

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

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9 TRANSCRIPT OF PROCEEDINGS

PUBLIC WORKING SESSION

10 VOLUME TWO

January 9, 2014

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

Bean & Associates, Inc.

21 Professional Court Reporting Service

22 201 Third Street, NW, Suite 1630

Albuquerque, New Mexico 87102

23
24
25 JOB NO.: 9408K(CC)

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com

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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. MILLIE POGNA
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

1 COMMISSIONER BERGMAN: I'm going to gavel
2 this session of the Public Education Commission work
3 session for January 9, 2014, back into session from
4 yesterday's recess. I will note for the record that
5 Chairman Shearman's husband continues to be in the
6 hospital in Lubbock, Texas, and she is with him, and
7 Vice Chair Gant is at a PSCOC meeting this morning.
8 So, in their absence, I'm going to act as the chair
9 until which time today Mr. Gant gets back.

10 So, if we're all set and ready -- roll
11 call. We'll do a roll call. Commissioner Conyers?

12 COMMISSIONER CONYERS: Here.

13 COMMISSIONER BERGMAN: Commissioner Pogna?

14 COMMISSIONER POGNA: Here.

15 COMMISSIONER BERGMAN: Commissioner
16 Toulouse?

17 COMMISSIONER TOULOUSE: Present.

18 COMMISSIONER BERGMAN: Commissioner
19 Bergman is here. That is four members of the
20 Commission are here. That is not a quorum. We do
21 not need a quorum. We have no action items today.
22 So, there are four of us present today.

23 All right, Julia. I'm going to turn this
24 back over to you and pick up where we left off
25 yesterday.

1 MS. BARNES: Okay, great. Thank you.
2 And, again, thank you guys so much for giving us so
3 much of your time. So, let me get everybody
4 oriented again quickly. If you'll pull this chart
5 from your binders -- gosh, I have so much trouble
6 finding everything -- which I don't know what the
7 number of -- I think it's just at the front of
8 Item 6, or that's where mine was.

9 MS. LEWIS: Uh-huh.

10 MS. BARNES: Just to review what we looked
11 at yesterday and where we're going to try to go
12 today.

13 Under Section A, we are working through
14 the overview of contract changes, and we're about
15 three-quarters of the way through the ongoing school
16 contract. Again, that is the document that we are
17 hoping you will be able to take action on tomorrow.

18 I am current with the changes that we've
19 discussed, and, so, I'm very likely to have new
20 copies for you tomorrow.

21 The performance framework, we went over in
22 full, and I've caught up and made those minor
23 changes that we made to that. I think that is ready
24 for potential action tomorrow.

25 And then the Overview of Contract Changes

1 document, the third document on that list, is just
2 the working document that we're using to get
3 through.

4 We are very much hoping to, then, turn to
5 the application and start to discuss that. The
6 thinking -- although you can take action on any of
7 these documents, they're all noticed for action on
8 the agenda item -- but -- on tomorrow's session.
9 However, I think it's also possible just to discuss
10 them, do a working session on them, and then we can
11 bring them to you at the next meeting.

12 The renewal applications, as well, are
13 ready, if we have time to get to them.

14 On Section D, we went over the two
15 documents that we wanted to show you at the end of
16 the meeting. These are the site visit tool and the
17 roll-up.

18 The third document is a place-holder for
19 how a school that wanted to modify their performance
20 framework from the previous year could bring that
21 forward to you. I'm anticipating some kind of a
22 form that looks similar to the amendment form. I'm
23 not quite sure, but I have a place-holder in here
24 under Section D, the third item. So, we -- I'll
25 just let you know that that's kind of coming, once

1 we start to see how we want that to look.

2 The site visit tool and the performance
3 frameworks are -- you know, we love comments from
4 you all on those; although, I think, unless you want
5 to do something differently, we don't need you to
6 take action on those.

7 The documents in Section E, I think we'll
8 try to go over those quickly today, because they do
9 relate to the contract. And then I think that,
10 again, those are documents that we use to roll out
11 the contract. So, I want to show them to you. I
12 think you've seen almost all of them, but I just
13 want to get the full picture. Again, I'm not sure
14 you're going to need to take action on those.

15 On the last page, you've already taken
16 action on the closure template, and, in fact, that
17 template is already being put into -- has been put
18 into place and put to work.

19 Section F is one that I think we'll likely
20 get to later, unless we do look at the one proposed
21 MOU that you all sent the proposed changes to the
22 CSD, and CSD sent you back some proposed changes.
23 So, we could look at that in the working session, as
24 well.

25 So, I want to finish up with the contract

1 and then turn to the application.

2 COMMISSIONER BERGMAN: That is fine, but
3 might I ask one question before we do that?

4 MS. BARNES: You can. Sure.

5 COMMISSIONER BERGMAN: What did you
6 lawyers decide yesterday on that -- or are you going
7 to discuss that at some point during this process?

8 MS. BARNES: That's a good question. Why
9 don't we start with that? Let's start with that
10 section of the contract.

11 We looked -- and, Abby, you're welcome to
12 chime in here -- we looked at how to take that list
13 that you gave us and make sure that it got in here.
14 So -- and I'll point this out specifically tomorrow,
15 as well.

16 And, I'm sorry. I just printed out -- I
17 just printed out a copy for myself.

18 COMMISSIONER BERGMAN: That's fine.

19 MS. BARNES: In that Section 6, we moved
20 the school -- 6.02, we moved the School Mission into
21 the Material Terms of the Charter section, so, to be
22 sure that it is considered a material term of the
23 charter. We put in an Operational Structure
24 section, so that we could put in length of the
25 school day, if there is a partnership -- a partner

1 associated with the school, if there's a management
2 company or other material kind of school structure
3 issues, and several of the items that you went over
4 that you had developed with Sam Obenshain are those
5 type of items. So, we put a place-holder for that.

6 Next is the School Mission. Next is the
7 Educational Program of the school. And we added to
8 the examples for that, the curriculum and
9 pedagogical approach and the grades served.

10 So, that will encompass three more of the
11 concepts that were there.

12 And, then, we added -- I added the
13 requirement into the performance frameworks for a
14 licensed business manager. Of course, they're
15 required to do that by law. That will bring it into
16 the site visit checklist, and that will be something
17 that they will look at. That was another one of the
18 issues.

19 We started to talk about the idea of what
20 types of things you want notice of, so it's not an
21 amendment to the contract. So, if someone gets a
22 new business manager, you want to know that; but
23 it's not an amendment, and you don't need to act on
24 it.

25 And at least, Abby, if I can interrupt you

1 for a second, my thinking on this notice section is
2 that we have -- we put it on the agenda probably in
3 February, of the PEC, and we get a list from you of
4 things that you would like to be notified of,
5 because I'm -- lots of it already is reported to the
6 PED; for example, a change in a business manager, or
7 a change in the board membership for a Board of
8 Finance.

9 Tony, do you always get notice of a new
10 head of school?

11 MR. GERLICZ: Yes.

12 MS. BARNES: How do you -- why? How do
13 you do that?

14 MR. GERLICZ: Well, it's more
15 informational. We know that it's critical to the
16 function of the school. And I'm trying to think of
17 examples of schools that have done that. And I
18 think that we have received notice in every single
19 instance, as we should.

20 We don't get notices of changes of
21 business managers. That's really not our purview.

22 MS. BARNES: Under the Board of Finance,
23 they do report it to a different division of PED.

24 MR. GERLICZ: We do get that information,
25 as well. And we want that updated information. So,

1 we do get it, but it's only for informational
2 purposes.

3 MS. BARNES: So, that was --

4 MR. GERLICZ: They are required to tell us
5 of a change in governing body formations, which
6 impacts their Board of Finance. So, that's actually
7 more than just for informational; they are required
8 to do that.

9 MS. BARNES: Yeah.

10 COMMISSIONER BERGMAN: Just thinking about
11 what you said, that we don't get notice on business
12 managers, maybe this is just a rhetorical question.
13 Would that not be something that you perhaps should
14 know? Because changing of business manager could --
15 doesn't -- not always -- could lead to financial
16 problems of the school.

17 MR. GERLICZ: Yes. One could argue,
18 Commissioner Bergman, that almost every major
19 decision in a school could impact the proper
20 operation of the school. We don't need to know
21 every decision that a school makes about who's
22 assistant principal, who's director, or special ed,
23 who's director of this or that in a school. That's
24 really an operational matter. And it comes to our
25 attention when things aren't going well or when we

1 do our site visits.

2 So, on the list that you showed yesterday
3 for amendments, I would not put that on the list of
4 amendments.

5 COMMISSIONER BERGMAN: Okay. That's --
6 yeah.

7 MR. GERLICZ: I have some comments on some
8 of these other things that I didn't think were
9 necessary for amendments.

10 MS. BARNES: That was just something I
11 had -- it was a starting place for consideration.

12 Well -- so, how we handled it is, if you
13 look at Section 6, it has, in parentheses, and in
14 yellow on my copy, "Insert key provisions." And
15 then we have examples. So we put a lot of those
16 ideas as examples, in case they were really
17 important for a school negotiation and we could put
18 them in there. So, it'll trigger people's thought
19 process on that.

20 So, because I'm at least looking at this
21 section kind of as a checklist, what's important to
22 discuss with the schools, it expanded the list. So,
23 that's where I thought it was valuable.

24 COMMISSIONER BERGMAN: Well, that's -- and
25 I agree with Tony. I don't think we want to get to

1 a point where we have so much informational overload
2 that then we just clog the system. So, yeah, I have
3 no problem with that.

4 MS. BARNES: So, we can have a discussion
5 about whether you want notice of some of these
6 things or not. That's just my suggestion, to
7 balance it out. But I'm not sure that it needs to
8 go in here. I think that was kind of what we were
9 looking at yesterday. We're talking about how we
10 incorporated -- you probably already can tell that.

11 MS. FOX: Yeah, I figured it out.

12 MS. BARNES: Sorry, Sue.

13 COMMISSIONER BERGMAN: Will you have
14 something in writing tomorrow for us to look at, or
15 is that too early?

16 MS. BARNES: I will have the contract.
17 But in writing, on the notices --

18 COMMISSIONER BERGMAN: What you just laid
19 out. You just said you had your copy.

20 MS. BARNES: Yes. I made the changes to
21 the draft, and I'll make sure that we have clean --

22 COMMISSIONER BERGMAN: So what you just
23 explained is already in your changed draft.

24 MS. BARNES: It is. I don't have much
25 time to do the changes.

1 COMMISSIONER BERGMAN: That's good.

2 MS. BARNES: Part of the reason I want you
3 to work before, and then take a month to vote on it,
4 is because it'll give those of us who type it in a
5 little bit more time.

6 COMMISSIONER BERGMAN: Absolutely.

7 MS. BARNES: So, I will get clean drafts
8 on that. I think we did discuss, though, that
9 changes to the bylaws might be something that you
10 don't need an amendment on. We did put that into
11 the performance -- I did add it to the performance
12 framework, where it is already in here. And I'll
13 show you that tomorrow. I didn't print that one off
14 in terms of the governance requirements. One of the
15 indicators is on governance requirements, complying
16 with those, and I added a few bullet points. So,
17 I'll highlight that for you tomorrow.

18 COMMISSIONER BERGMAN: Did you limit it in
19 some way? Because that was Susan's point, that some
20 of this stuff, we really -- even in the bylaws, we
21 don't really need to know.

22 MS. BARNES: And they have a requirement
23 to have and comply with their bylaws. So, I think
24 the lawyers felt like we were covered.

25 COMMISSIONER BERGMAN: Yeah, that's okay.

1 MS. BARNES: So, it was a good list, and
2 Sue went all the way through it, and we -- I think
3 that we put them into various places.

4 (Commissioner Parker enters.)

5 MS. BARNES: Either that Section 6 is the
6 examples, or tightening up the performance
7 frameworks.

8 COMMISSIONER BERGMAN: Let me -- I just
9 notice, for the record, that Commissioner Parker is
10 now here.

11 COMMISSIONER PARKER: Yes. Please excuse
12 my tardiness.

13 MS. BARNES: Did you get stopped on the --

14 COMMISSIONER PARKER: There was an
15 accident.

16 MS. BARNES: We were going back to -- so,
17 let's go back to where we -- where we do want to
18 start?

19 So, let me have you, again, pull out,
20 probably, Appendix A3, Tab 6. Pull out Appendix A3,
21 which is the contract changes chart. And we are
22 looking -- the document we are looking at is
23 Appendix A1; so, Appendix A3 and A1. And under A1,
24 we're on Page 43.

25 COMMISSIONER POGNA: On page which?

1 MS. BARNES: Forty-three.

2 MS. FOX: Which section?

3 MS. BARNES: Sorry. Operational
4 Framework, Governance and Reporting; 3.b., "Is the
5 school holding management accountable?"

6 Commissioner Pogna, would you like me to
7 use this? This will make it better.

8 All right. So, we are on --

9 COMMISSIONER POGNA: Thank you.

10 MS. BARNES: You're welcome.

11 COMMISSIONER POGNA: I can hear now.

12 MS. BARNES: Each time I ask if you can
13 hear me, you ask what I said. So, each time, it's a
14 clue to me that I should help you out.

15 Okay. So, I think our next comments are
16 on 6.13, the next one. Abby had made some changes
17 to this section, which we've accepted. Did you
18 want -- Abby, do you remember those changes? Do you
19 want to comment on them at all?

20 MS. LEWIS: Only if someone has questions.
21 They fall into the theme that I looked at this
22 generally, which is how do we maintain your autonomy
23 and authority and cover all our bases at the same
24 time? But if anyone has any questions, I'm happy to
25 answer them.

1 MS. BARNES: The next one, on 6.14, if we
2 can go on, Organizational Framework, Students and
3 Employees. "Is the school meeting teacher and other
4 staff credentialing requirements?" Patti was
5 identifying that this section somewhat duplicates an
6 earlier section. But as I was saying yesterday, we
7 have tried to make this Section 14 -- this Section 6
8 follow the performance framework. So, that's why
9 there's a section for everything. So, I'd like to
10 leave that the way it is.

11 There's another technical cleanup a couple
12 of pages later, on Page -- let's see -- last
13 section, on Page 46, Organizational Framework,
14 School Environment, that the PEC is one of the
15 entities that can get documents. Abby, did we clean
16 that up enough?

17 MS. LEWIS: 6.14?

18 MS. BARNES: I think it's 6.18. It says
19 6.19, which I think is 6.18 in this draft. I don't
20 see your change here.

21 COMMISSIONER BERGMAN: Well, the document
22 in the book here says -- says, "Various records
23 should be made available to CSD, New Mexico PED, or
24 other officials." I assume that's what you're
25 talking about. Somewhere in the new draft, the

1 words "PEC" are going to appear on that list, too?

2 MS. BARNES: Yes. That's in the middle of
3 Page 46. Double-check your draft, Abby.

4 MS. LEWIS: Oh. 6.18, which used to be
5 6.19. Sorry. Tracking changes is our enemy when
6 we're working in outline form.

7 MS. BARNES: Yes. And it is already in
8 Abby's draft, so, that's good.

9 COMMISSIONER BERGMAN: Okay.

10 MS. BARNES: Sue, I assume you'll pipe in.

11 MS. FOX: I've got it as 6.17, but I know
12 where you are.

13 COMMISSIONER BERGMAN: We've got so many
14 documents out there now, it would be nice to have
15 just one document.

16 MS. BARNES: Let's see.

17 MS. LEWIS: Oh, you know what? It's not
18 in the version in our book.

19 MS. BARNES: I'm looking -- I printed off
20 the version that we're working from. And I see it.

21 MS. LEWIS: Okay.

22 COMMISSIONER BERGMAN: Because I had
23 already noticed that what's here in the book.
24 There's still a lot of stuff in there that I'm
25 pretty sure we've deleted already. I wanted to make

1 sure it wasn't going to end up in the documents
2 after we said we were going to get rid of them.

3 MS. BARNES: And I'll tell you, we are
4 struggling with how to know what is the right
5 version, and somehow, we got you the wrong version.

6 MS. LEWIS: It'll be easy when we're doing
7 a clean copy. Easier.

8 MS. BARNES: Easier.

9 Okay. Section 7. Patti's comment relates
10 to kind of the two-step process that's used. And
11 let me just -- and we've -- Abby and I had a
12 suggestion for the change in language. The
13 documents that we're going through right now that's
14 a template, that's -- that the blanks are not filled
15 in is the first step.

16 You have -- and each year, you have an
17 obligation to discuss the blank template performance
18 frameworks with your schools. And you've done that
19 by doing it by public notice. And we sent out
20 notice to each of the schools that they could
21 comment on the template.

22 We also have included, the last two years,
23 last month and the year before, the contract, so
24 that they could comment. And, in fact, that's why
25 Sue and Patti have commented, is because we asked

1 the schools to comment. And I think six schools or
2 something asked them to comment on the draft.

3 So, we're now -- we're calling -- we've
4 changed this to "template," so that it's a little
5 bit better. That's step one.

6 Step two is where you sit down with an
7 individual school and negotiate the blanks and to
8 fill in the blanks and if they want any language
9 changes to the templates.

10 The statute, I think, requires that. It
11 requires that you discuss what you want to present
12 to all the schools and consult with the charter
13 schools as step one, and then sit down and
14 individually negotiate with the schools as a step
15 two.

16 So, it's awkward to write that. And I
17 think that it was confusing to write that. I have
18 no problem with anyone who's got better ideas as to
19 how we can describe that process. But it -- I think
20 the process is correct, and I think the process is
21 required by the statute, and I have no problem
22 saying that I think it reads awkwardly. But we need
23 to be able to say it somehow.

24 MS. FOX: Can you just say, you know,
25 "NMSA" blah, blah, blah, blah, "requires," colon, so

1 that it reads so that the first two sentences there
2 are -- it's clear that you're restating what the
3 statute requires or authorizes, rather than giving
4 the impression that, in addition to this contract,
5 the PEC is going to set some other set of annual
6 academic performance indicators?

7 MS. BARNES: I'd be happy to do it any way
8 you --

9 MS. FOX: I know you drew up a footnote.
10 But it's just the way that this particular provision
11 reads, it still is unclear. And I know we are clear
12 about what it means. But cold readers and people
13 after us will --

14 MS. BARNES: Sure, you know. And it's why
15 I ended up putting drawings in the document. I
16 think it's -- and I think it's somewhat of an
17 awkward statute, actually. So, Sue, do you have
18 specific language? I'd certainly be happy to hear
19 it.

20 MS. FOX: Yeah. I mean, after the first
21 sentence, I would just say, "NMSA," you know,
22 "1978," whatever that statutory site is, "says," or
23 "requires that the authorizers establish" --

24 MS. BARNES: Yeah, I'll put that in there.

25 MS. FOX: Something like that.

1 MS. BARNES: Just what it is, so it
2 doesn't sound like they're doing something outside
3 of the statute. Okay. I'll put something in that
4 Section 7 to clear it up.

5 And also, Abby and I tried to use a little
6 bit different language to clear up some of that.

7 And I think each year what you will do is,
8 in October, take a look at the contract, make sure
9 you don't want to tweak it at all, and look at the
10 performance frameworks and see if there's anything
11 that you want to change. Because you've made some
12 policy changes in the performance framework, and you
13 may want to change it, or, if there are certain
14 things that are -- that we work through the
15 different requirements of schools, like this
16 contract becoming the EPSS documentation for a
17 charter school.

18 So, there are things that might be
19 improvements to the charter school process that we
20 would revise -- cause you to revise the performance
21 frameworks.

22 I don't -- I think you've already gotten a
23 lot of comment on the contract. So, probably you
24 just need, each year, to do the performance
25 frameworks. And that's why, if you looked at them

1 in October, you made a decision what you wanted to
2 do, you put a draft out there for comment, you allow
3 your charter schools to come back and give you
4 comment, I think that would be a really good way to
5 consult with your charters, since you'd have 60 of
6 them or something.

7 COMMISSIONER BERGMAN: I would agree.
8 October would probably be a good month. We finished
9 up with September, and we're still early on in the
10 December process. And, so, October -- and that
11 would also -- in the future, yeah, January is not
12 the time to be changing all the forms.

13 MS. BARNES: Right.

14 COMMISSIONER BERGMAN: The application
15 part, of course, has to go out to the people that
16 had indicated they want to apply. And right now, it
17 looks like we probably won't get that to them till
18 the end of February now. So, October, yes, we
19 should all keep that in mind as we talk about what
20 we're going to do in the future, that October would
21 be a good month for that kind of -- to work on that.

22 MS. BARNES: And you've already had people
23 review this contract twice. So, I'm not sure you're
24 going to need to have that put out for public
25 comment again.

1 Okay. So, I'll put in a clarifying
2 sentence in 7.01. 7.02, Abby, again, your comments
3 here, to augment?

4 MS. LEWIS: Oh, that goes back to -- I
5 took it out somewhere else, but it's in the statute,
6 so --

7 MS. BARNES: So, this is correct; the
8 language is correct.

9 MS. LEWIS: To leave -- yeah, rather than
10 my taking it out? Is that what you're asking?

11 MS. BARNES: On 7.02.

12 MS. LEWIS: Yeah.

13 MS. BARNES: It just needs to track the
14 statute.

15 MS. LEWIS: Yeah, it can stay in.

16 MS. FOX: I know what you're trying to do,
17 Julia. But when you read this, it's already been
18 discussed in the context of the performance
19 indicators in Section 6. And, so, it almost sounds
20 like the problem with Section 7 is it sounds like
21 this is all something extra and different.

22 So, I mean, we've already said, in
23 Section 6, that, you know, there's going to be
24 the -- this performance indicator, and there's also
25 going to be the school's opportunity to augment.

1 And, so, to me, this is just redundant; although, I
2 see what you're -- you're trying to track the
3 statute.

4 MS. BARNES: I don't have a problem moving
5 that Optional Supplemental Indicators up above 6.02,
6 so you only need to say it once.

7 MS. FOX: Yeah. To me, this whole
8 Section 7.01 and 7.02 is more of an introductory
9 section to Section 6-point -- whatever we're talking
10 about, the performance indicators. Because when it
11 comes after like it does, it leaves the impression
12 that there's something else that we're doing here.
13 But --

14 COMMISSIONER BERGMAN: Maybe there would
15 be a way to combine the two, just --

16 MS. BARNES: Yeah. Let me try to move
17 Section 7 up above and let me see if I can cut out
18 some --

19 MS. FOX: And I've got --

20 COMMISSIONER BERGMAN: -- on 7.02. My one
21 note there is, it said, "School-specific, rigorous,
22 valid, and reliable indicators." I would like the
23 word "measurable" to appear in there somewhere.
24 Leaving out the word "measurable" is -- concerns me.
25 I just like the word "measurable."

1 MS. BARNES: Yeah.

2 COMMISSIONER BERGMAN: Every opportunity
3 we have to remind an applicant about how this is
4 going to play out, they need to be reminded that
5 it's got their goals, and indicators have to be
6 measured, or they're useless.

7 MS. BARNES: The only -- the only comment
8 I'll make to that is that those three words
9 "vigorous, valid, and reliable" are from the law,
10 and "measurable" isn't. But I don't --

11 MS. FOX: I like having measurable goals
12 myself.

13 MS. BARNES: Okay. So, let's add
14 "measurable." And I'm going to move this section
15 and try to take out the redundancies, 'cause it just
16 depends on how you want to look at this. Is
17 somebody ever going to go and just look at it under
18 "Academic Indicators," or are they going to look at
19 it under "Organizational"? So, that was -- I'll try
20 to remove the duplication.

21 Abby, I think yours and my draft is
22 correct. It says, "To augment evaluations,
23 performance and outcomes," and that's what the
24 statute says.

25 MS. LEWIS: Right. I had taken it out

1 erroneously, but --

2 MS. BARNES: But we've already fixed it.
3 Okay. I'll leave it.

4 MS. LEWIS: Aren't we good?

5 COMMISSIONER BERGMAN: Are you going to
6 move 7.03, then, too?

7 MS. BARNES: I'm going to try. Yes, I'm
8 going to try to move that up.

9 COMMISSIONER BERGMAN: Yeah, that was --
10 7.03 kind of ties to what we talked about yesterday
11 about normal schools and SAM schools. I think
12 that's what 7.03 is saying. The data has got to be
13 disaggregated for all those categories that are
14 listed there: Student subgroups, gender, poverty
15 status, and English Language Learner status in
16 determining student performance. So, maybe you
17 could tie 7.03 back to where we had that SAMS
18 discussion yesterday.

19 MS. BARNES: Right. Let me just look at
20 how to reorganize it a little bit. I understand
21 what you all are saying.

22 COMMISSIONER BERGMAN: And if it can't be
23 done, it can't be done, and you leave it.

24 MS. BARNES: Well, it's just -- this
25 section and how to explain what the statute wants to

1 be done is awkward, and it's going to be awkward
2 almost any way.

3 Okay. So, moving to the financial
4 performance indicators, it looks like there are no
5 comments on this section from anybody, unless you
6 all have some? Moving on to Section 9.

7 COMMISSIONER BERGMAN: I did have a note
8 on this, on my old copy. It was just before Section
9 8.01. The last little paragraph said, "During the
10 annual site visit, in addition to reviewing the
11 annual financial targets for the previous year, the
12 parties shall negotiate school-specific annual
13 financial targets for the next year."

14 And the note I wrote to myself here, "Are
15 these going to be submitted to the PEC, or is
16 this -- or is that little paragraph -- is that going
17 to be in the performance -- is that a part of the
18 performance framework already?"

19 MS. BARNES: It's already in. It's part
20 of that -- you're raising the same comment, which is
21 this is a duplicative section, and, so, we'll move
22 it above everything so that we try to describe the
23 indicators in one section and not repeat it.

24 COMMISSIONER BERGMAN: Okay. Good.

25 MS. BARNES: Okay. Section 9. Patti has

1 a comment that the policies need to -- let's see.
2 "Developing policies for revocation and
3 non-renewal." We have a request in to PED's legal
4 department to start to develop those regulations,
5 and that's where we are on that. However, I think
6 we're going to work hard to push that forward,
7 because I do think we need to get those regs in
8 place.

9 COMMISSIONER BERGMAN: Do we still have
10 Section 9.02? Yeah. Here, I see it. I had one,
11 again, under Section 9.02. It states, "Establish
12 performance framework" blah-blah-blah, "sets forth
13 academic and operation performance indicators,
14 measures and metrics that... ."

15 And, then, what I wrote to myself is,
16 "Here, again, I would like to see some specific
17 wording that says our specific measurable, rigorous,
18 et cetera, et cetera," the same thing we just
19 discussed on Section 7. Here, again, we don't want
20 to be too repetitive. But I want applicants to
21 understand what the PEC is expecting whenever we
22 talk about indicators. They have to be specific;
23 they have to be measurable; they have to be
24 rigorous; and they have to be all those things.

25 MS. BARNES: Do you have any problem with

1 that?

2 MS. FOX: No. Again, if something can be
3 measured, I think someone should state how they're
4 going to measure it.

5 COMMISSIONER BERGMAN: I think we should
6 be consistent if we're going to say, in other
7 spots -- if 9.02 is going to even stay in there. It
8 has to. It says "establish a performance
9 framework."

10 MS. BARNES: 9.02 reiterates the law
11 about -- and it pulls into one place what the
12 authorizer is supposed to do. And one of the things
13 that you're supposed to do is this step one every
14 year, create a performance framework template. And
15 it has to include these things based on the statute.
16 The performance framework that you presently are
17 working off of does that.

18 So, this is one of the examples that this
19 contract does quite frequently, which is brings the
20 law into the document so that it's all in one place.
21 It's kind of pulled everything in together.

22 So, the reason that this Section 9.02 is
23 there is because of that. Now, we can certainly
24 make it shorter, or we could add your language. But
25 that's --

1 COMMISSIONER BERGMAN: Well, I have no
2 problem with the bulleted items, the A through the
3 H, or however many it is. Just add a few words up
4 there in that second sentence, after the word
5 "that," that are specific, measurable, rigorous --
6 however you want to word it.

7 MS. BARNES: We're going to use the same
8 statutory words, that are "rigorous, valid" -- we'll
9 put in your word "measurable," and "reliable."

10 COMMISSIONER BERGMAN: Good.

11 MS. FOX: I mean, Commissioner Bergman,
12 there may be some school that has a problem with
13 "measurable" or "reliable goal," in which case,
14 then, you know, I'll go back to the law and say,
15 "The law doesn't require it."

16 But sitting here, I can't imagine what
17 that circumstance would be. If you have a goal, it
18 would seem like someone would need to be able to
19 measure it, whether it be the CSD, in looking at the
20 school, or you, in deciding whether or not to renew
21 the school, or the school, in deciding whether or
22 not it's doing what it's supposed to do.

23 MR. GERLICZ: Yeah, I think it's fine to
24 keep it in there. And I think it's fine to
25 understand that not every single thing can be

1 measured as widgets.

2 COMMISSIONER BERGMAN: Oh, certainly,
3 yeah.

4 MR. GERLICZ: And, so, I want to caution
5 us to get into a mindset that every single thing in
6 education can be reduced to a numerical analysis,
7 which it can't, and to allow -- and just to state
8 that for the record, and allow CSD to interpret what
9 a school is doing in some sort of measurement. But,
10 again, it's fine to leave it in there.

11 MS. FOX: It can request something other
12 than a numerical measurement, in my mind.

13 COMMISSIONER TOULOUSE: Mr. Chair?

14 MR. GERLICZ: Something quantifiable.

15 COMMISSIONER BERGMAN: Commissioner
16 Toulouse.

17 COMMISSIONER TOULOUSE: I think, too,
18 there is a difference between the word -- they're
19 not quite synonyms, "measurable" and "quantifiable."
20 And I think that's what you're getting at, that
21 there are ways to measure it that are not numerical.
22 So, to me, it is kind of helpful to let people know.
23 If you can't give us a number score, you can give us
24 an indication that something is changed, hopefully,
25 for positive and whatever.

1 So, I think that's -- it's still, to me,
2 kind of good to have both concepts.

3 MS. BARNES: Oh, and I think a good
4 example, when Karen was going over that site visit
5 tool yesterday and showing how CSD makes an
6 evaluation, even about English Language Learners or
7 whatever, that the site visit tool shows the
8 questions that they ask and how they're going to
9 make that determination. But it isn't -- it didn't
10 end up as a numerical score.

11 For her, it was kind of, you know, "After
12 asking these questions, I'm going to rank them."
13 So, I think, actually, that's a good example of the
14 kind of expertise that CSD uses.

15 MR. GERLICZ: That's right. Nobody should
16 shirk the responsibility. If a school wants to do
17 something and they state, "This is what we want to
18 do," then we have to ascertain, "Well, how do you
19 know you've met your goal?"

20 So, that's the point.

21 COMMISSIONER BERGMAN: It may not be by
22 numbers; it may be by some other standards. And
23 I'll just go ahead and say now, along with
24 everything else, I would like these documents, when
25 we're done with them, to be as bulletproof as

1 possible. We have three attorneys sitting in the
2 room right now. And if we make them as bulletproof
3 as possible, and we can have agreement on all these
4 languages, then maybe that will cut down on some
5 future litigation.

6 So, that -- that's just -- that's a
7 sideline goal of mine. But, yeah, let's just do
8 what we can to --

9 MS. BARNES: So --

10 COMMISSIONER BERGMAN: Commissioner
11 Parker.

12 COMMISSIONER PARKER: Yeah, Mr. Chair.
13 Just a quick thing. It seems like we could avoid a
14 lot of trouble with all this if, when the initial
15 application or contract is put into place, that the
16 goals themselves are set up so that they can be
17 measurable, quantifiable, instead of trying to say,
18 "okay," after we've already accepted it, "how are we
19 going to measure it?"

20 If we accept it -- in the acceptance
21 portion of it, that's when it is put into a
22 framework, "Well, yes, you can measure; you can
23 quantify."

24 So, I think that's where maybe the
25 bulletproofing needs to --

1 MS. BARNES: Yeah. That's -- I think that
2 is a key -- key comment and a key point of tension
3 that I think CSD really wants to talk about in the
4 next section about the application.

5 And I have two quick comments on that:

6 One, on a new application, the applicant is going to
7 go through a year planning process. And part of
8 that planning process is going to be to sit down and
9 negotiate with you what their performance indicators
10 should be. And it's difficult to require them to do
11 that before they've gone through the planning year,
12 before they've hired their new head of school.

13 So, there's a timing issue. And I think
14 Commissioner Bergman probably shares your comment of
15 wanting that certainty way before.

16 And, then, I want to also say that it
17 raises the awkwardness of this statute and the
18 tension that we're struggling with in the statute,
19 because you, as a Commission, make a decision on the
20 renewal application. It is your decision. You,
21 then, are required, afterwards, to sit down and
22 negotiate.

23 So, if you had them write their goals in
24 stone, the ones that they put forth -- I mean,
25 obviously, a lot of them are in your template

1 already. But if you have them say them, in stone,
2 before, then we lose that negotiation. And at least
3 my -- first, I think it's required that you
4 negotiate. And I just think that several of us, as
5 you went through it last year, saw a real richness
6 in that conversation and negotiation.

7 So, I think, on the one hand, what you're
8 raising, which is "Tell us what you're going to do
9 and that's what you're going to do" makes a lot of
10 sense. But it's a little bit in tension with
11 negotiation. So, that's a lot of the struggle, I
12 think, that we're having.

13 Goals are required in a new application.
14 Goals are required in a renewal application. And
15 you're required to negotiate performance indicators.
16 In my mind, those -- we need to figure out how we
17 are going to make the statute work.

18 COMMISSIONER PARKER: Is it just a simple
19 matter of referring to this section when they set
20 up -- when they're doing their application, when we
21 reference goals or something that would then be
22 negotiated later, that you reference something that
23 "Well, keep in mind that, in the renewal contract,
24 you're going to be required to demonstrate how
25 you're achieving those goals"?

1 MR. GERLICZ: Even in the initial
2 contract, and in all contracts.

3 MS. BARNES: And one of the ideas -- you
4 know, we showed you yesterday, and several of you
5 have seen it before, that worksheet, which has the
6 blanks. One of the ideas is to have them start to
7 complete the draft worksheet as part of the renewal
8 application, so, you can see their ideas. And then
9 that's -- instead of that worksheet being due, you
10 know, 30 days after you've approved them, to have it
11 be part of their initial application, so you can
12 look at that, I think we're all struggling with that
13 and what mechanism to use.

14 COMMISSIONER BERGMAN: And we are
15 struggling with -- we haven't even gotten into it
16 yet -- that, as came out in the Cottonwood Classical
17 thing, the issue was raised, there was five-year
18 goals, and then the performance framework is annual
19 goals. And I don't think we've totally dealt -- and
20 the application is -- may be the place for five-year
21 goals.

22 We haven't discussed it yet. I haven't
23 decided -- I can't figure out how we differentiate
24 between five-year goals, because that was a question
25 that Mr. Obenshain raised at Cottonwood Classical.

1 Are we talking about five-year goals, or are we
2 talking about one-year goals? Well, the performance
3 framework is certainly a one-year goal, and those
4 are to be negotiated every year. And what -- and,
5 yeah, I agree with you. Are we going to require
6 them to put annual goals in the original
7 application, or are we going to require them to put
8 five-year goals in them? And what is the meaning of
9 that, because how does the five-year goal tie into
10 five different one-year goals or four different
11 one-year goals?

12 MS. BARNES: And I know that a new school,
13 you know, a community member can bring a new charter
14 school application. So, you don't have to have
15 extensive -- an extensive educational background.
16 And, then, you hire the staff that does, and then
17 they create a school based on kids that come.

18 So, a new charter school application can
19 look really different from the existing charter five
20 years later. So, there's also this desire to allow
21 them to kind of evolve.

22 COMMISSIONER BERGMAN: And for
23 Commissioner Parker's edification, this is not
24 something that has just come up. Goals -- I'm
25 beginning my sixth year. We've had problems with

1 goals every year in the entire -- because we've
2 never been able -- as hard as CSD works to get the
3 applicants to understand about goals, we're still
4 not there yet, and I don't think the applicants
5 still understand goals yet.

6 Maybe we don't understand them, either. I
7 don't know. But -- and, so, this has been something
8 we've been discussing year and year and year. And
9 at some point, I guess with this document, we hope
10 to resolve some of these questions.

11 MS. BARNES: Tony, it looked like --

12 MR. GERLICZ: Are we ready to go into that
13 section of the conversation?

14 MS. BARNES: We're not too far.

15 MR. GERLICZ: Because we can easily get
16 sidetracked into the initial application right now.

17 COMMISSIONER BERGMAN: We're almost to the
18 end.

19 MS. BARNES: We're really close to the
20 end. So, I just want to make sure. But let's know
21 that this is exactly the conversation that CSD wants
22 to have about the application. And it's the
23 tension.

24 So, to me, it's not necessarily a
25 disagreement, as it is a struggle, with how to make

1 the statute make sense. And that -- we're all in
2 that together.

3 All right. Let's try to get through this
4 as quickly -- Patti --

5 MS. FOX: Can I just offer another sort of
6 stylistic question?

7 MS. BARNES: Sure.

8 MS. FOX: Is it possible to move that
9 Section 9 up clear to the front? Because it seems
10 to be this is a very good introductory section
11 about -- sticking it back here sort of, again,
12 leaves the impression that, "In addition to what
13 we've already talked about, there's this."

14 MS. BARNES: "We're going to do all of
15 this"?

16 MS. FOX: Yeah.

17 MS. BARNES: Sure. All right. That goes
18 back to Patti's, which is that it feels duplicative.
19 And maybe that'll help, Sue. So, thank you.

20 Let's see. I think that, on Page 25 of
21 the chart, we're telling you the technical changes
22 that we made. We did a lot of language changes.
23 There's another comment about needing to start to
24 work toward -- on the rules and the regulations, and
25 we've made that request to the legal department.

1 So, I think the next comment that I see
2 that we need to discuss potentially is Section 11.
3 Section 11 is on Page 59.

4 So Patti's comments on 11.02, Sue, is that
5 the expectations and process are described.

6 MS. LEWIS: Julia, sorry. I'm about half
7 a step behind you. I'm just checking. And I'm
8 sorry, because I think I'm getting a little
9 confused.

10 The version in our book -- I took the word
11 "shall" out of 9.12, because it says "shall may."

12 MS. FOX: That's not good.

13 MS. BARNES: Did you think that was a
14 grammar issue, though?

15 MS. LEWIS: And a legal one, because I
16 have no idea what that holds us to do, "shall may".

17 MR. GERLICZ: Just the date of "shall
18 may."

19 MS. LEWIS: I took out the "shall" and
20 left the "may." Is that reflected in your --

21 MS. BARNES: Show me again where it is.

22 MS. LEWIS: 9.12. It's the last sentence
23 of the --

24 COMMISSIONER TOULOUSE: Mine still has the
25 "shall may." So it's "may."

1 MS. BARNES: In the school's process?

2 COMMISSIONER TOULOUSE: Page 54, the very
3 top line.

4 MS. LEWIS: "Consider Alternative
5 Frameworks" is the name of the section.

6 MS. BARNES: I have, "The authorizer may
7 reject such frameworks."

8 MS. FOX: Yeah.

9 MS. LEWIS: Okay. Okay.

10 MS. BARNES: And each time we have a
11 confusion with the document just really makes me
12 want to have a naming protocol, so that we're
13 totally sure that we have the right one. Because it
14 took us it until yesterday afternoon to realize we
15 didn't print out the right one. So, yes, that's
16 true. That's correct. And it's already in there.

17 MS. LEWIS: All right. Would you just
18 give me half a second to fly through 9? Or you and
19 I can confirm that later? We can just confirm that
20 later?

21 MS. BARNES: And so far, so good. What
22 you and I thought, which was we accepted all of your
23 changes, has occurred in the document I printed off
24 here.

25 MS. LEWIS: Okay. Thank you. So, we're

1 on 11.

2 MS. BARNES: Eleven. Patti's comments.
3 Sue, did you want to comment on that, that the
4 renewal expectations are described too late in the
5 contract? To me, they're not, but it's just -- but
6 that's just kind of chronologically, in the life of
7 the school, it'll be at the end of the contract that
8 you do this.

9 MS. FOX: I don't have any -- I don't have
10 her same concern there. It seems to flow better.
11 Maybe if we move some of this other stuff up, then
12 the flow would be --

13 MS. BARNES: I think she's really reacting
14 to the duplication previously.

15 MS. FOX: I think so, too.

16 MS. BARNES: Okay. Then, a lot of the
17 comments are the need for regulations, and we've
18 made that request.

19 COMMISSIONER BERGMAN: Are we still on
20 Section 11?

21 MS. BARNES: We can be anywhere you want.

22 COMMISSIONER BERGMAN: How about 11.03? I
23 see that, just -- Abby apparently said -- took out
24 the sentence starting with "The renewal of the
25 school... ." You took out that -- you wanted to

1 take out that whole sentence?

2 MS. LEWIS: Uh-huh.

3 COMMISSIONER BERGMAN: Because that's
4 where -- I know we discussed this in a previous work
5 session. That was where I was going to recommend
6 that we add the point that I've made frequently,
7 where we state that any goals and indicators
8 contained in the prior application, I wanted them in
9 that section.

10 But if that whole sentence is gone, then
11 that took out that part, too, so -- we did answer
12 that, didn't we, at some point, how you were going
13 to satisfy me on how we're going to incorporate the
14 goals in the application into the -- into either the
15 contract or the framework, that we still have to do
16 that.

17 MS. BARNES: Well, there's -- I'll tell
18 you how I think we're presently doing it, which is
19 the goals in the renewal application are going to be
20 put into the worksheet, and they will be there for
21 consideration when you negotiate the specific terms.
22 This goes right back to that conversation we were
23 having, which is how do we deal with the fact that
24 schools present goals in the application, and then
25 they're -- you're supposed to sit down and negotiate

1 them with them.

2 COMMISSIONER BERGMAN: Let's discuss that,
3 then, when we get to the application. But don't let
4 me forget, because that wording gives me a little
5 problem, too. So let's discuss that. Okay.

6 MS. BARNES: And it's that same tension:
7 How do we deal with the school-specific goals? And
8 we -- and we're just going to need to find an answer
9 to that.

10 COMMISSIONER BERGMAN: Okay.

11 MS. BARNES: I do think that it's clear,
12 though, that we should deal with it in the contract
13 and the performance frameworks, that we're not going
14 to go back to some other documents. Whatever we
15 want to bring into this contract and whatever we
16 want to bring into the performance frameworks, we
17 should do so during the negotiations.

18 And if that's to look at what they say
19 they would do in the renewal application, and you
20 ask them to bring those in here, that's a good way
21 to do it. But I -- what I think is not going to
22 happen -- and I really don't think it's a good idea
23 from kind of a legal perspective -- is to have the
24 contract, the performance frameworks, and some other
25 documents that it's unclear what we're talking

1 about. So, we should really have these be complete
2 at the end of the negotiation session.

3 COMMISSIONER BERGMAN: Somehow, at some
4 point, we're going to have to answer my question:
5 How do we bring the goals in the application into
6 the document? It's got to be done, in my thinking.
7 So, we'll discuss it.

8 MS. BARNES: That's exactly what
9 Commissioner Parker was just raising, how do we deal
10 with it. Great question. Who knows the answer? I
11 think we're okay. We're moving on to Section -- are
12 we?

13 MS. FOX: Are we on 12?

14 MS. LEWIS: Uh-huh.

15 MS. BARNES: We can be on --

16 MS. FOX: Can we be on 12?

17 MS. BARNES: Yes, we can.

18 MS. FOX: Where -- I thought somewhere in
19 there, were we going to reference the ULA, Abby,
20 until such time as the PED adopts a --

21 MS. BARNES: Yeah. And I don't think
22 we've done that yet.

23 MS. FOX: I thought I had seen it
24 somewhere, but now I'm not seeing it in here, so...

25 MS. LEWIS: I remember discussing it, but

1 I can't remember where we put it in.

2 MS. FOX: I thought there was some actual
3 language that looked good, which is, "Until such
4 time as the PED adopts a specific regulation
5 relating to revocation, the parties will use the
6 ULA." Then there was a cite and a little -- or a
7 little footnote with a cite.

8 MS. LEWIS: I don't have it -- I think
9 that language is good. I just might play around
10 with "adopts," because this body doesn't have
11 rule-making authority. So, it's really awkward
12 trying to get PED to promulgate the rules that we
13 need.

14 MS. BARNES: We can say, "Until such time
15 as PED adopts... ."

16 MS. LEWIS: The word I'm quibbling with is
17 "adopt." Because tomorrow, when we go through their
18 procedures book, they're going to be adopting those
19 procedures. So, I don't want to get that kind of
20 adoption confused with the promulgation.

21 MS. FOX: Sure. "Promulgate," which is
22 better.

23 MS. BARNES: So, where do you want that?

24 MS. FOX: I would say, in the introductory
25 sentence in 12.01, or -- in 12.01, because

1 everything after that is -- 12.02 is talking about
2 not --

3 MS. BARNES: Okay. So, how about a new
4 sentence at the end of 12.01? And you just said it
5 nicely, so can you do it again?

6 I love that Sue, like, imagined that we'd
7 come up with this beautiful language, including a
8 footnote.

9 MS. FOX: Let me write something down and
10 then play with it.

11 MS. BARNES: Okay. The others are -- to
12 the end of the document, are cleanup. We got a
13 final comment, so, I -- that is not on the contract
14 itself. So, are there any other comments on the
15 contract itself?

16 So Cesar Chavez provided a comment that
17 said, "It's always difficult for charter schools to
18 know what the required policies are."

19 This is, I think, a way that CSD can
20 assist the schools. There used to be a list of the
21 required policies, and, actually, they change,
22 really, more frequently than you would imagine;
23 like, they just added, I think, a cyber-bullying
24 policy. And, so --

25 MS. LEWIS: Sorry. I'm a step behind you.

1 I just want to confirm that 14.03 -- in your
2 version, we took out "all prior verbal
3 representations," because there's absolutely no way
4 to know what those were, from various departments of
5 PED. And I don't want the school getting confused.
6 So, it's the "verbal" I was --

7 MS. BARNES: Oh. You just want "all prior
8 representations"?

9 MS. LEWIS: Or "written." I mean,
10 whatever -- you know, if anyone else has any idea?

11 COMMISSIONER TOULOUSE: "Documented"?

12 MS. LEWIS: Yeah, the "verbal," there's no
13 way to track that.

14 MS. BARNES: Well, they're superseded, so
15 why would you want to track them?

16 MS. LEWIS: Just to avoid a situation
17 where the school says, "Well, School Budget says I
18 don't have to do blah-blah-blah, and School Budget
19 says I didn't say that." So, I don't want the
20 school in the position of having to rely on
21 something the PED never heard or knows about
22 verbally.

23 MS. BARNES: I'm relying on the sentence
24 that says they're superseded.

25 MS. LEWIS: It says "merged herein or

1 supersede." So, that's confusing.

2 MS. BARNES: The "merged" came out. The
3 sentence says -- we can change anything you want --
4 "Any prior verbal representations, understandings,
5 or discussions are superseded by this contract."

6 MS. LEWIS: Okay. Thank you. Sorry.

7 MS. BARNES: So leave "verbal."

8 MS. LEWIS: As long as we take the
9 "merged" out. Is that making sense to you, too?
10 Okay.

11 MS. BARNES: Sure.

12 COMMISSIONER BERGMAN: We need to go back
13 to 14.01.

14 MS. BARNES: Okay. So we weren't done.

15 COMMISSIONER BERGMAN: I had another
16 comment there.

17 Does 14.01 still exist, or did we
18 supersede that, too? Here, again -- we've discussed
19 this before -- I'm going to make the point. Under
20 14.01(a), "The contract shall take precedence over
21 policies of either party and the charter." And I
22 wrote this. I put two quotation marks, and said,
23 "This includes the application."

24 That was probably where I first got, in my
25 mind, that I went back and reread everything, if

1 we're excluding the application -- that's what
2 started my big, long chain of concerns here, because
3 that's exactly what that says. That excludes the
4 application, that wording.

5 MS. BARNES: And that's what I was saying
6 earlier is that this document and the performance
7 frameworks are the documents that are going to
8 govern the parties. So, we can bring anything we
9 want from any of the other documents, the
10 application, or anything we want, into this
11 document, but we need to do it that way.

12 COMMISSIONER BERGMAN: Okay. Again,
13 'cause, (b), the same thing. I had just written to
14 myself, "I don't like this." I was talking about
15 the wording. I didn't like -- because it says, "The
16 annual performance framework shall take precedence
17 over a term of the contract."

18 So, we're -- that wording says we're even
19 going to let the annual performance framework
20 overtake the contract.

21 MS. LEWIS: Where are you?

22 MS. BARNES: 14.01.

23 COMMISSIONER BERGMAN: On Page 75 of the
24 red-line issue that we got a couple of months ago.
25 But it's under 14.01(b).

1 MR. GERLICZ: I don't understand that.

2 COMMISSIONER BERGMAN: I'm not an
3 attorney, but that's how I read that. We're saying
4 that an annual performance framework actually is --
5 takes precedence over the contract.

6 MR. GERLICZ: But does it say it takes
7 precedence over anything that -- it's strangely
8 worded.

9 MS. LEWIS: Not for lawyers.

10 MS. FOX: I was going to say.

11 COMMISSIONER BERGMAN: I just don't like
12 this.

13 MR. GERLICZ: I keep with my statement.

14 MS. LEWIS: What we're trying to solve
15 there is, as careful as we all are, and as many of
16 us as look at it, we will end up with some things
17 that conflict. So, what we're trying to do here is
18 set up a legal hierarchy as to what will take
19 precedence.

20 This made sense to us at the time. Maybe
21 there's another way we should --

22 MR. GERLICZ: But is the assumption that
23 there may exist conflicts in the contract with the
24 frameworks? And in the case that that happens --

25 MS. LEWIS: Right.

1 MR. GERLICZ: -- that seems --

2 MS. BARNES: That's -- that is why you
3 didn't want to go to law school, because this
4 doesn't make sense to you. But what -- well, for
5 example -- I don't know if it's a good example or
6 not -- we're working towards having this contract
7 turn into the EPSS. So, if we are able to achieve
8 that, and that somehow works out to be part of what
9 happens in a later performance framework, but it
10 appears to conflict with something here, we still
11 want that to happen.

12 I guess the lawyers' thinking -- and we
13 can rethink it -- is that you're going to look at
14 the performance frameworks every year. So, they're
15 going to be more current; they're going to be more
16 in people's minds; they're going to be negotiated;
17 they're going to be looked at; they're going to be
18 assessed; and that this document will be likely
19 pulled off the shelf less frequently.

20 So, if they do end up conflicting between
21 each other, our thought was that document is going
22 to be a more current, more relevant, more discussed
23 document. We can take it out, but I think that was,
24 at least, our thinking.

25 MR. GERLICZ: I don't think it changes

1 anything one way or the other. The CSD still makes
2 their recommendations. The PEC decides to follow it
3 or not.

4 MS. LEWIS: Well, in the event of an
5 appeal or something, it would.

6 MR. GERLICZ: An appeal?

7 MS. BARNES: We can take it out. Sue?

8 MS. LEWIS: I think it's important to have
9 a hierarchy, from a legal perspective.

10 MS. BARNES: Sue, what's your view on
11 that?

12 MS. FOX: It seems to me -- I agree with
13 Abby -- it's beneficial to have this, but only to
14 the extent that the parties can work with it. I
15 mean, I don't -- I know, Julia, you've worked more
16 with the performance frameworks in the schools,
17 filling them out and that sort of stuff. How
18 often -- how likely would it be that a specific term
19 of the performance frameworks would -- what we're
20 talking about is that they would somehow conflict
21 with all of the 61 pages of legalese; right?

22 MS. BARNES: I'm not thinking it's -- I
23 don't have a problem.

24 MS. FOX: Does it seem that's very likely?

25 COMMISSIONER TOULOUSE: I found that when

1 you think something is unlikely, it's going to be
2 the first thing that pops up. Come on.

3 MS. FOX: That's very true.

4 COMMISSIONER TOULOUSE: I don't know that
5 I understand the legal status of the performance
6 framework, as opposed to the contract with the PEC,
7 to open, run the school, and then --

8 MS. BARNES: It's part of it.

9 COMMISSIONER TOULOUSE: But I'm -- I don't
10 quite understand, then, how they -- one would
11 become -- take a position over, as opposed to being
12 an amendment to the contract.

13 MS. FOX: I think it might help to analyze
14 this if we looked at it, instead of saying "The
15 annual performance framework shall take
16 precedence..." you say, "A provision of the -- the
17 performance frameworks which appears to conflict
18 with a provision of the contract shall take
19 precedence..." because you're not talking about the
20 whole performance framework taking precedence over
21 the contract. You're talking about if there is a
22 sentence or a specific negotiated item. But would
23 that really occur?

24 MS. BARNES: See, I kind of -- this
25 contract was written -- started -- in the first

1 draft of it, lots of where this language came from,
2 before the performance frameworks were fully
3 developed. And I can't quite envision how one would
4 conflict with the other, because the academic
5 frameworks are goals, and there -- there's nothing
6 about a goal that's going to conflict with the
7 contract.

8 MS. LEWIS: Unless we incorporate the
9 five-year goals, and somehow we get into a situation
10 that there's a one-year goal that says "75 percent
11 of fourth-graders will improve five points on the
12 short-cycle," or something, and then 80 percent --

13 MS. BARNES: That could definitely happen.
14 In fact, I think that Connections Academy did
15 five-year goals, and the only place we knew to put
16 them was in the contract.

17 COMMISSIONER BERGMAN: But I -- it worries
18 me that that's not good practice if it's possible
19 for us to have something in the performance
20 framework that conflicts with some -- how would we
21 arrive at that point, that --

22 MS. LEWIS: Being human.

23 MS. BARNES: And Abby's raising probably
24 the best example, which is something -- you
25 negotiate something at the beginning, that it's a

1 five-year goal, and it gets put in here for some
2 reason. And the only place to put it is in the
3 contract, because an annual performance framework is
4 not in place for five years. And, then, in five
5 years, the performance frameworks have evolved, and
6 the school has done something different, and you've
7 agreed to it.

8 I kind of want to take it out, because I
9 think it's very hypothetical. But --

10 MR. GERLICZ: It's very hyp- -- I can't
11 imagine -- why would we -- how could we get a
12 conflict like that?

13 COMMISSIONER BERGMAN: That's -- I'm
14 having trouble with -- as we've seen, we're going to
15 be spending a lot of time on these contracts and the
16 negotiations. I just am trying to figure out how
17 we'd have a conflict.

18 MR. GERLICZ: I think the contract is the
19 performance frameworks.

20 MS. LEWIS: How does it hurt us to leave
21 it in?

22 COMMISSIONER BERGMAN: And I'll ask the
23 other side of the question. How does it hurt us to
24 take it out?

25 MS. LEWIS: Because we do have a conflict,

1 and Sue and I will be fighting over what takes
2 precedence.

3 COMMISSIONER BERGMAN: That's a valid
4 point, too, yeah.

5 MS. BARNES: Sue?

6 MS. FOX: Well, it's in the last year's
7 round of -- you know, so who knows how that's going
8 to play out? I would be --

9 MS. LEWIS: I'm not attached to the
10 wording. But the idea of a direction of hierarchy
11 is looking down the road.

12 MS. FOX: I mean, if there's -- the
13 performance frameworks are the specific stuff that
14 we're all going to talk about together ad infinitum,
15 and that's the stuff that you all care about, and we
16 all most care about, I think. So, it would make
17 sense that if there's a specific provision, that as
18 we've worked through five years' worth of
19 negotiations, you know, we kind of forget about this
20 big, huge, behemoth document, it makes sense that
21 that provision should trump the same -- you know, a
22 conflicting provision in this old, five-years-ago
23 contract.

24 MS. BARNES: Well, so --

25 MS. FOX: But not the whole performance

1 framework trumping the contract.

2 MS. BARNES: Okay. So, you would change,
3 "A specific indicator in the annual performance
4 framework shall take precedence over a term of the
5 contract that appears to conflict with that specific
6 indicator"?

7 MS. LEWIS: Because there are things in
8 there that aren't indicators. And I think the first
9 word Sue used there was "provision," which is nice
10 and broad.

11 MS. FOX: If everyone is familiar with
12 that general concept that we're not talking about
13 the performance frameworks trumping the contract
14 itself, but, rather, if there's a sentence in our
15 one-year performance indicators that we -- somehow
16 is directly contrary to what's in this contract,
17 we're going to go with the more recent, more
18 negotiated performance indicator than we are what we
19 said five years ago.

20 COMMISSIONER BERGMAN: Why don't we all go
21 on, then, and let you three -- like we did last
22 night, have you work out this specific thing, how
23 you might word it differently?

24 MS. BARNES: That's right. I will say
25 that we want those performance indicators to be a

1 living document, because what we find -- and we just
2 found in this last round of renewal applications --
3 is you go back and say to a school -- you dig out
4 from five years ago. You dig out, and you say, "You
5 said you were going to do that." And sometimes the
6 answer is, "We said that?" And they haven't done
7 it.

8 And, so, the move toward an annual
9 performance indicator and the move toward the
10 changes in the law is to say to the schools, "Please
11 pick things that are relevant to you. We have
12 picked things that are relevant to us, and we're
13 going to really look at that."

14 And, so, there's really an attempt to say,
15 "This is how you're going to be assessed. Please
16 pay attention; please have it matter to you."
17 That's what the negotiations are about.

18 So, I do know that that performance
19 framework is a tool. And we're talking about that
20 now, having the liaisons go back to the seven
21 schools from last year and sit down with them and
22 say, "Let's take a look at these before the end of
23 the year; let's" -- they're going to start that
24 discussion next week with the seven schools. You
25 know, we met about it the other day.

1 So, we want it to be a living document.

2 So -- okay. So, Sue, you fixed that language.

3 MS. FOX: I have got a suggestion, and
4 we'll discuss it afterward.

5 MS. BARNES: Good. Okay. Anybody else
6 have any more comments on -- on the contract? Just
7 the very last comment that we received from Cesar
8 Chavez was -- and, Tony, maybe you can add in on
9 this -- is that the comment was, "It's very
10 difficult to know all of the policies that you're
11 supposed to comply with."

12 MR. GERLICZ: Yeah.

13 MS. BARNES: And I know there used to be a
14 list.

15 MR. GERLICZ: There is.

16 MS. EHLERT: There is a list, yes, a
17 current list.

18 MS. BARNES: And, so, maybe we just post
19 that on the website or something?

20 MR. GERLICZ: Correct.

21 MS. BARNES: It's not a -- it's a very
22 good comment. It's not necessarily something --

23 MR. GERLICZ: Susan is taking mental notes
24 as we speak.

25 MS. BARNES: So, I think we will provide

1 that technical assistance. But I don't care -- that
2 would be very difficult to put in the contract,
3 because, I tell you, five years from now, there are
4 going to be different policies that are required.

5 Okay. So -- yeah.

6 COMMISSIONER BERGMAN: I'm out of notes,
7 so -- on the contract. I've got an empty space
8 here.

9 MS. BARNES: So, what I'm going to do is,
10 before tomorrow, catch up on all of these changes.
11 I'm pretty current already. And we will print off
12 clean copies for all Commissioners, so these drafts
13 will be replaced with the right version. And,
14 hopefully, you have them as an action item.

15 All right. I'm going to do something
16 really quickly before we turn it over to the
17 application process, because I want to look at the
18 three forms in Section E that just -- Appendix E --
19 that are the supporting -- we call them "internal
20 documents" that we use in order to roll out the
21 contracts.

22 So, just so that you've seen them: E1 in
23 your binder, under Tab 6, is the worksheet. Just,
24 again, it's the same document, Commissioner Bergman,
25 that we used all of last year, which we took all of

1 the blanks from this 60-page document and from the
2 performance frameworks, and we just created a
3 document out of it.

4 It is where the school starts to show us
5 their mission-specific indicator and any other
6 indicators that they want to bring to the table to
7 negotiate. This is the document that we walk
8 through every time we meet with a school, because
9 it's much easier to walk through this document.

10 Back to Commissioner Parker's point, one
11 thought for the renewal application -- not for
12 grounds for renewing, but when you look at the
13 goals -- would be to start to have either this
14 worksheet or the goals section or the indicators
15 section of this worksheet be something that they
16 start to fill out. That might be a better alignment
17 between our struggle of, "You need to present goals
18 for the renewal, and then we need to discuss them at
19 the negotiation session."

20 And, then --

21 COMMISSIONER BERGMAN: On Page 6 --

22 MS. BARNES: Commissioner Bergman, the way
23 that --

24 COMMISSIONER BERGMAN: Would you mind
25 turning to Page 6, while you're looking at that

1 first document?

2 MS. BARNES: Yeah, sure.

3 COMMISSIONER BERGMAN: I was just going to
4 note over there, in your proposed language, you --
5 down there, you said, "The indicators must be
6 measurable, rigorous, valid, and reliable." So, we
7 just took care of that in the contract. We matched
8 up -- where we add the word "measurable," we matched
9 it to what you already had here anyway. And I think
10 that's a good thing.

11 Now, the wording is the same, in this
12 document and in the contract. So, I'm just going to
13 point that out.

14 MS. BARNES: Then, moving on to the
15 material terms, I'll just -- we'll just take a look
16 at this document and make sure that the additional
17 suggested kind of ideas that came out of yesterday's
18 meeting would make it into here.

19 You'll see that recurring enrollment is
20 here. But I wanted to show you one thing. It's --
21 so, Commissioner Bergman, just in terms of how we're
22 handling -- if you look on Page 5 of this worksheet,
23 at the bottom, what CSD staff has done, and will do,
24 is taken what the school presented in Section D of
25 the application. And we're populating this

1 worksheet with it, so that you can see what they
2 said in their application under their goals.

3 And it could be part of the negotiation
4 conversation when we look at this worksheet. So,
5 that is presently how we're trying to take the goals
6 from the application and bring them into the
7 conversation, the negotiation conversation.

8 COMMISSIONER BERGMAN: Let me ask a
9 question, then, on Page 5, because I just see it
10 here. This is what confuses me sometimes, and I
11 think what confuses applicants. Right there in the
12 last sentence there in that bottom box, you say,
13 "The following is a list of those goals identified
14 in underlying documents." And then you put it in
15 big letters: "You do not have to use any of these."

16 Why would we include language like that,
17 because that would tell me, if I am an applicant,
18 "Well, I just -- I'm just going to blow this off.
19 If I don't have to use this, why would I expose any
20 school to this? Why would I give PEC more
21 ammunition to not renew me?"

22 When you tell them, "You don't have to do
23 this," they're not going to do it.

24 MS. BARNES: Well, the way that the
25 performance framework is presently set out -- and

1 it's like we went over yesterday -- they have to
2 accept an indicator on "A through F." They have to
3 accept the financial indicators. They have to
4 accept the organizational framework indicators.
5 They have to do a recurrent enrollment.

6 And presently, the performance framework
7 says, "You have to -- you have to do one
8 mission-specific goal." That's the way the
9 performance framework presently is drafted. So, you
10 know, you -- the schools must do one. They may --
11 and the law allows them -- to bring more forward.

12 And then the conversation we had yesterday
13 is, if a school chooses to only do one
14 mission-specific indicator, they'd better have a
15 great school grade, you know, because you're giv- --
16 there's less that is in the performance indicator
17 and the performance frameworks for you all to assess
18 them on. And so -- but that's -- it appears to me
19 that the law gives them the option to do more, but
20 it's their option.

21 COMMISSIONER BERGMAN: Yeah. That's kind
22 of why I was just pointing out that Senate Bill 446.
23 It was right near the end, before the PEC ever even
24 heard of it. We could have put input into these
25 kind -- I certainly could have sat down with

1 legislators, as you've heard me, and I would have
2 told the legislators the same thing.

3 Just because legislators do a bill doesn't
4 mean it's a perfect bill. In fact, most of the
5 time, bills are not perfect bills and cause more
6 problems than they solve. I would have done Senate
7 Bill 446 a whole lot different than they did, if
8 they had asked my opinion early on, which they
9 didn't.

10 MS. BARNES: It's also a fundamental
11 conversation about how much autonomy do you give a
12 charter school? How do you look over their
13 shoulder? And lots of our -- CSD's conversation in
14 trying to do the documents was, you know, we hear
15 often from the charter schools that there's a lot
16 that they have to do, not only everything that PED
17 requires them to do, but there's additional things
18 that PEC requires them to do. And they're supposed
19 to have the most autonomy.

20 So, it's really finding that balance
21 between making sure that charters are doing what
22 they're supposed to do, and not drowning them in
23 bureaucracy. So, that's kind of how -- a lot of
24 what we've looked at. But it's all -- these are all
25 policy decisions, and you're the policy-makers.

1 So -- one of them.

2 All right. Are we -- so, this is -- this
3 is the -- let me just finish with these. So, that
4 is one of our internal working documents that we
5 want to track.

6 The next one you've already seen, as
7 well -- I just want to raise it again -- which is --
8 and this is a document that we -- that we've already
9 given to -- or are about to give to our schools,
10 which just sets out the steps for the contracting
11 process.

12 This is E2, Appendix E2. This is a
13 document that's color-coded. And I'll tell you that
14 one of the reasons that we did this document was we
15 had a lot of trouble last year getting paperwork
16 back in time to get to you timely. And if you think
17 this was paper confusion today, it was just
18 craziness last year.

19 So, we're trying to get their feet on the
20 ground a little bit more, but we're also really
21 holding the schools to the deadlines; because their
22 board -- after the negotiation session, they're
23 board needs to review and approve the documents.
24 And then they come to you, and you need them ten
25 days before. So, it's just a -- it's an internal

1 document we're using to manage the process.

2 And then the last one is this Exhibit 3 of
3 the contract. Exhibit 3 of the contract is where
4 the schools list the waivers. You've seen this one
5 before, too. But it's an attachment to the -- to
6 the contract. You do not play a role in approving
7 the waivers. But, again, you wanted notice of it,
8 so this is the form you use.

9 COMMISSIONER BERGMAN: Now, you're doing
10 what Dr. Duran did to us all the time. "You've got
11 nothing to do with waivers."

12 MS. BARNES: You should know about them,
13 though.

14 COMMISSIONER BERGMAN: But we finally
15 figured out that waivers weren't in our -- some of
16 us wanted to make them a part of -- the statutes
17 were repeatedly explained to us, yeah.

18 MS. BARNES: I'm trying not to yell at
19 you, though.

20 COMMISSIONER BERGMAN: No, that's fine.

21 MS. BARNES: So, that completes the whole
22 contracting section. That completes the entire
23 Section A and the entire Section D and E. We've
24 already done the closure section.

25 So, I think we might, if you want to, take

1 a break and then come back and look at the
2 application.

3 COMMISSIONER BERGMAN: I was just going
4 to -- any Commissioners have any final thoughts on
5 the contract, or anything you want to throw into the
6 pie here before we move on?

7 Yeah. Why don't we take a comfort break
8 and be back in ten minutes? Does that sound like
9 enough time?

10 MS. BARNES: Sounds great.

11 (Recess taken, 10:20 a.m. to 10:40 a.m.)

12 COMMISSIONER BERGMAN: Now I think it's
13 time for us to begin again.

14 MS. BARNES: Tony, you want me to take --
15 start the lead?

16 MR. GERLICZ: I can start. First of all,
17 thank you to Julia for shepherding us all through
18 the plethora of forms that we have. It's really
19 good practice and good for us to get clear on what
20 we want.

21 This portion of that whole process is
22 around the initial application. And what we wanted
23 to do for some time is, rather than just go through
24 the form and have a discussion about the form
25 itself, but get a sense from the members, the

1 Commissioners of the PEC, about the process of an
2 initial application. And we can compare it to a
3 renewal application. Questions such as, "What are
4 we looking for in an initial application,"
5 et cetera, come to mind.

6 It is clear to us in the CSD staff -- and
7 this is why I have asked the staff to sort of step
8 forward, because all of us are in the field, all of
9 us are working with the initial applicants
10 intimately and shepherding them through the process.
11 And we noticed, as a staff, that there's a bit of a
12 disconnect between what we, as a staff, put
13 together, or advise the applicants and have them
14 follow the form, and perhaps what the PEC is looking
15 for or -- and this is an opportunity for us, as we
16 approve these forms, to have that conversation about
17 those sets of expectations.

18 We found it very interesting, for example,
19 that in the recent process of the 13 schools that
20 applied for renewal, virtually all -- it was a very
21 seamless operation. CSD went through its process,
22 extensive site visits and analysis of information
23 and putting together the forms and the presentations
24 to the PEC. And it seemed to us to go very
25 smoothly. In fact, the decisions flowed very, very

1 nicely and in alignment with our analysis.

2 That was not the case with the initial
3 applications. So, there was some sort of disconnect
4 there. That happens. And we are just very desirous
5 of getting the same thing to happen, having more of
6 an alignment and an easier flow of understanding of
7 what we're looking for.

8 And, so, that's why this process of
9 looking at the forms is so important, because what
10 we believe is measured and articulated in these
11 forms.

12 One of the challenges that we find -- and
13 Julia has alluded to it in some of the comments, and
14 Commissioner Bergman is the point person for
15 highlighting these importance of goals, which --
16 which we have to have. And we have to have some
17 benchmarks of measure.

18 But before we get into that clearly, I'd
19 like to get a sense of the PEC. And, Commissioner
20 Conyers, perhaps we could work with you and just go
21 around and say, when you are initially looking at an
22 initial application, the whole application, not only
23 the paper, but everything about an initial school,
24 what is it that the PEC Commissioners look for or
25 want to see? Because that would help us get our

1 sense of alignments, and then we can work with the
2 instruments that help get us aligned. Commissioner
3 Conyers?

4 COMMISSIONER CONYERS: Okay.

5 MR. GERLICZ: Well, anyone. And it's
6 unfortunate that we don't have all ten Commissioners
7 here, because that would really be a robust
8 conversation, because we're just not sure -- we want
9 to get to this sense of alignment, as we feel we had
10 in the renewal applications, which seemed to go very
11 smoothly.

12 COMMISSIONER CONYERS: Okay, yeah. I
13 guess what I'm looking at is, you know, first of
14 all, are all the parts there, which, of course, they
15 pretty much have to be at that point. Does this
16 look like a reasonable plan? Is there something in
17 here that -- you know, it looks like this could
18 work? And does it have the necessary people in
19 there?

20 And certainly, I -- I value the -- you
21 know, your departmental recommendation on that. And
22 that's the kind of thing I'm looking at. I'm still
23 pretty new in the position here, so, I'm not as
24 detail-oriented as some of the other folks are.
25 And, so, that's where I'm coming from is does it

1 look like it makes sense?

2 Certainly, you need goals. I guess, also,
3 I'm looking at it maybe different than some of the
4 Commissioners, in that, okay, you have a year to
5 fill in the details of some of these things, of the
6 nuts and bolts of it. And, so, that's -- needs to
7 take place, time to take place and do that before it
8 gets the final go-ahead or approval on that.

9 And, so, that's just kind of what I'm
10 looking at. And that's where I'm at.

11 MR. GERLICZ: Okay. Thank you.

12 COMMISSIONER POGNA: I suppose I want to
13 know what's going on. I want to know, if anything
14 is happening in the schools, we should be notified.
15 I need to know what's going on. I would feel more
16 comfortable doing that. That's about it.

17 MR. GERLICZ: But for the initial
18 application, when the school isn't even existing
19 yet, then -- if a school isn't in operation yet,
20 there's nothing. There's no staff, no building, no
21 kids. They have a year to plan, and you're
22 analyzing the application. What is it that comes to
23 your mind as the most salient parts or points?

24 COMMISSIONER POGNA: That is something I
25 don't know.

1 MR. GERLICZ: Commissioner Bergman.

2 COMMISSIONER BERGMAN: I'm aligned to what
3 you're saying there. Especially with new ones.
4 There is no history. There is no history; we have
5 no grade; we have no -- so, that is one of the
6 things I'm looking -- they have to convince me in
7 that application that they have the capacity to
8 operate a quality charter school.

9 Now, the nuts and bolts of it is how do
10 they do that, to me. So, I read each application,
11 front to back, since we don't get them in written
12 form anymore -- we all know where I stand on that.
13 But I finally convinced my computer that I could
14 print out the existing page where I wanted to make
15 comments. So, that's how I do it. I end up with a
16 stack of pages like this off each application.
17 That's where all my written notes are. That's where
18 I question them.

19 Are there goals? Does their mission
20 statement sound like they understand what a school
21 is? They have to convince me that they're going to
22 be a quality school, that we don't need any more
23 schools that are just going to duplicate what's
24 being done locally. And if they're not going to
25 educate the children better than what the local

1 schools are already doing, why do we need it?

2 That's the kind of question I have. Why do we need
3 this charter school?

4 I can tell you after I'd read those 13
5 applications, my initial personal analysis of it was
6 to me, three or four of those, I thought there was a
7 good chance weren't going to make it through the
8 process. So, those, I highlighted, and I went back
9 and reread those applications in even more detail
10 than I had the first time and convinced myself
11 that -- and it turns out they're probably all those
12 SAM schools, because they had -- had some
13 difficulties.

14 So, that's one of the things I try to
15 factor in. Should we penalize a school that's
16 willing to take all the kids that nobody else wants?
17 How do we make that adjustment? How do we
18 provide -- as we mentioned yesterday, the kids that
19 drop -- have been in five or six other schools and
20 were either asked to leave or just left on their own
21 because they didn't enjoy the process? So, I go
22 into it in pretty good depth, I think.

23 MR. GERLICZ: Yeah.

24 COMMISSIONER BERGMAN: But those are the
25 kind of questions I want answered.

1 MR. GERLICZ: Good.

2 COMMISSIONER BERGMAN: But I'm not going
3 to penalize a school if they're going to take those
4 really at-risk -- and ultimately, it turned out my
5 initial impression was wrong. We -- they all made
6 it through. And I was actually pleased, because all
7 of them had -- and that's why I said -- that's where
8 all of this we've worked on the last three or four
9 years in CSD is now -- where we can see a school was
10 a "D" school two years ago, now they're a "B" or an
11 "A." And we see in the documentation that comes out
12 of PED how they arrived at that.

13 There are still some anomalies in there,
14 and I know PED is going to look at the whole system
15 and the grading system -- everybody is going to use
16 a process -- or they should. Maybe I should say
17 they should, like what we're doing right now. Any
18 new program needs to be evaluated after it goes into
19 effect. There's -- nobody's perfect. So, when you
20 design a system, it's got to be evaluated. I assume
21 they will do that.

22 But that's what I look at. I try to
23 figure out why was this school a "D" two years ago,
24 and why are they a "B" this year? And, so, I pay
25 particular attention to the grading reports that

1 came out of PED, and I look at all this stuff. And
2 I even saw anomalies in there that I questioned. I
3 saw two schools there, at least, that got either a
4 "D" or an "F" on their graduation rates, and yet
5 they were graduating 92 percent of their students.

6 And that was my first question. How can
7 you be an "F" on the report card in graduation when
8 you're graduating 92 percent? And I think I'm even
9 going to raise that in one of the -- that point.

10 So, there are still contradictory things
11 in the program. But I look for those kind of
12 things. How are they doing it? How are they
13 achieving it? That's what I look at. They have to
14 convince me that they're going to be a quality
15 school. That's what they have to do for me. Yeah.

16 MR. GERLICZ: Thank you. Commissioner
17 Toulouse.

18 COMMISSIONER TOULOUSE: This is my first
19 year, and I'm just starting the second year of this.
20 So, I came on at the time you were looking at that
21 first round of contracts on the renewals. And it
22 was a little confusing to me on that, because
23 everybody was new at it and working it through.

24 Then I went through the summer and the
25 meetings and the hearings. And I'm really sorry I

1 was sick in December and missed the final part of
2 that on the renewals. But I can tell you, what I
3 did as new, I read all of their applications. But
4 then, just as a practical matter, I read the reviews
5 and read them more closely, because these are the
6 experts, and tried to then take them back to what
7 was in applications.

8 But, to me, I want to look at the
9 overview. I'm more like Commissioner Conyers.
10 There is a year to fill it in. I want to know that
11 there's an unmet need, that they have a plan that's
12 concrete enough that it looks like they can meet
13 that need, and that they have the folks on board for
14 the planning process that can do that.

15 After that, I'm not the expert, and I want
16 to see, yes, the goals, because they feed into that.
17 But I -- I want to see how it comes out in that
18 planning year, as they actually get concrete with
19 it, because I know what I'm seeing -- and I
20 mentioned it in the hearings this summer in
21 Albuquerque -- I live in the Southeast part of
22 Albuquerque, and I live very close -- right on the
23 edge of what's, you know, the International
24 District, the "War Zone," whatever. I covered it
25 for -- and the South Valley -- for the CNM Governing

1 Board for 12 years.

2 I have seen a huge amount of resources
3 going into the South Valley and almost nothing
4 coming in, on a continuous basis, for the Southeast.
5 You know, I see some high schools. I see
6 Cien Aguas. I don't see a lot for the grade-school
7 kids. I don't see people looking to come into an
8 area that has a huge unmet need to keep kids in
9 school, to educate poverty kids.

10 So, I'm looking at are you -- now that we
11 have all the schools out there, do you have a plan
12 to fill in a gap? That's why I was interested in
13 Shiprock, because I'm surprised more of the Indian
14 nations have not looked to do their own schools.
15 Jemez seems to be doing quite well with theirs. So,
16 right there, that's something that the other pueblos
17 could follow, that the other tribal groups could
18 follow.

19 So, I'm still at the point of looking at
20 the big overview and outcome and leaving it to the
21 ones of you who know more of the details and have
22 been through it more times, or the experts out here,
23 to give me a good picture that fills that in.

24 Are these people professional enough to be
25 able to do it?

1 MR. GERLICZ: Good. Thank you.

2 Commissioner Parker?

3 COMMISSIONER PARKER: I'll say -- and I
4 think it's with a bit of naivete -- in looking at
5 the applications, what I think is ultimately
6 important is, one, what's -- what's already been
7 stated earlier, is what's the need that's being met
8 by the charter school? In theory, charter schools
9 are providing opportunities for kids that don't
10 really have opportunities elsewhere, or the system
11 that's already set up right now just does not fit
12 for them. So, I think that's the great benefit of
13 the charter schools.

14 As far as the goals that they are
15 presenting in their charter school, or those goals
16 that are demonstratable, I don't know. Quantifiable
17 or measurable? You know, that really convolutes the
18 matter when you start to discuss that kind of stuff.
19 But just something -- can they demonstrate that
20 these goals have been accomplished, because I know
21 goals, in theory, just the nature of saying it's a
22 goal, it's something that can be accomplished.

23 And then, ultimately, you know, the
24 location of the school. Is it someplace that I
25 think would be, again, beneficial for the kids? Is

1 it a facility that they want to locate to or utilize
2 that, you know, would be detrimental for the kids?

3 You know, I gave you the magazine
4 yesterday. And I think of great importance is the
5 environment that the kids have. And, you know, if
6 it's going to be -- I don't want to call attention
7 to anything specific. But just, in general, like
8 the portable, I think is a -- you know, a pretty
9 lousy learning environment. And if that's going to
10 be the situation, then I think alternative places
11 need to be looked at.

12 Not to ramble on about anything, in
13 particular. But anyway, those are --

14 MR. GERLICZ: Great. And thank you. And
15 this is very, very helpful. And I'm just thrilled
16 that we have it down on paper, because we are
17 revising the initial application.

18 We have a couple of forms to show you, two
19 versions, Form A and Form B, because we've heard
20 some concerns and some criticisms, and we have
21 devised two things, one that's in your packet, and
22 then the original, in case you wanted to compare.

23 But I think it's just great to hear what
24 are some of the things about an initial
25 application -- and, again, this is terra

1 incognita -- we don't know anything about what's
2 happening here -- that would allow us to make a
3 reasonable decision.

4 We struggle, too, in the CSD, on the
5 initial applications. We have seen, for example,
6 terrific paper applications, outstanding paper
7 applications, just extremely well-written with lots
8 of goals on it. And the people that eventually run
9 the school, maybe not so great, not so wonderful.

10 And what happens here, we've learned that
11 there is a tendency out there -- not -- I don't know
12 how common it is. But many folks hire other people
13 to write applications for them, similar to what kids
14 are doing for college applications these days,
15 getting prep classes and writing -- hiring somebody
16 to write their application.

17 And, so, we have to be careful of that.
18 And, so, for us, this question of capacity, the
19 people that are running the show, do they have the
20 capacity to pull off what they say they're going to
21 pull off, is extremely important to us. And we
22 wonder, as a staff, how much that factors into the
23 decision.

24 We have the initial application, like
25 this. We go through a capacity interview to try to

1 ascertain the capacity of the founders. And we are
2 pushing, as a staff, "Get your leader on board, if
3 you can." And we know that that's not always
4 possible for schools and very difficult. But if you
5 can, that's a big plus, as we want to see capacity.

6 Your governing board, are they competent?
7 Do they know what they're doing? How sort of "with
8 it" are they, all of that. Because, let's say you
9 have a terrific application, and a mediocre talent
10 pool, versus an application that maybe wasn't so
11 hot, B, B-minus, and an incredible team that can put
12 it together, the probability of success may be
13 higher in the latter example. And that's difficult
14 to ascertain for initial applications, these points
15 of need in the community innovation of ideas,
16 incredibly important for us, too.

17 So, somehow, we have to capture all of
18 that into a process. And the process includes not
19 only a paper application, which, in here, you do get
20 a sense of capacity. There is some capacity in
21 here. I'm not sure how much the Commission was
22 involved with the capacity interview documents, and
23 we can talk about our scoring system and the rubric
24 and all of that, which I know we will today.

25 But I want to stop and just allow my staff

1 to fill in any of the holes and blanks and reports
2 from the field about how is it that we arrive at a
3 decision to recommend or not recommend approval.

4 Anything that I've missed here that you wanted to --

5 MS. BARNES: I wonder, Tony, if they can
6 answer the same question, like what's important to
7 them when they read an application. I'd be
8 interested in that.

9 MR. GERLICZ: That would be terrific.

10 Brad, why don't we start with you and just
11 going down. When you see an initial application and
12 are assigned to a team and work with it and go to
13 the community hearings, what is it that you are
14 interested in?

15 MR. RICHARDSON: All right. I'm just
16 going to hold it? You can do this? (Indicates.)

17 Yes. I was interest- -- I'm very much
18 interested, Commissioners, in what you were
19 identifying, because I think, in many respects, I
20 agree with each of those things that you -- that
21 you've named. And, like Tony, I also am aware of
22 the -- the tendency, I think, among school
23 developers who aren't quite sure or confident enough
24 to complete an application on their own to hire
25 folks to consult with them. Now, whether that

1 means, you know, just hiring it out and asking a
2 consultant to do it for them, which, when we know --
3 we know what happens, but we try to discourage it
4 when we know that that happens; or, whether or not
5 they just consult on different sections, where they
6 feel, perhaps their own weakness.

7 To that end, I think, then I really have
8 to agree with what Tony is saying, that our ability
9 to read through that and find out what is it that
10 you really know and don't know is something that I
11 think Patti Matthews told me when she first hired me
12 to help read applications. She said, you know, "If
13 the mythical cross-town bus knocks down and does in
14 the founder of the school, would the second person,
15 the person that didn't have any familiarity with the
16 plan, if they picked up the application and said,
17 'Oh, yeah, I get it; I know exactly what you're
18 trying to do, and I can carry that forward and I can
19 put it into practice.'"

20 So, I do want to see a very strong
21 application. But it has to be rooted to the
22 experience and the talents and the ability of a very
23 strong team. So, in my mind, I want to see a good
24 application married to some real potential in terms
25 of the capacity of the group to put something

1 together.

2 And I think, Commissioner Toulouse, that's
3 where I agree with you. I want to see what can you
4 do during your planning year to begin to flesh out
5 your plans? And I think that's a wonderful, by the
6 way, breathing point, to say, okay, you've had a
7 year now to begin to put those plans into action.
8 What does that look like? That, I think, is also an
9 element of capacity, or speaks to the capacity of
10 the school.

11 So, I'm looking at that marriage between
12 what's on paper, what -- is it reasonable, is it --
13 does it have potential, and does the group who rise
14 up to put flesh on those bones, do they have the
15 experience and the talent or the capacity to pull it
16 off?

17 MR. GERLICZ: Thanks, Brad.

18 MS. EHLERT: Good morning. I don't know
19 that I have much to add. We're -- many of us are
20 saying many of the same things.

21 Certainly, with the written application, I
22 know I'm always looking for how it holds together as
23 one complete unit. You know, do you have variances,
24 strength in one area and weakness in two other
25 areas? Does it look like it's a cut-and-paste

1 versus something that's coming from the heart and
2 from, you know, a genuine interest in serving kids
3 and community?

4 But in conjunction with that, of course,
5 the capacities issue comes up. And, you know, over
6 the years, we've seen everything from a consultant
7 doing all of the talking during the capacity
8 interview with the founder saying nothing, versus
9 the founder being fully engaged, or the group that
10 is there being fully engaged in understanding their
11 part in developing this school, with full and
12 complete plans.

13 So, really, again, as Brad has expressed,
14 a marriage of those two pieces, in addition to is
15 this school going to serve the community that it is
16 planned for; all those three things, I guess, you
17 know, I look at equally, as well.

18 MR. GERLICZ: And I want to take advantage
19 of Karen's expertise in the CSD, who has been with
20 us longer than -- than all of us, probably, here
21 combined. The evolution of the initial application,
22 Karen, how do you see that, and could you comment on
23 where we are now in how we're looking at the initial
24 application and your experience in years past? Are
25 we better off now? Are we doing better at

1 predicting success? Do we have better tools in
2 place now?

3 MS. EHLERT: Overall, I would say we have
4 gone through an evolution, certainly, and beginning
5 in the beginning, looking primarily at simply
6 whether or not compliance issues were addressed and
7 looking at every detail, you know, bringing it
8 forward as a significant thing. So, all the pieces
9 were looked at, to some degree, in pieces.

10 And I think, over time, and the capacity
11 issue, I don't think the first year, we had a
12 capacity interview. We went right off the
13 application. But we brought that capacity interview
14 into play.

15 And, again, it's always -- you know, you
16 have to bring forth your experience as an educator,
17 you know, when you're looking at answers to
18 questions. We try to structure questions so that we
19 had equal numbers of questions, and we weren't
20 asking one school more things than another school.
21 We tried to design it so we were asking questions
22 that were specific to the application. And our
23 response sometimes came from the consultants that
24 were with the groups.

25 So, at this point, I think that we have

1 designed better tools from experience. We're
2 looking more at the whole, as a whole Charter
3 Schools Division. We're trying to bring forward,
4 again, that cumulative experience in improving our
5 process to make better -- truly better subjective
6 judgments in terms of capacity. I mean, you can't
7 move away from that. You have to go with, you know,
8 your instinct as someone that is a professional and
9 has had a lot of experience.

10 The tools, themselves, I think they're
11 fuller and richer than they once were. Yes.

12 MR. GERLICZ: Great. Thank you.

13 MS. EHLERT: We've made improvements.

14 MR. GERLICZ: No. That's very interesting
15 for all of us. Ron?

16 MR. CHRISTOPHERSON: Good morning,
17 Commissioners. After being a -- in the traditional
18 public school setting for 25 years, I retired,
19 started working on my doctoral degree and became a
20 strong advocate for charter schools because of this
21 notion of autonomy versus accountability. And I
22 thought about those two words a lot.

23 And as I listened in on the conversation
24 for the past day or so, there is a delicate balance
25 between the two. This notion of what should a new

1 school present, what should a founder present if
2 they want to create a new school?

3 My doctoral research says a lot of the
4 same things that we've echoed here. The first is
5 who are you going to serve? Where is it going to
6 be? What population are you going to reach out to,
7 specifically? How is it innovative? I think
8 Commissioner Bergman said, a little while ago, "We
9 don't want just another version of the same old
10 school that's down the block." So, what innovative
11 plan, what kind of nuance are you going to create?

12 And, then, research uses the word
13 "leadership." I love the idea that, in our office,
14 we use the word "capacity" on all three fronts. The
15 founder has this vision. Do they have leaders that
16 are going to govern, and can they find a leader
17 that's going to be a site-based manager? How do you
18 measure that, is that balance that we're all
19 struggling to find.

20 I love the notion that I heard two
21 Commissioners talk about this year of transition in
22 between presenting a founder's vision and then
23 having a contract. There's a world of transition
24 that can happen in that year time frame. I just
25 wrote down three words that may be a little

1 different in my definition than what we've talked
2 about. But I picture the founder having a vision
3 that has the population, the location, and the
4 innovativeness.

5 But I see, then, that the application is
6 going to have targets. We've talked a lot about
7 goals. I'm seeing those goals in the initial
8 application to be targets. Here's what the founder
9 has as where we should be going, what we should
10 strive for. And over the course of the year, we
11 move from targets to fleshing out the details into a
12 form that we define as a goal that we put into a
13 framework and into the contract.

14 So, for me, there is a natural progression
15 of time that has to -- to allow for the natural
16 progression of thought, that has to allow for the
17 natural progression of the process to happen, to go
18 from a vision, to a target, to the goals.

19 So, I don't know that it's realistic
20 for -- for me to expect a community leader to have
21 fleshed out all of those details and have a concrete
22 goal when they hand me the application. But I
23 would -- I would -- after working here for the short
24 time, I would know that our office is then going to
25 help guide and direct, offer those leading questions

1 for that group to go back and think about and flesh
2 out those details over the course of the year.

3 MR. GERLICZ: Great. Thank you. Susan?

4 MS. COATES: Good morning, Commissioners.
5 Technically, I don't review the applications, and
6 I'm not really involved in the recommendations. My
7 role more is in the mechanical process of receiving
8 them and giving support to the applicants as they
9 submit them on our SharePoint site, which you will
10 have access to when it happens.

11 But I want to say that I agree with
12 everything my very eloquent colleagues have
13 expressed, and especially the notion of goals in the
14 application, that what Ron is suggesting is a
15 target, a way to look at goals as a target, is
16 something maybe more important than establishing
17 certain -- before they even have any benchmarks to
18 work against. I think the mission is really what we
19 should be looking at in terms of what -- how the
20 application supports the mission. Thank you.

21 MR. GERLICZ: Julia?

22 MS. BARNES: A couple of the tensions, for
23 me, on the new application are timing. Like, I
24 know, Commissioner Parker, you were just raising the
25 idea of a facility and certainty about a facility.

1 But there's a reality for a brand new idea, you
2 know, when it's really at the planning stage, that
3 it's really hard to find a landlord that is going to
4 have enough certainty in your application to say,
5 "Yes, you can have your school here, you know,
6 12 months from now," and we don't even know if you
7 have a funding stream, and we know nothing about it.

8 So, there are some -- you know. And I
9 think we've raised before, and we're going to
10 continue to talk about, facilities are really a huge
11 issue, and particularly for the new schools. And I
12 want to make sure that we're not putting a new
13 founder in a place of impossibility just by the way,
14 you know, kind of the commercial world works.

15 And then, I think this is my personal
16 opinion. One of the things that I love about a
17 charter is it can be presented by anybody. It can
18 be anybody's really cool idea. And particularly
19 when we have the federal stimulus -- the federal
20 funding that allows a new school to get started, it
21 allows anyone to come forward and really do that.

22 And one of my personal concerns, which is
23 in tension with having an excellent application, is
24 if we make it too hard, what we'll get are people
25 with resources, or, you know, an existing kind of

1 school in another state, or -- and what -- and I'm
2 not saying there's anything wrong with that. But I
3 am saying that maybe we'll lose some of the richness
4 and coolness of a charter.

5 So, those are -- and that's part of my
6 struggle with the application is to keep everything,
7 to keep all of the aspects of it. And that's why I
8 think the planning year is important to allow
9 someone without a -- you know, the charter school
10 that we founded, we didn't have an educator on
11 board. We had a -- we had a bunch of people
12 interested in the arts. And what we did was find
13 the educators. And that was really neat. But the
14 concept came from a different place.

15 MR. GERLICZ: So, before we comment on
16 that, if you would look at Tab 6?

17 MS. LEWIS: Can I just -- I'm sorry. I
18 need one second.

19 I heard a few of you say this, and I just
20 wanted to kind of drop some, unfortunately, legalese
21 in here. Among your reasons for denying, the word
22 "need" -- I heard a few of you say, "Well, what's
23 the need for this school?"

24 I just want to legally caution you against
25 kind of thinking that way. There is language in the

1 statute that -- and this is -- this is what played
2 out with Taos International, some of you may
3 remember -- that you can deny if it is -- if it's
4 contrary to the best interests of the community.
5 But there isn't the ability for you to deny just
6 based on does this area need another charter school?
7 So, I just want to caution you going forward against
8 kind of thinking in those terms.

9 COMMISSIONER TOULOUSE: Well, Abby, I
10 think, too, when I said "need," I didn't mean does
11 the community need it; I mean are there students who
12 need this service, which I think is a different
13 issue. The community may think they're dealing with
14 them fine, but if the kids aren't being dealt with
15 fine, or somebody else thinks so, that's the need
16 that I'm discussing.

17 MS. LEWIS: Thanks for clarifying that.
18 Sorry. I just had to bring some legal reality in.

19 MR. GERLICZ: Commissioner Bergman?

20 COMMISSIONER BERGMAN: No, I just was --

21 MR. GERLICZ: I just wanted to point --
22 very rich conversation here, and helpful, too. And
23 I think we're closer than we maybe realize. We just
24 have to put that into practice now.

25 So, we put -- we put three points down

1 that maybe is a good jumping-off point. It's in
2 your binder, right after Tab 6. It's this document
3 that looks like this. (Indicates.) And in the
4 purple section there, Part B, where we're now in the
5 Application Forms and Assessment Templates, that we
6 have dialogue in the "application purpose and
7 process, application process, to include analysis of
8 each of the following."

9 So these are three things that our staff
10 wanted to propose, or to posit, that every
11 application, that we concentrate on these three
12 things; and then, based on your comments and how it
13 resolves, then we either tweak the application
14 further to reflect that, or we keep it as is, or we
15 look at it. But those three points are:

16 The capacity of the personnel to carry out
17 the application.

18 2. The strength innovativeness of the
19 mission's concept or idea and the systems and
20 processes used to achieve that mission are reflected
21 in their mission-specific goals, the capacity
22 interview, the application, and in the community
23 input hearings.

24 So, the idea there is that they may not be
25 able, at just beginning, to say, "Well, in the first

1 year, 62 percent of our kids will do this level of
2 work," which, to us, seems very arbitrary and
3 somewhat capricious to throw goals like that out
4 there. But, do they have systems in place, and do
5 they have processes in place that have allowed them
6 to move their mission forward, and can they
7 establish goals that are mission-specific that then
8 does what I hear here about innovativeness. And --
9 and Instead of using "need," what's a better word to
10 use? "Innovativeness and options for kids and
11 parents," et cetera.

12 No. 3. We do want a strong written
13 application to determine whether the technical
14 expertise is there and the details are sufficient.

15 So, those are the three category areas
16 that we thought, if something could really hit a
17 home run on all those three points, then they're in
18 with an application.

19 COMMISSIONER BERGMAN: I agree
20 wholeheartedly with that, and I agree with
21 everything that I've heard. I know that I have beat
22 this goal thing to death. It's my intention to beat
23 it to death, but I have a reason for doing that.
24 Here, again, I sympathize. I understand a new
25 application, as a group, that, yeah, somebody had an

1 idea. I want -- it probably came from one of their
2 own children. One of their children didn't have a
3 need met or something, and so they said, "All right,
4 I'm going to start my own school. I'm going to take
5 care of that." I suspect people have thought that
6 way. There was a time in my life when I kind of
7 thought that way myself.

8 But within -- to me, making the
9 application rigorous, the goal is not just an end
10 game, to me. The goals speak to me. They're a part
11 of -- if the founders can formulate reasonable and
12 measurable goals, that tells me that they have the
13 capacity -- which is the word you guys want to
14 use -- that they have the capacity to make this a
15 quality school.

16 And, so -- and, yes, it's been mentioned.
17 I don't think any school -- if I had a school, I
18 wouldn't want to be totally dependent on the "A
19 through F" grading system. If you're a "D" school
20 and you have no goals that I can judge your school
21 by, you know, quantify it however you want it. More
22 than likely -- I'm just speaking off the cuff
23 here -- you're a "D" school, and I don't see any
24 goals, I'm probably going to vote to not renew your
25 application. That's just being honest.

1 You don't want to -- if I was in a school
2 I wouldn't want to be in that position where I was
3 just totally dependent on the "A through F" grading
4 system, as it's structured now. I would want to be
5 able to convince a Commissioner on the PEC, through
6 those goals, that, "Yeah, this grade is over here,
7 but here is the vision I have over here, and I'm
8 expressing that vision through those goals."

9 That's why I'm beating it to death. I'm
10 not being pedantic about it, or whatever word you
11 want to use. The goals speak to me, for some
12 reason. They just resonate with me. And what
13 resonates, though, unfortunately, is that we see, in
14 too many cases, the goals are not -- they're not
15 good goals. And that tells me that the capacity
16 needs to be -- there's some work got to be done with
17 the capacity.

18 I like Ron's thought that goals and
19 targets -- "targets" is a nice word, too. And yet
20 we don't want to get so dependent on these goals
21 that they, in and of themselves, become more
22 important than the entire rest of the bulk of the
23 application. It's all important. It all ties
24 together somehow.

25 But -- so, that's what we're discussing

1 now: How are we going to tie all this together, how
2 are we going to answer my questions about goals
3 while still maintaining the integrity and the
4 capacity and all the rest of it and making this an
5 application -- because we certainly don't want to
6 discourage people from applying. We do that -- the
7 Legislature does that in a way, anyway, because
8 they -- the statute says we can't have more than
9 15 new schools in any one year, can't have more than
10 75 in a five-year process. So, in a way the
11 Legislature wants us to limit that, to some extent.

12 But we're not like Colorado and Arizona,
13 where they're opening them up hundreds at a time.
14 That system -- I don't like that system, either.
15 That's just -- that's just a scatter-shot approach.
16 And that's neither here nor there for us to discuss
17 today.

18 But I agree with you. There's a reason
19 why I'm talking about the goals. That's not, to me,
20 the whole part of the application. But they just
21 speak to me, for some reason, and they should speak
22 to everybody.

23 MR. GERLICZ: Commissioner Parker?

24 COMMISSIONER PARKER: Just for my own
25 edification on this whole process, it seems to me

1 that "goals" kind of has a different meaning, based
2 upon at what stage the charter school is in. We
3 have the application, which it seems like it's more
4 of a mission that, from there, enters into the
5 contract.

6 COMMISSIONER BERGMAN: Mr. Parker, excuse
7 me. Commissioner Pogna can't hear you. Could you
8 use your microphone, please?

9 COMMISSIONER PARKER: Yes. Sorry about
10 that. So, it seems to me that the goals, or the
11 meaning of "goals" has -- changes throughout this
12 process, where you have the application for the
13 charter school, where the goals are as a mission
14 statement -- it seems to me, anyway. And then, from
15 that, when it goes into the contract negotiation,
16 then that -- those theoretical ideas get turned into
17 concrete things that can turn into measurable
18 qualitative, quantitative -- however you want to
19 look at it.

20 And then, from there, the renewal
21 application, it seems to me that it becomes even
22 more important on whether or not they met those
23 goals on there.

24 So, I think it just -- for me, coming into
25 all of this, it just -- I think I'm starting to get

1 an idea of what the reality is in terms of the
2 application itself is more of like, "Here's our, not
3 necessarily pie-in-the-sky kind of thing, but this
4 is what we're hoping to accomplish, big picture."
5 And then from there, it enters into the more
6 specifics of it all. And then facilities, like you
7 mentioned, maybe that is when it starts to come
8 into -- in the reality of it all sets in.

9 So, I'm not sure why I'm bringing this up.
10 More of just to think out loud. So, I'm sorry to
11 bring you all into my head, so --

12 MR. GERLICZ: (Indicates.)

13 COMMISSIONER CONYERS: Commissioner, after
14 hearing the discussion, it occurred to me one of the
15 important things with the initial ones was the
16 actual meetings with the founders and getting some
17 sense -- I guess capacity is what you're saying --
18 on that. But are these serious people that really
19 know what they're getting into?

20 In a lot of cases, they're going in areas
21 that haven't really been charted much before,
22 developing totally new curriculum, which is not easy
23 to do. In some cases, I heard some -- one of the
24 schools, they were going to, you know, do all these
25 things with at-risk and high-risk students. And

1 that's very difficult to achieve with that
2 population. I've worked with that for many years,
3 and there's so many variables that the schools
4 really have no way to deal what.

5 And, so, I just kind of like to size up
6 the people and say, "You know, do I think these
7 people can really make this happen or not?"

8 MR. GERLICZ: Right. Julia?

9 MS. BARNES: I just want to throw out here
10 kind of -- I think our thought was to throw a bunch
11 of stuff on the table and see where it goes.

12 We -- we have, as one of our tools, the
13 first-year performance framework. And one of the
14 ideas we've talked internally about is, could there
15 be a standard set of -- we're talking about year one
16 schools, not renewing schools, but new application,
17 brand new school, you know, putting your boots on
18 the ground for the first time -- could we use the
19 first-year performance framework as a way for them
20 to institutionalize their mission and really make it
21 happen? And is that a way to roll out their goals,
22 roll out their targets, or -- I do kind of like
23 Ron's idea of let's call it something different.

24 But you say you want to be a health
25 sciences school, and you say that you want to have

1 15 partnerships, great. Let's have that happen the
2 first year or something.

3 And, at least in my mind, "A through F"
4 is, in large part, going to look at student academic
5 achievement; although, I'm -- I think that the
6 first-year schools struggle with the "A through F"
7 system a little bit. But in terms of what you
8 really want them to accomplish in terms of other
9 goals, you know, could we use that as a tool? Could
10 we push them into a more standardized first-year
11 performance framework that got their feet solidly on
12 the ground?

13 I don't think that replaces the goals or
14 targets in the initial application. But I know that
15 the -- when people are looking nationally at what
16 makes a successful charter school, the strong ones
17 start out strong, and the weak ones, in general,
18 tend to stay weak. So, we really do want strong
19 charters to start out strong. How can we move that
20 forward?

21 So, I was just going to add that to the
22 picture, because I don't think it's an either/or.

23 COMMISSIONER BERGMAN: Julia, why don't
24 you make yourself a little note on what you just
25 said, because that issue is one I think you should

1 raise when we have all nine Commissioners sitting
2 here, especially the Chairman and the Vice Chairman.
3 Because I guarantee you they're going to want to
4 weigh in on that kind of a question.

5 So, some of what we're going to talk
6 about, since this is just an informal work session,
7 should be brought up again when all the
8 Commissioners are sitting here and have their
9 opportunity to weigh in on it, too. So, make
10 yourself a note, because, yeah, that's a very valid
11 point, too.

12 MS. BARNES: Maybe, we -- again, you can
13 vote on this application anytime you want. But one
14 of our thoughts was to have this conversation. It's
15 on the agenda for a conversation tomorrow with the
16 full Commission. And then we can see how that
17 influences this document to bring back to you in
18 February. That's, at least in my mind, how this can
19 be a rich conversation that doesn't have to end
20 today.

21 COMMISSIONER BERGMAN: Yeah. So are we
22 with ready -- actually, Commissioner Conyers said
23 something, and I have not had a chance to read all
24 that, because I just saw it. But I read the first
25 page -- or Page 2 of your introduction and

1 instructions to the applicants. And you put a
2 statement in there that I wanted to explore, since
3 he's raised the issue.

4 Commissioner Conyers indicated that the
5 hearings are very important to him. You have a
6 statement in here that says, "The hearings do not
7 directly affect the CSD's recommendation."

8 What's your mindset on that? What was
9 your thinking on it, because the hearing is the only
10 opportunity we, as Commissioners, get to actually
11 sit -- you guys get to do the capacity interview.
12 But that's the only opportunity we have to put those
13 founders at that table and let them talk to us again
14 about their application and ask them the questions
15 that each Commissioner has brought up, for some
16 reason, that flagged in the application.

17 Why would the -- why would you be of the
18 mindset that the hearing is not that important to
19 your recommendation?

20 MR. GERLICZ: Could you ask that question
21 again, Vince? Why would we have the mindset that --

22 COMMISSIONER BERGMAN: You just stated
23 here, "The hearings do not directly affect the CSD's
24 recommendation." That tells me you consider the
25 hearings to be minor? Or, I'm not sure what you're

1 saying.

2 MR. GERLICZ: The intent is either, not
3 either/or, that the hearing is a part of the
4 process. It's not the determinant of the process,
5 but it's the whole -- the whole thing.

6 MS. BARNES: Oh.

7 COMMISSIONER BERGMAN: Because there's
8 things that come out in those hearings which didn't
9 come out in the application.

10 MR. GERLICZ: Exactly. And that's -- I
11 mean, I think we have -- some of our Commissioners,
12 and maybe some of you, think that it's only the
13 application upon which a decision can be made.

14 So --

15 COMMISSIONER BERGMAN: Well, you kind of
16 stated that, I think, in some of your
17 recommendations. Which leads me to another
18 question. Particularly -- no, I'm not going to
19 mention -- but as you've noticed -- since you became
20 director, Tony, legal considerations on these
21 applications are very important to some of the
22 Commissioners. There was one application in the new
23 ones that had legal questions raised. And I
24 think -- I seem to remember that it looked to me
25 like you said that you didn't consider legal

1 aspects.

2 Why -- why would you not consider legal
3 aspects, if -- questions about an application? In
4 other words, going back several years ago, when the
5 brick -- the virtual schools, the question was
6 raised, are they even legal under New Mexico State
7 statute? At that time, that wasn't really a part of
8 the consideration, to me. It should be. If a
9 school's not legal, why are we going to vote to put
10 them into business under State -- so, to me, legal
11 considerations also should be a part of the
12 application process. I'm just -- I'm just stating
13 that. You may disagree.

14 MR. GERLICZ: Yeah. I mean, is --
15 speaking for myself, and my staff, who are not
16 legally oriented or legally trained, it's not that
17 we discount legal issues. That is not our frame of
18 reference upon which we -- we make a recommendation
19 on the merits of an application. If a legal issue
20 comes up, or we have a question, we'll defer and let
21 the lawyers rule on it.

22 But you're right. It is not part of our
23 analysis. And I would defend that. I would state
24 that if a legal question comes up, we definitely
25 need to look into it. And these legal questions can

1 be raised by anybody, CSD, the Commission, a
2 founder, a parent, or a community member, anybody.
3 And in that case, we'll look into it, certainly.
4 And I think we did in the case that I think you're
5 referring to with Dream Dine'.

6 COMMISSIONER BERGMAN: As I said, two
7 different lawyers looked into it, and they came to
8 two different conclusions, which is always fun with
9 you lawyers.

10 MR. GERLICZ: Which would support our
11 reason for not doing it.

12 COMMISSIONER CARR: So, that was just more
13 curiosity on my part about -- because, at hearings,
14 to me -- here, again, I share with Commissioner
15 Conyers -- that they are extremely important. And
16 it's the first time I get to actually see the
17 applicants in person.

18 And you raised a valid point, and you
19 have, too, Brad, about ghost-writing these
20 applications. That is a concern to some of my
21 fellow Commissioners. Who's running this school?
22 Is the ghost-writer going to run the school --

23 MR. GERLICZ: Exactly.

24 COMMISSIONER BERGMAN: -- if the founders
25 don't have the capacity to even write their own

1 application? That is a great concern to me,
2 personally, just speaking personally. So, I have a
3 strong feeling about ghost-writing applications.
4 And I don't know if we would even want to stop that.
5 I have no problem with -- and a lot of them use
6 consultants.

7 A lot of people don't understand the
8 budget process, for instance. You have to have
9 someone that has dealt -- that's why Commissioner
10 Shearman is our budget expert. She's on the school
11 board in Artesia, and she works with budgets all the
12 time. That's why she always raises the budgetary
13 questions in these hearings. She wants these people
14 to convince her that they understand a budget.
15 We're not talking about 20 bucks on a budget. We're
16 talking about millions of dollars. That's why she's
17 so concerned about the budgets.

18 There's all kinds of issues. But a
19 ghost-written application, I have a real question.
20 Who's running this school if we approve it?

21 MR. GERLICZ: So do we. So do we. So, we
22 look for alignment. Does the application reflect
23 the capacity, reflect the mission? Can they pull it
24 off? That's our fundamental question that, I think,
25 Julia, I'd like to turn it back to you, because --

1 unless there are other comments here, I think we're
2 then -- yes, Susan.

3 And after any other comments we're ready
4 to dive into the actual application. And we have
5 two versions that we could look at, or -- and I'm a
6 little bit loath to rework the whole application
7 here, because we do have somewhat of a time issue.
8 The notices of intent, the deadline for that is
9 Monday, the 13th. And folks are going to want to
10 get cracking on the application shortly after.
11 Susan?

12 MS. COATES: I just wanted to speak to
13 Commission- -- thanks, Brad. I just wanted to make
14 a comment on your question, Commissioner Bergman,
15 about not giving recommendations towards the public
16 input hearings. And I -- correct me if I'm wrong.
17 But, you know, the rest of us -- but the primary
18 reason was we felt that because you were present at
19 the public input hearings, you can make your own
20 recommendations; whereas, our recommendations for
21 the capacity interview and the application would be
22 of more value to you.

23 It was just -- it was something that
24 simple. We weren't --

25 COMMISSIONER BERGMAN: And I don't

1 disagree with your thinking. But not all the
2 Commissioners are present at that hearing.
3 Normally, it's three Commissioners. So, you've got
4 six Commissioners that aren't at that hearing. So,
5 they don't even have that plus. They don't have
6 that plus. I wish we could all be at those
7 hearings. But the real world intrudes into the
8 ideal world.

9 That's another case. Commissioners work.
10 They're scattered all over the state and all that
11 kind of stuff. But that's a very valid point. But
12 we're not all at those hearings, so --

13 MS. COATES: So, maybe we should add those
14 to our recommendations, then.

15 COMMISSIONER BERGMAN: That's CSD
16 business; that's internal. I'm not telling you how
17 to run your business, no. But it's just -- I just
18 was curious what the mindset was, just was curious.

19 COMMISSIONER TOULOUSE: I have a question
20 of these folks. For the ones of you who have been
21 at the hearings, would it change some of your
22 decisions, what you've heard? Because I know, when
23 I read words on paper, it's very different than when
24 I see people.

25 I think the ones of you who were at one of

1 them, one of the young founders who we did go ahead
2 and approve, I was within an inch, because of his
3 attitude which was so superior to everybody of doing
4 it, to vote against it. But I had to keep saying,
5 "But there's other people involved here."

6 But I just wondered, what you hear and
7 what you see, would it change some -- not that I'm
8 asking you to do it, but would it?

9 MS. BARNES: Let me ask you, first, as
10 well. Have you already given your recommendation
11 before the community?

12 MS. EHLERT: Preliminary.

13 MS. BARNES: So, you've given a
14 preliminary one, okay. So --

15 MS. EHLERT: I can share my experience
16 over time. Since we've added the capacity interview
17 piece and tried to make that really work for us,
18 what we typically see at the hearings is -- are very
19 consistent aspects that we've already looked at
20 through the capacity interview.

21 I don't think I've ever been swayed one
22 way or another after that initial assessment to say,
23 "Oh, my gosh. They really did well here, but they
24 blew it at the capacity interview."

25 Generally, they do well at the capacity

1 interview, they do very well at the hearing, and
2 vice versa. So, that's been my experience.

3 MR. RICHARDSON: Just to add to that, I
4 was going to say exactly the same thing. But to add
5 to that, I think there are those -- we also have the
6 public's ability to submit input afterwards.

7 MR. GERLICZ: Comments.

8 MR. RICHARDSON: And we do get a chance to
9 see that, as well. And part of what we do is fold
10 into a final recommendation what we did see and hear
11 at the community input hearing, as well as reading
12 what the public may have had to say. So, that might
13 leaven a final recommendation.

14 MR. CHRISTOPHERSON: As the newest person
15 on the team, I watched and participated in this
16 first round of the last five schools. And I know
17 that there was a concern on the part of the PEC of
18 some points that we created in our scoring system.
19 And I think what we're doing here this morning is
20 helping explain what was going on with that.

21 The notion that the Commissioner brought
22 up of reading everything, versus learning the
23 whole -- you know, the Paul Harvey, "the rest of the
24 story," I think that as a result of the capacity
25 interview and public community input, there was a

1 lot of conversation behind the scenes. And the
2 scoring based just on the application didn't do
3 justice to this notion of capacity.

4 And, so, we talked about how do we balance
5 the technical skills and the expertise that's
6 showing up on the application and a means of showing
7 capacity, versus those face-to-face conversations.
8 And, so, I can now better understand the points that
9 we talked about and created were our way of trying
10 to blend those two things together, at the end, to
11 give you a more holistic recommendation.

12 MS. BARNES: And maybe my comment is kind
13 of tempered by what Karen just said. But one of --
14 coming into this conversation, one of the
15 disconnects that I thought existed was that the
16 staff was getting so much out of the capacity
17 interview, and you all aren't there.

18 However, if it's -- if it's the same feel
19 at the community input hearing, then three of you,
20 or however many of you are there, do get that same
21 experience. So, part of what I'm thinking about in
22 terms of the application itself is how does it get
23 rolled out? Because I know that the staff has taken
24 a lot of time into giving you the preliminary
25 application. Is that timing right? You know, they

1 work to get it to you before that.

2 Then we've had the conversation about,
3 well, this is the community's first opportunity to
4 say something, so we can't have made a final
5 recommendation, as the CSD, before looking at what
6 the public has to say. So, how do we structure the
7 rollout of the application process?

8 And, then, I know part of what we want to
9 talk about in the application itself is how do you
10 understand what seems important to staff, and then
11 how does staff know what's important to you in order
12 to get you that information?

13 Of course, there are going to be times
14 when you're not going to vote in the way that staff
15 recommends. And that's because you're the
16 Commission, and staff doesn't get to vote. But how
17 do we make sure everything is as aligned as
18 possible?

19 So, in looking at the document itself, I
20 also like to look at the timing, to get them what
21 they need.

22 MR. GERLICZ: Might I make a proposal,
23 then, based on everything that I've heard here? I'm
24 sensitive to Commissioner Bergman's comments that we
25 don't have the Chair and the Vice Chair and the --

1 or Jeff Carr and Gilbert Peralta here. We could
2 have a robust conversation about the actual document
3 and then have to do it all over again when we get
4 strongly felt comments from others.

5 What if we came -- the CSD actually made a
6 proposal that these are the three point -- the three
7 categories that we're going to look at in analyzing
8 an application, and that, then, we'll have a basis
9 upon which to look at the actual document? And I
10 don't know -- I'm a little bit worried about doing
11 that in February. We can't do it in February. We
12 have to have this application now.

13 MS. BARNES: So, I want to take advantage
14 of -- I want to take advantage of an opportunity to
15 have a working session. We could have a working
16 session as part of tomorrow. I am very hesitant to
17 not take advantage of this time. It was so hard for
18 you, and then you guys all got here. I am, like, we
19 are not ending early.

20 COMMISSIONER BERGMAN: I agree with what
21 Tony said. And, Ron, if one of your inferences
22 there was to those supplemental scores, we need to
23 have that discussion with the Chairman sitting here,
24 because she has some opinions she's going to want to
25 share on those. So, let's avoid that today.

1 But, no, I think, let's just go ahead, as
2 you just said. Let's just dive in with those of us
3 that are here. Let's make what changes we can.
4 Because then, you're going to take your -- you're
5 going to refine the document, and you can have
6 Beverly e-mail it to the Commissioners that aren't
7 here and say, "This is what came up in our working
8 session today with the people that were present, and
9 we want you to weigh in on your thoughts, and you
10 can do it by e-mail, or however."

11 MS. BARNES: Well -- and that's why I
12 really think that we are now starting the best way
13 to use a working session, which is to start the
14 conversation. But it doesn't need to end, you know.
15 We have -- we have more time to get input from
16 others.

17 COMMISSIONER BERGMAN: And we do have the
18 capacity with the minutes. As always, we can stress
19 to the Commissioners that weren't here today,
20 "Please read the minutes from this work session, so
21 you'll see what was discussed while you weren't
22 there," and then -- so, if you give them the new
23 documents, whatever we decide today, to reword
24 stuff.

25 MS. BARNES: Sure.

1 COMMISSIONER BERGMAN: And then we suggest
2 to them, and you suggest to them, "Read the minutes,
3 too." And then they should have a better feel. And
4 then the third thing was ask them, "Please weigh in
5 with your comments now on what you saw in the --
6 these new drafts."

7 And then we'll -- yeah, we need to have
8 some session where everybody is sitting at the
9 table.

10 MS. BARNES: Well -- and I know we have
11 some opportunity tomorrow, although I know the
12 Chairman's not here tomorrow just due to the health
13 of her husband.

14 MR. GERLICZ: And the others? Will we
15 have nine out of ten tomorrow?

16 COMMISSIONER BERGMAN: We don't have ten
17 now; we have nine.

18 MR. GERLICZ: We have eight -- we have
19 nine -- will we have eight out of nine tomorrow?

20 COMMISSIONER BERGMAN: I think we're going
21 to have eight tomorrow, eight out of nine.

22 MS. LEWIS: We won't have the Chairwoman.

23 MR. GERLICZ: Eight out of nine is more
24 than needed, sufficient. The Chair has some strong
25 opinions, but we will still have eight out of nine.

1 COMMISSIONER BERGMAN: We need to get our
2 business done tomorrow. How long will we go after
3 that? That will be the question.

4 MS. BARNES: So, my suggestion is we start
5 looking at the documents today.

6 MR. GERLICZ: Yeah.

7 MS. BARNES: That we see what are the
8 topics that generate the most conversation, and we
9 can bring those up again tomorrow.

10 COMMISSIONER BERGMAN: Just give a
11 highlight of what you mean.

12 MS. BARNES: Just give them a highlight
13 and give them a running start, and then they can
14 jump into the deep end of the pool.

15 COMMISSIONER TOULOUSE: Can I ask a legal
16 question, folks? When you do your income tax, if
17 someone prepares it for you, there's a signature at
18 the bottom for "Preparer." Could we add a line to
19 these that says, "If not completed by a member of
20 the founding board, the preparer of this," because
21 it's a -- it's a very legal document that's being
22 submitted to us.

23 COMMISSIONER BERGMAN: This goes back
24 to -- beyond when you were on the Commission, too.
25 Commissioners have asked these founding groups in

1 these hearings. When it became apparent that they
2 had not written their document, they said, "Well, we
3 had somebody write the document." The very first
4 question from some of the Commissioners is, "Is that
5 person here with you today? Are they sitting with
6 you?"

7 And, boy, if they weren't sitting with
8 them, which in some cases, they weren't, that caused
9 some angst to some of the Commissioners.

10 I don't know how we want to do that. But
11 there's a lot of angst involved in the ghost-writing
12 process.

13 COMMISSIONER TOULOUSE: It would give us a
14 handle on how many people are doing it. I know one
15 person who does it. I know one person who does it,
16 because I'm sure all of you would know who does it,
17 too, if I told you the name. But I just wondered
18 how many are being done by other people and how many
19 are done by a larger group.

20 It lets us know when we ask questions of
21 folks. We might want to ask more pointed questions
22 in certain areas than if they had actually filled it
23 out themselves. I'm just curious if that's a
24 possibility.

25 MS. BARNES: Abby, do you see any problem?

1 MS. LEWIS: I think it's a great idea.

2 MS. BARNES: So, it's -- if that clock is
3 right -- and I don't know if it is.

4 MR. GERLICZ: It is.

5 COMMISSIONER BERGMAN: It is accurate
6 right now, yeah.

7 MS. BARNES: You know, we might be at a
8 good stopping point to come back after lunch and
9 dive into --

10 COMMISSIONER BERGMAN: Are we ready to
11 dive in, then?

12 MS. BARNES: -- dive into some of the
13 comments. And even if you haven't had a chance to
14 study this, I think it would be equally as relevant
15 for you to say what your concerns were the last time
16 you went through it, you know, what didn't work for
17 you. And, then, I think the staff can talk about
18 that.

19 COMMISSIONER BERGMAN: I'm fine with that.
20 Why don't we plan on taking a lunch until 1:00. I
21 don't know how long Mr. Gant's meeting with the
22 PSCOC is going to go.

23 MR. GERLICZ: Until --

24 COMMISSIONER BERGMAN: There's a
25 possibility he might be back if we take a lunch now.

1 MS. BARNES: And, then, we'll plan on
2 looking at it, and we'll plan on highlighting any
3 section that we feel like there's a lot of
4 discussion and maybe raising it again tomorrow.

5 COMMISSIONER BERGMAN: So is 1:00 fine?

6 MR. GERLICZ: 1:00 is good.

7 COMMISSIONER BERGMAN: Let's all be back
8 at 1:00.

9 MR. GERLICZ: Thank you all for the
10 comments. It's the first time in my 15 months'
11 experience as director, that we've had a discussion,
12 as opposed to just a hearing. And I felt that it
13 was very valuable. Thank you.

14 COMMISSIONER BERGMAN: And that's why I'm
15 in favor of these work sessions, because we all get
16 to comment and listen to each other, and we learn
17 each other a little bit.

18 COMMISSIONER TOULOUSE: Yeah. I really
19 appreciate, as somebody new, to get to know these
20 people behind. I figured out the faces that belong,
21 and I'm beginning to get the names. You're Karen.
22 I know Brad. I know Ron. I thought I knew Susan.
23 I finally got your name with your face. But this is
24 informal. Everybody's comfortable with each other.

25 And that's the important part, that

1 there's -- because I've been on the staff side. And
2 it's -- there are times you just want to sit and
3 say, "I just want to say it, but I'm not going to."
4 And that isn't happening. So, I want to say thank
5 you.

6 COMMISSIONER PARKER: And I didn't say it
7 before. I don't know if I speak for everyone. But
8 the insight that you guys have with the information
9 you give me is vastly superior than the insight I
10 have myself. And, so, I'm going to rely a lot on
11 what you guys are feeding me. So, I just want to
12 make that clear, too.

13 COMMISSIONER BERGMAN: So, brief
14 adjournment or whatever -- recess.

15 (A recess was taken at 11:50 a.m., and
16 reconvened at 1:00 p.m., as follows:)

17 ACTING CHAIR GANT: Let's move on. And,
18 for the record, yours truly, Gene Gant, is back.
19 Okay. It's all yours.

20 MS. BARNES: Okay, great. What I think
21 we'd like to do is, I probably am going to turn this
22 back over to Tony in a second and get a sense of
23 which documents, or which processes, you want to
24 spend the most time on. And if there are some that
25 we can just say, "This looks good," like maybe the

1 Letter of Intent is one. And then we'd like just to
2 get a general sense of what was -- what are the
3 areas of concern, so that we can focus on them as we
4 go through.

5 So, Tony, I think I'll just turn it back
6 over to you.

7 MR. GERLICZ: Okay. Welcome back,
8 Commissioner Gant. It just wasn't the same without
9 you.

10 ACTING CHAIR GANT: It's probably better,
11 but that's okay.

12 MR. GERLICZ: But you missed a very fine
13 and robust conversation, not at all about forms, but
14 a bit of a philosophical discussion of what are we
15 looking for in the initial application. And it was
16 very good. I hope my staff is going to return, or
17 I'm going to be embarrassed.

18 So, if we continue that frame of mind and
19 get a little more concrete in looking at the forms,
20 that Section B -- again, I'm looking at this section
21 right here, this document; it's right after Tab 6.
22 (Indicates.) And Julia has taken through -- taken
23 us through the A1, A2, A3, and we've had this
24 discussion in this purple box here.

25 MS. LEWIS: Right after the Executive

1 Summary.

2 ACTING CHAIR GANT: I think I pulled that
3 thing out.

4 MR. GERLICZ: Yeah, that is sort of the
5 chart that is our guide for yesterday, today, and
6 tomorrow.

7 Anyway, so we're at Part B. And that
8 category is the Application Forms and Assessment
9 Templates. And you can see that, in your packet, in
10 your binder, we have B1, B2, B3, B4, B5, B6, B7, and
11 B8, all of that in that category of "Initial
12 Applications."

13 We can start with B8, which is the very,
14 very first step out of the batter's box, which is
15 the Notice of Intent.

16 And, as Julia says, it's a fairly trivial
17 document. It's just essentially telling us, CSD,
18 and PEC, those folks that have filed a notice of
19 intent. I don't know if you want to spend any time
20 on that, but that is the first step out of the box.

21 Then, the next step out of the box is B1
22 and B2 and B3, and that is the three parts of the
23 initial application.

24 So, we want to go into that, particularly
25 Part C, which is the meat and potatoes of the

1 application, Part B being just the Executive
2 Summary, which we don't even score. Part A is the
3 Introduction. And Part C is really the guts of the
4 application, where everything is articulated.

5 Then, Part 4 -- B4, is the Capacity
6 Interview. For us, as CSD staff, that's extremely
7 important. It's our one point where we focus
8 exclusively on capacity of the group.

9 And B5, this, I think, caused -- well, I'm
10 not sure if it caused some angst and confusion among
11 the PEC. But we developed a rubric for the capacity
12 interview. And that rubric is that table that
13 allowed the reviewers and ourselves to score the
14 capacity interview. So that's B5.

15 B6, we did get feedback from the PEC that
16 that did cause some heartburn and some confusion
17 about how the score sheet -- and then the Planning
18 Year Checklist, which has not been revised -- it's
19 been tweaked, actually, slightly. And perhaps
20 that's another easy one that can be approved.

21 So, that's the section of Initial
22 Applications, B1 through B8. What I'm proposing,
23 before I take it over -- or pass it over to Julia
24 here -- is that we look at the simple ones: B8, our
25 Letter of Intent; B7, our Planning Year Checklist;

1 get through those quickly, because my sense is that
2 B3, the actual application, would be the one that we
3 would want to spend most time on.

4 COMMISSIONER BERGMAN: Mr. Chair?

5 ACTING CHAIR GANT: Yes.

6 COMMISSIONER BERGMAN: That's fine with
7 me. But I don't want to skip any of these B's,
8 because I happened to find time in the lunch hour
9 there to read the very first one. That's the only
10 one I could get through, and I do have a couple of
11 questions. So, please don't skip any of them. I
12 have a couple of questions to ask about them. But
13 if you want to start with the Letter of Intent,
14 let's go.

15 ACTING CHAIR GANT: Let's go. Letter of
16 Intent.

17 MR. GERLICZ: Letter of Intent, right.
18 That's B8.

19 COMMISSIONER BERGMAN: That's the back of
20 the Bs?

21 MR. GERLICZ: That's the back of the Bs.
22 That would be Appendix B8.

23 COMMISSIONER POGNA: What was the number?

24 COMMISSIONER BERGMAN: B8. It's the last
25 one under the Bs.

1 MS. BARNES: Tony, you want to give a
2 little bit of history, because I know this was
3 redone fairly recently.

4 MR. GERLICZ: I may defer to Karen on
5 anything historical, because, yes, it was redone.
6 And it was redone during my time, the new version.
7 And as soon as I can get it in front of me here --
8 the one tweak that we did make from years past is
9 that we just asked some fundamental basic questions:

10 "Are you operating independently, or do
11 you have an organization behind you?" That's an
12 important question for us.

13 We wanted to elevate their mission, what
14 do they really intend to do? And you can see the
15 questions that we asked are fairly straightforward.
16 But we did enhance the question about mission, and
17 we did enhance the question about if there is anyone
18 behind you that's supporting -- is this a sort of
19 mom-and-pop operation, or are there outside
20 entities? We wanted to know that, too.

21 Karen, I don't know if you want to add
22 anything to our tweaking on that.

23 COMMISSIONER TOULOUSE: I assume you've
24 corrected the date on here?

25 MR. GERLICZ: We did, yeah. It's Monday,

1 January --

2 COMMISSIONER TOULOUSE: Yeah. Because on
3 our copy, it still says "Monday, January 13th."

4 MR. GERLICZ: Yeah, it's corrected on the
5 website.

6 MS. EHLERT: The only thing I could add is
7 historically, all that's required by law is an
8 intent, a letter of intent, just saying that, you
9 know, "We intend to establish a charter in 'X'
10 district."

11 And I would say, about two to three years
12 ago, there was discussion about shouldn't we require
13 more information, because it would not only help us
14 know more about the intended school ahead of time,
15 but it would also allow the applicant to really
16 think through preliminary questions to be able to
17 develop a more full -- fully addressed application.

18 So, there were a lot of things added to
19 it, and now it has evolved into its current form.

20 So --

21 MS. BARNES: Does anyone have any comment,
22 or is this a form that you -- that you review? I
23 think, mainly -- it might be the local school
24 districts that look at this most closely. But I
25 don't know.

1 COMMISSIONER BERGMAN: Mr. Chair?

2 ACTING CHAIR GANT: Yes.

3 COMMISSIONER BERGMAN: Yeah, I --
4 remember, this is the one I actually said I didn't
5 make any notes on. I didn't have this copy in front
6 of me. But in light of the discussion we had before
7 our lunch break, which Mr. Gant wasn't here for, at
8 one point, Director Gerlicz mentioned that some
9 people -- some applicants don't write their own
10 applications; they hire somebody.

11 So, we did get into a brief discussion of
12 that. I don't guess there's really -- we can't
13 require that they -- so, I just wondered if it would
14 be a matter of interest to maybe ask them on this
15 document -- I'm just -- doesn't have to be done --
16 "Are you going to write your own application, or are
17 you going to use a ghost-writer?" That's probably
18 too much information that --

19 MR. GERLICZ: That might be a very good
20 question for the initial application. "Identify the
21 authors of the application."

22 COMMISSIONER BERGMAN: That was
23 Commissioner Toulouse's suggestion, yeah.

24 MS. BARNES: Because if you are weak in an
25 area, it shows strength to go find someone that can

1 provide the information that you need. And, so, I
2 think that -- I guess we need to be a little bit
3 careful in terms of how we judge that. But to
4 disclose that, I think, is certainly something
5 relevant, may be better on the application.

6 COMMISSIONER BERGMAN: 'Cause there's a
7 distinction. Somebody that writes the whole
8 application for a founder, and somebody that --
9 like, they bring in a professional curriculum person
10 who writes the curriculum, I have no problem. If
11 you don't know the answer, I'm always one, as you
12 see, to ask you guys a question, because I don't
13 know the answer, and I want to ask somebody who
14 knows the answer. So, I have no problem.

15 Yeah, it's just somebody writing an entire
16 application for an applicant, that just gives me a
17 little concern.

18 MR. GERLICZ: It's hard to know. We see
19 there are gradations. But I would say leave that up
20 to us.

21 ACTING CHAIR GANT: The issue I have, if I
22 may -- and it's happened before -- someone writes
23 the financial budget piece. And, so, the founder is
24 sitting there in front of you, supposed to answer
25 the question. And the person that wrote the

1 financial piece is not there to answer the question.
2 "Well, I don't know," says the person sitting there.
3 And it just grates on me, because, in my experience,
4 if I'm making the presentation, which would be, in
5 this case, a charter school application, and I don't
6 know the answer, and I say, "Well, he wrote it," no,
7 get out of here. That's what I have been told.

8 "Get out of here."

9 See, that's why it grates on me to have
10 Vigil or anybody else write the finances, and he's
11 not there to answer the questions, or whoever wrote
12 that piece. I think the founder or founders should
13 be able to sit at the table and answer all the
14 questions. They're responsible, not the
15 ghost-writer. They're responsible.

16 MR. GERLICZ: Right. Commissioner Gant,
17 that's part of the discussion that we had earlier.
18 And there's some disagreement about that. The
19 expectation that a founder would know all about
20 curriculum, would know all about financing, would
21 know all about facilities, would know all about
22 every aspect of school creation and implementation
23 is somewhat unrealistic. There just aren't people
24 like that.

25 There are people that have ideas; they're

1 community folks. The initial federal and state
2 charter school intent was that anybody can start a
3 charter school. They can amass the resources and
4 expertise around them to do so. But to have it all
5 incorporated in any one person -- what we do agree
6 with completely is that the founder, or the leaders
7 of the enterprise, need to have all of those bases
8 covered in order to present a good application.

9 ACTING CHAIR GANT: Well, my issue -- part
10 of my issue is they give us an application, we read
11 it and all that, you all go through it, and then
12 we're sitting in the community meeting. The
13 founders are there, and they have their book, and we
14 have it on the computer.

15 And we say, "On paragraph so-and-so,
16 Page so-and-so, what did you mean?"

17 "I don't know."

18 And, you know, I don't -- I don't like
19 that.

20 MS. BARNES: And, Abby, this is kind of
21 directed to you. I wonder if -- I know we can at
22 least put a note that says, "We strongly recommend
23 that any person responsible for a section be
24 available at both the capacity interview and the
25 public hearing," or we could -- I don't know if we

1 could require it. I know that part of it is
2 obviously financial, that if you've hired somebody,
3 and, you know, they were from Albuquerque, and
4 you're in Hobbs or whatever -- but I think we could,
5 at a minimum, put a notation that lets them know
6 that. But I don't know what you think about
7 requiring it.

8 COMMISSIONER BERGMAN: While you're
9 thinking about whether that -- if they're going to
10 write a part of the application, then we should be
11 able to require that they come and answer about the
12 part of the application they wrote, I'll throw it in
13 while you two are thinking about it.

14 MS. BARNES: We can certainly strongly
15 recommend it. Abby, do you have -- do you have --

16 MS. LEWIS: I can't think of any reason,
17 off the top of my head, why you couldn't -- why you
18 couldn't require it. But I just want to look.

19 MS. BARNES: Why don't we put a note that
20 "we strongly recommend," and you can let us know if
21 we'll require it. That leads my mind to could they
22 attend telephonically? I don't know.

23 ACTING CHAIR GANT: The only other comment
24 I have on the form right now, and it's minor, I
25 guess, to me -- and it's just me -- No. 4. "Do you

1 expect to contract with another entity for either
2 management" or da-da-da? I would also suggest that
3 either "financial" or "management." To me, there's
4 a different world there. You've got the bean
5 counters, the accountants and all that doing the
6 financial piece and somebody else running the
7 management piece, or is it all one bundle? Do you
8 see what I'm saying?

9 Because we do have -- Mr. Vigil does a lot
10 of the charter schools on the budget and financials,
11 where you have maybe somebody else that is the
12 manager, does the day-to-day work, if you will. Do
13 we need to say something about that?

14 MR. GERLICZ: Do we need to know that in a
15 notice of intent, or can we get that in the initial
16 application? This is just a notice of intent. And
17 the idea was, is there an outside management company
18 that is making a presence here? Is KIPP America
19 coming in, or are the Green Dot schools coming in?

20 ACTING CHAIR GANT: I'll leave that to
21 everybody else. It's just -- to me, I see a line
22 between the two.

23 MS. BARNES: Well, the other thing I
24 wonder is the head of school is going to hire the
25 business manager. And the head of school is going

1 to come on later on down the line. So, I'm not even
2 sure how they would know to answer that.

3 ACTING CHAIR GANT: Well, that's okay.
4 It's just that I saw it.

5 MS. BARNES: Okay. Any other comments on
6 this document? This is the version I think that's
7 posted right now; right?

8 MR. GERLICZ: Okay. So, we will leave
9 this one unchanged, and I -- and depending on
10 where -- where we go, maybe -- maybe something as
11 simple as this could be approved tomorrow, just to
12 clear out whatever. But I don't want to jump the
13 gun in terms of getting all the input we want. And
14 I'm pretty cognizant of the fact that the Chairwoman
15 is not going to be here tomorrow. Planning your
16 checklist, real quickly --

17 COMMISSIONER BERGMAN: While you're doing
18 that, you say B7 here, I can turn to my B7, and I
19 have the preliminary contract under my B7, and we
20 got rid of that last time, I think.

21 MS. BARNES: We certainly did, and that
22 that's certainly wrong.

23 COMMISSIONER BERGMAN: I don't have any
24 Planning Year Checklist.

25 MS. BARNES: Well, then, you don't have

1 any comments, do you?

2 COMMISSIONER BERGMAN: Have you ever seen
3 me get stopped? I remember a lot of the notes I
4 make, even if I don't have the document in front of
5 me.

6 MR. GERLICZ: I have a B7.

7 MS. BARNES: We have a B7. It's the wrong
8 document. All right. So, that was a quick
9 discussion.

10 MR. GERLICZ: Take our word for it. It's
11 good.

12 MS. BARNES: I'll see -- I may see if we
13 can bring it tomorrow. It's certainly something we
14 can look at later. And I'm sorry about that.

15 COMMISSIONER BERGMAN: Did you make a lot
16 of changes from last year?

17 MR. GERLICZ: No.

18 COMMISSIONER BERGMAN: So, you should be
19 able to just briefly tell us about it, then.

20 MS. BARNES: Let's get Linda to bring down
21 copies. It's just ridiculously hard to get the
22 right documents in this binder. I don't know why we
23 can't do that. We're working on it.

24 Okay. So, let me just go around quickly,
25 then, even though we're going to start at the

1 beginning in a second. But if you have an
2 opinion -- I don't want to put people on the spot.
3 But if you can just let us -- let me know, and let
4 us know, which are the ones that -- that didn't line
5 up with what you wanted, didn't get you what you
6 wanted, you know, you had concerns about them.

7 So, Commissioner Conyers, were there any
8 in specific, from B1 to B6, that were of particular
9 concern to you?

10 COMMISSIONER CONYERS: Not really.

11 MS. BARNES: Okay. Commissioner Pogna?

12 COMMISSIONER POGNA: (Indicates.)

13 MS. BARNES: No, not in particular?

14 COMMISSIONER BERGMAN: Actually -- maybe
15 they've read them. All I've read is B1, so far. I
16 haven't read 2 through 6, so --

17 MS. BARNES: When you did the initial
18 applications last round, do you remember?

19 COMMISSIONER BERGMAN: No. I just said I
20 did, but I must have lied. No. I want to look at
21 them, because I -- actually even on B1, I have just
22 a couple of questions.

23 MS. BARNES: Okay, great. So -- and I
24 don't -- Commissioner Gant, were there any specific
25 ones?

1 ACTING CHAIR GANT: I agree with
2 Commissioner -- B1 is as far as I've gotten. I need
3 to sit down maybe tonight -- wouldn't that be
4 exciting? -- to read all this.

5 MS. BARNES: So, what we may do, then, is
6 just have a little bit longer of a presentation by
7 you guys. Commissioner Toulouse, anything in
8 particular?

9 COMMISSIONER TOULOUSE: I'm new enough to
10 this that I don't have anything to compare it to.

11 MS. BARNES: Commissioner Parker?
12 Anything?

13 COMMISSIONER PARKER: (Indicates.)

14 MS. BARNES: So, why don't we start with
15 B1, and why don't, Tony, or someone on the staff,
16 just describe what you were trying to do, what your
17 thinking on it was, just the introduction.

18 MR. GERLICZ: Yeah. I really don't have
19 many comments to make about it. It's introductory,
20 explains who we are. It explains the review
21 process. It explains the materials in there. It
22 explains the instruction and the time frame, what's
23 to be expected.

24 And probably the most important thing it
25 was the glossary of terms. That was new, because

1 there's so much language in there. But it's fairly
2 self-explanatory and fairly introductory in nature.

3 ACTING CHAIR GANT: Mr. -- I do have one
4 comment, I guess. I'm getting old, and I forgot
5 about it. One thing I would like to see when we get
6 the applications, personally, I don't need to see
7 the format of the application, where we go through
8 pages and pages and pages, and this is what the
9 format is, this is what all the questions are.

10 Then you get down to 20, 30 pages later,
11 and they start answering the questions. Go straight
12 to it. Don't put a lot of fluff in it. Know what
13 I'm saying?

14 MR. GERLICZ: Well, let's go to B3,
15 because he's talking about the application.

16 MS. BARNES: Yeah. But let's wait,
17 because I think you had some comments. I know we
18 had a comment on Page 2, which is in the middle
19 of -- of -- I guess, four paragraphs down. "The
20 hearings do not directly affect CSD's
21 recommendation." And maybe we just -- maybe we just
22 strike that sentence.

23 COMMISSIONER BERGMAN: Oh, I raised the
24 issue. But I -- if you guys want to leave that in
25 there, that's fine with me. I just wanted to know

1 what the mindset was for that. It doesn't have to
2 be removed, unless somebody else wants to remove it.

3 MS. LEWIS: I think that's a good idea. I
4 mean, I guess Julia would be more apt to answer
5 that -- I'm speaking up. But as the CSD interim
6 attorney, this affects your client more. So, what
7 are your thoughts on --

8 MS. BARNES: I'm not the CSD interim
9 attorney.

10 MS. LEWIS: Sorry.

11 MS. BARNES: That's okay.

12 MS. LEWIS: I guess I should ask Robert,
13 then.

14 MS. BARNES: Well, to me, it's not a legal
15 thing. To me, it's a -- I guess if I'm an outside
16 person reading this for the first time, I wouldn't
17 quite have understood the difference between the PEC
18 and CSD. I'm actually not sure that that's -- it's
19 true, either. So, I -- I think that you're just
20 looking to describe the community input hearing.
21 And, so, I don't really -- I guess --

22 COMMISSIONER BERGMAN: Maybe I can say
23 what was in the back of my mind on that, why it
24 caught my eye. I just wonder if I'm an applicant
25 and I read that, I wonder if I might not say to

1 myself, "Boy, this hearing may not be very
2 important."

3 MS. BARNES: I agree with that. And it's
4 not real clear. It does say "PEC and CSD," but,
5 boy, if you're not in the middle of all that, I
6 guess I would just take that sentence out.

7 COMMISSIONER BERGMAN: You might just blow
8 off the hearing. I don't want you to change it
9 unless you want to change it.

10 ACTING CHAIR GANT: I agree with taking it
11 out.

12 MR. GERLICZ: Which one are we talking?

13 MS. BARNES: It's the fourth paragraph
14 down, and it's in the middle -- it says, "The
15 Community Input Hearing is designed to give the PEC
16 a chance to talk to you and discuss with the
17 community the positives and negatives to potentially
18 open a school like the one you propose in the target
19 community."

20 The next sentence, the one I say to
21 strike, "The hearings do not directly affect the
22 CSD's recommendation. However, the CSD may refer to
23 parts of the Community Input Hearing if it
24 reiterates a point of analysis being presented in
25 their recommendation."

1 I just don't even see the reason for that
2 sentence.

3 MR. GERLICZ: I could take those two out.

4 ACTING CHAIR GANT: Or you could say --

5 MS. BARNES: We could leave the first
6 sentence.

7 ACTING CHAIR GANT: Or you could say, if
8 the CSD wants to use what they hear at the hearing,
9 you could say, "The CSD will use" --

10 MR. GERLICZ: "May."

11 ACTING CHAIR GANT: "...may use what they
12 heard," or use the word you want.

13 MR. GERLICZ: We'll just say, "The
14 Community Input Hearings are part of the evaluation
15 process."

16 COMMISSIONER TOULOUSE: Or just strike the
17 first part of that sentence through the "However."

18 MS. BARNES: Yeah, I just don't think it
19 has to reiterate a point of analysis. So, I guess I
20 kind of quibble with the sentence all around. So,
21 I --

22 ACTING CHAIR GANT: Take it out, then.

23 MS. BARNES: I can take it out, because I
24 think it's more information. And it's kind of
25 nuanced at a point where they're not going to

1 understand it.

2 COMMISSIONER BERGMAN: And it doesn't mean
3 you guys in CSD have to change a thing. You can
4 still take into cognizant of the hearing or not take
5 into cognizant. You just don't have to put it down
6 in a sentence.

7 ACTING CHAIR GANT: Anything else?

8 MS. BARNES: Any other comments on this
9 section?

10 COMMISSIONER BERGMAN: Yeah, next page, or
11 Page 5. I'm looking at your page numbers. On
12 Page 5, I just had a question. And I was going to
13 make a general comment. I did notice, as I read it,
14 you guys do have a lot of stuff in here about goals,
15 which made me feel all warm and fuzzy inside. At
16 least the fact that you kept mentioning it in here
17 and you used the terms "measurable" and "rigorous,"
18 the very same terms we talked about in our first
19 session.

20 I saw enough of that that I don't think an
21 applicant can, with a straight face in the future,
22 if they read this instruction, say, "Well, we didn't
23 think we had to have any goals in that app," which
24 some have sat there and said to us just in the last
25 round, that, "Well, we didn't think we had to have

1 any goals." I think you answered that, and you did
2 a good job, and thank you for that.

3 My question was, on the top of Page 5 --
4 here, again, I just want for my own information, you
5 state that the New Mexico Charter Coalition is going
6 to also provide instruction on how to develop a
7 charter application. Are you guys working with
8 them? Is that what that is meaning? They're not
9 giving contradictory information to these
10 applicants, are they?

11 MR. GERLICZ: No. We're cognizant of
12 their agenda; although, schools pay for those
13 trainings.

14 COMMISSIONER BERGMAN: Do they pay for it?
15 Yeah.

16 MR. GERLICZ: They do. Not to ours, of
17 course. But schools are free to use them or not to
18 use them, whatever they choose. But we're confident
19 that the materials that the Coalition provides are
20 accurate.

21 COMMISSIONER BERGMAN: Here again, you
22 would have no say over them if they're contracting
23 it. But I just -- it would be preferable to our
24 process if they were contradicting what you guys and
25 what we guys were trying to accomplish.

1 MR. GERLICZ: We're not concerned about
2 that.

3 COMMISSIONER BERGMAN: Okay. I see.

4 MS. BARNES: And CSD is doing free
5 technical workshops, Tony?

6 MR. GERLICZ: We are.

7 COMMISSIONER BERGMAN: Yeah. That's all I
8 have on that one.

9 MS. BARNES: I just wanted to look at the
10 mission-specific goals and optional supplemental
11 performance goals on Page 8 for a second.

12 COMMISSIONER BERGMAN: Of the first one?

13 MS. BARNES: Yes. And I guess it's kind
14 of splitting hairs. The mission-specific goals are
15 going to be a mission-specific indicator. So, "When
16 you enter into the contract, you agree on
17 mission-specific goals." You know, technically, you
18 don't. You agree to a mission-specific indicator.

19 And, then, I don't have any problem with
20 all of those, but I'm not sure it's in a S.M.A.R.T.
21 format, necessarily. It's in the indicator format.
22 And the indicator format is, you know, fairly
23 specific.

24 And, so -- and it does maybe help us start
25 to think about how we align the goals they need to

1 present here and things that are going to be
2 negotiated later.

3 MR. GERLICZ: I mean, if you read that
4 first sentence, that may contribute to the ambiguity
5 that came up in this last round. "If approved, you
6 will enter into a contract with your authorizer in
7 the negotiations. You will create and agree on
8 mission-specific goals..., " et cetera, et cetera.

9 So, we had some conflicts. And CSD may
10 have contributed to that notion of, yeah, "State
11 some standard, overarching desires that you want to
12 accomplish."

13 But the real specific goals will be
14 hammered out in the negotiation process. So, there,
15 that leads to -- to that. So, I think maybe we
16 want -- to say.

17 COMMISSIONER BERGMAN: Let's talk about
18 that. Because I, just now -- where it says, "You
19 will create..., " it sounds like, "You will create
20 these goals." That's what Tony is saying, I think,
21 after the application is approved. Maybe that is
22 where some of the confusion is coming --

23 MR. GERLICZ: Well, that has come up
24 numerous times. "What's the initial application,
25 and then what's this contract proceeding and

1 negotiations afterwards?"

2 "Well, that's where you're going to set
3 your goals."

4 MR. GERLICZ: Oh, you mean we don't have
5 to -- and there is that ambiguity. That's why, as
6 we said previously, it's very difficult to set
7 highly specific goal measures in an initial
8 application when your school hasn't yet opened.

9 COMMISSIONER BERGMAN: We should not leave
10 the --

11 MR. GERLICZ: So, some broad targets are
12 highly appropriate. But it's -- and actually,
13 Karen, again, educated me that, in the past, there
14 was even a time when a school opened, and then after
15 their first year of operation, they set measurable
16 goals. And that -- there's logic to that.

17 But to ask schools to set, "We will
18 achieve 'X' percent above this, or 'Y' percent above
19 that," before they even open strikes us as not
20 necessarily very valid.

21 COMMISSIONER BERGMAN: Yeah. But in the
22 middle of that paragraph, you, yourself, said that,
23 because I underlined it, "The goals should be
24 ambitious, but attainable." I think that answers
25 that question.

1 MR. GERLICZ: And I think you think
2 that's --

3 COMMISSIONER BERGMAN: You put
4 "attainable" there.

5 MR. GERLICZ: But it's under that category
6 of the negotiation power. "Once approved, you're
7 going to sit down and talk to PEC and CSD about
8 those ambitious and attainable goals."

9 COMMISSIONER BERGMAN: I have a feeling
10 that those three words, "You will create..."
11 probably need to disappear. I don't want them to
12 have the impression that they can do the goals after
13 the application. I don't want to leave that
14 impression with any applicant. So, think about how
15 we can --

16 MR. GERLICZ: The goals in the initial
17 application -- and perhaps we, as CSD, need to do a
18 better job of working with those applicants to
19 ensure that those goals are mission-specific. So,
20 if you are a language-based school, then what are
21 some measurable and attainable goals related to
22 language? If you are a science-and-math-oriented --
23 I think the difficulty and the tension that we feel
24 is that we -- we're not sure that setting percentage
25 goals of achievement before a school even opens is

1 really fair.

2 And it's really valid. There are too many
3 variables to set that kind. But, goals that are
4 attainable, target goals, relative to attendance,
5 population, mission-specificness, those are
6 workable; those are very workable. Then, after year
7 one with these performance indicators, we have more
8 concrete data and ability to set specific goals.

9 COMMISSIONER BERGMAN: All perfectly
10 valid. So, do we now want to have -- what are
11 five-year goals? Do we want to have that discussion
12 now? And what are the annual goals that are going
13 to be in the performance framework? And, yes, I
14 kind of agree. Should we say that 10 percent of
15 their students are going to achieve a "C" grade or
16 something? That's -- that's not really a five-year
17 goal. I agree with that.

18 But, then let me ask the question: What
19 goals do we put in that application that provide
20 enough information to us, as Commissioners, to make
21 a valid and appropriate decision on whether, "Yes,
22 you become a school," or, "No, you don't become a
23 school"?

24 MR. GERLICZ: Right.

25 COMMISSIONER BERGMAN: What -- that's --

1 now we're down to the rub of it.

2 MR. GERLICZ: That's a --

3 COMMISSIONER BERGMAN: What do we put,
4 what goals? Do we just say, "Well, we show up every
5 day? We're going to be here every day"? That's not
6 a goal. You laugh. We saw some of that in these
7 renewals from five years ago. That's almost what
8 they said. "We're going to have good attendance."
9 That was a goal. That's not a goal.

10 So, now, yeah, what -- so, now, Tony, tell
11 me what you think these goals will look like, then.

12 MR. GERLICZ: Well, and the difficulty in
13 making a blanket statement strikes to the heart of
14 what a charter school is all about, uniqueness and
15 innovation, and every application is different. So,
16 if we have a Navajo-based language school, those
17 goals ought to be incredibly different than a
18 rammed-earth, adobe-construction-focused school.
19 They ought to be incredibly different than a blended
20 learning model. They need to be measurable; they
21 need to be targeted; and they need to be specific.

22 And the reading -- or reading and
23 mathematics proficiency, all that's covered in "A
24 through F." It's already there.

25 COMMISSIONER BERGMAN: So, assessment is

1 going to enter into it with the Navajo school. The
2 Navajo language is a key component of their school.

3 MR. GERLICZ: That's right.

4 COMMISSIONER BERGMAN: Well, the
5 assessment for Navajo language is going to be
6 totally different than for a school that's going to
7 be a STEM school, for instance.

8 MR. GERLICZ: Correct.

9 COMMISSIONER BERGMAN: So, that's got to
10 tie into it, too, how it will be assessed.

11 MR. GERLICZ: Exactly. But, then, that
12 gets much more meaningful as a goal, because the
13 assessment portion is included in that. And we will
14 use this to measure that.

15 And, then, it's our analysis. Is this a
16 valid thing, and we check with our folks here in
17 PED. And then we can be very comfortable that
18 that's a mission-specific goal.

19 We tend not to like goals that compare
20 themselves to the local district. If you have a
21 local district that is poor performing, why -- why
22 set a goal on a low bar? That's not very
23 mission-specific.

24 So, that's why these applications need to
25 be individually assessed and --

1 MS. BARNES: Well -- and if we back up for
2 a second, if this -- if the PEC -- let's take the
3 performance framework that already exists. I know
4 you're going to look at another one tomorrow. So,
5 let's take the one that already exists.

6 We know, because of the decision you made
7 last year, that you're going to require one
8 mission-specific goal. That's what you do right
9 now. I am pretty interested in having this
10 application flow into that process and not be
11 confusing, but also flow into that.

12 So, one potential way to do it is whatever
13 is the decision of this body, which -- regarding the
14 performance framework, if we -- which, right at the
15 moment, is a mission-specific indicator, it's not a
16 goal; it's an indicator in the performance
17 framework -- we could then ask them to develop an
18 initial draft for negotiation that was presented in
19 the indicator format. We can show them examples,
20 and we can have them do that.

21 That would prepare them for the
22 negotiation, give them a brief overview of what was
23 coming, make them do the work before the application
24 is presented, so you can see their capacity to do
25 it.

1 But my concern is let's not have them go
2 down a S.M.A.R.T. format, when we're going to have
3 them go down a different format. And we want to
4 see, can you do it? And if it is always aligned to
5 the decision you have made in the performance
6 framework, then they might flow easily.

7 So, if you took this, then you would
8 change the language to "Mission-specific indicators,
9 once approved, you will enter into a contract, and
10 you will..." -- I would change -- not "create and
11 agree on." I would say, "You will negotiate a
12 mission-specific goal with the authorizer," because
13 that's what you do.

14 "The stated goals..." -- you can have that
15 next sentence, making sure we've got it aligned with
16 the statute. You're actually using different
17 language than the statute. So, let's use the same
18 language, like we just did in the contract.

19 I'm not entirely sure that a time frame
20 has to be referenced. I think it would be that
21 would be accomplished within a one-year period. And
22 then we'll move to the five-year in a second.

23 MR. GERLICZ: Let's assume that it's
24 annual.

25 MS. BARNES: Yeah. So, the time frame is

1 not -- we could change that language. And then it
2 would say, "All..." -- and why don't we call them
3 something like "draft indicators" or something --
4 "The draft indicators should be in the format
5 required by the performance framework and be aligned
6 to the mission of the school," period, not "where
7 appropriate."

8 So, we could make the goal that you
9 assess -- we all know that it's not the final one,
10 because we're going to negotiate it later. But we
11 are asking them to do their best effort at a good
12 worksheet draft, effectively. It's the same thing
13 that, you know, Karen's working on with the schools
14 that are submitting theirs to her tomorrow. She's
15 going to work with them to get a good indicator.

16 COMMISSIONER BERGMAN: Let me run this by
17 you, then. One that just occurred to me, as I was
18 listening to you all make very valid points, on the
19 first performance framework that we're going to do
20 as part of the first-year contract, we're going to
21 ask them -- we're going to do one-year goals.
22 Remember, that goal has no baseline. It's a brand
23 new school. They have nothing -- at the end of that
24 first year -- that's what establishes the baseline,
25 the end of the first year. And we all know that the

1 "A through F" grading actually relies on three years
2 of data.

3 MR. GERLICZ: Right.

4 COMMISSIONER BERGMAN: So, we have to keep
5 that in mind, too, that the first year, we need to
6 ask them to do an annual goal in that first year.
7 But we're really -- what do we compare that goal to?
8 We have no baseline.

9 MS. BARNES: Well -- and we could -- if
10 the PEC likes the concept of a first-year school
11 setting baseline goals, related to their mission --
12 let's assume that that is something that you like --
13 then we could actually tailor this even further.
14 And, then, I suggest we take out the optional
15 supplemental performance goals. Let's just not go
16 there at the moment. Let's just have them focus
17 on --

18 MR. GERLICZ: It's not part of the initial
19 application.

20 MS. BARNES: I know, but it's here.

21 MR. GERLICZ: I know. So, we don't need
22 it.

23 MS. BARNES: I mean, you could go there,
24 but I think it's confusing. We could -- so, we
25 could have them do a mission-specific indicator,

1 draft indicator, and a benchmarking indicator, or
2 something that -- that requires that they set the
3 baseline or establish the program.

4 You know, to me, you know, the example is,
5 if you said you would have 15 partners, that that's
6 your goal, that by the end of the first year, you
7 need to identify those 15 partners, because where I
8 think a school can fall down is to say, "Oh, my
9 gosh, that was so much harder than I thought, and I
10 only got two partners." Well, that -- that may be
11 something you really want to look at. You weren't
12 able to achieve that. I don't know. I want them to
13 align.

14 COMMISSIONER BERGMAN: Well, let me throw
15 this out while we're trying to align. How about, in
16 the application, somewhere, we put a section where
17 you're going to be asked, "As a part of your first
18 performance framework, to formulate your first-year
19 annual goals for your school. Please indicate in
20 the application what you think your first-year goals
21 should be, one-year goals," like that.

22 MS. BARNES: Right. And I don't mind it
23 being in indicator format. So, we actually ask them
24 to go that extra step.

25 MR. GERLICZ: That's a much more valid

1 language to use.

2 COMMISSIONER BERGMAN: And, then, at least
3 allow someone like me to see, here, again, their
4 thought process. I want to see their thought
5 process. What do you think is important to your
6 school? Can you actually formulate a goal, even if
7 it's -- and then we're going to negotiate it in the
8 performance framework.

9 MS. BARNES: Well -- and, then, just --
10 and, then, we can do just what we did in the
11 contract, which is stay consistent with the language
12 in the statute and consistent with the purposes of
13 the statute, so that everything kind of lines up.

14 And it gives them an introduction. It
15 requires that they work with that. And then you can
16 judge them. Because, you know, you raised a really
17 valid point last meeting, which is the application,
18 in the statute, requires goals. The negotiation of
19 the performance frameworks requires negotiating
20 indicators.

21 So, this alleviates that tension and makes
22 them more aligned, and it doesn't lose the benefit
23 of either one, both of which are required by the
24 statute.

25 COMMISSIONER BERGMAN: And I agree,

1 putting first -- one-year goals in the application
2 probably doesn't make any sense.

3 MS. BARNES: But just to look at it from a
4 capacity standpoint, to have them do it as an
5 exercise that gets them on the road towards the
6 worksheet makes sense to me.

7 COMMISSIONER BERGMAN: We have to have
8 enough information to at least make an informed
9 decision.

10 MS. BARNES: How does that sound to other
11 Commissioners?

12 ACTING CHAIR GANT: Well, I'm going to put
13 a different hat on. Excuse me. I know I don't look
14 like her, but she's going to say -- she, Carolyn --
15 "Are these S.M.A.R.T. goals?" Okay. I mean, she's
16 going to come after you in a heartbeat.

17 MS. BARNES: Well, I -- and I guess that
18 what I would answer to her --

19 MR. GERLICZ: They will be. They will be,
20 eventually.

21 ACTING CHAIR GANT: No, no. From the
22 get-go. I don't believe in this down-the-road
23 stuff. I wasn't raised that way.

24 MR. GERLICZ: Well, yes. And,
25 Commissioner Shearman, if you were to open a school,

1 what would your first-year goals --

2 ACTING CHAIR GANT: Yeah. They keep
3 saying, "We don't have -- we don't -- there's too
4 many unknowns, you know, the population." You know,
5 pretty much -- you know, I keep hearing, "We don't
6 know how many special needs students we're going to
7 get." Neither does another school that's opening up
8 in Timbuktu.

9 MR. GERLICZ: We're not saying not to set
10 goals. We're saying to target.

11 ACTING CHAIR GANT: What about S.M.A.R.T.
12 goals?

13 MR. GERLICZ: Well, they will be. I'm not
14 so sure that helps a school, nor helps the
15 Commission, make a decision in an initial
16 application, because any applicant could put any
17 S.M.A.R.T. goal they want in the application.

18 ACTING CHAIR GANT: I'm just telling
19 you --

20 MR. GERLICZ: Because that's what we write
21 here, and they know that's what the Commission
22 wants. Any applicant will say, "We're going to have
23 25-percent higher achievement than the local school
24 district, and our kids are going to be reading at
25 'X' percentage and 'Y' percentage," and put it in a

1 very S.M.A.R.T. goal, and, "We'll achieve that."
2 And it's not realistic.

3 ACTING CHAIR GANT: Okay. I'm just
4 telling you what she's going to say.

5 MS. BARNES: But let me back up for a
6 minute, because I think the indicator -- the
7 performance framework indicator format is a
8 S.M.A.R.T. goal. So, I think that it says the same
9 thing. I just don't want them to create it in a --
10 you know, you go on the Internet; you look up
11 S.M.A.R.T. goals; you follow that format.

12 That's different than the indicator one.
13 We watched them struggle in coming up with the
14 indicator. So, let's move them in the same way.
15 And I'm happy to have the conversation and make sure
16 that the indicators are -- you know, they have to be
17 rigorous, and, you know, the statute lists the same
18 kind of thing.

19 And I think what you're saying, Tony, is
20 to have them be anything specific --

21 MR. GERLICZ: Correct.

22 MS. BARNES: -- rather than academic.

23 MR. GERLICZ: Again, it depends. If their
24 mission is STEM, they could make it mission-specific
25 relative to math and science; that's academic, but

1 not to repeat what's going to be covered in the "A
2 through F" assessments.

3 COMMISSIONER BERGMAN: Yeah. See, for an
4 International Baccalaureate school, for instance,
5 there's all kinds of statistics out there from
6 existing. They may not be in New Mexico, because I
7 don't think they're in New Mexico; we've got one or
8 two.

9 ACTING CHAIR GANT: We've got ten.

10 COMMISSIONER BERGMAN: But they could do
11 some goals revolving around the International
12 Baccalaureate community. We will, you know, fit
13 into the group somehow, and it would be measurable.

14 MR. GERLICZ: Yeah. In fact, we had that
15 come up with Cottonwood. And that was that
16 contentious discussion that they wanted a goal that
17 said 'X' percentage of their kids will take IB
18 classes. Well, in reality, the whole school is IB.

19 COMMISSIONER BERGMAN: That was one of
20 those goals that, to me, is not a goal.

21 MR. GERLICZ: Low-bar goal. But the point
22 is that that's a mission-specific goal.

23 MS. BARNES: And that you can assess a
24 school against that. If they present that, and --
25 you know, a school presents a goal like that, and it

1 doesn't feel like it's a strong goal, you can assess
2 them.

3 MR. GERLICZ: One of the schools that was
4 renewed Alma d'Arte, they have four art strains in
5 their school, and they have a goal that every
6 student will choose one of those four arts. Very
7 measurable, very mission-specific. And if we could
8 get an applicant to think that way, rather than a
9 percentage achievement -- I think that's what seems
10 doable.

11 ACTING CHAIR GANT: And the American Sign
12 Language school. There was nothing that we could
13 compare the American Sign Language school. In fact,
14 didn't they just come back, and they want to change
15 some of those goals because they're meaningless,
16 sort of, or something? But, yeah, I -- we encourage
17 the innovation. But then we have to decide how
18 we're going to evaluate these really innovative --
19 what about the flamenco school we approved a few
20 years ago? What are we doing with flamenco? How
21 are we evaluating flamenco?

22 MR. GERLICZ: There is a flamenco school?

23 COMMISSIONER BERGMAN: Did you not know
24 that?

25 MR. GERLICZ: No.

1 COMMISSIONER BERGMAN: It's in
2 Albuquerque. They built their whole thing around
3 flamenco, yeah.

4 MS. BARNES: So, if we change, on Page 8,
5 this to be "mission-specific indicator," and maybe
6 we call it -- I would like to call it a draft,
7 because you later will negotiate it. So, I don't
8 want it to sound so final. And change this to a
9 line with the statute on the indicators, and have
10 them create one -- and if you want more than one, so
11 you can see how they're doing it, that's fine, too.

12 But, then, that draft indicator is both
13 the -- your ability to assess their capacity to
14 create those goals and implement their mission. And
15 it can also be the basis of the negotiation, you
16 know, whatever, months later. It can become the
17 basis of the worksheet that you can then negotiate.

18 COMMISSIONER BERGMAN: Earlier, either you
19 or Tony said something about removing the optional
20 supplements in the first initial application.

21 MS. BARNES: Yeah.

22 COMMISSIONER BERGMAN: And I think your
23 point might have been valid. I don't want to sell
24 out on my friends that wanted me to do this goal
25 business by saying, "Let's get rid of something."

1 MS. BARNES: Is one goal enough for you to
2 assess the capacity of a school in an application?

3 COMMISSIONER BERGMAN: Not when it's time
4 for renewal.

5 MR. GERLICZ: No, no, initially; we're
6 talking initially.

7 COMMISSIONER BERGMAN: Initially, for that
8 first year, like I say, most of these applicants are
9 going to get in there, and they're going to
10 discover, "Wow, we underestimated what is this all
11 about" or, "We didn't get the student body we
12 thought we were going to get," because they can't
13 pick and choose their student body. I know some of
14 the applicants want their focus to go to certain
15 students, but they can't do it that way unless they
16 have -- they can do it, up to the point where they
17 have to do the lottery. But they can't pick and
18 choose students. And I don't think they can even
19 encourage that.

20 MS. BARNES: Right. Abby?

21 MS. LEWIS: Julia, were you talking about
22 having one mission-specific goal, or one goal in the
23 application?

24 COMMISSIONER BERGMAN: I think we need to
25 keep them mission-specific.

1 MS. LEWIS: Let me just -- I should have
2 started with this. The Act says "goals," so --

3 MS. BARNES: So, when it says "goals,
4 objectives, and student performance and outcomes" --

5 COMMISSIONER BERGMAN: Are you saying the
6 "mission-specific" wording isn't in the actual Act?

7 MS. LEWIS: I wanted to make sure we
8 weren't talking about having one goal.

9 MS. BARNES: So, we have to have more than
10 one?

11 MS. LEWIS: Right.

12 MS. BARNES: So, I still -- and I think
13 all of us want to clear up the confusion. And it's
14 a persistent question that we get, which is what's
15 the difference between the goals in the application
16 and the contract negotiation? And this would make
17 it -- make more sense. Does that make sense to you
18 guys? Do you want to comment?

19 MS. EHLERT: It does.

20 COMMISSIONER BERGMAN: I'm trying to think
21 how I would answer that question. I'm trying to --
22 I thought I might say, as well the application goals
23 are one, you're not in business yet. They're more
24 of your vision, either mission-specific or whatever.
25 And they're what you think you want your school to

1 do and be.

2 But when your ideas -- when they meet the
3 real world, they're going to discover that some
4 things are going to change. And you're going to go
5 back to the performance framework -- that's where
6 you're definitely going to give us a bunch --
7 hopefully, a bunch -- of mission-specific goals in
8 both academics, organization, and finance, and then
9 you're going to give us some academic goals for --
10 one-year goals: Your students will improve this
11 much in some area by the end of that year, first
12 year.

13 MS. BARNES: Sure. It's --

14 COMMISSIONER BERGMAN: And then we're
15 going to sit down with you again and talk about next
16 year's performance framework goals again. And I
17 think we all accept they're probably going to
18 change.

19 I know we -- in the first group of six
20 that I was at, I sat there and every one of them was
21 told, "You're probably going to change these goals
22 next year."

23 MS. BARNES: Right. It's really taking
24 the initial application and roll it in -- rolling it
25 into the first-year framework. That's what I'm

1 looking for is some kind of continuity.

2 One way to do that is the law requires
3 goals. So we would require two mission-specific
4 goals. And then I'm just proposing, because you're
5 often saying, "Are you going to -- whatever you
6 promise in the application, where is that showing up
7 in the contract," this would be the way. It would.

8 COMMISSIONER BERGMAN: We'd have to have
9 some goals. I guess that's what we're debating,
10 how -- what are the form the goals are going to take
11 in the initial application when the school is not
12 open yet. I admit I'm even having a hard time
13 trying to visualize what goals would I put into my
14 application if I was writing the application,
15 because --

16 MS. BARNES: Well, why don't we try it and
17 let's see how it reads? Let's see if we can make it
18 flow from what you're going to review in the
19 application to what eventually will make sense to
20 them when they see the contract negotiation
21 worksheet. Let's try that.

22 COMMISSIONER BERGMAN: And that's why I
23 suggested before lunch that we need to have some of
24 this discussion with the entire Commission here,
25 because I know some Commissioners that aren't here

1 want to weigh in on some of this stuff, yeah.

2 MS. BARNES: So, let's -- we'll do that as
3 a proposal, and we'll raise it tomorrow. So, we'll
4 flag B1, Page 8, to align with the indicators and
5 become potentially draft indicators to be
6 negotiated. And let's discuss this again tomorrow.
7 And then strike the optional supplemental
8 performance goals.

9 Okay. Any other comments off the top of
10 your head in Section B1?

11 MS. EHLERT: Can I maybe address the goals
12 a minute? I was wanting to bring up the idea of
13 flexibility in goals. I notice this round of
14 renewals, where we went out to the schools, and the
15 ones that really -- the schools that were shining
16 examples of As and Bs, and even the ones with lower
17 grades that were serving other populations, they
18 were schools that were agile.

19 They were schools that responded to
20 changes in population. They were schools that
21 looked at what didn't work and came up with new
22 ideas. And it was like a constant evolution, a
23 changing school, living, breathing school, that was
24 able to accommodate the needs of the kids every
25 year, even if those needs were different.

1 And, so, you know, when we talk about
2 mission-specific goals, it seems like those would be
3 constant; constant goals. But when it comes to
4 student performance or what the school is going to
5 implement or not implement anymore, I -- at first, I
6 was objecting to the annual possibility of changing
7 goals. But after seeing these schools and their
8 performance and what it took to raise the level of
9 performance, which was that agility to respond, even
10 to changes in staffing, as well as students, I'm
11 much more in favor now, personally, of those annual
12 possibilities of changing and to reflect that growth
13 and kind of moving into a better school every year.

14 So, that gives the school an opportunity
15 to come back and say, "You know, we really didn't
16 need this goal," you know. "What we really needed
17 to do was to put this into action. And we've
18 learned that by looking at the performance of the
19 kids each year." So --

20 COMMISSIONER BERGMAN: Absolutely.

21 MS. EHLERT: Appreciate that. Thank you.

22 MR. GERLICZ: Doesn't the performance
23 framework indicators allow us to do that?

24 MS. EHLERT: Yes, which, at this point in
25 time, personally, I feel is a wonderful opportunity

1 for the schools.

2 COMMISSIONER BERGMAN: But you made a
3 valid point. One of those renewal schools that we
4 just renewed lost their math teacher. And remember
5 what happened? Their math department went way
6 south, and they had a hard time replacing it. Yes,
7 losing one teacher in a school could totally
8 adversely affect a school. So, they certainly do
9 need flexibility. And, of course, they made their
10 goals probably irrelevant, too, in the area of math.

11 So, yes, we should always provide as much
12 flexibility as we can. And I think the annual
13 performance indicators are going to allow us to do
14 that.

15 My first thought, the first time I heard
16 that we're going to renegotiate these goals every
17 year, that didn't strike me right. And now that
18 we've had all these discussions, I can see where --
19 that we're going to have to provide that flexibility
20 to schools.

21 And I'll remind you about the issue that
22 Mr. Obenshain raised in our negotiation, which those
23 of you weren't at. He said, "We're going to have
24 these annual performance reviews -- or frameworks."
25 And he says -- the question he asked me was, "I've

1 got five of these after a while. What are you going
2 to do, as a Commissioner, if I achieve these goals
3 in three years and don't achieve them in the other
4 two?"

5 And I said, "The only way -- I can only
6 answer that question how I am going to view that."
7 I said I couldn't speak for anyone else. That's a
8 very valid question. What -- how are we going to
9 judge these schools if they make some of their
10 goals, and what if they don't make their goals?
11 That's the purpose of goals.

12 Goals, as you said, should be ambitious,
13 but attainable. Who knows what's attainable?
14 That's the problem, see? But what I told Sam is,
15 "I'm not going to downgrade any school because they
16 had an ambitious goal and they didn't make it."
17 That's just going to be one piece of my puzzle.
18 That's just -- I'm going to look at, here again, all
19 the other factors that go into it.

20 I'm not just going to look at an "A" grade
21 or an "F" grade, or I'm not going to take a look at
22 this goal, as opposed to that goal.

23 So, yes, flexibility is going to be
24 extremely important, I think, to make this a quality
25 process.

1 MS. BARNES: Okay.

2 MR. GERLICZ: I agree.

3 MS. BARNES: Can we move on to the
4 Executive Summary?

5 COMMISSIONER BERGMAN: Yeah.

6 MS. BARNES: Okay. So, we'll make those
7 changes, and we'll talk about them again when we get
8 to the application itself.

9 So, Commissioner Gant, this is -- the
10 Executive Summary -- I'm just thinking about your
11 question of what can we give you that doesn't have
12 pages and pages and pages of extra stuff. But I'm
13 guessing the Executive Summary is probably something
14 that you all get and look at.

15 So, does anyone have any comments on the
16 Executive Summary, how it's been done in the past?
17 I think it gets posted on the website; right? So,
18 this is really the purpose of that. You all don't
19 even assess it.

20 MS. EHLERT: I believe that's correct; we
21 don't.

22 MS. BARNES: Okay. Go ahead.

23 COMMISSIONER BERGMAN: Mr. Chair, I'm
24 going to ask Abby this one, because that addressed
25 what you -- one of the comments you made before

1 lunch. The sentence reads, "Evidence that there is
2 a community need for a school of this nature in the
3 location proposed."

4 Now, I know that comes from statute, see?
5 You talk about needs and being careful in that area.
6 That does say that needs are important.

7 MS. LEWIS: Well, it says -- what the
8 statute actually says is something about the
9 students' needs. So, I wouldn't say it's --

10 MS. BARNES: It's cited directly here, but
11 it's the sentence directly after that. So, on
12 Page 1, it cites the law.

13 MS. LEWIS: Right. But that word is not
14 in there.

15 MS. BARNES: Yeah. So --

16 COMMISSIONER BERGMAN: The law says,
17 "Evidence of community need is required," period.

18 MS. BARNES: The law doesn't say that.
19 This says that.

20 COMMISSIONER BERGMAN: Isn't that what
21 this citation says?

22 MS. LEWIS: No. The citation is for the
23 blurb that follows, which is what I just read to
24 you.

25 COMMISSIONER BERGMAN: I'm reading little

1 "a" here, and that sentence is down below little
2 "a", and it's all part of that paragraph.

3 MS. BARNES: No, it's after the cite. I
4 think "Evidence of community need, as required," we
5 should take it out.

6 COMMISSIONER BERGMAN: So, we're saying
7 it's not required?

8 MS. BARNES: What is required is what is
9 in quotes.

10 COMMISSIONER BERGMAN: I thought Senate
11 Bill 446 had something in it that did discuss
12 community needs.

13 MR. GERLICZ: What if we want to think
14 about "either/or"?

15 MS. BARNES: Well, the application has to
16 comply with what the law says it's supposed to have.

17 MR. GERLICZ: Okay.

18 MS. BARNES: And, you know, what that
19 sentence is, is the grounds for denial of the
20 application. So, it's kind of a negative. The next
21 sentence, "Evidence of community need is
22 required..." is actually some person's sentence that
23 tries to put it in the positive. But I think that's
24 not -- the law doesn't say that.

25 COMMISSIONER BERGMAN: Huh. Because

1 there's a sentence here that says, "Specific data
2 and evidence is required in Section 5." What is
3 Section 5? Is that the law, or is that the
4 application?

5 MR. RICHARDSON: The application.

6 COMMISSIONER BERGMAN: Is that referring
7 to the application?

8 MR. RICHARDSON: Yes.

9 MR. GERLICZ: While Julia is looking,
10 members of the Commission, I just have an e-mail
11 here from the Deputy General Counsel, Albert
12 Gonzales. And he's over at the courthouse with an
13 appeal for TLC. And he's asked me to join him at
14 2:30. So, if you see me up and walking out, that's
15 the reason why. The attorney for TLC has filed a
16 motion for stay, and the PED is responding to that.
17 And Attorney Gonzales would like me to come and
18 speak to the Judge at that time.

19 MS. LEWIS: Will you let us know what
20 happens?

21 MR. GERLICZ: No, I'll keep it to myself.

22 COMMISSIONER BERGMAN: Don't judges want
23 to take three weeks to consider the motion?

24 MR. GERLICZ: Apparently, this is an
25 emergency stay.

1 MS. BARNES: You would be surprised how
2 fast those guys could rule.

3 COMMISSIONER TOULOUSE: Actually, we found
4 out how fast some of them could do, before they even
5 sent us notice last year.

6 MS. LEWIS: Not judges.

7 MS. BARNES: Let's not go there.

8 ACTING CHAIR GANT: While you're looking
9 for whatever you're looking for --

10 MS. BARNES: There's just not. All I see
11 is what Abby's already pointed out and what's cited
12 here, which is 6(L)(5).

13 COMMISSIONER BERGMAN: Then that language
14 should be removed, shouldn't it, if it's not
15 required by statute?

16 MS. BARNES: I think you could actually
17 maybe change it to reflect the language, which is,
18 "Evidence of the best interests of the charter
19 school's projected students, the local community, or
20 the school district is required."

21 I mean, you could say that. It's just --
22 this sentence has just defined "the best interests
23 of the charter schools' projected students" as need.
24 And that's not what it says, so --

25 COMMISSIONER BERGMAN: There's two lawyers

1 sitting here. Let me ask you lawyers a question.

2 If this body had rule-making authority, if
3 statute didn't address something like that, could
4 this body, after going through the entire process,
5 do a rule that said "specific need"?

6 MS. LEWIS: I believe it would be outside
7 the scope of the statute.

8 COMMISSIONER BERGMAN: Would it be outside
9 the scope of our duties?

10 MS. LEWIS: What do you think, Julia?

11 MS. BARNES: I'm going to let you speak to
12 that.

13 MS. LEWIS: We might be able to come up
14 with some very lawyerly language. But I think that
15 the intent of the root of that, my gut tells me --

16 COMMISSIONER BERGMAN: If the legislative
17 bill doesn't address it, then we probably can't go
18 beyond rule-making.

19 MS. BARNES: I think you can say, "Why is
20 this school in the best interests of the charter
21 school's projected..." -- you can just parrot back
22 the language, and that's fine. So, we either need
23 to change that -- I say we strike the sentence here
24 and look at it in the application.

25 COMMISSIONER BERGMAN: Okay. It's in a

1 couple of different places. Make sure you get it in
2 all of them, yeah.

3 MS. LEWIS: The first sentence and the
4 last -- or second to last sentence.

5 COMMISSIONER BERGMAN: And, also -- I
6 assume that means, then, specific data and evidence
7 is required in Section 5. We're also going to have
8 to change that in Section 5 of the application.

9 MS. BARNES: Right. So, it should say,
10 "Evidence that the school is in the best interests
11 of the charter school's projected students, the
12 local community, or the school district." We'll
13 just need to parrot this language. So, we'll strike
14 that sentence -- the first sentence and the next to
15 last sentence and just change it, redraft it.

16 COMMISSIONER BERGMAN: I understand that's
17 what the statute stated. But then we come to the
18 question, who determines what the best interests
19 are? And if we're not allowed to do data, what
20 determines that?

21 MS. BARNES: Well, you decide if it's
22 contrary to the best interests. That's the grounds
23 for denial. So, you do that. I don't have a
24 problem saying "Specific data and evidence is
25 required." I don't have a problem with that.

1 ACTING CHAIR GANT: Okay. If I may, in
2 that first bullet, the first word, "Evidence."
3 Define "evidence."

4 MR. GERLICZ: Where are we?

5 MS. LEWIS: I think it's going to be
6 advantageous for you in this case maybe not to
7 define "evidence," or at least to define it in a
8 broader way that allows you -- like Tony is saying,
9 like -- I'm sorry -- what Commissioner Toulouse is
10 saying, "Not everything is -- you know, here's a
11 number." So I'd be careful about defining that
12 unless you do it broadly. Give yourself
13 flexibility.

14 ACTING CHAIR GANT: Then I'd go back to
15 the comment Tony made about using how bad the
16 traditional public schools are doing in how bad we
17 need this school.

18 MR. GERLICZ: I'd prefer that not be used
19 as a bar to measure the effectiveness of the school.
20 That may be evidence of a community need, that the
21 schools in the community are terrible. I can see
22 that as great evidence of a community need. But it
23 wouldn't be sufficient evidence to say, "We're going
24 to do 5 or 10 percent better than a crappy school."

25 COMMISSIONER CARR: But if you take that a

1 step further, if you use that for evidence, then do
2 they not have to provide data other than the school
3 grading and all that, as to why the schools are not
4 doing so well?

5 MR. GERLICZ: Yeah, some analysis of what
6 that need is, is always going to have to be made.

7 ACTING CHAIR GANT: So, would the
8 applicant really have the expertise to do that?

9 MR. GERLICZ: I think there's a lot of
10 interpretation there. I mean, we saw, in Explore
11 Academy, their need was -- and we saw the need for
12 an alternative educational delivery that was
13 different than anything we've ever seen before.
14 That was that need, which was different than another
15 need.

16 ACTING CHAIR GANT: I just get tired of
17 reading this: "Albuquerque schools are so bad, we
18 need another school in the best part of town," you
19 know. It's just -- that's just an old -- it's
20 getting old. Go ahead.

21 MS. BARNES: Okay.

22 ACTING CHAIR GANT: Down in the fifth
23 bullet, how do you prove -- it says, "How do you
24 project that the school will be more effective than
25 the schools currently serving?" How do you do that?

1 MR. GERLICZ: That's what we like to read.
2 How are they going to do that?

3 ACTING CHAIR GANT: How are you going to
4 do that? How are you going to prove it?

5 COMMISSIONER BERGMAN: I guess they would
6 have to tell us and tell the CSD.

7 MR. GERLICZ: What their plan is.

8 COMMISSIONER BERGMAN: What you can do
9 that local schools aren't doing. Whatever they're
10 doing must not be working, because they have the
11 poor results. So, what do you think you can do that
12 you will get the results?

13 COMMISSIONER PARKER: At the very end of
14 that, it's got a sentence that says, "Provide a
15 brief summary of any data that you have to support
16 this assumption." So, they're going to have to say,
17 like, "This is the model we're going to use, and it
18 worked over here; so it should work over here."

19 MR. GERLICZ: To get back to your point
20 that we don't want to see schools that are
21 duplicating the same thing as the school down the
22 street. So, they're going to have to explain what's
23 different.

24 COMMISSIONER BERGMAN: I agree with your
25 assessment. Comparing yourself to a poor school is

1 useless. I agree. Ten percent better than "F" is
2 what? A "D-minus"?

3 MS. BARNES: And, actually, under the law,
4 I think we ought to change that sentence, because
5 they're supposed to provide a description of the
6 charter school's education program, student program,
7 student performance standards and curriculum that
8 must meet or exceed the Department's educational
9 standards. So, it doesn't compare it to the local
10 student population.

11 ACTING CHAIR GANT: How about --

12 MS. BARNES: So, I think we ought to redo
13 that sentence and track --

14 MS. LEWIS: Where are you, Julia? No, I'm
15 sorry.

16 MS. BARNES: I'm tracking 22-8B-8C.

17 MS. LEWIS: Thank you.

18 MS. BARNES: So, let's take that and track
19 it. Because that sentence right there, Tony, moves
20 the schools the direction you're just saying not to
21 go. And it's not what the law requires. So, let's
22 go to 8B-8C. Okay.

23 Is there any other way in which the
24 Executive Summary can be more helpful to you guys
25 remembering ones that you looked at in the past?

1 Anybody? Okay.

2 Okay. On the application itself --

3 ACTING CHAIR GANT: Back up.

4 MS. BARNES: I'm sorry.

5 ACTING CHAIR GANT: No, because I'm

6 simple, very. The last two bullets, "The founders

7 of the proposed school and their background and

8 expertise... ." And then it says, "...if different

9 from the list provided above." What "list provided

10 above"? And the founding governing board. What do

11 those two sentences mean?

12 I know -- I understand background,

13 expertise, et cetera. But then that last bullet,

14 what does that mean?

15 MR. GERLICZ: I think it's the board, the

16 governing board, as opposed to the founders.

17 ACTING CHAIR GANT: Maybe we should say

18 that.

19 MS. BARNES: Or the proposed founding --

20 are we -- and we're calling them a governing body,

21 anyway.

22 COMMISSIONER BERGMAN: Maybe that very

23 last one, if you remove the word "founding." Maybe

24 that's what's confusing. "If different from the

25 list above, the governing board." If the governing

1 board is different than the founders, anyway, I
2 would want all their backgrounds, I would think.

3 MS. BARNES: "If different from the list
4 provided above, the governing" -- "the initial
5 governing board of the school," or something?

6 MS. LEWIS: "Proposed."

7 ACTING CHAIR GANT: You won't have a
8 governing board. You might have a proposed one.

9 MS. BARNES: "Proposed governing board."
10 And I think we should do a global replace of "board"
11 to "body." Everything we do in the contract, we
12 should just be consistent.

13 ACTING CHAIR GANT: Sorry about that.

14 MS. BARNES: Okay. Part C, the
15 application itself. So, Commissioner Gant, back to
16 what you were saying before, would it be helpful to
17 you -- and I don't quite know how to make this
18 happen -- to just have the schools' answers in the
19 documentation that came to you?

20 ACTING CHAIR GANT: What do you mean?
21 Answer what?

22 MS. BARNES: You know, where they filled
23 in the blanks of their responses, rather than all of
24 the other language?

25 ACTING CHAIR GANT: I don't read all --

1 what I was referring to -- I'll open up one of those
2 files. I download it, open it up. And it starts
3 out with the application process. I don't need
4 that. I just need -- start filling in the blanks.
5 Give me the information required by the application
6 process. I mean, I don't have my computer here, so
7 I can't bring one up. But it was -- they end up
8 being 100-some pages, which it didn't need to be.

9 MR. GERLICZ: So, here's the initial
10 application. This is the old one. We changed it in
11 your packets. You have a separate version, and
12 we'll get to that a little bit later.

13 So, cover sheet, application, and then it
14 starts, Page 3, verbiage, and Page 4 -- Page 3,
15 actually, right here, starts actually answering
16 questions. Is that what you're referring to?
17 (Indicates.)

18 ACTING CHAIR GANT: Yeah, if they just
19 start filling it in. But last year and the years
20 before, they would start with the cover sheet, and
21 then it would be next thing, give us the mission
22 statement. And then a few pages down or more pages
23 down, they start giving you the mission statement,
24 and --

25 MR. GERLICZ: Well, let's -- maybe we

1 ought to dive in to the one that's in the packet.

2 MS. BARNES: I think all what he's saying
3 is that the introduction and instructions were
4 included, and just ditch them for his.

5 ACTING CHAIR GANT: There was a bunch of
6 stuff that didn't --

7 MR. GERLICZ: That would be Part A.
8 Forget Part A and forget Part B, and just start with
9 C.

10 MS. BARNES: Part B is the Executive
11 Summary; so start with Part B.

12 ACTING CHAIR GANT: How many pages do you
13 have to go through before I get to the meat of the
14 thing?

15 MR. GERLICZ: Fine, fine.

16 MS. BARNES: So, do you want to
17 describe --

18 MR. GERLICZ: Well, let's go through,
19 then, what's in your packet. And we can start
20 with -- this would be Appendix B3 in your binder,
21 the initial charter school application, Part C.
22 This is the meat and potatoes of the application,
23 the whole thing.

24 COMMISSIONER BERGMAN: Can I have a copy
25 of the original one, so I can go page by page and

1 see what the changes look like?

2 ACTING CHAIR GANT: Tony, what time do you
3 have to be at court?

4 MR. GERLICZ: I'm supposed to leave here
5 at 1:30 and to meet Attorney Gonzales.

6 ACTING CHAIR GANT: I just don't want you
7 to be late on this one.

8 MR. GERLICZ: Yes, actually.

9 MS. LEWIS: While we're talking about
10 time, I just want to point out that the meeting was
11 noticed as ending at 4:00. And I apologize. I
12 should have noted that, and asked to not have an
13 ending time. Just so that you know, there have been
14 Open Meetings Act violations found when you set an
15 end time for yourself and you go past it.

16 It's up to you if you want to continue
17 after 4:00, but I just wanted to let you know what
18 has happened legally in the past. And I'm sorry. I
19 should have caught that and taken the end time off.

20 ACTING CHAIR GANT: I appreciate that,
21 because I've been down the road -- I've said this
22 before -- Open Meetings Act violations. And you
23 don't want to go there. I realize we have a group
24 of friends. But I don't know who's out in that
25 hallway.

1 COMMISSIONER POGNA: Mr. Chairman?

2 ACTING CHAIR GANT: Yes.

3 COMMISSIONER POGNA: I wanted to give a
4 bit of information before Tony leaves.

5 ACTING CHAIR GANT: Okay.

6 COMMISSIONER POGNA: I watched -- we
7 approved the flamenco school a number of years ago,
8 long before your time. But I wanted to tell you all
9 that they performed at the charter school conference
10 a couple of months ago.

11 MR. GERLICZ: That must be PAPA.

12 MS. LEWIS: It's Tierra --

13 MR. GERLICZ: Oh. Tierra Adentro.

14 COMMISSIONER POGNA: And they were just
15 wonderful, exciting, and beautiful.

16 ACTING CHAIR GANT: Okay. Go ahead. A
17 little levity helps. So, do you want to go page by
18 page?

19 MR. GERLICZ: Yeah. So, if we're all
20 there, on Page 2, we'll start with the education
21 plan. You can -- and, essentially, what we have
22 changed is this. This is global change. Instead of
23 the whole application here, and then the rubric
24 behind it, we now have taken one section of the
25 rubric and put it immediately under the narrative

1 section of the application.

2 So Part A, School Size. And then you can
3 see a rubric right there. B, Mission. State the
4 mission. And you can see the rubric right there.

5 Part C, Federal -- State and Federal
6 Accountability Systems, Academic Performance
7 Indicators, et cetera, et cetera. They're going to
8 have to answer that question. And then you can see
9 the rubric right there.

10 Page 3, the letter D, goals related to the
11 school's mission. There's a little narrative.

12 On Page 4, they have to answer that
13 question and the rationale. And then the rubric is
14 right there.

15 Now, the other thing, we did receive some
16 feedback that the language in this rubric did not
17 always align itself with the language in the
18 narrative. So, we have cleaned that up so that the
19 narrative in the application language and the
20 narrative in the rubric is now aligned.

21 So, if there's any part of this
22 application, Part D, Mission, and so on -- on
23 Page 5, they are still talking about the optional
24 supplemental goals, if they have any.

25 Now, if we're talking about eliminating

1 optional supplemental goals, then, on Page 5, the
2 second half of Page 5, that gets eliminated, the
3 second --

4 MS. BARNES: Let's go back just to make
5 sure -- I was just looking to see how the one on
6 Page 3 works.

7 COMMISSIONER BERGMAN: That is good,
8 because on Page 3, as I just sat here and we're
9 looking at this, what we're talking -- since we've
10 talked about five-year goals over here, and we've
11 talked about annual goals over here, what -- is
12 there any way we could put some kind of language in
13 here that would indicate to applicants that goals in
14 this first application are -- shall we be specific
15 and say, "These are more five-year goals for your
16 school"? Or, do we want to avoid that?

17 MR. GERLICZ: I think Commissioner Bergman
18 is raising an excellent question. And we ought to
19 work on language to be more illuminating to our
20 applicants. What about these goals, really? These
21 are not necessarily -- what's the flavor of these
22 goals in this initial application?

23 It will be hammered out every year in a
24 performance indicator. So, maybe that question
25 about, "At the end of your five-year charter, what

1 do you hope to accomplish goal-wise?"

2 MS. BARNES: Well, would that help you
3 assess the application? Because it's not required.
4 It's not required that they set out a five-year
5 goal.

6 MS. LEWIS: That's what I was going to
7 question about this first sentence. The [inaudible]
8 requires schools to complete at least one
9 mission-specific goal. I don't see that.

10 MS. BARNES: No. It's the present
11 performance framework that's -- well, Abby, I will
12 show you.

13 COMMISSIONER BERGMAN: While you're
14 looking for that, I just don't want to get to where
15 somehow, we all agree that we're not going to have
16 any goals in the application. As we start, "Let's
17 rule this one out, and let's rule this one out." I
18 want to be cooperative and easy to get along with.

19 MR. GERLICZ: There's nobody in this room
20 that want to eliminate goals. We're just talking
21 about what type of goals, yeah. So, Julia, on Part
22 D, I think we need to maybe play around with that
23 language, and we can come back with a revision.

24 MS. BARNES: Okay. But let me just say,
25 22-8B-9(B)(3) says that, "The charter contract shall

1 include..." -- which, the way that we've done that
2 is through the performance indicator, the mission
3 statement of the charter school that's put in the
4 contract, and how the charter school will report on
5 the implementation of its mission.

6 The way we do the second part of that
7 required sentence is by putting a mission-specific
8 performance indicator in the performance framework.
9 So that sentence may --

10 MR. GERLICZ: So, that covers it.

11 MS. BARNES: So that sentence may -- I
12 think, Abby, that sentence may be right.

13 COMMISSIONER BERGMAN: We certainly don't
14 want to take the mission statement out of the
15 application. Based on that it's saying, it's in the
16 contract. But we've got to have a mission statement
17 in the application, or we don't know what their
18 mission is.

19 MS. BARNES: Okay. But this -- if I
20 understood the result of our last conversation, on
21 Page 3, we would rework this to align to having them
22 create a draft indicator.

23 MR. GERLICZ: Yes.

24 MS. BARNES: So, while we're not
25 eliminating goals, we're changing the name to

1 "indicator," because that's what the law uses.

2 MR. GERLICZ: Now, we're going to have to
3 define that, because it's not going to be well
4 understood by the general public, even the general
5 educator public.

6 MS. BARNES: Right. We're going to have
7 to show an example or something.

8 COMMISSIONER BERGMAN: We're going to have
9 to understand that we're talking about -- this may
10 not be the wording you guys finally use -- but that
11 this is a five-year goal. This is a one-year goal.
12 This is a five-year goal. So, figure out how to do
13 that. Or not even that language. But it's got to
14 be the equivalent of a five-year.

15 MR. GERLICZ: What about Karen's point
16 here, that we do have successful schools that are
17 successful because they've been able to adapt? If
18 they set a five-year goal, and three years later
19 they recognize, "This is ridiculous," doesn't mean
20 that they're a poor school. It just means that
21 for --

22 MR. CHRISTOPHERSON: Evolutionary
23 purposes.

24 MR. GERLICZ: -- whatever reason, things
25 change.

1 COMMISSIONER BERGMAN: We need additional
2 language stating that circumstances may require that
3 five-year goal, or whatever you're going to call it,
4 to maybe be changed three years down the road, or
5 four years down the road.

6 MR. GERLICZ: And at least we want to know
7 what their vision, at the end of their charter, that
8 they do hope to accomplish. That may have to
9 change.

10 MS. BARNES: Tony is saying something a
11 little bit different than you, I think, which is
12 because the indicators are annual -- let's say that
13 "indicator" equals "goal," so that we don't get
14 confused -- the performance frameworks are going to
15 look at it annually. So, if it's helpful to you in
16 the application to understand some kind of
17 overarching five-year thing, let's call it something
18 different and have them report on it differently.

19 I don't see anywhere in the law that
20 there's a requirement for a five-year goal; there's
21 just a requirement for goals.

22 COMMISSIONER BERGMAN: Okay.

23 MR. GERLICZ: That would be up to us.

24 MS. BARNES: But if the PEC, as a body,
25 wants their -- them to indicate what they're going

1 to achieve in five years, we could ask that.

2 COMMISSIONER BERGMAN: How about this?
3 Take Ron's word of "targets" instead of "goals."
4 "Targets" and "goals," they're kind of
5 interchangeable.

6 MS. BARNES: Okay. So, would it help you
7 all to have a five-year target? Is that a helpful
8 thing in the application?

9 MR. GERLICZ: Well, let's go through some
10 examples. Yes, Ron?

11 MR. CHRISTOPHERSON: I'm thinking of
12 Dream Dine' as the example throughout this whole
13 conversation. If their mission is to promote a
14 Navajo culture within their community through the
15 charter school that they want to create --

16 MS. BARNES: Ron. Ron.

17 MR. CHRISTOPHERSON: Thank you. So, if
18 there is a founding group that have this vision of
19 wanting to create a school that promotes and
20 develops Navajo culture through the school that they
21 want to create, their mission is going to be very
22 specific to that. So, they -- I'm picturing a
23 five-year target, if you will, that says, "Within
24 the first five years, this is where we're heading.
25 And we" -- when they become -- when they come before

1 you, and you approve them in their first performance
2 framework, the mission-specific goal is to lay
3 baseline data down for their Navajo language test;
4 not necessarily growth, but their first year is to
5 establish baseline data.

6 Year number two, year number three, year
7 number four then builds on that for growth. So,
8 that the target says, "Here's where we're heading,
9 but it doesn't necessarily tie us down to 15 percent
10 compared to this," or -- but it gives us a
11 direction.

12 The first contract says, "Here's how we're
13 going to gather baseline data, so that year two,
14 three, and four, we now can say, if this is where
15 we're at, here are realistic growth marks that we
16 can -- that we can chase after and that we commit
17 ourselves to as our goals."

18 That's how I'm picturing it all tying
19 together.

20 COMMISSIONER BERGMAN: See, that's a great
21 point, too. And they're using -- they have
22 assessments that the Navajo Nation has already
23 designed and is already using on other Navajo
24 schools on the reservation. So, they -- in that
25 instance, they have baseline for -- they can compare

1 their school to other Navajo schools of the same
2 type.

3 So, they would -- so maybe you could do a
4 target around something like that.

5 MR. CHRISTOPHERSON: Well, I'm also
6 thinking of Media Arts and their mission about
7 performance, and kids actually participating and
8 things. And, so, their mission is laid out very
9 specifically. Their target is, "By the end of five
10 years, we want our kids to be participating in
11 real-world media arts production."

12 Year number one is going to say, "Here are
13 the tools that we're putting into place and the
14 number of kids that are participating." And every
15 year, then, we then have that baseline to add and to
16 grow from. So, in that case, there isn't a test,
17 per se. It's keeping track of the number of
18 participants, or how -- how they're going to
19 demonstrate their proficiency. So, it still gives
20 autonomy to the school to create those.

21 MR. GERLICZ: I think, in the case of
22 Media Arts, they did have a performance level there
23 that we worked out in our negotiations. It was "X"
24 number of kids participating, and they were all
25 going to pass a certain level, which we would want

1 in there. But something like that.

2 So -- so, again, I think we ought to move
3 on. But it would be our task to look at this
4 Section D and come back with better language.

5 MS. BARNES: And it's potentially a
6 mission-specific -- a draft mission-specific
7 indicator and potentially a five-year -- five-year
8 targets or something.

9 MR. GERLICZ: I don't think there's
10 anything wrong with, "What do you want to accomplish
11 in five years? What's your intended outcome for
12 five years," realizing that we're not going to box
13 you in along the way, that we're going to provide --
14 if there's need to revise or adopt and be flexible
15 along the way, that's doable. But we want to know
16 what your intent is.

17 MS. BARNES: Yeah. Well, I just want to
18 be clear that I think that goes to capacity, that
19 that five-year target, I don't see is going to show
20 up in the contract anywhere, and it's not going to
21 show up in a first-year performance indicator. It
22 might -- it might influence what shows up in the
23 first-year indicator. But I don't see, the way the
24 Charter School Act reads right now, that there is
25 really a place to put a five-year target.

1 MR. GERLICZ: Right.

2 MS. BARNES: I just don't see it.

3 MR. GERLICZ: Well, we can put it in there
4 anyway.

5 MS. BARNES: And they can assess the
6 capacity of the school. I'm just trying to be
7 clear.

8 MR. GERLICZ: To me, for a school to put
9 out a five- -- "It's our intent, in five years, to
10 say this and this," it provides a roadmap for it.

11 MS. BARNES: That's fine. I just want to
12 be clear, I don't see a place for that to translate
13 that into the contract and performance framework.

14 COMMISSIONER BERGMAN: Forget the language
15 "five-year" then. Then formulate it along the
16 lines -- excuse me -- of what kind of auton- --
17 where do you want your school to be when you come to
18 us for renewal again? Where do you envision your
19 school being? And it's actually not going to be
20 five years; it's going to be four years down the
21 road, once they start. But leave the "five-year"
22 part out of it. Don't use the word "five years."
23 That was a poor choice of words on my part.

24 But I think Mr. Obenshain is the first one
25 that used the words "five-year goals." That was his

1 interpretation of the goals that we were requiring
2 him to put into the application. But, "Where do you
3 want your -- what's your vision for your school when
4 you bring that renewal application to the PEC and
5 the CSD," something along those lines.

6 (Mr. Gerlicz leaves the room.)

7 MS. BARNES: Okay. So, we'll rework that,
8 I think -- and, again, this will be raised tomorrow,
9 just to reiterate for the full Commission what we're
10 looking to do to clarify.

11 Did you all want input on whether it helps
12 to have the -- the rubric in the application or not?
13 Or did you want to explain your thoughts on that?

14 ACTING CHAIR GANT: It helps me.

15 MS. BARNES: It helps you to have it right
16 there?

17 ACTING CHAIR GANT: (Indicates.)

18 MS. BARNES: And that's what you would
19 think of the applicant, too? Okay. Anybody else.

20 COMMISSIONER BERGMAN: I like it there,
21 yeah.

22 MS. BARNES: Okay. And maybe it's obvious
23 that they don't complete that. But that's my only
24 comment, is I would go and say, "Oh, we exceed that.
25 I'll just go ahead and check that box. I know the

1 correct answer to that."

2 COMMISSIONER BERGMAN: Let's look at
3 Page 5, then. Actually, 4 and 5 are still running
4 along with 3. You're going to have to look at a
5 number of pages to revise, perhaps.

6 MS. BARNES: We're going to take out
7 "optional supplemental" based on our conversation
8 today.

9 COMMISSIONER BERGMAN: You say, "These
10 goals are optional, while, mission-specific goals
11 are required. Please note that goals are annually
12 revised."

13 You are saying in these documents to these
14 applicants that yes, the goals you put in this
15 original application were going to be revised
16 anyway. You said it right there, about the third
17 sentence down.

18 MS. BARNES: I think we're going to talk
19 about this in terms of creating a draft that will
20 later be negotiated, and then we're going to take
21 out "optional supplemental goals." We're just going
22 to have them do at least two mission goals.

23 COMMISSIONER BERGMAN: Okay.

24 MS. BARNES: So Page 5 is probably going
25 to be deleted. Page 6 --

1 ACTING CHAIR GANT: I've got a question.
2 Just curious. You're looking at -- we're looking at
3 Educational Program and Curriculum. You get in
4 there, and it says the ranking -- the blocks of the
5 ranking. And, you know, if they exceed it, for
6 whatever -- for the reasons, or -- my issue with
7 this one -- and it's been my issue for several
8 years -- the applicant will come along and say,
9 "Well, we'll have the curriculum figured out before
10 the school opens." Basically, that's what they say.
11 And that's what this says.

12 MS. BARNES: Yeah. And that goes back to
13 the conversation about timing. Does the application
14 have to be complete at the time it's approved? Or
15 can they hire a curriculum specialist -- it is
16 required before they open.

17 ACTING CHAIR GANT: Yeah, I know.

18 MS. BARNES: And the checklist requires
19 that. And you are going to -- I forget -- allow
20 them to commence operations, and you're not going to
21 do that if they don't have a curriculum.

22 ACTING CHAIR GANT: Okay. But I read it
23 and I say, "Huh." They really don't have a
24 curriculum, and it doesn't give me a warm fuzzy they
25 have a direction they really want to go. And then

1 one of them come up and said, "Well, we'll have the
2 first year," and it was, like, maybe. "And then
3 we'll do the second year during the second year --
4 during the first year. Then we'll do the third-year
5 curriculum during the second year," and on and on
6 and on.

7 So, how do you get to five-year goals if
8 you don't know where you're going the first year?
9 See what I'm saying?

10 MS. BARNES: Yeah. I think it hits
11 directly, the question of what do you need to have
12 when you turn in the application and what can you
13 develop along the way.

14 ACTING CHAIR GANT: Yeah. Some of the
15 charters come in here, and they know exactly what
16 they want to do curriculum-wise. And then there's
17 some others that come in and say, "We'll get there."

18 COMMISSIONER BERGMAN: See, they're asking
19 us to approve their application without having a
20 curriculum. And they're asking me to vote "yes" on
21 their application -- and they're telling me, "I'll
22 give you this curriculum at the end of the planning
23 year" or something. And that's -- all I have then
24 is their assurance that they're going to have this
25 curriculum and that it will be ready to go.

1 As Commissioner Gant pointed out, we've
2 run into some schools that were doing it year by
3 year. All they did was the first-year curriculum.
4 And that does not strike me as that's in the best
5 interests of the student.

6 So, yeah, I'm a little uncomfortable with
7 that, too, saying that you can't give us enough
8 specification on a curriculum in the application.

9 MS. BARNES: Well, in the law, under
10 8B-8C -- again, that same one we were just talking
11 about -- they're required and shall include a
12 description of the charter school's educational
13 program, student performance standards, and
14 curriculum.

15 So, they, at a minimum, have to provide a
16 description --

17 ACTING CHAIR GANT: That's not what that
18 says.

19 MS. BARNES: Okay.

20 COMMISSIONER BERGMAN: Actually, that's a
21 pretty descriptive sentence in that top -- right in
22 that first paragraph. It says, "The curriculum
23 description provided must be research-based, clear,
24 comprehensive, cohesive, reasonable innovative, and
25 clearly aligned with Common Core."

1 To me, that's pretty descriptive.

2 MS. BARNES: Well, you might say, "And, if
3 the curriculum is not fully developed beyond the
4 course" -- if you put an "and" there, then they
5 could give you a time line, because they still need
6 to describe it.

7 I mean, some of them say, "We're following
8 an IB curriculum, and here it is. It's developed
9 for us. That's what we're going to follow." So,
10 that's easy.

11 But maybe if we change the "or" to an
12 "and," so, if it wasn't fully developed, they also
13 need to give you a time line, but they still need to
14 provide a description, would that fix it?

15 COMMISSIONER BERGMAN: Yeah, just take
16 that little word "or" out.

17 MS. BARNES: "Or." And, then -- okay.
18 Does that work, Karen?

19 MS. EHLERT: Yes.

20 MS. BARNES: All right. Good. Section F
21 is Graduation Requirements. The next one is
22 Instruction, and then Special Programs. And then
23 moving on to English Language Learners, anything you
24 guys want to add to that, so -- then Assessment and
25 Accountability. So, that's --

1 COMMISSIONER BERGMAN: What page are you
2 on, Julia? You've lost me.

3 MS. BARNES: Assessment and Accountability
4 starts on Page 13 and goes through 15.

5 COMMISSIONER BERGMAN: I'm four pages
6 behind. Okay.

7 I probably shouldn't ask a question like
8 this, but I'll ask it anyway. That very first
9 sentence there says, "A charter school application
10 should include a clear plan for evaluating student
11 performance across the curriculum."

12 How do you do that if you don't have a
13 curriculum?

14 MS. BARNES: Well, they have to have a
15 description of their curriculum. So, they have to
16 understand what it is they're going to do.

17 COMMISSIONER BERGMAN: See, all of this
18 ties together.

19 ACTING CHAIR GANT: Yeah. It's like
20 Tiddly Winks. You pull out one, and it falls down.

21 MS. LEWIS: Jenga. Tiddly Winks is the
22 one where you make them jump. Or Pick-Up Sticks.

23 (A discussion was held off the record.)

24 MS. BARNES: So, I think that that's --
25 just looking at 8B-8, letter (E), which requires a

1 description of the school's plan for evaluating
2 school performance, the types of assessments that
3 will be used, and then procedures for taking
4 corrective action in the event the student
5 performance falls below the standards.

6 Okay. So, that -- through Page 15 is
7 essentially the educational sections. Do you
8 generally get -- do the questions generally ask the
9 right questions? I know you don't always get the
10 answers that you want. But -- so, I won't ask that.

11 But is there a way, in addition to what
12 we've said, to improve the application itself to get
13 you more information you want on the educational --

14 COMMISSIONER BERGMAN: While we're
15 thinking about that, let me note this. I don't know
16 how you can address this in CSD. But not all the
17 applicants followed this form. Some of them just
18 went off and did it their own way. So, how do we
19 tie -- can we require them to use this form,
20 lawyers? Because how do we -- those homemade ones,
21 I had a hard time trying to tie it back.

22 MR. CHRISTOPHERSON: So did we.

23 COMMISSIONER BERGMAN: So, think about
24 that, too, yeah.

25 ACTING CHAIR GANT: A lot of that lies --

1 Commissioner Bergman. I would appreciate that
2 they're all in a PDF. And I would appreciate being
3 able to, like on most computers, you can just go
4 over and click on a page and it goes to the page,
5 instead of having to flip through the whole -- the
6 whole thing.

7 And some of them, you know, use a real PDF
8 file that uses -- you know, they should be able to
9 find that software. It's real -- it's not that
10 difficult.

11 MS. BARNES: Abby, do you see any problem
12 requiring the use of an application? I'm finding it
13 hard to believe we aren't.

14 MR. CHRISTOPHERSON: We had some schools
15 indicate that they couldn't drop in charts and
16 graphs into a Word document, which is what this was
17 displayed.

18 MS. LEWIS: We dealt with that last year.
19 So, there are -- yeah, I don't want to preclude
20 anyone because they don't have the right technology.
21 I think that's dangerous, legally. So, if we can
22 kind of deal with those cases and pick them up and
23 see what we can do for those folks, as long as we're
24 treating them the same as everyone else, it's a fine
25 line.

1 ACTING CHAIR GANT: My only comment is if
2 they can't find it now, how are they going to
3 support those kids when they need to?

4 MS. COATES: May I speak?

5 COMMISSIONER BERGMAN: I wonder if this
6 new SharePoint system isn't going to address some of
7 these things.

8 MS. COATES: I'm not sure I'm going to add
9 any clarity to this. But I'll explain the process,
10 as I've gone through it now, twice.

11 Every applicant submits their application
12 in a different form. And the one you're speaking
13 of, Explore Academy, was a homemade form, was one of
14 the easiest for me to deal with in terms of
15 uploading it to the website. It was -- he --
16 although he used his own form, it was pretty simple.

17 The other applicants tend to deliver it in
18 a variety of ways. They'll include the introduction
19 as part of their single PDF. They have things --
20 all their appendices can be out of order. It may
21 not even be labeled appropriately. There may not be
22 any page numbers, or all of the page numbers are out
23 of order.

24 So, the last two rounds, I've -- I
25 personally spent a lot of time cleaning up their

1 application for them. And I'd like to minimize the
2 time that I spend doing that for these applicants,
3 because I feel that they should be able to handle it
4 themselves. I am not quite sure how we address
5 that.

6 ACTING CHAIR GANT: One thing that
7 bothered me, one or two of them -- I don't remember
8 how many -- I like to highlight things that I read,
9 so I can go to them. And you make comments. You
10 highlight something, you can make a comment over
11 here. That's where I keep my questions. I don't
12 have to have a separate document of questions.

13 But on some of them, they were --
14 apparently, they were scanned or something, and it
15 says -- but I do have the software that takes it,
16 yeah, and makes it into a PDF file that I can use.
17 I realize we all don't have that.

18 But I think they should be able to come to
19 us that way, so I don't have to do any changing, and
20 you don't have to go -- I can just highlight that
21 sentence and ask my question out in the column, you
22 know, that little comment box that pops up. Do you
23 know what I'm saying?

24 MS. COATES: Yes. I don't have an answer,
25 but we can sure get down into it further to see what

1 we can come up with to make it simpler.

2 ACTING CHAIR GANT: I think all these
3 folks out here can find that software, because it's
4 readily available. It's not that expensive.

5 MS. COATES: Are you talking about an
6 Adobe product?

7 COMMISSIONER TOULOUSE: I think this is
8 where this law is poorly written. It basically
9 says, "We'll accept an application." It doesn't say
10 our form. It says, "You will -- let's see. It says
11 here, "Applications for initial charters shall be
12 submitted..." -- let's see.

13 It says, "Applications -- "If an
14 application is submitted to a chartering authority,
15 it must process the application."

16 So, to me, that's a poorly written
17 statement in there that doesn't give you any way to
18 state, "But it needs to be a complete one," you
19 know, "It needs to meet certain criteria."

20 I mean, to me, that's -- we could reject
21 it after they sent it. But it could be, "We're
22 applying, and this is who we are, and thank you very
23 much," and we'd still have to process it.

24 ACTING CHAIR GANT: Then I think, just
25 from a professional point of view, if these folks

1 want to run a professional school, which they should
2 be, you know, then they ought to start out
3 professionally. All I'm saying.

4 MS. COATES: I agree. But we're still
5 there to --

6 ACTING CHAIR GANT: That's just my
7 comment.

8 MS. BARNES: Susan, is it time-saving?
9 Does that save time for you to tell them that they
10 have to submit it a certain way, rather than you
11 creating PDFs from it?

12 MS. COATES: They do do PDFs. But what
13 happens, instead of the -- they'll submit multiple
14 PDFs, for instance, for the appendices. So, I may
15 get ten PDFs, and I have to combine them to get them
16 on the website, and in a form where you can read
17 them. And it's not always clear which one comes
18 first.

19 So, I make an assessment, and then I let
20 them see it. And I say, "Is that what you wanted?"

21 And usually, they don't get back to me,
22 and that's what goes up on the website to -- because
23 we have to make the postings on the website all
24 conform. So, there's always going to be some
25 manipulation involved.

1 But it could be better, up front, if we
2 spend more time training them in terms of what we
3 expect, I believe.

4 ACTING CHAIR GANT: This is a side note.
5 You know, it just puts the reviewer -- like you all,
6 or myself -- in a better frame of mind when I open
7 it up, and I say, "All right. I got in. I can deal
8 with this quickly."

9 But if I have to search and search and
10 find Appendix A or Appendix 5, and it's not where
11 it's supposed to be, et cetera, et cetera, it gets a
12 little irritating, and I say, "To hell with this."
13 Excuse me. But there's nothing else I could say.

14 MS. BARNES: Think about this. But I
15 don't know quite how to do this. But flag the
16 section that talks about that, just for us to look
17 at.

18 Okay. Let's keep going, because I think,
19 actually, we're going to get to some documents that
20 you have more comments on.

21 The next section, starting on Page 16, is
22 the Organizational Plan and Governance, talking
23 about governing body training and evaluation. Is
24 there anything in your past review of new
25 applications that could be improved in here?

1 ACTING CHAIR GANT: If I may, one
2 question. Page 17, up at the top, it's the third
3 box over. I'm not questioning -- my question is in
4 that -- in the third box at the top.

5 It's "diverse" -- "diverse experiences" --
6 "lack of appropriate and diverse experiences." How
7 do we -- I'm not saying that we shouldn't figure out
8 if they have the experience to do it. But how do
9 you figure out if they have the proper diverse
10 experience?

11 MS. BARNES: How are you all addressing
12 that?

13 MR. RICHARDSON: Yeah. My -- I think
14 that -- I think one of the things that we've been
15 looking for is did they people the -- their
16 governing body with all CPAs or all parents? And if
17 they're a technical school, what we want to see is
18 that there's that level of technical expertise, that
19 they might need legal counsel on the governing body,
20 that they have educators. We're looking for a broad
21 level of -- of -- of experiences, I guess, that will
22 support what the school is trying to accomplish.

23 How we define that is a good question.
24 That's a very good question.

25 ACTING CHAIR GANT: I just need a

1 groundwork from which I can work, what you all are
2 doing. I don't want to go out here in the ether
3 somewhere, where you guys aren't, you know, to come
4 up with my own definition. Okay.

5 COMMISSIONER BERGMAN: Well, I would think
6 those specialized schools, especially like we've
7 mentioned flamenco today, would not serve, to me, if
8 they had six board members, and they were all
9 experts in flamenco, but didn't have any accounting
10 or business or any kind of other background. That's
11 where some of the diversity has to come in.

12 MR. RICHARDSON: Well, and the other
13 thing, too, that we have to keep in mind is that, as
14 a school evolves, as it matures, as it goes through
15 different stages, you know, the kinds of expertise
16 it might need, as it needs to get going, might be
17 significantly different than a school that, really,
18 now, needs to turn its attention to, say,
19 fundraising or something else.

20 So, there needs to be a sensitivity to
21 that. But since this is a new application, then
22 probably what we're looking for are people who can
23 bring life to the blueprint, to the plan.

24 COMMISSIONER BERGMAN: I'm thinking of the
25 Health Sciences people down in Anthony. They're

1 almost all doctors. Well, nothing against doctors.
2 We all -- I've got a good doctor myself. But
3 sometimes, they don't -- they know the doctor world
4 and the hospital world, but they don't know -- "real
5 world" is a poor term to use. But they needed some
6 membership -- as we saw on their first application,
7 they needed some help. Quote, diversity, would have
8 helped them a little bit.

9 MR. RICHARDSON: I'm making them up for
10 them. I don't know precisely what they said. But I
11 seem to recall they were going to create
12 partnerships with different health providers in the
13 area.

14 Well, I'd like to see, on the governing
15 council, do you have a community organizer? Do you
16 have somebody who's connected in that world who can
17 help you achieve that goal? If you don't, if
18 everyone on it is a doctor, then tell me again how
19 that board is going to help you.

20 COMMISSIONER BERGMAN: Absolutely. But I
21 also wouldn't want to go to the other extreme. I
22 don't think we should be telling them, "You've got
23 to have an accountant; you've got to have a
24 businessperson; you've got to have a lawyer." I
25 think we should give them certain flexibility.

1 MR. RICHARDSON: Oh, no. I agree with
2 you.

3 COMMISSIONER BERGMAN: I know you didn't
4 say that. I don't want to go too far.

5 MR. RICHARDSON: I guess what I'm wanting
6 to know is, are they able to match their aspirations
7 with the people who can actually help them realize
8 that?

9 COMMISSIONER BERGMAN: Very well said.

10 MR. RICHARDSON: That's a word you can
11 take your hat off to.

12 MS. BARNES: Now, are you -- before they
13 get these applications, are you filling out the
14 boxes?

15 MR. RICHARDSON: Say that again. What do
16 you mean, "filling out the boxes"?

17 MS. BARNES: The rubric.

18 MR. RICHARDSON: You mean evaluating it.

19 MS. BARNES: Uh-huh.

20 MR. RICHARDSON: No, I think you have
21 access to the application as soon as it's submitted;
22 right?

23 ACTING CHAIR GANT: Well, as soon as it
24 gets loaded.

25 MR. RICHARDSON: As soon as it gets

1 uploaded to the thing?

2 COMMISSIONER BERGMAN: I think there was a
3 delay this time, maybe because there were so many
4 problems. But, yeah, we get it fairly quickly. And
5 obviously, the quicker, the better, so we can start
6 reading the things.

7 MS. BARNES: And when do you get them?

8 MR. RICHARDSON: And then this gets
9 evaluated before the community -- certainly, before
10 the community input hearing; but before the capacity
11 interview, this gets evaluated. So, the submission
12 date, I think, is roughly, say, July 2, or something
13 like that. We want to have these evaluated by the
14 third week of July, going into the fourth week, when
15 we do the capacity interviews.

16 MS. BARNES: And are you going to actually
17 evaluate them on this, or it's going to evaluate on
18 a rubric?

19 MS. EHLERT: I believe it's going to be
20 evaluated on a rubric. But I'm not sure that we've
21 nailed that down yet, because this is a different
22 format than we've ever used. And we haven't, until
23 today, decided that this is what we would be using,
24 with the rubric embedded in it. So, I think we have
25 to work it out.

1 COMMISSIONER BERGMAN: I would just like
2 to note that I would like -- I enjoy getting this
3 before the hearings, especially if you've already --
4 if they've made a response to some of your concerns
5 on your capacity interview, because sometimes I look
6 at what you guys looked at and what you saw and what
7 you questioned, and then that leads me to another
8 question that I hadn't thought of before.

9 And, then -- so, some of my questions
10 actually, you guys are responsible for helping me to
11 formulate that question, because I've seen what you
12 looked at.

13 So, yeah, I do want to have this as early
14 as possible, without corrupting your process.

15 MS. BARNES: And do you want -- do you
16 want the CSD's evaluation, when they -- when they do
17 it, do you want it on this form, so that you're
18 following along and reading it, or do you want it on
19 a separate one?

20 COMMISSIONER BERGMAN: Well, that would be
21 a good question, again, for you to ask when the
22 Chairman is here, because I think she has some views
23 on that -- that's going to tie into the other rubric
24 that you're using. We probably should have this
25 discussion and that rubric all at the same time with

1 as many Commissioners as possible here, but,
2 particularly, the Chairman, because she's going to
3 want to weigh in on that, too.

4 I would enjoy seeing this if it's not a
5 problem for CSD staff.

6 MR. RICHARDSON: Just so -- I'm trying to
7 make sure I understand. So, as soon as the actual
8 evaluation of the application itself is completed,
9 to get that to you without any kind of a
10 recommendation, just, this is the -- sort of the raw
11 score, basically.

12 COMMISSIONER BERGMAN: I don't want to
13 corrupt your process, and I don't want to put you
14 under time line problems or anything else. I don't
15 want to interfere with your process. So, when you
16 say, "I'd like to see stuff," it's only if it
17 doesn't cause you any problem.

18 MS. BARNES: Okay. So, where do they fill
19 it in? Like, in the red? Like, where is --

20 MR. RICHARDSON: This is essentially the
21 box. That red print is -- expands.

22 MS. BARNES: Expands. And then you'll say
23 something like -- maybe before each one, you'll say,
24 "This section will be evaluated according to the
25 following criteria." And then you could put each

1 box.

2 COMMISSIONER BERGMAN: This form actually
3 looks like a great deal like what you used the first
4 year for the evaluation. You've got this new
5 rubric. The rubric you used this year was totally
6 different than the one we used last year. And
7 that's what caused us some concern.

8 MR. RICHARDSON: Heartburn.

9 COMMISSIONER BERGMAN: The angst that I
10 had mentioned before lunch. This looks very similar
11 to what you used a year ago. And I found that
12 really easy to follow. I have to state that I had a
13 hard time following your rubric this year.

14 MS. BARNES: So, I was just going to try
15 to get there. So, let's -- the application
16 continues with various sections on community,
17 parent, employee involvement, student policies,
18 Page 27. Student recruitment, Page 28.

19 COMMISSIONER BERGMAN: You are fastly
20 going there. I'm on 18, and you're on 27.

21 MS. BARNES: Well, I'm wondering if
22 there's a section that people want to discuss,
23 because we are going to try to move on to how this
24 is assessed.

25 ACTING CHAIR GANT: Well, I do, unless you

1 have something between -- I'm on 34.

2 MS. BARNES: He's ahead of me, for the
3 record.

4 ACTING CHAIR GANT: Say again?

5 MS. BARNES: You're ahead of me.

6 ACTING CHAIR GANT: Down at the bottom,
7 Facilities. You know I would go there. Anyway,
8 that does not meet -- it's -- you know, it's a zero.
9 I understand that.

10 But I don't -- I don't think they should
11 submit to the PEC, as part of their application,
12 their master plan or their Ed Specs, because what do
13 we do with them? What do we do with them? We
14 haven't approved them. We're not in a position to
15 approve them.

16 And if they come to us like this, and then
17 we approve the charter application, in essence,
18 we're approving their Ed Specs and their five-year
19 Facility Master Plan, which is not our job.

20 So, I don't think we need to have that in
21 there. I really don't.

22 MS. BARNES: Why is this even in there, if
23 it's -- it's 2013. So, the date's wrong, anyway.

24 But I don't understand this, 'cause --

25 COMMISSIONER BERGMAN: Well, many of them

1 can't submit it because they don't have a building
2 yet. And we can't require them to have a building,
3 because they can't have a building until they have a
4 Board of Finance. And we don't do the Board of
5 Finance until well down the road.

6 ACTING CHAIR GANT: But by statute, they
7 have to write the Master Plan and the Ed Specs.
8 That's regardless of whether they have a facility --
9 a Board of Finance or not. It says, in the statute,
10 "You will have Ed Specs, and you will have a Master
11 Plan." So that's regardless. But it shouldn't come
12 to us. It's the PSFA.

13 MS. EHLERT: Right. I'm not an expert in
14 this area, but I'm aware that what we've asked them
15 to do is to submit it to PSFA. And PSFA provides a
16 letter indicating that it's been submitted, and, you
17 know, it looks good to them. And, so, we ask them
18 to include that letter.

19 ACTING CHAIR GANT: What I'm reading here,
20 it says, "But has not yet submitted to PSFA." And
21 it says, then, I believe --

22 MS. BARNES: Yeah, "the attached, or the
23 school." Do you want to strike from "or the
24 school"?

25 ACTING CHAIR GANT: "The school has

1 completed and attached the Facilities Master Plan,
2 but has not yet submitted it to PSFA." I don't want
3 to see it unless it's been approved.

4 MR. RICHARDSON: We can gray this thing
5 out. "Did you" or "Didn't you"?

6 COMMISSIONER BERGMAN: I'm on Page 34,
7 okay. Where was it?

8 ACTING CHAIR GANT: At a right angle.

9 COMMISSIONER BERGMAN: Oh, okay. I'm with
10 you. I don't think we need to see it until it's
11 been approved, if even then.

12 MS. BARNES: And just make it clear that
13 it's a letter or no letter.

14 ACTING CHAIR GANT: I think you're right.
15 Take the two out. Yes or no. Yes or no.

16 MS. BARNES: Yeah. But I'm not even
17 seeing -- "a description of the facilities the
18 school plans to use" are what's required.

19 ACTING CHAIR GANT: I can dig it out. I
20 don't have the document. But I can dig it out where
21 it says you have to have a five-year Master Plan and
22 Ed Specs.

23 MS. BARNES: To apply to submit a charter
24 school?

25 ACTING CHAIR GANT: This year, alone, we

1 had letters from PSFA on the renewals.

2 MS. BARNES: Well, that's on the renewals.
3 This is a new application.

4 ACTING CHAIR GANT: So?

5 MR. RICHARDSON: On the new application,
6 we even had to put this in the instructions and the
7 time frame, telling them -- and we had to check with
8 PSFA in terms of the --

9 ACTING CHAIR GANT: It's 22-8B-something.

10 MS. BARNES: Yeah, he's got it. It's in
11 the -- okay.

12 ACTING CHAIR GANT: The only other
13 question I have -- it's in several places -- but on
14 Page 35, it deals with the facility plan. It says,
15 "some research." What is the definition of "some"?

16 COMMISSIONER TOULOUSE: More than none.

17 ACTING CHAIR GANT: I mean, really, they
18 could say, "Well, we looked at the real estate
19 pamphlet." And, you know, I'm just curious. I
20 realize it says "partially met," but I don't know if
21 it's unsatisfactory or not.

22 MS. BARNES: Okay.

23 ACTING CHAIR GANT: See what I'm saying?

24 MR. RICHARDSON: Yeah. It's a really --

25 ACTING CHAIR GANT: How much research do

1 they have to do?

2 MR. CHRISTOPHERSON: Pretty slippery scale
3 there.

4 MS. BARNES: We'll put a question mark.
5 Okay.

6 COMMISSIONER BERGMAN: I think a question
7 for a new applicant that might be more appropriate
8 would be, "Have you started looking yet for suitable
9 facilities, and, if so, can you provide us -- give
10 us an idea of what those facilities are?" Can we do
11 that?

12 MR. RICHARDSON: That takes them off the
13 scale, basically.

14 COMMISSIONER BERGMAN: Because some do
15 start. Some that are pretty well organized have
16 started, especially if they have a real estate
17 person as part of their group. Others don't,
18 admittedly. They don't even think about that for a
19 while.

20 COMMISSIONER TOULOUSE: The law says, "An
21 application shall include a detailed description of
22 the charter school's projected facility needs."

23 COMMISSIONER BERGMAN: Now, see, that -- I
24 don't think those legislators considered that these
25 schools wouldn't have a building. See, that

1 question never came up when they did the law.

2 COMMISSIONER TOULOUSE: Well, but it says,
3 "including projected requests for capital outlay
4 assistance approved by the Director of the Public
5 Schools Facilities Authority or the Director's
6 designee."

7 MS. BARNES: Where are you reading from?

8 COMMISSIONER TOULOUSE: I'm reading from
9 22-8B-6(E).

10 MS. BARNES: Okay. That's where you get
11 the letter, the need for the letter. Great.

12 Okay. Comments on the business plan? Is
13 there a better way to get you the business plan?
14 How do those work out?

15 COMMISSIONER BERGMAN: We really need
16 Commissioner Shearman here for the budget plan. I
17 guarantee you, she would have some comments. So,
18 maybe we can forego that until she's present at one
19 of our meetings.

20 ACTING CHAIR GANT: I may go into the
21 budget, too.

22 COMMISSIONER BERGMAN: Commissioner Gant
23 may go into that.

24 COMMISSIONER TOULOUSE: I'm pretty good on
25 budgets, too, so we have several experts here. When

1 do we have to approve this?

2 MS. BARNES: Our proposal is to get it to
3 you for approval the next -- the next meeting; so,
4 the February meeting.

5 COMMISSIONER TOULOUSE: Okay. So -- but
6 the problem is, then Carolyn could discuss it, but
7 would we be able to get those changes in? Would we
8 approve it with those changes, or --

9 MS. BARNES: We're having a working
10 session now. I think that we could speak with her
11 and get her input. You know, what I'd like to try
12 to avoid is to avoid having a working session
13 immediately before, and we're making these changes
14 the day before, again.

15 COMMISSIONER BERGMAN: That goes to what I
16 suggested before lunch. As soon as you get these
17 documents, make sure you send them to the Chair and
18 say -- and just with, "Please, please, you look at
19 these. This is what those that were present came up
20 with. What would you -- do you have any input you
21 would want to make comment on?"

22 MS. BARNES: And then we would have a
23 draft for you. We probably will present it again at
24 a working session, just in case we've gotten it
25 wrong, and you have a better draft you want to see

1 the next day. But hopefully, it will be something
2 that won't be too hard.

3 COMMISSIONER TOULOUSE: So, that means I
4 shouldn't schedule anything for the day before the
5 meeting, like I did this month, and had to cancel
6 all kinds of things.

7 MS. BARNES: Yes, I think we've
8 scheduled -- we can go over the calendar. I think
9 there's two days coming up. We were talking about
10 having a working session right before each meeting.
11 However, two of those days are negotiation days.
12 So, two of them won't be working sessions.

13 But we were going to try to use this
14 concept of a working session the day before, or
15 half-day before, depending on what we needed, again,
16 publicly noticed. Anybody can come.

17 COMMISSIONER BERGMAN: We purposely put
18 the February meeting at the end, because we don't
19 want to have a work session during the Legislature.

20 COMMISSIONER TOULOUSE: We don't want to
21 have any session during the Legislative Session.

22 COMMISSIONER BERGMAN: We may be limited
23 to having a work session just the day before our
24 member meeting.

25 MS. BARNES: Let me just look real quick.

1 MS. LEWIS: I also won't be here for that.
2 And you will have coverage on the 28th. I'll have
3 to check to see if the same person can cover on the
4 27th, but he won't be -- have a background in this,
5 or --

6 MS. BARNES: Well, the 27th is presently
7 scheduled as a working session. We can change that.
8 But it is in the calendar.

9 COMMISSIONER BERGMAN: And then our
10 meeting -- it was the 28th.

11 MS. BARNES: Yes.

12 COMMISSIONER BERGMAN: So, we've already
13 got one scheduled then.

14 MS. BARNES: We do.

15 COMMISSIONER BERGMAN: If we do it the day
16 before, will that give you time to present the
17 documents the next day for a vote?

18 MS. BARNES: It depends on how many
19 changes you have. If we get you a good draft, and
20 we also request the Commissioners who are not here
21 to give us input, I think we can write a fairly good
22 draft, and we can show it to you on the 27th, make
23 sure we're not way off-base, and make changes for
24 the 28th.

25 COMMISSIONER BERGMAN: I think most of

1 what will come from the other Commissioners will not
2 be extensive. Commissioner Shearman might have a
3 lot of comments, but I think you would be able to
4 incorporate most of it.

5 MS. BARNES: I think we can get hers. I'm
6 not worried about it. But I do think we can get you
7 a draft, so you can look at it on the 27th.

8 COMMISSIONER TOULOUSE: I guess I missed
9 the working days on the calendar. I don't have a
10 calendar that shows --

11 MS. BARNES: Yeah, it was decided. I
12 think you were missing from the meeting. We
13 scheduled this one the longest, and then every other
14 one was a working day. The ones that now conflict
15 with negotiations -- March 27th is a working day --
16 working session.

17 COMMISSIONER BERGMAN: In the back of your
18 big binder, they probably have a new calendar for
19 us, I bet.

20 MS. BARNES: April 10th is not, because
21 that's a negotiation day. Maybe May 8th is not. It
22 is a negotiation day. June 12th is. So, the April
23 and May meetings -- we may be well -- we may not
24 need those, because we're getting so far.

25 Business plan.

1 ACTING CHAIR GANT: I want to go back to
2 you with comments.

3 MS. BARNES: Okay.

4 ACTING CHAIR GANT: My only comment at
5 this point, I want more details in the budget. But
6 that's just me.

7 MS. BARNES: Okay. And if you can tell us
8 what those details are that you want?

9 ACTING CHAIR GANT: I'll look it up.

10 MS. BARNES: That would be great.

11 COMMISSIONER BERGMAN: This may not be the
12 forum for me to make this. But the budget data that
13 you sent out in the appendixes, it is so small, I
14 can't read it even with my glasses. I tried to read
15 those forms, and that's the tiniest lettering I've
16 ever seen that came in on the computer. I couldn't
17 read them.

18 MS. COATES: That's how we get them.
19 That's how they're submitted. I don't know what --
20 if we change the form that they have to submit them
21 on. They use what the Budget Department gives us.

22 COMMISSIONER BERGMAN: Those forms are so
23 big, they're not really suitable for computer format
24 then.

25 MS. BARNES: Let's work on that. If you

1 can't read it, there's no reason to submit it, so --

2 COMMISSIONER TOULOUSE: Is there a way to
3 then provide it on paper, or to provide a screen or
4 something that we can read it on? Because I know I
5 had the same problem. I just quit looking at those
6 and hoped we'd get answers when we had discussions
7 with them.

8 COMMISSIONER BERGMAN: Something to think
9 about, anyway, how you might address that.

10 MS. BARNES: All right. Evidence of
11 support and the required appendices is the remainder
12 of the form.

13 COMMISSIONER BERGMAN: This evidence of
14 support, is that where we say we've got a bunch of
15 petition signatures? Is that kind of what we're
16 talking about? Or we had 42 meetings, and this many
17 people showed up?

18 MS. BARNES: Yes.

19 COMMISSIONER TOULOUSE: Okay. I have
20 another vocabulary question here on Page 42-C, where
21 it says, "Demonstrate the founders' ties to the
22 local community and provide ample evidence." What's
23 "ample"? That's kind of like the sum.

24 There's got to be some way to quantify
25 that besides "ample," because, again, it's like,

1 with some, "ample" may have be a couple of things to
2 one person, and it may be a 20-page, you know, list
3 of things to somebody else.

4 MS. LEWIS: This will probably not help
5 you feel better. But my suggestion, from a legal
6 perspective, would be to replace it with the word
7 "substantial," which still doesn't necessarily help
8 a layperson. But when a lawyer -- it's like the
9 word "reasonable." When you see that word, it does
10 have a --

11 COMMISSIONER TOULOUSE: It sounds more
12 official and less subjective than "ample," right.
13 So, yes, actually, that did help. Thank you.

14 MS. BARNES: Maybe we replace them -- just
15 thinking about replacing the word "some" maybe with
16 "limited." That's another legalish word. So maybe
17 we replace that. And then, I guess, these are your
18 rubrics and your scores. They -- the Commissioners
19 can do whatever they want with that.

20 MS. EHLERT: Sure, uh-huh. Great.

21 MS. BARNES: It's just to let you see how
22 they're going to view it.

23 MS. EHLERT: Also, it helps the applicants
24 to have it right there with what they're writing,
25 yes.

1 ACTING CHAIR GANT: Question. Page 41.
2 The gray box at the -- at the bottom, it says, "Do
3 not provide names of specific letters of interest
4 for families of students." [Verbatim.]

5 But, then, that takes me to one of the
6 applications, which was, I believe, the one from
7 Anthony this year. They had, like, several pages of
8 just names. What kind of evidence is that? I mean,
9 you --

10 MS. BARNES: What's the problem with
11 specific letters? Why is that?

12 MS. LEWIS: Maybe FERPA?

13 MS. EHLERT: That's the only thing I can
14 think of.

15 MS. BARNES: They're providing it, though.

16 MS. LEWIS: The student's family?

17 MS. BARNES: Yeah.

18 MS. LEWIS: Can they waive that on behalf
19 of the student under FERPA?

20 MS. BARNES: It's not a student record.
21 It says, "I'm in support of the school." I have
22 more concern to just say, "Someone supports us, but
23 I'm not telling you who."

24 COMMISSIONER BERGMAN: Perhaps, in the
25 society we live in, they're afraid somebody would

1 look at those names and do something wrong.

2 MS. BARNES: And do something wrong?

3 COMMISSIONER BERGMAN: Yeah.

4 ACTING CHAIR GANT: But my question -- I
5 go back to the other one, like in Anthony, was -- it
6 was just a long laundry list of names of people.
7 Some, I recognized. But did they talk to these
8 people, or did they just go to --

9 MS. BARNES: Yeah, almost. I'd rather
10 have a letter. I'd rather see what they said. I
11 don't know.

12 ACTING CHAIR GANT: Or just go to the
13 phone book and say, "Ah, look at all these people."

14 COMMISSIONER PARKER: Does the letter
15 maybe imply that if these people at the school got
16 approved and their students were going there, that
17 they got preferential treatment?

18 MS. BARNES: I don't think so. Maybe.

19 MS. LEWIS: Would someone call the lottery
20 into question if Joe Schmo wrote a letter, and then
21 they show up at the school? It could. As long as
22 they did their enrollment right, theoretically, they
23 wouldn't have a problem. But there are a lot that
24 don't do their enrollment properly, so --

25 MS. BARNES: But that's a different

1 question. I'll put a question mark here, 'cause I
2 wonder -- do you remember the background of that?

3 MS. EHLERT: I don't. I don't remember
4 where it came from, honestly.

5 MS. BARNES: I just think that, you know,
6 Commissioner Gant is saying you can't really tell
7 where it's from. And I think that's kind of odd, if
8 someone asked me for my support, but I had to give
9 it anonymously. I just -- "We're not telling you
10 her name."

11 All right. I've got a question mark
12 there.

13 ACTING CHAIR GANT: In the next sentence,
14 it says, "If appropriate, to demonstrate that the
15 interested students meet the demographics of
16 students." How are you going to figure out if
17 students that haven't even enrolled meet the
18 demographics that you need for your school?

19 MS. BARNES: In your charter, you can't
20 choose your demographics, so...

21 ACTING CHAIR GANT: Why is that sentence
22 in there?

23 MS. BARNES: I'm going to put a big
24 question mark there. Plus, they can come forward at
25 the community hearing.

1 MS. COATES: The community input hearing.
2 It almost overlaps with that.

3 MS. BARNES: And they tell you their name
4 when they stand up. Have to come in with a --

5 ACTING CHAIR GANT: The students that have
6 to come in and say, "I'm doing poorly in this and
7 this." How many students are going to stand up and
8 say, "I'm failing this," or, "My family is in prison
9 and I need a place to go," that type of question.
10 Some of this is the demographics that schools serve,
11 these charter schools serve, are the ones with
12 special needs like that. I'm not talking about
13 special needs students. I'm talking about ones that
14 come from families or economic backgrounds,
15 et cetera.

16 The student and family is not going to
17 stand up and say -- so how are you going to prove
18 demographics? That's my issue.

19 MS. BARNES: We'll just look at what to do
20 about that, because I could see that a student could
21 say -- without describing their background, say,
22 "This is a school I'd be interested in coming to.
23 And I'm not a good fit in my present school," you
24 know, whatever. But let's take a look at that.

25 ACTING CHAIR GANT: That means when you

1 get down to the "exceeds" or "does not meet," it's
2 going to be hard to check the right box on that.

3 So --

4 MS. BARNES: Okey-doke. Shall we take a
5 quick break? How are people doing?

6 COMMISSIONER TOULOUSE: If we're leaving
7 at 4:00 --

8 COMMISSIONER BERGMAN: I think we might as
9 well leave at 4:00, if that's the way it's noticed.

10 ACTING CHAIR GANT: Let's keep going.
11 It's 44 minutes.

12 MS. BARNES: Okay. We will get back to
13 everybody by e-mail with the new draft. And we will
14 specifically see if we can get the comments. The
15 topics I have to raise, although Commissioner
16 Shearman is not here --

17 MS. EHLERT: We have the Planning Year
18 Checklist over there.

19 MS. BARNES: Oh, she's got the Planning
20 Year Checklist. But the things that I have that
21 we're going to discuss is just how we describe the
22 mission -- the draft mission-specific indicators and
23 how that's going to come out, and then a five-year
24 target kind of concept.

25 There will be a more extensive

1 conversation -- and we may get to it today, also --
2 about the rubric and the score sheet. And, then, if
3 people will submit individual comments on the Budget
4 plan.

5 So, this document that you're looking at
6 is the Planning Year Checklist. This is what
7 happens and goes out to the schools that they have
8 to complete prior to coming before you and getting
9 an opportunity to commence operations. I think that
10 this has been in place for quite a while.

11 MS. EHLERT: It has.

12 MS. BARNES: And, also, I see that it has
13 a complete list of the policies.

14 MS. EHLERT: For planning year, uh-huh.

15 MS. BARNES: Just for planning year. But
16 weren't those for all of them?

17 MS. EHLERT: Those are included in the
18 much larger list. These are the start-up ones
19 that --

20 MS. BARNES: And then there are more.

21 MS. EHLERT: There are more when you're in
22 operation.

23 MS. BARNES: Okay. I thought you all said
24 that there was something that you changed or added.

25 MS. EHLERT: I believe Kelly reviewed it

1 and indicated that the performance framework, or
2 something to that effect, needed to be completed.
3 So, I think that's what was added. Other than
4 that -- you mean to the whole document?

5 MS. BARNES: Yeah, where they changed from
6 before.

7 MS. EHLERT: I believe there was only one
8 item added from previous times. My understanding
9 was that Kelly had added something to -- here it is
10 on Page 7, item 430.7, just added, "The contract
11 negotiation worksheet needs to be completed." And
12 "Governing board needs to be prepared to conduct
13 contract negotiations."

14 That's my understanding of the only change
15 that has been made to it.

16 MS. BARNES: Any comments on this form?

17 ACTING CHAIR GANT: It must be completed
18 by 1 June; right? And we meet on the 11th of June
19 to -- according to my schedule, the 11th of June to
20 yay or nay, give them a Certificate of Completion;
21 is that correct?

22 MS. BARNES: Yeah. And, also, I will tell
23 you that -- back to this conversation about new
24 schools -- we've put the new schools at the end of
25 the negotiation period. You will approve their

1 contracts that same day, as well.

2 And we did that intentionally with this
3 desire to give a new school as much time as possible
4 to be able to knowledgeably come to the table to
5 negotiate. So, I think that's going to work well
6 with this new plan. But we have tried to allow them
7 the longest time.

8 Is June 1st going to give us enough time
9 to get -- by the 11th, the ten days? That's enough
10 time.

11 MS. LEWIS: I think they have until June
12 1, under statute.

13 ACTING CHAIR GANT: Yeah. She's talking
14 about the 11th of June, whether that's enough time
15 from when they receive, whether they can review it.

16 MS. LEWIS: But we couldn't change the
17 deadline, if it's in statute.

18 MS. EHLERT: Just a bit of information.
19 You know, as we go through the planning year, the
20 liaisons meet with the individual schools to keep
21 them on track. And prior to the June meeting and
22 recommendation for commencing operations, we have
23 scheduled site visits to those schools, and intend
24 to attend the governing body meeting, if possible,
25 so that we have kind of closure on the full planning

1 year, and if there's anything that has not been
2 completed, that it would be noted in this. But,
3 hopefully, they'll be prepared to have completed
4 everything by June 1st. So --

5 ACTING CHAIR GANT: But just note,
6 there's -- 4th of July is on Friday, that -- in
7 July. So, you really only have seven days, counting
8 the 1st. So it's your call whether you can make it
9 on the 11th.

10 MS. BARNES: Abby, do you know where that
11 is, about commencing operations?

12 MS. LEWIS: I'm reading the regulation.

13 MS. BARNES: I'll let you find it. Okay,
14 any other comments?

15 COMMISSIONER BERGMAN: Well I would just
16 note that we have had, in the past, at least one
17 school that didn't get their Planning Year Checklist
18 done. We had to have a special meeting on the last
19 day of June just to approve that. I hope you can
20 stay on top of these people, so that, on June 11th,
21 they're all done, so we don't have to go down that
22 road again.

23 ACTING CHAIR GANT: That was Great
24 American -- that was Great American. [Verbatim.]

25 COMMISSIONER BERGMAN: And there may be

1 extenuating circumstances for them, because of their
2 appeal. That was a long round trip just to have a
3 three-minute meeting and vote to approve their --

4 MS. BARNES: Yeah. I think we're working
5 on telephonic attendance. That might help, too.

6 ACTING CHAIR GANT: Oh, no.

7 MS. BARNES: Abby, I'll let you come back
8 to that.

9 Capacity -- well, let me just come back to
10 the Planning Year Checklist. Is this a form that
11 you want to approve, or does this fall more like
12 into CSD's internal working?

13 COMMISSIONER BERGMAN: We have always
14 approved this form. We have always voted on the
15 Planning Year Checklist. So, I believe we will
16 probably want to keep that. So, I don't think we
17 can vote on that tomorrow, because, here again, the
18 Commissioners that aren't here haven't seen this
19 document. So, it's probably going to have to be
20 done in February, too.

21 MS. BARNES: Okay. The capacity interview
22 is the next document, Appendix B4. I'm probably
23 just going to wait on all of the application. I
24 don't know that it's going to help us to approve any
25 tomorrow.

1 COMMISSIONER BERGMAN: No, I don't think
2 you can.

3 MS. BARNES: I don't know how it gets us a
4 jump on anything. And it might get too scattered.
5 So, capacity interview questions?

6 ACTING CHAIR GANT: Maybe I'm wrong, and
7 you all can speak up. But this belongs to CSD, and
8 I don't know.

9 COMMISSIONER BERGMAN: We have never voted
10 on this one.

11 MS. BARNES: Yeah. So, again, you're
12 welcome to give comments. How do you all feel like
13 this form works?

14 MS. EHLERT: For capacity interviews?

15 MS. BARNES: Yeah.

16 MS. EHLERT: I think we, in the Charter
17 Schools Division, would appreciate the flexibility
18 to adjust some of the questions, based on the kinds
19 of responses that we get. I noticed every year that
20 some questions really drew information out, and
21 sometimes the questions were not as helpful to us as
22 some might be.

23 So, we tend to change them; although --
24 so, if it becomes an internal document, it would
25 probably be helpful to us that it wouldn't require

1 the changes to be approved.

2 COMMISSIONER BERGMAN: Mr. Chair, I have
3 no problem with it being an internal -- with the
4 understanding that, as you make changes to it,
5 perhaps you'll put it in a packet at our next
6 meeting and say, "We did this. These are the
7 changes we made. Do you have any -- just, any
8 comments or suggestions there?"

9 Or, let us know before you're going to
10 change it and ask us if we have any input.

11 But this is the first time I've seen this
12 in my six years, so I couldn't comment on something
13 I hadn't seen.

14 MS. BARNES: What I'm at least thinking is
15 that the whole application process will be on an
16 agenda prior to -- not this cycle; this will do this
17 cycle -- but for next year's cycle. So, when we get
18 on the cycle that we want, you'll see the revised
19 packet, again, based on what didn't work this year.
20 So --

21 COMMISSIONER BERGMAN: Because I am
22 interested in what you're asking these people,
23 because that allows me to, again, evaluate what you
24 saw when you were there, what did you ask them, you
25 know. And what did they answer. I see you have a

1 little box there. I don't know if it's for your
2 comments or their comments, or --

3 MS. EHLERT: Both.

4 COMMISSIONER PARKER: The changes you're
5 talking about are across-the-board changes? Are
6 they, like, school-by-school changes to the
7 questions?

8 MS. EHLERT: Historically, we would
9 develop questions for each school. But what we
10 found -- in fact, those questions tended to be
11 specific to the application. Over time, we realized
12 we were really looking at capacity issues. And, so,
13 the questions evolved to become questions about,
14 "How are you going to implement?"

15 So, it went from application to
16 implementation. And, again, those were somewhat
17 individualized. But we reached a point where we
18 feel we have a pretty good set of questions that
19 examine the capacity of the founders. And I think
20 we're probably going to stick with most of them.
21 And I think, at the very end of the actual list of
22 questions, there's space to develop questions that
23 are specific to the school that's being interviewed.
24 So, most questions -- if there's 15 questions -- I
25 think it was 12?

1 MR. RICHARDSON: Yeah. They -- there
2 is -- yeah. The form gives us the possibility of
3 tailoring two or three questions at the very end
4 which is why I think you see blanks there. But
5 within each of the standardized questions, there's
6 the opportunity for follow-up questions, which would
7 be individualized, based on an answer that the
8 school might give us.

9 It may not be complete, or it may raise
10 other questions. So, we would then follow up with,
11 "Well, what did you mean by...?" And that's why we
12 give ourselves the opportunity to follow up that
13 way. So, there are two ways in which we can follow
14 up -- or individualize the questions, I should say.

15 MS. BARNES: Any more comments on that
16 form?

17 Now, the process is that there is one CSD
18 staff person and how many more outside people?

19 MS. EHLERT: Again, it's evolved over the
20 years, because we had outside reviewers for the
21 application. This year, they operated in a slightly
22 different way than in previous years.

23 We included those outside reviewers. So,
24 they had read the application, evaluated the
25 application, and also participated in the capacity

1 interview. In -- staff was there, Mr. Gerlicz was
2 there for each interview, and whatever liaison was
3 assigned to those schools. And we were able to ask
4 follow-up questions.

5 So, that's how it was designed this year.
6 That's why I'm saying, in a way, it would help us to
7 have the flexibility to redesign that if we tweak
8 the process a little bit, which we probably will do,
9 and probably have us participate more this time
10 around, I would anticipate.

11 MS. BARNES: Any other comments before we
12 move to the rubrics? Okay.

13 So, that one looks like it'll just stay
14 the way that it is, unless we look at something.
15 So, I think the rubrics and how they were scored or
16 how they were maybe laid out were difficult to
17 understand. And, then, I'll actually be interested
18 in what your concerns were. But I'm wondering if
19 one of you will speak to what you all were trying to
20 achieve here.

21 And I don't know if you have a consensus,
22 as a group, as to how that worked or -- I know Tony
23 is not here.

24 MS. EHLERT: I don't know that I could
25 speak in detail to the process itself. I don't know

1 if someone else would want to.

2 MR. RICHARDSON: Unfortunately, Rachel is
3 the one who sort of captained this.

4 MS. BARNES: Yeah, Rachel is out today,
5 so --

6 MR. RICHARDSON: But --

7 MS. BARNES: Why don't -- do you have
8 comments on these forms? Looking at them, does it
9 trigger, in your mind, what was hard to understand
10 last time, or, alternatively, what's a good way to
11 do it, or --

12 COMMISSIONER BERGMAN: I have not read
13 this, so I cannot comment knowledgeably right now,
14 anyway. I really think we should put this one off
15 until everybody's here.

16 MS. BARNES: So, we might put these two
17 documents off until tomorrow?

18 COMMISSIONER BERGMAN: Commissioner
19 Shearman won't be here tomorrow, either. And she's
20 going to want to be involved in the rubric, I
21 guarantee you.

22 MS. BARNES: We're going to need to get
23 her input. Because a document like this,
24 particularly -- I'm actually -- my mind is kind of
25 going to the roll-up document that you did that I

1 think is clear and easy to see, versus something
2 like this that people may have comments. So, I
3 think we're going to get her comments probably
4 outside of the meeting.

5 COMMISSIONER BERGMAN: Why is there going
6 to be a rush, though? This isn't needed until it's
7 time to do the applications. That's in the summer,
8 isn't it?

9 MS. BARNES: Oh. So, you're saying we
10 could go ahead and do the application and
11 everything, but the evaluation tool, we could
12 postpone until March?

13 COMMISSIONER BERGMAN: Unless it, here
14 again, causes somebody some problems.

15 MS. BARNES: That would work fine.

16 COMMISSIONER BERGMAN: It's a separate
17 document, anyway.

18 ACTING CHAIR GANT: He's not smiling.

19 MS. LEWIS: Before Commissioner Gant posed
20 the question -- this wasn't noticed. So, let's hear
21 what Tony has to say. But let's not have any
22 discussion, I would advise.

23 MR. GERLICZ: There was a motion filed for
24 an emergency stay of the closure plan. And I was
25 notified yesterday that there was this emergency

1 motion to essentially stay and stop the closure
2 plan. And, so, that's why I was in and out
3 yesterday and this morning, because, apparently,
4 with an emergency stay, you have 24 hours to
5 respond. And, so, the legal folks here had to
6 respond very quickly.

7 So, just now, the parties made their
8 presentation, and the Judge denied the stay. So, we
9 continue to implement the closure plan. The
10 arguments were made that it was going to cause
11 irreparable harm to the students and staff if we go
12 ahead with the closure plan, that there would be
13 panic and exiting of the school, et cetera.

14 And I think we showed that that was not
15 the case. We needed the time for an orderly process
16 to assuage everyone's fears and records. And the
17 Judge agreed with us.

18 MS. LEWIS: Thank you.

19 MS. BARNES: Okay. So, since the counsel
20 don't want to comment, I mean, I'm going to bring
21 you up a little to speed.

22 MR. GERLICZ: Yes, please.

23 MS. BARNES: We are all the way to the two
24 rubrics.

25 MR. GERLICZ: Uh-huh.

1 MS. BARNES: There was just a conversation
2 that we might be able to move those two to the
3 working session.

4 MR. GERLICZ: Are we talking about the
5 capacity interview rubric and the application
6 rubric?

7 MS. BARNES: Exactly.

8 MR. GERLICZ: Okay.

9 MS. BARNES: Particularly, because
10 Commissioner Shearman can't be here, Commissioner
11 Bergman was just saying could we move forth on
12 completing the drafts of the documents up to this
13 point -- we just got through all of them -- and come
14 back to them with an eye towards those being
15 approved in February, but work on the rubric in
16 working session in February, with an eye towards
17 approving them even later, possibly March, because
18 the application is what's important for the schools.

19 That's what we need to get on the website.
20 There maybe not as much of a rush. And this was a
21 pretty extensive conversation.

22 The other thing that's in my mind, and
23 I -- it's just in my mind. But we just successfully
24 found a way to do the roll-up of the performance
25 frameworks. And maybe we could do something similar

1 to that -- and, so, maybe we can rethink it. I
2 don't know.

3 So, Part A would be to look to have the
4 PEC approve or vote on application documents, but
5 not the rubric, in February, and at the February
6 working session, we start the conversation on the
7 two rubrics. And maybe we have an involved
8 conversation, even given what we've found from the
9 Commission up to this point.

10 MR. GERLICZ: Okay. The PEC meeting in
11 February, as I recall, is February 28th, late in
12 February.

13 MS. BARNES: Yeah. The 27th is the
14 working session.

15 MR. GERLICZ: Correct. So, we would want
16 to have the new applicants, those that filed a
17 Notice of Intent, access to this application fairly
18 soon, fairly quickly; I would say, by February 1.
19 And -- and, certainly, last year, which I completely
20 agree, when we send out an application, you're going
21 to want to know how are you going to be judged, how
22 are you going to be evaluated, how are you going to
23 be scored. So --

24 MS. BARNES: There's no way February 1 is
25 going to work, Tony. We'd have to turn these

1 documents around tonight.

2 MR. GERLICZ: Well, there may be -- yes.
3 But then we harm and prejudice those folks who need
4 the time to begin working on the application. One
5 possibility might be to -- to put "Draft" all over
6 these applications.

7 MS. BARNES: Right, and tell them it's not
8 approved yet.

9 MR. GERLICZ: Not approved yet. Get going
10 and start working on it. I'm not anticipating major
11 revisions on the applications, are we?

12 MS. BARNES: No, I don't think so.

13 MR. GERLICZ: Enough so that folks can
14 start working on it and get going on it.

15 And the rubrics? I'm not sure what the
16 discussion was on rubrics. Do we envision major
17 change on the rubrics?

18 MS. BARNES: Potentially.

19 COMMISSIONER BERGMAN: I think some of us
20 would like to see some major change on the rubric.
21 I'll wait for the discussion of that.

22 MS. BARNES: Commissioner Shearman is not
23 here. So -- and she's one of the ones who really
24 wants to speak to it.

25 MR. GERLICZ: Speak to the rubric? To the

1 language of the rubric, or the scoring of the
2 rubric?

3 COMMISSIONER BERGMAN: Well, several of us
4 had trouble following your rubric. We had no input
5 to it. The first time we saw your new rubric was
6 when he got the application, or your evaluation.
7 That's the first time we saw your rubric. That's
8 what caught us by surprise, because we've always
9 been involved in these forms.

10 MR. GERLICZ: Was it that different from
11 last year?

12 COMMISSIONER BERGMAN: There were
13 substantial changes. I didn't even recognize it,
14 the first one I saw. I said, "What is this?"

15 MS. EHLERT: May I ask? Are you speaking
16 of the actual score sheet and summary?

17 COMMISSIONER BERGMAN: Where you added the
18 points and supplements and all this kind of stuff.
19 That was totally different from the previous year.

20 MS. EHLERT: Not so much the language of
21 the actual rubrics, but --

22 COMMISSIONER BERGMAN: You changed some of
23 the language, too, I think. I think you expanded
24 it, was my impression of it. It looked a lot
25 more -- there was more to it than there was the

1 previous year. That's what we want to discuss -- I
2 want to discuss. And we want to look at that kind
3 of thing.

4 And like I say, I can't speak for the
5 Chairman, but I know she wants to be involved in
6 that. I guarantee you she wants to be involved in
7 that.

8 So, we -- yeah, talking about -- I had
9 already been giving some thought to what if we don't
10 do the application until -- the application until
11 the end of February? You can either do what he just
12 -- Tony just said, put "Draft" all over it and tell
13 them, "There still may be some changes. You may be
14 working with a draft document that" -- here again,
15 that Commissioner Shearman has a couple of ideas or
16 something, that there may be some small -- you tell
17 them there may be some small changes.

18 Or, you can tell them, "Start out with
19 last year's application." And then, as you'll --
20 that gives them the whole outline, anyway. And then
21 you tell them, "At the end of February, then you
22 just repopulate what you accomplished in the first
23 month onto the new form."

24 That may be more -- I don't know. Maybe
25 that'll be more confusing to them. But either

1 way --

2 MS. BARNES: I just think that we're
3 fairly confident, based on the conversation we just
4 had, that we could put "Draft." And I think Tony's
5 really given them a lot of credit, and they're going
6 to work really hard on this one. They might,
7 though. I'm just joking.

8 MR. GERLICZ: I have a question. When
9 we're talking about rubrics, we're talking about --
10 this is a rubric that's in the application that says
11 "3, 2, 1, 0," and has narrative about what each
12 score means. This is the rubric score sheet.

13 Commissioner Bergman --

14 COMMISSIONER BERGMAN: I'm talking about
15 B6, the score sheet.

16 MR. GERLICZ: Yes. That's what I think
17 that -- that's not -- that's what we caught the PEC
18 completely by surprise. This was a brand new
19 creation with us, to put all of these rubric scores
20 onto an Excel spreadsheet that summarized and all of
21 that. And this is what I was thinking has not
22 really changed that much from last year. This is
23 completely new, granted. (Indicates.)

24 COMMISSIONER BERGMAN: And I -- yeah, it's
25 B6 that I know everyone wants to talk about.

1 MR. GERLICZ: That's right. Okay. So, we
2 could put "Draft" on this rubric, which hasn't
3 changed very much, so that the applicants, when they
4 write the answers to this question, they say, "Well,
5 what are they looking for? Ah. 'Exceeds' means
6 this. 'Meets' means this."

7 MS. BARNES: And everybody just liked the
8 one with the "Exceeds," "Meets," in the form.

9 MR. GERLICZ: In this one. (Indicates.)

10 MS. BARNES: Embedded in the form. We
11 actually got some comments as to language we can
12 look at. So, I feel fairly confident, like I do
13 about the contract. I'm pretty sure what kind of
14 draft can come out. I think we can do that. We can
15 put that in draft, and we can do that.

16 COMMISSIONER BERGMAN: You're talking
17 about this little short form?

18 MS. BARNES: No, I'm not talking about
19 that. I'm talking about the language that's
20 embedded in that application that we just finished.

21 COMMISSIONER BERGMAN: I don't remember
22 where we saw the rubrics, then. Because, remember,
23 we went real fast in that application, and I didn't
24 know the rubric was in the application. Where is it
25 in the application?

1 MR. GERLICZ: It is. It's -- as I said,
2 there are two forms, one that I just passed out
3 today; that was last year's. It looks likes this.
4 (Indicates.) There's A, B, C, D, E, F. And
5 beginning on Page 18 are pages of rubrics.

6 MS. BARNES: No. Tony --

7 MR. GERLICZ: That was last year's form.

8 MS. BARNES: Yeah. But what we just
9 talked about -- Commissioner Bergman, let's just go
10 back to B3.

11 After each question, there is a topic that
12 "exceeds," "meets," "partially meets," "does not
13 meet."

14 ACTING CHAIR GANT: The one we just went
15 through.

16 COMMISSIONER BERGMAN: I understand that.

17 MS. BARNES: That is the rubric.

18 COMMISSIONER BERGMAN: So, the language in
19 here conforms to this little short form you gave us?
20 What's in here is not the score sheet. You're
21 putting the scores in here, but then you're moving
22 them to a score sheet that's got other stuff on it.

23 MR. GERLICZ: No, no, no.

24 MS. BARNES: Let's not talk about that
25 other sheet for a second. But when Tony speaks

1 "rubric," he's talking about the boxes that were
2 just in the application that we looked at. We made
3 some changes; for example, you made a suggested
4 change, on the "Facilities" page in the ranking in
5 the rubric on Page 34, to take out the two middle
6 boxes, have a "yes" or a "no". That's part of the
7 rubric.

8 Replace the word "some" with "limited,"
9 replace "ample" with "substantial." Those are
10 comments on what Tony was referring to as the
11 rubric.

12 COMMISSIONER BERGMAN: I see what you're
13 saying now. I have no problem with that going out
14 with "Draft" written all over it. When we discuss
15 this, some of the changes that have happened to
16 this --

17 MR. GERLICZ: That's the score sheet.

18 COMMISSIONER BERGMAN: -- may come back
19 into the application. If we change the wording
20 here, we're going to have to change it in the
21 application.

22 MR. GERLICZ: The score sheet is after the
23 fact. So -- and completely understand the PEC not
24 understanding the Excel spreadsheet. In our
25 infinite assumption of work, we thought it was a

1 great way to summarize all the scores, tabulate them
2 electronically for all schools. We should have done
3 a much better job in explaining the score sheet.

4 But the score sheet corresponds,
5 one-to-one, with the rubric. Everything that's in
6 the rubric is in the score sheet. But it's an Excel
7 spreadsheet. We understand it's not easily
8 understandable to --

9 MS. BARNES: There's different rankings,
10 and I see where the confusion is. We're going to
11 delay that until February.

12 COMMISSIONER BERGMAN: As long as we
13 understand that there might be some changes here,
14 and it may impact back on the application again, and
15 that's based on what we hear from other
16 Commissioners who are not present today.

17 MS. BARNES: Got it.

18 COMMISSIONER BERGMAN: And won't be here
19 tomorrow, either.

20 MS. BARNES: So, at a quarter to 4:00, we
21 can summarize where we got to, because we got so
22 far. So, let's just go back and let me outline
23 where I think we are on all of -- all of the chart.

24 The contract and performance frameworks, I
25 am going to go finish those up. I'm going to have

1 them reprinted and give all Commissioners the best
2 draft version for your consideration tomorrow of the
3 ongoing school contract, which is A1, and the
4 performance framework for the one year, 2014, which
5 is A2. A3 has now achieved its purpose, and we're
6 done with that.

7 On the application forms, we will do a new
8 draft of B1, B2, B3, B4, and B- -- no -- B4.

9 MR. GERLICZ: Did we talk about capacity
10 interviews?

11 MS. BARNES: We did.

12 COMMISSIONER BERGMAN: We made little or
13 no changes on that.

14 MS. BARNES: So, those will be a new
15 draft. We'll come out. Probably, we'll discuss it
16 at the February 27th working session, just so you
17 can see it. We will solicit one-on-one comments
18 from the Commissioners that are not here. And they
19 can go out to the schools with "Draft" on it.

20 Primarily, what we will do that they
21 haven't seen, but we'll make the same changes that
22 we made throughout the contract to these kind of
23 documents, so that everything is more consistent.

24 B5 and B6 will be put off entirely until
25 February 27th, except that CSD might have an

1 internal meeting about whether we can do them
2 differently and more -- maybe we'll have a new draft
3 for them; I don't know. But nothing will happen to
4 those two documents until February 27th.

5 MR. GERLICZ: That's fine.

6 MS. BARNES: The Planning Year Checklist
7 and the Letter of Intent will also be completed in
8 draft and could -- we're already using the Letter of
9 Intent. And the Planning Year Check- -- so, we
10 can -- if we need to use those in draft -- we
11 probably don't.

12 MR. GERLICZ: The Planning Year Checklist
13 is here. We have copies of it if we want to knock
14 this off.

15 MS. BARNES: We already knocked it off.
16 Done.

17 The renewal application, we'll put off
18 until the February working session.

19 The site -- Section D site visit forms,
20 they will go into your binders as examples of
21 documents. The third document in Section D, we
22 haven't created it yet. We will, as soon as we
23 finish this process. But it's some way that a
24 school that has a performance framework, to let us
25 know if they want to change anything.

1 Section E, we looked at all three of those
2 documents. And, again, they're kind of internal
3 forms that will be in your binders, just so that you
4 can see what forms are being used.

5 The closure document is approved. It'll
6 go in your binder in the approved form.

7 And we haven't yet talked about anything
8 in Section F. Abby and I discussed that when we get
9 through with the February meeting, we might look at
10 that again and see if -- how we want to move forward
11 with Section F.

12 The -- the evolving concept, just to let
13 you know, is does it make sense for the PEC and CSD
14 to come up with written protocols that talk about
15 how we do things? It's possible that the work that
16 we've done on the forms means that we don't need to
17 have as much of that. I don't know. We just want
18 to look at it again with some fresh eyes after we've
19 moved forward. There's some pros to writing it
20 down, and there's some cons to writing it down. I'm
21 not sure. But I say we just put that off.

22 So, out of everything that we could have
23 achieved, the renewal worksheet and the two rubrics
24 are the only things we didn't get to. And that's
25 pretty good.

1 MR. GERLICZ: And is it our intent to do
2 that tomorrow?

3 MS. BARNES: No. Our intent is to do it
4 in February.

5 MR. GERLICZ: Great. So, the agenda
6 tomorrow, then --

7 MS. BARNES: The agenda tomorrow.

8 MR. GERLICZ: -- it seems very brief.

9 MS. BARNES: Well, there's two forms that
10 they will be provided new copies of: the ongoing
11 school contract for approval and the performance
12 framework for approval. I will get them new drafts,
13 just so everybody's working off the right draft.

14 And the only other question I had -- but
15 maybe we can put it off until -- I think we can put
16 it off -- you said there were several items we
17 should discuss that had to do with the application,
18 but I think we can put them off until --

19 COMMISSIONER BERGMAN: Yeah, I think --
20 yeah, I -- unfortunately, I've already forgotten
21 what several items we were going to discuss. Oh,
22 the things you wanted to be sure the Chairman was a
23 part of.

24 MS. BARNES: Yes.

25 COMMISSIONER BERGMAN: Oh, okay. I'm with

1 you now.

2 MS. BARNES: Put all that discussion off.
3 So, Tony -- correct? -- the only two documents that
4 we are suggesting the PEC take action on tomorrow
5 are the ongoing school contract and the performance
6 frameworks. And I will get them clean copies.

7 MR. GERLICZ: Okay. Great.

8 COMMISSIONER BERGMAN: Julia, I have a
9 question for you, and I'll tell my fellow
10 Commissioners here now. Tomorrow, I guess, probably
11 under PEC comments, or I think she may have set me
12 up on the agenda, we're going to sit down. We're
13 going to -- the Chairman has asked me to finalize
14 now who's going to be at all these contract
15 negotiation sessions. So, we're going to talk about
16 that tomorrow.

17 Do I have the latest list that has all the
18 right dates, because mine's three or four weeks old.

19 MS. BARNES: Yes. I'll tell you where we
20 are on that first. Tony got it to Beverly, so I
21 think she might have it in your binders already, or
22 she will. I think she might have already. We are
23 just looking for an Albuquerque location. And the
24 reason that we are is CES will only let us stay
25 until 4:30. And I just don't want to have something

1 run long and have us get kicked out and we're going
2 to meet on the street. It's just bugging me.

3 COMMISSIONER BERGMAN: I agree with that,
4 because we had several of them that did run long.

5 MS. BARNES: Exactly. So, we're trying to
6 find a new location, but that shouldn't matter.
7 It's going to be somewhere close to where we are in
8 Albuquerque. One of them is going to be in the
9 morning, and one is in the afternoon. Those exact
10 times haven't been set.

11 But we have met with all the schools via
12 Go To Meeting. They all know their deadlines. We
13 made some changes. Particularly, Abby had raised
14 some questions about whether we could be driving up
15 and down the freeway one day, and, so, we moved
16 everything to Albuquerque. So, I think we're in
17 good shape.

18 COMMISSIONER BERGMAN: Okay.

19 MS. BARNES: The document that you have --
20 actually, we can even see if it's here -- 14 -- yes,
21 it's there.

22 COMMISSIONER BERGMAN: Yeah, looked like
23 what I had, except it doesn't have covers.

24 MS. BARNES: Let me just make sure that
25 they're all in Albuquerque. No. There will be a

1 change to the second page. On June 13th,
2 everything's going to be in Albuquerque.

3 COMMISSIONER BERGMAN: I might ask, as a
4 favor, if you'll look at the agenda, and, if
5 possible, if you could be present for that
6 discussion.

7 MS. BARNES: I can be, and I'll certainly
8 be here.

9 COMMISSIONER BERGMAN: I don't want to
10 impose on you, but --

11 MS. BARNES: You're not imposing, and I
12 certainly will be there for the contract discussion.

13 COMMISSIONER BERGMAN: I'll ask the
14 Commissioners now, be thinking about looking -- pull
15 14 out now and take a look at with you tonight, if
16 you want, and look at it and see which ones you
17 might want to go to. You're saying most of them are
18 going to be in Albuquerque, now? You're still going
19 to have at least one or two in Las Cruces?

20 MS. BARNES: So, I'll just go over it real
21 quickly. The first day, on February 3rd, is in
22 Santa Fe. And then a group of us will go down to
23 Las Cruces for the next day where there will be two
24 meetings in Las Cruces.

25 COMMISSIONER BERGMAN: Fourteen.

1 Index 14.

2 MS. BARNES: Index 14. The -- the
3 meetings on the 3rd and the March 5th and March 6th
4 are all in Albuquerque.

5 March 25th is in Albuquerque.

6 April 10th is in Albuquerque.

7 And the 7th and the 8th, even though it
8 says "Santa Fe," that's not correct. They're going
9 to all be in Albuquerque.

10 And I think we switched the order of some
11 of these, so that Ron didn't have to -- so that both
12 days were Ron's, and both days -- and the other day
13 was Karen's. So, we switched the order, but that
14 doesn't really matter.

15 COMMISSIONER BERGMAN: I thought I asked
16 you to move March -- one negotiation in March to in
17 front of when we were meeting in March. I'm looking
18 at dates here. I don't see --

19 MS. BARNES: Hold on. I thought I did it.

20 COMMISSIONER BERGMAN: Oh, I'm pretty sure
21 you did it. Oh. New America School and CEPI, you
22 show now on 3/25. Is that the accurate date?

23 MS. BARNES: I'm going to check this. I
24 just hate to say this again, but this is the wrong
25 form.

1 COMMISSIONER BERGMAN: What happened is we
2 have that three-day window that we set up in March.
3 We were going to go to the spring budget workshop
4 and then have our March meeting on the Friday of the
5 part of the spring budget workshop. So all the
6 people that were there, if they wanted to -- and
7 some didn't -- we've done that once before. But we
8 had a negotiation the week before.

9 And I asked Julia if she would change
10 that, so I wouldn't have to make two round-trips, so
11 I could just make one round-trip. She did it. I
12 appreciate that.

13 MS. BARNES: I did it. I think that's the
14 correct date. 3/25 is a Tuesday.

15 So, I think the only error on this form is
16 the June 13th one. If they're all going -- for the
17 June 13th PEC meeting, they're all going to be in
18 Albuquerque, and the schools moved around a little
19 bit.

20 COMMISSIONER BERGMAN: Let me just give
21 you some of the parameters. I'll have to repeat
22 them again for Commissioners that might be here
23 tomorrow that aren't going to be here.

24 We've had a discussion. We really don't
25 want a quorum at these negotiation sessions. A

1 quorum would be five, if -- my understanding of
2 lawyers. We have nine members. Is that correct,
3 Abby, that five would constitute a quorum?

4 MS. LEWIS: That's what the statute says,
5 yes.

6 COMMISSIONER BERGMAN: We really don't
7 want more than four Commissioners at any one of
8 these sessions. We want you to be at the ones you
9 want to be at. Four, to me, seems a little
10 top-heavy. But I don't want to give the impression
11 to a lot of these applicants that we're ganging up
12 on them again. We've had hearings; we've had votes;
13 we've had all the rest of it. I don't want them to
14 think we're ganging up on them.

15 To me, three is an ideal number, or two.
16 We don't want five; we don't want a quorum; we
17 really don't. We're looking at these various dates
18 and calendars. Think about one you want to go to.
19 They are half-day sessions. They all run three to
20 four hours.

21 But I really think it's beneficial to
22 every Commissioner to go to at least one, so when we
23 go to negotiations in the future, you have a good
24 concept of what we're talking about, the
25 give-and-take that goes on in these meetings. We

1 establish a certain rapport, and we're doing all of
2 that.

3 So, be thinking tonight about which ones
4 you might want to go to. And then if five of you
5 want to all go to the same one, we might have to do
6 a little rearranging a bit.

7 MS. BARNES: The one thing I want to tell
8 you was our experience last year. But I don't think
9 it impacts the negotiation today, as much as there
10 were a fair number of schools that were scheduled to
11 be approved by you at a certain meeting that
12 postponed to a later meeting. And we actually have
13 a calendar for that in here.

14 It could happen that a school isn't ready
15 to negotiate. But it's typically more after the
16 negotiation and getting it through their board and,
17 you know, some little glitch after that. So, even
18 though I think we're -- you know, really have jumped
19 the gun and we're really organized, I just want to
20 tell you that the realities of the world is that
21 some of them move some time at typically, not the
22 negotiation session. And I think we're on track
23 already for the first group of schools. So --

24 COMMISSIONER BERGMAN: So, in addition to
25 all our meetings, we do have some other things to do

1 in these various months. We've got other trips we
2 have to take and things we have to do. So, just be
3 thinking about what you might want to visit, which
4 one of these -- and you're not limited to one. If
5 you want to -- I, personally, intend to be at as
6 many of them as I can get to. The Chairman has told
7 me she intends to be at as many as she can get to.

8 And, so, there's going to be two of us at
9 most of these, the Chairman and myself. So, pick
10 out what you want to do, and we'll talk about it
11 tomorrow, specifically. And I --

12 ACTING CHAIR GANT: We're down to four
13 minutes. Any more comments, Commissioners?

14 COMMISSIONER PARKER: Thank you.

15 MS. BARNES: Thank you.

16 ACTING CHAIR GANT: Thank you for all your
17 work and being able to sit here and listen to us.

18 One thing I would ask the Commissioners
19 who are here, Abby worked on this protocol thing. I
20 mean, when you're sitting around watching TV or
21 something like that tonight, look through it, so
22 you're prepared tomorrow.

23 COMMISSIONER BERGMAN: Are we going to
24 discuss that protocol tomorrow? Is that for sure?

25 COMMISSIONER TOULOUSE: I already gave her

1 my comments.

2 COMMISSIONER BERGMAN: It's going to
3 surprise everybody that I have a some comments to
4 make.

5 ACTING CHAIR GANT: So, anyway, take it
6 with you, as homework, if you will.

7 MS. LEWIS: Nope. Just that keep in mind,
8 I -- this is a little heavy with parliamentary
9 procedure, because I wanted you to see what -- right
10 now, you've incorporated Robert's Rules of Order.
11 So I wanted you to see what that looks like, when
12 you actually have to follow Robert's Rules of Order,
13 which is not my field of expertise, so I'll have
14 another attorney also from my office tomorrow to
15 help answer any questions about parliamentary
16 procedure.

17 ACTING CHAIR GANT: CSD, you have any
18 comments before we close?

19 MR. GERLICZ: A word of thanks to everyone
20 for a good conversation, good -- I think we made
21 good progress today.

22 ACTING CHAIR GANT: Okay. I need a motion
23 to adjourn.

24 COMMISSIONER BERGMAN: Moved.

25 COMMISSIONER POGNA: Second.

1 ACTING CHAIR GANT: Motion from
2 Commissioner Bergman, second from Commissioner
3 Pogna. All in favor, say "Aye."

4 (Commissioners so indicate.)

5 ACTING CHAIR GANT: All opposed, same
6 sign? We're adjourned.

7 (Proceedings adjourned at 4:00 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 23, 2014.

15
16
17 *Cynthia C. Chapman*

18 Cynthia C. Chapman, RMR-CRR, NM CCR #219
19 BEAN & ASSOCIATES, INC.
20 201 Third Street, NW, Suite 1630
21 Albuquerque, New Mexico 87102

22
23
24
25 Job No.: 9408K

SANTA FE OFFICE
119 East Marcy, Suite 110
Santa Fe, NM 87501
(505) 989-4949
FAX (505) 843-9492



MAIN OFFICE
201 Third NW, Suite 1630
Albuquerque, NM 87102
(505) 843-9494
FAX (505) 843-9492
1-800-669-9492
e-mail: info@litsupport.com