BARNES: Sure. You can have six.

13 ACTING CHAIR GANT: On Page 13, line 5,
14 "School Environment," you can put it in or not put
15 it in. But one of the requirements for -- the PSCOC
16 is looking for it, through the PSFA -- is a
17 facilities maintenance plan, five-year facilities
18 maintenance plan. Do --

19 MS. BARNES: Okay.

20 ACTING CHAIR GANT: And I would suggest,
21 when you say "facilities master plan," it is a
22 five-year facility master plan.

23 MS. BARNES: So, a five-year facility
24 maintenance plan?

25 ACTING CHAIR GANT: Just to clean it up.

1 Now, it doesn't affect newbies, new charters,
2 specifically, until they get renewed.

3 MS. BARNES: So, "Approve five-year
4 Facility Master Plan," and is it approved, as well,
5 the maintenance plan?

6 ACTING CHAIR GANT: Uh-huh.

7 MS. BARNES: And "Approve five-year
8 maintenance plan."

9 ACTING CHAIR GANT: That's PSFA.

10 MS. BARNES: For Sue and Abby, would it
11 work, do you think, rather than to put it in the
12 contract, could we put the replacing board members
13 within 45 days, under 3.a., on Page 11?

14 MS. FOX: That's kind of where I thought.

15 MS. LEWIS: What's the advantage to not
16 also putting it in the contract?

17 MS. FOX: Well, the performance framework;
18 isn't that part of the contract?

19 MS. BARNES: It is. But I just think
20 they're going to study this document -- I think
21 they're going to study it more. Certainly, CSD
22 staff is going to study it more. I think it's a
23 good idea to put it here. I don't have a problem
24 with putting it there.

25 MS. LEWIS: That was the intention of my

1 question, just to figure out the best way for the
2 school to have that highlighted for them.

3 MS. FOX: Both places.

4 MS. LEWIS: Yeah.

5 MS. BARNES: I'm going to put something
6 like, "Replace board members within 45 days of
7 resignation" or something?

8 MS. FOX: That's something that schools
9 may come back to you and say, "Can we have longer?"
10 Because, you know, it is difficult to replace
11 members in a situation like most charter schools
12 find themselves.

13 MS. LEWIS: We want to point out in the
14 contract that this is something that they would need
15 to ask for an amendment if they're not going to be
16 able to meet. Because the PEC is going to be
17 meeting every month, so, there won't be 45 days
18 where they won't be able to come and say, "We need
19 more time."

20 MS. BARNES: So, I'm going to put, under
21 3.a., "Replace board members within 45 days of
22 resignation," as a bullet, and then we'll look
23 there, as well.

24 COMMISSIONER TOULOUSE: Do you want to say
25 "resignation" or "vacancy occurring"?

1 COMMISSIONER BERGMAN: "Vacancy" is
2 probably a better word, because they might not
3 resign. I think some have actually been asked to
4 leave.

5 COMMISSIONER TOULOUSE: Some have been
6 voted off or escorted out.

7 ACTING CHAIR GANT: Or, there's the
8 extreme, by going to the next life.

9 MS. BARNES: So, I'm thinking that we've
10 reviewed the performance framework as far as we want
11 to. I want to start and go back and keep going
12 under the contract, which is referencing this
13 document.

14 COMMISSIONER BERGMAN: Right. Okay.

15 MS. BARNES: And save the last 15 minutes,
16 if staff is okay with that, for them to show you
17 their internal documents. But I think you'll see
18 how they all tie together.

19 ACTING CHAIR GANT: Let's take a break
20 until 4:00? I've got 10 till?

21 COMMISSIONER TOULOUSE: That's what my
22 phone says.

23 ACTING CHAIR GANT: We're in recess.

24 (Recess taken, 3:50 p.m. to 4:05 p.m.)

25 ACTING CHAIR GANT: You've got 45 minutes.

1 MS. BARNES: Okay. So are there any
2 questions on where we've gotten to, any performance
3 framework questions?

4 MS. FOX: I'm sorry. I just want to go
5 back to the very first academic performance
6 indicator.

7 MS. BARNES: Yes.

8 MS. FOX: And I understand that we've got
9 the "A through F" stuff in No. 1. And, then,
10 there's an opportunity for the school to add its
11 charter-specific or program-specific goals?

12 MS. BARNES: Uh-huh. The mission-specific
13 is required; they have to do them.

14 MS. FOX: Right. But Patti and I -- I
15 think -- I'm just trying to point out an opportunity
16 for Patti and I to quibble with you all, and I'm
17 going to address it with you now head-on rather than
18 later. And we're going to address the word
19 "standard" here, as opposed to the State's A-through
20 F grading system.

21 MR. GERLICZ: No. 2? Is that where you
22 are?

23 MS. FOX: No. 1, "Is school meeting
24 acceptable standards according to New Mexico's
25 A-through-F grading system?"

1 But three years ago, the Secretary
2 acknowledged that there were no PED standards for
3 student academic performance. And even the
4 A-through-F Grading Act and the regulation stopped
5 short of calling those grades a standard.

6 MS. BARNES: What's the word she uses?

7 MS. FOX: Well, now, that's a good
8 question.

9 MS. LEWIS: Just one second. To that end,
10 what's now called "standards of excellence," under
11 NMAC, if you look down at the history, used to be
12 called "minimum education standards." I wasn't here
13 in 2010, so I'd be curious to know why that didn't
14 come up. But is that -- maybe -- I think that's
15 what this is referring to. It's now called
16 "standards of excellence."

17 MS. FOX: Well, no. Those have been
18 around for a while.

19 MS. LEWIS: Yeah.

20 MS. FOX: And this came up in the context
21 of the Ralph J. Bunche appeal, the last version of
22 it. And we have an opinion. And Willie Brown, the
23 former PED counsel, went through a whole analysis of
24 all the various different statutes and concluded
25 that there -- you know, even that did not establish

1 a PED standard of performance.

2 And, so, you know, I -- when -- the
3 renewal statute says that you can -- you're going to
4 be evaluated either on the State's performance
5 standards or the standards and goals that you set
6 out for yourself. And, so, I'm just trying to
7 eliminate some ambiguity or question marks or
8 fights.

9 MS. BARNES: That language certainly could
10 have come from the NACSA template. So, that's the
11 only reason that -- if there is a better word, that
12 word could have just been used unintentionally. And
13 if we're going to use it intentionally, that's
14 great. But I'm telling you it might have not been
15 used.

16 MS. LEWIS: What would you --

17 MR. GERLICZ: Doesn't the Secretary use
18 that language? And I think increasingly, she and
19 her deputies are saying that eventually, the vision
20 is that all schools operate at the A and B level,
21 that even schools at the C level do not meet
22 standards, that the standards will be --

23 MS. FOX: Well, she may have said that in
24 speech or what have you. But it's not in the law
25 and it's not in the reg. And, so, it's still kind

1 of an open-ended issue that -- I don't disagree that
2 "A through F" ought to be examined, and you ought to
3 know where someone falls on that. And it's
4 obviously what the Secretary requires all public
5 schools to be evaluated on.

6 But there's nothing that says that, "That
7 is a standard, such that not meeting that is grounds
8 for revocation."

9 MR. GERLICZ: Yeah, Rachel?

10 MS. STOFOSIK: I just wanted to say it
11 might be worth looking at the waiver, because I
12 think it's established in the No Child Left Behind
13 waiver.

14 MR. GERLICZ: What standards are?

15 MS. STOFOSIK: Uh-huh. That in the
16 waiver, you had to -- the New Mexico -- in order to
17 get the waiver, we had to establish our own
18 standards. And the "A through F" --

19 MS. BARNES: I don't mind looking up
20 that -- what that word is and using --

21 MR. GERLICZ: Why not look at the waiver
22 and see what the language is in the waiver?

23 ACTING CHAIR GANT: Don't we have that
24 tomorrow?

25 MS. LEWIS: It's about this big, the whole

1 binder.

2 MS. STOFODIK: I can ask Priority Schools,
3 if you want me to.

4 MS. FOX: Because here's where we're going
5 to eventually get. The school's going to get an F
6 on this and still have met all of its own goals that
7 are -- you know. And then we've got the language in
8 the statute that says, "either/or meets the
9 substantial academic performance --

10 MS. BARNES: Do you know that law?

11 MS. FOX: -- guideline." I should.

12 MS. BARNES: Is it 12?

13 MS. LEWIS: It's 12(J)(1).

14 MS. BARNES: What I think
15 Commissioner Gant is saying, let's have this
16 conversation offline, but let's look at it.

17 MS. FOX: That's fine. I just didn't want
18 to not raise it, and then --

19 MS. BARNES: I circled it, so let's talk
20 about it afterwards, okay? Anyone else? All quiet,
21 Commissioners? Any comments? All right.

22 Okay.

23 ACTING CHAIR GANT: What page are you on?

24 MS. BARNES: I'm going to go back to the
25 contract, back to what we were looking at, which is

1 the part of the contract that discusses the
2 performance framework.

3 So, we're going to come up with some
4 revised language on Section 6 -- just trying to look
5 at Patti's -- and back to the chart, Page 20. Let's
6 see. Abby has added two things. She took out a
7 sentence. She added, "and Federal law" to it. So,
8 those are minor changes.

9 Let's look at Patti's. "Does not want
10 enrollment process to be redone each year."

11 I think you'd have to. The recurrent
12 enrollment? 6.04. Which is now not 6.04.

13 MS. FOX: I think she is commenting on
14 (c), Lottery.

15 MS. BARNES: (c), Lottery. Okay. That's
16 on Page 36 of the contract.

17 COMMISSIONER BERGMAN: I don't know what
18 she's questioning there, because the law is very
19 clear. You have to do a lottery every year.

20 MS. FOX: That's not what she's saying.
21 The second sentence there, "The school shall adopt
22 in advance of the new school year an enrollment
23 procedure," et cetera, et cetera, she just says,
24 "Does this mean they have to restate their
25 enrollment procedure every year?" Once the policy

1 is adopted, that should --

2 MS. BARNES: Certainly, we can make sure
3 that's --

4 COMMISSIONER BERGMAN: That's designed.
5 It varies from year to year. One year, a school --
6 might be the sixth grade has all the vacancies, and
7 the other year, the third grade has all the
8 vacancies. I don't know if that's what that's
9 referring to or not. So, those do vary from year to
10 year.

11 MS. BARNES: So, let's just take out "of a
12 new school year," "shall adopt in advance the
13 enrollment procedures for vacancies."

14 Now, Commissioner Bergman is correct; it's
15 going to have to be correctly applied each year.
16 But we could take out, "of a new school year."

17 MS. FOX: Right. It doesn't mean they're
18 not going to conduct a lottery every year. They
19 have to if they need to. But they don't need to be
20 restating and readopting an enrollment policy that
21 isn't changing.

22 MS. BARNES: Let's take out the words, "of
23 a new school year."

24 MS. FOX: Okay.

25 MS. BARNES: 6.04(d), Continuing

1 Enrollment. "Mandatory withdrawal pursuant to the
2 New Mexico Public Schools Finance Act." So, that's
3 back to what Commissioner Gant was just talking
4 about, that there are certain students that are not
5 going to be allowed in.

6 MS. FOX: Well, those who haven't been in
7 attendance for ten consecutive days are required, by
8 the Finance Act, to be automatically withdrawn.

9 MS. BARNES: Okay. So, where does she
10 want those words?

11 MS. FOX: Right after "voluntary
12 withdrawal." She wants to add, comma, "mandatory
13 withdrawal pursuant to the New Mexico Public School
14 Finance Act," comma. Then there's expulsion,
15 graduation.

16 MS. BARNES: Okay. So mandatory
17 withdrawal.

18 COMMISSIONER BERGMAN: I'm just curious.
19 Why are we saying that? Did I miss something? What
20 difference does that make?

21 MS. FOX: Well, schools don't have any
22 discretion in keeping students on the roster who
23 aren't physically there beyond ten days. And I
24 think that's designed so that people don't get
25 funding for someone who's a ghost.

1 ACTING CHAIR GANT: Expulsion could be for
2 you brought a gun, or something like that.

3 MS. BARNES: And, so, "mandatory
4 withdrawal pursuant to the New Mexico Public Finance
5 Act," comma, "expulsion, graduation, court-ordered
6 placement"?

7 MS. FOX: Right. I think that covers --

8 MS. BARNES: She's just adding another --
9 making it clear what the law is there. 6.05(a),
10 Special Populations. She wants to call children
11 with disabilities -- what have we --

12 MS. FOX: All eligible children? I think
13 that's a little vague. She wanted to take out
14 "eligible" and say "children with disabilities."

15 MS. BARNES: Okay. Everybody okay with
16 that?

17 MS. LEWIS: I didn't hear the end of that.
18 She wanted to --

19 MS. FOX: She wanted to take out
20 "eligible" under 6.05(a) and --

21 MS. BARNES: And put "children with
22 disabilities" instead of "eligible children," at the
23 top of Page 38.

24 MS. LEWIS: Unless we're going to define
25 "disability" as "eligible," that could be confusing

1 to a school. I think "eligible" at least lets us
2 know, under the law, versus -- I mean, I can't think
3 of one off the top of my head. But maybe there's a
4 disability that hasn't been classified yet, and that
5 would be confusing.

6 MS. FOX: Well, that would be -- then you
7 just refer to the law, whatever the law is at the
8 time, for definition of "disability." I'm not --
9 it's a minor point. I'm not going to --

10 MS. BARNES: Let's leave it.

11 MS. LEWIS: I don't want to accidentally
12 exclude anyone.

13 ACTING CHAIR GANT: And not all students
14 have disabilities. There's folks like you all that
15 are brilliant, you know, geniuses or whatever, and
16 they would not fall under that paragraph.

17 MS. LEWIS: In New Mexico, gifted students
18 and -- are under the same statute.

19 ACTING CHAIR GANT: But they're not --

20 MS. FOX: They're not necessarily
21 disabilities.

22 MR. GERLICZ: They're special education.

23 MS. LEWIS: They're special education,
24 yeah.

25 MS. FOX: That's fine. You can leave it

1 the way it is.

2 COMMISSIONER BERGMAN: Doesn't (b) already
3 address disability, though? If you look at (b), it
4 specifically addresses kids with disabilities.

5 MS. FOX: Yeah, the whole section does.

6 MS. BARNES: Okay. So, we're going to
7 leave that. I think we're probably good with
8 section (d), Continuing Enrollment.

9 MS. LEWIS: Wait, sorry. What?

10 MS. BARNES: You have a copy, Abby. It's
11 in gray, on the bottom of Page 21. Look on the
12 section on Continuing Enrollment, because the list
13 could not be exhaustive. You wanted to take that
14 out.

15 MS. FOX: Which section is that?

16 MS. BARNES: Back to the sentence where we
17 added with Patti. It's why it's in gray was because
18 it was in conflict with what Patti -- Patti was
19 adding language that Abby was saying to take out.

20 COMMISSIONER BERGMAN: I don't have a
21 6.05(d) here.

22 MS. BARNES: It's 6.04, at the top of
23 Page 37. We looked at the section where we added
24 Patti's language. Abby's language is in gray,
25 because it conflicted with Patti's language. It's

1 in the wrong place. 6.04 -- it's 6.04(d).

2 MS. LEWIS: So, Patti and I had the same
3 concern; we just addressed it differently.

4 MS. BARNES: So, we're good.

5 MS. LEWIS: So long as someone will tell
6 me that that list is now exhaustive, because if
7 adding whatever Patti suggested still doesn't make
8 it exhaustive, then my concern remains.

9 MS. BARNES: Why don't we put "or
10 otherwise"?

11 MS. LEWIS: "Other applicable"? Our
12 favorite phrase?

13 ACTING CHAIR GANT: That's open-ended.

14 MS. FOX: I'm not finding where you are.
15 I'm sorry.

16 MS. BARNES: On Page 37.

17 MS. FOX: I'm on 37. I don't see any
18 gray.

19 MS. LEWIS: Oh, no. The gray is on the
20 chart.

21 MS. BARNES: It's on the chart. It's gray
22 because it conflicted with this.

23 MS. FOX: Okay.

24 MS. BARNES: They have the same concern.

25 Abby was going to take the section out. Patti added

1 language.

2 MS. FOX: Okay.

3 MS. BARNES: You took out a sentence
4 that's gone now that looked like it was incorrect.
5 So, I'm going to go with what you said. 6.06(b) --
6 I can find out what it was, if you want.

7 MS. FOX: What is it now?

8 MS. BARNES: Let me just find what it was.
9 I'll try and read it.

10 MS. LEWIS: If we took it out, it's
11 nothing.

12 MS. BARNES: I don't know. I'm going to
13 assume -- I can't find it. 6.06(b)(i).

14 MS. FOX: Are we still on students with
15 disabilities, or is it ELL?

16 MS. BARNES: This was "students with
17 disabilities" -- it was under "documents." The
18 sentence did read, "The school shall assist" -- it
19 still is in here -- "The authorizer shall assist the
20 school in seeking these materials, if so requested
21 by the school." And you said to take it out.

22 MS. LEWIS: Yeah, because what -- I mean,
23 I'm not sure how that would work on a practical
24 level.

25 COMMISSIONER BERGMAN: Yeah. I don't know

1 how we would help a school find documents.

2 MS. BARNES: So, it's on Page 38 of the
3 draft?

4 MS. FOX: Tell me what the heading says.

5 MS. BARNES: It says, "Organizational
6 Framework, Educational Program, 1D. It's Students
7 with Disabilities. (a) is special populations; (b)
8 Section (i) is "Documents."

9 MS. FOX: Okay. Got you.

10 MS. BARNES: It's the last sentence.
11 We'll take it out.

12 Okay. On Page 40, we took out -- it's
13 Organizational Framework, Finance, Financial
14 Management, Oversight, 2A.

15 MS. FOX: Okay.

16 MS. BARNES: We took out, two times, where
17 the authorizer would be notified, not when there was
18 employee discipline, because there would be so much
19 reporting to you, and not when there was a natural
20 disaster, because we figured they wouldn't think to
21 talk to you. And we put in complaints filed,
22 convictions and misappropriations of funds.

23 So, in this section on Page 40, we
24 tightened up what we thought you'd want to hear
25 about, and we took out what seemed like you wouldn't

1 want to know about.

2 It was done previously, and this is --
3 those changes were done through the Connections
4 contract, but I think it is -- it is slightly
5 substantive.

6 COMMISSIONER BERGMAN: Well, I have a note
7 here -- I'm going to have a hard time telling you --
8 it was on Page 52 of the red-letter document that's
9 my old document. I don't know where it is in these,
10 because I'm not seeing it here.

11 MS. BARNES: Okay. I can find it. Okay.

12 COMMISSIONER BERGMAN: You listed all
13 complaints filed against a school by governmental
14 entities alleging violations of State" blah, blah,
15 blah. It was under "Authorizer Notification," some
16 category. But I wrote here that -- you put it here
17 again; you listed a bunch of things there. The
18 thing that was left out was sex harassment. I was
19 wondering why sex harassment wasn't something that
20 should be noticed.

21 MS. LEWIS: I put it back in. It's now in
22 (b). "The conviction of any members of the school's
23 governing body or staff for a crime punishable by a
24 felony or misdemeanor involving moral turpitude, or
25 knowledge of inappropriate contact." And then the

1 cite to that is the NMAC that you're talking about.

2 COMMISSIONER BERGMAN: But that word --
3 you're saying "conviction." So, until they're
4 convicted, it's not public -- it's -- what if
5 they're not convicted, even though they were
6 charged?

7 MS. LEWIS: PED will know about the
8 investigation. But it is a little -- it can be
9 viewed as bias to tell the authorizer in the middle
10 of the investigation. Because, let's say, the
11 investigation genuinely shows nothing, there was no
12 sexual harassment; then it could be argued by the
13 school's attorney that that was bias to bring it
14 before the PEC before the investigation was
15 complete, especially if the person is absolved.

16 COMMISSIONER BERGMAN: I can understand
17 that.

18 COMMISSIONER TOULOUSE: But didn't we have
19 that situation with The Learning Community?

20 COMMISSIONER BERGMAN: At TLC, again, she
21 didn't -- or anybody.

22 COMMISSIONER TOULOUSE: No. She decided
23 they were absolved. When we look at the
24 information, it was not clear that they should have
25 been.

1 MS. BARNES: So, I think Abby has just
2 brought in that regulation. So, that's the best we
3 can do is say, "You have to comply with that
4 regulation."

5 MS. FOX: But, Abby, does the reg use the
6 words "inappropriate contact"? Because sexual
7 harassment can -- doesn't have to have contact.

8 MS. LEWIS: It uses the phrase
9 "inappropriate contact" and then defines it in four
10 ways that I think are too narrow and I wish were
11 better. But unfortunately, that's the reg that
12 we're stuck with. It defines it as offering a kid a
13 ride, touching a child -- I forgot. I can look it
14 up. But it gives four examples or so of what
15 "inappropriate contact" means.

16 MS. FOX: Let me see if I can just try and
17 clarify, so that I am clear. So, if a school has --
18 someone brings a sexual harassment claim to a
19 principal of the school, does that -- in your mind,
20 we have to notify the CSD or whatever?

21 MS. LEWIS: Well, it's written as
22 "conviction," so --

23 MS. FOX: No, it's not. It says, "the
24 conviction of or knowledge of."

25 MS. LEWIS: I might be looking at a

1 different version. Sorry.

2 MS. FOX: Maybe you should say, instead of
3 "knowledge of," "determination of."

4 MS. LEWIS: I don't have "or knowledge of"
5 in my --

6 MS. FOX: All right. Let me make sure.

7 MS. LEWIS: Just to modify "inappropriate
8 contact," not to modify the whole of (b).

9 MS. BARNES: I don't know what to do
10 grammatically there.

11 COMMISSIONER BERGMAN: It was in this
12 red-letter one. It's right there. "Knowledge
13 of" -- I assume we deleted that or something.

14 MS. BARNES: We could move "knowledge of
15 inappropriate contact" before "or the conviction",
16 and then it would be clear.

17 MS. FOX: Well, there's usually not a
18 conviction for inappropriate contact. It's more a
19 determination.

20 MS. BARNES: I know. But that's why, if
21 we -- coming after the word "conviction," it might
22 look to modify it. So, if we move "knowledge of
23 inappropriate contact" --

24 MS. FOX: I don't want the word
25 "knowledge" in there, because "knowledge of" -- it's

1 not determined yet. It's just -- you know, I've --
2 someone's brought a complaint to me, as a principal.
3 I haven't made a determination.

4 MS. BARNES: Are you looking that up,
5 Abby?

6 MS. LEWIS: I am, yeah. So, it's under
7 the standards -- Standard Code of Professional --
8 the Education Profession has been invested by the
9 public with an awesome trust and responsibility.
10 "To live up to that lofty expectation, we must
11 continually engender..." -- sorry. Blah, blah,
12 blah. Subsection (b). Okay. "Shall not have
13 inappropriate contact with any student, whether or
14 not on school property, which includes, but is not
15 limited to all forms of sexual touching, sexual
16 relations or romantic relations, inappropriate
17 touching, which is any physical touching, embracing,
18 petting, hand-holding, or kissing that is unwelcome
19 to a student or otherwise inappropriate, given the
20 age, sex, and maturity of the student; any open
21 displays of affection towards mostly boys or mostly
22 girls; and offering or giving a ride to a student
23 unless absolutely unavoidable, except where a
24 student has missed his or her transportation and is
25 unable to make reasonable substitute arrangements."

1 COMMISSIONER BERGMAN: I agree with Sue,
2 because the word "verbal" is not in there. And it
3 can be verbal, can it not? Can't sexual harassment
4 be verbal?

5 MS. LEWIS: "Is not limited to" is our
6 saving grace.

7 MS. FOX: I just want to make sure. Any
8 teacher could -- well, the way that it's supposed to
9 work in the schools -- and the schools have
10 regulations -- say, if you're sexually harassed or
11 observe some of this stuff, you bring this complaint
12 to the principal. The principal then investigates,
13 because we all know that sometimes people make
14 allegations that are baseless; right? So, the
15 principal or somebody investigates.

16 And then my point is, really, to afford
17 everybody due process before it comes to you all,
18 someone ought to have made an initial determination
19 that, yes, that employee did do something wrong.

20 MS. BARNES: You want not "knowledge"; you
21 want another word?

22 MS. FOX: I want "a determination."

23 MS. BARNES: "A determination of
24 inappropriate contact."

25 MS. LEWIS: I'm comfortable with that,

1 because it's squishy now. It could be the
2 determination of the licensing bureau; it could be
3 the determining of the private investigator.

4 MS. FOX: Whoever. It could be the CR,
5 whoever.

6 MS. BARNES: Okay. So, we added that and
7 tightened it up. We took out a couple of things you
8 didn't want to know about. It took us a long time
9 to do that.

10 Abby, you took out a section, 6.09.

11 MS. LEWIS: That was the continuing
12 enrollment -- when I took sections out, I changed
13 the -- the numbering changed on everything.

14 MS. BARNES: So, we have to keep that in,
15 because, with the conversation we had earlier,
16 recurrent enrollment is a required thing in 9.1, and
17 it's in Section 6-point -- it's in 1(g). It has to
18 be there.

19 COMMISSIONER BERGMAN: Are we doing
20 6.01(b), Operational Reporting? Or have we come to
21 that yet?

22 MS. FOX: What's the heading?

23 COMMISSIONER BERGMAN: The heading is
24 "Operational Reporting."

25 MS. LEWIS: No, we're not there yet.

1 COMMISSIONER BERGMAN: Okay. So, you're
2 still talking -- all right.

3 MS. BARNES: We're on Page 51. For you,
4 page -- it was Organizational Framework, Educational
5 Program. 1(g) is the school complying with the
6 annual recurrent enrollment target. Abby took that
7 out. However, I'm saying you can't take that out,
8 because 9.1 required a recurrent enrollment target.
9 That's what we've talked about five times already
10 today. So, it needs to stay in. So, I need to put
11 that back in.

12 MS. LEWIS: Got it.

13 MS. BARNES: 1(g) needs to go back in.
14 Okay. That's still in here. So, we're okay.

15 You changed from 90 to 45 to mirror the
16 school board statute. So, this must be --

17 MS. LEWIS: Is that the one we talked
18 about earlier?

19 MS. FOX: Tell me what heading you're on.

20 MS. BARNES: Let me find it for you.

21 MS. LEWIS: Governance and Reporting.
22 Operational Framework, Governance and Reporting.

23 MS. BARNES: So, this says --

24 COMMISSIONER BERGMAN: What page?

25 COMMISSIONER PARKER: Forty-two.

1 COMMISSIONER BERGMAN: Well, then, you've
2 gone past what I was trying to raise the issue.

3 MS. BARNES: Okay. So, let's finish this
4 and come back. So, this is the 45-day/90-day. So
5 it's in here already. So, it's already in the
6 contract. The section that we said we wanted in the
7 contract is already here.

8 COMMISSIONER BERGMAN: My version here
9 that you have in our book here, on Page -- middle of
10 Page 42 is, "School shall fill vacancy on its
11 governing body no later than 90 days." So 90 days
12 is still in there.

13 MS. BARNES: That's right, but the --

14 COMMISSIONER BERGMAN: That's what we
15 decided was to give 90 days?

16 MS. BARNES: No, Abby wants to change this
17 to 45.

18 ACTING CHAIR GANT: So do I.

19 COMMISSIONER BERGMAN: Sue raised an issue
20 of a valid issue that some schools might have
21 trouble with 45.

22 MS. FOX: If that's the case, we can come
23 to CSD or you guys and ask for more time.

24 MS. LEWIS: Grant an extension for good
25 cause shown or something.

1 MS. BARNES: Okay. So 45 days.

2 MS. FOX: Might start a fire.

3 MR. GERLICZ: That should never be a
4 position where that has to happen. That's my
5 concern about giving them too much time.

6 MS. BARNES: Commissioner Bergman, where
7 did you want to go back to?

8 COMMISSIONER BERGMAN: 6.09(b). It's the
9 last thing before Page 10 of what's in our book.

10 MS. BARNES: "The school shall provide the
11 following reports to the authorizer"?

12 COMMISSIONER BERGMAN: I wrote what
13 reports are we talking -- what reports do we want
14 listed?

15 MS. BARNES: I know. So, it's required in
16 the law that we say this. So that's why the section
17 is here. We have been putting -- it's been
18 something that we filled in, and it's in the
19 worksheet. And, Karen, is it, like, three status
20 reports or something? Do you know? I'm not trying
21 to put you on the spot, if you don't know.

22 COMMISSIONER BERGMAN: Of course, schools
23 are now under Senate Bill 446 and are now required
24 to do their annual report anyway. That's one
25 report. The annual report would be all-inclusive,

1 would it not?

2 MS. EHLERT: It should be, yes. I'm not
3 really clear on the question. I'm sorry.

4 MS. BARNES: So, the law wants this
5 contract to include the reports that the authorizer
6 wants.

7 MR. GERLICZ: Annually?

8 MS. BARNES: Well, whenever. The history
9 of it was some of the local authorizers would call a
10 school and say, "Tomorrow, you need to give me this
11 report," and, "Next week, give me that report," and
12 so it felt arbitrary.

13 So, the law says the contract will
14 identify what the reports are. So, we're just
15 trying to have a section that says that.

16 So, I don't know -- I don't --

17 COMMISSIONER BERGMAN: I'm raising the
18 question, because I'm not even sure if I know what
19 all reports -- what schools are reporting, what all
20 they're reporting.

21 MR. GERLICZ: As needed.

22 MS. BARNES: That's what they don't want
23 us to do. Sue, do you?

24 MS. FOX: My schools are -- you know, the
25 schools like to have some idea of what's going to be

1 required.

2 MR. GERLICZ: I can't think of what would
3 be, other than our site visit reports to the
4 authorizers.

5 MS. BARNES: But you do the site visit
6 reports.

7 MS. FOX: Some of them have quarterly
8 reporting requirements.

9 MR. RICHARDSON: They have quarterly
10 reporting requirements, if it's to the CSD or to the
11 PED. If it's to the PED, we can't really control
12 that, really only one annual visit or one annual
13 review.

14 MR. GERLICZ: If there are additional
15 reports, the PEC has placed those conditions on the
16 school, telling them renewal, or at any other time.

17 COMMISSIONER BERGMAN: So, I'm not sure
18 that we need that.

19 MR. GERLICZ: I'm not sure we do, either.

20 MS. BARNES: So, we -- I think, last year,
21 we just had it there, and then I'm not quite sure
22 what happened with it.

23 COMMISSIONER BERGMAN: I'm sure it's
24 understood that we, as Commissioners, want to see
25 that annual report on every school.

1 MR. GERLICZ: And then place conditions on
2 a school. And we do that.

3 COMMISSIONER BERGMAN: And ask some of
4 them to report certain things to us, yes.

5 MS. BARNES: And you have a school report
6 due monthly now.

7 MR. GERLICZ: Yeah, La Jicarita; and
8 McCurdy is on that plan. So, that takes care of
9 that language in that section.

10 MS. BARNES: So, what are we doing with
11 the language? Are we taking it out or leaving it
12 blank and negotiating it, as needed?

13 MS. FOX: You might want to do that, in
14 case you've got a school that you want more frequent
15 reporting with.

16 COMMISSIONER BERGMAN: That's probably a
17 good idea.

18 MS. BARNES: I'm just saying, we have some
19 right now.

20 MS. FOX: You know, maybe someone who's
21 been approved with conditions? Something like that.

22 MS. BARNES: Why don't I put, "List other
23 reports, as negotiated between the parties, if
24 applicable."

25 COMMISSIONER BERGMAN: Yeah, those are

1 some good words, yeah.

2 MS. BARNES: Okay. Rachel just pulled,
3 from the waiver, back to the word "standard."
4 "School grading will be used to inform acceptable
5 school standard for charter school sustainability."

6 MR. GERLICZ: That clears it up.

7 MS. FOX: We'll noodle through it with you
8 guys.

9 MS. BARNES: I don't mind trying to skirt
10 the word "standard," you know, that somehow we talk
11 about --

12 MR. GERLICZ: But here's Sue referring --
13 and I agree with the sentiment and I think I hear
14 the sentiment -- that we don't want to box schools
15 in with a definition of standards when it may not
16 fit.

17 MS. BARNES: Well, that's why I'm saying
18 maybe we could say, "Is the school" -- something --
19 "doing well under New Mexico's A-through-F grading
20 system," or something.

21 MR. GERLICZ: Well, right. But, again,
22 having gone through these renewal processes most
23 recently, we like a much broader basket of variables
24 upon which we make a renewal decision, and not
25 getting boxed in by, "Oh, they didn't meet standards

1 here."

2 MS. FOX: Well, the law gives that breadth
3 for -- on renewal. And I just want to make sure
4 that, you know, we're not contractually agreeing to
5 be absolutely bound that if we get a C, and yet we
6 meet our own goals, as the law allows us to do --
7 you know, we've sort of -- we addressed this issue
8 now, rather than on appeal.

9 MS. BARNES: "Fail to meet or make
10 substantial progress towards achievement of the
11 Department's minimum educational standards or
12 student performance standard identified in the
13 charter contract."

14 MR. GERLICZ: I feel very confident that
15 if the Secretary or the Deputy Secretary for Policy
16 was here, and we asked them that question, that they
17 would say, "A C barely meets standards, if they're
18 accredited, or they have a plan. And if they don't,
19 then they don't meet" -- I'm fairly confident that's
20 what they would say.

21 MS. FOX: Right. And what we used to call
22 it is the "minimal educational standards."

23 MR. GERLICZ: That's been replaced by
24 this.

25 MS. BARNES: It hasn't been replaced in

1 the statute, though. "Fail to make substantial
2 progress towards achievement of the Department's
3 minimum educational standard or student performance
4 standards identified in the charter contract."

5 MS. FOX: And the A, B, C, D, F does not
6 necessarily say what is the minimum.

7 MS. STOFOSCIK: The standards, though, have
8 been changed in the law as the Common Core
9 standards. So, an "A through F" is measuring --
10 will measure Common Core.

11 MR. GERLICZ: But standards for Common
12 Core are not the same implication as these
13 standards. These are standards of excellence, or --

14 MS. STOFOSCIK: I think "standards," from
15 what I read in the waiver, "standards of excellence"
16 in the law was replaced with "Common Core." That's
17 what it says in here.

18 MS. LEWIS: I wouldn't be surprised if
19 they haven't gotten around to doing it in the
20 testing, though, unfortunately.

21 MS. BARNES: If we are saying in the
22 contract, "Student performance standards identified
23 in the charter contract," if we are identifying them
24 as "A through F," you're still objecting to that.

25 MS. FOX: As a -- well --

1 MR. GERLICZ: Well, minimum.

2 MS. BARNES: "Minimum" is in the first
3 phrase.

4 MS. FOX: What I'm saying, and trying to
5 point out, is it brings up a question mark for later
6 on, on renewal, when you get a school that's got a
7 poor letter grade or not an optimal letter grade,
8 but, yet, in the next section of the performance
9 standards, they've listed four or five
10 alternative --

11 MR. GERLICZ: We've just had schools like
12 that.

13 MS. FOX: Exactly, and we continue to do
14 that. But those schools haven't actually been under
15 this performance contract. They've been in that
16 nebulous area. And, you know, then it brings up the
17 question to the PEC, and you all will have to
18 decide, is that "D" grade going to trump the fact
19 that they met all of the four other -- other goals
20 that were very specific to what they were trying to
21 accomplish.

22 MR. GERLICZ: Right. That has yet to be
23 hashed out.

24 MS. FOX: And we hashed it out three years
25 ago. But now, we've got this new framework that is

1 still, I think, going to kick this can down the road
2 a little bit.

3 COMMISSIONER BERGMAN: It's going to be a
4 little hard to hash out, though, because each
5 Commissioner looks at these, perhaps, differently
6 and is going to have, within themselves, their
7 own -- a "D" might mean one thing to me, and it
8 might mean something else to Mr. Parker.

9 MS. FOX: Right.

10 COMMISSIONER BERGMAN: And if they've met
11 most of their goals, it might mean something to me
12 and might mean something different to Commissioner
13 Parker. So, I don't know if you can hash that out.

14 MS. FOX: I don't want the schools to box
15 themselves into an argument that, "Oh, you signed
16 this document; therefore, you're agreeing that
17 these -- this 'A through F' standard trumps anything
18 else, as -- as the State's minimal education
19 standard."

20 I think that the statute itself because it
21 has that "or" in it, you know, that's the place
22 where it's just vague, and we have to deal with it
23 as it comes up. But I'm trying to just draw that to
24 everybody's attention now, so that --

25 MS. BARNES: Well, let me just tell you

1 what -- and, you know, Tony has said this to a lot
2 of schools. One of the reasons to come up with more
3 alternative indicators is that you give the
4 Commissioners more information about your school.
5 So, if you do have a poor grade, you at least have
6 other things they're also looking at.

7 And that -- and, in fact, we've kind of
8 made the reverse argument, that if you only keep "A
9 through F" and one mission-specific indicator, you
10 only have done the minimum, you have boxed yourself
11 in. You are hanging your hat on "A through F."

12 COMMISSIONER BERGMAN: And you're right
13 back to my argument about the goals for that very
14 reason, because it's my personal -- I'm speaking
15 personally now -- is I do not want to hang my hat
16 just on an "A through F" grade. There, even in that
17 system -- which I agree with, by the way -- it's
18 still somewhat subjective, because it's made up --
19 it was established by people. People are always
20 subjective, to some extent.

21 And that's why I want other indicators
22 there that will help inform me of what's the
23 importance of that "C" or what's the importance of
24 that "D," and did the school identify within their
25 goals on things that they needed to correct, and

1 then did they do whatever was necessary to meet
2 those goals.

3 And, so, I might look at a "D" grade. But
4 if they met all their goals and they were good
5 goals, I'm probably going to convince myself, well,
6 I might be able to vote for this school. Each
7 Commissioner is going to do it differently.

8 MS. BARNES: Tony has made that point many
9 times.

10 MR. GERLICZ: Well, that's a standard.

11 MS. FOX: I just wanted to bring it up. I
12 agree wholeheartedly, and I'm going to be telling my
13 clients to give you tons of goals.

14 MR. GERLICZ: We will sift through those
15 with them.

16 MS. FOX: Sift through -- right, right.
17 But I just wanted to bring that up, you know, as a
18 matter of record, that, at least until Patti and I
19 are convinced that we do have minimum -- defined
20 minimum educational standards from the Secretary,
21 we're going to probably quibble with that word
22 "standard" --

23 MS. BARNES: Okay.

24 MS. FOX: -- if it comes to an appeal.

25 COMMISSIONER TOULOUSE: I'll put my two

1 cents' worth in, because while, in some ways, I
2 agree with Commissioner Bergman, in others, I don't,
3 because I haven't been able to figure out how those
4 grades come up year after year on small schools,
5 where you don't have enough people to statistically
6 smooth it out and really see where that grade is
7 going when they can jump so.

8 I don't have a problem with big schools,
9 with the big school systems. I have a big problem
10 with small schools. And that's what the charter
11 schools are, in trying to figure out how that grade
12 comes out.

13 And I really am pretty good at math and
14 statistics, and if I can't figure out how my
15 grandkids' schools go one grade up or down each
16 year, then I'm going to have problems accepting that
17 as the "capital S" standard for anything, as opposed
18 to one way of looking at it, but not one for a small
19 school. So --

20 MS. BARNES: Okay. It's almost a quarter
21 till. We did talk about -- and we can pick up the
22 rest of this document tomorrow morning.

23 ACTING CHAIR GANT: Yeah.

24 MS. BARNES: If it doesn't feel too -- too
25 much, I would like just to have the CSD staff have

1 you look at these -- the tools that they're creating
2 that will result in reports to you, with background
3 that you can go look at in a similar way, the way
4 that they kind of roll up to you for renewals, if we
5 can do that.

6 So, I suggest tomorrow, we start on
7 Page 23 of the chart and keep going through it. The
8 lawyers are going to talk tonight just about how to
9 address the notices -- and material terms, right --
10 and when an amendment is. Is that okay with
11 everybody? It's a little bit of a random place to
12 stop.

13 So, we're going to look at -- Tony, I'm
14 sorry. You're more familiar with where these
15 documents are. The site visit form?

16 MR. GERLICZ: Just go to the -- I think
17 it's the D. Go to the chart right in front of 6,
18 Tab 6, which chart, the site visit is --

19 MS. BARNES: So it's D1.

20 MR. GERLICZ: D1.

21 MS. BARNES: So, I just want to take just
22 a minute and have the staff show you what that
23 document is. And, Ron, if you will -- or --

24 MS. EHLERT: Actually, Brad and I would --

25 MS. BARNES: Brad, do the roll-up? So,

1 just show you those two. And the form after that is
2 the contract worksheet, which we've already shown
3 you, which is taking every blank from the contract
4 and performance framework and putting it into a
5 document. Okay? Do you want to -- so it's D1.

6 MS. EHLERT: Mr. Chairman, Commissioners,
7 it's really wonderful to be able to show you this,
8 because it's our lifeblood when we go out to the
9 schools. It's such a helpful tool.

10 Brad Richardson is with me here. Brad is
11 really the architect of this document. I joined in
12 at the eleventh hour to just help complete the whole
13 process and its development. And what we thought we
14 would do is Brad would just walk you through a brief
15 overview of the document itself.

16 And if we have time, I can use one example
17 to show how it connects directly to the framework
18 that you've been looking at. And I don't know if we
19 really have time to do that or not, because you
20 wanted to also look at the roll-up document, as
21 well.

22 MS. BARNES: I think we can just show them
23 the roll-up, because the roll-up is just a document
24 that summarizes everything onto a two-page sheet.

25 MS. EHLERT: So, Brad will begin.

1 MR. RICHARDSON: Good afternoon,
2 Commissioners. The -- I don't have a copy of the
3 roll-up report, that single page. But I take it
4 that you all have seen it or looked at it?

5 MS. BARNES: It's right here; it's D2.

6 MR. RICHARDSON: If you don't find it, can
7 I just pop that out?

8 MS. BARNES: I'll pop them out. So,
9 there's a --

10 MR. RICHARDSON: This is a reduced version
11 of it. Let me start by saying, in order for us to
12 have gotten to this point (indicates) we had to take
13 the performance framework and contract and pull from
14 that everything that you see here in here.

15 This report card is what we propose that
16 you will receive each year for each school. This
17 would be a one-page, front-to-back summary of all of
18 the elements that are in the performance framework.
19 So, you're going to see on the front page -- basic
20 information about the school, the mission, how many
21 grades they serve, where they're located, what their
22 student demographics look like.

23 Next to that, you'll see there's "State
24 Grade," and you'll see each box, year one, year two,
25 year three, year four. So, as the years progress,

1 you'll see maybe the first year, they got a grade of
2 "C"; the second year, they got a grade of "B"; the
3 next year, they got a grade of "A," or whatever it
4 might be. You'll be able to track the progress of
5 the school each year.

6 Then underneath that, you're going to see
7 the -- we drilled down a little bit into the grade
8 report. So, you'll see "Current Standing," "School
9 Growth," Q3, Q1 and so forth, year by year. You'll
10 see that cumulative record grow as we go.

11 MS. BARNES: Now, Brad, isn't it on a
12 bigger sheet, and it's color-coded, so --

13 MR. RICHARDSON: It is on a bigger sheet.
14 I don't know what you have. But it will be on a
15 bigger sheet than this. So, I hope it will be
16 easier for folks to read.

17 MS. BARNES: And color-coded will be
18 easier for folks to see.

19 MR. RICHARDSON: Right. It will be
20 color-coded, based on the color codes of the
21 performance framework. And you'll see, at the
22 bottom of each section, what the colors will be.

23 So, for example, on this front page, for
24 the New Mexico "A to F" grading system, you'll see
25 green -- if you see green in a box, you'll know that

1 that exceeds standards. If you see a blue in the
2 box, you'll see that it meets standards. Orange
3 does not meet standards, and red falls far below.

4 So, in a quick visual glance, you'll be
5 able to see, is this a school that's bleeding green,
6 bleeding red, bleeding yellow? Is it a mixed bag?
7 You'll be able to see trends, I think, fairly
8 quickly that way. So that's one of the things we're
9 trying to do with this.

10 MS. BARNES: And we talked about doing a
11 one-year roll-up. But we just came down to seeing
12 the trend might be so helpful to you that why would
13 we even do that other document? So --

14 MR. RICHARDSON: A single year --

15 MS. BARNES: A single year.

16 MR. RICHARDSON: -- let's do the
17 cumulative, so we can see the progression as we go.
18 And as you review this document, you may say, "You
19 know what? There's an awful lot of yellows and red
20 on this particular school." We want to pull that
21 aside and have a conversation with that school, or
22 with you, CSD, about what's going on at that school.
23 And that gives you a chance to drill down.

24 MS. BARNES: And we might end up with them
25 having a corrective action plan or something, or

1 additional conditions added to the organizational
2 framework, or whatever you set.

3 MR. RICHARDSON: But organizationally on
4 this, you'll see that it's organized like the
5 performance framework. The first section is the
6 academic performance framework, which includes the
7 State grade, "A to F," and it includes their
8 performance indicators; so, mission-specific,
9 optional, supplemental, and so forth. So, that's in
10 that first section.

11 When you turn to the back side, you'll see
12 the financial performance framework. And, again,
13 you're going to see the color code keyed underneath
14 each section, because they vary slightly. In some
15 cases, you have "meets" and "doesn't meet" and
16 "falls far below," and in some cases, you see that
17 it "exceeds," "meets," and "doesn't meet." And, so,
18 it's a little bit of a mixed bag there. So, you
19 have to be careful with that.

20 Then Section 3 is the Organizational
21 Performance Framework. And under that are the
22 subheadings, the Educational Plan, the Business
23 Management Oversight, Governance and Reporting,
24 Employees, and the School Environment. These are
25 all the headings that you find in the Performance

1 Framework.

2 Now, sitting behind or underneath each of
3 these, each year -- because you'll get this each
4 year -- but underneath this each year is this
5 report.

6 MS. BARNES: Which is due, what?

7 MR. RICHARDSON: This is Annex D1 in your
8 notebook. This is the annual review of
9 State-chartered schools. We propose to use this
10 tool for all our visits each year, since the
11 expectations need to be -- we need to rate each
12 school for each of these headings for each of these
13 items each year, so you'll be able to see how are
14 they doing each year. So, we want to use this each
15 year.

16 What we'll simply do -- on the cover,
17 you'll see, we'll say, "This school is under
18 contract," but, of course we have a dual economy.
19 There are some schools that aren't under contract,
20 as yet. So, we might check that box still for a
21 good number of the schools.

22 And checked under that box will be is this
23 a year one report? Year two report? Year three
24 report? Or year four report?

25 Then -- and, again, this is organized in

1 exactly the same way. This is organized under the
2 three performance frameworks. So, you have the
3 Academic Performance Framework section, the
4 Financial Performance Framework section, and the
5 Organizational Performance Framework section. And
6 within that, again, we have to -- at least for the
7 short term, we have to account for the dual economy
8 that we have with schools.

9 Some schools are under contract, and they
10 will be rated accordingly; and some schools just are
11 operating under their approved charter, and they
12 won't be rated in that way.

13 So, what you can expect, then, to receive
14 at the end of this year is one of these for each of
15 the schools that are under contract (indicates),
16 plus, you'll have reports on the performance of
17 those schools that are just under the charter. But
18 they won't be rated in the same way. And that's
19 what you're going to see in this annual report.

20 You'll see that, in each section, there's
21 the heading, the question that's being asked in the
22 performance framework. And then we have a lot of
23 sub-questions beneath those -- that one overall
24 question.

25 For example, the ELL. "Are you providing

1 support for your ELL students?" Well, what does
2 that mean?

3 Well, if you look at that section, you'll
4 see there's five, six questions that we ask and that
5 we ask for evidence that they're doing those things.

6 Then we can say -- for the charter school,
7 we can -- the schools operating under the charter,
8 we can say, "Yes, they've met that requirement."
9 For the schools that are under the performance
10 contract, depending on how many yeses and how many
11 noes, we might end up saying, "They're meeting
12 that -- that standard," or, "They're working to meet
13 that standard," and we'll issue that.

14 Now, it could be that when we visit a
15 school, we might visit it at -- you know, in March.
16 Well, they may not have all the information they
17 need in order for us to fill out absolutely
18 everything.

19 For example, the Academic Performance
20 indicator, they may have given you a goal for growth
21 in their short-cycle assessment from fall to spring.
22 Well, if we visit with them, say, in March, they
23 won't have the spring -- that spring data. So,
24 we're going to ask them to send us the -- any
25 missing data by the end of the school year, say,

1 June -- 1st of June or so. That will allow us to
2 wrap up the work that we need to do with them in
3 order to create this report.

4 So, this report will help us populate this
5 report. And at the end of four years, you'll have
6 each box on this report filled. And underneath
7 that, you'll have four of these. (Indicates.)

8 So, if you look at this, and you see,
9 "Gosh, what's going on at this school? There's a
10 yellow, a yellow, a red, and a red. Can I see those
11 reports," they will be -- they'll be available, and
12 you can certainly see that.

13 MS. BARNES: Commissioner Gant, part of
14 the conversation we had earlier today is how are we
15 going to deal with these reports and how are you
16 going to take some action on them? At least our
17 thinking, 'cause we're looking at your schedule,
18 August is a really busy month for you, you know.
19 You already are going on all these -- you know, your
20 public meetings, and you're looking at the new
21 applications.

22 So, could we move it earlier? Maybe we
23 can. But we need to wait for the school grade to
24 come out, which comes out by, like, the second week
25 of July, usually.

1 So, we're targeting, potentially, the July
2 meeting for us to give us a bunch of these, and then
3 you to say, "You know, there's three of them that
4 concern me. Let's talk about those three schools."
5 Because by the time you have 60 schools under
6 contract, you're going to need a way that -- you get
7 the whole packet; you flip through; you see, "Okay,
8 okay, good job, good job. Oh, wow. What happened
9 here?"

10 So, you're going to have to identify what
11 schools you want to talk about. So, it's a little
12 bit -- the schools getting us the final data and the
13 "A through F" grading and your busy fall schedule
14 make it a little tricky.

15 ACTING CHAIR GANT: Are -- excuse -- are
16 the backup data -- if we look at one of these --
17 yeah -- you're building the system where -- and I
18 can't remember a word right now -- where we can dip
19 in and see any document?

20 MR. GERLICZ: SharePoint.

21 ACTING CHAIR GANT: That's going to be on
22 the SharePoint.

23 MR. RICHARDSON: I'm assuming it is.

24 MR. GERLICZ: That's our intent.

25 MR. RICHARDSON: I think it needs to be

1 accessible, however it works.

2 MR. GERLICZ: On that point,
3 Commissioner Gant, before we ever get the PEC onto
4 SharePoint, we're obviously going to have a lot of
5 training and conversation and all of that. But the
6 intent is, yes, these documents are available for --
7 for anyone by anyone at any time.

8 ACTING CHAIR GANT: Okay.

9 MS. BARNES: Also, there's a requirement
10 for the school to get pretty immediate feedback.
11 And, so, they're working on how do they populate
12 these, you know. Because Sue's question is, "Well,
13 how do our schools know how they're doing?"

14 And they should be able to get fairly
15 immediate feedback with this chart, and we should be
16 able to pre-populate a bit of it, going in. So,
17 they'll have the tool; they'll know what the tool
18 looks like. It'll match the performance framework.

19 What I really see CSD did was take the
20 performance framework and really fill it in in a way
21 that I thought was pretty remarkable. So -- I
22 don't -- you are welcome to comment, but --

23 COMMISSIONER BERGMAN: So, this -- this is
24 going to be available to anybody that wants to get
25 on their computer and look? Parents? Non-parents?

1 MR. GERLICZ: That's the idea behind
2 SharePoint.

3 COMMISSIONER BERGMAN: In other words, is
4 it public information?

5 MR. GERLICZ: No, no, no, no, no. Things
6 that are on the PEC site will be for PEC eyes only.

7 MS. LEWIS: Well, not under IPRA. I
8 interpreted that to be your question.

9 COMMISSIONER BERGMAN: I just was curious
10 whether -- who was going to be look- -- can
11 everybody look at this, or is that -- is it for
12 their use and our use? For everybody's use?

13 MS. BARNES: Well, they can't -- they can
14 ask for it, but it's not -- you will have a login to
15 SharePoint.

16 MR. GERLICZ: IPRA sort of transcends a
17 lot of things. But in terms of this document,
18 that's our intent of how we're going to use it.

19 COMMISSIONER BERGMAN: I just was curious.

20 MS. LEWIS: It was somewhat provided under
21 IPRA. But my guess is there would be a lot of
22 things blacked out, but it would still be subject to
23 that.

24 MS. BARNES: And this roll-up document
25 will be presented at a PEC meeting. That'll be

1 there, so...

2 COMMISSIONER BERGMAN: That will be very
3 helpful, yes, to have this little one-page document
4 when we're talking about 60 different schools,
5 because -- what is that? A 55 page document? 60
6 times 55, that's like reading War and Peace five
7 times or something, you know.

8 MS. BARNES: If you're Commissioner
9 Toulouse, you're doing it on your iPhone.

10 COMMISSIONER TOULOUSE: No, my iPad.

11 MS. EHLERT: Do we have time to go through
12 an example, just a quick one? This might answer
13 some of your questions, Commissioner Bergman.

14 If you have the document -- I believe on
15 Page 36, if -- if it matches your document, mine to
16 yours, at the bottom left-hand corner of Page 36, I
17 think you'll find a small box on the left side that
18 says "Framework Reference."

19 And under that, No. 1, Educational Plan,
20 which is part of the organizational piece of the
21 framework. And then a No. 1.c. with a question, "Is
22 the school protecting the rights of English Language
23 Learner students?"

24 That question comes directly from the
25 framework. And if you stay in that left column and

1 move to the next page, you'll notice it also has the
2 language that was included in the framework. And
3 then, below that, in a light-colored green -- or you
4 may have black and white -- it says, "Sources." And
5 that's really to trigger our preliminary work before
6 we go to the school.

7 We look at R-drive records; that's where
8 we keep all of the archival documents. Reports from
9 the Bilingual Bureau. We contact the bureaus and
10 ask for reports on the schools. We look at
11 S.T.A.R.S. data. We look at -- on the school site,
12 we look at the school's registration packet. We
13 look at assessment records. We look at the staffing
14 they have for ELL services. We look at license
15 endorsements. We look at a list of students that
16 have exited the program, if they have any,
17 professional development records, and so on.

18 Now, this whole section on ELL learners
19 next is required by State and federal law. So, now,
20 if we move to that middle column, back on Page 36,
21 you'll notice the first item we look at is "Home
22 Language Survey," which is required for any student
23 entering a school. That home language survey has to
24 be completed. And if any items indicate a language
25 other than English, what we ask for next is what is

1 required by law.

2 We look at "Language Assessment," as you
3 follow on, on Page 37 in the middle column. We look
4 at "ELL Students Identified." We look at numbers of
5 students who have been identified. We look at the
6 services and staffing. We look at, again, whether
7 or not they have teachers who are TESL-endorsed,
8 which they must have if they have ELL students on
9 board. Have the teachers been trained in and are
10 they implementing ELL instructional strategies, and
11 so forth.

12 So, those are the items -- let's see. It
13 continues to Page 38. The last item is, "Exited
14 from ELL Status."

15 Now, those are all the questions we ask
16 the school. We ask the principal. We look at
17 records. We might interview a teacher. And that's
18 where we get our information to be able to check the
19 box, "Is the school respecting the rights of ELL
20 student learners?"

21 Below that, on Page 38, you'll see this
22 great big green box, sort of grayed-out box. We
23 have two separate rating systems here. It's kind of
24 like, at the end of that question, we determine, if
25 the school is not under contract, whether they're

1 meeting the law or not. That's the first section
2 there, where it says, "Schools operating under an
3 approved contract," "Charter not under contract."

4 So, if they're not under contract, we're
5 going to say "yes" or "no, they're meeting the law,"
6 or, "they're working to meet," if we've identified
7 some items.

8 Below that, that rating scale relates
9 directly to the framework for schools under
10 contract. So, you'll see what you have seen in the
11 framework. Boxes that say "meets," "working to
12 meet," or "falls far below." So, we have that dual
13 system going.

14 And at the end of each section, each
15 question, we make a rating, which then transfers to
16 the framework, and to the roll-up tool.

17 So, do you have any questions about that?
18 This is just one example that we do look at a lot to
19 determine the answer to those framework questions.
20 Thank you.

21 ACTING CHAIR GANT: I've got one question,
22 if I may.

23 MS. EHLERT: Yeah.

24 ACTING CHAIR GANT: It's not on that --
25 just what you presented. But just off the top, I

1 was looking at -- you do -- your enrollment -- it's
2 on Page 27. I'm just thumbing through, and it
3 jumped out. You use the 40-day count, okay?

4 MS. EHLERT: Yes.

5 ACTING CHAIR GANT: So, you have a 40-day
6 count, but you come up at the start of the next
7 semester, and whatever their count is there
8 determines how much money they're going to get for
9 the rest of the school year. So, how do you account
10 for that 40-, 80-, 120-day?

11 MS. EHLERT: For the following year, are
12 you talking about? I mean, the 40-day count is the
13 one that's used to fund the school for the current
14 year, whatever that year is.

15 ACTING CHAIR GANT: But that can be
16 changed at the start of the next semester.

17 MR. GERLICZ: Well, there's an adjustment
18 made.

19 MS. EHLERT: Right.

20 ACTING CHAIR GANT: So, how do you keep
21 track of that?

22 MS. EHLERT: Through the Budget Bureau.

23 MR. GERLICZ: We don't through our
24 division. But that's the domain of the Budget
25 Bureau.

1 ACTING CHAIR GANT: But that's not
2 important to say, well, we had some schools that had
3 too many kids. They may be just right in the 40-day
4 count. It may be just right at the 40-day count,
5 and come the 80-day count, they're up and over.

6 MS. BARNES: Do you check the 40-, 80- and
7 120-day count to see if anybody --

8 MS. EHLERT: We have all that data
9 available to us. And it's certainly easy to do. We
10 can include that here. We use the 40-day, because
11 that's been the standard reporting date for
12 enrollment over time. It's just been the standard.
13 So, we don't end up with maybe a number that's an
14 80-day and a number that's a 40-day, you know, from
15 year to year. So --

16 ACTING CHAIR GANT: The 40-day count from
17 year to year.

18 MS. EHLERT: That's what we have been
19 using. We certainly can include the rest.

20 ACTING CHAIR GANT: So, what the
21 standard -- the traditional public schools have to
22 report, the 80, the 120 --

23 MS. EHLERT: Correct.

24 ACTING CHAIR GANT: -- and then they're
25 dinged if they're -- if they say they're going to

1 get so many at the 40-day count, and they come up in
2 the start of the next semester, and they're over
3 that, they take the money away from them and all
4 that.

5 MS. BARNES: That's true of charters, too.

6 MS. EHLERT: And the School Budget
7 Bureau --

8 ACTING CHAIR GANT: I'm just curious why
9 it's 40-day.

10 MS. EHLERT: Right. We do get a report
11 from the Budget Bureau, and they're the ones that
12 monitor that and work with that.

13 ACTING CHAIR GANT: So, I go back to these
14 schools that were over and how long they were going
15 at it more than one year.

16 MS. EHLERT: We're very conscious of that.

17 MS. BARNES: So, they were under at 40 and
18 over at 80?

19 ACTING CHAIR GANT: Well, whatever they
20 were over, they were over, regardless.

21 MS. EHLERT: We can certainly add that to
22 this document.

23 ACTING CHAIR GANT: This also impacts the
24 lease assistance program.

25 MS. EHLERT: Thank you for the suggestion.

1 We'll do that.

2 MS. BARNES: So D1 and D2, these two
3 documents, we're thinking don't need to be approved
4 by you, because it's how you're going to get the
5 information from staff.

6 Certainly, if you have comments, that
7 would be great. But in terms of this chart, we'll
8 put an example in there for you. But, unlike the
9 contract and the performance framework, I don't
10 think you'll be approving it. So, that's why, on
11 the chart, sometimes it says, you know, that it's
12 not applicable that you need to -- that needs to be
13 approved.

14 But I know that you wanted to see all of
15 the ways in which CSD is doing the work to come and
16 report to you. So --

17 COMMISSIONER BERGMAN: I -- I think I've
18 indicated earlier that I'm not sure there is any
19 such thing as internal documents, that since
20 everything revolves around authorizing -- but I am
21 willing to concede that this could be called an
22 internal document, as long as the staff would be
23 willing to -- if one or more of us, as
24 Commissioners, wanted to make some suggestions, as
25 was just done, that folks would be amenable to that

1 kind of thing.

2 MS. BARNES: Well, that's certainly why we
3 are presenting.

4 MR. GERLICZ: Whatever helps our work.

5 MS. BARNES: You know, part of the concern
6 is is that if you've approved of a document, and
7 they get out in the field, and there's a better way
8 to deal with it, do they need to bring it back to
9 you before they can use it again. So, I think that
10 there are some logistical reasons for having forms.

11 COMMISSIONER BERGMAN: Sure, yeah.

12 MS. BARNES: And there are really good
13 reasons for presenting them to you and letting you
14 see what they're using.

15 COMMISSIONER BERGMAN: I agree with that,
16 because most documents -- yeah, documents that are
17 formulated in an ideal world, when they meet the
18 real world, they find out that real world and ideal
19 world are not always the same two things. That's
20 why we're revising now some documents.

21 And I agree with what the Chairman said in
22 a previous meeting. We can't just keep on revising
23 these documents into eternity. But if they need to
24 be revised, they need to be revised.

25 MS. BARNES: And part of that tension is

1 put on by approving them. If you say, "I don't
2 approve them, but thank you for showing them to me,"
3 then they can.

4 COMMISSIONER BERGMAN: I'm amenable to
5 that, as long as I might be given an opportunity
6 somewhere down the road to make a suggestion.

7 MS. BARNES: Absolutely. Absolutely.
8 So -- and then the chart shows that there will be
9 kind of an annual -- let's take a look at the site
10 visit form, how did it work, you know. I don't
11 think it'll take as long next year. But I think
12 this is consistently making sure these documents
13 work.

14 How is this meeting working for you guys?
15 And how about tomorrow? Is it working okay?

16 COMMISSIONER BERGMAN: Works great for me.
17 I love this, yeah.

18 MS. BARNES: Without putting you on the
19 spot, like, Tony, what's working? Anything we need
20 to change about -- it's so tedious, I know.

21 MR. GERLICZ: It's like watching grass
22 grow.

23 MS. BARNES: What's working for you, do
24 you think?

25 MR. GERLICZ: Well, we're getting through

1 it. I think, again, we are fond of keeping our
2 vision in front of us. And our vision is, if we get
3 through all this document stuff, then we can get to
4 the heart of the matter. So, let's just get going.
5 I'm looking forward to the conversation on the
6 application.

7 MS. BARNES: Commissioner Parker?

8 COMMISSIONER PARKER: I think when we
9 first met, you or Kelly, or someone, had made a
10 comment that this was the perfect time to join the
11 Commission. And you're absolutely right, because
12 this is exactly what I need. So, this is working
13 good.

14 MS. BARNES: Okay, good. Commissioner
15 Toulouse, any comments?

16 COMMISSIONER TOULOUSE: For me, since I
17 missed the work session last month, I had to catch
18 up. But I have caught up. I -- again, being the
19 bureaucrat that I was, you learn to read backwards
20 quickly and figure where you are. And I think you
21 have to have these kind of sessions.

22 I'm not going to say I enjoy sitting in
23 all of these. But I figure if I have to sit, I'm
24 going to contribute. But it's a necessity for
25 whenever you're working in a system. You have to

1 have a way that everybody understands where you are
2 and where you're going and where you've been. So, I
3 think we have to do these, and I think it's working
4 well, from that standpoint.

5 MS. BARNES: Okay. Commissioner Gant, any
6 comments?

7 ACTING CHAIR GANT: I'm fine with it.
8 Just to let you know, I won't be here in the
9 morning.

10 COMMISSIONER BERGMAN: Yeah, I'm going to
11 skew the gavel.

12 ACTING CHAIR GANT: I have a PSCOC meeting
13 in the morning.

14 MS. BARNES: Abby, how is this working for
15 you?

16 MS. LEWIS: Fine.

17 MS. BARNES: That's the shortest answer
18 I've ever heard you give.

19 MS. LEWIS: I was letting Julia know, I've
20 also been tasked with bill review for the whole AG's
21 Office. So, you may see my eyes glaze over, and I
22 may be, unfortunately, doing -- because the LFC
23 gives us a 24-hour turnaround. They don't care
24 about any reason why you're not doing it. They just
25 want it to be done.

1 MS. BARNES: Commissioner Bergman?

2 COMMISSIONER BERGMAN: Actually, I think
3 it's fine. And I will say, I agree with the other
4 comments. We're not going to have to do this in the
5 future. I think this is a one-time deal, what we're
6 doing here right now. Once we get these forms
7 tweaked this time, the future -- we're not going to
8 have to have marathons. I truly believe that.

9 Once we get these documents -- because, as
10 I say, I agree with the Chairman. We don't need to
11 be -- there's always going to be little minor
12 tweaks. But this is a one-time deal is the way I'm
13 viewing this. We're not going to have to do this
14 next year, now.

15 ACTING CHAIR GANT: Commissioner Conyers?

16 COMMISSIONER CONYERS: I'm doing fine. I
17 appreciate Tony's comment on the grass growing, and
18 I plan to use it in the future.

19 MS. BARNES: What time tomorrow morning?

20 ACTING CHAIR GANT: 9:00.

21 MS. BARNES: 9:00 works. Abby, if you can
22 wait, and Sue? Or maybe we've figured it out. We
23 were going to -- and I think we're planning on
24 having a good draft, keeping up with the draft, and
25 having a good draft for you for Friday. Clearly,

1 we'll have the performance framework. But the other
2 contract documents, which are the two that I think
3 are important to vote on; the others, we have more
4 time, so...

5 COMMISSIONER BERGMAN: I assume we're safe
6 just leaving everything sitting here like this?
7 There aren't any gremlins that run around this place
8 that come in and --

9 MS. BARNES: Whoever wants to steal these
10 documents --

11 MS. LEWIS: If, for some reason, you've
12 got some things among your things that are
13 attorney-client privilege, I would ask that you take
14 those with you, as I will be taking mine. But other
15 than that --

16 MS. BARNES: Okay. Tomorrow morning?

17 ACTING CHAIR GANT: Tomorrow at 9:00.
18 We're in recess.

19 (Proceedings in recess at 5:14 p.m.)
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1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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4
5 REPORTER'S CERTIFICATE

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

13 In testimony whereof, I have hereunto set my
14 hand on January 21, 2014.

15
16
17 *Cynthia C. Chapman*

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