

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE PUBLIC EDUCATION COMMISSION
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
January 10, 2014
9:00 a.m.
Jerry Apodaca Education Building, Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219
Bean & Associates, Inc.
Professional Court Reporting Service
201 Third Street, NW, Suite 1630
Albuquerque, New Mexico 87102

JOB NO.: 9409K(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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

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

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

1	INDEX TO PROCEEDINGS		
2	1	Call to Order, etc.	4
3	2	Approval of Agenda	6
4	3	Approval of Minutes, 12/12/13 and 12/13/13 Meeting	7
5	4	Report from the Secretary, Tabled	
6	5	Report From Deputy Secretary	29
7	6	Discussion and Possible Action on	9
8		Charter School Contract Forms, PEC-CSD	
9		Forms, Templates, Protocols, and MOUs	
10	6	Cont. Discussion and Possible Action on	40
		Charter School Contract Forms, etc.	
11	7	Charter School Amendment from	51
12		New Mexico International School	
		for Transportation	
13	8	Update from La Jicarita Charter School	57
14	9	Presentation of Plan from the International	66
15		School at Mesa Del Sol for Compliance with	
16		Special Education Programs and Laws and	
		Possible PEC Action	
17	10	Report from Options for Parents and	96
		the Charter School Division	
18	11	Discussion and Possible Action on	153
19		PEC Rules of Procedure	
20	12	2014 Meeting Calendar	210
21	13	PEC Legislative Committee Report	215
22	14	PEC Charter School Committee Report and	122
		Discussion on the Schedule for	
		Charter School Contract Negotiations	
23	15	PEC Comments	217
24			
25		REPORTER'S CERTIFICATE	227

1 ACTING CHAIR GANT: Calling the -- this
2 meeting to order on January 10th, of the Public
3 Education Commission, 2014. Carolyn Shearman can't
4 be here today. She has a medical -- Commissioner
5 Shearman cannot be here today. She has a medical
6 issue with her husband, and we're wishing her well.
7 We have not heard from her, so, I guess good news is
8 good news. I don't know.

9 But we're hoping to hear from her today.
10 He has had surgery on his heart or arteries or
11 things like that. So, he's had to stay at -- she's
12 stayed at home, and that's exactly where she should
13 be.

14 So, I will try to run the show as well as
15 she did. I know I can't do that, but that's okay.

16 Commissioner Bergman, may we have a roll
17 call, please?

18 COMMISSIONER BERGMAN: Yes, Mr. Chair.
19 Commissioner Carr.

20 COMMISSIONER CARR: Here.

21 COMMISSIONER BERGMAN: Commissioner
22 Conyers.

23 COMMISSIONER CONYERS: Here.

24 COMMISSIONER BERGMAN: Commissioner
25 Parker.

1 COMMISSIONER PARKER: Here.

2 COMMISSIONER BERGMAN: Commissioner
3 Peralta.

4 COMMISSIONER PERALTA: Here.

5 COMMISSIONER BERGMAN: Commissioner Pogna.

6 COMMISSIONER POGNA: Here.

7 COMMISSIONER BERGMAN: Commissioner
8 Toulouse.

9 COMMISSIONER TOULOUSE: Present.

10 COMMISSIONER BERGMAN: Commissioner Gant.

11 ACTING CHAIR GANT: Here.

12 COMMISSIONER CARR: Commissioner Bergman
13 is here. Mr. Chair, you have eight members present.
14 You do have a quorum.

15 ACTING CHAIR GANT: Thank you,
16 Commissioner. Before we start, I would like to
17 request that all electronics be turned off, cell
18 phones, pagers, or whatever you have that makes
19 noise. And for those that sit up here, please use
20 your microphone so our folks taking notes can hear
21 us and those folks out there can hear us. Thank
22 you.

23 All right. Can we all rise for the Pledge
24 of Allegiance, Commissioner Conyers; Flag -- Salute
25 to the New Mexico Flag, Commissioner Toulouse; and

1 Statement of Aspiration, Commissioner Pogna?

2 (Pledge of Allegiance and Salute
3 to the New Mexico Flag.)

4 COMMISSIONER POGNA: Dear Lord, we thank
5 you for bringing us together safely to serve the
6 families of this state. We ask that you let our
7 work be a blessing for the children. Give us the
8 spirit of learning, so that we may think honestly
9 and speak wisely. And give us the courage to make
10 the right decisions for the children.

11 Lord, give our teachers your constant
12 encouragement and guidance. We ask prayers for the
13 good healing of Carolyn's husband. We thank you,
14 Lord, for all the goodness bestowed upon our state
15 and our nation, and bless America in these perilous
16 times. Amen.

17 ACTING CHAIR GANT: Thank you,
18 Commissioner Pogna.

19 Approval of Agenda. Let me make a couple
20 of notes -- let me make a couple of notes here.
21 First, Secretary Skandera will not be joining us
22 today. Is that correct, Beverly?

23 MS. FRIEDMAN: Yes.

24 ACTING CHAIR GANT: And for Item 5, Deputy
25 Secretary Aguilar let it be noted that he may come

1 as scheduled, or it may be later. But we have the
2 option to move him around as he shows up.

3 So, with that, are there any other changes
4 for the schedule -- to the agenda by Commissioners?

5 Tony, do you have any changes?

6 MR. GERLICZ: I do not.

7 ACTING CHAIR GANT: Thank you. Request a
8 motion for approval of the agenda, please?

9 COMMISSIONER CARR: So move.

10 COMMISSIONER PERALTA: Second.

11 ACTING CHAIR GANT: I have a motion by
12 Commissioner Carr, second by Commissioner Peralta.

13 All in favor, say "Aye."

14 (Commissioners so indicate.)

15 ACTING CHAIR GANT: Opposed, same sign?

16 Motion carried; agenda is approved.

17 Approval of minutes for September 12th and
18 13th. Do I have any changes to the minutes or
19 corrections, please?

20 Seeing none, I need a motion for
21 acceptance of the minutes for December 12th.

22 COMMISSIONER CARR: Mr. Chair, I move we
23 approve the minutes for the December 12th and 13th
24 meeting.

25 ACTING CHAIR GANT: I would prefer,

1 Commissioner Carr, each one of them separate.

2 COMMISSIONER CARR: Oh, separate? I'll
3 move that -- retract my motion, and I'll move that
4 we approve the minutes for December 12th.

5 COMMISSIONER BERGMAN: Second.

6 ACTING CHAIR GANT: I have a motion by
7 Commissioner Carr to approve the minutes of
8 December 12th, the second by Commissioner Bergman.

9 Do I have any discussion? Call for a
10 question; all in favor, "Aye."

11 (Commissioners so indicate.)

12 ACTING CHAIR GANT: Opposed, same sign?

13 Motion carried.

14 Now, for approval of the December 13th
15 minutes. Motion, please.

16 COMMISSIONER CARR: Mr. Chair, move -- it
17 doesn't matter.

18 COMMISSIONER BERGMAN: Go ahead.

19 COMMISSIONER CARR: Okay. I move we
20 approve the minutes for the December 13th meeting.

21 ACTING CHAIR GANT: Do I hear a second?

22 COMMISSIONER PERALTA: Second.

23 ACTING CHAIR GANT: I have a motion to
24 approve the minutes of December 13th by
25 Commissioner Carr and a second by Commissioner

1 Peralta. Any discussion?

2 Hearing none, all in favor of the motion,
3 please answer by "Aye."

4 (Commissioners so indicate.)

5 ACTING CHAIR GANT: Opposed, same sign?
6 Hearing no opposition, the minutes are approved for
7 December 13th.

8 At this time, we'll move to Item 6,
9 Discussion and Possible Action on Charter School
10 Contract Forms, PEC-CSD Forms, Templates, et cetera.
11 Ms. Lewis? Ms. Barnes?

12 MS. BARNES: Commissioners, the second
13 document that we'd like you to take action on is
14 coming off the printer as we speak. So, we could do
15 it one of two ways: We can start with what we have.
16 We have the performance framework, and I can give
17 you an outline of where I think we're going; or, we
18 can move on to the next agenda item.

19 I just checked with Linda Olivas, and
20 she's printing off the contracts right now; so,
21 whichever you prefer.

22 ACTING CHAIR GANT: Commissioners, what's
23 your wish? Commissioner Bergman?

24 COMMISSIONER BERGMAN: Thank you,
25 Mr. Chair. We're not going to be able to read what

1 you're going to hand to us anyway today. So, I
2 think we're just going to have to take it on faith
3 and read it very soon after we get away from this
4 meeting, and if we spot any errors or omissions or
5 whatever, then we have to immediately make CSD aware
6 of it.

7 So, I assume -- I would just suggest we
8 move forward right now.

9 MS. BARNES: Okay. I will say that it is
10 going to be my recommendation that if you adopt
11 these forms, you allow us to make technical changes,
12 anyway. So, great. Hold on.

13 ACTING CHAIR GANT: And by the way, for
14 the audience, while we're handing out items, for the
15 audience and for Commissioners who could not be
16 here -- and they could not be here for this
17 day-and-a-half work session that we had Wednesday
18 afternoon and Thursday, Commissioner Carr and
19 Commissioner Peralta -- they were doing their due
20 diligence and duties at their respective schools.

21 And I think that's exactly where they
22 should have been yesterday, so -- but I will tell
23 you, for the audience and the folks that were not
24 here yesterday, that there was -- the last day and a
25 half, there was a lot accomplished, and Ms. Barnes

1 is to be commended, and CSD is to be commended on
2 their support in getting us through a lot of work in
3 the last day and a half. And we appreciate
4 everything they've done.

5 And I think you'll find what you're going
6 to get is worthy of the work that was accomplished
7 and the -- agreeable to what we're going to vote on
8 here shortly. Thank you.

9 MS. BARNES: Thank you very much. I'd
10 like -- I think we're still under Tab 6. I want to
11 start again with the chart that we looked at several
12 times, so that I can make sure that all the
13 Commissioners know where we are and where we're
14 going.

15 If you found it, I think it's immediately
16 behind Tab 6.

17 So, this is a chart that we're going to
18 continue to work from. It will eventually be the
19 index to the binder with the approved forms, and we
20 are definitely moving towards that. I will say that
21 I was very, very pleased, particularly with the way
22 the documents are coming together in a comprehensive
23 way. So, I would -- I would actually say I was
24 excited yesterday; although, some people referred to
25 it as a root canal.

1 So, Section A, you have one of two
2 documents in front of you. These are the Contract
3 template forms and the 2014 performance framework
4 template form. The contract is the document that we
5 will use as the template to negotiate with the
6 schools that were approved by you for renewal, and
7 also the new schools. And I forget the number. But
8 it's a lot of them. Sixteen, maybe?

9 We anticipate that at some point next
10 year, we'll look at this again and potentially tweak
11 it. But, boy, we think we got a long way towards
12 it. The contract document, I'm just going to hold
13 off for a moment and let Linda Olivas get here with
14 those documents. And that one, in particular, I
15 think there are some highlighted sections where I
16 think there are some technical changes needed.

17 The performance framework is the one-year
18 annual performance framework template. It is the
19 first step out of two for each of the schools that
20 are under contract. Under the law, you have an
21 obligation to consult with your schools, which you
22 have done through the noticing of this template and
23 a two-day working session on it.

24 And what it does is it gives the outline
25 of what is set forth by you that the schools will be

1 assessed against.

2 The second step for each school is to fill
3 out the template. For the schools that you are
4 entering into new contracts with, we will negotiate
5 the terms, the blanks in that framework, and the
6 blanks in the Contract. And then the document, once
7 negotiated, will come forward to you, and it will be
8 the document, once completed, that the school is
9 assessed against.

10 We've already done that last year for
11 seven schools, and we're already in the process of
12 utilizing those completed templates, through CSD
13 staff, to assess and work with those schools.

14 Let me finish the forms where we were, and
15 then we'll come back to this document. That's what
16 was just passed out to you, and, actually, I think
17 this one is in pretty final form.

18 Next, we -- yesterday and the day before,
19 we were able to have a conversation on the
20 application process. And we will have for you a
21 second draft of the whole packet. We set aside the
22 rubrics, which are items B5 and B6.

23 First, I think CSD may try to take a look
24 at those. But we'll present you with a complete
25 packet, probably, at the next working session, the

1 day before your next meeting in February. And we
2 may potentially be ready to have you approve those
3 at that meeting, or maybe the following one.

4 We did discuss that the application, with
5 the input, would be modified and be sent out to
6 schools -- the parties that may be interested in
7 doing a new school, so that if they wanted to see
8 what the application looked like and wanted to start
9 drafting on it, they could. We will make sure that
10 we tell them that it is a draft document.

11 So, we achieved a couple of things. One,
12 I think we have a good enough draft that I feel we
13 can send that out to people, letting them know they
14 can get started, knowing that you have not approved
15 that document. But the major improvement -- I don't
16 know if it's an improvement -- the major point I
17 want to make about that is, after a long discussion
18 of goals, what we have decided to is to make sure
19 that the application requires two mission-specific
20 goals -- you'll recall that applications have to
21 present goals to you -- and, then, later, you have a
22 contract where you negotiate indicators, which are
23 the same as goals.

24 We've aligned those, so that where the
25 performance indicator requires that schools provide

1 and negotiate with you a mission-specific goal, in
2 the application, they will be required to create
3 their draft, too, at least, because the law requires
4 goals, mission-specific goals. And we're going to
5 make sure that the application aligns with how the
6 contract turned out.

7 I'm very -- I think that is potentially a
8 very good solution to making all of the documents
9 work together. You can look at those goals from a
10 capacity standpoint. It starts to get the schools
11 to really look at what they need to do in order to
12 roll that out. And then I believe we're also going
13 to put in, "Where do you see yourself in five years?
14 Where do you see your school ultimately being in
15 five years?" And we may call that a target.

16 I like how they're flowing together.
17 That's my own personal opinion.

18 The renewal application, we did not get to
19 that, but it's the only section of the documents
20 that we did not get to. I think we will, before the
21 next working session, go through and make the same
22 changes that we made to the contract that we're
23 making to the application, so that there's not that
24 technical work that you all need to do. And I think
25 we'll follow a lot of the conversation that we did

1 before.

2 Section D, on site visit forms and the
3 annual assessment templates, we went over those, and
4 the CSD staff provided kind of an explanation of
5 those documents. Those are the documents -- you
6 have the contract; you have a one-year performance
7 framework. And beneath that, the staff goes out and
8 does a site visit. This is the site visit tool; it
9 aligns to the performance framework.

10 And then there is a roll-up, where it's
11 just a two-page scoring of the site visit tool and
12 the performance frameworks. Those will be ready to
13 be in your notebooks. And since it's kind of a
14 document that's a living document for CSD, I don't
15 think you need to approve it. However, you have the
16 form that is substantially how it will be used.

17 Finally, the last section, Section E, we
18 went over those. Those are, as well, supporting
19 documents for the contract process. The contract
20 worksheet is just a document that brings forth all
21 of the blanks in the document and the performance
22 worksheet. The performance frameworks, it's the
23 document that parties to the negotiation process use
24 to work through it.

25 E2 is just the date document. So, again,

1 those will be in your binders, so you'll see how
2 they're being used. But, again, I don't think that
3 you need to approve them. They're kind of the
4 living documents for our work rolling out the
5 contracts. And the E3 is just an exhibit to the
6 contract, where the schools tell you what waivers
7 they are going to request.

8 The next section on closure, you've
9 already approved that form. It's already being
10 used. It's going to be put in your binders.

11 And Section F is kind of the overarching
12 protocols. We didn't get to those. And I think
13 that it -- by the end of February, I think that
14 we'll take a look at what -- which of those we need,
15 what needs to happen, how much was taken care of by
16 the documents that we've done.

17 So, I'm really feeling like the whole
18 thing is coming together, and we got really far.

19 Questions before we go to the first
20 document for your potential approval?

21 ACTING CHAIR GANT: Commissioners,
22 questions for Ms. Barnes? Commissioner Bergman?

23 COMMISSIONER BERGMAN: Mr. Chair, I might
24 just note, for the benefit of Commissioners Carr and
25 Peralta, who could -- as you said, had to work, it

1 was an exhaustive process. We went through it item
2 by item, page by page. And actually, the -- half of
3 it was done in December; actually, two full and one
4 half-session on it. And the staff was here; Susan
5 Fox and Patti Matthews were here for parts of it.

6 So, we had input from a number of
7 different sources. And even though I haven't seen
8 the final document and will have to read it, I do
9 agree with Julia, I think we've done an excellent
10 job.

11 And with reference to her root canal, this
12 is -- I believe this year is the only year we're
13 going to have to do this. I think, in the future,
14 now that we've gotten this down to where we want it,
15 I think, in the future, it's just going to be
16 little -- if anything, little bitty tweaks.

17 But part of what drove this contract
18 process this year was the seven negotiations we had
19 last year. A number of questions were raised, and
20 they were legitimate questions. And the staff had
21 to look at everything we had to look at.

22 So, that's what drove the process. I'm
23 hoping this round of negotiations doesn't tip the
24 boat too much. I hope it works a lot better -- it
25 worked well last year, but, like I say, there was a

1 lot of questions, and some things came up in those
2 things that I'm not going to talk about now, but I
3 think we corrected those, too. So, I think they're
4 good documents -- until I actually read the final
5 draft again.

6 But I think they're good documents and I
7 really appreciate Julia and the staff. Like I say,
8 we had some excellent discussions, and as you well
9 know, whenever the word "goals" is mentioned, you
10 can assume I'm involved in it somehow. And we had
11 an excellent discussion yesterday, because that was
12 one of the issues that was raised in last year's
13 negotiation was what -- how does -- the schools want
14 to know, how are they going to meet these goals, how
15 is it going to affect their renewal. And there was
16 a great deal of concern -- and I sympathize with
17 them, because it's their school they're talking
18 about. That's why we wanted to do these kind of
19 things.

20 Here again, in the final analysis, it's
21 always the school and the kids that we've got to
22 worry about. So, it was a great process, I think,
23 and everybody worked really hard. Thank you,
24 Mr. Chair.

25 ACTING CHAIR GANT: Thank you,

1 Commissioner Bergman. I'd like to recognize Deputy
2 Aguilar's arriving. And I have talked to him a
3 little bit. We're going to have to go ahead and
4 finish up with the votes, et cetera, as we planned
5 to do.

6 Do any of the other Commissioners that sat
7 through this root canal for the last day and a half,
8 two days, have any other comment? Toulouse?
9 Parker? Commissioner Parker?

10 COMMISSIONER PARKER: Mr. Chair,
11 Commissioners, I just wanted to formally thank you
12 guys for all the hard work you did. I know you did
13 way more than we did. So, thank you very much.

14 ACTING CHAIR GANT: Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Mr. Chair, I guess
16 I won't pass up an opportunity to speak. I do --
17 having missed the December work study through no
18 fault of mine, but a horrible virus, I want to thank
19 everybody for having patience with me as I caught up
20 on some of it. But I just think there was a
21 tremendous amount of work, both here on this side of
22 the Commissioners, and out there, with the PEC
23 folks.

24 And I'd like to thank not just Julia and
25 Tony, but especially all the staff who sat here and

1 put up with us for this time, when I know they had
2 other things they needed to do with the schedule
3 they've got to keep. It was very, very useful for
4 me, still, after a year on the Commission, being
5 able to experience that time with the staff, where
6 they're in their element; they're not in mine. So,
7 thank you very much.

8 ACTING CHAIR GANT: Thank you.
9 Commissioners Conyers, Pogna, have any comments?

10 COMMISSIONER CONYERS: I just echo what
11 the other Commissioners have said. And never having
12 had a root canal, I'm not quite sure what that
13 references to. But I have watched grass grow, and I
14 agree with that.

15 ACTING CHAIR GANT: Thank you. There was
16 a lot of work done in the last day and a half,
17 including the day in December. And I'd be remiss if
18 we didn't recognize Ms. Lewis, our attorney for the
19 PEC, because she played in this game a lot, too.
20 So, she sat through this whole thing yesterday and
21 watched the grass grow, if you want to call it that.

22 So -- and you're going to request approval
23 of --

24 MS. BARNES: Yes. I feel like there's one
25 thing I want to show you in the academic performance

1 framework that we haven't discussed, and you can
2 give me direction.

3 On Page 2 of the -- of the performance
4 framework, the introductory sections, I went -- I
5 had an opportunity this morning to go through it
6 quite carefully. And there's -- it's the note that
7 I want -- I want to bring to your attention.

8 When the schools negotiate their
9 school-specific indicators, often, they want to
10 identify a group or a cohort. They'll often say,
11 "Students that have been with us for six semesters,"
12 or whatever. In particular, based on the renewal
13 applications, when -- when some schools presented
14 you with data, their cohort became so small that it
15 didn't -- it didn't really appear to us that the
16 cohort was that helpful. It actually, in some ways,
17 potentially raised some questions.

18 So, I just thought you should kind of
19 weigh in on that. So, I put -- I put a note that
20 said -- because I do think that it's valid. If a
21 student's only been at your school for three or four
22 months, how can you have an impact on that student?
23 So, I do think the idea of a cohort is a good one,
24 and it's something they can present to you.

25 But I thought we would potentially put

1 some kind of direction to the schools that -- and,
2 so, I've put that if you create a cohort, it has to
3 contain at least 70 percent of the students that
4 otherwise would have been in that group, and kind of
5 picked that number randomly. But if you say, you
6 know, students that have attended the school for two
7 or more years, you know, I think that should be a
8 substantial number of students, or else they should
9 tell you why they think it's still valid data.

10 So, I -- we didn't talk about that
11 yesterday, and I wanted to make sure that that --
12 it's just a note. But I don't -- I wanted to
13 explain it to you, and I wanted to just raise it
14 today. Do you understand what I'm saying?

15 ACTING CHAIR GANT: Comments, Commission?

16 COMMISSIONER BERGMAN: Thank you for that,
17 Julia. And that actually -- your comment actually
18 reminded me that I've had a concern, too, when we --
19 I had that concern last year when we did that, where
20 when schools wanted to use a three-year cohort, that
21 means we won't have any data for -- we only have a
22 three-year thing there. It's almost three years
23 before we know whether they're making -- so, I was
24 concerned about that.

25 So, I think somewhere in one of our future

1 work sessions, we need to talk about that concept
2 from the staff's viewpoint and whether we can limit
3 that.

4 But I agree with you. A cohort of two
5 students doesn't tell us a thing. And, it just
6 doesn't.

7 MS. BARNES: Partic- -- I just have to
8 say, I chose 70 percent, often; to exceed standard,
9 we're choosing 85 or more percent. So, I don't know
10 if that's the right number. They can change that --
11 it is just a note. They can come forward and
12 negotiate something different. But it does kind of
13 set the bar a little bit. So I just wanted to raise
14 that.

15 COMMISSIONER BERGMAN: Mr. Chair, Tony,
16 did you -- would you like to jump in on that, or --

17 MR. GERLICZ: No, I don't have anything to
18 illuminate on that, Commissioner Bergman. I think
19 what Julia says is accurate.

20 COMMISSIONER BERGMAN: Thank you. Thank
21 you, Mr. Chair.

22 ACTING CHAIR GANT: Yes, Commissioner
23 Bergman. Any other comments, Commissioners?
24 Ms. Barnes?

25 MS. BARNES: I have tabbed the changes.

1 But I think all the working session changes have
2 come in here. So, while I hope that if you approve
3 this document, you will allow us to do technical
4 changes, so that others can take a look at it.

5 However, this document, I'm feeling quite
6 good that, you know, it's -- I went over it a couple
7 of times. But, yes, I would -- if you approve it,
8 would like to have permission to accept technical
9 changes.

10 ACTING CHAIR GANT: Commissioners, I would
11 like -- I would request a motion for the New Mexico
12 Education Commission Charter School Performance
13 Framework, with the capability of having any
14 technical changes made after the vote. Commissioner
15 Toulouse?

16 COMMISSIONER TOULOUSE: Mr. Chairman, I
17 move that we accept the Public Education Commission
18 Charter School Performance Framework, as presented
19 by staff, with the provision that any technical
20 changes which they need to make can be made.

21 ACTING CHAIR GANT: Do I hear a second?

22 COMMISSIONER PERALTA: I will second.

23 ACTING CHAIR GANT: Motion made by
24 Commissioner Toulouse, seconded by Commissioner
25 Peralta. Discussion, please? Commissioner Bergman?

1 COMMISSIONER BERGMAN: I would just ask
2 that is that -- is the understanding, also, if any
3 Commissioners spot anything in these documents, that
4 we also be a part of that technical -- even though
5 that's not specifically mentioned in the motion?

6 COMMISSIONER TOULOUSE: Mr. Chair, I think
7 the people who have to make the change anyway are
8 the staff, whether it comes from us or from them;
9 so, to me, I covered it, but --

10 MS. LEWIS: The motion is broad enough to
11 allow for that.

12 COMMISSIONER BERGMAN: Thank you,
13 Mr. Chair.

14 ACTING CHAIR GANT: Right. Commissioners,
15 as Ms. Lewis stated, the motion is broad enough for
16 that. Those -- if you do find something in this, as
17 a note, right at this point, while we're discussing,
18 please send them directly to Ms. Barnes or "cc" to
19 Ms. Lewis of anything you find, okay? Any other
20 discussion?

21 COMMISSIONER BERGMAN: Mr. Chair?

22 ACTING CHAIR GANT: Commissioner Bergman?

23 COMMISSIONER BERGMAN: May we ask that if
24 you do make some technical changes, that you keep
25 us -- either let me know, or let the Chairman know

1 what you found and what you're going to change? Is
2 that reasonable?

3 MS. BARNES: Sure. And then the final
4 draft, again, is going to be in your binder. But I
5 will indicate, if we make any changes, what they
6 were.

7 COMMISSIONER BERGMAN: Thank you. Thank
8 you, Mr. Chair.

9 ACTING CHAIR GANT: Any more discussions,
10 Commissioners?

11 DEP. SEC. AGUILAR: Mr. Chair?

12 ACTING CHAIR GANT: Deputy?

13 DEP. SEC. AGUILAR: Mr. Chair, thank you.
14 Along those lines, actually I have not been here for
15 the discussions. But I think it would be
16 appropriate that you appoint a member of the
17 Commission that these changes -- not that they sort
18 of get to you guys, but that a member of the
19 Commission be notified as those changes are made, so
20 that if they raise any issues, that it can be done
21 immediately and not at a future meeting.

22 ACTING CHAIR GANT: With that said from
23 Deputy Aguilar, I will be the point of contact on
24 this. That's a government -- sorry. I will be the
25 person you contact or send the changes to, also.

1 Thank you.

2 Any more discussion? With that, Secretary
3 Bergman, I would request a roll-call vote, please?

4 COMMISSIONER BERGMAN: Commissioner Carr?

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Conyers?

8 COMMISSIONER CONYERS: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Parker?

11 COMMISSIONER PARKER: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Peralta?

14 COMMISSIONER PERALTA: Yes.

15 COMMISSIONER BERGMAN: Commissioner Pogna?

16 COMMISSIONER POGNA: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Toulouse?

19 COMMISSIONER TOULOUSE: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant?

21 ACTING CHAIR GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Bergman votes "yes." Mr. Chair, by an eight-to-zero
24 vote, that motion carries.

25 ACTING CHAIR GANT: Thank you,

1 Commissioners. This will be the performance
2 framework to be used for the following year. Thank
3 you.

4 Ms. Barnes?

5 MS. BARNES: We have the contract.
6 However, I would be happy to yield to Mr. Aguilar
7 now, but it's up to you.

8 ACTING CHAIR GANT: All right. We're
9 going to split here in the middle of this item and
10 allow Deputy Aguilar to make his presentation.

11 DEP. SEC. AGUILAR: Thank you,
12 Mr. Chairman. One of these days, I'll have enough
13 time to sit here for the whole meeting. But I
14 just -- we've got the session starting -- actually,
15 it starts, for us, next week. We have hearings on
16 Thursday and Friday of next week. So, the
17 Legislature begins early.

18 A couple of things. Thank you very much.
19 I hope everyone had a Happy New Year. It seems like
20 a long time ago, already. But I'm happy to report,
21 Mr. Chairman, that your chairs have been ordered,
22 and so they should be here shortly. I have received
23 a concern from one of your members regarding the
24 inability of a member to not -- her feet to not
25 touch the floor. And, so, we're also ordering a

1 small stool, so that you can -- you can be
2 comfortable, Commissioner, just so you know. Bev
3 made that request yesterday, and we're accommodating
4 that.

5 And I'll work with the Chairman. But,
6 Commissioner, you sent a -- a specification --
7 requested specifications for your computers. We are
8 endeavoring to meet most of those -- most of that
9 request. There is some concern about the memory
10 level that you've requested. But we'll -- we'll
11 ensure that the computers that come -- one thing I
12 do want -- it doesn't have to be a decision today,
13 Mr. Chairman. But you had indicated that -- that
14 you would prefer laptops with a 17-inch monitor.

15 I would just let you know that those are
16 beautiful and easy to see. But some of you
17 Commissioners may have trouble carrying them. So,
18 if that's still a desire, we'll do that. Or, we
19 can -- we can take individual Commissioners'
20 desires, perhaps a smaller screen for someone, or
21 not, just depending on what folks -- folks want.

22 ACTING CHAIR GANT: Deputy Aguilar, that
23 was the preferred. But the minimum should be a 15.

24 DEP. SEC. AGUILAR: Mr. Chairman, and the
25 minimum will be -- we're going to try to do the

1 17-inch, but I wanted to -- again, Commissioner, no
2 offense. You're our smallest Commissioner, but
3 those 17s are pretty heavy. And I just wanted to
4 let folks -- if you could -- they don't all have to
5 be uniform. If someone wants a smaller screen and
6 someone wants a larger screen, we'll endeavor to try
7 to accommodate that.

8 ACTING CHAIR GANT: We'll poll the
9 Commissioners and see if they want 15 or 17.

10 DEP. SEC. AGUILAR: Thank you,
11 Mr. Chairman.

12 Also, I don't know -- Mr. Hill is not
13 here. So, just to let you know, the Learning
14 Community Charter School filed a motion for an
15 emergency stay with the District Court. That was
16 heard yesterday, and the District Court declined to
17 issue the stay. So, the shutdown efforts -- not
18 "the shutdown efforts" -- the closure process in
19 terms of inventory and doing those sorts of things
20 will continue.

21 They do still have a pending appeal with
22 the District Court that will be heard at some point
23 in the future. But it's not delaying our process
24 going forward.

25 Along those closure -- we have the TLC,

1 and then the Commission voted also to not renew
2 Ralph J. Bunche. We don't have the staff at the
3 Department right now to -- to manage that as
4 actively as we would like. So, I wanted to inform
5 the Commissioner that Director Gerlicz has requested
6 that we issue a small contract to a knowledgeable
7 charter school administrator -- and I don't have
8 anyone selected yet -- that will work with these two
9 schools to -- through -- to manage the shutdown
10 process in cooperation with our Audit Bureau and
11 with our School Budget Bureau, to ensure that we go
12 through this process properly.

13 But we have a point person that is
14 actively focused on that. So, I thought that was a
15 good recommendation, and we're going to be moving
16 forward to try to identify -- probably a retired
17 administrator that has experience in these sorts of
18 things.

19 The efforts at -- in getting the McCurdy
20 Charter School and their financial status -- their
21 financial books in order is ongoing. The work on
22 reconciling their books to their bank statements
23 back to the day that they opened is ongoing. And
24 we're pretty hopeful. We, again, have overtaken the
25 day-to-day financial management, the -- the board

1 and the director continue to do their work. But all
2 expenditures are coming through us, so we can ensure
3 that they have the financial whereabouts to make
4 sure the school finishes up the year with cash, and
5 that we can get going getting them in a good state.
6 So, we're pretty happy about that.

7 Mr. Chairman, I think that's it.

8 ACTING CHAIR GANT: Deputy Aguilar, do you
9 have any comments on the upcoming Legislature with
10 reference to education, what you think is going to
11 happen?

12 DEP. SEC. AGUILAR: Well, Mr. Chairman, I
13 have an appointment this weekend with my tattoo
14 artist to recolor the bull's-eye that's on my back.
15 So, we anticipate that that's going to be a
16 well-used target this year.

17 Of interest, Mr. Chairman, the -- the
18 Governor has recommended a significant increase in
19 funding for public education. The Legislative
20 Finance Committee has recommended somewhat of a
21 higher amount. We were hoping that there would be
22 more agreement in the two recommendations; there is
23 some significant distance between the two
24 recommendations. And it's a function of philosophy,
25 funding philosophy, more than anything.

1 So, we anticipate that the discussions to
2 try to reconcile the two recommendations to
3 something that's -- that works for both the
4 Governor, the Public Ed Department, and the
5 Legislature will be fruitful, and that we'll get to
6 a point that things move forward well. We're
7 hopeful.

8 It seems -- although this is an election
9 year, the rhetoric coming out of all sides is to try
10 to get to a more bipartisan atmosphere. And, so,
11 we're hopeful that we can work through the different
12 issues and get that going.

13 We do anticipate a substantial number of
14 bills being filed regarding public education. How
15 many are declared germane is left to be seen. So
16 far in the prefiled bills, we have -- and that is --
17 actually, I'm glad you asked that. This is of
18 importance to charter schools.

19 The -- Senator Cisneros, in Senate Bill 6,
20 I believe, has filed a bill that would require
21 districts to include charter schools in the
22 distribution of their Ed Tech -- their local Ed Tech
23 bonding. As you may or may not know, the Education
24 Technology Act provides for school boards to -- I'm
25 not sure what the word is -- implement -- to put in

1 place -- a property tax on the -- on the property
2 owners in a school district without going to the
3 voters for Ed Tech -- for Ed Tech notes. It's the
4 only -- to my knowledge, it's the only place in
5 statute that that's allowed.

6 ACTING CHAIR GANT: Didn't know that.

7 DEP. SEC. AGUILAR: Yes. And, so, what
8 has happened in Taos, they increased or placed
9 that -- that tax in place last year and declined to
10 distribute any of those Ed Tech funds to the local
11 charter schools. And, so, since the tax is on all
12 voters in a school district, not just voters who
13 have children in -- in the school district, the bill
14 is designed to ensure that all -- that all public
15 schools in a district, including charter schools,
16 be -- have access to those funds for Ed Tech -- Ed
17 Tech notes. And so that bill is in place.

18 We've seen none of the reading bills come
19 forward. We're anticipating that those will come
20 forward shortly, the third-grade reading bills. And
21 as always, everyone has an opinion on -- on
22 education. So, we anticipate that a number of bills
23 will come forward.

24 One area that is of just -- just to put
25 out there, it's not necessarily a concern to charter

1 schools, and it's not a concern yet to the
2 Department. But the Commissioner of Public Lands is
3 proposing to -- to work with the federal government
4 to remove some federal lands off the federal rolls
5 and transfer them to State ownership that would go
6 into trust to be used for early childhood education.

7 While that doesn't necessarily affect
8 charter schools, what's of interest, though -- we're
9 concerned where these lands are located. If these
10 lands are located and impact aid districts, the
11 removal of federal lands from the federal -- from
12 the acreage that's utilized to determine how much
13 impact aid a district gets, this could have an
14 impact. So, we're watching that proposal closely to
15 see what those impacts might be.

16 Mr. Chairman, I think that's it.

17 ACTING CHAIR GANT: Deputy Aguilar, thank
18 you. I have one question. Maybe you're not -- I
19 don't know if they're working on this, or you're
20 cognizant of it. You know, there is a bill possibly
21 coming down from Representative Stapleton, because
22 down in the Sierra and Doña Ana counties, we have a
23 tax that we voted in to support the Spaceport, which
24 part of that money was supposed -- does go to our
25 school -- school districts, if you will.

1 And it was voted on by the -- the counties
2 and passed by the counties. And that was one reason
3 those bills passed was because those -- increases in
4 tax passed is because a lot of it goes to our
5 education in the districts for STEM. Now, they're
6 wanting to take the money and put it in the formula.
7 Is there any position in the PED on that?

8 DEP. SEC. AGUILAR: Mr. Chairman, we are
9 developing a position right now. I want to be
10 clear, though. I want to clarify one of your
11 comments. The -- actually, there's nothing in the
12 major language of the Spaceport Act or the
13 operations in the Gross Receipts Tax Act that
14 delineates that any of that money goes to the school
15 districts. That money -- 75 percent of that money
16 goes directly to the operations of the Spaceport,
17 and 25 percent of those funds go to the county
18 commission in those counties.

19 There is no provision that, in law -- and
20 we've had our attorneys look at it -- that says that
21 any part of that 25 percent shall go to the school
22 district. The local county commissions make a
23 determination of how -- they grant --

24 ACTING CHAIR GANT: You're right.

25 DEP. SEC. AGUILAR: -- county funds to

1 various entities. In this case, they've granted
2 funds to the school district --

3 ACTING CHAIR GANT: That's right.

4 DEP. SEC. AGUILAR: -- to supplement
5 existing programs, not to supplant. And, so,
6 without stating a specific position, I think those
7 provisions are very important to be cognizant of.

8 ACTING CHAIR GANT: Thank you for my --
9 for the correction. You are very right. I should
10 have stated it correctly, because I've been through
11 the whole thing. I was part of it. So, any other
12 comments? Commissioner Toulouse?

13 COMMISSIONER TOULOUSE: Mr. Chair, Deputy
14 Secretary Aguilar, I'm going to ask -- it's not a
15 rude question, but a difficult question. But, you
16 know, it's hard to get our travel reimbursements
17 back and our expenses back. It takes a long time.
18 For me, it's not a big problem, because I'm only
19 coming from Albuquerque. But from my year on the
20 Board, I've listened to all of these other people.

21 And I know State government takes longer.
22 I know that. I was in Human Services 30 years, and
23 they were notorious for being slow, and it seldom,
24 even then, took 30 days.

25 And I asked my son who still works there

1 and said, "How bad is it now," thinking it was at
2 least as bad as it was here. His have been coming
3 back in two weeks.

4 So, I just wondered if there was a way,
5 because this is your -- I'm not asking for an
6 answer, but if there's a way you can find to hurry
7 it up a little bit.

8 DEP. SEC. AGUILAR: Commissioner --
9 Mr. Chairman, Commissioner, this is the first that
10 I've heard about it recently. So, I'll have to look
11 into it and get an answer for you.

12 MS. LEWIS: I just wanted to know if the
13 Department had received a notice of appeal from
14 Ralph J. Bunche.

15 DEP. SEC. AGUILAR: To my knowledge, no.

16 ACTING CHAIR GANT: Any further questions
17 for the Deputy from the Commission?

18 Deputy Aguilar, we appreciate your time,
19 and I wish you luck. And I'm glad I'm not the one
20 with the bull's-eye on my back. So, have a good
21 day.

22 DEP. SEC. AGUILAR: Mr. Chairman, we're
23 willing to transfer that, if anyone would like.

24 Mr. Chairman, again, thank you so much. I
25 actually do enjoy listening to your conversations,

1 and at some point, I'll have some time to sit in on
2 a whole session and -- and listen to the grass grow,
3 as well.

4 So -- but thank you so much, and I look
5 forward to seeing you all during the session.

6 ACTING CHAIR GANT: Have a good one.

7 DEP. SEC. AGUILAR: You bet, sir. Thank
8 you very much.

9 ACTING CHAIR GANT: Ms. Barnes, you get
10 the other half.

11 MS. BARNES: We did get the printout
12 copies of the document.

13 (Ms. Barnes distributes document.)

14 MS. BARNES: Okay. This is the contract
15 that will be the template for the negotiations for
16 the term of the charter. So, if you did a five-year
17 charter, it will be a five-year term of the
18 contract. If you did three years, it will be three
19 years.

20 I should also mention, if you put any
21 conditions on a charter, we typically turn those
22 into indicators in the framework that you just
23 approved. And if it takes more than one year to
24 comply with your conditions, we'll add it each year.
25 So, just so you know technically and logistically

1 how it works.

2 This contract, again, I think, as
3 Commissioner Bergman was just mentioning, is based
4 primarily off some negotiations from last year, and
5 then it went through a whole other round this year.
6 And there's just -- again, I'd like you to approve
7 it so that there can be technical changes, really,
8 cleanup changes.

9 We've struggled with this contract and how
10 to make it comply with kind of an awkward law, I
11 will say. And, so, the contract itself still is
12 somewhat awkward. But there were good comments on
13 how to maybe make it be less duplicative. That
14 really requires somebody to go through with a
15 fine-tooth comb and just make sure that all the
16 internal things are there.

17 There are two sections in particular that
18 I've highlighted, one on Page 56, and one on
19 Page 53, that when I tried to make the changes -- we
20 can make the changes, but I'd like to sit down with
21 the attorneys and just make sure that we get those
22 provisions consistent.

23 One is just exactly how amendments work;
24 and, then, the other one is just getting in language
25 until the PED promulgates regulations on some of the

1 more due-process type processes, like closure or
2 revocation -- more revocation, I guess -- that we
3 utilize the Uniform Licensing Act and regulation.

4 So, anyway, those are just two examples of
5 cleanup that I, in particular, have highlighted.

6 So, there's not anything in specific -- I
7 guess the one thing I will say in specific that I
8 think was a major improvement to this document is,
9 at the end of the day, this contract and the
10 performance frameworks are what you are going to
11 look at. It replaces, or it -- it's the only
12 document.

13 So, to the extent that there was an
14 application or an original charter, those documents
15 go to the background. So, it's very important to
16 get what we need to in here.

17 So, we worked quite a bit on the section
18 regarding "Material Terms of the Contract." And we
19 added language from a list that Commissioner Bergman
20 found in his attic, I think. But, you know, it's
21 always -- a lot of the work that we've done is the
22 struggle to answer a lot of these questions that
23 come up again and again. So, how do you hold a
24 school to the important and material terms of the
25 contract and let them work the little details

1 without having to come to you for amendments, how do
2 we get that balance right?

3 So, that section has a lot more kind of
4 indicators in it that say, "Make sure we put this in
5 and that in; is there a partner; what are the --
6 what are your number -- what's your enrollment of
7 students; what grades are you covering; just to make
8 sure it's more of a checklist. That will allow us,
9 I think, to pay particular attention, which we do,
10 in the negotiations. But I think that is a strong
11 improvement.

12 ACTING CHAIR GANT: Commissioners, any
13 comments? Commissioner Bergman?

14 COMMISSIONER BERGMAN: You said something
15 that we had not discussed -- so, my mind is already
16 spinning about it -- that you said, "We impose
17 conditions on either a new application or a renewal
18 as we vote to approve them to go into business."

19 Now, you said those conditions would go
20 into the performance framework. Why would those
21 conditions not go into the contract? Because we
22 know in advance, because it's part of our approval
23 vote. So, why would they not go into the contract,
24 at least, in your opinion?

25 MS. BARNES: Well, I guess I should be

1 clear that sometimes they go in the contract;
2 sometimes they fit better in the performance
3 framework. You know, the performance framework is
4 part of the contract. So, actually, we're saying
5 the same thing.

6 But sometimes -- let me give you an
7 example of a condition that the Secretary put on a
8 school last year that turned into a performance
9 framework. It had to do with the schools providing
10 access to computers to all of their students in a
11 virtual school.

12 Well, that is an action item that the
13 school needed to take. So -- it might have been in
14 both places, both in the contract -- but it also
15 was -- we wanted it in the performance framework, so
16 that the staff was going to the school and saying,
17 "Did you do this? Did you comply with this
18 condition?"

19 So, to the extent that you put a condition
20 on a school that makes sense to go in as an
21 indicator, it will. If it makes sense also to go
22 into the contract, it can. We do turn those into
23 things that end up in these documents, is probably
24 more specifically what I should say.

25 COMMISSIONER BERGMAN: Okay. I'll buy

1 that. I want to be absolutely certain, though, that
2 these conditions don't somehow fall under a crack
3 somewhere and get lost --

4 MS. BARNES: Sure.

5 COMMISSIONER BERGMAN: -- and we all
6 forget about it, and somehow -- because if it's in
7 the performance framework, that's going to go year
8 to year to year, where -- do you envision if it's in
9 the performance framework in the first year, and
10 they happen to meet the condition that year, and
11 it's not over the whole length, that it will then
12 drop out of the performance framework in the second
13 year?

14 MS. BARNES: Yes. And, for example, if a
15 school's going to move into a new building, that's
16 also something that's added as a performance
17 indicator. "Did you comply with all of the
18 requirements for your new building?"

19 Well, as soon as they move into the new
20 building that doesn't need to be there again. So,
21 that's an example of how the performance frameworks
22 can follow up on anything that they are supposed to
23 do.

24 But you're correct. We need to be careful
25 that we don't lose sight of something. Again, I

1 don't want it just in the contract that nobody ever
2 checks on, either. So -- it may be in both. So, I
3 think we'll be careful about that.

4 ACTING CHAIR GANT: Mr. Gerlicz?

5 MR. GERLICZ: Mr. Chair, Commissioner
6 Bergman, reflecting on the conversation from
7 yesterday, as well, about the flexibility and
8 adaptability, and having reflected on the 13
9 renewals that we've just gone through, some of those
10 schools received conditions. Now they're going to
11 go into a contract negotiation process. And I
12 certainly envision those conditions being part of
13 the indicators in the performance frameworks.

14 However, by definition, we want those
15 conditions to go away. So, as soon as they're taken
16 care of and gone away, then we will set other goals.
17 And, to me, that's the beauty of the annual review
18 of the performance frameworks.

19 COMMISSIONER BERGMAN: Right. And that
20 just raised another question in my mind. Talking
21 about those conditions that we did impose on some of
22 those schools, are you going to prepopulate those
23 conditions into the -- the worksheet forms?

24 MS. BARNES: We have already prepopulated
25 them into the worksheet. So, they're already there,

1 so that we're all looking at them, and we decide
2 where they should appropriately go.

3 MR. GERLICZ: That's correct.

4 COMMISSIONER BERGMAN: I ask that because
5 I already was building this big old file with all
6 those pages that had those conditions, because I
7 wanted to carry them with me to the negotiation
8 session to be sure they did not get lost in the
9 process. So, if they're going to be there, I'm --

10 MS. BARNES: They're going to be in the
11 worksheet themselves. It did work out pretty well
12 last year, because the Cabinet Secretary had issued
13 quite a few of -- you know, quite a few conditions
14 of her own, particularly, I think, on Connections
15 Academy. And we worked to incorporate and make sure
16 that those became part of the documents. So, in my
17 view, these -- what I want to say is these tools
18 work well to move forward on what you want.

19 COMMISSIONER BERGMAN: Thank you,
20 Director. Thank you, Mr. Chair.

21 ACTING CHAIR GANT: Yes, Commissioner
22 Bergman.

23 Ms. Lewis, I believe you had a comment or
24 a question?

25 MS. LEWIS: My question was answered.

1 Thank you.

2 ACTING CHAIR GANT: Any other questions
3 from Commissioners? Any more comments?

4 At this time, I would entertain a motion
5 to accept the -- where did it go? -- the Charter
6 School Contract, as it was written -- as written.
7 There is a possibility of technical changes, which
8 will go to Ms. Barnes and to myself, and a "cc" copy
9 to Ms. Lewis. Do I hear a motion? Commissioner
10 Bergman?

11 COMMISSIONER BERGMAN: And I'll make the
12 motion and second, if you'd like me to. I would
13 like to say, as chairman of the Charter School
14 Committee, I would like to see these changes, too,
15 because I've worked extensively on these documents,
16 and I would like to keep myself current, going
17 forward.

18 I don't want to complicate the thing. But
19 I really would like to get those changes, too.

20 ACTING CHAIR GANT: Commissioner Bergman,
21 in the digital world, that's not complicated. So,
22 we'll ensure that you get -- so, do I have a motion?

23 Commissioner Bergman?

24 COMMISSIONER BERGMAN: Mr. Chair, I would
25 move that the Public Education Commission adopt

1 this -- negotiated this Charter School Contract for
2 use by the Charter School Division and the schools,
3 with the understanding that if our CSD needs to make
4 technical changes to it, or PEC members find
5 something that they would like to suggest to the CSD
6 staff that might require a change, that -- under
7 those conditions.

8 COMMISSIONER CARR: Second.

9 MS. LEWIS: I would just suggest that you
10 add me in there somewhere, delegate to me, so --
11 because I'm not CSD or PEC.

12 COMMISSIONER BERGMAN: And including our
13 staff attorney as one of the noticees, or however
14 that would be.

15 COMMISSIONER CARR: Okay. I retract my
16 second, and I second.

17 ACTING CHAIR GANT: It's been motioned by
18 Commissioner Bergman to accept the Charter School
19 Contract, as presented, with technical changes as
20 required, and seconded by Commissioner Carr.

21 Any more comments or discussion?

22 Hearing none, Commissioner Bergman, I
23 request a roll-call vote, please.

24 COMMISSIONER BERGMAN: Commissioner Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER BERGMAN: Commissioner

2 Conyers?

3 COMMISSIONER CONYERS: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Parker?

6 COMMISSIONER PARKER: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Peralta?

9 COMMISSIONER PERALTA: Yes.

10 COMMISSIONER BERGMAN: Commissioner Pogna?

11 COMMISSIONER POGNA: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Toulouse?

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER BERGMAN: Commissioner Gant?

16 ACTING CHAIR GANT: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Bergman votes "yes." Mr. Chair, by an eight-to-zero
19 vote, that motion has carried.

20 ACTING CHAIR GANT: Thank you. Well, CSD,
21 you have the contract; Ms. Barnes, you have the
22 contract to work with. Get it out there on the
23 street. We're looking forward, I guess, to the
24 negotiations. I smile when I say that.

25 MS. BARNES: Can I -- can I say one more

1 thing? CSD is working to look at -- many of the
2 schools negotiate a short-cycle assessment goal.
3 And we know that there are several approved
4 short-cycle assessment providers. And we are
5 working to draft some standard short-cycle
6 assessment goals that utilize information from each
7 of those vendors.

8 For example, if you're going to use a
9 short-cycle assessment from Discovery, what do their
10 numbers mean? How would you be able to do a
11 short-cycle assessment goal?

12 So, we anticipate having something for you
13 soon for negotiations, so that there's a clean and
14 clear short-cycle assessment template that we can
15 start to look at.

16 ACTING CHAIR GANT: Thank you, Ms. Barnes.

17 MS. BARNES: Thank you.

18 ACTING CHAIR GANT: Have a great day, and
19 try to get some sleep.

20 MS. BARNES: I'm going to stick around a
21 little bit, I think. So, we'll see.

22 ACTING CHAIR GANT: Moving right on to
23 No. 7, Charter School Amendment from New Mexico
24 International School for Transportation.

25 Mr. Gerlicz?

1 MR. GERLICZ: Mr. Chair, members of the
2 Commission, this is an amendment from the New Mexico
3 International School. I believe that Todd Knouse is
4 here to answer any questions that you may have.

5 They are requesting transportation for
6 their school. The protocol for our State-chartered
7 schools is that before our transportation department
8 entertains any notion of arranging transportation
9 for a State-chartered school, they must first file
10 an amendment to be approved by the PEC.

11 The Charter School Division has analyzed
12 and read the amendment. It is our recommendation
13 that this amendment be approved. And that is our
14 recommendation. Thank you, Mr. Chair.

15 ACTING CHAIR GANT: Thank you,
16 Mr. Gerlicz.

17 Do you -- who is here from the school,
18 please? Please state your name and your position
19 with the school, please, and, if necessary, spell
20 the name for the --

21 MR. KNOUSE: I will do so. Thank you,
22 Commissioner Gant. My name is Todd Knouse,
23 K-N-O-U-S-E, and I'm the school director for the
24 New Mexico International School.

25 ACTING CHAIR GANT: Do you have any

1 comments on this request? Your board -- how do your
2 board or your governance council handle it? Or let
3 us know what's going on.

4 MR. KNOUSE: So, this began in analyzing
5 the demographic, specifically, geographically, of
6 where our students are coming from. We have a large
7 pool from the entire metropolitan Albuquerque area.
8 And in talking with my community members, parents
9 were asking, "It's kind of hard to get here." And
10 so I started speaking with other administrators of
11 charter schools that I'm aware of that have student
12 transportation.

13 And I'm a planner, sometimes much to the
14 chagrin of my wife. And I started making a plan for
15 a bus route and went to my governing council. The
16 governing council has supported and voted to ask you
17 to approve this amendment.

18 ACTING CHAIR GANT: Commissioners, any
19 questions? Commissioner Bergman?

20 COMMISSIONER BERGMAN: I don't see an
21 address. Where are you located?

22 MR. KNOUSE: Oh, my apologies,
23 Commissioner Bergman. We are located at
24 8650 Alameda, which is in the north quadrant of
25 Albuquerque. And our students come from -- if

1 you -- if I put a map up, you would see -- our
2 attendance area is as large as APS's attendance
3 area, of students coming from northern Rio Rancho,
4 Bernalillo, Placitas.

5 It's not my intention to have buses go out
6 to Bernalillo and Placitas. I'm looking at
7 establishing with the Transportation Department
8 super-stops, which I would call park-and-ride, where
9 buses would meet families at certain locations and
10 transport the students from there. That was a long
11 answer to what my address was.

12 COMMISSIONER SHEARMAN: Thank you. I do
13 have another question. This is more in honor of our
14 missing Chairwoman. Is there going to be a
15 budgetary impact to your school for this?

16 MR. KNOUSE: So my intention is to apply
17 to the Transportation Division for an allocation,
18 based off of ridership.

19 COMMISSIONER BERGMAN: So, you don't
20 anticipate having to dip into operational and
21 educational funds?

22 MR. KNOUSE: No, sir; no cuts, sir.

23 COMMISSIONER BERGMAN: Thank you,
24 Mr. Chair.

25 ACTING CHAIR GANT: Any other comments or

1 questions of Commissioners?

2 My question would be, sir, is, do you have
3 a -- a source of buses? Contractor? APS? What?

4 MR. KNOUSE: I would -- I have not begun
5 negotiations. But after -- I'm trying to follow the
6 correct steps. And after your approval and going to
7 the Transportation Department division --
8 Department -- and receiving allocation, I would then
9 go to Durham Bus Services is who I would begin my
10 negotiation with.

11 ACTING CHAIR GANT: Thank you. Any more
12 comments, questions, Commissioners?

13 COMMISSIONER CARR: Mr. Chair?

14 ACTING CHAIR GANT: Commissioner Carr.

15 COMMISSIONER CARR: It came to my mind --
16 correct me if I'm wrong -- isn't it within the law
17 that the charter schools have to provide their own
18 transportation if they want it? Am I wrong about
19 that?

20 ACTING CHAIR GANT: Mr. Gerlicz?

21 MR. GERLICZ: Mr. Chair,
22 Commissioner Carr, for State-chartered schools,
23 if -- they can request allocations for the State to
24 provide transportation. It's complicated. It's
25 more complicated in the State charter system. The

1 school has to take some leadership and some
2 ownership to devise routes, need, and to do that and
3 submit those to the State.

4 Once the State has approved that, an
5 allocation is made to the school. The school then
6 decides how to use that allocation. They can
7 contract with a bus company; they can purchase a
8 bus; they can do whatever with that allocation.
9 That's how the State system works.

10 COMMISSIONER CARR: Okay. Thank you.

11 ACTING CHAIR GANT: Thank you,
12 Mr. Gerlicz. Any other questions? With that, do I
13 hear -- I request a motion on accept or deny this
14 request.

15 COMMISSIONER TOULOUSE: Mr. Chair?

16 ACTING CHAIR GANT: Commissioner Toulouse?

17 COMMISSIONER TOULOUSE: I move that we
18 approve this request.

19 ACTING CHAIR GANT: Do I have a second?

20 COMMISSIONER POGNA: Second.

21 ACTING CHAIR GANT: The motion was made by
22 Commissioner Toulouse to accept the request for
23 change and seconded by Commissioner Pogna. Any more
24 discussion?

25 Hearing none, I call for the vote. All in

1 favor, say "Aye."

2 (Commissioners so indicate.)

3 ACTING CHAIR GANT: All opposed, same
4 sign?

5 COMMISSIONER BERGMAN: Should we not do a
6 roll call?

7 ACTING CHAIR GANT: It's not necessary.

8 MS. LEWIS: It's up to you.

9 ACTING CHAIR GANT: All right. Do I have
10 any negatives? Hearing none, the motion is carried.
11 Good luck on getting your buses.

12 MR. KNOUSE: Mr. Chairman and
13 Commissioners, thank you very much on behalf of my
14 families.

15 ACTING CHAIR GANT: Item 8, Update on
16 La Jicarita -- I can never say that word, and I will
17 not try.

18 MR. GERLICZ: Mr. Chair, members of the
19 Commission, this is an update from La Jicarita
20 Charter School. As we all recall, in December's
21 meeting, a corrective action plan was instituted for
22 La Jicarita. And in your binder, after Item No. 8,
23 you will see that La Jicarita has responded.

24 The chair of the governing board
25 unfortunately could not be here today due to a

1 serious illness in her family in Texas, where she
2 currently is. But she wanted me to make sure to
3 notify the Commission that they have indeed hired a
4 veteran interim director of the school, Mr. Tony
5 Archuleta, who I would ask to come down and sit at
6 the table. Accompanying him is Mr. Edwin Fernandez
7 who was here at the December meeting, another
8 veteran business manager, who has agreed to stay on
9 at the school until the end of the year.

10 In your packets, please note a letter from
11 the Chair of the board, dated January 3rd, with an
12 overview of how the school is responding to the
13 conditions and the corrective actions that were
14 placed on the school. If you then look at the next
15 document, they've taken each individual bullet point
16 of that corrective action and put it into a matrix:
17 column 1, corrective action; column 2, documentation
18 of what they've done; column 3, a time line of when
19 they plan to complete that issue, anything remaining
20 outstanding, and who is going to address the very
21 nice action plan.

22 Mr. Archuleta can speak more to that, as
23 can Mr. Fernandez. We asked that they have a
24 licensed business manager. That is attached in your
25 packet, as well.

1 Following, our minutes from the governing
2 board meetings that La Jicarita has had. And I call
3 to the attention of the Commission that La Jicarita
4 has had weekly governing body minutes in response to
5 the issues that have beset the school, too.

6 So, to give the Commission a further
7 update, in addition to that, Mr. Archuleta and
8 Mr. Fernandez are certainly willing to do that.

9 Thank you, Mr. Chair.

10 ACTING CHAIR GANT: Gentlemen, would you
11 please state your name and your positions, please,
12 spelling for the -- for the court reporter?

13 MR. ARCHULETA: Good morning, President --
14 Mr. Gant, members of the Commission, Dr. Gerlicz.
15 Thank you for inviting us. Just want to -- before
16 we start with the report, as a student of etymology,
17 I would like to share with you what "Jicarita"
18 means, because I didn't know. So, I asked
19 Mr. Fernandez here, tells me It's something like a
20 caldron, a bowl. Apparently, it's a Native American
21 name. So, just as -- because I was curious, too,
22 okay? And initially, I had difficulty enunciating
23 the word. So, just for your information.

24 As you already know, we received some
25 concerns, ten bullets that we were to address. As

1 Dr. Gerlicz indicated, we responded to them in the
2 form of a matrix. And if you wish, I can go down
3 item by item. Otherwise, you have that information
4 in your packets.

5 I -- as Dr. Gerlicz indicated, I am a
6 veteran charter school director. I was in Questa as
7 superintendent. So, we renewed the Red River Valley
8 charter at the time, 2005. I was there when -- I
9 dealt with the Roots and Wings. Then I came to
10 Jemez Valley, where I was principal for six years at
11 Walatowa, then two at Sandia Riverside. So, now
12 this is my fifth experience with a charter school,
13 La Jicarita.

14 Like any other school and any other
15 developing charter school, there are challenges.
16 But it's exciting to see the formulation, the growth
17 with charter schools.

18 So, destiny takes me there. And I just
19 want to assure you that all the bullets, all the
20 concerns expressed by you and Dr. Gerlicz, have been
21 addressed in a very thorough and systematic manner.
22 I want to assure you that you have two veterans here
23 that would, or should, know what they are doing.

24 I would like to have Dr. -- or
25 Mr. Fernandez -- address some of the internal

1 controls in place and some of the things we are
2 doing. We work in tandem. So, it's exciting to me
3 at La Jicarita.

4 Mr. Fernandez, would you address some of
5 the budgetary issues and things that we have -- are
6 implementing? Thank you.

7 MR. FERNANDEZ: Thank you. Thank you,
8 Tony. Mr. Chairman, Commissioners, thank you very
9 much for the opportunity to speak to you for a few
10 minutes.

11 First of all, one of the requirements is
12 that the school have a licensed business manager. I
13 believe that is part of the package. I do have my
14 Level 2 professional license as a business manager.
15 I will be staying with La Jicarita through June
16 30th, and beyond that, if necessary, to ensure that
17 the school has a qualified and certified business
18 manager to ensure the succession from the business
19 management side of things.

20 I am very thankful that the new director,
21 Tony Archuleta, is on board. It's a pleasure
22 working with him as a team and developing -- working
23 on the budget and making sure that we're aligning
24 the money to the programs, and the school is -- and
25 to the charter, that the school is doing what the

1 charter indicated it would do.

2 We are working -- there were a lot of --
3 reports were missing when I came to the school back
4 in the middle of October. Those reports were caught
5 up by November, have developed a checklist, a formal
6 checklist that I've given to the director, and also
7 will be presented to the governing council after the
8 meeting, indicating -- showing all the reports that
9 are due, when they've been filed, when the taxes
10 have been paid.

11 And this will be something that will be
12 current to the director on a monthly basis to ensure
13 that, in fact, it is being followed. It's all done
14 by me. But should I leave at some point, someone
15 else has to continue that. So, there is a method of
16 tracking what needs to be done, and that is, in
17 fact, being done on a monthly basis.

18 The finances are being aligned to the
19 charter. I know that we had started out with
20 52 students. That was the number we were supposed
21 to have. We have 37 on the 40-day count. We also
22 have 37 on the 80-day count.

23 But as I spoke to -- mentioned to
24 Commissioner Gant, the PSCOC money that we're
25 getting, even though it was granted, the award was

1 for 52 kids, I've only budgeted 37 students, and
2 this is what we're working with, and this is what
3 we're doing with the rest of the budget is making
4 sure we're aligning everything to the counts that
5 we're going to receive, not what they thought we
6 would, but what we actually have.

7 I've coordinated that with Mr. Archuleta.
8 I think we're on track. By next month, we'll have a
9 more progressive comprehensive report for you. I'd
10 be happy to answer any questions.

11 ACTING CHAIR GANT: Thank you, gentlemen.
12 Do we have any questions from the Commissioners,
13 please?

14 COMMISSIONER BERGMAN: Mr. Chair?

15 ACTING CHAIR GANT: Commissioner Bergman?

16 COMMISSIONER BERGMAN: Not so much a
17 question, but a comment. One of the concerns I
18 mentioned last month, as we went through this issue,
19 is that you -- the school was probably going to have
20 some difficulty finding a qualified and capable
21 director. And I'm actually excited to see that
22 Mr. Archuleta has an extensive charter school
23 background. And I am very hopeful that you're going
24 to be just exactly what this school needed to get as
25 it goes forward. So, that pleases me very much.

1 Thank you for being here.

2 MR. ARCHULETA: Thank you very much. I'd
3 like to add, Commissioner Bergman, that that school
4 has potential to become an exemplary school. We
5 have a unique demographic in attendance. We have
6 students from Picuris. We have students from the
7 community. And we have students that are traveling
8 from Dixon and Taos. That's an indication that they
9 are committed to the school.

10 We have a tremendous commitment by the
11 parents. As we speak, they are there working on the
12 playground and doing -- making the place a better
13 place.

14 So, I just want to let you know that I'd
15 like to invite all of you, and when you get -- when
16 we finish everything, so that you can witness the
17 kind of potential the school has. Thank you.

18 COMMISSIONER BERGMAN: Thank you. And
19 thank you, Mr. Chair.

20 ACTING CHAIR GANT: Any more comments,
21 questions, Commissioners?

22 Mr. Gerlicz, do you perceive that we need
23 to continue to have reports monthly, as we talked
24 about before, or do you think they've reached the
25 point where they can run on their own?

1 MR. GERLICZ: Mr. Chair, members of the
2 Commission, what I would recommend, and what I would
3 like to see, is perhaps not to require members of
4 La Jicarita School to attend the PEC meetings, but,
5 yes, to continue the monthly reporting to us, and we
6 will report that to the PEC. I do think it's
7 important that they finish the remainder of this
8 year, which is only five months left, in very good
9 fashion.

10 ACTING CHAIR GANT: Thank you. So, that
11 will be it your direction, sir, to the director, or
12 whatever that may be at the time. And that will
13 be -- will get to us on a monthly basis.

14 Any other comments? I do have to say that
15 I was really rocked back on my heels with all the
16 issues that really came out of that. My worry was
17 the kids, what was really happen- -- really, really
18 happening with the students. 'Cause we're the only
19 ones that can protect -- I mean, adults are the only
20 ones that can protect them, not the PEC. Well, we
21 try.

22 But you're there; we're not. So, you have
23 to take care of them. And that's your -- that's
24 your task in life, to educate and take care of them
25 and keep them safe.

1 We appreciate you coming into town to talk
2 to us. And, again, we need the reports in a timely
3 fashion. Good luck to you.

4 MR. ARCHULETA: Thank you so much.

5 ACTING CHAIR GANT: Ms. Lewis?

6 MS. LEWIS: Just a point of legal
7 clarification. I just wanted to say that the letter
8 wasn't a corrective action plan. The PEC voted last
9 time to send a formal letter and give you the
10 opportunity to cure. So, I just want to do some
11 legal housekeeping there. I hear us referring to it
12 as a CAP, but it wasn't technically a CAP under the
13 statute. Thank you.

14 ACTING CHAIR GANT: Thank you, Ms. Lewis.
15 Any other comments? Have a safe trip home.

16 MR. FERNANDEZ: Thank you very much.

17 MR. ARCHULETA: Thank you.

18 ACTING CHAIR GANT: Item 9, Commissioners,
19 Presentation of a plan from the International school
20 of Mesa Del Sol for compliance with special
21 education programs and laws and possible PEC action.
22 Mr. Gerlicz?

23 MR. GERLICZ: Mr. Chair, members of the
24 Commission, to recall again the PEC meeting of last
25 month, when the International School at Mesa Del Sol

1 was approved, it was approved with conditions. The
2 conditions are that -- some of them -- that within
3 30 days of renewal, the school shall present a plan
4 for execution to the Commission at a public meeting
5 of how the school plans to meet the needs of special
6 education students and to address their bottom
7 quartile, Q1, students.

8 So Dr. Sean Joyce, the principal of
9 Mesa Del Sol, is here today to address that
10 component of the conditions that we placed on
11 Mesa Del Sol.

12 You will see in your packet one document
13 that was circulated this morning, so that you did
14 not have time to read it ahead of time. However, I
15 am going to refer to it. The document that is in
16 your packet is a report that, as a result of the
17 site visit and the analysis that the CSD did on
18 Mesa Del Sol, we did involve the Special Ed
19 Department of PED. And it took a while, but they
20 did respond, and they did a site visit to the
21 school, as they do upon our request, or other
22 Bureaus' request to schools, to provide assistance
23 and support and advice where necessary.

24 So, the comments you see in your packet
25 are from them. They are a combination of the notes

1 that Mesa Del Sol has articulated about their
2 special education process. And these are the notes
3 from the PED's Special Education Bureau about their
4 special education issues.

5 And actually, when you read this report --
6 or when I read the report -- it doesn't sound as
7 grave as when we were initially there on the site
8 visits and seeing the deficiencies, or hearing the
9 angst from the school population. They are
10 significant, but the school is working on it. And
11 they are challenged, and they will continue to be
12 challenged by the continual increase of special
13 education students at their school.

14 So, those challenges haven't gone away.
15 But what is important is to know that the school is
16 addressing them. And you can see how the
17 recommendations from the PED are already in place.
18 Some have already been addressed; some are deficient
19 and need to go -- and that's going to continue for
20 the remainder of this year. You don't solve those
21 things overnight.

22 Again, the important thing is that they're
23 articulated, they're surfaced, and they are
24 addressing them.

25 The second document that you see in your

1 packet was provided by Dr. Joyce this morning. This
2 is Mesa Del Sol's plan that addresses, from their
3 point of view, those two issues of deficiencies in
4 special education, as well as focusing on the
5 academic achievement of that Q1 group, the bottom
6 quartile group, that was one of the conditions
7 placed on the school at the December meeting.

8 Dr. Joyce will also tell you the current
9 state of the school and what's happening. And we'll
10 start with that. So, that's our report, Mr. Chair.
11 Dr. Joyce.

12 ACTING CHAIR GANT: Dr. Joyce, please
13 identify yourself again and your position with the
14 school.

15 MR. JOYCE: Good morning, Mr. Chair and --
16 excuse me -- members of the Commission. My name is
17 Sean -- S-E-A-N -- Joyce. I am the head of school
18 at the International School at Mesa Del Sol. I
19 appreciate the opportunity this morning to address
20 you, and specifically the two corrective actions
21 that you have provided us.

22 As Director Gerlicz indicated, you have a
23 document in front of you which highlights those in a
24 bulleted fashion. And I will move through those,
25 and additional information, which I think is

1 pertinent to this conversation today.

2 The first bullet refers to hiring special
3 education licensed personnel. And previously, we
4 have always struggled, like charter schools, to
5 acquire highly qualified, licensed special education
6 teachers. We've never been able to acquire more
7 than one on our school site. And we currently have
8 310 students.

9 This school year, we were able to acquire
10 three highly qualified, licensed special education
11 personnel, two of them for the classroom, and one is
12 the assistant head of school, with Dr. Stephen
13 Eckert. Again, to keep you apprised up to the
14 moment, as we go through this, we did, in fact, hire
15 Dr. Eckert to run that program, and he has made
16 tremendous gains with respect to our special
17 education program.

18 His last day working at the International
19 School is the 31st of January. He has submitted his
20 resignation and will be moving to another school, I
21 presume.

22 We have hired two special education
23 licensed teachers to work in the classrooms, and
24 both of those teachers submitted resignations. We
25 have rehired one of those. We are in the process of

1 offering a contract to a second one to complete
2 that -- that required need for our school.

3 We have maintained the .5 special
4 education coordinator. This school year, we
5 continue to have the two licensed intervention
6 specialists. We continue the search for a highly
7 qualified reading specialist.

8 It's very difficult to do. I want to make
9 a side note here, just as an informational. The
10 local school district, to us, Albuquerque Public
11 Schools, has 67 openings for special education
12 licensed teachers. So, it is a need that's not just
13 at our school, but it's a broadly shared need across
14 the state.

15 As indicated here, we've also focused
16 one-and-a-half special education FTE, specifically
17 getting the files up to date through the course of
18 this school year.

19 There's a small table there that indicates
20 the number of IEPs. As the Charter School Division
21 conducted their on-site audit, there were
22 approximately 50 students with IEPs. And you can
23 see there the number of IEPs that were out of date.
24 Currently, we have 49 IEPs, two that are out of
25 date, two that are overdue, but 19 that have been

1 completed.

2 So, over the past three months, we've made
3 tremendous gains on the reconciliation of those
4 records and the compliance of those, which is also
5 reflected in the Special Education Bureau's report
6 that you have just previous to our document.

7 And additional information that is of
8 impact to our particular school is that since
9 January, we have had 31 students identified for the
10 Student Assistance Team process, and that's the
11 process by which students who appear in a classroom
12 setting to have possible identified special needs go
13 through the process, which can take six months or
14 more to be identified as to whether they, in fact,
15 have special needs or not. We have initiated that
16 process on 31 students, and we have already
17 identified eight of those.

18 And through the SAT process, 75 percent of
19 those students that we have moved through that
20 process so far have identified special education
21 needs requiring an IEP. So, that number that I
22 indicate there of 75 students, as of today, is our
23 best guess.

24 I will remind the Commission that our
25 previous year's funding is -- our previous year's

1 enrollment was 19 students with IEPs. So we have a
2 potential of having 75 students this year. And as
3 you're well aware, the funding for that follows the
4 year after the enrollment.

5 We continue to remain focused on our
6 special education students, providing an
7 in-classroom FTE. As I say, we've hired that
8 person. They start this coming Wednesday.

9 We have, also, in the funding of these
10 other positions that are bulleted there through the
11 course of February and the rest of the school year,
12 have been able to ascertain a commitment from our
13 corporate partner, Mesa Del Sol. And you might
14 recall our last meeting here in December, the CEO
15 and president of Mesa Del Sol sat at my right and
16 publicly announced his commitment to the school.
17 And he continues to do that with his support by
18 pushing foundation monies back to us that allows us
19 to use that money for those support services,
20 primarily, personnel.

21 As Director Gerlicz indicated, we did have
22 an audit, and we continue to work with the director
23 of Special Education Bureau, Jennifer Black. We
24 have had conversation with attorneys, one of which
25 I'm sure you're very familiar with. Patti Matthews

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

1 is our charter school attorney. We had conversation
2 with her yesterday between, I'm sure, her
3 appointments with you and one of her colleagues,
4 Shana Baker, who is a specialist with regard to
5 special education law.

6 We continue to work with them. We believe
7 there is emergency funding through the Special
8 Education Bureau that we can access. We're
9 attempting to expedite that process, so that funding
10 can get to us as quickly as possible to mitigate
11 some of the financial needs with respect to
12 acquiring support personnel.

13 So, that's an ongoing conversation, and
14 we're working through that. And Dr. Gerlicz and his
15 department has offered their support, as well, to
16 expedite that process.

17 And, then, in addition to that, we
18 continue to work with IB -- the IBO organization,
19 North American, to find ways that we can work within
20 our charter and/or authorization as an International
21 Baccalaureate World School. As you're aware, IB
22 schools are not allowed to operate with the same
23 kind of curriculum, instructional, and alignment of
24 students in classrooms. And they provide,
25 philosophically, the inclusion of all students in

1 general education classrooms, regardless of an IEP.

2 We're working with them with respect to
3 sort of special considerations to the high number of
4 percentage of our students that have those IEPs and
5 than need some segregated services, which,
6 philosophically, again, are contrary to the IB
7 organization.

8 So, on the first corrective action, I ran
9 through that really quickly. If there are any
10 questions on that, I'd be happy to answer those.

11 ACTING CHAIR GANT: Commissioners, any
12 comments, questions at this time? Okay.

13 MR. JOYCE: Thank you, Mr. Chair,
14 Commission members.

15 On the second corrective action, you can
16 see the bulleted items there. We have begun that
17 process and continue that process with those six
18 bulleted items, where we are providing specific
19 training and the ongoing funding for that training
20 for our staff, and specific to the academic support
21 such as a balanced literacy, whole-language approach
22 for students in literacy and numeracy; providing
23 training for our staff to understand the data
24 decision-making that the leadership team is
25 providing, but that their instructional needs are --

1 are necessary, as well, that they need to understand
2 what that data is and how it actually affects them
3 and their deliberative instruction.

4 And we use the NWA MAP, and the DIBELS
5 assessments as benchmarks, and we have a number of
6 brand-new-to-the-profession and
7 brand-new-to-the-State teachers. So their training
8 in those types of assessments is imperative. And
9 that's an ongoing process that we continue to do.

10 Developing goal teams for each grade level
11 to focus specifically on that instruction to their
12 specific students with respect to the Common Core
13 Standards and the academic performances.

14 The fourth bullet talks again about
15 grade-level training to provide them with
16 differentiation of instruction to a classroom which
17 may have as many as six or seven students with
18 Individual Educational Plan and that's one of the
19 largest challenges that we face with the high number
20 of students with an IEP.

21 No. 5: Developing individual
22 instructional and curricular interventions for
23 students that we will deliver at after-school
24 settings and home settings. We've initiated
25 after-school opportunities for parents to come in

1 three nights a week to the school to use the
2 technology lab. We're using instructional
3 technology to help deliver a lot of the
4 interventions, because it provides on-site and
5 remote opportunities and out-of-school
6 opportunities. And we also hope that by leveraging
7 the parental participation, that we can increase
8 student achievement that way.

9 We have a long school day. Our students
10 start at 8:30, and they leave school at 4:00. So,
11 there's not a lot of after-school opportunities.
12 But we're providing those opportunities for our
13 parents to, again, leverage their participation in
14 their students' academic performance.

15 And, then, the last bullet bears --
16 addresses specifically some of those electronic or
17 digitally delivered intervention programs that
18 provide both the intervention and the assessment and
19 data collection, so that teachers can then use that
20 information and see the progress, academic progress,
21 and monitor and modify their in-class instruction,
22 as well as their intervention instruction that they
23 deliver after school and at home.

24 So, again, if you have questions with
25 respect to the second corrective action, I would be

1 happy to answer those.

2 ACTING CHAIR GANT: Members?
3 Commissioners?

4 I do have a couple of questions, if I may,
5 please. Aside from the issue of hiring qualified
6 SpEd personnel -- and I know that's statewide, known
7 it for years. My -- we faced it with one of our
8 children, and we also faced it in the fact that my
9 daughter went into -- she's an SLP. SLPs are hard
10 to find, and SLPs don't want to work for districts
11 because of the price tag -- because of the salary
12 they can receive -- they get a bigger salary outside
13 of it.

14 But aside from that, you're now in your
15 second -- you've been authorized again a second
16 time. Why did it take so long to start putting some
17 of these -- these points, for both corrective
18 actions, in motion?

19 MR. JOYCE: Mr. Chair, fellow members,
20 this has been an ongoing process. It's been -- the
21 enrollment of students has been sort of a cumulative
22 effect, as we have grown. In 2009, we opened with
23 51 students. As I indicated last year, we had
24 19 students -- out of 263 that were present, 19 of
25 them had an IEP.

1 We have had a slow growth in the first
2 several years. We have had an explosive growth in
3 the last two years. And that's only part of the
4 problem.

5 Having a highly qualified and competent
6 special education coordinator has been our biggest
7 issue. The compliance issues that both the Charter
8 School Division and the Special Education Bureau
9 discovered on our site this school year in their
10 audit visits, which we were very aware of, are
11 almost directly personnel-related, the failure of
12 hired personnel that were not living up to their job
13 description and the performance of their job. Those
14 employees were released, and we moved on, but the
15 damage is done, and, obviously, the students are the
16 ones that are the victims of that.

17 But those two elements are largely the
18 reason why we are in the condition that we are:
19 employees that failed to do the job, and the
20 dramatic increase in the number of students that
21 really outran our ability to keep up.

22 ACTING CHAIR GANT: Aside from having a
23 highly qualified coordinator, who in your
24 organization is ultimately responsible for oversight
25 to see that the SpEd program required by your

1 charter, required by State and federal law, was
2 fully implemented?

3 MR. JOYCE: Mr. Chair, and members of the
4 Commission, it is me.

5 ACTING CHAIR GANT: And where is your
6 board in this whole situation? Where are -- you had
7 your -- your corporate man with you last time. But
8 what are their comments on all -- what are they
9 saying about all of this?

10 MR. JOYCE: Mr. Chair and fellow
11 Commissioners, the -- the governing council has been
12 apprised of this, ongoing. We -- as you are aware,
13 in the December hearing that we shared, we have been
14 in the process of reconstituting our board. And in
15 that process, the new board has had to come on and
16 get up to speed.

17 We currently have four of our seven
18 members who are parents. All four of them have
19 students with an IEP on our campus. And they are --
20 they are very obviously invested, and they're very
21 interested and they're very supportive, and have
22 helped refocus and revision the school on both our
23 IB mission, as well as attending to the special
24 education needs.

25 As I have said, as is indicated in the

1 documentation, both today and in the past, we have
2 been hamstrung with the rate of growth and the lack
3 of funding. And as you indicated, Mr. Chair, the
4 corporate entity has reengaged in the last six
5 months, sort of as -- as they have come into the
6 conversation, realizing that when we came up for
7 reauthorization, that there was a concern and that
8 there was a possibility that we would be, first of
9 all, reduced in the reauthorization, and possibly
10 not reauthorized. And that grabbed their attention
11 immediately.

12 So Mike Daly has attended two of our three
13 board meetings and strategic planning meetings,
14 finance meetings. He's become very present. And
15 that's necessary. And we're very encouraged; the
16 board is very encouraged because of that, because of
17 his ability to corporately fund the gap in our
18 special education funding.

19 ACTING CHAIR GANT: Thank you, sir. I
20 applaud your after-school programs. That's just my
21 last comment. But I do know where you're located.
22 I've been -- driven around that campus many times,
23 watched it grow. I live in Cruces, so coming and
24 going to Cruces, I exit and come up.

25 But -- and I know your parents drop off

1 the students, and I know they pick them up at night.
2 And I know your after-school programs, since you go
3 till 4:00, impacts those that work till 5:00 or
4 6:00, and those that need to go home to take care of
5 other kids that come home from school that don't
6 attend your school.

7 So, how successful do you think your
8 after-school programs for your parents are going to
9 be, and how late do you run in the evening with
10 these programs?

11 MR. JOYCE: Mr. Chair, members of the
12 Commission, we are running those programs till 8:00
13 at night. We have very limited -- very limited
14 support of that, outside of our staffing support
15 till 5:30 with those students. Parents do not come
16 in in numbers more than two or three in an evening
17 to sit side by side with their child. Our staff
18 does, but not parents. They're there to pick them
19 up, as you indicated, Mr. Chair.

20 But 80 percent of our families have access
21 to the internet. And our -- and the software
22 programs -- and that's one of the reasons we've
23 selected them -- is allowed to be accessed remotely
24 from home.

25 So, we're getting more than 50 percent of

1 those families with access at home who are using the
2 interventions from home, which, again, makes more
3 sense they can do it from the comfort of their home,
4 rather than, as you indicate, hang out on the mesa
5 and do that in the evening, and then make the trek
6 back home.

7 ACTING CHAIR GANT: Thank you.

8 Mr. Gerlicz, do you have any comments on
9 any action that the Commission -- as this was
10 written, we have the possibility of doing action
11 today. Do you have any recommendations?

12 MR. GERLICZ: Mr. Chair, members of the
13 Commission, if you will recall, the decision, the
14 written decision that was issued last month, calls
15 for two additional things to be reported to the
16 Commission in -- within 60 days. The first 30 days
17 has been accomplished by the report of Dr. Joyce
18 today. But within 60 days, we also need to hear a
19 plan of how the school plans to receive the
20 certification from the International Baccalaureate
21 Middle Years Program; not actually when, but a plan
22 of how that's going to happen. And that's going to
23 occur at the February meeting.

24 In addition to that, as part of the
25 issuing order, the Commission had asked the school

1 to report on a plan of how they were going to get
2 into permanent facilities. That's going to happen
3 at the February meeting, as well.

4 I would further say, from an educator's
5 point of view, from CSD's point of view, these
6 ongoing challenges, the concern does not go away.
7 What is positive is how the school is attempting to
8 address them.

9 It's difficult, extremely difficult when
10 there are -- I don't know if we use the word
11 "defections" or "resignations" of staff,
12 particularly the assistant principal at the school,
13 who had a doctorate in special education, and
14 perhaps felt overwhelmed and moved on, that's a blow
15 to the school. And that's a real blow. If I was in
16 Dr. Joyce's position, I would feel that as a serious
17 blow. Here we had somebody who was dedicated to
18 special education; now, they've moved on.

19 So, we would certainly want to keep tabs.
20 We would certainly want to be in communication, as
21 we have been with Dr. Joyce, who communicates very
22 well with us about any of these issues. So, we know
23 that he will be back to address these two issues in
24 front of the Commission. And I think that it would
25 be fair to report -- we just want to keep tabs on

1 how the school is progressing on these special
2 education issues.

3 It's a tremendous frustration, as
4 Mr. Peralta would know, and any school administrator
5 would know, that Dr. Joyce and Mesa Del Sol isn't
6 going to see these funds until next year with these
7 numbers of special education students. And that's
8 just an anomaly of how the funding happens here. It
9 does make it very difficult.

10 So, monitoring and ongoing monitoring and
11 communication is in order. And we know that they're
12 going to be back in two months.

13 I do have a further question, just of
14 Dr. Joyce. Sean, of your 75 students today with
15 students with, or needing, an IEP, how many of those
16 are gifted and talented?

17 MR. JOYCE: Mr. Chair, members of the
18 Commission, and Dr. Gerlicz, I don't have that
19 number, off the top of my head. But I would --
20 based on numbers, when we were talking of 50 to 60
21 students, we were talking 25 percent of those
22 students being either solely gifted and talented, or
23 gifted and talented and twice exceptional.

24 MR. GERLICZ: And the reason that I ask
25 that question is that that's -- that should be an

1 indication to the Commission. It's a -- that's a
2 very high statistic, and an indication that perhaps
3 those talented and gifted kids, or those twice
4 exceptional kids, are not getting their needs met in
5 the traditional system, and, therefore, are creating
6 this burden for the school like this. So, it's
7 interesting to put all of that into perspective.

8 Thank you, Mr. Chair.

9 ACTING CHAIR GANT: Commissioner Bergman?

10 COMMISSIONER BERGMAN: Let me ask a couple
11 of questions. Under No. 2 there, you're going to
12 develop goal teams. And that sounds like that could
13 have a very positive and beneficial impact on your
14 students.

15 Have you started that process? Do you
16 have any of those teams in place yet?

17 MR. JOYCE: Mr. Chair, Commissioner
18 Bergman, not at the present. We're sort of playing
19 triage, trying to do the work with the special
20 education students, working with that, pushing
21 personnel into the classrooms. I'm working with my
22 support staff. We've just hired a dean of students,
23 a highly competent, former colleague of mine that
24 I've been able to challenge into joining the staff
25 with her eyes wide open to develop just that,

1 because that is one of her expertises, an
2 instructional coach.

3 COMMISSIONER BERGMAN: Thank you. And you
4 also noted that you've invited the parents to come
5 and use the technology lab. Are you getting a
6 response? I know your remote location might
7 mitigate somewhere in that. But are the parents
8 responding positively to what's going on?

9 MR. JOYCE: Mr. Chair, Commissioner
10 Bergman, I would say, by far, the majority of them
11 are positive about that. But with respect to
12 participation, we're averaging two or three parents
13 a night, and we're looking at probably 80 to
14 100 students that are eligible for interventions.

15 COMMISSIONER BERGMAN: Got any thoughts on
16 how you might encourage parents to get more
17 involved? That's an ongoing question for all
18 schools, I know.

19 MR. JOYCE: Mr. Chair and Commissioner
20 Bergman, I'm still pursuing all the legal means. I
21 can do that. I've got a number that may not be
22 quite as legal. But we are absolutely pursuing all
23 of those.

24 And, again, as I indicated earlier, we're
25 working with both legal counsels to make sure that

1 some of the policies, the procedures, the
2 opportunities that we provide parents remain
3 absolutely legal and leverage as legally as we can
4 to get parents to participate and accept the
5 opportunities that we are providing.

6 COMMISSIONER BERGMAN: Thank you. Thank
7 you, Mr. Chair.

8 ACTING CHAIR GANT: Thank you,
9 Commissioner.

10 Mr. Gerlicz?

11 MR. GERLICZ: Mr. Chair, members of the
12 Commission, I know the question that I had. Part of
13 what we wanted to keep our fingers on the tab of was
14 the governing body, that they had fallen below the
15 required amount, and how were they going to address
16 it. And I wonder, Dr. Joyce, if you could address
17 that, please. Where is the governing body now, and
18 what's planned for the future?

19 MR. JOYCE: Mr. Chair, members of the
20 Commission, Dr. Gerlicz, we are still at seven. We
21 haven't had any defections there, and I'm pleased to
22 say that. In fact, all the members have increased
23 participation, that, as we move forward and address
24 these issues, we've created subcommittees, strategic
25 planning committees.

1 We -- like most charter schools, we have a
2 number of committee work, which is where the real
3 work of the board occurs. And with the
4 reconstitution of our board about a year and a half
5 ago, most of those committees expired. With the
6 urgency of our situation and the direction of the
7 Charter School Division, our commission -- our
8 governing council members have accepted the roles of
9 various committee work and are picking that up.

10 So, I'm averaging two committee meetings a
11 week, and I have at least two board members that are
12 participating in those committee meetings, various
13 members on the various committees.

14 ACTING CHAIR GANT: Dr. Joyce, you've
15 indicated in your presentation you're International
16 Baccalaureate; correct?

17 MR. JOYCE: Yes, sir.

18 ACTING CHAIR GANT: And the way -- the
19 words you used kind of indicated to me there was a
20 problem with the way International Baccalaureate is
21 structured and their -- and how they want their SpEd
22 students handled. Can you explain that, Mr. Joyce?

23 MR. JOYCE: Yes, Mr. Commissioner --
24 Mr. Chair, members of the Commission. The
25 International Baccalaureate Organization,

1 philosophically and policy-wise, focuses their
2 member schools on full inclusion, that students with
3 respect to an Individual Education Plan be provided
4 the maximum access to the curriculum in a general
5 education setting.

6 They frown upon the segregation of
7 students into what -- what, in this country, are
8 generally special education, resource,
9 self-contained classrooms. That is generally
10 unacceptable to the philosophy and policy of the
11 IBO.

12 We are working with the International
13 Baccalaureate Organization to -- to comply with
14 their policies and procedures, as well as the
15 federal and State. When we have such high numbers
16 of students with -- and I could speak just right off
17 the top of my head, as I was addressing to families
18 yesterday -- I know that this week, I have worked
19 with two families with two students that have 25 or
20 more hours of service. Well, that's five hours a
21 day of special, targeted, special education service.

22 Most public schools address that in a
23 segregated setting. IBO would use not these terms,
24 but something close to this: Flexible, creative
25 means of operating in a general ed setting.

1 So that is part of our constraint. We
2 want to adhere to our IB mission and vision as an
3 authorized World School. But we also need to
4 address that Individual Educational Plan of
5 individual students. So, that's part of the
6 conundrum that we have to address.

7 And we do that in a number of ways. We
8 provide some self-contained services that are not
9 the majority of their time, allowing them to be in a
10 more segregated area where they're sharing time with
11 students that have similar IEPs. But to do that
12 full-time, day-in and day-out, the IBO frowns upon
13 that practice.

14 ACTING CHAIR GANT: Dr. Joyce, if you --
15 if the IBO gave you some, for lack of a better word,
16 "slack" in their policies, so you could do more of
17 what State and federal say, do you have the
18 facilities that would support what you think -- what
19 you -- what state and Federal talk about?

20 MR. JOYCE: Mr. Chair, members of the
21 Commission, currently, no. I would need to add
22 probably two classrooms. I do actually have a
23 building with two classrooms sitting on blocks about
24 a quarter of a mile from our school that Mesa Del
25 Sol has sort of reserved for us in this kind of a

1 need.

2 So, that is what we're looking at, as
3 we -- as we negotiate with the International
4 Baccalaureate Organization and the Special Education
5 Bureau, providing some segregated services and
6 increasing our push-in services for our services
7 with those needs, we would be required to have an
8 additional classroom that would provide that
9 segregated setting. And currently, we do not have
10 that.

11 ACTING CHAIR GANT: That classroom, sir,
12 that you have setting on blocks, is that one -- I
13 know some SpEd buildings require restrooms, and some
14 of them even have laundry facilities and all that.
15 Is that set up for that?

16 MR. JOYCE: Mr. Chair, members of the
17 Commission, yes, it is. In fact, it is a building
18 that we haven't used for the last three years. When
19 we were able to acquire four buildings from the
20 Public Schools Facilities Association this year,
21 which were no older than six years, this was one of
22 three buildings that is over 40 years old. We took
23 advantage of that, and with our negotiated agreement
24 with Mesa Del Sol that provides a lot of our
25 expansion, we moved that one off, moved this new one

1 in.

2 And -- and it was sort of a godsend to
3 have those new buildings, as you have indicated.
4 But we do have that building. It's been used as a
5 classroom, is fitted as a classroom, and there are
6 two restrooms in it, so that we could re-resume the
7 use of it as a classroom.

8 ACTING CHAIR GANT: My last question, sir.
9 Is -- I believe you said you're going to IBO Middle?
10 Is that correct? Is that what you said?

11 MR. JOYCE: Yes, the Middle Year Program,
12 which is a 6, slash, 10 program.

13 ACTING CHAIR GANT: So, having that
14 program, plus the one you currently have, isn't it
15 going to be a little more difficult to work in the
16 State and federal requirements for SpEd, as we have
17 just been discussing?

18 MR. JOYCE: Mr. Chair, members of the
19 Commission, while I don't want to preempt my next
20 month's hearings in front of you, which will
21 directly address the Middle Year Program, I will
22 make a brief comment.

23 Yes, it will be a challenge. It's a
24 financial challenge, just from the offset. It will
25 require the training, IB authorized training, of all

1 instructional staff in our middle school program,
2 which consists of eight current teachers, only one
3 of which has received that training. So, that will
4 be a requirement by IBO that we provide that
5 training. That is an additional expense.

6 As you are all aware, IBO, and being an
7 International Baccalaureate World School, we do not
8 receive funding, State, federal, or local, to
9 provide that. So it comes out of our operational
10 funding.

11 So, again, it is an increased challenge,
12 which is why we are indebted to the immediate re- --
13 repartnership with Mesa Del Sol and their -- that
14 the last 30 days, their commitment to the school,
15 that we believe will continue to support the school
16 with facilities, with discretionary funding to put
17 into operation programs, instruction, and support
18 personnel.

19 ACTING CHAIR GANT: Thank you, Dr. Joyce.

20 Commissioners and Mr. Gerlicz. I -- from
21 my point, we've already got action that we generated
22 last meeting. We've gotten some of the actions
23 answered here, which does answer it, but, then,
24 opens other questions.

25 So, Commissioners, I -- at this point, you

1 know, we can take more action; it's on the agenda.
2 But I think at this point we go with what we have.

3 That's my opinion. I would like to hear
4 from the rest of the Commission, if we want to
5 change any actions we have going at this point and
6 add something, or -- I need your comments, please.

7 Commissioner Parker?

8 COMMISSIONER PARKER: Mr. Chair,
9 Commissioners, I think we just proceed as we agreed
10 to at the last hearing.

11 COMMISSIONER CARR: I'm in agreement.

12 ACTING CHAIR GANT: Commissioners, with
13 all the knowledge around the table here, I believe
14 we just -- Mr. Gerlicz will continue and expect a
15 very detailed report at the next meeting, on the
16 28th of February, which I believe is the date of the
17 meeting. Thank you. Thank you.

18 MS. LEWIS: Mr. Chair?

19 ACTING CHAIR GANT: Ms. Lewis?

20 MS. LEWIS: Just another bit of legal
21 housekeeping. I just wanted to clarify that rather
22 than being a corrective action plan, this was
23 conditions on renewal. It may seem like a nitpicky
24 thing, but it does make a difference under the
25 statute. So, I just wanted to clarify that for the

1 record. Thank you.

2 MR. JOYCE: Thank you, Mr. Chair, members
3 of the Commission, Mr. Gerlicz.

4 ACTING CHAIR GANT: All right. I'm being
5 begged for a break. So we'll take a ten-minute
6 break, and be back here at five after 11:00. Thank
7 you.

8 (Recess taken, 10:55 a.m. to 11:10 a.m.)

9 ACTING CHAIR GANT: Commissioners, calling
10 this meeting back to order at this time. Just for a
11 word of note on a little change we're going to make
12 with your permission, a change in the schedule,
13 Ms. Barnes asked that we moved up the meeting
14 calendar, the PEC, the 2014 meeting calendar right
15 after Mr. Gerlicz's report, so she can go off and do
16 greater and better things.

17 Mr. Gerlicz, you have the floor.

18 MR. GERLICZ: Mr. Chair, members of the
19 Commission, just a couple of items. We will hear
20 about McCurdy here in a second. But I wanted to
21 bring the Commission up to date.

22 Yesterday was the deadline for Notices of
23 Intent for new applications that have come in. And
24 we've received eleven, so far: five in the
25 Albuquerque area, two in Rio Rancho, one in

1 Columbus, one in Gadsden, one in the Edgewood area,
2 and one in Truth or Consequences.

3 That's down from last year and down from
4 years past. But it is what it is, and I can't
5 comment on the quality of it. It's just a Notice of
6 Intent.

7 We already heard from Deputy Secretary
8 Aguilar about McCurdy's financial situation and the
9 ongoing efforts by PED to correct them, and heard
10 that that is progressing and proceeding as best as
11 can be. And the vision, the end game, is to be --
12 for McCurdy to be totally clean by the end of the
13 year.

14 Before I ask Deborah Bennett Anderson, the
15 chair of the board, to come forward, I did think of
16 another thing, that next Friday, we have this
17 meeting -- and we'll hear more about it in
18 February -- very much looking forward to this
19 meeting next Friday, with all of the fourth-year
20 schools, the State-chartered schools, which is under
21 the Commission's purview, and the locally
22 district-chartered schools, all of them in their
23 fourth year, are coming together with Advanced Ed --
24 used to be North Central Association of Schools and
25 Colleges; it's now Advanced Ed -- which is the

1 national accrediting body for schools and colleges
2 across the country.

3 It should be very, very interesting. If
4 anybody wants to attend, it's on the UNM campus.
5 Let me know. I'll give you the data.

6 But the intent is to see if we see a
7 circle that is all the requirements of accreditation
8 of Advanced Ed, which is very rigorous and intense,
9 and a circle of the renewal, things that CSD
10 requires of schools, and see how these two circles
11 can overlap, and maybe we can bring them closer
12 together. That's the vision. So, we're starting
13 that on Friday. That should be a very interesting
14 story, as it develops.

15 Back to McCurdy. So, we're not going to
16 speak about the finances, since we've already heard
17 a report on that. However, in the conversation --
18 in the phone conversation that we had with the
19 executive committee, remember that the chair of the
20 governing body, Ms. Anderson, is interested in
21 bringing the school into a -- under the contract and
22 performance framework setup that we have now
23 established with renewing schools, not to go through
24 the whole renewal process.

25 But they are in year two of their cycle,

1 currently, under the old format, and have -- they
2 haven't made a decision -- the governing body
3 hasn't -- made a decision, but they'd like
4 permission from the Commission that, if they can do
5 that, for her to go back to the governing body and
6 start that dialogue of whether to come under the
7 contract and the performance frameworks.

8 Ms. Bennett Anderson sees great advantages
9 to the school in that process. They've been very
10 attracted by what they've seen and heard about our
11 process. They think it's beneficial to the school
12 to come under the contract for the remaining three
13 years of their charter contract.

14 So, that is a request. And she can speak
15 more directly to that. And I would ask her to sit
16 at the table to do that. And I see Nancy O'Brien,
17 another board member here, that can do that. And
18 the Commission, feel free to ask her questions.

19 But, very briefly, Ms. Bennett Anderson, I
20 hope I got the specifics of that request correctly.
21 Maybe you would like to say a little more about the
22 reasons why, and then the Commission will be free to
23 ask you any questions about that.

24 MS. ANDERSON: Good morning, Chairman Gant
25 and the rest of the Commission. I'd really like to

1 introduce not only myself, but Nancy O'Brien, who is
2 a colleague in arms. She helped to generate the
3 original charter application. She's got a
4 reputation in Taos with charter schools of ten
5 years. And I'm Deborah Bennett Anderson from
6 McCurdy Charter School.

7 For as long as there's been discussion
8 about the performance framework, we have talked
9 internally in our board about the -- the opportunity
10 to basically self-elect and come under the
11 performance framework, the performance contract
12 framework. From the very beginning, because of the
13 timing of the law and when our charter was approved,
14 officially, we wouldn't be even eligible or required
15 to go under the framework for another three years,
16 because we're in our second year as a school.

17 But there's a lot of advantages, we
18 believe, to entering into a performance contract
19 right now, because, one, it helps us understand, you
20 know, what are material conditions, what is the PED,
21 PEC looking for, you know, what is the negotiation
22 that happens between a school and its authorizer.

23 In the past two years, we've talked with
24 Karen Ehlert; we've talked with Kelly Callahan; we
25 had talked with Patti Matthews, you know, about the

1 possibility of entering into a performance contract
2 earlier. But because there was so much development
3 work going on, it was kind of like, "Well, let's
4 worry about the schools that have to do it right
5 now, and we'll talk to you about it a little bit
6 later."

7 Within the past year-ish, there have been
8 obviously some events: a 12-month extension on our
9 18-month plan, the most recent interaction with PED
10 in our business operations. We think that it will
11 definitely improve the communication between our
12 authorizer and the school. It'll give us better
13 opportunity to have dialogue about the expectations
14 on both sides.

15 And what we wanted to do was to alert the
16 PEC, or ask the PEC, if they would consider allowing
17 us to do that. My board is familiar with the
18 paperwork, but we haven't taken, you know -- we
19 haven't accepted a motion yet to enter into that.
20 But we wanted to see if the PEC would entertain such
21 an idea.

22 MR. GERLICZ: Thank you.

23 ACTING CHAIR GANT: My fellow
24 Commissioners, do you have any comments or questions
25 at this time? Commissioner Bergman?

1 COMMISSIONER BERGMAN: Thank you. Perhaps
2 my question, or comment, would be better addressed
3 to Ms. Lewis. But I'm not aware of any statutory
4 prohibition against a school going in early on a
5 contract, is there?

6 MS. LEWIS: No. And so long as both
7 parties are in agreement, I don't see a legal
8 obstacle.

9 COMMISSIONER BERGMAN: Then why don't you
10 just share a few of your thoughts? How do you think
11 this would help the various ongoing things we're
12 already dealing with and you're already dealing with
13 and trying to correct, the facilities problem and
14 things? Do you think it will help you with that, or
15 are you looking at it more from an academic
16 standpoint?

17 Maybe, just -- can you tell me why you
18 came to that kind of -- and you and your board came
19 to that?

20 MS. ANDERSON: Well, actually, the
21 discussions -- excuse me -- Commissioner Bergman and
22 the rest of the Commission, we've talked about it
23 well before we entered into a 12-month -- 12-month
24 extension discussion, and, certainly, well before
25 the PED's interaction in November, just because we

1 wanted to improve the communication between,
2 basically, our authorizer, Charter School Division,
3 and the school.

4 And one of the things that we have noted
5 as a board is that when a school writes a charter
6 application, suddenly, it becomes a contract. And
7 I'm not real clear that when people are writing an
8 application, exactly, that they see it as a contract
9 And there are ways where we would go back, and we
10 would refine things, like, what is material and what
11 is not material.

12 So, when we wrote the charter application,
13 we weren't thinking in those same kinds of things.
14 So, when we're trying to assess our performance and
15 evaluate our interactions, I want us to be able to
16 agree on the things that are important. It's not to
17 say that our charter application isn't important.
18 But we want to be able to say, "These are the five
19 or ten things that are truly important for
20 evaluation," and have everybody to basically agree
21 that, "Yeah, those are the ten most important
22 parts."

23 Because, I mean, the little bit that I've
24 gone back through the paperwork, it talks about, you
25 know, your mission statement. It talks about

1 material conditions, talks about lots of different
2 things. It talks about business operations. I just
3 want us to have a much better communication. And I
4 don't want to have to wait another three years to do
5 that.

6 This discussion is not contingent on the
7 12-month extension, nor the PED partnership that
8 started in November. The discussion had happened
9 way before then. Did I answer my question to you?

10 COMMISSIONER BERGMAN: Sure. And you made
11 some very valid points. I'm in the beginning of my
12 sixth year on this Commission, and I share those
13 thoughts, because I've seen many applications now.
14 And one of the things that I came away from that
15 process was that I came away with the feeling that
16 many applicants did not understand how important
17 that application was, that it did become -- until
18 now, it did become what was called a charter, once
19 they were approved.

20 Now, it's a contract. And the contract is
21 more extensive than, quote, the application and the
22 charter was, which was the purpose of Senate
23 Bill 446.

24 So, yeah, I share those thoughts. And
25 we've had some really enlightening and interesting

1 discussions amongst this Commission and the staff,
2 just in the last two months. We're looking at all
3 these forms ourselves to try to figure out how we
4 can alleviate some of those kind of concerns and
5 make it -- or help applicants understand the
6 importance of the application, because it's always
7 going to be important, because we don't have a
8 contract when we decide to either renew or approve
9 or deny. All we have is that application.

10 And, so, it's still always going to be a
11 key component of what we do. So, therefore, it's
12 extremely important that the applicant understand
13 how important. That application does not just go
14 away at the moment that we do a contract. It still
15 is a part of your school, or any school.

16 And, so, yeah, we're working to try and
17 alleviate some of those concerns. And I -- I
18 suspect the Chairman is going to ask, in a little
19 while, what do we think. But since I'm talking now,
20 I have no problem with doing it, just personally, if
21 it's going to be beneficial to all parties involved.

22 MS. ANDERSON: If I may, one of the things
23 we've noticed is that, as you start bringing the
24 school up, you know, there are things that are in
25 the original charter, you know. And you go, "Well,

1 we really probably should tweak this little part."

2 And we'll go to Charter School Division
3 and say, "Well, is this something that needs to go
4 in front of the PEC? Is it a material condition?"

5 And sometimes Charter School Division will
6 come back and say, "No, that's probably not that
7 variety; but, yes, these are."

8 And, so, if, for no other reason -- if we
9 understand every word we write, which are the
10 important parts, and which are the parts that are
11 less important but perhaps very definitive about how
12 you run the school, there's a differentiation. It's
13 the negotiation between what are the things that are
14 really important and the things that -- you know,
15 "This is how we're going to run it."

16 Does that make sense?

17 COMMISSIONER BERGMAN: It certainly does
18 to me.

19 MS. BENNETT ANDERSON: I appreciate that.
20 Thank you very much.

21 COMMISSIONER BERGMAN: Thank you. Thank
22 you, Mr. Chair.

23 ACTING CHAIR GANT: Any other comments of
24 Commissioners? Any views on -- I mean, we're not
25 going to take a vote on anything. But any views on

1 whether we should go forward with this?

2 Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Mr. Chair, I
4 certainly can see nothing but positive, at least
5 from their board standpoint, coming forward, to
6 going into this arrangement, and definitely before
7 they have to. I mean, you get your jump on it; you
8 get your head-start. And it sounds to me like it's
9 a forward-thinking board.

10 So, I would think it would be a very
11 positive thing for them to do, especially in light
12 of some of the problems they've had. I think it
13 would help finish getting that straight and
14 transferring their finances back to them maybe a
15 little quicker. Thank you.

16 ACTING CHAIR GANT: What I can see needs
17 to happen is a crosswalk, I believe, with the
18 current charter, which is their current contract, if
19 you will, with the new version that we just
20 approved. And that will take some time.

21 And I know this -- we can't give an action
22 at this time. But for your thoughts, Mr. Gerlicz or
23 Ms. Barnes or Ms. Lewis, we need to come up with a
24 time line in conjunction with -- I think you all
25 need to come up with a time line.

1 MR. GERLICZ: Mr. Chair, members of the
2 Commission, we actually don't see this necessarily
3 as a rewriting of the charter or as a rechartering
4 process. It's just simply entering into the
5 negotiation process moving forward. I don't think
6 there needs to be any crosswalk, necessarily. I
7 think we set a date, we explain the process, and
8 then we start the negotiation process that leads to
9 performance indicators, specific goals, what's
10 material, et cetera.

11 So, I see actually an ease doing that.
12 So, from the CSD's perspective, we think it's a fine
13 idea. We don't see any logistical issues. We'd be
14 in support.

15 ACTING CHAIR GANT: Ms. Barnes?

16 MS. BARNES: I would just look to
17 Ms. Lewis. I -- you can take possible action,
18 because it's listed on the agenda. And I'm
19 wondering if they need to take a vote that would
20 just, as a board, indicate that they are willing to
21 enter into negotiations with her board. Because I'm
22 assuming her board needs to vote. So, the only
23 question I have is whether a vote needs to be taken.
24 I guess it just appears --

25 MS. LEWIS: If negotiations would start

1 before the February meeting, then I agree, it's
2 better just to go ahead and have a vote on that now.
3 If you're imagining the time line as after that,
4 then they could do it at the February meeting, if
5 they choose.

6 MS. BARNES: I think the only vote would
7 be to agree to come to the table as a party. So I
8 don't know why that couldn't happen now. We were
9 just talking briefly. I know her board hasn't
10 decided it. But we would probably put them in May.
11 June is busy.

12 I don't know. We'll need to see where we
13 fit them on the calendar. But I just want to make
14 sure we've covered all the bases we need to cover.

15 COMMISSIONER CARR: Mr. Chair?

16 ACTING CHAIR GANT: Commissioner Bergman?

17 COMMISSIONER BERGMAN: The time line is
18 actually very appropriate. I would be concerned
19 about trying to bring it in now, with the 13 that we
20 have -- or 14 or 15 -- that we have to negotiate
21 now. Since this is a voluntary decision on their
22 part, if anything else, I would like it after this
23 process that we've already got laid out.

24 Now, May, I guess, wouldn't be a problem,
25 if their board agreed to it. But I kind of hate to

1 put it in the middle of the ones that we're required
2 to do right at this moment.

3 MS. BARNES: Okay.

4 COMMISSIONER BERGMAN: What are your
5 thoughts on my stating that?

6 MS. BARNES: I guess I feel like we're on
7 a roll, so why not throw one more in. It's novel to
8 me. Wow, we could take more time. I think -- I
9 think we could potentially get it done. I don't
10 care. I think that CSD was anticipating that we'd
11 throw one more baby into the bath.

12 MR. GERLICZ: We were? I don't recall
13 that expectation. But I think we can handle it.

14 COMMISSIONER BERGMAN: Yeah. As long as
15 we put it somewhere near the end of the process,
16 this current process. Because my mindset has been
17 on all these that we really have to do, and we're
18 under a gun, and we've got deadlines, and they have
19 to be done.

20 MS. BARNES: No problem.

21 COMMISSIONER BERGMAN: I just wanted to
22 express that thought. Thank you, Mr. Chair.

23 ACTING CHAIR GANT: Well, Commissioners,
24 do I have a motion that we accept the proposal from
25 the McCurdy Charter School?

1 COMMISSIONER TOULOUSE: Mr. Chair, I don't
2 think they're proposing to us yet that they do this.
3 I think our motion would need to be that we are
4 willing to accept one, if their board chooses to
5 come forward; isn't that correct?

6 COMMISSIONER BERGMAN: Yeah, that
7 sounds -- I believe it's their -- it's their ball,
8 really, first. It's in their court, and I think
9 their governing council probably should have to come
10 to us and say, "Okay, we voted. We would like to do
11 this. It's in writing. It's in -- set in stone."

12 And, then, it's up to us to say, "Okay."

13 And, like I say, I have no problem with
14 doing it, so -- in that sense at this time,
15 something along those lines.

16 ACTING CHAIR GANT: All right,
17 Commissioner Toulouse. Do you have a motion to that
18 effect?

19 COMMISSIONER TOULOUSE: Yes, Mr. Chair. I
20 move that, based on this discussion today, that this
21 board extend an invitation to the McCurdy board, if
22 they should so choose, to enter into negotiations
23 for a contract with us.

24 ACTING CHAIR GANT: Do I hear a second?

25 COMMISSIONER BERGMAN: Second.

1 COMMISSIONER PARKER: Second.

2 ACTING CHAIR GANT: I have a motion on the
3 floor from Commissioner Toulouse, a second from
4 Commissioner Bergman. Any more discussion?

5 Call for the question. All in favor,
6 "Aye"?

7 (Commissioners so indicate.)

8 ACTING CHAIR GANT: All opposed? there
9 are none opposed. The motion is carried. You have
10 a mission.

11 MS. ANDERSON: Thank you very much, sir,
12 and Commissioners.

13 ACTING CHAIR GANT: Now, we'll go on with
14 the -- don't we have a discussion about McCurdy?
15 Or -- that's it?

16 MR. GERLICZ: That's it.

17 ACTING CHAIR GANT: Okay.

18 MR. GERLICZ: We're good.

19 MS. BARNES: Can we go on to 10b? I just
20 had a couple of comments coming from yesterday's and
21 the day before's working session that we flagged to
22 discuss with the full Commission on the -- on the
23 forms. If I can just address those quickly?

24 Two of the items that we talked about,
25 just making sure we raised for the full Commission,

1 were the -- I've already mentioned -- were the ideas
2 on the changes to the application. One is to align
3 the goals and indicators from the two
4 applications -- from the application into the
5 negotiation.

6 The second is to add to it the application
7 process to ask the schools for a five-year target,
8 where they see their school being in five years.

9 A third item was, we did not really look
10 at the -- the application and how it looks at the
11 budget. And the thought was that quite a few
12 Commissioners have ideas on how the budget -- the
13 application budget, could provide you with more
14 information.

15 And I think we talked about seeing if
16 Commissioners wanted to send individual comments, so
17 that CSD can look at that, particularly make sure --
18 and I think we'll -- I think we'll just talk
19 directly with Commissioner Shearman about some of
20 her comments, because I think we were feeling like
21 those were missing yesterday.

22 So, those are three items we had flagged,
23 all on the application process, just to raise with
24 all of you.

25 The last one was an idea about doing, on a

1 first -- school in their first year -- so not a
2 renewing school that's effectively in their sixth or
3 their, you know, eleventh year -- but a first-year
4 school, either doing a first-year performance
5 framework or doing some -- I call it "off-the-shelf"
6 performance indicators. But could CSD think about
7 what types of performance frameworks you might want
8 for a first-year school?

9 And that thinking is that that's an
10 important year to set a baseline, to set -- get your
11 programs into place, and that we might be able to
12 think about that, either as an entire framework or
13 specific indicators.

14 And there was a discussion to raise that
15 today.

16 ACTING CHAIR GANT: Commissioners, any
17 comments or questions, particularly the ones that
18 were not here yesterday? Commissioner Bergman?

19 COMMISSIONER BERGMAN: I do like the idea
20 of having perhaps a first-year framework for a new
21 school. I assume you would contemplate that would
22 obviously be part of the negotiation process for
23 their first -- negotiation for their first contract.

24 MS. BARNES: Yes. I guess -- exactly. I
25 see it maybe coming out in a couple of different

1 ways. One is CSD can take the -- you know, some
2 time to think about what that would look like, and
3 we could -- and it would effectively be add-ons. I
4 mean, they're going to be -- have their mission
5 indicators. They're going to have -- be judged by
6 "A through F." They're going to have the
7 financial -- so, it's not eliminating any of that,
8 but adding to it.

9 So, if we actually did a framework, I
10 would think we would bring it to you, and it would
11 go through the process, and it would be an approved
12 template, similar to the one that you've just
13 approved today.

14 Another way to do it would be to just have
15 indicators that we would bring a list of them to the
16 table and negotiate them with each school. They
17 effectively accomplish the same thing. Tony, I
18 don't know if you have --

19 MR. GERLICZ: We'll have to figure it out.
20 It's --

21 MS. BARNES: So, what I was kind of
22 thinking in raising it is that we would give CSD an
23 opportunity to go and look at it with the expertise
24 on the team.

25 MR. GERLICZ: Yeah, I would think so.

1 COMMISSIONER BERGMAN: Yeah. I would like
2 that idea, too, because, here again, we're talking
3 about, with this first new school, when we negotiate
4 that contract, getting ready to go into the cycle,
5 they don't even have students yet, what their
6 student body is going to look like. My first
7 question is, how can you formulate some goals with a
8 student body that you don't even know what it's
9 going to look -- you don't know what the percentage
10 of ELL is going to be and the special eds and all
11 the rest of it.

12 And the other thing is what kind of goals
13 would they be able to craft, and what kind of goals
14 would we be able to negotiate with them, considering
15 the fact that there would be no baseline? It's
16 brand new. So can you do goals that you don't have
17 a baseline for?

18 MR. GERLICZ: Commissioner Bergman, that,
19 to me, is a wonderful educational challenge. I
20 mean, I think that's terrific, and it speaks to the
21 heart of charter schools. We start with a dream; we
22 start with a vision. And we take our expertise and
23 say, "Well, we know what we want to do five years
24 from now. Let's set in -- do exactly that, set some
25 indicators after the first year."

1 I think it makes total sense.

2 MS. BARNES: I think it also goes to some
3 of the challenges in the recent application cycles,
4 and it allows us to think about how best to address
5 the fact that, you know, we can be really thoughtful
6 about what a school should do in the first year.
7 And that, to me, means why would you negotiate that
8 differently with any new school? Every new school
9 is a new school. If it's important, it's important.

10 Anyway, I just thought it was a cool
11 opportunity to have CSD think about it and bring
12 something to you.

13 All of the new schools that are coming
14 forward -- we're going to talk about the calendar in
15 a second. We've put them all in June, so that we
16 give them the most time to think about it. So, now
17 is the time for CSD to think about whether we would
18 add to the performance framework or do a first-year
19 performance framework and bring that back to you.

20 MR. GERLICZ: That's right.

21 COMMISSIONER BERGMAN: And I could see
22 where that would alleviate some of my frequently
23 expressed concerns about what's in the application
24 and what's going to end up in the contract.

25 MR. GERLICZ: Correct.

1 MS. BARNES: Right.

2 COMMISSIONER BERGMAN: And I think it
3 would -- I suspect we still need to have some more
4 discussions on it, because I came out of my meeting
5 very satisfied with what we accomplished. But I
6 still don't know if we've answered all the goals
7 questions yet. I haven't, so I'm wrestling with it,
8 what's fair to the school, but what's also fair to
9 the PEC and its membership that allows us to make
10 informed decisions on yay or nay on a school. We
11 have to have something.

12 But, yeah, I kind of like that idea, if
13 you guys want to work on it. I'd certainly be
14 amenable to that, whatever you fellow
15 Commissioners -- yeah.

16 ACTING CHAIR GANT: Any other comments,
17 questions, folks?

18 Ms. Barnes, do you have any? You've been
19 with us, unlucky you, for two days, plus.

20 MS. BARNES: To me -- to me, it's a really
21 cool use. I see the performance framework as a
22 really robust tool. And, so, I'm really excited
23 about it.

24 You know, almost anytime something comes
25 up as an issue of concern, my mind is now, "Oh, how

1 can we turn that into a strong indicator?"

2 And I like that we're looking at the
3 short-cycle assessments, off-the-shelf indicators.
4 And I really like the opportunity to go back for the
5 expertise at CSD on that team, get their input. And
6 frankly, I think it's the best practice of an
7 authorizer. So, I think it fits so many of the
8 component parts. So -- and it could be grass
9 growing, or it could be exciting, just depending
10 on --

11 COMMISSIONER BERGMAN: Let me point this
12 out, though, because it just occurred to me. The
13 one concern I would have about it -- and it's not a
14 major concern -- is, quote, it is a negotiation.
15 What if I vote to approve an application because I
16 think they're going to sit down with me and the rest
17 of Commission and negotiate some goals in that first
18 framework, but, because it's a negotiation, they
19 don't have to, and they don't have to agree to do
20 rigorous goals.

21 That would be about the only drawback I
22 would see. But we face that in every negotiation.

23 MS. BARNES: But that's the two-part step
24 of the template process. You have just created a
25 template, and you got input on it, and you just

1 approved it. If someone wants to come forward now
2 and say, "I don't want you to do 'A through F,' you
3 are in a very strong negotiation position to say,
4 'Well, you have to.'"

5 So, that's why we might consider doing a
6 first-year performance framework template, because
7 it is a formalized process, where you put it -- you
8 pretty much write it in stone, and then there are
9 other blanks for them to fill in. So, that, for me,
10 alleviates some of your concern, the step-one
11 process.

12 COMMISSIONER BERGMAN: Do you think you
13 can have that template ready for February, or do you
14 foresee it being somewhere down the road?

15 MR. GERLICZ: I do. I take that back. We
16 are on the road quite a bit. We have instructional
17 audits that we are conducting, and negotiations.
18 We'll do our best.

19 COMMISSIONER BERGMAN: There's no rush.
20 I'm not suggesting a rush.

21 MS. BARNES: Yeah. But if we're going to
22 use it for the new schools, we need to move forward
23 quickly.

24 ACTING CHAIR GANT: Any more comments,
25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: No, thank you,
2 Mr. Chair.

3 ACTING CHAIR GANT: Any others from the
4 Commission?

5 Go ahead, Ms. Barnes.

6 MR. GERLICZ: Mr. Chair, just a very, very
7 quick comment -- not really a question, but just a
8 comment -- that -- and piggybacking, really, on
9 Julia's comments, and reflecting on McCurdy's, I
10 think it's very interesting that a school that
11 doesn't have to do this has opted to go through a
12 contract and a performance framework process because
13 they see the advantage of it.

14 And I think that that's a compliment to
15 everyone here and to the process. They want to
16 improve their school, and they see this process as a
17 way of doing that.

18 So, we're getting more and more faith in
19 the performance framework contract process.

20 ACTING CHAIR GANT: Ms. Barnes, we're
21 going to move on to Item 12, the 2014 calendar. Do
22 you have comments on that calendar?

23 MS. BARNES: If -- I think it's under
24 Tab 14 in your binder.

25 ACTING CHAIR GANT: Oh. You want to do

1 that one?

2 MS. BARNES: Yeah. I want to do the --
3 well, Commissioner --

4 COMMISSIONER BERGMAN: My charter school
5 committee thing? Okay.

6 MS. BARNES: Commissioner Bergman asked me
7 to be here for that, so, here I am.

8 ACTING CHAIR GANT: Mr. Bergman, you have
9 the floor.

10 MS. BARNES: There is an error. So, it's
11 under Tab 14. There's -- part of the comments about
12 the June negotiation sessions was that it made a lot
13 more sense to have everything be in Albuquerque.
14 All of those schools are in Albuquerque. And,
15 actually, I think we're going to switch the order of
16 the schools for negotiation, so that the liaison --
17 you'll see Ron is a liaison for two of the schools
18 and Karen is for two of the schools. I think we're
19 going to switch that order.

20 I had a concern to find a location that
21 allowed us to stay in Albuquerque until -- you know,
22 that didn't kick us out at 4:30, so that we weren't
23 negotiating in a parking lot. And I think we've
24 gotten the State bar, which is on Masthead, very
25 close to CES, where we have been before.

1 And Linda Olivas really went to bat and
2 negotiated them down on their fees, and -- she
3 reported it to me. So, I think they're giving us
4 two days for free. I don't know how many days we're
5 paying.

6 There's easy parking there. It's where
7 the Albuquerque Journal is. There's actually easy
8 lunch there, too. And maybe -- just because Abby
9 and I are lawyers, we like that location. But I
10 like that. And I think it's yours to see who wanted
11 to attend which meetings.

12 COMMISSIONER BERGMAN: Well, before I
13 start in on that, though, since you said you're
14 going to change the order, are you talking about
15 changing the dates?

16 MS. BARNES: No, just which schools are
17 which, so that Ron didn't have to come two days, and
18 Karen didn't have to come two days. I forget which
19 days we switched it.

20 COMMISSIONER BERGMAN: As long as the
21 dates are the same. I can't ask Commissioners to
22 commit to a date and then find out the date is
23 something that conflicted with their personal
24 schedules.

25 MS. BARNES: I should tell you -- I

1 mentioned it yesterday -- that we did -- when you
2 approved a school, we handed them a packet. We
3 handed them the very first prepopulated worksheet.
4 They are starting to look at that and fill that out,
5 so that you will have a good worksheet.

6 We then got -- did a "Go To Meeting"
7 meeting with all of the schools, or many of them,
8 and talked about whether these dates would work.
9 They do work. And, in addition -- I sound like a
10 broken record. But last year, it got very chaotic
11 with the documents, and I think we're going to have
12 them sign in blood that they will get -- you know,
13 there's a deadline, and they're going to have to get
14 documents to us at some point. And they may as well
15 do it in a timely way. So, with knowing where all
16 the schools are, and once -- we'll be able to send
17 out that calendar document that we've shown you.

18 COMMISSIONER BERGMAN: Okay. With that
19 thought in mind, for the benefits of Commissioners
20 Carr and Peralta, I ask everybody to look at this
21 document. You guys didn't get the chance. But we
22 want -- I wanted to give every Commissioner an
23 opportunity to at least be present at one
24 negotiation, because, one, I know it will educate
25 you as to the process, so, in the process, when we

1 talk about negotiations, you'll know exactly what
2 the actual process is.

3 It's a very interesting process. I
4 pointed out to other Commissioners yesterday that we
5 do not want a quorum at any of these sessions. That
6 would have to be noticed with deadlines that I think
7 would mess everything up, so that means we have to
8 keep it to four or fewer.

9 I intend to be at most, if not all, the
10 negotiations. I think my schedule is going to allow
11 that. The Chairwoman has indicated that she intends
12 to be at most, if not all, of them. I think she
13 intended to be at all of them. Unfortunately, her
14 husband's severe health issue is probably going to
15 have an impact on her plan. I suspect, at least in
16 February, she may not be able to get away. So, she
17 may not be able to -- she may be. I don't know,
18 until we can visit with her and find out what it is.

19 I'm doing this today because she asked me.
20 She wants us to have a pretty firm idea which
21 Commissioners are going to be at which negotiations
22 to be sure we have some people there.

23 Four is not an unworkable number. But if
24 we could keep it to three -- four is okay.

25 Actually, I don't want to do five. I don't want to

1 have a quorum at any of these things.

2 So, take a look -- it's in the fourth -- I
3 think -- what? -- the fourth column or row over is
4 the actual negotiation dates on that thing. The
5 first negotiation is on February 3rd. There's two
6 of them, both in Santa Fe. And, here again, for the
7 benefit of those of you who have never gone to one,
8 they go normally at least three-and-a-half hours,
9 and a couple of them went closer to four-and-a-half
10 hours. So, they're not in-and-out things. They're
11 time-intensive sometimes. They aren't all that way.
12 A couple of them, I think, got done in three hours
13 last year.

14 So, it's a time commitment on your behalf.
15 And I know, especially for those of you that work,
16 it will be difficult. But I really hope you can
17 figure out a way to get a way to go to at least one
18 of them. So, why don't I work my way down the list?

19 COMMISSIONER CONYERS: Yes. Can I have a
20 question, please?

21 COMMISSIONER BERGMAN: Sure.

22 COMMISSIONER CONYERS: I guess my question
23 is, I'm not sure what is the role of the Public
24 Education Commissioner at this meeting? What -- if
25 I were there, what would I do?

1 COMMISSIONER BERGMAN: It's just like a
2 labor negotiation, I guess I can use an example.
3 You've got one party on this side of the table;
4 you've got one party on this side of the table. At
5 the head of the table is going to be Julia -- last
6 year, she acted as what's called "the facilitator."
7 She's the one that put together the -- she
8 prepopulated everything that we knew of at that
9 point in the application process to a worksheet
10 thing.

11 We got copies of that worksheet, and then
12 it's actually a negotiation between members of the
13 PEC and the people from the charter school. And you
14 actually get into much more specifics on what the
15 actual goals are going to be for this charter
16 school.

17 At the end of it, we come out with numbers
18 that are going to show 5-percent improvement, or
19 they're going to show 3-percent improvement in the
20 various categories of the goals, which is why I've
21 raised the issue of the goals so repeatedly, is we
22 have to have something -- that's where it's going to
23 come in. It's going to come into this performance
24 framework, and that's what we're negotiating.

25 So, our role is that we go back and forth.

1 There's a give-and-take on both sides of the table.
2 They get to express what they think -- because it's
3 their goals. It's not my goal as a member of the
4 PEC. It's the school's goal.

5 So, they tell -- they will tell us what
6 they're willing to agree with, and then we -- it's
7 our role to tell them, "Well, I'm not sure
8 that's" -- and it did happen last year. We may tell
9 them, "That's not as rigorous a goal as we would
10 like to see."

11 And then they went off in the corner, and
12 sometimes we'd take a little break so they could go
13 and talk. "Well, how much are we willing to raise
14 our initial proposed goal to?"

15 And it's just -- a lot of it -- like I
16 say, it's just a lot of back-and-forth and
17 give-and-take. And last year, I know CSD was
18 staffed -- as a matter of fact, staff was present
19 there. Is that going to be -- will there be CSD --
20 will the liaisons be there?

21 MR. GERLICZ: The liaison of the school.

22 MS. BARNES: And I was going to add to
23 that. Last year, because it was new, Kelly Callahan
24 and I did a lot of work on the worksheet. This
25 year, the liaisons are the lead. So, we've already

1 given them -- and what the worksheet is, it's every
2 blank, and the contract, and the performance
3 framework, as Commissioner Bergman was just stating;
4 we gave them a very basic version. They are,
5 according to a time line, giving back to the liaison
6 their first draft, and then the liaison is working
7 to have a very good document for you, so that the
8 indicators make sense -- there's a lot of work in --
9 you know, as McCurdy was just mentioning, you need
10 to sit down with your board; you need to talk them
11 through it.

12 So, they've probably gone back two to four
13 times with their liaison. We give you the
14 worksheet, and then we walk through it with the
15 parties. And every time, we made changes. It's a
16 very dynamic process.

17 The school also has an opportunity to
18 explain what they're all about, which is a really
19 interesting thing. I was just telling Commissioner
20 Parker, they're all so different from each other.
21 You all use the same document, and every one is so
22 different.

23 COMMISSIONER BERGMAN: And it's not just
24 the numbers that change. A lot of wording was
25 changed, too, after everybody got to thinking, well,

1 maybe that's not the right wording or terminology we
2 should be using.

3 Now, when you say the liaisons are going
4 to have the lead, are they going to be the
5 facilitators, or will you still be the --

6 MS. BARNES: No, I'm just letting you
7 know, in the background last year -- we're just --
8 it should be the liaisons, because they know the
9 schools the best; they work with the schools the
10 most. And this year, we've just been able to have
11 them be more actively involved. So, they'll be
12 there. Last year, they didn't speak as much. I
13 anticipate they might speak up more this year.

14 COMMISSIONER BERGMAN: Let me tell you how
15 I'm going to approach it. I was fortunate enough to
16 sit in on six of the seven last year. In the
17 application process, when CSD did their evaluation,
18 there were things in that evaluation that pointed
19 out areas that the applicant -- I'm going to show up
20 with all that information.

21 They also -- the applicants responded to
22 the CSD's evaluation, and a number of them made
23 commitments: "Okay, we're going to commit -- we're
24 willing to commit to 'X' number of goals." And I'm
25 showing up with that information. I'm not going to

1 let it slip into the cracks.

2 I want -- if they committed to doing some
3 goals, "X" number of goals, I'm going to try and
4 make sure that, in the final product, what they
5 committed in the application process -- because
6 that's what sold us all on voting for their school
7 was what was in that -- I intend to hold them to
8 that application as much as I can, anyway, because
9 it is a negotiation.

10 MS. BARNES: And we are providing that
11 information in the worksheet. You can bring it, as
12 well.

13 COMMISSIONER BERGMAN: Okay. I just --
14 I'm old-fashioned, as I say. If I generate all that
15 paper, I've got to have a reason to have all that
16 paper.

17 But that's the process. It's a really
18 give-and-take thing. And it is important, because
19 then that performance framework is what that school
20 lives with during that year. And then the process
21 completes itself each year. The contract is not
22 renegotiated, but the performance framework is, each
23 year.

24 And I can tell you, the applicants raise
25 excellent questions sometimes. One of the reasons

1 we've had all these discussions on goals came up
2 because a couple of schools last year raised issues
3 that even I couldn't answer. Cottonwood, for
4 instance, asked us, "In our application, those are
5 more five-year goals. That's not a term we
6 decided -- five-year goals isn't something we
7 wanted -- that's not the term we wanted to use."

8 But now, they said, "The performance
9 framework, that's annual goals. So, what's the
10 importance of the goals over here in the
11 application, as opposed to what's important to the
12 goals that are in the performance framework?"

13 And that was an excellent question.

14 Another part of the question that they
15 raised was, "Well, now, we have four years of goals
16 here. What is the PEC going to do if we make --
17 achieve those goals in three years? What will you
18 do if we have a year where we don't?"

19 And we know things like that fluctuate.
20 As you folks in education know, classes go up and
21 classes go down, and every class is different.

22 So, they raised some excellent questions.
23 And I expect to get excellent questions again from
24 this group this year. We hope we have anticipated
25 everything. That's why we're going through this

1 document thing. But I suspect there are going to be
2 a few questions asked this year that will cause us
3 to think about something we didn't. But that's what
4 the process is, negotiating. In the purest sense of
5 the word, that's what we're doing. We're
6 negotiating. Does that fix you up?

7 COMMISSIONER CONYERS: Yes, I think so.

8 ACTING CHAIR GANT: Mr. Bergman --
9 Commissioner Bergman, what I would suggest, if I
10 may -- and this is your floor right now. But just
11 walk around each Commissioner and see if they're
12 able to -- instead of just a group grope, why don't
13 you just talk to each one of them around the dais
14 here and say what they can do.

15 COMMISSIONER BERGMAN: All right. We have
16 all the dates here. They run all the way up into
17 May. So, we've got the negotiation schedule for
18 every month, and perhaps one more there in May.

19 MS. BARNES: Well, maybe not. It may be
20 later.

21 COMMISSIONER BERGMAN: It may be later.
22 So, I'll start with the Commissioners who were
23 yesterday, Mr. Carr and Mr. Peralta, so you guys can
24 look at the list a little bit and give you a little
25 time to think about what you might be able to appear

1 at.

2 I will tell you that Commissioner Shearman
3 and I had already had a talk about the very first
4 month, 'cause I was concerned about my own health,
5 trying to be in Santa Fe for a full day's
6 negotiation, then driving all the way to Las Cruces
7 and doing another full day the next day in
8 Las Cruces, and then driving back to Roswell.

9 And I had both the -- so she and I had
10 kind of talked about it, and she was going to take
11 Santa Fe, and I was going to take Las Cruces.

12 Unfortunately, like I say, I'm pretty certain that
13 the Chairman -- Chairwoman -- probably will not be
14 able to be in Santa Fe. And if that's the case, I
15 guess I'm just going to have to man up and do it.

16 So, if she's not in Santa Fe, I will be in
17 Santa Fe. I definitely will be in Las Cruces.

18 So, starting with Mr. Conyers, did you
19 have a date or two that you specifically felt like
20 you could be at? Anywhere in the calendar?

21 COMMISSIONER CONYERS: Well, not really
22 but I'll come up with some here. I -- for me, the
23 day of the week has to do, more than anything, with
24 it. And no disrespect to anyone, but I prefer not
25 to go to Las Cruces.

1 COMMISSIONER BERGMAN: I know that's going
2 to be the hard one to fill, because all you guys are
3 up north, and Mr. Gant and I are down south.

4 COMMISSIONER CONYERS: But I could
5 probably start off in February in Santa Fe on the
6 3rd.

7 COMMISSIONER BERGMAN: I, unfortunately,
8 don't have a calendar. What day is the 3rd?

9 COMMISSIONER CONYERS: That's a Monday.

10 MS. BARNES: Monday -- Tuesday.

11 COMMISSIONER PERALTA: No. 12.

12 COMMISSIONER BERGMAN: So, you think
13 February 3rd, you might be able to handle?

14 COMMISSIONER CONYERS: Yes, I think that's
15 a Monday. And I don't see any conflicts.

16 COMMISSIONER BERGMAN: We're just going to
17 do one at a time.

18 COMMISSIONER POGNA: I have a question.
19 Could we not do this through our computers, let you
20 know, after everybody has looked at their schedules
21 and so on?

22 COMMISSIONER BERGMAN: Well, the
23 Chairwoman -- she wanted me to have this done by the
24 end of business today. That was her request. So, I
25 was trying to honor that, yeah.

1 Keep in mind, if you make a commitment and
2 if something changes, then we'll understand. I'm
3 going to be very understanding. And if something
4 does change from any Commissioner that makes a
5 commitment, then I probably will be in touch with
6 someone else to try and find a replacement to that.

7 So, keep that in mind, too. If it turns
8 out you've got to have a doctor's appointment, I'm
9 not going to say, "You've got to come to this;
10 forget about your doctor's appointment." I will be
11 very flexible.

12 But that was the Chairwoman's request.

13 COMMISSIONER CONYERS: Do you have a
14 minimum number you need?

15 COMMISSIONER BERGMAN: Two; we should have
16 two people there. But for most of them, we're going
17 to have to. But, as I said, both Chairwoman, if her
18 husband's health allows, and I were going to be at
19 most of them. So, we were going to start with two.

20 So, that means we could accommodate
21 probably two more Commissioners, going up to four.
22 I don't want to exceed four.

23 COMMISSIONER CONYERS: And I think what's
24 going along with what's been said, I think later,
25 after we've studied it, could we add later and say

1 "in addition to"?

2 COMMISSIONER BERGMAN: Sure. I will be
3 available any time. E-mail me any time. You've got
4 my numbers on the website. Call me, and I'll keep
5 my list handy. We're going to be flexible. I will
6 be easy to work with, you will discover.

7 For now, let me start you off on
8 February 3rd?

9 COMMISSIONER CONYERS: For now, jump right
10 in.

11 COMMISSIONER BERGMAN: I'm going to assume
12 that either Commissioner Shearman or myself will be
13 there. So, we now have two on February the 3rd. Is
14 there a third person that wants to be there in
15 Santa Fe?

16 COMMISSIONER TOULOUSE: Mr. Chair, I can
17 come if you need a third. You can contact me later.
18 It's an hour up here, or so.

19 COMMISSIONER BERGMAN: Commissioner
20 Parker?

21 COMMISSIONER PARKER: If you're not
22 committed, I'm very interested in that New Mexico
23 School for the Arts, to be there, if it's possible.

24 COMMISSIONER BERGMAN: Do you want to put
25 it on your calendar, then?

1 COMMISSIONER PARKER: Not to steal
2 anything.

3 COMMISSIONER TOULOUSE: No, that's fine.
4 I went to the visit with the staff. That was all --
5 plus, I wanted to be available if I needed to be.
6 But if you don't need me, that's fine.

7 COMMISSIONER BERGMAN: Well, that would
8 give us three there for that one. If there's
9 someone, like Mr. Parker, that has a school they
10 really want to be there, that's the one they should
11 pick. Does anyone else specifically want to be in
12 Santa Fe that day, at this time? Well --

13 COMMISSIONER POGNA: We're taking one
14 month at a time?

15 COMMISSIONER BERGMAN: Well, no. The
16 Chair suggested I just go around and start around
17 and ask -- Mr. Peralta, do you have any dates? Will
18 you be able to get out for a day?

19 COMMISSIONER PERALTA: For starters, I'll
20 commit to March 5th, Albuquerque.

21 COMMISSIONER BERGMAN: The School of
22 Dreams and Cien Aguas?

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER CARR: So, here again, myself
25 and Mr. Peralta will be at that one, and perhaps the

1 Chairwoman. Would anyone else like to specifically
2 be at one of those?

3 ACTING CHAIR GANT: I'll be there.

4 COMMISSIONER BERGMAN: So, right there, I
5 think we have a possibility of four. So, we
6 probably -- March the 5th is filled now.

7 Commissioner Pogna?

8 COMMISSIONER POGNA: I could do all the
9 Albuquerque --

10 COMMISSIONER BERGMAN: Okay.

11 COMMISSIONER POGNA: -- if you feel that
12 (inaudible).

13 COMMISSIONER BERGMAN: For now, on
14 March the 6th, then? Can I put you down for March
15 the 6th, Cesar Chavez and Gilbert Sena? Here again,
16 like I say, I will be here and perhaps the
17 Chairwoman. Anyone else specifically want to be at
18 either one of those schools?

19 COMMISSIONER POGNA: Since I have --

20 COMMISSIONER BERGMAN: And if we find out
21 we need to move you, we can do that later, if you
22 want.

23 COMMISSIONER POGNA: If you need an
24 alternate, I have been to Cien and School of Dreams.
25 I could be an alternate.

1 COMMISSIONER BERGMAN: I'll just keep you
2 in mind, if I need to call you.

3 COMMISSIONER POGNA: Just the Albuquerque
4 schools, I'm available.

5 COMMISSIONER TOULOUSE: I would like to be
6 there for at least Cesar Chavez. But, again, if
7 someone likes to do it -- I'd like to learn this
8 process.

9 COMMISSIONER BERGMAN: How about for both?

10 COMMISSIONER TOULOUSE: That's what I was
11 looking at, if you need someone for both. I mean,
12 most of my time is available. The end of the month
13 isn't, because I've got grandkids to do stuff with,
14 but --

15 COMMISSIONER BERGMAN: So, I will say that
16 March the 6th is now full, because we could possibly
17 have four Commissioners at that one.

18 Since I'm -- like I said, I've already
19 said that I'm going to be at all of them. February
20 the 4th in Las Cruces, that's going to be the tough
21 one, though. Commissioner Gant has already told me
22 that's where he lives, so he's going to be at that
23 one. I'm going to be at that one.

24 Is there anyone we could convince to drive
25 down to Las Cruces to give us a third there?

1 ACTING CHAIR GANT: Come on, people. It's
2 not that far.

3 COMMISSIONER BERGMAN: And you'll love
4 Las Cruces. Great restaurants; it's sunny all the
5 time.

6 COMMISSIONER PARKER: Yeah, I can drive.

7 COMMISSIONER BERGMAN: Would you,
8 Commissioner Parker? Well, that means you have the
9 same driving. You've got to drive from Santa Fe --

10 COMMISSIONER PARKER: Well, my drive up to
11 Santa Fe is an hour and 20 minutes, if I don't
12 speed.

13 COMMISSIONER BERGMAN: That means there
14 will be at least three of us. And Commissioner
15 Shearman will go; I am sure she will. She loves
16 Las Cruces.

17 MS. BARNES: My thinking on starting with
18 the schools, we started with the schools that were
19 the easiest renewals for you. So, you know, knock
20 on wood. Maybe we could even be done earlier,
21 because a bunch of us have to get in the car and
22 drive.

23 COMMISSIONER BERGMAN: Okay. I said March
24 was done at -- it's actually not done, because we
25 have the next category. There's -- you-all -- I'll

1 remind you. What we did for our March meeting, the
2 school budget workshop is Wednesday through Friday
3 of that weekend we took. A lot of the
4 Commissioners, myself included, like to go to the
5 spring budget workshop.

6 And, so, we scheduled our Friday meeting
7 in conjunction with the school -- we'll be there in
8 the same Hotel Albuquerque. I assume that's how we
9 did it the last time. They gave us a room, and we
10 actually had a meeting there. If there was anybody
11 in the schools that wanted to come to our meeting,
12 we announced it to them. It was announced to them.
13 "Come to our meeting to see what we do."

14 So, we have one negotiation scheduled on
15 the Tuesday before that. And that was an
16 accommodation for me. I asked Julia if we could do
17 that, since it would save me one extra trip to
18 Albuquerque. And she did; staff did it. I
19 appreciated that very much.

20 So, that's a Tuesday, I know. March the
21 25th, we have the New America School and CEPI. So
22 needless to say, I'm going to be at that one.
23 Maybe, by then, the Chairwoman will be at that one.
24 Maybe her husband's health will improve.

25 Is there anyone else in Albuquerque that

1 would like to be at those on March the 25th?

2 COMMISSIONER POGNA: I could be at those,
3 if you need.

4 COMMISSIONER BERGMAN: I guess I should
5 ask Mr. Gant next in line, or would you like to go
6 last?

7 ACTING CHAIR GANT: That's fine. I can't
8 be up there on the 6th. The 25th of what?

9 COMMISSIONER BERGMAN: That's a Tuesday,
10 March 25th. Then the spring budget workshop starts
11 the next day, on Wednesday.

12 ACTING CHAIR GANT: That would put me in
13 Northern New Mexico all week.

14 COMMISSIONER BERGMAN: Yeah. I'm going to
15 be there, too.

16 ACTING CHAIR GANT: All right. I'll do it
17 on the 25th.

18 COMMISSIONER BERGMAN: You want to commit
19 to the 25th? I'll commit myself and Mr. Gant, and
20 possibly the Chairwoman. Does anyone else want to
21 be there on that day?

22 Okay. We'll leave it open for now.

23 Okay. The next one, we have negotiation
24 on April the 10th. April the 10th. That's a
25 Thursday. Oh, we put that in front of our meeting,

1 too. Are we meeting on the 11th? Is that what
2 that -- my calendar is shredded.

3 MS. BARNES: Let's see. Yeah, the -- we
4 have working sessions in February and March. But I
5 think April -- hang on a second -- April and May are
6 the day before your meeting up in Santa Fe.

7 COMMISSIONER BERGMAN: And we're meeting
8 on the 11th in Santa Fe.

9 MS. BARNES: You're meeting on the 11th in
10 Santa Fe, and you are meeting on the 9th in
11 Santa Fe. So, the -- all of the negotiation dates,
12 4/10, 5/7, 5/8, are right before your meeting.

13 COMMISSIONER BERGMAN: That will work.
14 Here, again, I like that, because then I can come up
15 to Albuquerque and drive up to Santa Fe the next
16 morning.

17 Okay. So any other dates that you wanted
18 to be at, Mr. Gant? Any other schools?

19 ACTING CHAIR GANT: I'll do April.

20 COMMISSIONER BERGMAN: April 10th?

21 ACTING CHAIR GANT: Tenth.

22 COMMISSIONER BERGMAN: Mr. Carr, will you
23 be able to be at any of these?

24 COMMISSIONER CARR: Well, May 8th. And
25 I'm hesitant to commit to too much, because I don't

1 know how many days I'm going to have to be up here
2 for the Legislature. And --

3 COMMISSIONER BERGMAN: If you just wanted
4 to start, can you do May 8th? Would you like to do
5 that. That's a Taos school.

6 COMMISSIONER CARR: That's a Taos school.
7 It's May 8th. It's the day before our meeting, so
8 that works out pretty good.

9 COMMISSIONER BERGMAN: So, all right. Of
10 course, here again, myself and the Chairwoman.
11 Anyone else want to be -- one of them -- Taos is
12 going to be in Santa Fe, and Dream Dine' is going to
13 be in Albuquerque?

14 MS. BARNES: We switched it.
15 Albuquerque -- I think Abby wanted them all in
16 Albuquerque. So, everything is in Albuquerque
17 again.

18 MS. LEWIS: It would be physically
19 impossible for Julia and I to get between
20 Albuquerque and Santa Fe in those negotiations.

21 MS. BARNES: Unless we scarfed food really
22 fast.

23 COMMISSIONER POGNA: I can do May 8th; 7th
24 and 8th, both.

25 COMMISSIONER BERGMAN: You'll do both?

1 Let me put you down there.

2 COMMISSIONER POGNA: In Albuquerque?

3 COMMISSIONER BERGMAN: They'll all be in
4 Albuquerque, right, two each day. It's a full
5 session, two full days.

6 COMMISSIONER POGNA: I can do that.

7 COMMISSIONER BERGMAN: All right.

8 Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: I really wanted to
10 do the Dream Dine'. So -- if we've already got --
11 it looks like four --

12 COMMISSIONER BERGMAN: Ms. Pogna is
13 flexible. Would you be willing to let her do
14 Dream Dine' on the 8th?

15 COMMISSIONER POGNA: I don't know. It's
16 all right.

17 COMMISSIONER TOULOUSE: You can't use my
18 phone anymore.

19 COMMISSIONER BERGMAN: I'm going to
20 scratch Commissioner Pogna off and let you do
21 Dream Dine', then.

22 COMMISSIONER POGNA: Which one are you
23 scratching me off for?

24 COMMISSIONER BERGMAN: Dream Dine'. But
25 you didn't want to do the one in the morning?

1 COMMISSIONER TOULOUSE: I can do both,
2 when they're moved to the same place. I didn't want
3 to drive the road back and forth either.

4 COMMISSIONER BERGMAN: So, now it's you
5 and Mr. Carr on the 8th.

6 MS. BARNES: I'm going to check that
7 Dream Dine' stayed on the 8th. Let me check that.

8 COMMISSIONER BERGMAN: So, there was a
9 chance they were going to move?

10 MS. BARNES: Well, you'll see, looking at
11 the liaisons, it was Ron-Karen, Ron-Karen. So, we
12 flipped them to make sure they had the same days.
13 But I'll let you know. I think it's still the 8th.

14 COMMISSIONER BERGMAN: As early as
15 possible, then. If you change it to the 7th, for
16 instance, that will affect Commissioner Toulouse,
17 then.

18 COMMISSIONER TOULOUSE: And we can --

19 COMMISSIONER BERGMAN: We'll be flexible.

20 COMMISSIONER TOULOUSE: Right.

21 MS. BARNES: I'm just going to mark that
22 Commissioner Toulouse wants to do the school.

23 COMMISSIONER BERGMAN: She wants to do
24 Dream Dine' and the other one on that date. So,
25 I'll put you down for the 7th, then; right?

1 COMMISSIONER POGNA: You said I could do
2 all of those.

3 COMMISSIONER BERGMAN: Well, then,
4 Commissioner Toulouse wanted to do this one.

5 COMMISSIONER POGNA: If there is a problem
6 there, I would like to do that one, because I know
7 someone at that --

8 COMMISSIONER BERGMAN: We might be running
9 into the quorum problem there --

10 COMMISSIONER POGNA: Whatever.

11 COMMISSIONER BERGMAN: -- because
12 Commissioner Carr is going to be there, and
13 Commissioner Toulouse is going to be there. I am
14 hesitant to not be there to avoid a quorum, because
15 I like to be at most of these things. I like to be
16 there. And Chairman -- the Chairwoman told me --
17 she said I was chair of the Charter School
18 Committee, that she thought I should be there.
19 So --

20 MS. BARNES: It's very good, too, for
21 consistency. It's good to have new people.

22 COMMISSIONER POGNA: May I ask you a
23 question? Or may I tell you something? I live
24 there. Call me if you need somebody at the last
25 moment.

1 COMMISSIONER BERGMAN: Okay.

2 COMMISSIONER POGNA: Let's do that.

3 COMMISSIONER BERGMAN: I can do that.

4 Okay. So, right now, on the 7th, we have
5 Commissioner Pogna. Does anybody want to do the
6 Health Science Academy and Explore? The Director
7 mentioned Explore in his comments, either yesterday
8 or today. That's an interesting school. That's the
9 one that's going to try the seminar approach. And
10 that might be an interesting negotiation.

11 MS. BARNES: One of those, for sure, has
12 switched. And I probably will just open my computer
13 before we leave. But I know I switched one. Sorry,
14 but I can't remember which -- I did which.

15 COMMISSIONER BERGMAN: Is anyone else
16 interested in whatever is on that date in
17 Albuquerque?

18 MS. BARNES: If someone is interested in
19 Explore -- I've got to pull my calendar.

20 COMMISSIONER BERGMAN: She has to tell us
21 if she's moved that around.

22 COMMISSIONER POGNA: All right. You
23 already have me down.

24 COMMISSIONER BERGMAN: You're down on the
25 7th. I've moved you off the 8th, so Commissioner

1 Toulouse can do the 8th, subject to a possible
2 change.

3 I'm not sure the Chairwoman understood
4 that some of this was going to be changed. I'm just
5 going to accede to her wishes as much as I can
6 today.

7 How about -- we're back to March the 25th,
8 right now. It would probably be myself, Mr. Gant.
9 Anybody else want to do that March 25th? That's in
10 Albuquerque, again, just for the spring budget
11 workshop.

12 COMMISSIONER POGNA: I could do that, if
13 you need me.

14 COMMISSIONER BERGMAN: Here again, that
15 certainly gives us three, and maybe four, so that's
16 properly filled, then. So, we've got all the dates
17 on the front page taken care of, it looks like.

18 Right now, I have Mr. Gant on April the
19 10th. That's here in Albuquerque. Here again, I
20 will be there, perhaps the Chairman. Anyone else
21 want to be a fourth, giving us enough people for
22 bridge?

23 ACTING CHAIR GANT: Poker.

24 COMMISSIONER BERGMAN: So, right now,
25 nobody else essentially wants to be there. I think

1 we're got it covered. And I think we've got May 7th
2 and 8th covered.

3 We, at this point, might have one with
4 McCurdy somewhere in May, either at this time, or
5 maybe it would have to be scheduled later. That's
6 going to depend on what their board -- how that's
7 going to play out and everything. So, keep in mind
8 there might be one more with McCurdy.

9 Actually, it looks like we've pretty much
10 got the dates covered. Everybody is satisfied. It
11 looks like all of you have a chance to be at at
12 least at one of them. Like I say, I think it will
13 be beneficial for you.

14 MS. BARNES: Commissioner Parker, did you
15 want to go to any others, or just that first
16 session? Two days?

17 COMMISSIONER PARKER: If you need someone
18 else in -- on the 7th, I can do that.

19 COMMISSIONER BERGMAN: On May the 7th?

20 COMMISSIONER PARKER: Yeah, if you need
21 another for that. And then I'm also curious about
22 the McCurdy, whenever that's going to happen.

23 COMMISSIONER BERGMAN: Yeah. Just keep in
24 mind that I may have to call some of you and say --
25 you know because, actually, things happen; things

1 change. People have health issues, maybe in
2 May that they don't know about here in January.

3 Yes, sir.

4 COMMISSIONER PARKER: My schedule is
5 pretty flexible, too. So, if you do get behind the
6 eight ball, let me know.

7 COMMISSIONER BERGMAN: Okay. I'll do
8 that. Thank you, Commissioner Parker.

9 MS. BARNES: So, perhaps we can just --
10 McCurdy, that might be -- and if we could maybe just
11 talk to those Commissioners and set a date, that
12 makes sense. But Commissioner Parker, Commissioner
13 Bergman and Shearman, that gives us three for
14 McCurdy, whenever we happen to set it.

15 COMMISSIONER BERGMAN: I assume, since
16 they're the ones that put this forth, we're probably
17 going to hear back from them in February, that
18 they're ready to go.

19 MS. BARNES: We need to touch base with
20 Tony and make sure that we're not -- we don't have
21 too much to do. So I'll need to check on that.

22 COMMISSIONER BERGMAN: It's got to fit
23 your schedule.

24 MS. BARNES: So Parker, Bergman, Shearman,
25 on that.

1 COMMISSIONER BERGMAN: Anything else? Did
2 you have anything else, Julia?

3 MS. BARNES: That's it.

4 ACTING CHAIR GANT: Thank you, Julia.

5 COMMISSIONER BERGMAN: Yeah. I appreciate
6 your cooperation, everybody. Like I say, I may have
7 to call you. We'll be flexible. I appreciate your
8 volunteering. I think you'll find out it's a really
9 interesting process. Thank you, Mr. Chair.

10 ACTING CHAIR GANT: Thank you,
11 Mr. Bergman, for handling that. Unless I hear some
12 uproar in Commissioners, I'm going to do an
13 executive decision.

14 We will continue through the -- through
15 the agenda until we finish, and then we'll break for
16 lunch and eat. Decision? Too bad. We're going to
17 do it.

18 We'll go to the -- Ms. Abby, and the
19 discussion and possible action on the PEC Rules of
20 Procedure.

21 MS. LEWIS: Thank you, Chairman. I've
22 asked another attorney from my office, Joe, to b
23 here. Joe, if you'll just hang at that table. Joe
24 is one of our resident experts in parliamentary
25 procedure and Robert's Rules, which is something I

1 do not have an expertise in this area at this time.

2 So, I've asked him to be here. He helped
3 me very much in drafting these. Some of these
4 proposed changes are mine; some of them are his.

5 So, at the risk of putting you through a
6 tennis match, I figured we would just go through it
7 in order, bouncing back and forth between Joe and I
8 depending on who is proposing the change.

9 COMMISSIONER BERGMAN: Do we have --
10 there's nothing in my book. Do we have --

11 MS. LEWIS: It was the one that I left on
12 top of your binder.

13 COMMISSIONER BERGMAN: Go ahead. I'll
14 find it. I put it somewhere. That's right. You
15 did give it to me. I'll find it.

16 MS. LEWIS: So, starting with Roman
17 numeral IA. This is -- I struck out -- I felt there
18 was a lot of superfluous language in here. Of
19 course, you can copy and paste the Constitutional
20 amendment if you want. I wasn't sure we needed all
21 the superfluous language. So, that's my strikeouts,
22 but Joe's additions. So I'm just going to let him
23 speak to that, or answer any questions if you have
24 any? Use the mic.

25 MR. DWORAK: Put this on?

1 MS. LEWIS: Unless you want to hold it
2 down the whole time.

3 MR. DWORAK: Mr. Chair, members of the
4 Commission, I just wanted to start off by saying
5 that, in reviewing this and making some changes to
6 this, which are standing rules, which we've entitled
7 them as "Rules of Order," a lot of it is just
8 deleting additional language, stuff that's
9 ambiguous, cross-references to the statute or the
10 Constitution, which is unnecessary, just simple
11 things like that. So, that's where a lot of these
12 changes come through.

13 And, clearly, as Abby said, I'm available
14 to answer any questions you might have about any of
15 the changes I suggested.

16 COMMISSIONER BERGMAN: Well, I have some
17 questions, when I find the document. I do not have
18 it yet; I will find it. So, go forward.

19 ACTING CHAIR GANT: Give that man too much
20 paper, and he gets lost.

21 I do have a question on B, if we can go to
22 B, just for clarification or just a simple mind.
23 When you say, "The Chairperson is an ex officio...,"
24 that makes that person a nonvoting member of the
25 committee -- or not a decision-maker of the

1 committee; correct?

2 MR. DWORAK: That is correct.

3 ACTING CHAIR GANT: And, therefore, if we
4 have five, and she or he is an ex officio, does that
5 still constitute a quorum?

6 MR. DWORAK: Ex officio members do not
7 constitute a quorum, from my understanding.

8 ACTING CHAIR GANT: Thank you.

9 MR. DWORAK: If I may, Mr. Chair, that can
10 be changed. That just means they're automatically
11 the ex officio. If they want to be appointed a
12 member, that can be done. There's no restriction on
13 that.

14 ACTING CHAIR GANT: At that point, I want
15 to say, Madame Chair -- I guess I'm the Chair -- at
16 that point, then, if the Chairperson decides to be a
17 member of the committee, a decision-maker on the
18 committee, it would relegate to only four, at the
19 max; right?

20 MS. LEWIS: Well, there's no restriction
21 on the number of committee members you can have.
22 It's just, if you reach a quorum, it will be a
23 Public Open Meeting. But there's absolutely no
24 reason you can't have as many members as you like.

25 ACTING CHAIR GANT: We don't want to go

1 down that road. So, I'm done with A and B. Anybody
2 have any comments on A or B?

3 COMMISSIONER POGNA: Mr. Chairman, what
4 page are you on?

5 MS. LEWIS: The first page.

6 COMMISSIONER POGNA: The first page?
7 Thank you.

8 ACTING CHAIR GANT: Anybody else?

9 COMMISSIONER BERGMAN: I guess I'm going
10 to have to do it from memory, because I cannot find
11 that document. I agree, I know you gave it to us,
12 because I remember it was sitting over here. But
13 I've moved a bunch of paper around; I can't find it.

14 So, let me do from my memory. I can't do
15 by Page A or B; it's just going to have to come out
16 of my memory.

17 At one point in there, you made the
18 Secretary responsible for preparing the --

19 MS. FRIEDMAN: Minutes.

20 COMMISSIONER BERGMAN: -- the minutes.
21 That's always been done by PED. They have much more
22 time than I have to try and prepare a -- so, why did
23 you make me responsible for that, as secretary, when
24 the PED is already doing it? They should be the
25 ones doing that.

1 MR. DWORAK: That's just a technical
2 issue. Just because the responsibility is there
3 doesn't mean that it can't be delegated.

4 COMMISSIONER BERGMAN: I understand that.
5 Does that mean I have to call PED every month, every
6 time we have a meeting, and say, "I delegate to you
7 to get the recorder for us"?

8 MR. DWORAK: No, sir. It can be assumed,
9 or delegated, and it's either explicitly or implied.

10 COMMISSIONER BERGMAN: As long as you're
11 going to guarantee me that somewhere down the road,
12 somebody's not going to walk up to me with this book
13 and say, "Mr. Secretary you're supposed to get the
14 recorder."

15 MS. LEWIS: Mr. Bergman, you know lawyers
16 never guarantee anything.

17 COMMISSIONER BERGMAN: Don't put it in
18 writing, give me the responsibility and put it in
19 writing, and then say you can't guarantee it
20 wouldn't work out that way. You can't -- that's
21 what I'm saying. I know you can't guarantee that
22 it's not going to work out that way.

23 MR. DWORAK: Well, the intent of having a
24 duty designated to the secretary is so that a member
25 of the body is responsible -- ultimately responsible

1 for certain things that the body is ultimately
2 responsible for. And the reality is that some time
3 in the future, if there was an issue with whether
4 there was money to pay for a recorder or the
5 facilities to incorporate a recorder into the
6 meeting, the body itself would still be responsible
7 for having those minutes, because, as a public,
8 body, it's required to.

9 This puts responsibility into a position
10 of the body, and that responsibility can easily be
11 designated -- or delegated. Excuse me.

12 COMMISSIONER BERGMAN: On that
13 understanding then I will -- I have no opposition to
14 that being in there.

15 My next concern was where -- that long
16 list of where we do the travel thing. When you get
17 to that, I want to weigh in. When you say, "You've
18 got to do District 1 first and District 2 second and
19 District 3" -- I definitely want to weigh in on that
20 one. So -- but I'll wait and hear what else we're
21 talking about.

22 I had a third thing. Oh, somebody just
23 handed me this.

24 MS. FRIEDMAN: Yeah, use that.

25 ACTING CHAIR GANT: Okay. Page 1, Item C,

1 "Effective Dates" of the Rules of Order. Are there
2 any comments on that paragraph?

3 Seeing none, we'll go to Page 2, the
4 Members' Duties and Conduct, paragraph II-A-1. Any
5 comments?

6 Paragraph 2. Any comments, Commissioners?
7 Any comments?

8 Paragraph 3 at the top of Page 3. Any
9 comments?

10 COMMISSIONER CONYERS: Mr. Chairman, I had
11 a question on that. Let me just read -- "It is the
12 expectation of the Commission that Commissioners
13 will express themselves both as individuals and as
14 representatives of the Commission."

15 And somewhere in my reading, I got the
16 impression that, as individuals, like if the press
17 calls us or something, that we don't really comment
18 on things, that that went through the Chairperson.
19 Is -- is this different than that, or what exactly
20 is the ramifications of this?

21 ACTING CHAIR GANT: Ms. Lewis?

22 MS. LEWIS: Think of it a bit like the
23 Legislative Session worked last time. So -- or was
24 it this time? Either way, there was a vote that
25 Commissioners express themselves, or lobby on their

1 own about the Constitutional amendment.

2 So, I appreciate your question. And what
3 I would say is, if -- that it's the pleasure of the
4 Chair. So, if the Chair wants to release everyone
5 to speak on behalf of the Commission -- I wouldn't
6 advise it -- but that would be the purview of the
7 Chair. Or set up a system, like we have with the
8 Constitutional amendment, where it's discussed at an
9 Open Meeting, and an approach is agreed upon, and
10 then everyone contacted individually shares the same
11 approach.

12 ACTING CHAIR GANT: Commissioner Bergman?

13 COMMISSIONER BERGMAN: And I will tell you
14 that the last two Chairs, that's been their personal
15 opinion, is that if -- that they should be the front
16 people for this Commission if the media calls.

17 Mr. Gant says that's normally the Chairman's
18 prerogative, and that has been the policy, at least
19 while I've been on this Commission for five years,
20 is that if the press calls, refer them to whoever
21 our current Chairman is. Does anybody disagree with
22 what I just said?

23 ACTING CHAIR GANT: Commissioner Carr?

24 COMMISSIONER CARR: Mr. Chairman, also,
25 that was in regards to when we were in the midst of

1 litigation, you know. That's -- you know, you don't
2 want to comment on possible litigation or current
3 litigation.

4 You know, if I talk to the press, I'm
5 going to speak. But I will make it clear that I am
6 either speaking for myself, and only speaking for
7 the Commission if I've already been given permission
8 to do so. And that's -- that's important. I think
9 everybody has the right to do -- in that regard, do
10 whatever they deem -- you know, that they -- that's
11 right for them.

12 COMMISSIONER BERGMAN: Yeah. I would note
13 that No. 3 is very important. I have, on a couple
14 of occasions, been invited to come and address a
15 group, talk to them about the PEC, tell them what
16 the PEC does. And I always make it a point at the
17 beginning of my remarks, I do state that I am
18 speaking -- I am there as a member of the
19 Commission, but I am speaking solely on my own
20 behalf. I do not speak for any other Commissioner.
21 Because you never know if there's not a reporter
22 sitting out there in any public gathering like that,
23 some group, or Rotary, or whatever you're talking
24 about.

25 So, I do caution you to be very careful in

1 those kind of situations.

2 ACTING CHAIR GANT: You'll note, fellow
3 Commissioners, your second sentence covers most of
4 what you all have just stated.

5 COMMISSIONER TOULOUSE: Mr. Chair, as
6 having had 12 years on another governing body,
7 publicly elected, I can say, in general, we're going
8 to want, on great big issues, for the Chair to
9 speak. But I think each of us covers a very large
10 area of the state, and there are going to be
11 individual things that I'm not going to speak as me,
12 as Carmie Toulouse. I will speak as me, as Carmie
13 Toulouse, member of the Public Education Commission
14 from District 3, and will cover issues that -- in
15 that -- and make it very clear that I'm not speaking
16 on behalf of representatives of Districts 1, 2, and
17 then 4 through 10, you know.

18 But I do think that because we're each
19 elected, that we do have an obligation to people in
20 our districts to be able to speak within that
21 district, and as their publicly elected person, and
22 not always through the Chair, who lives in a
23 completely different part of the world than I do.

24 Thank you.

25 ACTING CHAIR GANT: Thank you,

1 Commissioner. Any more comments on 3?

2 Moving to -- still on Page 3, to Item B-1.

3 Any comments? This is on the Code of Conduct?

4 Seeing none, moving to paragraph B-2,

5 Page 3. Any more comments?

6 And I do have one. So, mine, is more a

7 question. Either one of you could answer this.

8 Line 3 -- and it talks about "...or in
9 resolving problems arising within his or her
10 district."

11 Do we have Constitutional, statutory legal
12 abilities, or whatever you want to call it, to
13 resolve issues or problems arising within our
14 districts, or do those problems have to be resolved
15 at the PED level?

16 MS. LEWIS: This was old language that I
17 left in. I was thinking of it more as a broad -- I
18 agree, your scope is limited. There are things you
19 won't be able to do, you know, formally. But if --
20 if the constituent is having trouble getting hold of
21 the right division, for example, that's kind of what
22 I envisioned.

23 And my understanding is that the original
24 of this was drafted by Willie Brown. So, I never
25 met him; I'm not sure what his intention was. But

1 we can, of course, take it out if you have any
2 concerns.

3 ACTING CHAIR GANT: I really -- under that
4 statement, those statements, I really don't have --
5 but there are times I've had people come to me and
6 say, "You need to fix this, Commissioner," and I'll
7 turn around and say, "No, call the Secretary of Ed
8 Designee. Don't call me."

9 So, you just have to weigh which problems
10 you can and cannot solve. If it's pointing people
11 in the right direction, that's solving a problem.

12 So, any more comments on II-B?

13 Moving on, we're switching Page 4, at the
14 top, which would be paragraphed II-C. Any comments?

15 Hearing none, the next one is paragraph
16 III-A., the Officers and Selection and Duties
17 thereof. Any comments on paragraph A, all
18 paragraph A, which goes from 4 to 5?

19 MS. LEWIS: Other than the typo, which
20 I --

21 COMMISSIONER BERGMAN: The misspelling?
22 Is that what you're -- I would like to know that, in
23 calling the roll, you did remove the requirement
24 that you do it alphabetically. I do think it's the
25 Secretary's discretion as to what order he calls his

1 roll.

2 So, I have tried to keep the spirit of our
3 old procedure. If you wondered why you got called
4 in a certain order sometimes, because it did state
5 that I had to call it out. But on important votes,
6 I rotated it, you may have noticed. I did not think
7 it was fair because my name is Bergman, and I would
8 be at the top of the list.

9 I did not think I should have to vote
10 first every time. I should be able to hear some of
11 my fellow Commissioners, not that their vote
12 influenced my vote. But I just think it's fair, on
13 big votes -- and I'm the one, I guess, to decide
14 what a big vote is. But that is why sometimes, I
15 did rotate it.

16 But if you looked at it closely, I still
17 did it alphabetically. But I'm glad you removed
18 that, and I'm pleased, and thank you for doing that.

19 COMMISSIONER TOULOUSE: Mr. Chair, on
20 behalf of the person at the tail end of the
21 alphabet, I appreciate that. I've spent my whole
22 life at the back of lines, in the back of
23 classrooms, on the very tail end of something so
24 that everybody else is gone, or it's already
25 decided.

1 So, I appreciate it very much, letting us
2 now have the availability to move it around a little
3 bit. Thank you.

4 ACTING CHAIR GANT: I'm still on Page 5,
5 all of paragraph B, that runs over -- just on
6 Page 5. I would like you to note that -- and this
7 was something I brought up with Commissioner -- with
8 Carolyn -- was that I thought we were going to do
9 elections this meeting. No.

10 In the past, we've always done them in
11 February, for some reason. So, this changes it to
12 the first regular meeting of the calendar year,
13 which is January; is that correct?

14 COMMISSIONER BERGMAN: That would be my
15 reading of it.

16 MS. LEWIS: Well, until you -- it's a
17 little bit awkward. But until you adopt it, it's
18 not part of the Rules. So, we do have the election
19 scheduled in February, which is previously what the
20 rule said. And in -- just to keep an eye, as we go,
21 throughout, you know, December is always a heavy
22 meeting, because we've got the renewals. January
23 can, at times -- although, not necessarily this
24 time -- be a little lighter.

25 So, there are things that Joe and I kind

1 of stacked on the January meeting, such as election
2 of officers. If there is any amendments you want to
3 do with these -- with the Rules of Order. So,
4 there -- if you have any question as to why
5 everything happens in January, it was kind of like a
6 procedural suggestion. But if you want to spread it
7 out more, we can do that, as well.

8 ACTING CHAIR GANT: Commissioner Carr?

9 COMMISSIONER CARR: You saw my hand move
10 to the microphone, huh? The -- I -- normal- -- you
11 know, in other legal elected bodies, you know, I
12 think they call this a reorganization, you know.
13 People like their chairs or different items. I
14 think having it in January is a good idea, you know.
15 Maybe -- you know. And we've been doing this year
16 by year. You know, I don't know how you guys feel
17 about it. But why not every two years, you know,
18 because -- half of the Commission is up for election
19 every two years.

20 ACTING CHAIR GANT: Every four.

21 COMMISSIONER CARR: Just a thought,
22 instead of looking at elections every year. You
23 know, I -- so, just putting that out there.

24 ACTING CHAIR GANT: Okay. Any comments on
25 Commissioner Carr's suggestion?

1 COMMISSIONER BERGMAN: Yeah, I kind of
2 agree with that. As -- since I would have no
3 problem with committing for a two-year post. Yeah,
4 that kind of makes sense to me, too, yeah, if you
5 want to make that change.

6 ACTING CHAIR GANT: Ms. Lewis?

7 MS. LEWIS: I would just like a few
8 minutes to make sure there isn't anywhere in the law
9 that says your term is one year. I can't think of a
10 place, off the top of my head. But I would just
11 like a minute to confirm that, as we continue to go
12 through this.

13 COMMISSIONER CARR: And maybe we should
14 start that January of 2015, because that's after
15 election cycle. But I -- I'm assuming we're going
16 to go ahead with the election that we have
17 scheduled, even though we may make changes on this
18 today.

19 MS. LEWIS: Right. But, then, it would be
20 at the end --

21 COMMISSIONER CARR: That makes sense, I
22 think, you know. It would -- might be a question of
23 impropriety if we did something different.

24 ACTING CHAIR GANT: We'll allow Ms. Lewis
25 to look through the legal stuff and see what she

1 finds.

2 Any other comments on paragraph B, Page 5?
3 Moving to Page 6, it was all a strike-out,
4 if I'm reading this right.

5 COMMISSIONER CARR: Yeah.

6 ACTING CHAIR GANT: Moving to Page 7, it
7 looks like we go to paragraph IV-A. Any comments on
8 IV-A?

9 Moving to Page 8, we're at B, all of B, on
10 Page 8. Any comments?

11 COMMISSIONER BERGMAN: Something --
12 someone handed me this document here while I was
13 looking for it.

14 MS. FRIEDMAN: I did.

15 COMMISSIONER BERGMAN: Is that your
16 writing?

17 MS. LEWIS: No, it's Beverly's. Mine is
18 not nearly as neat.

19 COMMISSIONER BERGMAN: You had written
20 something here, Beverly, on Page 8, and I can't read
21 it. I'm not attacking your penmanship. I can't
22 read my writing, either.

23 MS. FRIEDMAN: Commissioner Bergman. I
24 just noted that the numbering was -- there were four
25 items instead of five items. And it just needed to

1 be corrected, as far as numbering.

2 COMMISSIONER BERGMAN: Oh, okay.

3 ACTING CHAIR GANT: Any comments on
4 paragraph 4, Page 8?

5 Moving on, paragraph V, Page 8, items V-A
6 through -C?

7 Hearing none, we'll move to Page 9,
8 paragraph V -- D through 5 -- correction -- D
9 through E.

10 Ms. Lewis -- again, sir, your name escapes
11 me. Your name, again?

12 MR. DWORAK: Joseph Dworak.

13 ACTING CHAIR GANT: Okay. I'll stick with
14 "Joseph," if you don't mind.

15 Could you explain the telephonic
16 attendance, so that everybody is very, very clear on
17 this, because it's always a point of discussion or
18 dissension among board members and Commission
19 members. Thank you.

20 MS. LEWIS: The Open Meetings Act only
21 allows for telephonic attendance if, quote,
22 "difficult or otherwise impossible to attend."
23 Unfortunately, it doesn't specifically -- well,
24 fortunately or unfortunately, it doesn't
25 specifically define that.

1 So, it is kind of a case-by-case basis.
2 For example, you broke your leg, and, you know,
3 you're stuck with it sticking out from the
4 wheelchair, and you have no way to actually
5 transport yourself here. That would be "difficult
6 or impossible to attend."

7 If you knew about -- but if you knew about
8 something when the meeting schedule was being set,
9 and you didn't speak up, that might not fit, under
10 the Act, as allowing you to attend telephonically if
11 you did not speak up when you had the opportunity to
12 have the meeting date moved.

13 ACTING CHAIR GANT: Any comments?

14 MR. DWORAK: No, Mr. Chairman. I think
15 Abby took care of most of the telephonic section.

16 ACTING CHAIR GANT: The one comment I
17 would like to make -- and I've heard this before and
18 I believe I'm correct -- being on vacation is not a
19 reason for not attending meetings; is that correct?

20 MS. LEWIS: It wouldn't be a reason for
21 telephonic, at least.

22 ACTING CHAIR GANT: Commissioner Bergman?

23 COMMISSIONER BERGMAN: And I would just
24 note that "c" is pretty much self-explanatory there.
25 The problem with any of us being on a telephone at a

1 regularly scheduled meeting is "c" specifies that
2 all the other Commissioners have to hear the person
3 on the phone.

4 But it also specifies that the audience
5 has to hear them. And I'm not sure we have
6 technology yet that allows me to call in here and
7 everybody be able to hear me.

8 So, I think "c" may make it moot, anyway,
9 because I don't know if we have the technology that
10 the audience can hear me when I'm on the phone
11 talking to you.

12 MR. GERLICZ: Yeah.

13 COMMISSIONER BERGMAN: Let's put it that
14 way. Do we have it?

15 MR. GERLICZ: Well, PED has it.

16 COMMISSIONER BERGMAN: Okay. Thank you.

17 ACTING CHAIR GANT: My fellow
18 Commissioners -- and this is just my opinion, my
19 opinion only. If you're scheduled to be at a
20 meeting, and unless you're dead or dying, you know,
21 like, in the case of Commissioner Shearman, or if
22 you've got family problems, I highly encourage you
23 to be here, because you can plan out far enough to
24 be there.

25 There are some of you that cannot be at

1 our meetings because duty calls you. I understand
2 that. But I'm a little hard on that.

3 All right. Moving to Page 10, starting at
4 the top and moving down, any comments on the whole
5 page, please?

6 COMMISSIONER BERGMAN: I would have a
7 question about G-1.

8 ACTING CHAIR GANT: Your comments, please,
9 Commissioner -- I'm going to call you guys
10 "Colonels" before this is all over. Commissioner?

11 COMMISSIONER BERGMAN: The last sentence
12 there says, "Scheduled public comments shall be
13 allotted one speaking period of five minutes... ."

14 Do we really want to put -- we sometimes
15 vary the -- sometimes the Chair has the discretion
16 to determine how much the public speakers -- if we
17 put five minutes in here, does that remove that
18 discretion from the Chair?

19 ACTING CHAIR GANT: Ms. Lewis?

20 MS. LEWIS: No, there's a savings clause
21 at the end there, "...unless otherwise determined by
22 the Commission," which also means you could say,
23 "No, you only have two minutes."

24 COMMISSIONER BERGMAN: I just didn't want
25 us to get locked into something. Yeah, thank you.

1 ACTING CHAIR GANT: The question I have on
2 G-1 -- and this is the first time I've seen -- maybe
3 it's been there before. This "15 business days
4 prior to the" -- is this new?

5 MS. LEWIS: I believe there was previously
6 a requirement for some kind of advance notice. I
7 think I changed it from 10 to 15 days.

8 MS. FRIEDMAN: That was made for
9 presentations, requests for presentations and
10 additions to the agenda.

11 ACTING CHAIR GANT: Yes. I agree with
12 that. Now, since we're doing the -- this item,
13 what's the statute say? Are we allowed to set the
14 number of days prior to a meeting?

15 MS. LEWIS: You don't have to allow anyone
16 to speak, at all.

17 ACTING CHAIR GANT: Oh, yeah. I know
18 that, but --

19 MS. LEWIS: So, how you set out that
20 procedure is up to you.

21 ACTING CHAIR GANT: Got it. Thank you. I
22 like that G-1. I really do.

23 Any other comments on Page 10?

24 MR. GERLICZ: Sir?

25 MR. DWORAK: Mr. Chairman, members of the

1 Commission, I just wanted to point out the intent of
2 including these, I guess, kind of guidelines for the
3 public comments was to just create some uniformity
4 and some consistency. So, there is a difference
5 between scheduled guest speakers and members of the
6 public who may just attend the meeting who wish to
7 speak.

8 So, this is, then, to be used as a
9 reference, so you can then say -- you know, if you
10 have 100 people that want to speak, and you choose
11 to allow them to do so, you can then use this as a
12 reference to say, "Well, our standing rules, our
13 Rules of Order, dictate that we have these set
14 speaking periods," as opposed to coming up with them
15 on an ad hoc basis at every meeting under different
16 circumstances.

17 It does allow it to be changed, but the
18 intent of this is to just create some uniformity, so
19 people know what they are and are not allowed, and
20 the rest of Commission can be aware of it, as well.

21 And along with that, the only thing that I
22 would suggest is, this does say, "...unless
23 otherwise determined by the Commission." If you
24 want to leave the discretion in the Chair, as the
25 chair of the body, to change that unilaterally, I

1 would suggest allowing us to make that as an edit.
2 If not, it would have to be approved by the
3 Commission if you were to change these, whether to
4 reduce or increase the time requirements.

5 ACTING CHAIR GANT: Ms. Lewis, your
6 comment on that?

7 MS. LEWIS: I tend to opt for leaving it
8 broad, because the Commission -- well, huh. It's
9 really up to you all, if you want to vest that
10 authority in one person, or foresee a time when you
11 may possibly, Heaven forbid, disagree with the
12 Chair, and if you want to hear what the audience --
13 what the member of the public is saying.

14 So, I would say there are pros and cons to
15 both. But legally, there's no reason you can't do
16 it one way or the other.

17 ACTING CHAIR GANT: The comments from the
18 Commissioners on that? Because it does show up in
19 paragraph G-1 and -2. So comments, please?

20 COMMISSIONER BERGMAN: Right now, it does
21 leave it to the, quote, Commission, which, as Abby
22 just said, gives us a little more wiggle room. But
23 I have no problem with what we have done is always
24 leave it up to the Chair. So, we can word it either
25 way.

1 ACTING CHAIR GANT: Commissioner Toulouse?
2 Then, Commissioner Carr.

3 COMMISSIONER TOULOUSE: Mr. Chair, I think
4 there's also an alternative, for instance, on the
5 public comment, to say, "A public comment period at
6 the end of the meeting will be no longer than," say,
7 "30 minutes," and people, within that, may speak
8 only four minutes, and if there are more people than
9 can do that, then you cut it down.

10 There's a lot of ways that we can limit
11 that, too. I can't imagine any meeting I've been at
12 yet, in our meetings sitting here, that we have
13 people that want to talk to us for very long at all,
14 so --

15 ACTING CHAIR GANT: Commissioner Carr?

16 COMMISSIONER CARR: Well, if we ever get a
17 Chair that's dictatorial -- and we certainly don't
18 have one now -- I would like to -- yeah, I would
19 like to leave it up to the Commission, because I --
20 you know, I've seen committees with pretty powerful
21 chairs who just dominate everything and control the
22 discussion. And I don't -- I don't foresee that
23 happening with this present group, but for future
24 Commissions.

25 ACTING CHAIR GANT: Commissioner Carr, I

1 think your point is well-taken.

2 Do any of you others want to change it to
3 just the Chair, or leave it as is? Then we'll leave
4 it as is.

5 Paragraph -- Page 11, paragraph C at the
6 top, plus all of H, on Page 11.

7 COMMISSIONER TOULOUSE: Mr. Chair, I
8 think -- I'm probably not the only one who takes
9 real opposition to 2-b. I think, in a Commission of
10 this sort, to limit any one of us in a debate to
11 speaking only twice and for only a certain amount of
12 time is not going to represent necessarily ourselves
13 or our constituencies, and I would like to eliminate
14 that paragraph, or that sentence -- or that section,
15 and the parts under it.

16 I don't know where they would be. But I
17 just don't think we should be limited in our ability
18 to speak on any motion. Thank you.

19 ACTING CHAIR GANT: Ms. Lewis or Joseph,
20 comments?

21 MS. LEWIS: Again, things like this are in
22 here to show you what it would look like, because,
23 right now, you have incorporated Robert's Rules of
24 Order into your procedures. So, things like this --
25 and, Joe, please correct me if I'm wrong -- this

1 will show you what that will look like if you retain
2 those Robert's Rules of Order whole-cloth, versus
3 either picking and choosing which ones you want to
4 use, or just relying on the Open Meetings Act and
5 not Robert's Rules.

6 So, I hear your concern. I just wanted
7 you to see what that would look like.

8 COMMISSIONER BERGMAN: Mr. Chair?

9 ACTING CHAIR GANT: Commissioner Bergman?
10 Then Commissioner Carr.

11 COMMISSIONER BERGMAN: Actually, that one
12 jumped out at me. I don't want to leave it
13 open-ended, where I could talk for an hour, because
14 you know I could sometimes talk for an hour.

15 ACTING CHAIR GANT: Yeah, we do.

16 COMMISSIONER BERGMAN: Yeah, I'm a
17 little -- I'm hesitant about saying three minutes.
18 Surely, another number, some higher number might be
19 more appropriate there.

20 ACTING CHAIR GANT: Commissioner Carr?

21 COMMISSIONER CARR: I think it should be
22 eliminated. I -- there might be -- I mean, I guess,
23 something in regards -- I mean, yeah, if I -- if one
24 of us wanted to filibuster -- I don't think that
25 will happen -- you know, and just hold the floor

1 to -- to disrupt the process, I think that's --
2 maybe that -- you know, I guess that's something
3 that could happen.

4 Again, I don't see that happening with our
5 current group. But I guess it could happen in the
6 future. So, maybe there should be some protection
7 against that.

8 ACTING CHAIR GANT: Thank you.

9 MR. DWORAK: Mr. Chair, members of the
10 Commission, the rationale for this -- and this is
11 just, as Abby had said, a suggestion. It's not
12 coming from a particular reason at this specific
13 time. But part of it is the idea of keeping the
14 flow of the meeting going on at a certain pace. And
15 that's the intent and reasons why bodies choose to
16 put speaking periods on specific motions.

17 And I think it's also important just to
18 clarify what a motion is, versus an agenda item.
19 Speaking twice on one motion doesn't mean you would
20 only speak twice on an agenda item. There can be
21 dozens -- I mean, dozens -- of motions on one agenda
22 item itself.

23 So, if you're moving to adopt an agenda
24 item, this is only for actionable items. If you
25 open up an area for discussion by motion of the

1 Commission -- and these are under Robert's Rules --
2 then those would -- those speaking privileges would
3 be dictated under different rules, which actually
4 aren't even covered in here in terms of open floor
5 discussions by the whole body.

6 So, this is -- if someone says they would
7 like to make an amendment to strike a line from
8 something that you're approving, that one motion
9 would be for that one line. It wouldn't be for the
10 entire adoption of -- you know, if you're passing a
11 resolution or some other document that you were
12 working on, or a specific agenda item.

13 So, there are many motions under specific
14 items. And that's another discussion that you may
15 want to have in the future of whether or not you
16 want to follow a pure Robert's Rules motion format.
17 It's -- it doesn't need to be complicated, and it's
18 made for ease of discussion. But that's something
19 that you may want to consider in the future. But I
20 just wanted to just point out that that's not meant
21 to limit people to two speaking privileges for an
22 entire agenda item.

23 COMMISSIONER PERALTA: Mr. Chair?

24 ACTING CHAIR GANT: Commissioner Peralta?

25 COMMISSIONER PERALTA: My question would

1 be to Ms. Lewis. So, what you witness of this
2 Commission and our behavior, do you see that there's
3 any conflict there, or do we get ourselves in any
4 trouble with this particular kind of statement?

5 MS. LEWIS: You mean, if you leave it in?

6 COMMISSIONER PERALTA: Yeah.

7 MS. LEWIS: Or is it suggested because I
8 think you're all too long-winded?

9 COMMISSIONER PERALTA: If we continue to
10 act as we do, and we leave this in, is there any
11 problem?

12 MS. LEWIS: Of course, somebody could
13 bring up that you're not following your own Rules of
14 Order, if you do leave it in. There's always a
15 middle ground, where we can give you an out. So, if
16 you're interested in, like Joe was saying, creating
17 some rules that help the meeting flow better, we can
18 always draft those and give you an out to speak more
19 than twice for three minutes each on a motion.

20 COMMISSIONER BERGMAN: The sentence would
21 not be appropriate, just at the end of that, saying
22 "or at the discretion of the Chair," or -- here
23 again, unfortunately, if we leave it to the Chair,
24 Mr. Carr's scenario could happen someday. It
25 hasn't. Our Chairs have always been very

1 reasonable.

2 So, I guess we have to plan if we might
3 get an unreasonable Chair. But would not just some
4 wording, as you've done on some of the others, "at
5 the discretion of the Commission or the Chair."

6 ACTING CHAIR GANT: Commissioners, if you
7 go back, if I may, to the duties of the Chair or the
8 designee for that day, it is to manage the floor, to
9 manage -- and that, to me, is where you bring that
10 out and say, "Chair, you have -- you have to manage
11 this; therefore, you make the decisions."

12 Now, that's just -- now, you go back to
13 Commissioner Carr's problem about a dictatorial
14 chair. Well, then, it's up to the Commissioners to
15 decide whether to keep that Chair or not. There's
16 more than one of you on the Commission, and you
17 could make that change, I believe. That's my
18 comment.

19 COMMISSIONER CARR: Mr. Chair, I don't
20 want to belabor this too much. But I think if -- if
21 we did put some -- just some simple language, that
22 it be -- you know, at some point, at some -- if
23 somebody's getting carried away, that the majority
24 of the -- just the majority of the Commission could
25 shut it down, somebody could call the question,

1 call -- call a point of order, and we could take a
2 quick vote on whether or not somebody needs to shut
3 up.

4 ACTING CHAIR GANT: All right. What I
5 believe I'm hearing -- and from our legal associates
6 here -- that there's two discussions. Take it out
7 and leave it up to the Chair, wholly, or have --
8 have Joseph, or Ms. Lewis, Abby, write us some words
9 that would fit in there, based upon how we have
10 operated over the -- over the years.

11 Now, what's your druthers? Keep it in as
12 it is, or have some rewording?

13 COMMISSIONER TOULOUSE: Mr. Chair, I would
14 be amenable to seeing it reworded in some way, such
15 as "at a vote of the -- majority vote of the
16 Commission," comma, "debate may be limited to" this
17 or something.

18 ACTING CHAIR GANT: With that -- with
19 that, anybody else want to comment? Are you up to a
20 rewrite of this particular -- okay. With that, I
21 need to ask, since this was supposed to have been an
22 action item we would vote on, are we going to push
23 this off till February for a final vote? Because it
24 looks like we've already made some changes.

25 MS. LEWIS: Well, you can vote on it

1 piecemeal. For example, there haven't been any
2 objections, thus far, to what we've removed. So I
3 would ask maybe for a vote on, you know, allowing
4 the things that have been removed to be removed, and
5 if there's any redrafting that need to be done, that
6 can be done in the meantime, and you can vote on
7 that later.

8 ACTING CHAIR GANT: Thank you. So what
9 I'm hearing we're going to want here, in paragraph
10 H-2 -- I believe all of H-2, really -- is a rewrite,
11 okay? Is that correct, Chair -- Commissioners?

12 Moving on to paragraph 2-c. Any changes
13 there on Page 11, which goes on to Page 12?

14 Seeing none, we are now on Page 12.

15 MS. LEWIS: Just, I might point out, this
16 is something that has been a difficult issue to
17 solve, and we still have not been able to solve it.
18 So, if everybody could please just put their minds
19 to tie votes? There are things that most boards and
20 commissions do to handle this.

21 Often, as I learned from my colleagues,
22 the Chair never votes unless there is a tie. I
23 don't know that this is a Commission that would be
24 open to something like that. But that is how a lot
25 of other boards and commissions handle it.

1 Joe, are there any other ways you might
2 suggest when it comes to tie votes?

3 MR. DWORAK: Well, different bodies handle
4 tie votes differently. Some absolutely prohibit the
5 chair from voting. Typically, larger bodies, there
6 is no restriction whatsoever.

7 With -- Robert's Rules calls for any small
8 public body -- and they define "small" as
9 approximately 12 members or less. So, I would --
10 you're on the line of that. But I would group that
11 together within -- they call for -- and Robert's
12 Rules is just -- it's not a fine example of what you
13 absolutely have to follow; it's just a
14 recommendation. But they ask that the Chair not
15 vote unless the Chair's vote would change the
16 outcome of the vote itself.

17 So, if it was a tie, and the Chair wanted
18 to vote, they could then vote to break the tie. Or,
19 if they were to create a tie with their vote, it
20 would call for it.

21 But the idea of it isn't so much to
22 prohibit the ties from happening; although, that's
23 something practical that's a result of it. It's
24 more to keep the impartiality of the chair from the
25 rest of the Commission, because the chair themself

1 is supposed to represent the entire body, in the
2 sense that the chair is supposed to, you know,
3 allocate time for each person to speak fairly and
4 everything like that.

5 So, the idea of the chair constantly
6 voting all the time, then, it's -- it's no longer --
7 the impartiality of the chair is compromised to some
8 extent. So, that's the rationale for it.
9 Especially with small bodies, and especially with
10 tie votes, it becomes an issue.

11 So, many bodies of similar size either
12 suggest strongly that the chair doesn't vote unless
13 in the case of a tie, or, if the vote itself would
14 change the outcome of a vote. And other bodies even
15 just prohibit the chair from voting unless it's a
16 tie.

17 ACTING CHAIR GANT: Commissioner
18 Peralta -- Commissioner Bergman?

19 COMMISSIONER BERGMAN: That gives me a
20 great deal of pause, actually, because I understand
21 your logic and Robert's Rules, and I understand
22 their logic. But I'm thinking if -- I am not
23 comfortable with saying whoever our chairman is,
24 that they -- somehow, if you become chairman of this
25 body, you lose your right to vote on applications

1 and things like that. I am totally not comfortable
2 with that.

3 And -- and I don't only speak for any
4 other Commissioners. But the Chairwoman is not
5 here. I know she specifically has expressed that
6 she doesn't like that policy and that she wants --
7 she wants to be able to vote. So, she apparently
8 shares my thought on that.

9 I don't like any kind of language that
10 would keep our chairman or -woman from voting, if
11 they wanted to vote. We -- tie votes, we have
12 discussed tie votes. We've never had a tie vote.
13 We may have a tie vote someday. But I know if I was
14 ever chairman, I wouldn't want to be told, "You're
15 going to be impartial, so you don't get to vote on
16 these issues." I do not like that. Thank you.

17 MR. DWORAK: If I may, Mr. Chairman, and
18 Commissioner Bergman, this language is permissive.
19 It is not a prohibition. It just says -- it's more
20 of a recommendation. And although recommendations
21 with governing rules of a body, you try to avoid
22 that, I think that this is a delicate area. And I
23 understood this reservation of telling the chairman
24 they couldn't vote.

25 So, this language doesn't prohibit the

1 chairman from voting -- or chairwoman -- but only
2 suggests strongly that the chairman, for their
3 position of impartiality, should refrain from voting
4 under most circumstances. But it's not -- by any
5 means, no one can say, "You're not supposed to be
6 voting."

7 It's a permissive language. And it could
8 be, if it wants to be rephrased to be even less
9 strongly worded, I mean, I'd be happy to do that if
10 you want to strike it completely, or look at it
11 another time.

12 But it's a practical issue for a lot of
13 bodies, small bodies with similar issues.

14 COMMISSIONER BERGMAN: Very valid. But
15 let me point out the very last item there, at the
16 bottom of Page 12. You do say, "The Chairperson has
17 the same voting right as any other member." But
18 then you put, "However, the Chairperson should
19 protect his or her impartial position... ."

20 I can foresee where, if a Chairperson did
21 vote on an issue, that sentence, right there, would
22 open up to a charge that, "Well, your Chairperson is
23 not impartial, because they voted."

24 So, I'm concerned about that, too.

25 MS. LEWIS: Unfortunately, leaving it out

1 doesn't completely head off that objection. But I
2 see what you're saying.

3 COMMISSIONER BERGMAN: But having it in
4 there could open that door, make it easier for the
5 door to be opened by someone. I'm just pointing it
6 out.

7 COMMISSIONER TOULOUSE: Mr. Chair?

8 ACTING CHAIR GANT: Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: To open my mouth
10 again, I'm glad we're not on a motion, because I
11 wouldn't want to be limited. I don't think, in the
12 State of New Mexico, that it is generally a practice
13 among elected, or even some of the appointed boards
14 and commissions, that the Chairperson does not vote.
15 I think that, in general, if you look at most of the
16 bodies, people do vote.

17 And, again, I think it has to do with
18 while you are the chair of the body, this State is
19 divided up, and we are so varied in different ways
20 that if you take the ability to represent your
21 district out at the same time, that you're going
22 over to -- but I haven't noticed it. It certainly
23 wasn't on any of the community college boards. I
24 have not seen it that way in the Albuquerque Public
25 Schools. I have not, you know, seen it that way at

1 the Board of Regents at UNM, you know.

2 So, I'm saying I don't think, even people
3 who go under Robert's Rules of Order, in this state,
4 that it is a general practice that people do it. I
5 mean, I'm not saying that's legal or not. I'm just
6 pointing that out as a comment, that, in general,
7 it's an accepted thing that your chairperson will
8 vote, but usually votes last, and, you know, the
9 decision is usually made one way or the other. But
10 I do think that's general.

11 ACTING CHAIR GANT: Commissioner Carr?

12 COMMISSIONER CARR: I'll be quick. The --
13 traditionally, the Speaker of the House doesn't
14 vote. But they can. It's just a tradition, you
15 know. I don't see that -- in a tie vote, if we had
16 ten members -- it would be even. But in a tie vote,
17 I understand, under our rules, then that's "No," if
18 it's a tie. So, it's automatically taken care of.

19 MS. LEWIS: Except when you have a
20 situation like "yay" or "nay" on a charter school,
21 you can't just go, "Oh, well, that motion failed."
22 There has to be a way to solve that. And while you
23 do have nine right now, we usually do have an
24 abstention, so, that takes us back down to eight,
25 and fortunately puts you in the position of a

1 possible tie vote.

2 COMMISSIONER CARR: Okay.

3 MS. LEWIS: And I recognize you haven't
4 had this problem yet, but I'm trying to stay ahead
5 of the ball, so, hopefully, we have this worked out.

6 ACTING CHAIR GANT: Okay. Commissioner
7 Bergman?

8 COMMISSIONER BERGMAN: Commissioner
9 Toulouse made a very valid point. Whoever our
10 Chairperson is, they do represent a district. They
11 may have constituents. And here again, that just
12 reinforces what I said. Do their constituents thus
13 lose their voice? That was a very great point.
14 Thank you. Yeah.

15 ACTING CHAIR GANT: Fellow Commissioners,
16 we've beat this down the road. What I'm hearing is
17 that one of two things, one, you want this removed,
18 or rewritten, which is it?

19 COMMISSIONER CARR: Just removed.

20 COMMISSIONER TOULOUSE: Remove it.

21 ACTING CHAIR GANT: Removed? We will
22 remove paragraph 3-e -- it should be a "i,"
23 shouldn't it?

24 MS. LEWIS: Roman numeral "i."

25 ACTING CHAIR GANT: Remove that paragraph,

1 whatever it is. Does that eliminate paragraph -- up
2 on Page 13, Roman numeral ii?

3 MS. LEWIS: Yes, however it still doesn't
4 solve our problem.

5 ACTING CHAIR GANT: All right. Then I
6 would suggest, if the fellow Commissioners agree,
7 that you provide us a rewrite that would work.

8 MS. LEWIS: I will keep racking my brain.
9 But like I said, I've been pulling my colleagues and
10 working on a way to do this for the last month and a
11 half, and haven't had any strikes of lightning yet.

12 COMMISSIONER BERGMAN: Well, then, let's
13 move it until the lightening strikes.

14 ACTING CHAIR GANT: All right. Would you
15 please explain -- and I've never heard this one
16 before, and I've been at this many years --
17 "division"?

18 MR. DWORAK: Sure, Mr. Chairman, members
19 of the Commission. "Division" is a parliamentary
20 procedure to call for a vote count after a vote has
21 already been called by the Chair. So if there was a
22 vote, and the charter asked for the yays and nays
23 and determined that the yays had it, and a member of
24 the Commission felt like that might not be the
25 truth, or the actual count, they could call for

1 division. It's a simple parliamentary procedure,
2 and it calls for the Chair to then do actual -- it
3 can be a roll-call vote. It can be a hand-raised
4 vote. They can go around themselves. It just
5 basically is an actual count of the votes, as
6 opposed to a voice vote, which is a normal procedure
7 voice vote.

8 So, this would require a voice vote to
9 then be counted if a Commissioner wasn't sure what
10 the outcome was. It can be called at any time, even
11 if it sounds unanimous.

12 ACTING CHAIR GANT: Thank you. Anybody
13 else have a question on that one?

14 MR. GERLICZ: Item -- "Inclement Weather
15 Policy." Is that fairly clear?

16 COMMISSIONER CARR: That's good.

17 ACTING CHAIR GANT: All right. We're
18 moving to Page -- we're moving to Page 14. Looks
19 like it's all been stricken.

20 MS. LEWIS: I think -- I was just saying,
21 I think a good deal of what's remaining is
22 strike-out. So --

23 COMMISSIONER CONYERS: Yeah.

24 MS. LEWIS: Next one I have is VI, Roman
25 numeral VI?

1 ACTING CHAIR GANT: Page 16, Parliamentary
2 Authority. Any questions on that? Does anybody --
3 do you want to explain, Ms. Lewis, or Joseph,
4 anything we need to know about that? I was just --

5 MR. DWORAK: Sure, Mr. Chairman, members
6 of the Commission. Parliamentary procedure is a
7 little tricky. Some people are a little intimidated
8 by the adoption of Robert's Rules. The purpose of
9 this is just to have an authority to use. And the
10 good thing about Robert's Rules is that the rules
11 themselves allow for very broad interpretation of
12 their adoption.

13 So, if the Commission chooses to adopt
14 just very simple motions and rules of procedure,
15 that's completely fine, and they don't have to do it
16 explicitly. Just the practice of the Commission
17 itself shows the extent of the adoption of those
18 rules.

19 So, some people are hesitant to use them,
20 because they think it's overburdensome and the rules
21 can get over-complicated. But just basic motions,
22 rules of parliamentary flow of a meeting is what
23 this language implies. And if you'd like, I'd be
24 happy to rewrite it even a little more, to make sure
25 that it's very clear that the adoption or rejection

1 of the adoption of rules, in certain circumstances,
2 is very much up to the determination of the Chair
3 and the Commission.

4 ACTING CHAIR GANT: I think that would be
5 appropriate. Anybody -- Commissioner Bergman?

6 COMMISSIONER BERGMAN: I would just -- it
7 looks -- it sounds to me -- the last sentence in
8 that short photograph apparently does give the
9 Commission, and the Chairperson, the option to
10 depart, or to change some of our -- not necessarily
11 100-percent follow Roberts' Rules. Is that my
12 reading -- does that agree with an attorney's
13 reading of that sentence?

14 MR. DWORAK: Yes, Commissioner Bergman.
15 That's the intent of it. But if for some reason,
16 any of the Commissioners don't feel comfortable with
17 that, I can make that more clear. But yes, that's
18 what that does.

19 COMMISSIONER CARR: You have left us some
20 wiggle room.

21 COMMISSIONER TOULOUSE: Mr. Chair?

22 ACTING CHAIR GANT: Commissioner Toulouse?

23 COMMISSIONER TOULOUSE: The Robert's Rules
24 folks put out a neat little pamphlet, like you get
25 in doctors' offices and everything, that has

1 pictures and basics of the way it works. It's maybe
2 10, 15 pages. It might be worthwhile requesting
3 that the PED order that pamphlet for us, and some
4 extras for their own folks.

5 ACTING CHAIR GANT: Beverly, did you hear?

6 MS. FRIEDMAN: Yes.

7 ACTING CHAIR GANT: Thank you.

8 MS. FRIEDMAN: I'll have to contact you.

9 ACTING CHAIR GANT: All right. Joseph?

10 MR. DWORAK: Mr. Chair, I just want to let
11 you know that I also have a simple, front-back page
12 explanation of basic parliamentary motions, and I'd
13 be happy -- if, at the consent of Abby, if you all
14 would like, I can provide copies and amend it as
15 appropriate for the use of the Commission, too.

16 ACTING CHAIR GANT: That would be
17 appropriate, plus what Commissioner Toulouse -- the
18 more -- the more, the merrier. Okay.

19 MR. GERLICZ: And I think Ms. Lewis said
20 she could add a little bit to this?

21 MS. LEWIS: Yeah. I just want to confirm
22 that the pleasure of the Commission is to allow for
23 the use of Robert's Rules when you want to and not
24 when you don't want to.

25 COMMISSIONER CARR: There we go.

1 COMMISSIONER BERGMAN: That's correct.

2 MS. LEWIS: Okay. I may just tweak this
3 drafting a little bit, and I can do that before the
4 February meeting.

5 ACTING CHAIR GANT: Thank you.

6 Moving to Page 20, paragraph VII, "Per
7 Diem and Mileage." Here we go.

8 COMMISSIONER CARR: Within 30 days.

9 COMMISSIONER BERGMAN: Can we put a
10 sentence in there that said PED reimburses us
11 within -- yeah, good luck with that. Yeah.

12 ACTING CHAIR GANT: It's just a short
13 sentence. Is there any comment on that short
14 sentence?

15 COMMISSIONER BERGMAN: Good luck with
16 that.

17 ACTING CHAIR GANT: Moving to Page 21, top
18 of the page, starts with "Public funds... ." Read
19 the rest of the page. Any comments?

20 MS. LEWIS: Oh, did we skip out-of-state
21 travel?

22 COMMISSIONER BERGMAN: I just said, you're
23 just talking about the first paragraph, because I do
24 have comments on "c."

25 ACTING CHAIR GANT: No, the whole page.

1 COMMISSIONER BERGMAN: Yes, I would like
2 to make several comments.

3 ACTING CHAIR GANT: I'm surprised.

4 COMMISSIONER BERGMAN: No, it's just -- I
5 would like to see this whole section go. I will
6 note, for those that aren't familiar with it,
7 there's a couple of events every year. NACSA has
8 its annual convention, and a group from this
9 convention, Mr. Conyers -- Tony went; Kelly probably
10 went; and I don't know who else went.

11 This has always been in our book, this
12 procedure right here, but it's never been followed.
13 The Chairperson would always just ask -- if there
14 was a trip, would always just say, "Who wants to
15 go?"

16 If we're going to do it that way, then
17 have language that says, "The Chair..." -- but,
18 then, we run into the problem where we have a
19 dictator that just likes me, and doesn't like any of
20 the rest of the Commission, just likes me to go on
21 the trips. I'm involved in this, because I'm in
22 District 8, and I'm in my sixth year, and I haven't
23 been on a trip yet. So, I'm trying to protect my
24 own turf here right now.

25 Actually, I want to go to the NACSA

1 convention this year, because it just happens to be
2 one of those beach resorts that I happen to like. I
3 will go to all the sessions, but I will also go to
4 the beach when I'm not in session. I will just be
5 honest with you.

6 But -- so, yeah. So, I'm going to get my
7 shot, I hope, this year to go to one of these trips.
8 But I think it's better to take it out of here and
9 leave it to the discretion of the Chair. That's at
10 least my suggestion.

11 ACTING CHAIR GANT: Any other comments?
12 Commissioner Peralta?

13 COMMISSIONER PERALTA: And I do concur
14 with Mr. Bergman, because since I've been here on
15 the Commission, I don't think -- there hasn't been a
16 rotation process.

17 COMMISSIONER BERGMAN: And there hasn't
18 been a problem.

19 COMMISSIONER PERALTA: There hasn't been a
20 problem. Again, it depends on funding, as well, how
21 much money the PED allocates for us to go and how
22 many members can make those trips. And I think if
23 it's affordable for all Commissioners to go, great.
24 If not, then leave it up to the Commission and the
25 Chair to decide.

1 ACTING CHAIR GANT: Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Mr. Chair, my
3 question is, this very first sentence "a," "At the
4 beginning of every fiscal year, the Commission shall
5 determine such portion of its out-of-state travel
6 budget... ."

7 Do we know what our out-of-state travel
8 budget is? We don't have a budget itself.

9 COMMISSIONER BERGMAN: We don't have a say
10 in it.

11 COMMISSIONER TOULOUSE: So, I have a
12 problem, us being -- us looking like we have any
13 control whatsoever, at this point in our life
14 history, of any control over money at all, because
15 it all flows through PED, and what we get is totally
16 at the discretion of the Department and not our own,
17 including how we budget.

18 MS. LEWIS: Well, that's very legally
19 arguable. And I would like, at some point, the
20 permission of the Commission to really maybe make
21 some noise on that. Because, legally, you should --
22 in my legal opinion, be having more access and more
23 say over your budget. Although, Commissioner
24 Toulouse is correct, that as we sit here -- at this
25 moment in time, in our life history, it

1 unfortunately isn't that way right now.

2 ACTING CHAIR GANT: Commissioners, what
3 I'm hearing -- correct me if I'm wrong, which
4 wouldn't be a surprise -- we want paragraph "c" on
5 Page -- all of paragraph "c" on Page 21, and to the
6 top of Page 22, removed. Is that correct?

7 COMMISSIONER BERGMAN: That's my feeling.

8 ACTING CHAIR GANT: Anybody else?

9 COMMISSIONER CONYERS: Mr. Chairman?

10 ACTING CHAIR GANT: It shall be removed.

11 COMMISSIONER CONYERS: Mr. Chairman, I
12 have one comment on what Mr. Bergman -- what
13 Mr. Bergman said there. Leaving it to the
14 discretion of the Chair, I'm not comfortable with
15 that. But I would like it with the -- with some
16 guidelines to go with it, maybe not as -- rotation
17 like this. But there needs to be some -- some basis
18 for making the determination, if funds are limited.

19 ACTING CHAIR GANT: Fellow Commissioners,
20 maybe on that, we could have it written by Ms. Lewis
21 to the effect that the Chairman, with the consent of
22 the whole Commission, will decide who is going on
23 what trips. And therefore, the whole Commission is
24 involved in making the decision of who's going where
25 and when. Can that be done?

1 COMMISSIONER BERGMAN: Could we add maybe
2 just something, "and subject to budgetary"? Because
3 one year, there may be a -- because I think the
4 Deputy Secretary told us this year, we all could
5 have gone to NACSA, if we wanted to. He said there
6 was enough money. Well, maybe next year, there's
7 not going to be enough money. We all could have
8 gone this year, because it was offered to all of us.
9 Or, do we just want to forget a budget? I like the
10 way you worded it.

11 COMMISSIONER CARR: If we don't have the
12 money, we're not going.

13 COMMISSIONER BERGMAN: That's true.

14 ACTING CHAIR GANT: Add the budgetary
15 piece to what I just said, Ms. Lewis?

16 MS. LEWIS: Mr. Chair, I would add, as a
17 practical matter, that you word it as "the majority
18 of the Commission."

19 ACTING CHAIR GANT: There you go. Okay.

20 MS. FRIEDMAN: Mr. Chair, I'd just like to
21 reiterate what --

22 ACTING CHAIR GANT: Ms. Friedman?

23 MS. FRIEDMAN: Mr. Chair, and
24 Commissioners, I'd like to reiterate what
25 Mr. Bergman said, that Mr. Aguilar did indeed

1 provide funding this year to provide up to, I think,
2 five or six of the Commissioners who wished to go to
3 NACSA. But because of family situations and
4 different things like that, only Mr. Conyers did go.
5 And, so, he does provide that information, you know,
6 from time to time.

7 COMMISSIONER BERGMAN: Ask Beverly that
8 question.

9 ACTING CHAIR GANT: I don't think there's
10 carryover.

11 COMMISSIONER BERGMAN: No, I don't think
12 there's any carryover, no.

13 MS. FRIEDMAN: Mr. Chair, we can ask. And
14 just like with the computers and the chairs, you
15 know, we can ask, and we can see what we get with
16 the budget. But, you might consider working on a
17 budget.

18 And there used to be a budget committee
19 that was associated with the PEC that monitored the
20 budget. This was years ago.

21 ACTING CHAIR GANT: Commissioner Bergman?

22 COMMISSIONER BERGMAN: I would like to
23 note that the NACSA is actually very important,
24 because all the stuff that we just went through, all
25 these forms, NACSA worked very closely with the

1 Director and the CSD staff and a lot of these --
2 what's in these documents actually came from NACSA.
3 So, I really would recommend to all the
4 Commissioners, we all should go to one of these
5 national conventions during our term, somehow, if we
6 can, if the budget is there. That's why NACSA is
7 important, because a lot of what we're doing,
8 they're involved in one way or another.

9 ACTING CHAIR GANT: With that -- between
10 the discussion of the budget, it just dawn- -- I was
11 reading, and I shouldn't do that and think at the
12 same time. Maybe on the next -- on the next
13 meeting, we should have, on the agenda, an item
14 where we discuss who wants to go where this year,
15 because we would have done it at that meeting,
16 anyway.

17 So, on the agenda, come back and be
18 prepared to talk whether you want to go to NACSA or
19 whatever you want to do for travel, so we can
20 discuss it, okay?

21 COMMISSIONER CARR: Where is the next one?

22 COMMISSIONER BERGMAN: Miami.

23 COMMISSIONER CARR: Oh, yeah.

24 COMMISSIONER BERGMAN: This year, October
25 or something, last part of October.

1 MS. LEWIS: You need legal counsel at that
2 one.

3 COMMISSIONER CARR: You're No. 10. I'm
4 No. 8.

5 ACTING CHAIR GANT: Moving ahead, Page 22,
6 Item VIII, any questions?

7 moving to Item X -- IX -- any questions?

8 Fellow Commissioners, that is it. Any
9 comments on the whole -- the whole set of whatever
10 we call it?

11 COMMISSIONER BERGMAN: I would like to
12 thank our staff counsel and her cohort for taking
13 the time and doing this, because, as I had mentioned
14 in the past, that our Rules of Order were sort of
15 out of date. So --

16 ACTING CHAIR GANT: So, Ms. Abby, what is
17 your pleasure on this?

18 MS. LEWIS: I would request a vote that
19 everything that I have -- that we've suggested be
20 stricken, go ahead and be stricken. There are some
21 things in there that are very outdated, if you look
22 through it. I think it's important we remove those
23 as soon as possible, and with the understanding
24 that -- well, I won't be at the February meeting --
25 so, with the understanding that the redrafts and

1 the -- the things we've put off can either be maybe
2 handled by Joe at the February meeting, or, if it's
3 your pleasure, to put it off until the March meeting
4 when I'm back.

5 ACTING CHAIR GANT: So, reiterate clearly
6 what the motion should be at this time.

7 MS. LEWIS: A motion to adopt all of --
8 well, I'm actually going to ask Joe for his advice
9 on how to phrase this one.

10 MR. DWORAK: Abby and Mr. Chair and
11 members of the Commission, I just would suggest
12 that -- making a motion to allow us to make the
13 changes that were recommended here in the meeting,
14 and also grant us editorial privileges to just go
15 ahead and make minor edits and things like that,
16 spelling, punctuation, numbering, and things like
17 that. And we'll go ahead and bring it all in line
18 with everything that was discussed and the changes
19 that were recommended today.

20 ACTING CHAIR GANT: With that motion --
21 somebody's got to remember that -- would put these
22 rules into effect at this point; right? Because we
23 need to vote next week on -- or next month on --
24 certain things.

25 MR. DWORAK: My understanding is they

1 would need to be approved in their edited entirety.

2 MS. LEWIS: Right. So, the suggested
3 motion is to allow and adopt all of the
4 strikeouts -- it just seems awkward to adopt a
5 negative. But you're adopting the strikeouts, I
6 guess is the way I would put, that we have proposed
7 here and allowing for changes, as has been
8 discussed, to be presented to you, if you just want
9 to say "at a later date," or if you want to specify
10 which meeting.

11 COMMISSIONER CARR: Okay.

12 ACTING CHAIR GANT: Who wants to make the
13 motion?

14 COMMISSIONER CARR: I'll give it a try.

15 ACTING CHAIR GANT: Commissioner Carr?

16 COMMISSIONER CARR: I move we approve all
17 the strikeouts of the PEC Rules of Procedure, and
18 move that we -- and further move that we vote at our
19 next meeting on any additions.

20 ACTING CHAIR GANT: Ms. Lewis?

21 MS. LEWIS: That's good enough. Thank
22 you.

23 COMMISSIONER CARR: Okay.

24 COMMISSIONER BERGMAN: And I will second
25 that.

1 ACTING CHAIR GANT: I have a motion by
2 Commissioner Carr and a second by Commissioner
3 Bergman. Any more discussion?

4 Hearing none, call for the vote. All in
5 favor, "Aye"?

6 (Commissioners so indicate.)

7 ACTING CHAIR GANT: Opposed? Hearing no
8 opposition, the motion carries.

9 Our next item on the agenda is the 2014
10 Calendar. Beverly, are there any changes to the
11 calendar, please?

12 MS. FRIEDMAN: Mr. Chair and
13 Commissioners, there are no changes to the calendar.
14 I have booked Mabry Hall for each of the meetings,
15 and I've booked a day previous to each meeting for a
16 work session, if necessary.

17 ACTING CHAIR GANT: Thank you. Any
18 comments on the calendar, Commissioners?

19 COMMISSIONER CONYERS: Question. On the
20 work session, is the Executive Commission --
21 Committee -- the ones that determine that, or -- how
22 is that determined if we're having a work session?

23 ACTING CHAIR GANT: Commissioner Conyers,
24 if I remember this correctly, the Executive
25 Committee will make a decision as to what is on the

1 agenda for the work session, but not the dates of
2 the work session. That has to be a decision by the
3 Commission.

4 COMMISSIONER CONYERS: Okay. So,
5 currently, there are no work sessions on this
6 calendar; right?

7 COMMISSIONER BERGMAN: Well, actually,
8 there are. I'm not sure it's on this calendar. I
9 have one at home. What I -- what Julia and the CSD
10 staff had, they just thought it would be
11 appropriate, if we were already coming to either
12 Albuquerque or Santa Fe for a meeting, that if we
13 needed a work session, it should just be the day
14 before, because we were all going to be in the city
15 anyway. So, that's kind of how that evolved.

16 So, the dates that have already been set
17 were done on that basis, that they're in front of
18 our regularly scheduled meeting. That does not mean
19 that's the rule we have to follow all the time. We
20 could have a work session, I guess, without a
21 meeting, because then everybody would have to say,
22 "Is it worth it for me to come to Albuquerque just
23 for a work session?"

24 That's the question everybody would ask
25 themselves. So, that's kind of how it's evolved,

1 and the CSD staff, on more than one occasion, have
2 indicated that they would like to be able to sit
3 down with the Commissioners and talk about these
4 kind of issues, because we don't really have time in
5 our regular meetings, since they're -- we have an
6 agenda we have to follow, we just don't have the
7 time during regular meetings.

8 So, that's also a part of it. When would
9 be the next time we could sit down, as we just did
10 for that day and a half, and kind of have an
11 informal talk about it? So, that's how it's
12 evolved.

13 COMMISSIONER CONYERS: Yes, I understand
14 that. The issue I have, I guess, is knowing in
15 advance, to some degree, when we will actually have
16 it, so that I can schedule appropriately for that
17 on --

18 ACTING CHAIR GANT: Mr. Conyers, I believe
19 the only work session I remember -- maybe there's
20 another one -- is just the day before the February
21 meeting, which would make it on the 27th of
22 February. That's the only one I remember.

23 COMMISSIONER BERGMAN: We may have just
24 kind of left it, and then in the future, as needed.
25 We may have worded it -- or just said something like

1 that.

2 MS. FRIEDMAN: Mr. Chair?

3 ACTING CHAIR GANT: I believe this will
4 be -- the calendar will be on the next agenda,
5 anyway, so we can bring it up at that point whether
6 we want any more work sessions or not.

7 Ms. Friedman?

8 MS. FRIEDMAN: Mr. Chair and
9 Commissioners, I would just like you to look at the
10 date of the February meeting and then the date of
11 the March meeting. Those meetings are -- excuse
12 me -- the March 28th and then the April 11th
13 meeting, those are only about ten days apart. And
14 I'm not quite sure if you want a meeting that
15 close -- those meetings so close to each other.

16 And you certainly have time to consider
17 that. But maybe at the next meeting, you can
18 discuss it.

19 ACTING CHAIR GANT: Thank you. Please
20 remind us, Ms. Friedman, of that -- that issue.

21 Also, Ms. Friedman, would you check with
22 Eric Spencer to make sure that that 28 March -- he's
23 got a report that's due in April, and we -- please
24 check with him to make sure that 28 March will give
25 him leeway to make that April date that he's

1 required to have by statute for the Carl Perkins.

2 MS. FRIEDMAN: Yes, Mr. Chair.

3 ACTING CHAIR GANT: Thank you. Any more
4 comments on the -- on the calendar?

5 COMMISSIONER CONYERS: Mr. Gant? Chairman
6 Gant?

7 ACTING CHAIR GANT: Commissioner Conyers?

8 COMMISSIONER CONYERS: Yes. On the
9 July 11th meeting, I know I will have a conflict.
10 The New Mexico School Board Association is having a
11 leadership retreat in Taos on that date. And I
12 don't know if that's -- anyone wants to change on
13 that basis. But there will be a conflict.

14 ACTING CHAIR GANT: Commissioner Conyers,
15 would you please bring that up at the next meeting
16 when we discuss the calendar, so we can work that
17 one out for you? Commissioner Carr?

18 COMMISSIONER CARR: I guess, just going
19 along with that, I was wondering what we were going
20 to do in July.

21 ACTING CHAIR GANT: Mr. Gerlicz?

22 MR. GERLICZ: Mr. Chair, members of the
23 Commission, the reason that we instituted a meeting
24 in July is because the PEC and charter schools get
25 into a bind when there are not consistent meetings

1 over the summer. Last summer and the summer before,
2 schools moved, needed to file an amendment; no PEC
3 around, they're hampered. "What do we do?" So,
4 that's the reason.

5 COMMISSIONER CARR: Okay.

6 ACTING CHAIR GANT: Thank you. Any other
7 comments on the calendar?

8 COMMISSIONER BERGMAN: Well, that was the
9 same reason why we determined we pretty much need a
10 meeting every month just to put a little more wiggle
11 room for flow and everything so we don't have a
12 September meeting with -- what we normally do in
13 September, plus ten amendments. If we can put them
14 in July, then that makes our September meeting --
15 that was the thinking, anyway.

16 ACTING CHAIR GANT: All right. Moving on
17 to Item 13, Commissioner Carr, you have the floor.

18 COMMISSIONER CARR: Mr. Chair, members of
19 the Commission. I -- not a whole lot to say, except
20 on the -- the amendment. I think -- I guess there's
21 an Act in regards to -- the Act that was put through
22 in regards to just the Charter Division. I'm not
23 sure that's going to go anywhere. And all the
24 momentum seems to be toward the amendment that will
25 ensure -- mostly, the way it's been read here.

1 But some other people have some different
2 ideas and wording. But it'll basically be the same
3 thing.

4 Majority Leader Rick Miera is going to
5 present that -- actually present it before the
6 session starts. I think it's already been put
7 into -- Senator Michael Padilla has his own version
8 of the amendment; it's a little different. And,
9 actually -- I think some other people have problems
10 with it. I don't know if I have that many problems
11 with it. But, basically, brings the partisanship
12 out of the amendment.

13 Just an idea. Which means that we're all
14 elected as Democrats, Republicans or Independent on
15 the Commission now. And local school boards are
16 nonpartisan, actually don't have a -- I don't
17 personally have a problem with that part of it.

18 So, that's where it is now. And I think
19 it's up to each one of us to lobby for it, as we --
20 as we see fit and talk to people. I'm going to be
21 available to talk at committee hearings. And if I
22 get invited to any of those, I'll let everybody know
23 what's going on so that you can attend, if you can,
24 if they have questions.

25 So, it -- it looks pretty positive at the

1 moment. Seems like there's a lot of momentum for
2 it, which is actually quite surprising to me how it
3 picked up so quickly.

4 But that's pretty much it. I don't know
5 if there's -- if we're going to have any other --
6 you know, there's lots of education legislation in
7 the budget and things like that, that are going to
8 be taking place. But for the one that specifically
9 affects us, that's where it stands, as of now.

10 ACTING CHAIR GANT: Thank you,
11 Commissioner Carr.

12 Moving to Item 15, PEC comments. I'm
13 going to start over on this side this time.
14 Commissioner Parker?

15 COMMISSIONER PARKER: Mr. Chair,
16 Commissioners, I'm not sure if this is the -- the
17 right time for it. But I was looking back through
18 the Director's Report, and there was something that
19 was overlooked at the bottom of it.

20 ACTING CHAIR GANT: I got it.

21 COMMISSIONER PARKER: I'm reading here,
22 January 10th is Mr. Gerlicz's last PEC meeting.
23 Feel free to comment, everyone, on top of this.
24 But, you know, my short time here, I just want to
25 say I appreciate the insight -- you know, what brief

1 interaction we've had. But I've truly enjoyed
2 sitting next to you and -- with questions that you
3 answer for me. I congratulate you on your next
4 adventure. And, you know, creation is a good thing.
5 So, good luck.

6 MR. GERLICZ: Thank you.

7 ACTING CHAIR GANT: Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Mr. Chair, I've
9 said enough.

10 ACTING CHAIR GANT: Commissioner Carr?

11 COMMISSIONER CARR: I expressed some of
12 my -- what I wanted to express by e-mail to
13 Mr. Gerlicz. It's been a pleasure. You show a
14 great deal of knowledge and class. And it's very
15 much appreciated. And I wish you the best of luck
16 in your next endeavor.

17 MR. GERLICZ: Thank you.

18 ACTING CHAIR GANT: Commissioner Conyers?

19 COMMISSIONER CONYERS: I would echo that
20 with Mr. Gerlicz. I think my year with him has been
21 very -- very helpful. He's extremely knowledgeable,
22 and certainly, we wish him a lot of success in his
23 future endeavor, and I'm sure he will be very
24 successful there.

25 I also wanted to say that I appreciate

1 Commissioner Toulouse's comments earlier about our
2 need for expediting our per diem and that kind of
3 thing. And maybe the rest of you can help me on
4 this. It seems like I'm always doing it wrong. Is
5 there a handbook or a website that has all the rules
6 that go with that, so that I might not -- no? Oh.

7 MS. FRIEDMAN: Wish there were.

8 MS. LEWIS: And DFA unfortunately
9 changes -- I mean, I really think, unfortunately,
10 it's DFA at this -- maybe Bev can refute me. But I
11 don't know if there's anything, unfortunately, that
12 PED can do to make it move faster. The sticking
13 point is DFA, but they would be the ones to ask
14 about the specific status, because, in my
15 experience, they change every -- what? -- every few
16 months or something.

17 COMMISSIONER CONYERS: Okay. Thank you.

18 ACTING CHAIR GANT: Commissioner Peralta?

19 COMMISSIONER PERALTA: Just want to say,
20 Tony, it's been nice knowing you. You've done a
21 tremendous job for charter schools and the Charter
22 School Division. And best of luck with all the
23 challenges ahead. I know you will do just as well,
24 or much more. Thank you.

25 ACTING CHAIR GANT: Beverly, would you

1 check to see if there's any public comment, please?

2 Commissioner Pogna?

3 COMMISSIONER POGNA: I wish Tony my best.

4 I've already talked to him.

5 ACTING CHAIR GANT: Commissioner Bergman?

6 COMMISSIONER BERGMAN: The same. Tony
7 came on just at the right time. He came on just
8 before all the implementation of Senate Bill 446.
9 So, he guided that process all the way through. And
10 we're fortunate for that.

11 And it was a pleasure to work with Tony.
12 I had several meetings with him in his office when
13 we went over that initial contract, line by line.
14 And, as you said, you're watching grass grow. It
15 may not be fun, but it was necessary.

16 And I enjoyed his cooperation and working
17 with Tony. And I believe the process we've put in
18 place, and will continue to put in place, is going
19 to benefit the kids in this state. Thank you, Tony.

20 ACTING CHAIR GANT: Ms. Lewis?

21 MS. LEWIS: Well, Tony, I think we've --
22 again, Tony and I have talked offline. But you know
23 I'm going to miss you.

24 ACTING CHAIR GANT: Mr. Gerlicz?

25 MR. GERLICZ: I have no comment. It's

1 been a pleasure, really. But, I mean, there's --
2 it's been a pleasure. I've learned a great deal. I
3 am looking forward to my new venture, because it's
4 bitter-sweet, because I very much enjoy the people
5 with whom I work, feel blessed to have a great
6 staff, brought increasing great staff on. And I
7 think quality begets quality.

8 So, I wish everyone the best. I wish
9 everyone more opportunities for the dialogues that
10 we just had, because I think, as simple as that is,
11 that's really the golden nugget to get the whole
12 process aligned. And I'm sure you folks will. Best
13 of luck.

14 ACTING CHAIR GANT: Well, Tony, you know,
15 there's been a little back-and-forth between us, but
16 that's okay.

17 MR. GERLICZ: That's okay.

18 ACTING CHAIR GANT: I've lived my life
19 that way, so it's nothing new. And we do appreciate
20 what you've done for the children of New Mexico.
21 And that's all that counts. The adults don't count.
22 It's the children. And that's my opinion. You can
23 put that in the record. And I noted, Ms. Friedman,
24 it's your turn.

25 MS. FRIEDMAN: Well, I -- Mr. Chair,

1 Commissioners, I do have some good news concerning
2 your per diem. They raised the rate for mileage by
3 one cent. And, so, you will now be receiving \$.45
4 per mile, starting with this meeting, January 1st.

5 And the other thing I'd like to mention
6 is, if you would like to -- what would you like to
7 do about the 15-to-17-inch monitors for the
8 computers or any of that, because I'd like to have
9 you get that information as specific as possible so
10 we can get those ordered as soon as possible.

11 ACTING CHAIR GANT: Thank you,
12 Ms. Friedman, on that. Thank you for reminding me.
13 We'll do a quick count here, if you don't mind, and
14 then I'll make my comments.

15 Commissioner Parker, do you want a 15- or
16 a 17-inch computer?

17 COMMISSIONER PARKER: (Indicates.)

18 ACTING CHAIR GANT: You don't care.

19 COMMISSIONER PARKER: I don't need a
20 computer.

21 COMMISSIONER TOULOUSE: It's probably
22 heavy, and I'm getting weak, but I'll take the 17.
23 My eyesight would appreciate it.

24 ACTING CHAIR GANT: Commissioner Parker?

25 COMMISSIONER PARKER: Not to stir a rat's

1 nest, Mr. Chair. Commissioner Gant, I don't need a
2 computer. Mine works fine.

3 ACTING CHAIR GANT: Commissioner Carr?

4 COMMISSIONER CARR: I would probably
5 prefer an iPad. And if it's not an Apple, I would
6 just as soon use my own.

7 ACTING CHAIR GANT: So, you don't want a
8 computer if it won't be an iPad?

9 COMMISSIONER CARR: So, if it's not going
10 to be an Apple thing, then I don't want it.

11 ACTING CHAIR GANT: Commissioner Parker
12 and Commission Carr don't want a computer.

13 Commission Toulouse wants a 17.

14 Commissioners Conyers?

15 COMMISSIONER CONYERS: Again, it probably
16 doesn't matter. I would like one, and 17 is fine.

17 ACTING CHAIR GANT: Commissioner Peralta?

18 COMMISSIONER PERALTA: Fifteen.

19 ACTING CHAIR GANT: Commissioner Peralta
20 wants a 15.

21 Commissioner Pogna?

22 COMMISSIONER POGNA: I'm not certain what
23 I'm going to do. I will contact Beverly.

24 ACTING CHAIR GANT: Okay. Commissioner
25 Peralta?

1 COMMISSIONER CARR: He already said.

2 COMMISSIONER BERGMAN: Bergman.

3 ACTING CHAIR GANT: Bergman. I'm sorry.

4 COMMISSIONER BERGMAN: It really doesn't
5 matter to me. But since there's already going to be
6 both, I could probably live with a 15, since I'm
7 computer illiterate, and I don't know what the
8 difference is between a 15 and a 17.

9 ACTING CHAIR GANT: You're going to get
10 literate before you get on with this.

11 COMMISSIONER BERGMAN: A 15 will probably
12 work for me.

13 ACTING CHAIR GANT: And I'll just keep my
14 old MAC, if you don't mind.

15 And I -- my PEC comments were I was at a
16 PSCOC meeting yesterday that was rather interesting.
17 Something I found out about our charter schools that
18 they're not doing -- you might find this
19 interesting, Tony.

20 Next week -- and the decision is probably
21 locked in concrete; there's nothing you can do about
22 it. In the school year '12-'12 -- I mean
23 2012-'13 -- the charter schools left \$53,959.05 of
24 lease assistance on the table. And one of them was
25 for \$14,300-and-some.

1 MR. GERLICZ: Oh, God.

2 ACTING CHAIR GANT: They need to watch
3 what they're doing, because that money is free, and
4 all they have to do is turn the receipts in.

5 MR. GERLICZ: That was '12-'13? There's
6 probably no data on '13-'14 yet.

7 COMMISSIONER CARR: Does it all go back to
8 the General Fund?

9 ACTING CHAIR GANT: It goes back to the
10 PSCOC so they can use it for something else, for
11 capital outlay or something. It's a done deal.
12 Fiscal year is over, so there's no changing it. But
13 I got -- I was sitting there, and I says, "You've
14 got to be kidding me."

15 MR. GERLICZ: That's painful.

16 ACTING CHAIR GANT: I heard. \$54,000 is a
17 lot of money.

18 And other than that, then, I guess we've
19 got to adjourn. But I have one comment before we
20 adjourn.

21 And -- I'm not running. I'm not running
22 again for election. It's kind of hard. We'll just
23 leave it at that. Next week, maybe I'll explain it.
24 But I have reasons. And it's -- maybe I can get
25 through this. Let's adjourn. A motion, please?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER CARR: Move to adjourn.

COMMISSIONER TOULOUSE: Second.

ACTING CHAIR GANT: We have a motion on
the floor to adjourn. All in favor, "Aye"?

(Commissioners so indicate.)

ACTING CHAIR GANT: Thank you.

(Proceedings adjourned at 1:40 p.m.)

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

3
4
5 REPORTER'S CERTIFICATE

6 I, Cynthia C. Chapman, RMR, CCR #219, Certified
7 Court Reporter in the State of New Mexico, do hereby
8 certify that the foregoing pages constitute a true
9 transcript of proceedings had before the said 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 24, 2014.

15
16
17 *Cynthia 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.: 9409K

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

**BEAN
& ASSOCIATES, Inc.**
PROFESSIONAL COURT
REPORTING SERVICE

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