BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
July 11, 2014
9:00 a.m.
Jerry Apodaca Education Building - Mabry Hall
300 Don Gaspar
Santa Fe, New Mexico

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JOB NO.: 857L (CC)
APPEARANCES

COMMISSIONERS:

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

STAFF:

MR. MATT PAHL, Interim Director, Charter School Division
MS. BEVERLY FRIEDMAN, PED Liaison to the PEC
MS. ABBY LEWIS, Counsel to the PEC
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THE CHAIR: Ladies and gentlemen, I call to order this regularly scheduled meeting of the New Mexico Public Education Commission.

Secretary Bergman, may we have a roll call?

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Here.

COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Here.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Here.

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Here.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Present.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Here.

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Here.

COMMISSIONER BERGMAN: Commissioner Bergman is here.
Madam Chair, you have eight members present. You have a quorum.

THE CHAIR: Thank you very much. I declare we do have a quorum of eight Commission members.

I would ask everyone to please turn your electronic devices to "off" or "quiet" or whatever means you have, please.

I would ask Commissioner Toulouse and Commissioner Parker to lead us in the Pledge of Allegiance and the Salute to the New Mexico Flag.

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

THE CHAIR: Beverly, are these microphones working?

MS. FRIEDMAN: Madam Chair, they're in the same state they were yesterday; and so if you -- I mean --

THE CHAIR: So maybe, huh?

MS. FRIEDMAN: Maybe. And bottom line is if you do use them, you have to hold them up close to your mouth.

THE CHAIR: I'll get as close as I can.

Thank you very much.

Commissioners, we're to Item No. 2, which
is Approval of the Agenda. Commissioners, do you
have questions? Changes? Anything to the agenda?

Hearing none, the Chair would entertain a
motion.

COMMISSIONER GANT: So move.
COMMISSIONER CARR: Second.

THE CHAIR: Motion by Commissioner Gant,
second by Commissioner Carr, to approve the agenda
as presented.

Any discussion?
All those in favor, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Any opposed, please say "No."

(No response.)

THE CHAIR: The agenda is approved.

Next is Approval of the Minutes. Let's go
to the June 13th, 2014, meeting. If you will recall
at our Special Meeting on the 30th of June, we gave
tentative approval to these minutes.

I would ask that -- are there any
corrections, additions, anything to the minutes so
that we can have them for final approval?

Seeing none, Commissioners, I do have a
couple that I would like to ask about or point out.

First of all, on Page 76, lines 11 and
12 -- I'm sorry, I'm looking at the wrong page.

If you will, on line 11, I am saying -- I am quoted here as saying, "It's not going to happen, I don't think."

Honestly, if I said that -- and I suspect that Cindy has an ear I said it -- I haven't a clue what I was referring to; so I don't know if it's better to leave it there and question what I was referring to or to attempt to take it out.

Madam Attorney?

MS. LEWIS: Well, if you said it, you've got to leave it in, even if you don't know what you were talking about, unfortunately.

THE CHAIR: Does anyone remember?

Line 11.

MS. LEWIS: It must have been "no" to the amendment; right? Possibly so.

THE CHAIR: If no one knows different, then I expect we best leave it. I just am not sure what I was referring to.

Page 111, line 23 -- it's not here. In my notes, I have the word "waiting" should be "writing."

I'm sorry. Page 110 -- can't even read my own writing -- line 23, "...where we ask, in
writing, for the amendment is allowing us... ."

Does everyone see that? Okay.

Page 323, beginning with line 1, would you please read that entire first two paragraphs? I think in there somewhere, there's a transition from the Chair to another party speaking. And I am not exactly sure. Please help me.

MR. PAHL: Madam Chair?

THE CHAIR: Yes.

MR. PAHL: It seems to me that you're correct that it did transition. And the -- I think, just based on the statement there, that would be Brad Richardson, our liaison, who joins the conversation later and who probably would be the only one with that information at that time.

THE CHAIR: I agree. I do think it was Brad Richardson. Where do you think the break happened?

COMMISSIONER GANT: Madam Chair, I think it's the last sentence of the first paragraph. "At the time we were there, we saw a fair number of students who were behind."

MS. LEWIS: Middle of line 10, Cindy.

COMMISSIONER BERGMAN: Well, even higher than that. On No. 7, I think it says, "...the
school showed us the software."

They wouldn't have shown that to you, Madam Chair. They would have shown that to Brad.

MS. LEWIS: The "we" throws me off in the line above. The "software" makes sense.

THE CHAIR: I agree. I think perhaps something got garbled there. But I agree. The middle of line 7, that begins, after the comma, "...the school showed us the software," I think that's where Brad Richardson began to speak.

Does that make sense to everyone? Okay.

Those are all of the changes I have.

Anything from anyone else? Hearing none, the Chair would entertain a motion.

COMMISSIONER GANT: Madam Chair, I move that we accept the minutes -- Madam Chair, I move that we accept the minutes from the Public Education Commission meeting of June 13, 2014, with changes as noted.

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

COMMISSIONER POGNA: Second.

THE CHAIR: Motion by Commissioner Gant, second by Commissioner Pogna, to accept the June 13, 2014, minutes, as corrected.
Any discussion?

Hearing none, the Chair will call for a vote. And I think we can have an oral vote here.

All those in favor, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Any opposed, please say "No."

(No response.)

THE CHAIR: The June 13 minutes are approved as corrected.

June 30, 2014, Special Meeting minutes.

Commissioners, do you have corrections?

Changes? Anything?

Hearing none, the Chair would entertain a motion.

COMMISSIONER POGNA: So moved that we accept the minutes.

THE CHAIR: I have a motion.

COMMISSIONER CARR: Second.

THE CHAIR: Motion by Commissioner Pogna, second by Commissioner Carr, to approve the June 30, 2014, Special Meeting minutes, as presented.

All those in favor, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Any opposed, please say "No."

(No response.)
THE CHAIR: The minutes are approved.

Item No. 4, Report from PED Leadership. I do not see either the Secretary or the Deputy Secretary here today. Should they come in later, we'll make room for them on the agenda.

MR. PAHL: Madam Chair?

THE CHAIR: Item No. 5 -- Matt?

MR. PAHL: Madam Chair, both the Deputy Secretaries are out today. And if the Commission would, I would be happy to provide the PED Leadership Report, or I can bring my comments down to the Director's Report, as well.

THE CHAIR: Why don't we do it now? That will keep us on schedule. Thank you.

MR. PAHL: Madam Chair, members of the Commission, the computers. We received an update yesterday at yesterday's working meeting that they should be available and ready within the next couple of weeks. If -- when we do get them finalized, I will send an e-mail to the Commission, and we will either bring them to the next time that we see you, which will be in August, hopefully; or you can contact me and let me know you want to pick up the computer. But the computers are on their way.

The second item of business is that I
wanted to alert the Commission of an opportunity for our charter schools. We're about two-thirds of the way through the application process. But the Public Education Department was given $7.2 million through the Legislature, and we are using those funds to support teachers through incentive pay pilots throughout the state.

These pilots are optional for districts and for charter schools to create their own incentive pay plans for teachers in the classroom. There are some parameters we've set out, but we believe there's lots of flexibility there for charters to both reward individual teachers and groups of teachers, or even a whole school, if they meet certain metrics throughout this next school year; so we think it's a wonderful opportunity.

The final dates to submit an application is July 21st. We will have a webinar on -- on Monday afternoon, and we'll record that. It's going to help our charters and our districts to just know how they can make their application very clear. And we will be happy to report out which charters have received these funds to implement their own incentive pay plans for this upcoming school year.

THE CHAIR: Thank you, Matt. If I might,
just while I'm thinking of it, I would like to know all schools that receive those dollars, just for general information, charters and traditional, if you could do that.

MR. PAHL: Madam Chair, members of the Commission, we'd be happy to.

THE CHAIR: Thank you. Mr. Carr?

COMMISSIONER CARR: Quick question: You mentioned a webinar. When is that?

MR. PAHL: The webinar will be at 3:30 on Monday. And we can send that invite out to the Commissioners, as well, just so they can get some information on what we're doing.

In that webinar, we'll be laying out the parameters of the application so you can get an idea of how -- what we're expecting from the applications and the ideas that our charters and public district schools -- sorry -- our districts come up with for the plan; so thank you.

COMMISSIONER CARR: And another quick question in regards to that. I assume you let all the charter schools know this.

MR. PAHL: Yes. Madam Chair, Commissioner Carr, we sent an e-mail to all charter directors. I presented at a conference in
Albuquerque to let them know. And that conference was for the evaluation system, but I hijacked it for ten minutes so I could let them know about the opportunity, and have been spreading the word in as many ways as possible.

And, yes, the -- the executive directors of our charter schools will receive an invite to the webinar and have been notified; so thank you.

THE CHAIR: Thank you for that. I appreciate it.

Item No. 5, Discussion of Possible Action on Draft Charter School Amendment Protocols.

For those of you who were not able to make it to the work session yesterday, we did begin work on this, and then we asked our attorney, Abby Lewis, and Matt Pahl, to work on this. And you have a handout at each of your desks on this.

I'm going to ask Abby to first walk us through this. And then I will ask Mr. Pahl to chime in.

Abby?

MS. LEWIS: Thank you. The intent of this document is to lay out a really clear process for how charter schools are to give amendments to the PEC through CSD, and also through myself; so you've
got here in front of you a proposed draft protocol.

As the Chair said, Matt and Brad prepared a good deal of this and brought it to us at the work session yesterday, and then Matt and I continued to tweak it yesterday afternoon; so this is something that we hope you'll be happy with, and I'm happy to read it to you, and into the record, and/or if you just want to take a couple of minutes and read it at your pleasure.

THE CHAIR: Let's read it ourselves. And then if we have questions...

While everyone is still reading, let me just ask Ms. Lewis and Mr. Pahl, were there any changes made to the second and third pages?

MS. LEWIS: Just the asterisk, but then bring you down to the bottom of Page 3 and the top of Page 4 --

THE CHAIR: Okay.

MS. LEWIS: -- I believe. And the addition, under the bold, "Moving to a new location," we added that it also applies to expansion within a current facility, you know, if a school was adding on, or maintaining a separate facility.

Is that what you're saying?
MR. PAHL: No. Just one other change, Madam Chair, we had a separate document that we looked at during the work session regarding transportation amendments. In sitting down with Abby, we realized we could just incorporate that here in this document.

So you'll see, in the larger type for "Transportation," which is on the top of Page 3, it mentions that on an annual basis, there will be a November cutoff for submitting an amendment request for -- for adding transportation.

THE CHAIR: Thank you.

MS. LEWIS: Matt, will this go on the PEC website once we get it finally approved?

MR. PAHL: Yes, it will go on the website, and we plan on distributing it via e-mail, as well.

MS. LEWIS: Thank you.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Unless this has changed from yesterday, I would like to note, Commissioner Carr and Commissioner Peralta, that there are some parts that are going to be fleshed out. That has not changed. So this is a first-step document. It's going to be in effect, but it's going to be fleshed out in some -- at some future
time in the interim.

MS. LEWIS: Not quite.

COMMISSIONER BERGMAN: Not quite?

MS. LEWIS: This is the general process, if approved by the PEC, for amendments in general. The time frame will stay the same; the procedure will stay the same. We may -- there may be more details, more guidance as far as what is required for things like a facility amendment.

But we're hoping that this -- this will get approval as the process. Am I answering your question?

COMMISSIONER BERGMAN: Oh, no. I didn't ask a question, one. And, two, that's not my understanding, from what we discussed yesterday. But that'll be fine, if that's the way you're going to do it.

THE CHAIR: Some things were fleshed out.

MS. LEWIS: The fleshing out happened in this document.

MR. PAHL: Madam Chair?

THE CHAIR: Mr. Pahl?

MR. PAHL: May I just briefly say? Our understanding of this document is that it's separated into two pieces here. That first page is
really letting you know -- our charters know -- the protocol. We need amendment requests three weeks prior to the PEC meeting that they wish for it to be heard. And it lets them know the documents that need to be included with that request.

The subsequent pages is a guidance document that is helping our charters to be prepared for the PEC meeting.

So I think, in answering Commissioner Bergman's statement, which was not a question, which -- if we need additional guidance on certain types of amendments, we plan on fleshing those out. And I think, from the work session, we did commit to begin to work on a more fleshed-out protocol for facilities amendments.

COMMISSIONER BERGMAN: Thank you.

THE CHAIR: I'm surprised I don't have my red pen out. But being the old teacher that I am, let me ask a couple of editing questions.

First of all, I really would like for the heading of this to be "Public Education Commission Charter Amendment Process Protocol."

I would like for it to be dated, because there's not a date on here anywhere.

And, frankly, I know legal stuff gets
dated on the last page, generally, of legal
documents; but I would prefer an effective date to
be part of the heading, if that -- like, the second
line -- the second heading, "Effective as of"
whenever.

The other thing that I noted on the very
last page -- and if somehow, that very last
paragraph could be squeezed up to on the bottom of
Page 3, because I -- it would seem to me it would be
awfully easy to miss that last paragraph on Page 4
by itself; so if that could be somehow included on
Page 3.

And I also notice that, in parentheses, it
said "Insert website"; so that still needs to be
done.

So other than that, I think it's a
terrific document. Certainly, as we move along --
as we move through using this, we may decide it
needs to be tweaked -- don't you love that word? --
in various ways.

But I think it's certainly a great
groundwork for getting us more organized in the
amendment process. Those are my comments.

Commissioners, do you have comments?

Questions?
Commissioner Parker?

COMMISSIONER PARKER: Madam Chair,

Commissioners, I just wanted to thank Matt and Abby for doing this so quickly. I know you were working really hard on it, so --

THE CHAIR: Thank you.

Anything else?

All right. Ms. Lewis has a suggested motion, if someone would like to use that; or you may use your own wording, as you choose. The Chair would entertain a motion, though.

Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I would move that the Public Education Commission approve the Public Education Commission's charter amendment process protocol, as presented, and with suggested -- or with changes that were made on the record today, with any necessary technical changes to be made by PEC's legal counsel.

THE CHAIR: Do I hear a second?

COMMISSIONER PARKER: Second.

THE CHAIR: Commissioner Parker?

Motion by Commissioner Bergman, second by Commissioner Parker, to accept and approve the charter school amendment process protocol, with the
changes, as noted, on the record.

Commissioners, do you have further discussion? Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, just a point of interpretation from the Charter Schools Division.

Technical changes, as needed -- one thing I'd like to include in that is changing the director's name, as appropriate, as that changes for Charter Schools Division.

MS. LEWIS: Yeah, that's a technical change.

THE CHAIR: Let's not have any changes anytime soon.

Further discussion?

Hearing none, Commissioner Bergman, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.
COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Yes.

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes." That is an 8-to-0 vote in favor of the motion.

THE CHAIR: Thank you, Commissioner Bergman.

By a unanimous decision, the amendment protocol -- process protocol -- is approved. Thank you all very much.

Again, I add my thanks to Abby and to Matt for all that work.

And I wanted to thank Cindy Chapman, our court reporter. That July -- June 13th meeting was a marathon, and we very much appreciate always how well you do. And it's a challenge for me to find a mistake.
All right. Commissioners, we're ready for Item No. 9, Possible Action on Charter School Amendments.

MS. LEWIS: Item 6? You said "9."

THE CHAIR: I'm in good shape, aren't I. It's Item 6. No matter what I said, Item 6, Discussion and Possible Action on Charter School Amendments.

The first is Estancia Valley Classical Academy. If representatives from that school are here, we would ask that they please come up to the table.

And Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, Estancia Valley Classical Academy is requesting an amendment to their school goals. The Academy is requesting permission to change one of its goals in order to better focus on student achievement.

The Charter Schools Division recommends approval of this amendment.

THE CHAIR: Thank you very much.

Good morning.

MR. LENARD: Good morning.

THE CHAIR: It's nice to have you here.
If you would both introduce yourselves please and
spell your name if it's a little unique so we get it
right. Thank you.

MR. LENARD: Madame Commissioner, I'm
Roger Lenard, president of the Governing Council of
the Estancia Valley Classical Academy. Last name is
spelled L-E-N-A-R-D.

MS. MACKRAIN: And my name is Tootsie
Mackrain. I am the Acting Director of Española
Valley Classical Academy. And my name is unique.
So it's "Tootsie," T-O-O-T-S-I-E, and "Mackrain,"

THE CHAIR: Please be seated. Make
yourself comfortable. I just have to tell you. I
love your name.

MS. MACKRAIN: Oh, thank you.

THE CHAIR: I call one of my
granddaughters "Tootsie." That's a name you don't
hear very often. Just an aside.

MS. MACKRAIN: Thank you.

THE CHAIR: If you have a presentation for
us, please go ahead.

MR. LENARD: Actually, Madam Chair, you
may not recall, but when we were forming the school
two years ago, one of the issues that you yourself
brought up was some of the goals were not as measurable as they could be. After two years, we have discovered that some of the goals needed to be modified to make them more measurable.

Also, changes in the New Mexico Standards-Based Assessments, such as going to the PARCC's test, is requiring us to modify some of the goals. And these are really enumerated in our request that are before you.

I am happy to state that we have done exceedingly well as a school on the New Mexico Standards-Based Assessments and on DIBELS testing; so we're very pleased with the results so far.

THE CHAIR: Thank you.

MS. MACKRAIN: Based on working with our representatives from the Commission -- we've worked with Ron and Rachel Stofocik -- they have also come down on our visits annually, and they have recommended we change these goals. We were looking at changing them last year; but they told us to wait until we had another year of experience and knowledge.

And by changing one of the goals, it just makes it more straightforward; it gives a more accurate demonstration of how we can measure student
achievement and growth. And we just think that it would be a positive change to re- -- change this one goal in our original charter.

THE CHAIR: Thank you for that.

Would you remind me what your other goals are, just a quick snapshot?

MS. MACKRAIN: Yes, ma'am. Other goals are, by the end of EVC's second year of operation, 90 percent of the parents and/or guardians will agree, or strongly agree, that their child's school holds high expectations for academic achievement on the annually required NMPED Quality of Education Survey.

There was the goal that we want to modify.

By the end of EVCA's second year of operation, 2013-'14, EVCA will have accomplished 100 percent of the overall goals and targeted goals on the Educational Plan for Student Success.

And by the end of EVCA's fourth year of operation, 2015-'16, 95 percent of the EVCA students in Grades 7 through 12 will participate in an annual lecture and discussion series, including notable speakers on important topics.

And then by the end of EVCA's third year of operation, in 2014-'15, 90 percent of the
students who have attended EVCA for two or more years and desire to continue their education will be accepted to post-secondary educational institutions.

THE CHAIR: I can see why I had concerns about your goals.

MS. MACKRAIN: Yes.

THE CHAIR: They're short on academics.

MS. MACKRAIN: Yes.

THE CHAIR: May I just ask a question -- then I'll be quiet and let other Commissioners -- because I don't hear any other academic goals. And your EPSS goal, the one you want to do away with, was still in effect your first year and your second year, which was just the immediate past school year.

MS. MACKRAIN: Yes, ma'am.

THE CHAIR: Were you successful? Did you meet 100 percent of those goals?

MS. MACKRAIN: Yes, ma'am, we did meet them. We need to do some documentation in how we did meet them in the EPSS plan. But the goals we did put in, we did meet them.

THE CHAIR: And then the other thing that bothers me on your new goal is that it's not -- it doesn't kick in until the end of the fourth year; so that means your third year, there are no academic
goals that I can recognize.

Also, you want to use the PARCC assessment, which -- I'm sorry, I don't know zip -- I mean, I know about the PARCC. But the numbers you have here, I don't know if those are good or bad. You know, we have had no training on PARCC. I'm not even sure there's any available yet.

So I'm really reluctant for us to accept -- or for me to accept -- anything based on the PARCC when I don't know what I'm accepting.

COMMISSIONER CARR: Madam Chair, if I could break in on the subject?

THE CHAIR: Please do.

COMMISSIONER CARR: That's -- the PARCC will be the assessment for all schools starting next year.

THE CHAIR: I'm well aware of that, yes.

COMMISSIONER CARR: So all the schools are going to be in the same boat of comparing SBAs and end-of-course assessments, I guess, and things like that, with what comes up in the PARCC.

THE CHAIR: But --

COMMISSIONER CARR: Okay?

THE CHAIR: But I will say the majority of the new contracts that we've negotiated with charter
schools, rather than using PARCC scores -- which,
again, nobody really knows -- they are choosing to
use their short-cycle assessment, Discovery or MAPs,
which we're getting more data on understanding those
results.

So I'm not telling you how to write your
goals. But I'm telling you, I don't understand your
PARCC goal here at all. And, again, it doesn't kick
in until the fourth year anyway. I would have great
difficulty voting to approve this -- this new goal,
as it's written.

Commissioner Gant?

COMMISSIONER GANT: Madam Chair, members,
you picked up on a couple of items. I really read
this, and I thought, "No."

First of all, we don't know that you
successfully had a pilot. We have had no report on
any school that took the part where they were
successful or they failed or -- and I don't
understand "3 or more above the New Mexico PARCC
English Language" -- "3 or more..." of what?

So we don't know what the PARCC is all
about because no one's bothered to talk to us about
it from the PED. Nobody. And so we're sitting up
here trying to make a decision that, "Well, maybe
you were successful; maybe you weren't. Maybe the
pilot was successful; maybe it wasn't. Maybe
there's a baseline; and maybe there isn't."

We don't know. And the way I read your --
the amendment, it's more of asking for a change in
the system from the -- from the EPSS to the PARCC,
and not so much the goals. 70 percent of this;
70 percent of that. And the rationale, it's more
focused on the PARCC; so that's my concern.

You know, I just don't know what the PARCC
does. I know it's a test for Common Core. We all
know that. And it's very expensive. And we all
know that.

So we don't even know if all the schools
will have the technical capabilities to kick it in
this year, this coming school year.

So I have a problem with this, Madam
Chair.

COMMISSIONER BERGMAN: Madam Chair?

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Well, whenever
Commissioner Gant is finished.

COMMISSIONER GANT: I'm done.

COMMISSIONER BERGMAN: Let me ask a
specific question, because I don't know, either.
You say you will score a 3 or above. What is the top score you can get on this assessment?

MS. MACKRAIN: A 5.

COMMISSIONER BERGMAN: So 3 is just in the middle of the range, essentially.

MS. MACKRAIN: It's equivalent to proficient in the SBA.

COMMISSIONER BERGMAN: Proficient?

COMMISSIONER CARR: Madam Chair? I didn't want to cut you off.

COMMISSIONER BERGMAN: No. Thank you.

Thank you.

COMMISSIONER CARR: Madam Chair? I'll wait to be recognized.

THE CHAIR: Commissioners, would you please look in your notebooks and see if you have two pages of minutes from Estancia Valley? Because I only have one.

COMMISSIONER GANT: I've got it.

COMMISSIONER BERGMAN: They're on the back of the form. They're on the back of the form. Well, mine has them on the back of the form.

MS. LEWIS: There you go.

THE CHAIR: Ah, sorry. Okay.

Just -- all right. Who else wanted to
speak? Commissioner Carr?

COMMISSIONER CARR: Yes, in spite of what I said about the fact that everybody's going to be judged on the PARCC next year, among other things -- but it won't be the only thing. And -- and the report card, you know, that we get, you know, is based on lots of different things.

So I think I would like to -- I concur with my fellow Commissioners here, that I would like to see -- the PARCC, I think, be included, by all means; but I would like to see it to be more expansive than that.

THE CHAIR: Thank you. Other comments?

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, this is a technical question, because I wasn't here when this one was approved, and I'm still learning, even after a year and a half.

I notice they only have four members on the governance council. I thought you needed to have five.

THE CHAIR: Good point.

COMMISSIONER TOULOUSE: And there's only four in the minutes. And there's only four on the list that we have. And so I question, are there
only four members, or --

MR. LENARD: At the present time, on July 15th, our fifth Commissioner will -- has tendered his resignation. And according to our charter, we have 60 days to fill the vacancy, and we're in the process of filling the vacancy.

COMMISSIONER TOULOUSE: Okay.

MR. LENARD: So that is -- you are technically correct, okay? But it is -- it is a process that we're going through to fill the vacancy.

COMMISSIONER TOULOUSE: Madam Chair? This is the first time that I have seen your school come in front of us. And that's why I was questioning.

MR. LENARD: A perfectly legitimate question.

COMMISSIONER TOULOUSE: All right. So thank you.

THE CHAIR: Commissioner Parker?

COMMISSIONER PARKER: Madam Chair, Commissioners, it's just a question about the governing council in your charter bylaws. Is it listed to be five people, or --

MR. LENARD: It's listed to be five people.
COMMISSIONER PARKER: Because I know some of the other charters have added different language to it to allow them the flexibility to avoid situations like this.

MR. LENARD: Well, we have it so that the quorum requires four, okay, so we technically can meet and make decisions. But our -- but our desired quorum is five, okay? So that's our goal, and we are working to fill the vacancy.

THE CHAIR: Ms. Lewis?

MS. LEWIS: The confusion here is unfortunately, another one of the things that gets confusing with the old charter versus the law versus a contract. Sixty days are what the old charters say. That's arguably not what the law says; nor is it what I think our current contracts say.

So unfortunately, this is kind of a -- you know, a "What are you going to do at this point till we get everybody on the" -- I mean, if you exceeded your 60 days, then, of course, you could put a corrective action plan. There are multiple options for the Commission.

But at this point, their charter does say 60 days, unfortunately.

THE CHAIR: And your charter says you will
have five members?

MR. LENARD: Yes. Yes, ma'am.

THE CHAIR: Just five? You don't have a range in there?

MR. LENARD: Madam Chair, I'd have to get back to you. I believe we have provisions for more, but it's at least five. Okay. I --

THE CHAIR: It just gives you a little flexibility. It's not --

MR. LENARD: Absolutely.

THE CHAIR: Nothing needs to be decided today. Any other comments?

Mr. Pahl?

MR. PAHL: Just two comments: First, real briefly, on the minutes, just -- I wanted to just applaud publicly Estancia Valley for having very detailed minutes. We've run into before, where there's just not enough detail, and we don't know what the governing council approved. So I just want to note that these let us really know what happened at that meeting, and it's really clear what happened there.

The other point I'll note, I just want to reemphasize the point made by Tootsie up front there that the score of a 3 on the PARCC is the equivalent
to "proficient."

   From what we know in other states that
have implemented the Common Core assessments,
Kentucky and New York, we can expect a decrease in
efficiency, because the bar has been raised. If you
look at the snapshot and see academics there for
2012-2013 for Estancia Valley Academy, they have
reading proficiency of 62 percent and a math
proficiency of 46.6 percent.

   It is correct that we do not know what
scores are going to look like in PARCC. But given
what we've seen in other states, I would maintain
that this is -- they are setting out rigorous goals
for themselves, based on what we know about
proficiency rates in the PARCC.

   So in -- yes, there are a lot of unknowns,
because we haven't done the test yet. But based on
the knowledge that we do have, I would -- I think
there's a strong argument for saying these are
rigorous goals.

   THE CHAIR: Thank you, Mr. Pahl.

   I think everybody on this Commission knows
I'm a very black-and-white person. And I want it in
black-and-white, and I want to understand it. And I
am very reluctant to approve any goal that I don't
thoroughly understand and thoroughly understand how it's going to be evaluated. I cannot support this amendment.

Commissioners? Anyone else?

Commissioner Gant?

COMMISSIONER GANT: Madam Chair, members, I would -- if it's at all possible, Matt, on your comment there about we can expect the scores to drop, what you're doing is setting it up -- you're predicting it will. And people -- human nature is, "Oh. He said, well, scores will drop; therefore we're not going to worry about it."

So I would -- I would just stop talking about scores until it really happens. I'm not saying you can't do it. You're an American citizen. Do what you want. But you're setting up -- if you tell a kid he's a failure, he's a failure. And that's kind of what we're saying. "If you take this test, you're going to fail."

So I would, in my opinion, not even discuss pass or fail until it's done. Just my comment. Thank you.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, since their rationale here says that they were one of the
few charter schools that successfully piloted the PARCC, do we have anybody out here who can explain to us who was involved with that pilot to explain that? One of our liaisons?

MS. MACKRAIN: We were selected as a PARCC pilot. And we went ahead through the process. We worked with the PARCC people and got our school set up so we could test our seventh-graders and our tenth-graders.

We tested the math and the reading. And we did have all of our Internet connection speeds correct. And we downloaded the test. We didn't have any problems. And we got through each one of the tests without any complications at all.

And my understanding, in talking to the people at the PED with Assessment, and Joslyn Overby, we were one of the few schools that didn't have any problems and that actually volunteered to do the pilot and followed through with completing the pilot.

So at our school, it ran very smoothly. I'm not saying it would have ran smoothly at other schools. It just ran smoothly at our school, and it was successful.

But there are no results from it. We
don't receive any final results or anything like that, just that we participated in the pilot.

COMMISSIONER TOULOUSE: Madam Chair, I was concerned about the technical side of it, having heard a lot of problems about the technical side. So really, that was what you were successful. I wanted to know what that meant; so thank you.

MS. MACKRAIN: You have to have a certain number of devices. It has to run on your computers or laptops or iPads, whatever you're going to provide for the testing. And then you have to have the appropriate bandwidth.

COMMISSIONER TOULOUSE: How much technical support did you get from the PED while you were doing this, so we have an idea of what other schools might require?

MS. MACKRAIN: They were quite good on the phone support. I mean, we don't have a lot of technical experts at our school. It was basically myself and the assistant principal. And we set up the lab and tested the bandwidth ourselves.

I worked with the PED. They were very responsive in all the questions that I asked. And we worked with the representatives from PARCC, and they answered our questions when we were giving the
test and the questions that we had during the test, because there were a few -- there were slight problems with the test.

But, like, on one -- one of the lines was overlaid, and we weren't sure, what do you do with a line that's overlaid and you really can't read it?

We could step out and get phone contact with them, and, you know, they would advise us as to what to do. And I thought the support was really beneficial and quite good.

THE CHAIR: Commissioner Parker?

COMMISSIONER PARKER: Madam Chair, Commissioners? It's my understanding you want to get this goal taken care of before your school year starts? That makes the most sense; correct?

MS. MACKRAIN: Right.

COMMISSIONER PARKER: So is it possible that before that school year commences, that something else could be submitted that also includes some goals that are reference to -- I think what the -- Madam Chair spoke about with the Short-Cycle, so that if there is some ambiguity about the results of the PARCC, there is some additional information that could be relied on to see if goals are met?

MS. MACKRAIN: Yes, sir. We could
definitely go back and rework the goal with the
Governing Council. And we could include the
Short-Cycle. I think perhaps we were thinking that
the PARCC was the overreaching goal in what was
coming; so we were trying to be proactive and make
sure that we could set a goal that would be in
association with the testing that was coming.

And perhaps it was too proactive, and
maybe we need to take a few steps back and
supplement it with information -- we do Discovery
testing; we do have Short-Cycle results; we do do
DIBELS. And we have those results, and we would
gladly rework the goal and add those two things.

THE CHAIR: Thank you. My home district
was also one of the sites that did the PARCC
testing. And it went well, but there were certainly
some glitches. And our technology people -- we were
awfully glad they were there. So it can be done,
but it takes determination.

How many students did you test?

MS. MACKRAIN: I don't remember the
number. Right off the top of my head, I think it
was about 36 in the seventh grade, and I think we
tested 14 in the tenth grade. So it wasn't a large
number, because we're a small school.
THE CHAIR: Just a sampling. Okay.

MS. MACKRAIN: But we did get it up and running. We were very proud.

THE CHAIR: Commissioner Parker?

COMMISSIONER PARKER: Sorry to keep speaking, Madam Chair and Commissioners.

Do you have time before the school year to have your governing board meet and approve and get back to us?

MR. LENARD: Certainly. We are planning to meet the 24th of this month. And we will include -- we will include this specifically on the agenda.

Quite candidly, we're quite proud of our school. We had a major increase in our test scores from last year to this year; so we're happy to include Short-Cycle Assessments, as well as the PARCC, in terms of reporting results on student achievement.

THE CHAIR: We certainly don't mean to dictate what the school does. Your report card shows you're doing very well. And I don't question that at all. But I would like an academic goal that I can readily understand and know that we're going to get some usable results right away every year,
every year.

MR. LENARD: Yes, Madam Chair. You'll have to forgive us. We assumed that everybody here knew what PARCC was and what was going on. And so we said, "Okay, if they're going to be instituting it, everybody must be familiar with it."

So our apologies for that.

THE CHAIR: Misunderstanding, and I appreciate it.

Commissioner Pogna?

COMMISSIONER POGNA: Madam Chair, my understanding is that PARCC is the assessment for Common Core. New Mexico has adopted Common Core. It automatically is the assessment.

THE CHAIR: Right. But we don't know how it's scored. We don't know what the numbers mean. We don't know anything.

COMMISSIONER POGNA: It's all over New Mexico.


I think we're at a point where some decision needs to be made. And it occurs to me that we have options. If you would care to withdraw this amendment today and come back another day, perhaps
if you choose to do a different amendment, or the
Commission may vote on the amendment that is before
us, what is your pleasure?

MR. LENARD: I believe that we will
withdraw this request, and based on the feedback we
got today, we'll come back shortly -- okay? -- after
our next meeting and approval with a set of goals
that is more commensurate with what you've asked
for.

THE CHAIR: Thank you very much.

Ms. Lewis, could you guide us here? Do we
need to take a vote on whether or not to accept
their withdrawal of this item? No?

MS. LEWIS: No.

THE CHAIR: They may simply withdraw it.

Thank you very much for being here.

COMMISSIONER POGNA: Madam Chair?

MS. MACKRAIN: Thank you. We'd like to
thank you all for your hard work and for the support
you provide the charter schools.

COMMISSIONER POGNA: Madam Chair?

MR. LENARD: I would like to introduce one
more of our members, Ms. Joanne -- she's our
treasurer. So I just wanted you to know that
there's another board member here today.
THE CHAIR: Thank you very much. And we have a comment from Commissioner Pogna.

COMMISSIONER POGNA: Yes. Personal comment.

Dr. Lenard served on the State Board of Education many years ago with me. He was a very powerful member of the State Board. And thank you.

MR. LENARD: Yes. Well, I could tell you, running a school is a whole new experience. Thank you, Millie.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Yeah. Before you leave -- thank you, Madam Chair -- refresh my memory. When you did the application process and started the school, you were affiliated with a college.

MR. LENARD: Yes. Yes, sir.

COMMISSIONER BERGMAN: What was the name of that college again?

MR. LENARD: It was Hillsdale College. We're still affiliated with them.

COMMISSIONER BERGMAN: I know they provided some start-up funding for you.

MR. LENARD: Not start-up funding, but a lot of assistance on curriculum, and also methods.
And it served us very well, as I think you can see.

COMMISSIONER BERGMAN: Thank you for that.

I just wanted to --

THE CHAIR: Thank you very much.

MS. MACKRAIN: Thank you.

MR. LENARD: Thank you.

THE CHAIR: Next is the Masters Program.

If the representatives from that school would come forward, please?

COMMISSIONER TOULOUSE: J. Paul Taylor.

THE CHAIR: I'm sorry did I miss one?

COMMISSIONER CARR: First page, bottom of the first page.

THE CHAIR: Mine goes from A to C. There is something missing there. What is your --

COMMISSIONER GANT: J. Paul Taylor.


MS. RISNER: Good morning, Madam Chair and Commissioners. I'm Cynthia Risner, R-I-S-N-E-R.

I'm the administrator at J. Paul Taylor Academy.

It's a K-8 charter school in Las Cruces. We're going into our fourth year.

THE CHAIR: Thank you very much.

Mr. Pahl?
MR. PAHL: Madam Chair, members of the
Commission, J. Paul Taylor Academy requests to
change their mission requirement from dual language
to Spanish acquisition, due to the demographics of
their student population. The Charter Schools
Division recommends approval of this request.

THE CHAIR: Thank you very much.

Mr. Gant?

COMMISSIONER GANT: Madam Chair, members,
I believe if Ms. -- Dr. Risner, I'm sorry --

MS. RISNER: Miss.

COMMISSIONER GANT: -- Miss Risner. I did
attend the meeting in which these were discussed. I
don't know what I said during the meeting,
short-time memory here. So I'm going to have to not
vote on this one, because I don't know what input I
provided, right or wrong. So just for the record, I
will not be voting. I will be abstaining on voting
for J. Paul Taylor's amendments. Thank you.

THE CHAIR: Thank you very much. Let me
just be clear. We have before us two amendment
requests for J. Paul Taylor.

MS. RISNER: Three. Three, ma'am; two in
the mission statement, and then another one; so
that's perhaps the confusion.
THE CHAIR: I've got to start looking on the back. Two to the mission statement, one to the governing council.

Ms. Lewis, would you speak to their governing council minutes, please?

MS. LEWIS: I just noted, when I looked through the material, that the minutes simply say "Jennifer Gorman moved to approve the three charter amendments, as revised. Janna Williams seconded the motion. Motion approved unanimously."

It's been clear to -- as Matt said, clear to us over the last several months that this Commission wants to ensure that the minutes are clear as to what the governing council voted on.

I don't find this clear; so in your interest -- as you've expressed it, I wanted to point that out to you.

THE CHAIR: Just as a point of clarification, Ms. Lewis, should the Commission choose to approve or to deal with these amendment requests today, could the motion state that this item needs to go back to their governing council for clarification? Would that be sufficient?

MS. LEWIS: You could make it conditional on a vote at their next meeting specifically naming
the amendments, or at least a little more detail, because with these minutes, it could be any amendments. We can't tell from the minutes.

THE CHAIR: Okay.

MS. RISNER: I don't know if this helps the situation. But our governing council president did sign each of these before we sent them up.

THE CHAIR: Use the mic button, please, and pull it close to your mouth.

MS. RISNER: I don't know if this helps at all; but our governing council president did sign each of the amendments that we sent up.

THE CHAIR: Okay. Well, we do need to clearly reflect it in the minutes; so -- Commissioners, what's your pleasure? Do you want to move ahead with these amendments? Can I have a consensus, please?

COMMISSIONER BERGMAN: Yeah, it's a long way from Las Cruces, as Gene knows.

THE CHAIR: Let's move ahead. The first amendment I am looking at is Charter School Mission and Statement of Need. Mission Statement, Page 17, it says, in the Current Charter Application or Contract section.

Is everybody on the same page with me?
All right. Let's consider that one, please. Would you let us hear from you on that one?

MS. RISNER: Yes, Madam Chair. As the gentleman stated earlier, education is a real learning curve. And I've been in education over 30 years. And charter school education is the strongest learning curve I've ever been part of; so we wrote our charter and identified the community of need that we wanted to serve.

And then, of course, when you have -- when you put your charter out for registration, there can be no preference; and so the community we had desired to serve, we didn't get as good a representation from as we had hoped. So, therefore, when we went into our dual language program, we had no Spanish-speaking models.

And our teachers were giving it their best. I am very proud of them. All our teachers, K through 7, are bilingually certified. And I sent them to a training with Gomez y Gomez, who seemed to be the current experts in dual language and bilingual education.

And they immediately said, "Well, you can't do that, because you do not have the Spanish-speaking models."
So instead, we're requesting permission to change it to "Spanish language acquisition." And we've seen some success. We've been working with that some this year. And the children are growing much more rapidly than when we were trying to do the dual language, because they didn't have the other children to converse with or to help with on it. The children are doing an incredible job of acquiring Spanish.

THE CHAIR: So am I hearing you saying you've already made this change?

MS. RISNER: We've been doing both. But we have been practicing, and this one shows a lot more promise.

THE CHAIR: Thank you very much.

Commissioners, you've heard the CSD recommendation; you've heard the administrator of the school. Do you have any questions or comments, bearing in mind that we need to include the statement about the governing council minutes?

Hearing no discussion, the Chair would entertain a motion.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I move we approve the change to the J. Paul Taylor
mission statement to go from a dual language to a
language -- Spanish language acquisition approach,
contingent on their governing council meeting and
making more specific the wording of this amendment
that comes to us in their approval, that that's what
they approved.

THE CHAIR: Thank you. We have a motion.

Do we have a second?

COMMISSIONER PERALTA: Second.

THE CHAIR: Commissioner Peralta?

Motion by Commissioner Toulouse, second by
Commissioner Peralta, to approve the mission
statement amendment to change from "dual language"
to "Spanish acquisition," contingent upon governance
council approval.

Any further discussion?

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

COMMISSIONER BERGMAN: Commissioner
Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.

COMMISSIONER BERGMAN: Commissioner
Toulouse?
COMMISSIONER TOULOUSE: Yes.

COMMISSIONER CARR: Yes. I'm sorry.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: I was assuming you were calling me next, and I just said it. Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Gant abstains.

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Madam Chair, that is a 7-to-0 vote, with one abstention, in favor of that motion.

THE CHAIR: Thank you. The motion passes unanimously. Thank you.

Let's move on to the second amendment, which is on the back of that page. Charter School Mission and Statement of Need. Has everyone found it?

Please go ahead.
MR. PAHL: Oh, I'm sorry, Madam Chair,
members of the Commission. J. Paul Taylor, in their
second amendment request of the day, proposes to
modify one of their school goals to guarantee
non-discrimination regarding admissions.

I believe Cynthia can speak to this now.
It's connected to the amendment that was just
passed. The Charter Schools Division recommends
approval of this amendment.

MS. RISNER: Actually, it's another
amendment to our mission statement. And once again,
you design a charter school for the population you
desire to serve, and who registers is who you serve.
And I do have to make it clear that we have fabulous
students and parents; so it's not to say I was
disappointed. But it was different than we
expected.

So we wanted to have a higher
representation of minority students and low-income
students. And it's growing. We're proud of that.
But it's growing very slowly. Because of the
sibling preference part of charter schools, pretty
much the only grade where we take in many students
is kindergarten. Our students stay with us, and
we're happy about that. There may be one or two new
students each grade level.

And this year, in kinder -- we have some large families. This year, in kinder, we only had eight slots for students. So getting the -- getting to a more diverse population, we're working on, and we're making presentations for incoming kindergarteners at community centers, at Title I, Head Start, these kinds of things, so that they're aware we're there. It might be likely more lower income families and minority families might be more likely to enroll with us.

That's going to be a slow process. This year, we had the eight in kinder, and all told, we had 12 slots for our charter school; so we didn't get much diversity. And I don't really see another way to approach this.

Our kindergarten has a waiting list -- and I'm proud of this -- of 38 students. So I don't know how we're going to make our change more rapidly. Thank you.

THE CHAIR: Thank you. Commissioners, you've heard the recommendation from CSD; you've heard the report from the school. Do you have questions or comments?

Recalling that this motion, however you
choose to word it, also needs to include the
approval of the governing council, hearing no
further discussion, the Chair would entertain a
motion.

Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I
would move that the Public Education Commission
accept and approve this specific amendment request
to change some of the language on the student
diversity and discrimination policies, again,
subject to their governing council meeting again and
voting on a more specific motion that specifically
mentions each amendment.

THE CHAIR: Thank you. Do I have a
second?

COMMISSIONER PARKER: Second.

THE CHAIR: Commissioner Parker.

Motion by Commissioner Bergman, second by
Commissioner Parker, to approve the -- the charter
school amendment presented by J. Paul Taylor Academy
to change their school mission and statement of need
in the area of admissions, with a caveat that the
board -- the governing council must also approve.

Any further discussion?

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

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Gant abstains.

Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Madam Chair, again, that is a 7-to-0 vote, with one abstention, in favor of the motion.

THE CHAIR: Thank you. The amendment is approved unanimously, pending governance council approval.
The third amendment put forward by J. Paul Taylor, Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, J. Paul Taylor's third and final amendment request of the day proposes to increase the number of governing council members required in their charter. CSD recommends approval of this amendment.

THE CHAIR: Thank you.

MS. RISNER: This is really a very exciting one, because it's not something that turned out in a way that we -- turned out differently from the way we hoped; it's turning out even better.

The first couple of years, when you're the administrator of a charter school and you're working with your governing council, it's learning who does what and how you move forward. Well, our governing council is amazing. I am very proud of them. They support us 100 percent; they're involved in a lot of the work. Two of the council members are going to work right with me as we work on our renewal paperwork this year. I couldn't ask for better people.

The problem they've run into is they're doing so much that that's -- the seven or nine which
we originally went into was too limiting. They want more members to help share the workload. They are astounding people.

They also didn't want it to be seven or nine or specify a specific odd number, which I did, for voting purposes. But they were correct when they told me, then we might have to take on somebody who's not that desirable for the council to meet this requirement; so we didn't say it has to be odd or anything. It's up to 13.

THE CHAIR: Thirteen is an unlucky number.

MS. RISNER: I think we can cope.

THE CHAIR: Thank you.

You've heard CSD's recommendation; you've heard from the school. Do you have comments or questions? Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, my only concern is if they get it up to 13, that becomes an unwieldy size for a board. Actually, 10 of us is sort of three to five too many sometimes, to get everybody to work together. Then I would be concerned about having a quorum, if you get it up to that many, when it comes to votes, and if you're all breaking up the work.

That would be my only concern. I have no
problem with you doing it, but just knowing from
different experience that if you get above, really, seven or
eight people, it becomes much more unwieldy. So...

THE CHAIR: Thank you. Other concerns or
comments?

Hearing none, the Chair would entertain a
motion.

MR. PAHL: Commissioner Bergman?

COMMISSIONER BERGMAN: All right.

Madam Chair, I would move that the Public Education
Commission accept and approve the amendment
submitted by the J. Paul Taylor Academy to change
the wording on their governance council membership
and change the numbers from 7 to 9 to 7 to -- a
minimum of 7 to a maximum of 13, again, subject to
their governing council meeting again and voting on
a more specifically worded amendment in their
minutes.

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

COMMISSIONER CARR: Second.

THE CHAIR: Motion by Commissioner
Bergman, second by Commissioner Carr, to approve the
third amendment by the J. Paul Taylor Academy to
amend their board -- their governing council
membership.

Are there further questions? Discussion?

Hearing none, Mr. Secretary, may we have a roll-call vote?

COMMISSIONER BERGMAN: Madam Chair, yes, I will make the vote. But I did want to note that before we let them go, there is something we do need to discuss in addition.

Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Gant abstains.

Commissioner Shearman?

THE CHAIR: Yes.
COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Again, Madam Chair, that is a 7-to-0 vote, with one abstention, in favor of that motion.

THE CHAIR: Thank you. The motion carries unanimously for the third amendment to change the size of the governing council for J. Paul Taylor. Congratulations.

Before you all leave, I believe Commissioner Gant has asked to speak.

COMMISSIONER GANT: Madam Chair, members,

I did attend their council meeting -- I think it was in May or June -- May. And they have a very lengthy one. But it's interesting how they run it. And I'm not putting them down. It's very informal. We sit around like this -- school boards sit around a dais or wherever, you know. They were all in one room, just stacked up on top of each other, talking to each other, everybody mixed. And it took me a while to figure out who the council was, who was the --

THE CHAIR: Very relaxed.

COMMISSIONER GANT: Very relaxed, but they got a lot accomplished. It was almost three hours.

And that's unusual, very unusual. But they covered
all this stuff.

My point is, they started up a school. And they had to move in a lot of portables from the district, which the district was -- believe it or not, Las Cruces Public Schools stood up and said, "Here's the portables you need," and put them on the lot. And we had a developer that came forward and did a lot of work.

And this school has signed up -- because LCPS school district has said, "We're going to move our charter schools into one lot and refurb their new building. And, J. Paul Taylor, by statute, you're going to meet the 2015"; and they signed up. And they're working with the district to get into that school properly for the kids.

And you've got to hand it to them. They were willing to give up where they are. The kids -- the students, for the most part, live out there. And like Ms. Risner said, they were looking for a -- they were hoping for more of a different population, but it has worked out well for them. And by moving where they are moving, they may have a better shot at getting some of the students that they were hoping for when they opened up the school.

But you've got to hand it to them. You
get settled in a building; you really don't want to move if you don't have to. And they talked about how they are working with the district. They are totally involved in putting this building together.

And that's a rarity, also, that you don't always get -- yes, I've known Ms. Risner, and she worked for the district. Known her for many years. And I'm really proud of the school.

Thank you.

THE CHAIR: Thank you.

MS. RISNER: May I speak?

THE CHAIR: Good news about cooperation between the school district and the charter schools is very heartening, and we'd love to hear more of that.

Please go ahead.

MS. RISNER: Thank you, Commissioner Gant, for your kind words. I am proud of how they work together. I hope even when we get to our new location, we still sit informally for these meetings. That's part of the community we're trying to build there.

I do have to say Las Cruces Public Schools has worked closely with us. The plans were approved about a week ago; I don't have the exact day. We
should have a groundbreaking this month, and we're moving forward. We feel very fortunate.

And I will take care of adding the specificity to the minutes, because my overzealous governing council has a day-long meeting on -- I believe it's July 26, because we're bringing in a new member and to make sure we're all on the same page. And I will make sure this gets on the agenda, and we address it. Thank you.

THE CHAIR: Thank you. We appreciate that. Who does that go to, Abby? Do the minutes come just to the CSD, or do they come to you?

MS. LEWIS: Matt, will you forward them to me if they send them to you?

MR. PAHL: Sure, yeah.

THE CHAIR: If you will get those minutes to Matt at CSD, he will forward them to our attorney so that we have them.

Commissioner Bergman?

COMMISSIONER BERGMAN: Thank you. I have noticed a potential problem, if these numbers are correct, down here at the bottom of the first page of your snapshot. It shows that the cap for this school is 180, and their current enrollment is 186. If that's the case, they've exceeded their cap.
MS. RISNER: That has been confusion since we started. If you look in our charter -- and I can send it to you -- the cap is 200. We were expecting 20 per grade, K through 8, but the cap specifically says 200. When they've done our site visits, that's come up.

COMMISSIONER BERGMAN: This number is incorrect. We need to be sure that this number is changed on the snapshot. Thank you.

MS. RISNER: Thank you.

THE CHAIR: Ed, are you their liaison?

MR. WOOD: Yes, Madam Chair, I am.

THE CHAIR: And 200 is the correct number?

MR. WOOD: That's correct, Madam Chair, it is their cap.

THE CHAIR: Thank you, Commissioner Bergman, for noticing that.

Any other questions?

Thank you both very much.

MS. RISNER: Thank you.

THE CHAIR: Ladies and gentlemen, we've been at this for an hour and 15 minutes. I think it's a good time to take a break. Let's take about 10 minutes. We'll come back at 25 after 10:00.

Thank you very much.
(Recess taken, 10:15 a.m. to 10:26 a.m.)

THE CHAIR: Let us come back into order, please.

Next on the agenda is the Masters Program. Please come forward. Please be seated.

Mr. Pahl?

MR. PAHL: Madam Chair, the Masters Program requests to amend its mission statement to clarify the complete focus of the school. The Charter School Division recommends approval of this amendment.

THE CHAIR: Thank you. Please introduce yourself and let us hear whatever you might want us to know.

MS. SALZMANN: My name is Anne Salzmann, S-A-L-Z-M-A-N-N, and I'm the principal of the Masters Program.

We are requesting this change to make our mission more exactly reflect what we do as a school. The original mission was written by the founder, John Bishop, who was not somebody who had a lot of school experience, but who had what we think is a great vision for a school. But we wanted, especially as we're coming up on our renewal year, to have a mission that is very clear about the main
emphases of our school.

One of those, academic excellence.

The second one has to do with service,
which has been part of our mission since the very
beginning.

And the other part for us that's really
important is the idea of creating a conscious
community. And what that means is we pay a lot of
attention to teaching our students about our
expectations of how we will get along, of what it
means to have character and what that entails.

And those are the things that -- the three
tings that we want our evaluation to be based on.

THE CHAIR: Thank you very much.

Commissioners, you've heard CSD's
recommendation and heard a presentation from the
school.

Ms. Lewis, have you reviewed their minutes
and find those acceptable?

MS. LEWIS: Yes, and yes.

THE CHAIR: Thank you very much.

Commissioners, do you have any questions
or concerns?

Hearing none, the Chair would entertain a
motion.
COMMISSIONER PERALTA: Madam Chair?

THE CHAIR: Commissioner Peralta.

COMMISSIONER PERALTA: I move that the Public Education Commission approve the amendment presented by the Masters Program to amend its mission statement, as stated.

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

COMMISSIONER PARKER: Second.

THE CHAIR: I'm looking at Commissioner Parker, and he's saying "Yes."

I have a motion by Commissioner Peralta, second by Commissioner Parker, to approve the amendment request presented by the Masters Program.

Is there any discussion?

Hearing none, Mr. Secretary, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.
COMMISSIONER BERGMAN: Commissioner Toulouse?

THE CHAIR: Is out of the room.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes. I could have said "Yes" for her.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Yes.

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Madam Chair, that is a 7-to-0 vote, with one Commissioner out of the room, in favor of that motion.

THE CHAIR: Thank you very much.

Please let the record state Commissioner Toulouse is back in the room now. However, the motion has passed unanimously.

COMMISSIONER TOULOUSE: And, Madam Chair, I would have voted "Yes" if I was present.

THE CHAIR: Thank you very much.

Next is Sage Montessori Charter School.

Come forward, please.
COMMISSIONER TOULOUSE: Madam Chair, I must recuse myself from this vote because I have a small cousin attending the school.

THE CHAIR: Thank you very much. So noted.

Mr. Pahl?

MR. PAHL: Madam Chair, Sage Montessori Charter School is posing two amendments today, the first of which is to their charter school goal. They request permission to amend their first S.M.A.R.T. goal, due to a change in the Short-Cycle Assessment and to assure inclusion of all students in that assessment.

MS. MONTOYA: Good morning.

THE CHAIR: Good morning. Please go ahead. I'm just flipping papers here.

MS. MONTOYA: I'm Eileen Montoya. I think you've probably seen my face before.

I'd like to start off this morning by thanking you for all your time that you've spent to support public education. I'm very glad we have this system in place to help our schools. We can't do it alone.

I'd also like to address the --

Madam Chairwoman, Ms. Shearman. Thank you, and good
to see you again. I was here two weeks ago helping another charter school. I recently am now the head administrator at Sage Montessori Charter School. I've been at this school for over three months, and in the time have helped to turn the school around in helping issues found at their site audit and compliance issues. We're down to the last issue, and that is, today, to, hopefully, with your permission get our two amendments passed and approved.

The first one is realistically starting off with the fact that we used to use the old TerraNova assessment. And based on that TerraNova which was the old California achievement test, we had kind of a goal in the charter which was very unclear. And if you read that, you can see that it talks about 90 percent of the non-IEP students -- well, you know, I was a little -- I didn't quite understand the terminology stating the non-IEP students. I've always just said "students."

So basically, the -- what they've said was that they would increase total scores by at least 1 point each year. And they stated that in kindergarten, they would gain more than the equivalent of one year in achievement each spring,
based on the use of students' end-of-the-year EA, and DIBELS testing will increase.

By the end of the fifth year, 90 percent of non-IEP students who are in kindergarten will increase by 4 points every -- over their TerraNova score; so -- and that was also at the beginning of the first year at Sage Montessori Charter School.

And then they also said IEP students will take both the appropriate forms of the TerraNova, and at the end of each year, will achieve a score appropriate to their IEP.

So basically, we're no longer using the TerraNova. And all states now -- many states -- are using the NWEA, which is the Northwestern Education Assessment system. It's NWEA or MAP's. The -- so we have been using NWEA and would like to change that to our Short-Cycle Assessment. So in that, I will state our new goal.

Students who begin the school year at Sage Montessori Charter School will be tested in fall, winter, and spring, will achieve national student growth targets in math and reading, as set during the fall testing cycle by NWEA. Students in the cohort will demonstrate one full year growth or more as defined by NWEA student growth target established
from the fall test results. All students will score from the 40th through the 70th range. NWEA is paid for by the State and is aligned with New Mexico Common Core State standards.

The rationale for the change, again, is that TerraNova is not as comprehensive and is no longer being used in the state of New Mexico. The separation of IEP from non-IEP students is not best practice, and Sage Montessori School is ensuring that all students are succeeding in the program.

That is the first amendment.

THE CHAIR: Thank you very much. Commissioners, you've heard CSD's recommendation and the presentation from the school.

Do you have any questions or comments?

COMMISSIONER BERGMAN: I'm wrestling with this a little bit, because it -- in some ways, it looks a little vague to me. If this was a contract negotiation, and we were sitting down -- you have not gotten to that point yet. Those that have sat down with me in contract negotiations know that I am very strict on goals, and I want goals to be challenging for each school that sets goals; otherwise, why set a goal if it's not going to be
challenging to your school?

Now, I understand that the Public Education Department automatically assumes that all students will show one year's growth each year in their classes. And that's what your goal states: You will show one year's growth.

That does not strike me, for your particular school, with the grade that you have that I see on the snapshot that I have in front of me, that that's a particularly challenging goal. I understand your rationale for changing from the TerraNova. I would have liked to have seen a little more specificity and a little more of a challenge involved.

And your school liaison is sitting there, and she has heard me in these negotiations. She knows what I am talking about. Maybe if you want to take a second and whisper in her ear or something?

I probably could support this as written, but I'm just a little uncomfortable. Would you like to address what I've just said?

MS. MONTOYA: Commissioner Bergman, thank you very much for your concern and your expertise. And I appreciate the fact that you are holding schools accountable. It's taken a long time. But
this school is accountable.

    And in this goal, I have set up to
70 percent. And I know that we have kids in the
school that will score above that. But because of
the fact that we are in our third year, I'm still
building the team that we need in terms of
instruction to get these kids the right material to
excel in their program.

    And I am very grateful that you have said
what you have said. And I hope to bring that target
up after this year.

COMMISSIONER BERGMAN: Great. Thank you
for sharing those sentiments, also. Again, I --
just to expand on what I said, if your kids are
behind, if you just target them for one year's
growth, they're never going to catch up. You know
what I'm saying there. They have to show more than
one year's growth.

    And since your renewal will be coming up
down the road, I'm sure we'll sit down at a more
appropriate occasion for that negotiation. I can
tell you we really have some very vigorous
discussions on goals, because I care about them, and
everybody, as you just stated, wants their students
to excel. So I thank you for your comments, and I
think I've said enough.

    Thank you, Madam Chair.

THE CHAIR: Thank you. My comments are
I'm not that familiar with MAP's. I really am not.
And when you say they'll score between the
40th percent range and the 70th percent range, that
really does not tell me anything.

    I agree with Commissioner Bergman. I
think if your expectation is that the students are
only going to grow by a year, they'll never catch
up.

    I would really have liked to have seen, in
this goal -- I agree with your change in your
assessment; you had to. I would have hoped that you
would have said perhaps 10 or 15 percent of your
students will exceed a year's growth, the remainder
will attain a year's growth; something to put in a
little ambition there to push everybody and to push
the students towards that catch-up that obviously
your students, some of them, certainly need to do.

    Would you respond to that, please?

MS. MONTOYA: Yes, Commissioners,
Chairwoman, we'd be glad to respond to that.
Basically, we -- this is a general goal. And there
are kids that are exceeding two or three grade
levels above their current level; so in that -- in that regard, there are -- again, they will be in this total school score, which is up to -- and I have said -- 70 percent.

But there are the kids that are scoring above grade level, three and four years above grade level in reading, not quite so much in math. But, again, that is why we are putting the programs in place to get the kids at the appropriate level and provide the instruction that they need to move ahead and to grow as high as they possibly can in our school.

Thank you for your insight and your comments.

THE CHAIR: Thank you. Commissioners,
other comments? Questions? Does this goal, as written, meet your expectations? Anyone have anything else to say?

Hearing no other comments, the Chair would entertain a motion.

Commissioner Bergman?

COMMISSIONER BERGMAN: Madam Chair, I would move that the Public Education Commission accept and approve this change in the Sage Montessori's student performance expectations,
student S.M.A.R.T. goal number 1, as written on the form.

THE CHAIR: Thank you.

COMMISSIONER PERALTA: Second.

THE CHAIR: Motion by Commissioner Bergman, second by Commissioner Peralta, to approve the amendment request by Sage Montessori to their Student S.M.A.R.T. Goal 1.

Any discussion?

Hearing none, Mr. Secretary, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: I abstain.

COMMISSIONER BERGMAN: Ah, you -- sorry. I remember you saying that. Commissioner Toulouse abstains.

Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner
Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Yes.

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Madam Chair, that is a 7-to-0 vote in favor of the motion, with one abstention.

THE CHAIR: Thank you, Mr. Secretary. The motion passes unanimously to approve the change in Sage Montessori's Student Goal No. 1. Thank you.

Let's go to your amendment No. 2 for an additional facility.

MS. MONTOYA: Thank you, Madame Chairwoman.

THE CHAIR: Let's hear from Mr. Pahl first, please.

MR. PAHL: Madam Chair, members of the Commission, Sage Montessori School requests permission to occupy an additional facility in order to accommodate increased enrollment to meet the unique instructional needs of the Montessori
program.

The CSD recommends approval of this amendment.

I'm going to point out something on one of the documents. Our supporting documentation includes a letter from PSFA and a copy of the E-rate certificate -- or the E-rating certificate -- that shows that -- it notes that Corrales International School as the name there. That was the prior tenant in that building; so just to note that -- because the school isn't there yet, it's not their name, but that's why it reads as such.

THE CHAIR: Thank you. I was a little concerned that maybe I had the wrong form or something. Okay. Please go ahead.

MS. MONTOYA: Thank you. The second amendment that I'm here for today is in regard to facilities. And looking at our current charter statement, "Sage Montessori, K-through-8 Charter School is located in Albuquerque's Journal Center at 5120 Masthead, Northeast. And it's across the street from the Bar Association, if you know that area. It's very beautiful, and we are allowed to use that park there for activities. It's a gorgeous area.
Our desired location is located near Paseo del Norte and I-25. Under Facilities, Section G, in our charter, Sage Montessori K-through-8 Charter School will have two campuses. The first is located at just the address that I described. The second site would be located at 3821 Singer Boulevard, Northeast. This is in the area not too far from Century 24. It is approximately five minutes from our current campus, just so you get a visual on this.

Now, I'll explain the rationale.

The PSFA has listed our current facility as being capable of hosting the education of 311 students. Unfortunately, because of the instructional pods and centers that are unique to a Montessori setting, the building feels overly crowded with our current enrollment of only 250 students. Our current Masthead location is not providing an optimum learning environment.

After seeking input from parents, students, and community, we believe that our best option is to expand our school's facilities to include two campuses, a K-through-3 primary site at the Singer location, which does have a playground and used to be a charter school, even at that, a
Montessori charter school at one time; and to keep
the fourth-through-eighth grade at our current
location.

Just to brief you on some history, in
December, we had a visit from our charter school
liaison, Rachel Stofocik, who I thank dearly for her
guidance to help me in the school; and also Juan,
another liaison from CSD. I forgot to thank them in
the beginning. I couldn't do it without them. And
Kelly Callahan; she is no longer with us, but she
was part of that.

So, again, just need to explain to you
that Sage is not seeking an increase in the
enrollment cap, which is -- has currently been set
by the PEC at 788 students. We are not expanding
beyond our current neighborhood area. The two sites
are within two miles, five minutes, of one another.

This amendment will, however, provide Sage
with the facilities that will enable us to reach out
to the community to enroll more students who will
benefit from a Montessori setting and grow to the
enrollment capacity that the PEC has envisioned and
already approved.

Additionally, the Singer location has been
the site of a State-authorized charter school since
2005. We anticipate a quick approval from the PSFA and are prepared to meet a short move-in window.

Just to let you know, that letter is in there. The specifications are very good. And we are set up to move within three days to this -- to expand to the second campus. Thank you.

THE CHAIR: Thank you very much, Ms. Lewis. I failed to ask you -- I know you've reviewed the minutes. Are they sufficient?

MS. LEWIS: Yes, ma'am.

THE CHAIR: Thank you very much.

You've heard the CSD recommendation and the presentation from the school. Do you have questions or concerns?

Commissioner Bergman?

COMMISSIONER BERGMAN: Not a concern or anything. You have identified the Singer site as the primary site. Is that where your headquarters is going to be, then, or --

MS. MONTOYA: Let me tell you. I am so fortunate that I have hired two other teachers who also hold the Level 3-B license. And as I go from site to site, as being head administrator, I will definitely have a designee in the event that I am needed back, to handle the situation. And I will
have a head administrator in each building at all
times.

COMMISSIONER BERGMAN: Excellent. Thank
you.

MS. MONTOYA: That building on Singer is
not big enough to hold the whole school, but it's a
start. And we do have a waiting list of students.
And we have -- we just are growing every day. We
want to grow every day. But currently, in the
building, PSFA does not recognize that this is a
different school. There are tables; there are
chairs. It's an interactive education curriculum.
Kids are moving around. They need a lot more room.
And it is definitely overcrowded.

So we're -- this is a start. It's not the
end. It's not to get us to cap, but because it
won't hold that, either -- but it can help us grow,
at least this year. But our eventual goal is to get
into a building big enough for K-8 to meet our cap.

COMMISSIONER PARKER: Madam Chair,
Commissioners, do you foresee an instance where
students are going back and forth between these two
sites?

MS. MONTOYA: No, I do not. We have set
it up. We have stagger drop-off times. We have
aftercare that's going to be picking up students who
go to our after-school facility from the K-3, site
which is on Singer. There will be no traffic
between schools, other than staff who will be
floating.

I have a part-time art teacher, part-time
physical education teacher that will be covering
both sites, as well as, if needed, I do have a
special ed director who will go back and forth to
both sites, as needed, along with any other
resources that I have. I will use them at both
sites to my -- to the best of my capacity.

THE CHAIR: Other questions? May I just
clarify? Did I hear you correctly when you said
your current enrollment is 250?

MS. MONTOYA: Yes, ma'am.

THE CHAIR: Our snapshot says 199.

COMMISSIONER GANT: That was the 40-day.

COMMISSIONER BERGMAN: That was their
40-day count.

THE CHAIR: Just wanted to clarify that.

Any further discussion?

Hearing none, the Chair would entertain a
motion.

Commissioner Gant?
COMMISSIONER GANT: Madam Chair, members,
I move to approve the amendment presented by Sage
Montessori Charter School to occupy a second
facility at the address noted.

THE CHAIR: Do I hear a second?

COMMISSIONER BERGMAN: Second.

THE CHAIR: Motion by Commissioner Gant,
second by Commissioner Bergman, to approve the
amendment presented by Sage Montessori Charter
School to occupy a second facility, with the address
as noted in the record.

Is there further discussion?

Hearing none, Commissioner Bergman, may we
have a roll-call vote, please?

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.

COMMISSIONER BERGMAN: Commissioner
Toulouse abstains.

Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner
Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner
Peralta?
COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Yes.

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Madam Chair, that is a 7-to-0 vote, with one abstention, in favor of that motion.

THE CHAIR: Thank you. The motion passes unanimously. Thank you very much for being here.

MS. MONTOYA: Thank you all for your support. Thank you for helping us grow.

THE CHAIR: Next on the list is Mission Achievement and Success Charter School, if they would like to come forward.

Mr. Pahl, whenever you're ready?

MR. PAHL: Thank you, Madam Chair, members of the Commission. Mission Achievement and Success Charter School requests permission to add grades K through 5, based on a graduated expansion plan. The Charter Schools Division recommends approval of this amendment.

THE CHAIR: Good morning. Whenever you're
ready, please introduce yourselves.

MS. MYERS: I'm JoAnn Myers; I'm the principal.

Oh, yeah.

I'm JoAnn Myers. I'm the principal.

MS. COLLETTI: I am Melissa Galetti. I am a teacher.

THE CHAIR: If you have a presentation for us, we'd like to hear that now.

MS. MYERS: Do you want copies?

MR. PAHL: Would you like copies, or no?

MS. LEWIS: Are they different than what we have?

MS. MYERS: I don't think you have -- it's the same thing I pretty much presented to you last time I was here. It's just a hard copy, if you prefer something in front of you.

COMMISSIONER GANT: No.

MS. MYERS: No? Okay.

THE CHAIR: Let's just proceed.

MS. MYERS: Okay. So can you hear me or shall I push the button? So we're requesting to amend our charter. We're currently approved to serve students in grades 6 to 12, and we're requesting to amend this to grades K to 5. And
we're seeking to -- if we're approved, we're seeking to begin the elementary next school year; so not the upcoming, but the 2015-'16, with a phase-in plan of K-1 for that first year, and adding one year each year until we get up to the fifth grade.

So our rationale -- continuation of the rationale: Part of the reason we were looking to add the elementary was honestly just based on how students are coming into our school. And one of the things that you should have is -- it shows the reading assessment scores as the kids entered our school in 2011-2012, and -- the reading and math, I should tell you. Reading and math scores for entry scores when they entered in 2011 and '12, and the scores from 2012-'13.

And if you look at that, what I put in that was I showed the kids that were coming in, what their proficiency rates were, and then we looked at what the State averages were. And then, at the last page of that presentation -- I showed you just a summary -- you can see that our students, for reading and for math are coming in below State averages.

So the State average, for example, in -- state average of kids that are not proficient for
eighth grade math for the State is 50 percent. For

MAS, when they were coming in, we had 62 percent

that were not proficient as they walked through the
doors. And so that was part of our rationale for

requesting an elementary, as we found that while our

kids are making great gains -- and I'll talk about

the gains that we've seen -- we felt that if we

started with them younger, we wouldn't have some of

the issues that we have with catching up so much and

have such -- such a large amount of growth to make

and so many kids to do with it with as they entered

the school.

So then the next part -- and this, you
don't have in front of you. But this is what I

presented, so another part of why we didn't actually

just request a whole new charter and do an

elementary charter instead of just requesting an

expansion. And that really came down to just the

way that it works here.

If we were to do an elementary charter as

a stand-alone, those kids would not be

automatically -- they would not feed into the middle

school automatically. They would still have to

reapply through the lottery process, which kind of

defeats the purpose of what we were trying to do.
We added a little information. I'm sure you're well aware of the research on how important it is that kids are reading on grade level by third grade, if they're not reading on grade level by third grade, the detrimental effects that would have; again, the rationale for why it would be beneficial for us to start an elementary program.

I provided just a little bit of the information about our demographics. So as of the 120th day reporting period of this past school year, 19 percent of our students were identified as students with disabilities, 10 percent of our students were identified as gifted students, 15 percent of our students were identified as English Language Learners, and 71 percent of our students were eligible for free-and-reduced lunches.

And then just to give you a sense of middle-school kids across the state, the 2012-2000- -- this is based on 2012-2013 data that came from the PED website -- 14 percent of the state's kids are students with disabilities; so we have 5 percent more, on average, than what's in a typical middle school in the state. I wasn't able to find gifted data. 14 percent ELL; so we're just 1 percent higher than for what the State averages.
are for middle school; and right on average for what the middle school free-and-reduced lunches are, just to give you a sense of our demographics.

So the -- what I showed -- the next slide that you all don't have, but I presented this the last time I was here, as well -- is our student growth for seventh grade -- so we presented our seventh- and eighth-grade growth, because at that time, the SBA had literally just come out, so we tried to crunch some quick data for you the week before we got here.

We started -- when our kids came in this year, our seventh grade was -- in reading, we only had 33 percent of the kids were proficient as they entered. And some of those kids, a small number -- I would say about 40 of those kids -- were with us a year prior; but about almost 60 of those kids were brand new to our school, and that's because, in our first year, we did not fill all of our seats.

So we went from 33 percent to 56 percent proficient. We made 20, 30, -- 23 percent gains in seventh-grade reading; so we made 23 percent gains in seventh-grade reading this year. And then we made 21 percent gains in eighth-grade reading this year. And that's movement in proficiency.
Then in math, we were 20 -- we made
19 percent gains in seventh-grade math, movement on
proficiency growth. And we didn't make as much in
eighth grade. We only increased by -- I can hardly
read this print -- we increased by 7 percent. But I'd like to point out that one of the things that we changed was we added an additional math class for all of our kids, six, seventh, and eighth, but we could not staff the position for eighth grade this last school year.

So I do think it speaks volumes what the additional time in math does for our kids, because our six and seventh graders got it last year for the first time. Our eighth-graders didn't, only because we could not find somebody licensed to teach; but we do have that position filled for this upcoming school year.

Then in addition to that, for seventh-grade reading, 71 percent of our students demonstrated more than one year's gains. And then for eighth-grade reading, we had 74 percent of our students who demonstrated more than one year's gain.

And as you are aware, that if a child is behind, you have to make more than one year's academic growth in an academic year to ever close
the achievement gap for a child; so that's exactly what we're looking for.

So even though I think that we had pretty profound proficiency gains, we also clearly had the growth that we need to have to eventually close those gaps for the kids.

In math, seventh-graders, we had 78 percent of our students in math for seventh grade made more than one year's academic gain. And I didn't differentiate if this was 1.1 years, 1.9 years, 2.3 -- I didn't say what the range was, but anything more than one year. And then for eighth grade, 50 percent of our students demonstrated more than one year's gain in that one academic year. And again, I just want to point out that the difference, where you see not as much growth in the eighth grade, they only had one math class.

And we intentionally added a second, just based on our first year, just seeing how low the kids were coming through the doors and just recognizing that they -- we didn't know how else to fix the problem but giving more instructional time, I guess, to the mathematics area.

I also included -- just for additional
proficiency measures, I gave you -- well, you don't have it, but in front of me -- I can give you a copy of it -- is SRI growth. And it's just another -- we triangulate all of our data; so we'll look at multiple data points. So we used the Scholastic Reading Inventory. We test the kids quarterly on that.

And then we also use Discovery Assessment, and we test them quarterly on that. Discovery, we'll test for the reading and the math, and the SRI test, just the reading. And so what I showed in here is just the difference -- the growth that we saw the kids make in SRI. And it's very consistent -- for the most part -- actually, our growth in SRI and Discovery was a bit higher than even the SBA scores were and stuff. But they're correlated. There's a correlation between the SRI and the Discovery as far as how kids should perform. It should be predictive on how they perform on the SBAs.

So if you do want copies of that, I have that, as well. That's essentially my presentation on our request for the expansion.

THE CHAIR: Thank you very much.

Ms. Lewis has assured me that the governance council
minutes are in order. So you've heard the
recommendation from CSD and the presentation from
the school. Do you have questions?

Commissioner Gant?

COMMISSIONER GANT: Madam Chair, I do.

One, you want an increase in your student grades to
the lower grades, but we have a problem. Your
mission statement is only for middle and high, which
your charter was opened up for; so you have not
changed your mission statement; so you're still
under the old charter, and it's a little difficult
to add classes -- or grades -- based upon your
charter.

And I'm really concerned about your report
card. And I haven't seen the one, of course, for
'13-'14; so I find it a little difficult to be
adding the lower grades when you haven't really
according to the report card for just -- for the
upper grades. And I just have a real problem with
that.

MS. MYERS: If I can ask for
clarification. The report card grade that you show
is what?

COMMISSIONER GANT: '12-'13.

MS. MYERS: The grade is?
COMMISSIONER BERGMAN: You got a D in final grade. You got a three-year average. I'm looking at Mission.

MS. MYERS: That's incorrect. They corrected our grade. What happened -- and there should be a corrected grade on the website. What happened was it -- our charter school -- and there were two other charter schools that were -- I guess they -- I don't know -- caught us -- they didn't know whether they should put us on the elementary scoring or the high school scoring; so we immediately, when the grade was released, went, and they actually changed our grade.

Our grade for the first year was a C, and our grade for the high -- the 75 -- the highest 75 percent was a B. And our lowest quartile is where we struggled with, with our kids and stuff, and that's where we made some of these changes with the math and stuff to benefit all kids.

But what you're looking at is not correct. There's actually a corrected version, and it should be on the PED website. We did make sure that was up there. You do not have the correct information if that's what's in front of you.

COMMISSIONER GANT: Mr. Pahl, can you
answer that? She claims we don't have the right data.

MR. PAHL: I'm sorry. I was talking to Staff just a moment ago, Madam Chair and Commissioner Gant. Can I have an overview of what we feel like is missing?

COMMISSIONER GANT: What we have as a snapshot is final grade is a D; three-year average is a D; current standing is a D; lowest performing is an F.

Where did you get that?

THE CHAIR: Off the website.

COMMISSIONER BERGMAN: Well, I go by what I am provided.

THE CHAIR: I understand. And I do, too.

MS. MYERS: And I'll just add, because there's a couple of other spots where there's still, like, errors on the website where we've pointed out to them. There's one other spot that I've located, and I've pointed that out to ask that that be changed. But what you do have is unfortunately -- fortunately, for me -- incorrect.

COMMISSIONER GANT: Madam Chair, I still say the mission statement is a blocker. We have not changed the charter.
COMMISSIONER PERALTA: Madam Chair?

THE CHAIR: Commissioner Peralta?

COMMISSIONER PERALTA: First, I concur with Mr. Gant on the mission. I do believe we really need to take serious consideration into that.

But this will be your third year in operation; is that correct?

MS. MYERS: Correct.

COMMISSIONER PERALTA: So in '15-'16, you'll have your first ninth-grade class in place?

MS. MYERS: No. This year is our first ninth-grade class.

COMMISSIONER PERALTA: '15-'16 is your proposed incoming kinder.

MS. MYERS: Sophomore -- correct.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: I would just like to note, your rationale for adding your lower grades, I totally get that, of course. That's -- to have them and get them ready for your middle school is great.

And as Commissioner Peralta just pointed out, they're actually not going to add the grades K and 1 for a full year. It's going to be not this coming school year, but the following school year.
And my thinking on that, until our attorney tells me I'm wrong, is that would actually give us a year to -- if we approve them to do, that to change their mission statement to incorporate the elementary grades; or perhaps our attorney should weigh in whether we need to do the mission statement first and then the other.

MS. LEWIS: If you're interested in approving this amendment, I would say that you can, with the added language that before the amendment is to be put in play or before the school acts on the amendment, that they must come before you for a change in their mission.

MS. MYERS: Can I add something on the mission? We talked about that with our board and stuff, because -- we're very clear what our mission is. We post it everywhere; it's an integral part of our school.

And what we talked about, we didn't come with the -- a third amendment. It just felt like they were -- the amendments were so contingent on each other. This amendment -- like, even the next amendment for us asking for an enrollment expansion, it truly is contingent on this approval, because if you were to not approve this, we really don't need
an enrollment expansion.

And then that goes with the mission; so we literally talked about it, and, truly, like, our board, what we discussed is a change in the mission. The only thing we would change is the language of the middle and high school part, because our whole goal would still be, even for the elementary kids, to prepare kids for college.

And it is -- I don't believe you start preparing kids for college just in middle school or just in high school. I mean, that's the whole goal -- it should be from the beginning -- is to make kids college- and career-ready and stuff from the moment they enter school. It obviously looks slightly different of how you do that.

But we did have this discussion during our board meeting when we were talking about this. And we actually talked about potentially bringing up the mission statement. But, again, the only reason we didn't is we felt like it was so contingent on one after the other that it was just something we naturally would have to adjust, moving forward.

THE CHAIR: Thank you for that explanation.

I do have the corrected final grade
The area that concerns me is your lowest performing students. And it is still an F. You have 5.91 points out of a possible 20. I think, if I recall correctly, when this application for this school came before us, that was pretty much your target group. You wanted to serve those students who had not been successful other places.

I don't think you're -- you're not doing it. It's not getting done. You still got an F in your lowest-performing students.

In my mind, you do not take on a new mission until you have succeeded in your current mission. I think the grades that you have now are the ones you need to focus on. The grades that you have left to bring in, up to the twelfth grade, if you want to continue bringing those in, that's in your charter; that's where your efforts need to lie.

But until you succeed in this lowest-performing student group, until you can help them succeed, I don't think the school is succeeding, and I don't think it's -- it's not what you came to us and promised this Commission and the students what you were going to do. And so I want to see that promise fulfilled before we change anything else in this school.
And I think if you add elementary grades, you're going to divide and give your staff more to do; you're going to have more to do. And I think the focus needs to remain on the group of students and the classrooms and the grade levels you have and help them be successful.

I cannot support this amendment because of the F grade in the lowest-performing students, and it hasn't changed.

Commissioner Peralta?

COMMISSIONER PERALTA: On a personal note, I would like to see more that we take -- if the school is still ambitious in wanting to add K-5, that amendment piece, I would prefer that we take care and fix the mission first to address that. But I would like to see more that we give them time to take a look at and see what they're doing -- how they're progressing with the grades that they're phasing in.

I mean, I've only seen two, three years of evidence here about how the school is performing. With the new ninth-grade class coming in, I'd like to see more that population of kids and -- over time, and see how the school is doing before we add or phase in any more grades into the school.
THE CHAIR: Thank you.
Commissioner Bergman?

COMMISSIONER BERGMAN: We keep referencing the corrected grade. What is the corrected overall grade?

COMMISSIONER CARR: Pass it down.

COMMISSIONER BERGMAN: I can't read that.

So it became a "C" instead of a "D."

THE CHAIR: Yeah. But the lowest performing group is still an "F."

COMMISSIONER BERGMAN: I see that now.

Thank you, Madam Chair.

THE CHAIR: You're welcome. Thank you.

Commissioner Parker?

COMMISSIONER PARKER: Madam Chair, Commissioners, I was just wondering. Can you address somewhat having kindergarteners at the same school with high school children?

MS. MYERS: Sure. As far as that, the way the building is constructed, they actually would be on their own complete wing, like, with separate doors, that you have to go through another door to get to that hallway and stuff; so they really would be completely segregated within the building and stuff, where an elementary program would be
completely separate from the middle and high school altogether.

   For the most part, even our middle school program is completely separate from the high school program. It's just the design of the building is conducive to having the three levels within the building and not having any interaction.

   With that said, I have experience in working with K-to-12 buildings. I've never run into this as an issue and stuff, because your kindergarteners, they don't transition and stuff. It's not like they're interacting, and there are separate lunch periods and things like that.

   So even though our building is very conducive, where they completely are isolated from one other, when I have been in buildings where there's K-to-12, like, as long as you stagger things like your lunches and things -- and your kindergarteners don't transition from class to class, unless they walk as an entire class maybe to an art room or something like that -- I have not seen that to be an issue.

   COMMISSIONER PARKER: How about outside the building?

   MS. MYERS: As far as, like, a recess and
play time?

COMMISSIONER PARKER: You said everything is segregated inside the building. But before and after school.

MS. MYERS: As far as drop-off points, we have separate drop-off points for each grade level, too. So my ninth-graders this year will come in in a complete different entrance, and they deposit into a before-school area. Our middle school kids go in a different entrance, and they come into a before-school area.

And then once we have -- if we get approved for an elementary, same exact thing. They'll come in a complete different entrance, and they'll have a different place that they are for their before-school. It's just the building is very conducive to it; so we really don't run into that issue.

As far as outside, like recreational-type things, we have a gym that we can use within the building and stuff. We use that; obviously, we don't mix grade levels and stuff for the gym -- PE, rather. And then there's a playground for the kids, for elementary, a community center, which is right next door to our school.
COMMISSIONER PARKER: Thank you.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, the figures you're looking at are still last year's figures. We don't have this year's figures. That's only a one-year. And I have a problem when we're looking at three years, and you're saying there's no improvement, when we don't have this year to see if there was an improvement between their first year and their second year. They've only completed their second year.

So I -- I think -- I would like to wait to do the actual approval, because we're not looking till next fall until we have the charter -- or the mission changed. But I don't think we should just completely say no -- because I've been in their facility, and I know what she's talking about, about the complete separation of the facility -- that based on their first year of data, you can't say that they still are failing, because we don't know what they did.

So I'd also like to see the next year's data, especially considering the fact that I still don't understand how all of these numbers -- how the numbers translate into grades, and how the grades --
or the letter grade is consistent across the board. And until I can trust in that, I'd much rather trust in numbers. I'd like to know how many students went from one category to the other, that kind of thing.

THE CHAIR: And you'll never get that.

COMMISSIONER TOULOUSE: Because, like I say, that's what gives me the picture. A letter grade, where I can't understand the formula -- and I am bright enough to understand most formulas, and I am very good at statistics -- I have a problem with us just looking at a letter grade. But anyway, I'd like to see what this next year's -- this-school-year stuff is before we make a decision, because we have a year to play with till when they start.

THE CHAIR: I'm sorry. Mr. Pahl?

MR. PAHL: Just a few notes on data here. We're having a good conversation. Regarding the school grades, they should be out by the end of the month, so we will have information for a second year for this school.

Second, the breakdown between, you know, our categories of proficiency on the SBA are found on the report card on the second page. And you can find trend data there, as schools have more years in
their --

COMMISSIONER TOULOUSE: One year
doesn't --

MR. PAHL: And lastly, the school
snapshots were included in our binders today, per
request from Commission members. We will not be
putting those in binders until we can ensure the
veracity of the data on there. These were reports
that were created earlier this year under a
different director.

Until we know that this data is right, I
don't think we can anticipate seeing these in
binders. But we're going to try and convey the
information for you that you find important on here.
But we need to make sure these are right. And we
hope that's next month's meeting, but --

THE CHAIR: Well -- and I agree that the
data needs to be correct. But I would hate to lose
this information in our binders. It does give us a
lot of information that we -- that we need. So
please don't quit -- don't quit putting them in the
binder. But if you would double-check, that would
certainly be appreciated.

Other questions, comments, Commissioners?

MS. MYERS: I would just like to address
the lower quartile on the first year's report card, because we -- as you had suggested Commissioner Toulouse, we tried our hardest just during the first year to understand the formula, just like how the stuff was computed, just to make sure we were doing everything in our power to at least understand how it worked and stuff.

But when we -- we weren't -- we were a little surprised, honestly, to see that small. But what I can tell you, our lowest quartile, we looked at them kid by kid. We scheduled a meeting as soon as the grades came out. Even after the corrected came out, we scheduled a meeting and met with -- Dr. Goldschmidt? I'm not sure of his last name.

But our board chair and I went up and tried to have them go through formula by formula. We looked at individual kids to try to understand the data ourselves. And one of the concerns -- we did make adjustments in how we did things. We offered an intervention that went back to phonics, our lowest quartile. That's why I presented some of this data we produced.

What I wanted you to understand is that if the State is bringing in kids with -- 50 percent of the kids aren't proficient in math, we're coming in
with 40 percent. So our lowest quartile is all of our kids are low; 60 percent of them aren't proficient, when you're walking in with numbers like that. But then our lowest are incredibly low. We're looking at sixth-, seventh-, and eighth-graders sometimes at a first-grade level.

We did respond with intervention programs for this last school and stuff, as a response to them. We did see significant growth this current school year. But again, I still justify that's part of why we're asking for an elementary program. When you have kids that are coming in as eighth-graders working at a first-grade level in reading and stuff, you are breaking down walls and barriers of extreme resistance with a kid who doesn't want to be in school and who doesn't want to learn.

And we strongly feel like there's research that supports if we can not allow this to happen to kids, we will have a much better chance of getting them reading. But we have middle-school kids who cannot read. When you're implementing an intervention program that goes back to phonics, decoding letter sounds, that's how extreme some of the interventions are. We have 40 kids -- 40 -- we had to purchase additional licenses, because you
need a license per kid -- 40 kids as of last school year that were receiving this phonics intervention.

    I just kind of want to speak to the magnitude. I recognize we're still accountable. I also want to say that's part of our rationale for why we need to look at kids younger. It's hard for a child as an eighth-grader -- eighth grade -- doing a kindergarten skill, a first-grade skill. Again, that's why I really am staying strong -- I completely understand if you want to see this year's report card and make a decision at that time. I'm still asking that you be open-minded to expand to an elementary.

    We do have data to show that we are making gains, and we are achieving the mission of our school. We have a lot of hardcore data. If you do look isolated at that one lower quartile, we can bring kid-by-kid numbers to show you, like, how we're moving. We can show you on SRI. But I feel like we need to be able to justify with a little bit -- I just need to know more specifically, I guess, what you all would like to see and stuff.

    But I completely disagree that we're not making gains, or that we're not achieving the mission of our school. I absolutely think we are.
We did a lot of things in response to that lowest quartile not making the gains. We've even added an additional program for this upcoming school year for our kids who are still sitting on the bubble, who are eighth- and ninth-graders, because we feel like we're down to four years to get them proficient to head off to college.

I just wanted to give a little bit more background on, like, what we did for that lowest quartile in response this last school year, and just to kind of magnify how low the kids are. And, again, it's not an excuse for not making them grow; but I really want you to understand that we're not just talking they're low; we're talking they're phonics-level low. That's what we had to do in response to this is provide that level of intervention, on top of a 90-minute reading class, and on top of a 90-minute writing class.

So those kids are getting 180 minutes daily instruction in reading and writing and then another 90 every other day as an intervention on top of that. So I just want you to kind of have a sense of the magnitude of the deficiencies for those kids and our response to those deficiencies.

THE CHAIR: Thank you very much.
Commissioner Carr?

COMMISSIONER CARR:  Madam Chair, I -- I think, you know, all this -- this information points out there are a lot of problems with this grading program. And hardly anybody understands it, to tell you -- they may tell you they understand it; but I don't think they do. And I'm pretty good at understanding this type of thing, and I still don't get it.

However, this is -- every school in the state is judged on these grades right now. For us to do otherwise would be unfair. And I -- you know, I think other states -- you know, I think Florida had serious problems with this grading; it's showing them now. Maybe they didn't show them a few years ago, but it's showing them now. But that's a whole different thing.

Every high school, every middle school in this state will have teachers who will come up, "If I could have just had that eighth-grade class and controlled their language arts or their math, then our high school scores would be better."

And the middle school would tell you the same thing about the fifth grade or sixth grade -- or the fourth grade, especially.
So we have to make -- to, you know, look at all the details. But that's not how the other schools are judged. And so "I understand your pain," to quote Bill Clinton -- "I feel your pain."

The -- but -- and then going on to the point here. I think -- I would like to see the data coming up here at the end of the month. Every school in the state is waiting for that, because there's -- it's high-stakes. And I would like to see that. And that could very well prove your point.

And, again, I understand the system is faulty. And just because, you know, you may end up with a B or an A, these things change from time to time. Taos High School started out with an A; three months later, they were a C; the next year, they were a B.

And I can tell you from firsthand experience, we didn't do anything different. We didn't do anything different. We tried harder, I guess. Maybe we knew what they were looking for; so we keyed in on those places where they -- but we really didn't do much of anything different. And a lot of schools can tell you the same thing, over and over again.
So we feel your pain, but we have to go by these grades. And I would like to see this delayed, especially if you're not going to put any action until the next year. I would like to have more data.

THE CHAIR: So, Ms. Myers, let me -- I think what I'm hearing from Commissioners is they would like this to be delayed. Your choice is you certainly could withdraw these amendments at this time. If you would rather not do that, the Commission can go ahead and vote.

But there are issues with the mission statement not being amended to reflect the changes you're asking for here, and the other issues as have been raised. So I will ask you --

COMMISSIONER TOULOUSE: Madam Chair?

Point of order, we could also move to table until the next meeting.

MS. LEWIS: No, you can't. I've been asked this question multiple times.

COMMISSIONER TOULOUSE: I know. But --

MS. LEWIS: And I don't agree that that is what --

COMMISSIONER TOULOUSE: I disagree with you on that one.
MS. LEWIS: Roberts Rules don't trump the statute. So that's very clear. And if you vote to table, it could be construed as an impasse, and that results in an appeal to the Secretary.

THE CHAIR: So first of all, I will leave it up to the school, if you would have a decision on how you would like to proceed.

MS. MYERS: So if I hear you correctly, then you're saying that I can either ask you to proceed with a vote, or I can withdraw and come back, once we have this current report card information and additional data for you?

THE CHAIR: That would be your decision, if you want to come back with the new report card when it's out.

MS. MYERS: And then you're also saying that even if we did that, come back with new data, then you would still want us to come first with a mission statement -- an amendment request, and then come forward with a request to --

MS. LEWIS: Or as a package, like they've done this time. It sounds like they're asking if -- if they're asking you to spread it over two meetings or one; and I was just saying you could do -- you know, you said you opted to do two instead of three.
But that's another option.

MS. MYERS: And I guess just another point of clarity -- and I'm not trying to put on you what I'm supposed to do. But I tried to clarify if, I think, like, last time if there was anything additional we needed to do, just procedurally, since this was a rather large amendment and stuff.

So it sounds like you're saying it's just the mission statement. And if that got approved, there would be the potential to do the grade-level increase. And then if that got approved, there would be the potential to do the enrollment cap; correct?

THE CHAIR: That sounds --

MS. LEWIS: That sounds correct, barring any other issues that are brought to the Commission's attention by CSD, who would be the agent for bringing those issues to the Commission.

THE CHAIR: So do you choose to withdraw, or would you prefer the Commission goes ahead and votes?

MS. MYERS: So if we withdraw, we just resubmit this, essentially, is what you're saying. So, yes, at this point in time, we'll withdraw. And we'll put -- and sorry, before I do that, then.
One point of clarity: We can still just bring the mission statement and just remove the words "middle high school" and stuff, or request to do that through an amendment, whether or not the elementary was to be considered.

So if I put in a request for the next meeting to do that, we could just look at that completely, almost separate from the other one?

THE CHAIR: Each amendment would be considered separately.

MS. MYERS: Okay. So we'll withdraw this amendment for now, with the understanding that we'll come back with our new report card grade and additional data.

THE CHAIR: This amendment, or these amendments?

MS. MYERS: I thought we were doing one at a time.

THE CHAIR: If you're choosing to withdraw both, I just wanted to be clear.

MS. MYERS: We'll do both. I thought we were talking about the one, since we were doing them separate. But, yes, perfectly fine to do both. The other one is completely contingent on this. We don't need it if this one is not approved.
THE CHAIR: Is that all right with the Commission? We don't have to vote on that. We accept your withdrawal. We look forward to seeing you again.

MS. MYERS: Thank you.

COMMISSIONER BERGMAN: While they're leaving, Madam Chair, if I might?

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: I just note that this school noted that they submitted some documentation with these amendment requests. And they just somehow did not make it into our packets. It would have been helpful to have had that information in our packets when they referenced it so we could look at it.

That's just for future, filing that away. Thank you, Madam Chair.

THE CHAIR: Thank you, Commissioner.

Before we begin with Item No. 7 -- and it is a lengthy item -- let me just tell you. We're -- it's my thought to begin Item No. 7 and go as far as we can until we reach 12:00 noon. At 12:00 noon, we break for lunch.

Is that all right with everybody?

Okay. Item No. 7, Report from Options for
Parents and the Charter School Division.

Mr. Pahl, please?

MR. PAHL: Thank you, Madam Chair. Real briefly -- or at least my presentation will be brief, but if there are questions, I'd be happy to answer them -- have to do with the closure of TLC and Ralph J. Bunche, to begin with charter schools that we -- that have been going through the closing process.

The closing process continues to move along. There are a couple of hiccups here and there, since we're going through this the first time. But we are working towards resolution with the groups and ourselves, and we're going into the final steps of the process of closing those schools.

THE CHAIR: Before we move away from the closure, I don't know how I didn't notice this before. But if you'll look on the documents, the closure plan for both schools, the first thing I've noticed is that the name of the school is never prominently listed. And I -- it would have helped me reading this to know that.

Then throughout the document, it talks about "Authorizer." And then, in parentheses, it says "PEC" slash "PED." I think that needs to be
corrected. PED is not the authorizer. It is solely
the PEC. And it goes throughout the document with
that designation.

MR. PAHL: Madam Chair, the way I
understand that is because we're -- the Charter
School staff is your designee for going through
these steps; that's why we're on the document.

THE CHAIR: I don't doubt that. But it
says "Authorizer." So when you go back to this
form, to the original, if you would correct that, I
would really appreciate it.

MR. PAHL: Absolutely, Madam Chair. And I
did make note of the school name, as well, just as
paging through now; so that there -- things -- first
time going through, we'll keep going through
iterations in making these forms better.

THE CHAIR: Thank you. Any other comments
on the school closures?

COMMISSIONER GANT: Yes.

THE CHAIR: Commissioner Gant?

COMMISSIONER GANT: Madam Chair, I went
through these things, these forms. And I guess I
should have done it sooner.

But one of the issues -- one of the items
that comes up in both of them is the student
records. And at one time, they were going to APS.
And Mr. Tolley is in the back, from APS.

But where are they? Now the schools are closed -- two weeks now? So who actually has the records?

MR. PAHL: Madam Chair, Commissioner Gant, the reason why it changed from going to APS to a different location was due to a lawsuit that's in process. We do have a plan for the permanent home for those files. Currently, they are in a storage area that meets the requirements for student files, the security of those files. But because we're in the middle of a lawsuit, I can't speak to it much more than that.

COMMISSIONER GANT: One of the things that popped up at me going through this thing is that -- the Vigil group. And it claims that they have the personnel files in different places. "The Vigil group" is going to talk about the finances. "The Vigil group" is this and that. Are they keeping the personnel records?

MR. PAHL: Madam Chair, Commissioner Gant, no, they are not.

COMMISSIONER GANT: That's what it says.

MR. PAHL: I --
MS. LEWIS: Tell us where you are, please.

THE CHAIR: What pages specifically are you looking at?

COMMISSIONER GANT: Right now, I'm looking at Page 7.

MS. LEWIS: Of TLC or Ralph J. Bunche?

COMMISSIONER GANT: I think it's TLC; but they both say the same thing.

THE CHAIR: That would be the second one, I think.

COMMISSIONER GANT: That's the first one. The Vigil group has the -- have the personnel files.

COMMISSIONER BERGMAN: It also states that in the first one, too.

COMMISSIONER GANT: Down at the bottom, Item 11.

MS. LEWIS: And 13.

COMMISSIONER GANT: Well, I guess my question is, why does a for-profit company have the personnel records that belong to State employees?

MR. PAHL: Madam Chair, Commissioner Gant, that element of the worksheet is -- is not up-to-date. We all note that these were updated as of 7/3. We do have personnel files from both the schools.
COMMISSIONER CARR: Madam Chair?

THE CHAIR: Commissioner Carr?

COMMISSIONER CARR: So did they ever have possession? Did this company ever have possession of those personnel records?

MR. PAHL: Madam Chair, Commissioner Carr, I can't answer that question, because Sandy Beery is really involved in the process. But I -- I can't answer that question.

COMMISSIONER CARR: Abby, isn't it a serious violation of statute to let anybody have access to personnel records?

MS. LEWIS: I don't know the answer to that, off the top of my head. But I'm happy to look into it during lunch for you.

COMMISSIONER CARR: Thank you.

COMMISSIONER GANT: Madam Chair, I won't go on with any more of my questions, because I have a lot of them in here. We could be here another hour. If this is not the current one, then I'm wasting my time. I would like a copy of the current closure document, so I can understand what is really going on. Thank you.

THE CHAIR: Perhaps at the next meeting, we could ask for the current documents and ask that
Sandy be here to go through these with us.

MR. PAHL: Yes, that sounds like a good path forward. Thank you, Madam Chair.

THE CHAIR: Because it's -- the Vigil group is mentioned numerous, numerous times. Okay?

All right. Mr. Pahl, schools of concern?

MR. PAHL: Madam Chair, members of the Commission, first up on our schools of concern is Walatowa High Charter School. This was on our agenda last -- at last month's meeting, because I think, if I remember correctly, we kind of breezed through it. And the Chair has asked that we have more in-depth report.

At last month's PEC meeting, that Staff report noted that the school is in its tenth year and second year as a State-authorized charter. Our staff had several concerns regarding the governing council memberships, its bylaws and policies, which have yet to be rectified since the first-year visit, and that there were concerns about data reporting, teacher evaluation and other compliance issues.

Ed Wood, our Staff liaison, has been working with the school. And since that June PEC meeting, Walatowa Charter High School has responded to all items of concern listed on that site visit.
report by the June 15th deadline. We continue to
work with them to -- to ensure that their
policy-and-procedure manuals and their governing
council bylaws are going to be appropriate and used.

But I will let Ed -- if it pleases the
Commission, I will let Ed speak to some of the
concerns, as well as their progress in meeting their
performance targets.

THE CHAIR: Okay. And I think someone
went to get Ed?

MR. PAHL: Someone went to get Ed.

THE CHAIR: I think, too, if you will
recall, you referenced the site visit in your
previous report. You said it wasn't complete. The
questions had been asked, and the answers had not
been forthcoming yet, and that we would have that
information today.

Do we have that information, the site
visit? The questions and the answers?

Before we go any further, those of you at
the table, please introduce yourselves.

MR. WILKINSON: My name is Ira Wilkinson.

COMMISSIONER BERGMAN: Madam Chair?

THE CHAIR: Let them introduce themselves,
MR. WILKINSON: My name is Ira Wilkinson, principal of the Walatowa Charter School.

MR. WOOD: My name is Ed Wood. I'm the principal liaison for Walatowa High Charter High School.

THE CHAIR: Before we move on, Commissioner Gant has a question.

COMMISSIONER BERGMAN: Commissioner Bergman would like to say something.

THE CHAIR: Commissioner Bergman would like to say something.

COMMISSIONER BERGMAN: I just found, in our binder, behind that first group of closure documents, there's an updated one dated 7/9, which was two days ago, that has removed some of the language that has been questioned. I am just calling that to my fellow Commissioners.

We already have the updated forms. They were in the next section. This one is on Ralph J. Bunche, right here I have in my hand, through 7/9. And it has removed that wording about the Vigil group.

But I do share Commissioner Carr's concern: Why would a private organization have school personnel records in their possession? I
guess that does need to be addressed.

Thank you, Madam Chair. I just wanted to
call that to everyone's attention.

THE CHAIR: Let me make sure I understand.

The Ralph J. Bunche is dated 7/9, but the TLC is
dated 7/3?

COMMISSIONER BERGMAN: I haven't gone all
the way down there yet.

MR. PAHL: Madam Chair, members of the
Commission, that is correct. We put in the most
updated version we had for Ralph J. Bunche; but
Sandy was still working on TLC, so we just tried to
provide you with the most updated information
possible.

The most recent questions that I answered
regarding that were, we were referring to TLC.

THE CHAIR: And I think the concerns are
the same, even on the report that's dated 7/9. If
you'll go through that report, the Vigil group is
mentioned many, many, many times; so the same
concern is there.

Mr. Wood, if -- I'm going to ask you first
to respond to our question about the site visit, the
questions that were asked as a follow-up to that
site visit, and the responses to those questions.
Do you have that with you?

MR. WOOD: I do, Madam Chair.

THE CHAIR: Okay. Do you have that in writing, or an overhead, or --

MR. WOOD: I don't have it on an overhead. I apologize for that. I have it in my computer here in front of me.

COMMISSIONER GANT: Send it.

THE CHAIR: Do what?

COMMISSIONER GANT: After the meeting -- Madam Chair, if he could send the digital copy to us?

THE CHAIR: Can you do that?

MR. WOOD: I can.

THE CHAIR: Okay. A digital copy sent to all Commissioners after the meeting. Thank you. Please go ahead.

MR. WOOD: Thank you, Madam Chair. If it please the Commission, when we did our site visit report this year, one of the things that we noted, on a positive note, is that there's been a tremendous increase in student achievement at the school in the numbers of high school graduates attending four-year universities.

The concerns that we noted and the reason
we brought this to the attention of the Commission
was because there were deficiencies in data
reporting and accountability.

And we have worked with the charter school
very diligently since that time, and they have
responded to every item that was brought up in the
site visit report. We have -- as of yesterday, we
have the documents in our possession for all but two
of the issues that were responded to. And we have
been assured that the remaining two issues are on
the governing council agenda for this month.

The -- one of the big concerns for us was
that the policies and procedures manual appeared to
have been taken from a previous situation. And I
have, again, in front of me -- and I will make sure
the Commission has this -- the policies and
procedures manual that is being presented to the
board for their approval, after having been gone
through by the school's counsel, legal counsel.

THE CHAIR: Do we have a snapshot of the
school?

COMMISSIONER GANT: Yes. It's just before
the -- the closure documents.

THE CHAIR: Before the closure documents.

Thank you. I've located it.
Okay. Was that the only area of concern you had from your site visit?

MR. WOOD: There were several areas of concern. One is that there was not appropriate finance committee and audit committee set up on the board. We have assurance, again, that those are in place now. We have the names of the board members that are on it.

There was a deficiency of the number of board members. They have since rectified that. They have the legally required number of board members now.

THE CHAIR: Teacher evaluation? All those other issues that were brought up?

MR. WOOD: I do not have the teacher evaluations in front of me. But we have, again, been given assurance by Mr. Wilkinson that those issues have been rectified.

THE CHAIR: Ms. Lewis?

MS. LEWIS: Ed, you said you don't currently have them. Are they on their way to you, or -- 'cause I don't know that assurance from the school in a case such as this will stand up in court.

MR. PAHL: I can answer that question.
The evaluation, as it stands right now, being the summer, they won't be conducting it. But on Ed's site visit, the next year, he would note that, "Okay. I -- they've told me this is here. I need to make sure I have some physical evidence, that I've seen that."

But we wouldn't want to transfer that personnel information between Walatowa and Mr. Wood.

MS. LEWIS: Understood.

THE CHAIR: Okay. And then -- is that all on the site visit, Ed?

MR. WOOD: It is, Madam Chair.

THE CHAIR: There was a concern about data reporting. Was that not an issue in your site visit?

MR. WOOD: They are currently going through some remediation right now in how to upload their information on the EPSS system. And if it please the Chair, I can have Mr. Wilkinson report on that.

THE CHAIR: Please do.

MR. WILKINSON: The document that he's referring to is our special education uploading now on the Web EPSS. We've already sent that documentation to the Special Ed Bureau, which
they've approved. It's just downloading that, also.

THE CHAIR: Say that last sentence again, please?

MR. WILKINSON: We've already sent that -- the SpEd -- the special ed documentation to the bureau, which has already approved it, and we just have to download that to Web EPSS. I'm just having difficulty downloading it.

THE CHAIR: Thank you. How is your S.T.A.R.S. reporting?

MR. WILKINSON: We utilize the -- Jemez Valley School District also still partners with us with our S.T.A.R.S. reporting; so they take our data and report that for us, also.

THE CHAIR: Okay. Thank you.

Ed, did you have any other concerns from your site visit that you could address that have not been taken care of, or that have been --

MR. WOOD: At this point, Madam Chair, I don't, personally, have any concerns. There was an issue -- and I note that Commissioner Gant will probably be a little more familiar with this than I am. This school does not have an E-Occupancy permit because they reside on tribal land.

And I did consult with the PSFA. And
there is a difficulty -- and this is probably
something that should be addressed in statute,
because there is no precedence for doing E-Occupancy
permits on tribal land. So they do have permission
to occupy the building; they just don't have an
E-Occupancy. But as far as I'm aware, that is the
only discrepancy we have right now.

COMMISSIONER GANT: Madam Chair?

THE CHAIR: Commissioner Gant?

COMMISSIONER GANT: Madam Chair, members,
we have public schools on tribal lands. And that's
a long, drawn-out process to get in there. We've
got to get the lease for the property, which runs
25 years, with an option of 50 years.

And so who did you talk to over there at
PSFA?

MR. WOOD: The person I contacted was
Martica.

COMMISSIONER GANT: All right,
Madam Chair, members. Thank you. I will be talking
to Martica, because we have an issue coming down --
we have two charter school applications, new ones,
that will be on tribal property. We need to clear
up this one, we really do, for E-Occupancy, because
if all traditional schools and charter schools which
are not on tribal land have to have an E-occupancy,
personally -- this is my opinion, my opinion only --
maybe E-occupancy should also pertain to all public
schools.

Thank you.

THE CHAIR: Thank you. Other comments?
Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, can I
ask a question?

Mr. Wood, when will your next site visit
be?

MR. WOOD: Commissioner Toulouse, we
haven't scheduled the site visits for this coming
year; but I'm anticipating it will be in the fall.

COMMISSIONER TOULOUSE: Thank you,
because, as all of you know -- and I stated, I
think, the last meeting -- while I absolutely
believe everybody is completely truthful, I learned,
over 30 years as a bureaucrat and growing up as the
daughter of a lawyer, when somebody tells you
something, you still need to verify it.

And that's why I want to make sure these
things are actually verified, because, again, I
absolutely believe Mr. Wilkinson, but I've learned
over time that things can change or somebody else
can give different information to somebody. And seeing is believing. You know, if it's not in writing, it doesn't exist is a standard operation procedure in State government, has been from before I worked there, and has been since I retired.

And I'm just always concerned when we're saying, "We have been told, we have been assured, we have been" -- so I would be interested to make sure -- and I know you will; you're thorough -- that you will check up on that as soon as you can.

Thank you.

THE CHAIR: Other comments or concerns?

Let me just ask -- Mr. Wilkinson? Do I have it right?

MR. WILKINSON: Wilkinson, yes.

THE CHAIR: One of the things I asked about last month in our meeting was your school's progress towards meeting their goals. I remember when we had the meeting to do the renewal for your charter. And the goals that were set were ambitious. I even voiced, I think, to you, to some of the other members of the school, that I thought they were very ambitious. I was -- I was impressed. I was proud of you all for accepting that challenge for very ambitious goals.
I'd like for you to tell me, just briefly, how you're -- how you're coming along meeting those goals, if you would.

MR. WILKINSON: You know, when you look at our snapshot, and you look at our SBA score for the last year with math, it jumped from a 13 percent to a 41.2 percent. The reading is still a challenge. We went from 13 to 29 percent. And that's just because we -- students come so low their freshman year.

But we put in every type of strategy that we could possibly think of to get our reading scores up. And it comes down to the phonics. Because they do come to us with English as a second language. And it's not a negative thing; it's a positive thing. But we just have to build off that. It's just a different challenge.

But with all the academic initiatives that we've implemented and bringing in more phonics things this year, we're hoping to see a huge increase on our SBA scores, because we have -- all our students, they hit nearing proficiency. So graduation is -- we have one student that's not at nearing proficient. That student is a SpEd student.

So next year, we foresee these initiatives
coming through that they'll move from near proficient to proficiency.

So we're looking at all the data to see what we can do with that. We look and we see our Reading Plus scores; the problem with those is that the reading level may be at a ninth-grade level, tenth-grade level, but their academic vocabulary is at sixth-grade level. So we're trying to match those back up.

So as far as our progress, coming from where they started is such an amazing thing. Our teachers do a good job. But it's getting them over that little hump. You know, we go from an ACT score beginning with an average of 12 to a 16. But they're still not over the 18, you know. We've got sprinkles of kids that are over the 18. And our past five valedictorians all went to major research universities, coming from probably the ugliest school in America, of the four portables. They've really come a long ways.

We've only been there -- this is our tenth graduating class. So it's a slow climb, but it's a climb. And I want to thank the PEC.

But it's -- we still see growth. We just need to get over that little hump. And it's coming
along; it is.

THE CHAIR: Well, I must tell you, I'm looking at your school report card. And your lowest performing students in '11-'12, the grade was an F; in '12-'13, it's a B. And that is nothing short of amazing with that group of students; so I really applaud you.

I do look at your enrollment. On our form, it shows 63, with a possible cap of 150. Is that -- is your enrollment growing, or is it declining?

MR. WILKINSON: You know, by the -- at the end of the year, we are -- we were at 55; now we're at 60. We're staying at 64.

We've got portables that were donated -- well, we bought them for a dollar at APS. They're in Española, and we're just working out the lease agreement with the Tribe to bring them in. Hopefully, with that increase of portables, we can start drawing more students in.

And also with our academic growth, it's going to draw more students to our school. So even though the cap is that high, we're staying at -- we're averaging at 64 to 70 students every year now.

THE CHAIR: Thank you for that
information.

Commissioners, are there other questions?

Seeing none, Mr. Pahl?

MR. PAHL: Our second school of concern is Sage Montessori Charter School.

THE CHAIR: Walatowa, we thank you very much for coming today. We appreciate the information. I know it was quite a trip for you to come here and leave your school, and we appreciate it. It's good to know what's going on.

MR. PAHL: Madam Chair, Sage Montessori School, recently, at this meeting, passed two amendments. And they -- those have, in effect, alleviated the concerns on why they were placed on this list.

If it pleases the Commission, I'd be happy to have Rachel Stofocik answer some questions, as well as any representatives from the school. But I'll leave it at that for now and let you go from here.

THE CHAIR: Thank you, Commissioners. Do you have questions for Rachel about Sage Montessori?

I think we grilled them pretty thoroughly.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: I just want to
ask, are you satisfied now?

MS. STOFOCIK: Madam Chair, Commissioner

Toulouse, yes, I believe that they have addressed
every single issue and really turned around the
school setup for this coming school year. We'll
see, as the school year continues; but I think a lot
of it had to do with leadership.

There was not a full-time leader at the
school, which is very difficult when you're starting
a brand new charter school. And now they have a
full-time leader who's very experienced, and I think
that we're going to be good moving forward.

COMMISSIONER TOULOUSE: Thank you.

Madam Chair, I felt I wanted to ask that, because I
had recused myself. But I do have the
granddaughters of one of my first cousins who is in
kindergarten there and not happy at all last year.
And the family was not happy, tried to get her in
others, but she did not get in any others.

So she's going to be there in first, and I
was trying to reassure my cousin that there is
leadership now and that things are better. So
that's why I wanted to make sure, for personal, not
really as a Commissioner. So I can now -- you know,
when everybody isn't voting on it, I can call her or
text her tonight and say, "It's okay. Don't worry
about your granddaughter."

So thank you.

MS. STOFOCIK: I hope so.

THE CHAIR: Any other questions? Thank
you, Rachel. We appreciate you.

MS. STOFOCIK: Okay, great. Well, I'm --

THE CHAIR: Okay, stay right there.

Mr. Pahl?

MR. PAHL: The next school that has been
on our schools of concern list is La Tierra
Montessori School. This school is in a similar
situation as Sage, where there had been concerns
earlier. And they have been addressed, both through
working with Rachel Stofocik, and as well as their
recent contract negotiation, subject to approval at
the next Public Education Commission meeting.

THE CHAIR: Commissioners, do you have
questions?

Commissioner Bergman?

COMMISSIONER BERGMAN: Since the Director
mentioned it, we did have our contract negotiation
with La Tierra on Wednesday afternoon. The school
leadership struck me as very motivated. They're
dedicated; they understand the problems. They're
dedicated to correcting those problems. The contract negotiation went very well, I thought. They were very amenable to doing the things that needed to be done.

And I would just like to report that at this time, just since they're on the agenda anyway. So it went very well. Commissioner Parker was there, Commissioner Gant, Commissioner Shearman, and myself. So they struck me as they really want to get this thing turned around.

Thank you, Madam Chair.

THE CHAIR: Thank you. Commissioner Parker, would you like to comment on the negotiations?

COMMISSIONER PARKER: I don't want to reiterate; but I agree with Commissioner Bergman's thoughts on the meeting.

THE CHAIR: Thank you.

Commissioner Gant?

COMMISSIONER GANT: Madam Chair, members, yes, the negotiations went well on Wednesday. But then I've been informed -- and maybe you all remember something I don't; old age catching up with me -- La Tierra, I understand, is in a building. They're going to build a new building; is that
correct? Or move to another building?

MS. STOFOCIK: Commissioner Gant,

Madam Chair, yes, they are. You approved a new
building -- and I'm going to be faulty on trying to
pronounce it, so I'm not going to even try -- about
three months ago, at a meeting. And what has been
recently discovered is that the building is, to my
understanding, not potentially going to be ready
when they need to open.

So the school has created a Plan B. And
they are currently consulting with PSFA to house the
students into the location that they're in now, and
potentially two portables that are already approved
for an education facility, until the plans can be
completed to, I guess, fix the building that was
approved in the spring. And so they plan on being
here in front of the Commission at the August
meeting for that amendment and approval.

COMMISSIONER GANT: Madam Chair, members,
with four Commissioners sitting there yesterday --
or Wednesday -- talking to the leadership, wouldn't
it have been nice if they had told us this?

MS. STOFOCIK: I think that it -- it might
have been partially my fault, Commissioner Gant,
because they didn't yet have a PSFA approval for
this plan. So I didn't feel that it was -- well, we
discussed it, and we didn't know if it was for sure;
so we didn't want to bring up anything that wasn't
certain.

COMMISSIONER GANT: Madam Chair, members,
based upon the protocols that we just put together
or agreed to today, that is one of the steps. And
it's always been a step. Now it's in writing. But
to get blindsided this morning that they're going to
a temporary building, or stay where they are, or
whatever they're going to do, and not bother to tell
the Commission, knowing it was coming down, it
just -- maybe it makes you feel sometimes that,
"We'll let you know what you need to know when you
need to know it."

And, you know, it gets a little old.

MR. PAHL: Madam Chair, can I just?

THE CHAIR: Mr. Pahl.

MR. PAHL: It's not a response,
necessarily. But as soon as we had found out about
this, I did go straight to your counsel. And maybe
I should have gone directly to the Chair or
yourself, Commissioner Gant. But I want you to know
that we have been transparent, from the Charter
Schools Division side, and plan to continue to do
that.

COMMISSIONER GANT: Thank you, Madam Chair.

THE CHAIR: Okay. So is it since we did this negotiation that they found out they're not going to be able to be in the new building at the time that school starts, or the new location?

MS. STOFOCIK: Well, they found out recently. And then they were scrambling to get the PSFA approval for an alternate plan until they can move into the permanent facility in December or January, I'm not sure which month.

THE CHAIR: Okay. Because I remember we talked about the new location when they were doing the negotiation. It's here on the contract document. But nothing was said about a delayed move; so...

COMMISSIONER GANT: Madam Chair, I do have a meeting, come the 21st, with PSCOC. I will be talking to Martica on this subject, and I'll get back with the Commission on it.

MS. LEWIS: They still need an amendment for the temporary building.

THE CHAIR: They do?

MS. LEWIS: Well, they're amending a
contract.

THE CHAIR: I'm being advised by counsel that they still need an amendment for the temporary location.

MS. STOFOCIK: Madam Chair and Commissioners, that's exactly the plan. I think it was just -- I wasn't sure, if they didn't have PSFA approval, if it would be something that was even a plan that would follow through. If not, then -- yeah.

THE CHAIR: I see. Okay.

Ms. Lewis, what would be your recommendation? Do they need PSFA approval before they can come to us with an amendment?

MS. LEWIS: I think it would be efficient; because otherwise, you all would probably go tell them to go get it and then come back.

THE CHAIR: Okay. So -- okay. If you would apprise them of that accordingly?

MS. STOFOCIK: Madam Chair, Commissioners, I will definitely apprise them and pay attention to the protocol that was created yesterday, for sure.

THE CHAIR: Okay. Anything else, Commissioners?

COMMISSIONER GANT: Lunch.

Okay. Thank you for that update on La Tierra. Mr. Pahl, are you finished with La Tierra?

MR. PAHL: I am finished with La Tierra and ready to move on to Item C after.

THE CHAIR: It is now 12:00. Let's move on to lunch, what do you say?

Commissioners, do you want 30 minutes? 45? An hour?

COMMISSIONER CARR: How about 45?

THE CHAIR: I'm hearing 45. Let's come back at 12:45. Thank you, all.

(A recess was taken at 12:00 p.m., and reconvened at 12:45 p.m., as follows:)

THE CHAIR: I call back into order this meeting of the Public Education Commission. We're continuing with Agenda Item No. 7. We're down to Item C, "Discussion and Possible Action on CSD recommendations of acceptance of 2014 applications."

Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, the Charter Schools Division of the Public Education Department presents eight charter school applications for your acceptance. These
eight have been submitted by the charters and were received by the Charter Schools Division and forwarded to you based on their completeness.

So I believe there is an action that you would like to take on accepting them, but we present to you these eight applications.

THE CHAIR: Okay. Do you have those in hard-copy form? I know you've given them to us in -- are they here?

COMMISSIONER GANT: Yeah, Page 2, right behind Section 7.

MR. PAHL: I don't think we have those --

COMMISSIONER TOULOUSE: Madam Chair?

COMMISSIONER BERGMAN: There's no new applications, just a listing of them.

COMMISSIONER TOULOUSE: Madam Chair, did we --

COMMISSIONER GANT: It's Item 7. I'm sorry.

COMMISSIONER TOULOUSE: Did we skip Item D-7.

MS. LEWIS: We're on 7-C.

COMMISSIONER TOULOUSE: Oh, okay.

THE CHAIR: How do you want to handle this, Mr. Pahl? Shall we go through each one
individually, and if we have questions, we ask those of you?

MR. PAHL: Yes, that'll be fine.

THE CHAIR: The first one on my list is Academic Opportunities Academy. It's slated for Luna County.

Commissioners, do you have any questions?

COMMISSIONER GANT: Madam Chair?

THE CHAIR: Commissioner Gant?

COMMISSIONER GANT: Were all the documents -- is this one complete, and was it on time -- all the documents associated with this particular charter school on time when they were supposed to be, on the 1st of July?

MR. PAHL: Yes, Madam Chair, Commissioner Gant.

THE CHAIR: Okay. I think he's specifically asking you about the Notice of Intent. Are you aware whether or not the school district was -- received a Notice of Intent by the deadline from this applicant?

MR. PAHL: Madam Chair, Commissioner Gant, the rest of the Commission, in this case, when we forward on these applications, it's because the application itself was complete, and complete enough
to warrant review. In the case of Academic
Opportunities Academy, they do not have proof that
they had submitted a Notice of Intent to the
district that they would be residing in. That is --
for the rest of the applicants, that had been
completed.

THE CHAIR: Just for the rest of the
Commission, I did receive an e-mail from Harvielee
Moore, who was the superintendent of the Deming
Public Schools, on June 7, 2014 [verbatim].
Ms. Moore is not currently the superintendent at
Deming. She has retired, and a Dr. Leary is now the
superintendent. But she wrote to me on June
the 17th [verbatim] that they have not received a
Notice of Intent from Academic Opportunities
Academy.

Now, there is a second school being
proposed in Luna County in the Deming school
district; that's Columbus Community School. They
did receive a Notice of Intent from that school.
Superintendent Moore went on to cite the
statute -- and I'm going to ask Ms. Lewis if we need
to read that into the record in order to be complete
here.

MS. LEWIS: Just to add a piece to this, I
also received this e-mail, and I confirmed with the
Deming Public Schools attorney that this letter was
not received. I can read it into the record,
although the motion that I -- the proposed motion
I've prepared has it, as well.

THE CHAIR: Okay. Well, I think -- before
we get to the motion, the point that I wanted to
make was -- and I'm quoting -- I would rather you do
this.

MS. LEWIS: Sure.

MR. PAHL: Madam Chair, may I just, real
quick -- I know that the Commission has gone through
their own due diligence on this, and I just want to
assure you that the Division did, as well, and we
came to the same conclusions here; so just to
highlight that for everyone.

THE CHAIR: We appreciate that. Thank
you.

MS. LEWIS: NMSA 22-8B-6B reads that, "No
later than the second Tuesday of January of the year
in which an application will be filed, the
organizers of a proposed charter school shall
provide written notification to the Commission to
the school district in which the charter wishes to
be located of their intent to establish a charter
school. Failure to notify may result in an application not being accepted."

THE CHAIR: So the decision for the Commission to make, at this point, is, following the statute, do we not accept the application of Academic Opportunities Academy because of the reason stated: They did not furnish the local school district with the required Notice of Intent?

Commissioner Bergman?

COMMISSIONER BERGMAN: I would be concerned that if we accept this application, who apparently did not file the required Notice of Intent with the local school district, that that will bind us on all future situations of people that don't send the Notice of Intent, which is in the statute as it was just read, unless, here, again, our attorney disagrees with me on that.

MS. LEWIS: Well, you know, I always encourage to treat all schools equally; so I'm with you on that.

COMMISSIONER TOULOUSE: Madam Chair? Did I hear the word, however, "may" as opposed to "shall"?

MS. LEWIS: Yes.

COMMISSIONER TOULOUSE: We do have an
option. And I wonder how complete -- I wonder how complete every application was.

MS. LEWIS: The legal concern I see is a due process issue here; so that's what was envisioned by the statute is that the school district get the notice and get its due process. So that was my legal concern that I flagged, just to let you all know.

COMMISSIONER TOULOUSE: But Madam Chair, Abby, if the Legislature had intended that that was absolute, they wouldn't have used the word "may," and that's why I think we're being given discretion; so the question is when and if we use that discretion. And I would wonder if we needed to know more about each application when that "may" comes into play.

THE CHAIR: But truly, the application has nothing to do -- the completeness of the application has nothing to do with the notice. The notice was required in January, when the -- when the notice was due. Applications were due much later.

If -- I feel they don't fulfill their responsibilities; they don't deserve to be considered. Nobody's telling us why they didn't -- nobody is here to say, "I'm sorry. I didn't file
that notice. I filed it late. I forgot. I broke
my leg on the way to the post office." Nothing.
Nothing.

COMMISSIONER TOLOUSE: Madam Chair, do
they know that's an issue?

MR. PAHL: Madam Chair, members of the
Commission, yes. We followed up with all of the
schools to ensure that they have done this. And
they've been contacted several times regarding this
issue.

COMMISSIONER TOLOUSE: Madam Chair,
Mr. Pahl, did they give you an explanation or
respond in any way?

MR. PAHL: They did respond, not with any
documentation or any explanation, per se, that they
did receive our message for the request and were not
able to respond to the request.

COMMISSIONER TOLOUSE: Okay. See, that
detail, too, would make a difference in how I would
look at it.

MS. LEWIS: And Commissioner Toulouse, it
would also help you to know that this isn't the
first application this organizer has submitted.
There were several last year; so it is someone --
this isn't their first time through the process. I
hear your concern.

COMMISSIONER TOULOUSE: I understand that.

And I understand your due process. But I'm also looking at it from the standpoint of if we have an option, can they then come back at us, "Well, you could have said that you would waive that for us."

But if this -- if they've already been contacted, they haven't explained, then that takes that element away. That was the side I was looking at. I was looking more at our process rather than due process to the school system, because we all know what the school system thinks.

THE CHAIR: Commissioner Gant?

COMMISSIONER GANT: Madam Chair, members, it's also -- there are sentences, several times, that says, "You have to notify the school district in which you plan..." -- I mean, it's clearly written out; so my earlier comment in this meeting was, "I'm getting a little tired of people saying they don't know, when they should" -- if you read the whole thing, you do know, and that is not an excuse. You know, they have no excuse for doing it -- not making it.

THE CHAIR: Thank you.

Commissioner Parker?
COMMISSIONER PARKER: Madam Chair,
Commissioners, so this isn't just a case of them
turning it in late; it's a case of it was never
sent?

THE CHAIR: Not at all, not at all.
Commissioner Carr?

COMMISSIONER CARR: Madam Chair -- and
this is -- this is the first time we've done this;
right?

MS. LEWIS: In my tenure; but I can't
speak to before.

COMMISSIONER CARR: It's the first time
we've met in July; I know that. Right?

I -- you know, I think it's important, you
know, if we -- that we remain consistent. And then
the only -- and only in using the word "may," only
make an exception for an exceptional case. You
know, if they really have -- you know -- you know,
something horrible happen, there was an earthquake,
there was something, whatever, if they actually have
a legitimate reason that we can use as
justification, fine.

I don't know what that would be. But I
think we -- it's important that we remain
consistent. And I agree that if they don't meet all
the qual- -- not the qualifications -- but meet all
the requirements of the application, that they
should be denied.

THE CHAIR: Thank you, Commissioner.

Other comments?

Hearing none, the Chair would entertain a
motion concerning Academic Opportunities Academy
application.

Commissioner Gant?

COMMISSIONER GANT: Madam Chair, members,
I move that, pursuant to New Mexico Statutes
Annotated 22-8B-6B, that the PEC not accept the
application for Academic Opportunities Academy,
which did not follow the due process notification
requirements of the aforementioned statute,
22-8B-6B, reading, "No later than the second Tuesday
of January of the year in which" the -- "an"
applicant -- "application will be filed, the
organizer of the proposed charter school shall
provide written notification to the Commission and
the school district in which the charter school is
proposed to be located" -- "to be located of their
intent to establish a charter school. Failure to
notify may result in the application not being
accepted."
THE CHAIR: Do I hear a second?

COMMISSIONER CARR: Second.

THE CHAIR: Motion by Commissioner Gant, second by Commissioner Carr, to not approve the application of Academic -- to not accept the application of Academic Opportunities Academy, as stated in the motion in the record.

Is there any discussion? Hearing none --

MR. PAHL: Oh, sorry.

THE CHAIR: Hearing none, Mr. --

Commissioner Bergman, may we have a roll call?

COMMISSIONER BERGMAN: I think perhaps I will note for the record for this one that a "Yes" vote means we are not accepting this application, and a "No" vote means you wish to accept this application.

Commissioner Carr?

COMMISSIONER CARR: You just got me mixed up. Yes.

COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.
COMMISSIONER BERGMAN: Commissioner Pogna?
COMMISSIONER POGNA: Yes.
COMMISSIONER BERGMAN: Commissioner Toulouse?
COMMISSIONER TOULOUSE: Yes.
COMMISSIONER BERGMAN: Commissioner Gant?
COMMISSIONER GANT: Yes.
COMMISSIONER BERGMAN: Commissioner Shearman?
THE CHAIR: Yes.
COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."
Madam Chair, that is an 8-to-0 vote in favor of that motion.
COMMISSIONER CARR: Madam Chair, could I ask a question?
THE CHAIR: Let me --
COMMISSIONER CARR: I'm sorry.
THE CHAIR: The decision is unanimous not to accept the application of Academic Opportunities Academy.

Commissioner Carr?
COMMISSIONER CARR: I'm assuming this can be appealed; is that right? Is that a correct assumption?
MS. LEWIS: I don't see under what mechanism. Appeal, in the regulation, in the statute, off the top of my head, is reserved for the denial of applications. This is a non-acceptance; so the school may try, and then we'll have a longer conversation about that. But there's no specific procedure for non-acceptance, that I'm aware of.

COMMISSIONER CARR: Okay. Could they ask for a waiver?

MS. LEWIS: Sure. Anyone could ask for anything, yes.

COMMISSIONER CARR: All right.

THE CHAIR: Mr. Pahl?

MR. PAHL: Madam Chair, members of the Commission, I just -- we -- the Commission did just take action on one of the applications, as far as acceptance. I'd just like to note that the other applications that are listed in your books, the other seven, were -- have complete applications, as they all did, and did file their Notice of Intent to both the district and the other entities, if necessary.

THE CHAIR: Okay. Thank you for that.

COMMISSIONER GANT: Madam Chair?

THE CHAIR: Commissioner Gant?
COMMISSIONER GANT: Madam Chair, members, just for the record, what would be the mechanism for notification of the applicant, of Academic Opportunities Academy?

THE CHAIR: How will they be notified that we chose not to accept their application? Will CSD notify them?

MR. PAHL: Madam Chair, I think that would likely need to come from your attorney.

MS. LEWIS: I'm happy to write them a letter.

THE CHAIR: Okay. All right.

MS. LEWIS: That way, they can yell at me instead of --

THE CHAIR: We appreciate you taking that on for us.

Next is Columbus Community School, Columbus, New Mexico. As Mr. Pahl has stated, the Notice of Intent was delivered to both the school and the CSD in a timely fashion, and their application is complete.

Does the Commission choose to accept this application?

COMMISSIONER GANT: Madam Chair?

THE CHAIR: Commissioner Gant?
COMMISSIONER GANT: Madam Chair, based upon what Mr. Pahl has told us about all the applicants, the next seven applicants, the completeness and the fact that they did do their notification of intent to the school districts, can we not, Ms. Lewis, do them all as one lump?

MS. LEWIS: It's at your discretion. Usually with my Uniform Licensing Act boards, I recommend they do them individually when you're dealing with licenses; but it's at your discretion whether you want to lump them together or not.

THE CHAIR: Commissioner Bergman?

COMMISSIONER BERGMAN: Actually, I'm curious. We've never actually done this before in all the years I've been on this, actually sat down and run down the list and said, "We're going to accept it."

I assume this is something new we've decided we're going to do.

THE CHAIR: I guess so.

COMMISSIONER BERGMAN: I would concur with Commissioner Gant. I'd just as soon we do all seven of them, if they all meet the criteria, let's just do them in one swoop and not take a great deal of time talking about seven different groups.
THE CHAIR: Let me just make one comment, because there was a question in my mind -- there was some confusion about which school or which proposed school did not send in their Notice of Intent to the district.

So I contacted the districts. And I specifically spoke to -- Gallup-McKinley School District. And it's the DEAP School proposed for on the Navajo location. And they sent me a copy of that notice that they received. The deadline was January the 13th at 5:00 p.m., on the form, the whole bit. The school received it on January the 14th.

Now, I've asked our attorney about that, and she advises that that's really very shaky grounds to deny an application. It could have been held up in the mail; many things could have happened. So one day late, do we choose to let that go?

MS. LEWIS: Well, Madam Chair, the 14th was the second Tuesday; so -- which I'm just now referencing my calendar. So no matter what the form said, they did meet the statute.

THE CHAIR: Thank you for that clarification. Thank you. That helps.
MS. LEWIS: I just now looked at my calendar.

THE CHAIR: Mr. Pahl, if you would review those forms and make sure that the due date on them coincides with the second Tuesday?

MR. PAHL: Yes, Madam Chair, we'll be taking a close look at the form so it's very clear what the expectations are each -- each subsequent year, here on out; so thank you.

THE CHAIR: Thank you for that. That's my one comment. It's been clarified.

Any other discussion from Commissioners?

Do I hear a motion to accept the remaining seven applications, as presented?

Commissioner Carr?

COMMISSIONER CARR: And I'm just going to name all the schools, okay?

THE CHAIR: Sure.

COMMISSIONER CARR: I move that we accept the applications of the following prospective charter schools for the State by the New Mexico Public Education Commission:

Columbus Community School.

THE CHAIR: You said you were going to say the names.
COMMISSIONER CARR: I'm going to do it.
Dzit Dit Looi School of Empowerment,
Action and Perseverance; or DEAP.
SAHQ Academy.
Sandoval Academy of Bilingual Education.
Sh'eh Wheef Shu-neen.
And Technology Leadership High School.
And the GREAT Jr. Academy.
COMMISSIONER GANT: Second.
THE CHAIR: We have a motion and a second
to accept the applications of the seven named --
proposed charter schools, motion by
Commissioner Carr, second by Commissioner Gant.
Do we have any discussion? Hearing none,
Mr. Secretary, may we have a roll-call vote?
COMMISSIONER BERGMAN: Commissioner
Parker?
COMMISSIONER PARKER: Yes.
COMMISSIONER BERGMAN: Commissioner
Peralta?
COMMISSIONER PERALTA: Yes.
COMMISSIONER BERGMAN: Commissioner Pogna?
COMMISSIONER POGNA: Yes.
COMMISSIONER BERGMAN: Commissioner
Toulouse?
COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?

COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Yes.

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Madam Chair, that is an 8-to-0 vote in favor of accepting those applications.

THE CHAIR: The vote is unanimous to accept the applications of the seven named, proposed charter schools. Thank you.

Mr. Pahl, let's go on to Item D, Report on Schools under Contract Completing Year 1" of their contract.

MR. PAHL: Thank you, Madam Chair, members of the Commission. We are going through our first year of -- or finishing -- we have finished our first year of schools that have entered into our new performance contract.

This year, there are seven of them. We have draft performance frameworks for you in your --
in your binders. What we envision for today was
giving you an opportunity to ask some questions
about those schools and what you're reading on the
frameworks.

We've invited representatives from the
schools, as well as our liaisons, to be able to help
clarify -- it should be pretty clear as to why
something was "meets" or "exceeds," because it's
clearly delineated there. But there are --
inquisitive minds, like your own, would have some
questions, and we wanted to allow for that.

A couple of reasons why they're in draft
format right now, school grades will not be released
until later this month; and so there's a big piece
of the performance framework that no one has right
now. Additionally, because this is the first time
we're going through this process, some of the
schools and our liaisons continue to work to -- to
get the appropriate data.

But by August, you should have a finalized
performance framework with the school grades and
potentially small modifications based on schools
producing the appropriate documentation of the
completeness or the -- the -- their ability to meet
requirements.
I'll stand for some questions, in general, regarding the performance framework. I'd be happy to answer.

Otherwise, I will -- I would invite the Commission to ask up any one of those seven schools to ask some questions about the ratings on their performance framework and any questions that are associated with the performance framework that you have in front of you for the schools.


MR. PAHL: Oh, I forgot to mention.

THE CHAIR: It talks about Cottonwood Classical Academy Charter School.

MR. PAHL: Madam Chair, members of the Commission, that is a typo. But you do bring up an interesting -- or another element that I should have mentioned a moment ago, which is that the financial frameworks for this year's schools are not complete. I'm under the impression that was an understanding that the Commission came to with the previous director, that because the financial framework was changed and updated, that this year's school, and only this year's school, would not have ratings for
the financial framework.

    MS. LEWIS: However, that sounds really scary. But let me just reassure you that there are financial frameworks within the other two. Remember, we have the sustainability measure -- and I'm blanking on where it is.

    MS. STOFOCIK: It's under the organizational framework, there -- Madam Chair, Commissioners, under the organizational framework, there are questions regarding the financial stability of the school.

    THE CHAIR: But my real concern was, it says "Cottonwood Classical." Do you believe it's Anthony?

    MR. PAHL: Madam Chair, yes, we just tried to make uniform language, to the extent possible, and did not replace the name there; so our apologies on that mistake. But this is this Anthony Charter's performance framework.

    THE CHAIR: Can I just say, again, if you had the name of the school on every page, it would help. It could go on a footer on there.

    MR. PAHL: Yeah.

    THE CHAIR: It really would. It really would help.
COMMISSIONER GANT:  Madam Chair?

THE CHAIR:  Commissioner Gant?

COMMISSIONER GANT:  Madam Chair, members,

Mr. Pahl, the only real question that -- it's not a question. Because the grades aren't out yet, which would be interesting to see how they fold into this -- so I think my question really is -- is did the schools in the -- or under these performance frameworks find them as useful as we hope they were?

That's my question. In having them laid down like this -- it took a lot of work on everybody's part, including the Charter School leadership -- were they really as useful as we hoped they would be? That's my real question.

MR. PAHL:  Madam Chair, Commissioner Gant,

I'll try to answer that question. But we do have school representatives, and I think they should have the opportunity, as well.

First and foremost, this is a new process; and so there is -- there has been some learning experiences in going through this. So I do anticipate it being smoother in the process as we learn more. I think having some very objective criteria in the performance frameworks, from our perspective, was -- made it easier to make some --
some otherwise tough determinations on the
performance of the school. So that's one
perspective.

And I know you asked that for the
charters; so I'll allow them to answer -- sorry.
You may want to allow them to answer, as well.

COMMISSIONER GANT: Madam Chair?

THE CHAIR: Could I say, before we go any
further into this, yesterday at the work session,
those of you who were there, remember, we talked
about the need for a Commission meeting in August?
It's just become imperative. And we talked about
having it on the 19th, which is a Tuesday.

If we schedule the -- the farthest
location for a community input hearing and then came
back to Albuquerque, we could have a meeting on the
19th.

One of the things we talked about having
on the 19th were these performance frameworks with
the school grade. They will be complete at that
time. What I don't remember -- and, Ed, I believe
you were the one talking about this -- Julia talked
about having a color-coded chart that showed how
many "exceeds," "meets," "does not meet," so forth,
at a glance, the results of these frameworks. Are
we going to have that in August, or is that not a
possibility this year?

MR. PAHL: Madam Chair, I think what I'm
hearing you say is a summary document that really --
it's a one-pager that summarizes the ratings? We
can produce one for the August meeting, if we do
decide upon one.

THE CHAIR: It would seem to me perhaps a
better use of our time would be to take these
preliminary documents home, read them thoroughly,
come back with any questions we might have, if we
choose to meet on August the 19th, have the final
document -- have the summary document, and make --
make better use of our time going through these at
that time.

Now, if you want to go through them today,
that's peachy-keen with me. But if you want to --
if you want to move on, that's up to you.

Commissioner Bergman?

COMMISSIONER BERGMAN: I would just
suggest, since we don't have the grades yet --
they're an integral part of these performance
frameworks -- that perhaps we would be just wasting
time today to spend any extensive time looking at
these today. It might be more appropriate to do it
in August, at a meeting in August. That would be my suggestion.

COMMISSIONER GANT: Madam Chair?

THE CHAIR: Commissioner Gant?

COMMISSIONER GANT: Madam Chair, members, I do agree with you on this. But, we do have charters here. Maybe just listen to a few words from them, give them a little time to say what they felt, so when we go into the August meeting, whatever it is, we'll have some -- it's more information. That's all, you know. And they don't need to be running around chasing us anymore.

THE CHAIR: Does that suit everybody?

Let's ask each school, in turn, then, if they do have a representative here to come up and give us a little information.

The first one on my list is Anthony. Is anyone here from the Anthony Charter School? I thought you looked familiar.

MS. ADOLPH: I've been here a couple of times. Good afternoon.

THE CHAIR: Good afternoon.

MS. ADOLPH: A little feedback?

THE CHAIR: If you would use the mic, please, and push down the button and hold it?

Okay. It was an interesting process. It was a speedy year. It went by quicker than we thought. We had a very, very short time. I think the thing -- the -- the area that we had the most difficulty with, as a school, was the use of the Discovery testing.

In October, CSD came down and said that things would be worked out with Discovery; they would get back to us. And Discovery maintained until the very end they were not going to have the appropriate information for the high-school level.

We are a middle and a high school. I think another mess-up with Discovery was they did not open the window for us for our third testing. And then when they did, they said that that was all the information we were getting. So I think that was one area that was real difficult for us. And we are going to come back before you with a change in our testing, and then to take a look at our goals again.

THE CHAIR: Mr. Pahl?

MR. PAHL: Madam Chair, the concerns of
Anthony's are something that are not Anthony's alone regarding Discovery. And it seemed to be the way we wrote the goals didn't -- when we did these, may not have known exactly what the outputs were for Discovery, so the goals and the metric didn't always match.

And so, as the school leader here mentioned, it is something that our liaisons are working to -- well, what would be a good proposal for a goal that fits into what the Commission has begun to work with on -- with other charters; so, thank you.

THE CHAIR: Thank you. Thank you for that information.

Next, I have Cottonwood Classical Preparatory.

MR. WOOD: Madam Chair, if it please the Commission, I contacted them and told them, if they had an opportunity to come today, they could avail themselves of it. But all the administrative staff of the school are on vacation out of state at this time.

THE CHAIR: Thank you. Appreciate that.

Next is Health Leadership. Welcome back.

MS. DURAN-BLAKEY: Hello again.
THE CHAIR: Please identify yourself.

MS. DURAN-BLAKEY: Good afternoon. I'm Gabriela Duran-Blakey. I'm the principal of Health Leadership High School. We -- this is our first year, as you all know. And so I don't have anything to compare it to, as far as using the performance frameworks.

We found them very useful. As we went through the year, the -- our board actually has manipulated the performance framework into my evaluation, as well. And so the performance framework is what we use for the director's evaluation, as well as evaluation of the school, which I think has been a really good process for us. And it kind of has helped to streamline our goals so that we're not all over the place, especially the first year, so that we have a solid foundation going into the next year.

So we have found it very helpful.

As you know, we're a first-year school, and we are in a year-round schedule; so our data is coming in now, as we just closed up our year.

And the other little issue that we have is just with the school grade. We're a brand new school who have freshmen, but some of our students
are reclassified students; so the school grade report that comes out will actually only represent 20 of our students who were tested, because they're older students who were held back. And so they were still in ninth grade, but their age -- they did take the test. So you'll see that when we come back with the school grade report.


MS. DURAN-BLAKEY: Thank you.

THE CHAIR: Horizon Academy.

UNIDENTIFIED LIAISON: Madam Chair, the administrator of Horizon Academy had a trip to the East Coast planned for, just, today. So we went through the report at length. But she -- and everything was in good order. However, if -- she requested that she be excused from the meeting today, due to that trip that was planned today.

THE CHAIR: Thank you for that information.

Media Arts.

MS. VOIGT: Greetings, Madam Chair, members. It's great to see everyone again --

THE CHAIR: Again.

MS. VOIGT: -- after a year. So feedback
regarding the performance frameworks. Being the first State-chartered school and also the first school to go through the renewal contract, I found the frameworks very comprehensive and very helpful. The worksheet, especially, that was developed to populate the contract was tremendously helpful.

My understanding, there might be some changes towards some of the language within the performance frameworks renewal for next -- I don't know -- for upcoming years. But, nonetheless, we're good for two more within the contract that we were reauthorized under.

And we had tremendous support from the Charter School Division in working through the contract at ground level to be the first school to be reauthorized under those documents.

THE CHAIR: Terrific. Thank you very much. We appreciate that.

MS. VOIGT: Okay. Thank you.

MR. PAHL: Madam Chair, if I may, real quick? I looked perplexed when we said "changes to the framework." It's the financial framework that we're speaking about. That's the anticipated change from year one to year two; so sorry.

THE CHAIR: Right.
Next is New Mexico Connections Academy.

MS. TRUJILLO: Good afternoon, Madam Chair and Commissioners.

THE CHAIR: Welcome back.

MS. TRUJILLO: Thank you. Thank you for having us back.

THE CHAIR: Please identify yourself.

MS. TRUJILLO: Oh, I'm sorry. Athena Trujillo, New Mexico Connections Academy.

And I have with me Lindsey Edwards, one of the teachers from New Mexico Connections Academy.

I do want to say, as a leader of a first-year charter school, that the performance framework, the framework itself, assisted me in completely understanding my school; so it was a very, very valuable tool, and I'm very appreciative of that.

I did bring a document today that the PEC requested of our school the last time we were here; so I would like to know if I could present that to you.

THE CHAIR: What document was that?

Please refresh my mind.

MS. TRUJILLO: There were several questions that the PEC had of our school. And I did
state that I would get that information back to you.
I did put my name on the "Open Discussion," just in
case we weren't called today.

THE CHAIR: If you would just hand those
to one of us, we'll pass them all around.
Whenever you're ready, please.

MS. TRUJILLO: So there were several
questions, and I tried to put it in a data format
for you. A question about the field trips that we
had completed and the number of people attending.
And you can see that we have quite a spread of
attendance, probably from six to 200, based on the
region in which we held the activity, or the
activity itself. Our parent volunteers are listed
as parent volunteers through what we have called
"Club Orange." And it is a group of parents who are
interested in supporting the school getting
together, working on parent initiatives. And that's
identified there for you.

We also had 74 students who signed up in
clubs at our school. And I did list the attendance
of those clubs below, which we had quite a few. You
can see there was a range of interests for those
students.

I did address our enrollment numbers for
the 40th, 80th, and 120th day.

I also have attached a geographical and a county -- a pin map and a county map that addresses our student population across the state of New Mexico.

I have provided the State testing sites, the number of students who participated in State testing, and our State percentages.

There was a question about computers being offered to our parents and students who enter our school. And last year, we provided 368 computers out of a total of 626 families. And our website and enrollment documents encourage parents that if they are interested in a computer, that they so note that.

We also provided information on the number of families based on our farm-student population who received the Internet subsidy from our school. And it's broken down by the payment months of the school year. Roughly 10 percent of our population.

And then I broke down our enrollment, because there was a question about how many of our kiddos were -- I believe Commissioner Carr asked a question about home school population. And it was 21.5 percent. And I broke it down further for you
all to see where our kids are coming from. And yes, the Scantron and LEAP are aligned with the Common Core standards; so I gave a little information and provided a website. I wanted to give you, at this time -- I wanted to say at this time -- to thank you for the questions that you had of our school last time and an opportunity to present the answers to you today.

COMMISSIONER CARR: Madam Chair?

THE CHAIR: Commissioner Carr?

COMMISSIONER CARR: Oh, I'm sorry. If the -- I noticed you thought the home-schoolers was a much higher percentage.

MS. TRUJILLO: I wasn't sure, so I didn't want to give a number; so I was playing it safe with you.

COMMISSIONER CARR: Oh, okay.

THE CHAIR: Commissioner Gant?

COMMISSIONER GANT: He's first.

THE CHAIR: I'm sorry. Commissioner Bergman?

COMMISSIONER BERGMAN: Just a couple of observations about the field trips. I find it interesting that the zoo was the most popular, apparently, of one of your -- the Albuquerque Zoo
was the most popular -- at least, in this cycle.

MS. TRUJILLO: Well -- and I looked at
that, too. But it's an opportunity to share with
your family; so our students came with their parents
and traveled, but brought other family members. It
was quite a success. Everybody enjoyed themselves.

COMMISSIONER BERGMAN: I always enjoy --
I've taken my kids several -- whenever they were
young enough and at home, many times. The other
thing I would note is I see that you did not bring
your students down to Roswell to the World Famous
UFO Museum; so you might want to put that on one of
your future trips.

THE CHAIR: If you're going to plug
Roswell, I'm going to plug Artesia.

The reason I wasn't paying as close
attention as I should -- I'm reading. I'm looking
at your No. 7, "State testings." And I assume
that's the NMSBA testing; right?

MS. TRUJILLO: NMSBA, yes.

THE CHAIR: Under B, number of students
tested was 339, which really is well below any of
your 40-, 80-, or 120-day counts. Is that because
many of your students weren't there for the full
year, or what?
MS. TRUJILLO: Basically, that's a part of it. But also our ninth-grade population was not tested. There are certain grade levels that are not tested; so it's accounted for in there.

THE CHAIR: Okay. Okay. The other thing is -- I'm not sure who I should direct this question to. But in Item No. 11, you refer to the site visit report. And you'll remember, in our last meeting, I asked, "Because this is such a unique school, we really want to know more about it, and down to the detail."

And at that time, I asked, "Could we have the site visit report?"

And so this jogs my memory that I asked for that. Do we have that information today?

MR. PAHL: Madam Chair, members of the Commission, it's jogging my memory, as well. And I apologize that it's not here today. We've made a commitment to get the site visit report for Walatowa; we'll do the same for Connections, to the Commission.

THE CHAIR: Are we going to shoot for the August 19th meeting, if the Commission approves that date?

MR. PAHL: For -- yes, sure.
MS. LEWIS: Actually, Madam Chair, I would request if I could see it a little bit before that, because you're going to ask my advice about the performance frameworks on August 19. And the site visit reports will help.

And, you know, we asked for it two meetings ago, and we were told "Next meeting." Then we asked for it last meeting, and we were told, "This meeting."

Everyone knows where to reach me; you know my e-mail address. And I still haven't received it. So I'm just a tad bit frustrated.

MR. PAHL: If I may, Madam Chair, we were finalizing the report. And I think there are still some small modifications to make. But that's why we didn't have it prior to any of the prior meetings. I think, again, there are some small modifications to be made. But if we're expecting it for the August meeting, you'd have it well before, I would imagine sometime in the next week or so that we'll have it finalized and to you.

THE CHAIR: Okay. So you're saying in the next week to ten days you will get it to our attorney? And then will you get it on to us or --

MS. LEWIS: Sure, yeah.
MR. PAHL: Yes, Madam Chair.

THE CHAIR: Both of them, I'm asking.

MR. PAHL: Yes.


Commissioner Gant?

COMMISSIONER GANT: Madam Chair, I'm referencing the field trips -- members.

The field trips were basically to three communities: Albuquerque, Alamogordo, and Santa Fe. But then you look at the maps, and they're spread all over the country -- all over the state, I should say, the majority of them being in Albuquerque, and then you move down to Cruces -- the Las Cruces area.

But what about those outliers, like Lovington and all those -- I see the number of 496 who had participated. But I would imagine -- don't have the data, but a lot of them were just repeats.

Is there any way of breaking down and letting us know from communities, because you've got Lovington, Hobbs, and Clovis. And you run up to Shiprock and Red Rock and Lordsburg, et cetera. I would be interested in knowing how many of those outliers, the ones that live out on ranches, participated in the trips.

MS. TRUJILLO: I can do that for you,
certainly.

COMMISSIONER GANT: Thank you.

THE CHAIR: Another question just occurred to me. I'm looking at your map. And it's very good. Thank you. I appreciate the information.

But I noticed over on the west side of the state, Reserve and that area -- I know it's sparsely populated over in that area. But you have almost no students from that area. Does lack of connectivity, lack of Internet access play into any of that? Or is it just -- you just didn't get any students from that area?

MS. TRUJILLO: Well, I would -- excuse me. I would compare that area to the far northeast corner, which is Clayton, out in Union County. At one point, we did have one student from Union County. I know for a fact there's Internet access, as I've lived there before.

I'm not sure about Reserve; so I wouldn't want to say "yes" or "no" one way or another.

THE CHAIR: Thank you. Other questions? Commissioner Bergman?

COMMISSIONER BERGMAN: Actually, kind of an application of what Commissioner Gant said. This is a great map; you've got all these blue dots on
here. But for future reference -- and no special --
I would like to see a list from you that actually
tells me how many students are in Roswell, in
Lovington, by actual numbers.

And you don't have to make a special trip
back to us to bring it. Just the next time you
come, if you would make a mental note of you've got
200 students in Albuquerque and 400 in Santa Fe --
if you could do that for me, I would really
appreciate that.

MS. TRUJILLO: We actually have those
numbers. And I did do that at the beginning of the
school year, but I could certainly do it again.

COMMISSIONER BERGMAN: Okay. It's
actually no special.

MS. TRUJILLO: No, I can do that.

COMMISSIONER GANT: Madam Chair, members,
I did ask for the breakdown of who -- from what
community, et cetera. So I see -- it could be
something digitally sent to us. And we could get
that, what information you had, and send it the same
time and not have to make a trip. It could be
through the Internet, as far as I'm concerned.

Thank you.

THE CHAIR: Okay. Just whenever you have
that information, if you could send that to CSD and
to our attorney, they'll get it to us.

I do appreciate this extra work. I know
it was work. But this is -- you've got a unique
school here, and we're trying to learn all we can
about it. And we appreciate that.

MS. TRUJILLO: I appreciate that.

THE CHAIR: Appreciate your information.

Commissioners, do you have other questions
of Connections?

We thank you very much for being here
today.

MS. TRUJILLO: Thank you.

THE CHAIR: Mr. Pahl, while I'm thinking
about it, you are going to provide us with the site
visits for all of these first-year schools; right?

MR. PAHL: If that is a request. They are
very lengthy, though. But if that is a request of
the Commission, we'd be happy to provide it.

THE CHAIR: Well, they just have so much
information in them.

MR. PAHL: And Madam Chair, members of the
Commission, the idea of all the -- all the questions
on the site visit form directly align to one of the
ratings on your sheet here. And as we move
forward -- I will be responsive to any requests that
the Commission has. But as we move forward, if we
set a precedent for giving site visits for all of
them, we'll be drowning in paper when we have
20 schools.

So if we are strategic about it -- and
we'll provide all of those for these seven. But I
think they would be best served as a response to,
"I'm wondering what's happening with this school
because of this rating."

THE CHAIR: The whole process is so new.
I look at a box that's checked, and I don't know how
it got checked. I don't know the background to
that. And I think that's coming from the site
visit.

MR. PAHL: Sure. Yeah.

THE CHAIR: Is there a summative report
that would give us that information out of the site
visit that you already do?

MR. PAHL: Yes, we have a -- in fact,
maybe this is, you know, the interim step here. We
have what we call a "summative form" for the site
visit form that's a one-pager that you can -- you
can get some information from; and so that would
be -- it goes into another step of detail that's
furtherer than the performance framework, without
being the full, you know, 60 to 150 pages. So we'll
grant any requests, but I don't know if they're
going to be useful if we send all of them. But
that's your discretion.

THE CHAIR: Commissioner Carr?

COMMISSIONER CARR: Are all of these
already digitized?


COMMISSIONER CARR: So it would be a
way -- if any of us would like to delve further into
something, that we could get -- just have access to
it? I wouldn't think we'd have to have everything
sent to us. But if we just had access to it, then
that would probably allow anybody who wants to dig
in further.

THE CHAIR: Are they, like, on SharePoint?

MR. PAHL: They are not on SharePoint
right now. I mean, we can discuss a mechanism,
maybe for this time; since there are only seven, we
could e-mail. But think about a solution as we
develop more. What I do want to note about the site
visit forms, though, is that they're meant to be
internal working documents. They are our notes,
literally; and so they may not make complete sense.
But we invite you to give us a call and --

THE CHAIR: We're good with things that
don't make sense. That's fine. Yes, let's try it
that way this time. And then maybe, as we move
forward after this first round, we'll have a better
idea.

MR. PAHL: Sure.

THE CHAIR: Okay. Thank you. Next on my
list is North Valley Academy. We thank you for
being here. Please introduce yourselves.

MS. McCONNELL: I'm Susan McConnell,
principal at North Valley Academy.

MR. BARTON: And I'm Ray Barton, the chief
operating officer.

THE CHAIR: Please give us your
impression, your views on these things.

MR. BARTON: Since I was involved in
providing a lot of the feedback, Susan asked me to
provide you with feedback. First, I'll let you know
that we felt that the PED staff on this,
particularly being a first-year process, was
extremely helpful, particularly from the standpoint
of understanding a lot of the impacts of when you're
doing statistical analysis and things like that; so
very informed, very intelligent.
There are four points that we would suggest here as comments.

The first is that there's always this discussion about the high-stakes testing, the snapshot, and particularly, as administrators and teachers say, it's not comparing apples and apples, because kids change from school to school or class to class; for that reason alone, we like the inclusion, the use of the Short-Cycle, because you're then comparing, for the most part, year beginning to year end and steps in between.

So that's our first comment is that we like that very much and think that that should be a stronger component.

The second is we were very disappointed that the financial indicators were not included in the analysis this year. We did a report on them, as did the other schools; but they're not being included. We understand why.

But personalizing it, I come out of business as CEO of large companies. And as you would guess, without even these rudimentary liquidity measurements and so forth, you couldn't operate a business; so we think that they -- they're very important and they should be a part of that.
Third is the measurement expectations.
And what we learned out of this is, early on, at the very beginning, early [verbatim] possible time, to get agreement on how are the measurements going to look, what mechanism are we going to use, and what they look like. Again, the Staff has been great. But we've had to go through a process of some supplemental information, submissions, in order to get a meeting of the minds in terms to, "Okay, this is what it should look like."
So early on, at least by the site visit, to get those agreed upon would be very helpful in the process.
The last relates to something you were just talking about; and that is, we strongly suggest a "Comments" section out of this process, much like if you think when your credit report -- there's something on your credit report that you disagree with or you need modified, you have the opportunity to -- it doesn't change it, but you have the opportunity to submit comments, which go into the same profile.
In that same sense, if a school had modifiers, or even disagreements with, the assessment by the Staff and the Commission, at least
you would be aware of those and be able to assess those with the data.

So those would be the inputs that we would have.

THE CHAIR: Thank you for that very comprehensive report.

Commissioners, are -- any questions?

Commissioner Bergman?

COMMISSIONER BERGMAN: Not necessarily a question, but you used the term "measurements." And I have noted, in several of the boxes in their draft copy, you have stated that the school did not provide the necessary quantifiable data in the requested template. Is that the measurements you're talking about?

MR. BARTON: In the specific, yes. And then the Staff's been very good in working with, "Okay, what do you need, and we'll provide it for you. We've got that. Let's do it."

But it's -- it's a first-year process.

COMMISSIONER BERGMAN: Sure.

MR. BARTON: But the earlier we could agree upon what is this going to look like, the better it would be.

COMMISSIONER BERGMAN: Because we're going
to have to have the data in order to evaluate the goals.

MR. PAHL: And, if I may, Madam Chair, you'll notice from our first negotiation together that I asked a lot of specific questions about data, and when we say "Fall," what does "Fall" mean, the reason why I did that, it was a learning experience out of charters like North Valley, where we're at the end of the school year, and there's actually some confusion -- not -- I mean, it's not anyone's fault, I think, at this point, because we didn't lay it out in the beginning, "This is what everyone's expecting to see."

And I want the Commission to hear that, as well, during the negotiations, so we all have a common understanding of what's expected from the beginning, moving into the end of the school year. So my intricate and sometimes annoying questions were not for no end.

THE CHAIR: Commissioner?

COMMISSIONER BERGMAN: And your comments on "comments," each cycle, because this is a fairly new -- and it will probably always be this way -- I sit down and evaluate our forms as we finish a cycle. So you guys might -- and CSD Staff might
want to make a note for when we get into maybe after
the first of the year when we sit down again and
start talking about forms again, maybe we should
talk about how that thought on "comments" can be
accommodated; because, as I looked at these -- this
first -- remember, you were the first seven. This
was new to everybody, including us and you, and so
we worked our way through it.

But as I looked at this first draft copy,
when you check in the box on some of them, you gave
us a little explanation; but on others, you gave us
no explanation; so I want to talk about that, too,
because especially if it does not meet standards or
falls -- we're going to need an explanation. So we
have to maybe tweak the forms a little bit to figure
out how we're going to do that.

THE CHAIR: And that, Commissioner
Bergman, may play into the need for the site visit
reports. If we have the explanation as part of the
document that we receive with -- you know, why that
grade was -- or that certain box -- was checked,
that may be the information right there that we
need.

MR. PAHL: Madam Chair, members of the
Commission, I'll propose this. That was something
that we had a discussion about as Staff and whether that was appropriate to have in there or not. And so the consideration was made, and we could send you copies of the performance framework with, you know, the -- the concise reason why they landed there, if that -- if that pleases the Commission, outside of the two site visits that you specifically asked for.

THE CHAIR: Why don't we move on? I think for this year, we need all the information. And then, as you say, when we meet and start discussing all these forms and things again, taking into account everything we've heard, I think we might make some good changes, some good adjustments.

I remember the negotiations we did with you all. And they were lengthy. They were not contentious, but we were all learning. And so it took a good amount of time, and you all have been a great partner to help in this. We appreciate your help.

Any other questions? Comments?

MR. BARTON: Madam Chair, just one last comment, if we can.

THE CHAIR: Yes.

MR. BARTON: And Susan and I are absolutely of the same mind. We support this
process 100 percent. We think it's a good process. We like participating in it; so we're glad we're a first-year school. Thanks.

THE CHAIR: Thank you so much for being here.

MR. BARTON: You bet.

THE CHAIR: All right. Last item, Mr. Pahl, "Staffing Update."

MR. PAHL: Madam Chair, members of the Commission, we're still in the process of hiring several positions right now. But we are getting closer; there is progress there.

The one main staffing update is -- and Ron had to leave -- but Ron Christopherson will be leaving us at the end of this month, July, here. So Ron's done a great job on Staff, but has found work closer to the grandkids. So that's -- that's a priority that's taking him elsewhere.

And it's a loss for us, but we're moving forward with plans for continuing our good work, despite his absence.

THE CHAIR: Okay. Mr. Pahl, let me just -- I know you got my list of questions from the minutes. And most of them, we've covered one way or the other, so far, in the meeting. But as long as
it's still within your Director's Report, that agenda item, I would simply like to ask your update on the items that we haven't touched yet.

One of the questions that I had was what is the criteria for "Exceeds educational standards." And you were going to look into that and see if you could get us that specific wording.

MR. PAHL: Right. And Madam Chair, members of the Commission, I have to stand by my answer, still, from last time, that for AIMS, it was, you know, consistent As; they've had national recognition. But I don't have a written policy for that. And, looking back in the minutes, I did notice the intent behind the question, which I really liked, which you mentioned, "We want to make sure we're recognizing our schools."

So in addition to the criteria for that particular waiver, I'd like to explore with the Commission on how we define a high quality school so we can celebrate those schools, even if it's in a small way, to make sure they know they're appreciated for their good work with the students in New Mexico.

THE CHAIR: And, certainly, Mr. Pahl, I don't disagree with that. But I think it's
absolutely critical that PED recognize the need for
written criteria for "Exceeds educational
standards," because, according to the statute or
regulation for waivers --

    MR. PAHL: Statute.

    THE CHAIR: -- it says schools can apply
for a waiver -- those schools who exceed educational
standards can apply for these other waivers. That,
to my mind, says charter schools, traditional
schools -- there may be schools out there that would
like to apply for a waiver, but they don't know what
the standard is.

And so I don't think we're serving our
total educational community very well by not having
that definition. And I know it's not yours to
write. But I would appreciate it if you would
pursue that and see if you can discover, beyond,
they got an A on their report card for three years
and are nationally recognized -- if they're
nationally recognized, that's not even something
New Mexico has control of. So what in New Mexico
constitutes a school that exceeds educational
standards, okay?

Continuing with waivers. I'm going to ask
Ms. Lewis to help me with this one. Again, we asked
you, could the Commission have copies of all
waivers, those that are requested, those that are
granted, those that are denied? And at that time,
you weren't sure that we could get all of those.
Has anything changed?
MR. PAHL: Madam Chair, members of the
Commission, at the last meeting, I committed to
letting you know which waivers had been accepted.
In between the last meeting and this current
meeting, and in that time frame, none have been
accepted at this point in time.
THE CHAIR: When you use the word
"accepted," please tell me what that means.
MR. PAHL: A waiver that was submitted to
the Department and was -- was approved. I'm sorry.
I used the wrong "A" word. "Approved."
THE CHAIR: So if I ask you if there were
any waivers presented that were denied, could you
answer that?
MR. PAHL: Not at this time. But that's
under consideration.
THE CHAIR: Okay. Did I cover all bases,
Ms. Lewis, on waivers?
MS. LEWIS: I'm not sure what your
intention with your question --
THE CHAIR: I asked about the ones that were approved, denied. What have I missed?

MS. LEWIS: Received, but not acted on, I guess?

THE CHAIR: Received, but not acted on?

MR. PAHL: Again, I committed to saying which waivers were approved.

MS. LEWIS: And I'll just do my broken-record thing, which Matt has heard seven times at this point. But under the IPRA statute, as well as under PED's own regulations, the request and the response are public documents and should certainly not be withheld from the schools' chartering authority if Joe Schmo on the street can give you an IPRA request and is entitled to it under the law.

This Commission keeps asking me, and I don't have an answer to them. That's why I'm asking you, too, Matt. I don't have an answer for them as to why they're not being provided them, a legal answer.

THE CHAIR: Please continue to pursue that. Ladies and gentlemen, I think Cindy's hands are getting tired. Let's take a little break here. Let's come back at 2:00, and we'll continue.
(Recess taken, 1:53 p.m. to 2:03 p.m.)

THE CHAIR: I call back into session this meeting of the New Mexico Public Education Commission. We are to Item No. 8, "Discussion and Possible Action on Extension of Approval/Denial Deadline for New Charter School Applications."

Okay. For denial or approval. Statute says those decisions must be made by September the 1st. It's not physically possible to get all of this work done by September the 1st; so we're asking for permission from the Commission to extend that deadline.

Abby, would you like to weigh in on that?

MS. LEWIS: You're going to get tired of hearing this argument from me. But yes, the statute says "thou shalt by September 1." But it's silent about an extension; so the Legislature didn't specifically tell you you couldn't extend it. And that's been the practice in the past is that CSD has gotten -- and you should have the form in your "L" drive, Matt -- have gotten a signature from the school and from the Commission, just saying, "We're extending this deadline to" -- I think it's September 30, because the meeting is always in September; we're just not sure when.
THE CHAIR: The 25th or 26th.

MS. LEWIS: Now, we know, but --

COMMISSIONER BERGMAN: The day varies each year.

MR. PAHL: To -- sorry. I caught part of that. Do I need to have a form now for us to sign? Or is this for later -- at some point prior to what the deadline is, we need to technically extend the deadline is what I'm hearing.

THE CHAIR: Each one of the applicants need to sign it.

MR. PAHL: For each one. So then they can sign it, and, then, Madam Chair, you need to sign it, as well.

COMMISSIONER BERGMAN: Yeah, I think a letter has been done or something. And I will tell you that I went through the form yesterday. Our instructions for the new application form specifically have a paragraph that notify each applicant of that very statement and that tells them that they will be asked to extend that deadline.

And our attorney says we cannot demand they extend that deadline; they have to voluntarily do that.

But we would have no answer -- no school
has ever not wanted to. What happens, if we ever
run into one that doesn't want to extend it, they're
out of luck, because we're not going to do the
decision until the end of September. We've never
found out what happens if one says, "No, I don't
want to extend it."

THE CHAIR: We just have to be very
persuasive.

Yes, ma'am? Please identify yourself for
the record.

MS. FOX: Madam Chair, Susan Fox with the
Matthews Fox Law Firm. I'm not here on behalf of
any particular school, but if you would just let me
make one point on behalf of the charter schools that
we've represented in the past...

And I've heard Abby say that -- or I've
heard you say that the deadline is proposed to be
extended to the end of September, which, in the
past, is what you've done, I think, middle or end of
September; and that's worked out okay.

But where we get -- and certainly, I
understand all the reasons for this, and we have all
these deadlines. But the more we -- the further on
we go, we eat into that planning year for the
charter schools. And if they appeal and get -- and
your decision -- and their appeal is successful, we're also in a situation where a charter school has less than six months to get up and running all and all. And this Commission's opinion in the last year has been stated as you only get one planning year.

In the past, charters have been allowed to take two planning years, but I'm understanding that that's changing now.

My long-winded point is I think the September proposal is fine; but if you ever wanted to get into October, you might hear something differently from the charter schools, in terms of, "That's just not enough time for us to appeal and then start up a charter school successfully in that abbreviated period."

THE CHAIR: Okay. Thank you for that information.

MS. FOX: Thank you.

MS. LEWIS: Just to address what Sue said, because when we have had -- we hear you that you're biting into the planning year. When we have had that issue in the past, this Commission has extended the deadline for the Planning Year Checklist to be complete; so...

MS. FOX: Yeah, and that has happened.
It's just that there is a small window of
opportunity for students to actually -- they need to
go to a school starting in August, basically;
otherwise, they're off to another school, and the
enrollment just doesn't work.

So there's a practical element here that's
very keen, as well as employee hiring is another
factor.

THE CHAIR: Thank you.

Commissioner Bergman?

COMMISSIONER BERGMAN: Thank you. I
understand what you're saying. And I could never
promise that we wouldn't go into October. But
October 1st is when we get the renewal applications.
And it would be impossible, almost, for this
Commission to be doing new applications in October
and renewal applications in October and all the
rest.

And you're right. It's -- the
September 1st deadline is an impossible deadline
that's -- unless they have changed the July 1st
deadline, which the Legislature has never seen an
inclination to do. I wish we could do it by the
September 1st deadline, but that's an impossible
deadline, cannot be done. That's why it's always
been done at the end of September.

MS. FOX: Another way of skinning the cat is to come off the opinion that there is only one planning year. That would at least give a school an option to, if they can't get everything done in that short abbreviated time, to opt to extend.

COMMISSIONER BERGMAN: I have not heard what you're talking about. We have given schools sometimes two planning years. I have not heard we never want to do that again. No one has told me that.

MS. LEWIS: I said it in an open meeting; not that you weren't going to give them. The question was asked of me, "Does the law allow for a second planning year?"

And my response was, "No."

THE CHAIR: Precedent has been set, that there have been some schools that have had a second planning year; so it's not cast in stone.

MS. FOX: That helps a bit. Thank you, Commissioners.

COMMISSIONER BERGMAN: I had a joke, and I didn't say it.

THE CHAIR: Thank you, Sue.

All right, Commissioners. So we need to
vote. If you've discussed this as much as you choose to, we need to vote to extend the deadline for approval or denial for new charter school decisions.

THE CHAIR: Commissioner Gant?

COMMISSIONER GANT: Question. In the motion, do we not have to state the date in which we want to move -- to extend?

COMMISSIONER BERGMAN: Which would, this year, be 25 and 26.

MS. LEWIS: I'm trying to remember how the form is drafted. You could. But, again, once you have that meeting on the 25th and 26th -- and here's a little bit to bore you about the interplay of regulation and statute. You then have 14 days to issue a written decision. However, the written decision must harken back to the meeting. So that's why you see me typing up motions when we do approvals and denials on the spot, because I don't know what you're going to say beforehand, so I can't prepare them in advance.

But they -- I need to be able to lift them from the meeting into your written decisions; so...

THE CHAIR: So it's done as quickly as possible.
MS. LEWIS: So if you say 25th or 26th, specifically, in the motion, then you've taken out your own 14 days for a written decision. As soon as -- and I know Cindy gets us the minutes as fast as she can; so as soon as she gets them, that's when I send them out. There's no waiting around or twiddling thumbs. That's the way technology works.

THE CHAIR: How can we word the motion to adequately indicate we want to allow CSD to work with the charters to give an extension of that September 1st deadline?

MS. LEWIS: I -- I don't know why you need to have a date in there.

THE CHAIR: Okay.

COMMISSIONER CARR: Madam Chair?

THE CHAIR: Yes, Commissioner.

COMMISSIONER CARR: So where -- if you well, our -- you know, September 1st this year is Labor Day. So the first -- the best way to do it would be, say, maybe the second Tuesday of September, something like that?

MS. LEWIS: But that's before the meeting.

MS. FRIEDMAN: That's not 14 days.

COMMISSIONER CARR: I'm just saying -- I mean, that would be a way --
MS. LEWIS: Well -- but then you don't have the 14 days.

MR. PAHL: How about by the end of September? I mean that gives a lot of flexibility.

MS. LEWIS: I won't have the minutes by the end of September to pull the written decision. Now, if you read exactly what I've put in front of you, then -- or if you agree and read exactly what I've put in front of you, then I can pull it off my own motion that I wrote. But if you don't, then I need the minutes to adequately do your written decision so that you are successful on appeal.

THE CHAIR: Well, then you better come up with a motion.

MS. LEWIS: Well, I don't think it needs a date in it, just that you're voting to extend the deadline for the decision.

THE CHAIR: Is that sufficient?

MS. LEWIS: You're all looking at me like it's not. So what am I missing?

COMMISSIONER BERGMAN: You're leaving it open-ended? Would that not scare Sue Fox, that we could move into October or November, if it's open-ended?

COMMISSIONER CARR: Or wait five years?
MS. LEWIS: Then I guess -- what's 14 days after the 26th?

MS. FRIEDMAN: It would be October 10th.

MS. LEWIS: Okay. So --

COMMISSIONER CARR: Then you'd want to move to -- again, you'd want to put an exact date in there.

COMMISSIONER TOULOUSE: Madam Chair, Abby, what is the official date, though? Is it the day we vote, or the day that you send the letter? Because, to me, as soon as we take that vote, it becomes the official decision, regardless of when the written notification is received.

So if our motion would say that we will take action no later than the end of the second day of our September meeting, then we've done what we have to do. People are going to know what we did, and then the written notification comes. Because we're not official with that; right?

MS. LEWIS: What's not official?

COMMISSIONER TOULOUSE: Well, we -- I mean, we are already official. We don't wait for the letter.

MS. LEWIS: Well, the law requires it. So a good lawyer could argue either way. The law is
not --

COMMISSIONER TOULOUSE: I am not saying --

MS. LEWIS: I understand your question.

The law is not clear -- I think Sue and Julia and I
have all lamented this in the past. What is that
date? Is it the meeting? Is it the written
decision? So the law doesn't spell it out.

MS. FOX: I think it's the -- I'm sorry,
Madam Chair, and members of the Commission.

In my opinion, I think the statute is
written to contemplate that you shall meet and
decide by September 1st. So if you said you're
going to meet and decide on "X" day, then another
section of the statute having to do with the appeal
stuff and the written decision comes into play. But
that's a separate 14 days.

So if you said -- in my opinion, if you
said you're going to meet and decide on the 25th,
then that's when the decision is made, and then Abby
would have to send out the written decision within
those 14 days.

So we're really talking about
October 10th. But I think the statute talks about
your meeting day. Because you can only act as a
group; so that's when -- that's when the decision is
made.

Did I just convolute things or --

MS. LEWIS: No.

MS. FOX: I guess -- I like the original motion better than leaving it open-ended.

MS. LEWIS: What was the original motion at this point?

THE CHAIR: Extend it to the September 25th and 26th.

MS. FOX: I won't interpret that as your written decision being due on that date.

MS. LEWIS: Well, right. But -- like Commissioner Toulouse says, all that matters is what's in writing. So -- I appreciate you saying you won't hold me to that, but you could, anyway.

MS. FOX: I mean -- and if you put that you're going to meet and decide, because I think that's the way the statute is in the first place --

MS. LEWIS: Versus the written decision isn't the decision?

MS. FOX: Right. The written decision is only operative vis-a-vis --

MS. LEWIS: In both?

MS. FOX: It's just -- the written decision is only a reflection, a written
notification, of what you guys did.

   MS. LEWIS: So maybe "meet and vote by the
September 25th-26th meeting" -- I mean "at the
September 25th-26th meeting"?

   COMMISSIONER TOULOUSE: Madam Chair, I
don't remember having this discussion last year.

   COMMISSIONER BERGMAN: We haven't. We're
doing this for the first time again, for some
reason.

   COMMISSIONER TOULOUSE: I thought I had
learned enough by then that I wasn't spacing it; but
I wondered why.

   MS. FOX: I mean, just for a little
insight -- I'm volunteering this. I mean, what I
would be looking for as an attorney to appeal
something is to make sure that when you are denying
someone, at that meeting, you clearly state on the
record all the reasons and the facts and everything
for the basis for that. That's what Abby will then
take from Cindy and turn into your written decision.

   So as long as that -- all that stuff is in
the record at the meeting, it's hard for me to have
that due process issue we've had in the past.

   COMMISSIONER BERGMAN: You have educated
us on what we need to say, I can assure you. We
know. You have educated us. Let's get on. Yeah, move on.

COMMISSIONER GANT: I move that the --

Madam Chair?

Madam Chair, I move that the Public Education Commission authorize the Charter School Division to notify -- no? Tell me where I'm --

MS. LEWIS: To effect signing of an extension for the meeting and vote on the approval or denial of charter schools.

COMMISSIONER GANT: On the 25th?

MS. LEWIS: On the meeting of the 25th and 26th.

COMMISSIONER GANT: On the 25th and 26th of September.

COMMISSIONER BERGMAN: And you should probably state we're talking about new charter school applications, as opposed to renewal charter school applications. Or maybe not. Maybe our attorney will say we don't need the word "new" in there.

THE CHAIR: We have a motion on the floor to approve --

COMMISSIONER CARR: Second.

THE CHAIR: Thank you very much. We have
a motion by Commissioner Gant, second by
Commissioner Carr, to approve the extension of the
deadline for approval or denial for new charter
schools to the official meeting of September 25-26.

Any discussion?

All those in favor, please say "Aye."

(Commissioners so indicate.)

THE CHAIR: Any opposed, please say "No."

(No response.)

THE CHAIR: Motion carries. Thank you all
very much.

Let's go to the PEC Calendar.

Matt, do you have that time line for us
that we talked about yesterday?

COMMISSIONER BERGMAN: Madam Chair, before
you go on, there's something we'd better discuss.

THE CHAIR: Okay.

COMMISSIONER BERGMAN: Because, you'll
remember, I mentioned I think we also have to
discuss the amended Charter School Act on these new
applications, for those that are approved, that that
mandates that the negotiation has to be done within
30 days. We have in the past, and we'll have to,
with however many schools we might have, we have
also extended that.
So I think we need to discuss -- that is also going to -- from when we get the actual approved schools, then we're also going to have to ask them to extend their negotiation deadline past that 30 days.

THE CHAIR: Let's make that part of the September meeting after we do the approvals and denials.

COMMISSIONER BERGMAN: Do you want to do it then?

THE CHAIR: Yes. Then we'll know what we're dealing with and have a better idea of time line.

COMMISSIONER BERGMAN: Do you see what I'm saying?

THE CHAIR: Yes, absolutely. Thank you. Please remember that.

Matt, time line?

MR. PAHL: Madam Chair, as an oversight, I don't have copies right now. I just texted staff to run them down to me. My apologies. I thought we were talking about the meeting calendar on this item, and it's an oversight on my behalf.

THE CHAIR: It's both. Are they going to have those for us before the end of the meeting, or
is it something you're going to e-mail to us?

MR. PAHL: I can get it before the end of the meeting.

THE CHAIR: You can?

MR. PAHL: Yes, uh-huh.

THE CHAIR: Good deal. Then the other item on the agenda -- by the way, let me just back up a little bit.

Did everybody get this tentative time line from Matt, e-mail? Okay. That's the one we're working from, and he's just going to do a little tweaking of it. Also, we've asked him to begin work on the time line for the road show, because we need to start getting that planned out as well. Okay?

Then if you'll look at Item No. 9 in your notebooks is the -- the calendar for the rest of our meetings. If you'll notice, of course, our road show is scheduled for August the 18th through the 22nd. We have seven schools, or sites, that we need to visit and have the community input hearings.

Again, yesterday, during the workshop, we targeted August the 19th to have a meeting, because we need it. And so is August the 19th an agreeable date with everyone to have a meeting?

COMMISSIONER BERGMAN: We have to have a
quorum; so there have to be enough of us for a quorum.

THE CHAIR: Commissioner Peralta?

COMMISSIONER PERALTA: Madam Chair, the week of the 18th to the 22nd, that is our first week of school. And me having two schools and trying to get those schools running on the ground, I'll be very scarce to the Commission on that week. We'll try and make an attempt to meet one day, possibly the 19th.

THE CHAIR: If you could make the 19th, that would be really good. We're looking at hopefully just a half-a-day.

MS. LEWIS: In Albuquerque.

COMMISSIONER PERALTA: Okay.

THE CHAIR: Okay? Mr. Carr, what does that do to your first day of school, or first week of school?

COMMISSIONER CARR: It's not my first week. But, you know, I -- based on -- it's still -- it's the second week. And it's always horrible. And -- however, because of my change of employment, I will be off most Fridays. And I could possibly do two of those days.

THE CHAIR: Is one of them the meeting
day?

COMMISSIONER GANT: 19th.

THE CHAIR: 19th, the Tuesday.

COMMISSIONER CARR: Well, I will probably
be -- the best possible schedule for me would be --
are we -- the best possible schedule for me would be
the 22nd, of course; and then the 21st, you know,
coinciding with that.

THE CHAIR: Okay.

COMMISSIONER CARR: But, you know, I'm
going to say don't base it on me, because I get --
well, I know Gilbert's in a bad situation for that,
too, you know. Anybody working in the -- in a
school, you talk about the first week or the second
week of school, it's really tough.

THE CHAIR: Okay. Let me do this. By
that first full week in August, that's the week of
the 4th, could everyone please -- all the
Commissioners please e-mail Beverly and tell her
which of those days you will be able to be involved
in the input hearings and whether or not you would
be able to make -- to make a meeting on the morning
of the 19th; right?

Okay. Because we need to know for sure
that we can have a quorum on the 19th. And so there
you go.

Anything else on calendar or meeting days?

All right. Moving right along. Next item

on the agenda is Discussion and Possible Action on
the PEC Budget for 2014-'15. I will defer to
Commissioner Toulouse and to our attorney, Abby
Lewis.

I do have one thing to add whenever you
want me to. Please go ahead.

COMMISSIONER TOULOUSE: Madam Chair,
Committee, we -- this is a very quick document,
because we did not get, until after noon time
yesterday, the documents I had requested. However,
part of me had expected there to be an extension of
that, until I -- which didn't happen; so I had time
to work.

I do not guarantee all of the accuracy on
the first couple of sections here, the number of
positions. I mean, I do have the right number total
on what's already there. The additional ones is
what I'm trying to add. But I wasn't adding another
general manager. There already is one, but it's not
filled, that part.

This was on my daughter's computer with
her spreadsheet material and a one-year-old trying
to climb in her lap and mine. What we did make
absolutely sure is all of the numbers add up. And
the top number, $2,200,269.39, is the amount of
money I received on the notice, which does say --

THE CHAIR: You received that money?

COMMISSIONER TOULOUSE: No. I'm saying
the notice I received -- the notice I received.
Hey, if I received the money, I wouldn't be here
today.

The notice I received, however, Beverly,
for your information, too, this says, "This response
was sent via e-mail." I didn't get it on e-mail; I
only got the hard copy. I don't need it on e-mail.
I have the hard copy. But it does say I received
it.

They -- we had asked for several items,
the total amount in dollars of the 2 percent State
funds, the current allocation in dollars of those
funds, the anticipated 2 percent for this upcoming
fiscal year; and then, with the Charter School
Division, the number of authorized positions,
official titles, pay grades, positions currently
filled and total amount of expenditures for those
positions of the Charter School Division; and then
the total allocation of CSD in dollars for this
fiscal year, as well as the two most recent fiscal years; and then the total allotment currently for the Public Education Commission in dollars.

And I got this. We did not receive the Item 2, which was the, specifically, current allotment in dollars.

THE CHAIR: And I will speak to that, if I might, please, in a moment.

COMMISSIONER TOULOUSE: Right. And so the number on the top is the anticipated number of dollars for the upcoming year, the next fiscal year the budget is being done for. And the Chairman and I -- and she'll tell you -- we had a little disagreement on how to budget that, because these are anticipated dollars, not dollars in hand.

So what we did, we wanted to use up all of that money -- or she wanted to use up all of the money. I wanted a little cushion, knowing how things go. So I budgeted for the Charter School Division staff. I budgeted, with concurrence of, I think, the rest of the committee, one division director, one general manager, an addit- -- there are five educational administration advanced positions. I budgeted for an additional four for the amount of work that everybody's having to do.
The educational administration operational position has one now; I budgeted for three, again, with the amount of work that's coming up with the reviews and all of these additional things.

There's one executive secretary, slash, administrative assistant. That, I didn't change.

Business operations, there's one. I went ahead and threw in some additional positions on that one, because, again, with all of the budgeting we're getting into now with looking at everybody's budgets and the fiscal forms we're expecting now, I thought I might as well ask for that.

And I also asked for two database positions, where there are none for IT and database folks.

All of that together is the bulk of -- of what's -- I think that we really need to push for. And that comes to the Total Salaries and Benefits line there, because I went ahead -- I did a 3 percent increase, because that's what they've done this year for each of those.

I took, for the benefit package, 35 percent, which is an average of what the benefit packages come out to there, because of the differences in medical. Once you can choose, it
goes anywhere from 29 percent to about 45 percent.
But the average is the 35; so I added all of that in.

And that, together, comes up with the $1,497,151.35. That's what we really need to ask for, to have our support staff staffed.

The Charter School Act is very clear that the Charter School Division does the work for, are the staff for -- even though they're not under the control of -- the Public Education Commission. For us to do our work adequately, we need to ask for the staffing level, or request it or demand it or expect it, or whatever word we choose to use, to do the work that we're supposed to do by State law.

Then I went ahead and I'm requesting, again, at the advice of people, $150,000 for contractual services, because I think there's a lot of training that could be done, trainers that could be brought in. There may be times where our Assistant Attorney General may not be in a position to do all of the legal work. We may want, on a one-time or a two-time basis, an attorney. Who knows? Maybe we want to audit ourselves. So I just wanted to give us the ability to have money we could contract and not have to go beg to get.
Then our travel expenses, which we receive -- the paper we received is somewhere around -- I'm rounding -- but $70,000 for next year. I bumped that up to $100,000. We're going to add a couple more people. Again, you don't know how much we're all going to be going around the state.

I really think this Commission should be meeting a few other places than Santa Fe. But that's just me. I wouldn't mind going down south toward other people. I wouldn't mind going up to the north, so that the communities in each area could see, at least once a year, each end of the state, what it is we do.

So I wanted to allow for that kind -- again, I was asked to do the budget; I was trying to use it all up. That was my thinking as I did this.

Then out-of-state travel, we have a few thousand dollars. Again, I bumped that up to $15,000, because there are out-of-state trainings and all that that could be useful to us, or, for that matter, for the staff of the Charter School Division. So I bumped up that out-of-state travel.

And then everything that was left over to use up the whole $2.2 million, I put in this "Overhead" expenses, because that's the part we
don't have, how much of the money is proportionally
given for various support services throughout PED.

And I think I would like also to ask the
Chair to explain her discussion, because the deputy
secretary, Aguilar, came in after we returned this.
And it was my request and my response, but he pulled
only the Chair out and did not want the rest of us
to have anything discussed. And I want on the
record that I don't think that was a correct
decision on his part to make, because the request
may have been for the Commission, but it was not
from the Chair; it was from the Budget Committee.

So I did want that, Madam Chair, on the
record. But then if you would explain that and your
other little piece.

THE CHAIR: What other little piece?

COMMISSIONER TOULOUSE: Yeah. Using the
whole amount.

THE CHAIR: Okay. Deputy Secretary
Aguilar told me yesterday that the information on
Item No. 2 in the IPRA request, as Commissioner
Toulouse said, the amounts that are spent with other
departments, budget, finance, whatever, he does not
have those together yet. He did not have a ballpark
figure he could give me yet. But he said he could,
by -- by the middle of next week, have preliminary information, and final information by the end of August. So we will hopefully have that information in that timeline.

I don't know that necessarily that we should wait to approve this budget and go ahead and send it forward to wait on that information, because even what we're going to get from Deputy Secretary Aguilar next week will still be preliminary information. And Commissioner Toulouse has pretty well taken care of a ballpark figure herself.

The other thing, I did want Commissioner Toulouse to budget all of the money. That's the way I'm used to working with budgets. You take all the money you think you're going to get, and you put it somewhere; you're going to use it. Perhaps if all that money doesn't actually materialize, as Abby suggested, we could always do a budget bar and move some things around to accommodate. But it's just my experience with budgets, you take everything you can get and spend it, you know. And we want to do this -- we want to do it right for the benefit of the kids and the schools. So I thought it was the right way to go.

Carmie wanted to give herself a little
cushion there and not use all the money, but -- so
it's just a philosophical difference.

Abby, do you have anything you wanted to
weigh in at this point?

MS. LEWIS: No, ma'am, just that I have
the motion for --

THE CHAIR: Whoever wants to make the
motion, Abby has a suggested one.

COMMISSIONER TOULOUSE: Madam Chair, I
just wanted to explain. There is a philosophical
difference that I have. Because of having worked
for years with anticipated income that often didn't
get there, my feeling always is not to hold back a
lot, but enough, because we're not going to know
until we know what enrollments are, until next year
we know what the amount per student is going to be,
that kind of thing, to be absolutely sure. So it
was just a philosophical difference.

THE CHAIR: Not in the public schools.

You never know.

COMMISSIONER TOULOUSE: I did do what the
Chair requested, and that's why we've got all of
this -- whatever we had left went to overhead.

THE CHAIR: Thank you very much,
COMMISSIONER BERGMAN: Madam Chair, I suggest we don't wait any longer on PED. Let's go forward with what we have here, get it done and get on with it.

THE CHAIR: Mr. Pahl?

MR. PAHL: Madam Chair, just for -- and members of the Commission. The Public Education Department -- we noted what Commissioner Toulouse noted of what we would call this. The Public Education Department would consider this a request. And so I just want to be clear that this would be a request for staff support. The rationale behind the budget was helpful to hear and helps inform that request.

MS. LEWIS: We can save the legal conversation for Mr. Hill and myself, if he'll ever return an e-mail. But I don't need to argue legal with Matt.

COMMISSIONER TOULOUSE: But also, Madam Chair and Abby, normally in state government, everything is labeled a "budget request." That's what you --

THE CHAIR: The only thing I would add that I think needs to be on here is the name of the entity -- the New Mexico Public Education Commission
Budget Request for 2014-'15 Fiscal Year.

Now, if you're ready?

MR. PAHL: If I may, just to further clarify it -- because Commissioner Toulouse is correct. It would be a budget request of the PED in the -- under -- as I understand it -- and I don't want to push this too far, but just so we -- so you know what the PED stance is right now -- that, you know, the Commission can request staff support, and we would consider this as a -- you know, a staff support request under the -- under the law right now. But as --

MS. LEWIS: The word "request" applies -- I really don't want to get into this, because poor Matt doesn't have an attorney here. It's not my code of ethics; it's not fair.

Yes, the budget -- the number is a request. However, the way that the funds are used and the control that the Commission has, under statute, over these funds will not be a request. It will be a memo outlining the law as it stands. So I -- that's why I didn't want to get into the --

MR. PAHL: That's fine. I just --

THE CHAIR: Okay. Both sides have had their say. We'll let you continue, as you need to.
Who has the motion?

All right. Commissioner Bergman, if --

Commissioners, if you're ready?

Commissioner Bergman.

COMMISSIONER BERGMAN: Madam Chair, I move that the Public Education Commission approve the preliminary Fiscal Year '16 budget, as presented by the Budget Subcommittee of the Public Education Commission, and delegate to the subcommittee the authority to make changes, as new information is gathered, and to then submit the final Fiscal Year '16 budget to the Public Education Department.

THE CHAIR: Do we have a motion?

COMMISSIONER PERALTA: Second.

THE CHAIR: Commissioner Peralta -- I almost called you "Senator." I'm redoing everything.

COMMISSIONER PARKER: Nice work.

THE CHAIR: Motion by Commissioner Bergman, second by Commissioner Peralta, for the Public Education Commission to submit a budget. And I will leave the official wording as it is stated in the official motion in the minutes.

Commissioners, do we have any discussion?

Commissioner Parker?
COMMISSIONER PARKER: Madam Chair,

Commissioners, I don't know if this is the appropriate time. But just when we're talking about asking for more money than we might need, I'm kind of hesitant, because I know the number of teachers and students. And if there's money that we don't necessarily need to have, that could be used for additional teachers in the classroom. I would hate to look for reasons to spend it just to spend it.

MS. LEWIS: It can't. The 2 percent -- this is the 2 percent of the State Equalization Guarantee. And by statute, that is to flow back to the administration of charter schools; so it can't be used other places.

COMMISSIONER PARKER: Thank you so much for the clarification. My fears have now gone.

THE CHAIR: It was a nice thought. It was a nice thought.

Any other comments or questions?

Hearing none, Mr. Secretary, may we have a roll-call vote?

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Carr?
COMMISSIONER CARR: Yes.

COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Yes.

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes."

Madam Chair, that is an 8-to-0 vote in favor of that resolution -- or that motion.

THE CHAIR: Thank you. The motion passes unanimously.

Let's move on to Item No. 11, Report on LESC Subcommittee Meeting.

Ms. Lewis?

MS. LEWIS: This won't take long, and you don't have anything in your binders because this was
just an organizing meeting.

The Legislative Education Study Commission -- Committee -- is looking to make the changes to the Charter Schools Act, which is very welcome to attorneys who have been trying to navigate it since they amended it. And they're going to meet -- they're going to meet the last afternoon of each of their meetings and the next day in a subcommittee to specifically discuss the changes to the Act itself, versus their regular business during the rest of the meeting.

So they've asked for my input; and so I'll be attending those subcommittee meetings, and, you know, letting them know what works on the ground when we're trying to actually perform the statute and what doesn't. So the first meeting was just saying, "This is when we're going to have our meetings." And the first real substantive meeting will be in Farmington next week.

THE CHAIR: Commissioner?

COMMISSIONER TOULOUSE: Madam Chair, I also attended that. And I wanted to say, Abby does a great job of supporting us. So I let her speak for the Commission. But on occasion, you all have learned what my mouth can do. And so I have spoken,
but only as myself but not for anybody else. But Abby does speak for us.

I will also be going to Farmington.

THE CHAIR: Good, good. We appreciate that. We thank you both.

Next item is PEC Legislative Committee Report.

Commissioner Carr, do you have anything for us at this time?

COMMISSIONER CARR: Not really. And I had lots of intentions to go to more LESC meetings. But a very political season is upon us, and I'm spending a lot of time doing that; so -- and it probably won't matter until after November, anyway.

THE CHAIR: Right. Okay. We appreciate that.

COMMISSIONER TOULOUSE: Madam Chair?

THE CHAIR: Yes.

COMMISSIONER TOULOUSE: Could I revert back for a minute?

Commissioner Parker requested a copy of this letter, which I have only the one copy of. Beverly, could we e-mail --

MS. FRIEDMAN: To all the Commissioners?

COMMISSIONER TOULOUSE: -- this to the
Commission, please? Thank you.

THE CHAIR: Thank you. That is -- I appreciate you thinking of that.

COMMISSIONER TOULOUSE: He did.

THE CHAIR: Let me just stop here just a minute.

Matt does have a time line ready for us, and let's get those handed out and see if you have any questions.

MR. PAHL: What I'll note, as I hand this out, I have a couple of edits that we talked about making at the work session. If we can just -- if the motion could include language to make those technical edits? They have not been made to this document yet, but I do have those notes.

THE CHAIR: I can't remember what they were.

MR. PAHL: I can't either. But I do have them written down in my office. So if we are to take an action, if we can include the language allowing for those amendments, that would be appropriate.

THE CHAIR: And this is the 2013-'14 new charter application time line -- new charter time line. And the time line for the road show is
MR. PAHL: The time line for the road show can be expected on July 21st, with where we would meet, a full schedule.

THE CHAIR: Let's just -- the sooner we can get it out, the sooner we can begin to make hotel reservations and not run into a situation where it might be full or something.


THE CHAIR: Okay. The only edit I remember that we talked about was in the community input hearings. And if you'll remember, that was that little asterisk on the original time line that indicated that community input -- or further input -- people had three days -- three working days to get that to -- do we remember to who?

MR. PAHL: To CSD.

THE CHAIR: Was it CSD?

MR. PAHL: Madam Chair, I think from our --

THE CHAIR: I think you have that wording, do you not?

MR. PAHL: I do.

THE CHAIR: I believe I gave that to you.

MR. PAHL: What we had decided at the work...
session is once we determine what our vehicle will be for receiving feedback, whether it's an e-mail address or a website, we would incorporate that information on the document.

THE CHAIR: You will include that on here?

MR. PAHL: Yes, yes.

THE CHAIR: But we decided it was three working days?

MR. PAHL: Three working days from 5:00 p.m. of that day.

THE CHAIR: Can anyone think of anything else?

MS. FRIEDMAN: Madam Chair?

THE CHAIR: Yes, Beverly.

MS. FRIEDMAN: Have you decided that you did want the PEC meeting on Tuesday in the morning on the 19th?

THE CHAIR: In Albuquerque.

MS. FRIEDMAN: In Albuquerque, okay.

THE CHAIR: So find us a place.

MS. FRIEDMAN: So we'll work around that.

THE CHAIR: If somebody would find us a place, that would be helpful.

MS. FRIEDMAN: We'll find a place.

THE CHAIR: Does anyone see anything on
here they question? I can't find my copies. What I think we all need are a few more pieces of paper.

COMMISSIONER BERGMAN: What are you looking for?

THE CHAIR: I'm looking for the time line, the one Matt sent out, and then the one that I printed off from last year.

COMMISSIONER BERGMAN: I have not seen that. I don't think it's in there.

THE CHAIR: We looked at it yesterday.

MS. LEWIS: I think you had it.

THE CHAIR: Ah-ha, eureka. I have found it.

At 5:00 p.m. at the end of the third working day, after each applicant's community hearing, final deadline to submit written input to the PEC --

MR. PAHL: Yes.

THE CHAIR: -- is what it says here.

MR. PAHL: Yes.

THE CHAIR: So we need wording to that effect.

All right. Anything else anyone sees?

May I hear a motion to approve this time line, then? This -- this -- shall we call this a
draft in case we want to change anything, or is it pretty final as far as you're concerned?

MR. PAHL: Internally, at CSD, we feel like this is final and it is complete.

COMMISSIONER BERGMAN: I don't think there's anything we can change on this time line.

THE CHAIR: All right. Then let's have a motion to approve.

COMMISSIONER CARR: So move.

COMMISSIONER POGNA: I move that we approve the time line.

THE CHAIR: I'm looking at Commissioner Pogna. She's moving that we approve this time line. Commissioner Carr seconds.

COMMISSIONER CARR: Second.

THE CHAIR: Any discussion?

All those in favor, please sigh "Aye."

(Commissioners so indicate.)

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

(No response.)

THE CHAIR: Don't smile, Tyson. It's too late in the day.

MR. PAHL: And just for the record, I assume this approval is with the changes we just talked about verbally?
THE CHAIR: With that addition, yeah.
MR. PAHL: Okay.
THE CHAIR: Commissioner Bergman, your report for the Charter School Committee?
COMMISSIONER BERGMAN: You jumped over the Open Meetings Act.
THE CHAIR: I sure did. How did I do that? And it's right in front of me.
Discussion and Possible Action on Open Meeting Act Resolution.
Ms. Lewis?
MS. LEWIS: Nothing much to say. It's that time of year again. So all I've done is change the date at the top and brought you into compliance by changing it from 24 hours to 72 hours, which is what the Open Meetings Act now says.
COMMISSIONER CARR: Okay.
THE CHAIR: Okay. Any discussion? May we have a motion?
COMMISSIONER BERGMAN: I move we approve our new Open Meeting Act Resolution.
THE CHAIR: As presented. Thank you. Do I have a second?
COMMISSIONER PARKER: Second.
THE CHAIR: Commissioner Parker? Motion
and second to approve the Open Meetings Act resolution as presented.

Any discussion? All those in favor, please say "Aye."

(Commissioners so indicate.)

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

(No response.)

THE CHAIR: Motion carries unanimously.

Now, Commissioner Bergman, may we hear from you on the Charter School Committee?

COMMISSIONER BERGMAN: Not much at this time. But here again, just as a heads-up, we now have seven applications that will be resolved by the end of September. We do not know until then how many of those will be approved. But we will have -- given that they all agree to extend their contract negotiation, that means there will be some negotiations in the fall, and while we're also trying to do renewal applications.

And so let's just keep that in mind. I think that's how we did it last year. And I -- we did the seven last year in the fall, did we not? Or did we wait until the spring?

COMMISSIONER TOULOUSE: We did them in the spring.
COMMISSIONER BERGMAN: I think we just did the renewals starting on January 1st; is that right? That's my problem. It's all starting to run together. I think we did them in the fall; I believe we had to.

THE CHAIR: I doubt we delayed anything.

Commissioner Toulouse?

COMMISSIONER TOULOUSE: I remember doing the Explore Academy this spring.

MS. LEWIS: That's new.

COMMISSIONER TOULOUSE: Well -- but that was approved -- we approved that last September; we did that in the spring.

COMMISSIONER BERGMAN: Some did get delayed for a variety of reasons, yeah.

COMMISSIONER TOULOUSE: We did the "Health" one down in Southern New Mexico in the spring. We did -- so I think we did them in the spring. We had about five of them.

COMMISSIONER BERGMAN: We did some of them in the spring, but we had reasons. But, anyway, there will be some in the fall, I'm pretty sure. But we just won't know until after September the 26th how many we'll have to worry about. At most, it's going to be seven.
THE CHAIR: Good.

COMMISSIONER BERGMAN: Anyway, that's all I have at this time.

THE CHAIR: All right. Thank you.

Item 15 is an Executive Session regarding pending litigation.

Will someone make the motion? And Abby says if you read the wording right there, that's an adequate motion.

MS. LEWIS: Just put "I move that we go into Executive Session."

COMMISSIONER TOULOUSE: Madam Chair, I move we go into Executive Session.

MS. LEWIS: Under? You have to cite the Act.

COMMISSIONER TOULOUSE: Then I have to find it. My vision is getting tired, too, folks. You know, this committee really needs to have some younger people besides their attorney and Mr. Pahl. I know Tyson's younger. But you already told me you were getting old, so...

COMMISSIONER BERGMAN: All they have to do is want to run.

COMMISSIONER TOULOUSE: Madam Chair, I move that we go into Executive Session, as per
Section 10-15-1(H) of the State law.

MS. LEWIS: (7). You have to cite specific -- that's what the Open Meetings Act says. I'm not just being a pain. You have to say "(H)(7)."

COMMISSIONER TOULOUSE: I said (H). Oh, (H)(7). (7) isn't on here.

COMMISSIONER CARR: It's not on here.

THE CHAIR: Look on here, because this is complete.

COMMISSIONER TOULOUSE: Normally, I'm expecting what I need on this page.

Okay. I'm not going to do any more motions that I can't free-form.

I move that we go into Executive Session under State law 10-15-1(H)(7) regarding pending litigation. You don't have to put the parentheses around the (H) and the (7).

THE CHAIR: Do we have a second?

COMMISSIONER BERGMAN: Second.

THE CHAIR: We have a motion and second to go into Executive Session. Mr. Secretary, we need a roll-call vote.

COMMISSIONER BERGMAN: Commissioner Carr.

COMMISSIONER CARR: Here. Yes, I mean.
COMMISSIONER BERGMAN: Commissioner Parker?

COMMISSIONER PARKER: Yes.

COMMISSIONER BERGMAN: Commissioner Peralta?

COMMISSIONER PERALTA: Yes.

COMMISSIONER BERGMAN: Commissioner Pogna?

COMMISSIONER POGNA: Yes.

COMMISSIONER BERGMAN: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Yes.

COMMISSIONER BERGMAN: Commissioner Gant?

COMMISSIONER GANT: Yes.

COMMISSIONER BERGMAN: Commissioner Shearman?

THE CHAIR: Yes.

COMMISSIONER BERGMAN: Commissioner Bergman votes "Yes." 8-0, Madam Chair, in favor of that motion.

THE CHAIR: All right. We are going into Executive Session, but we are going to take a small break first. We will then be back here at 3:00. We always do it in Artesia. We can't?

MS. LEWIS: No, you just voted to go into Executive Session.
THE CHAIR: Never mind. Artesia is wrong. We're going into Executive Session right now. Thank you very much. Cindy, thank you very much, if you'll turn off your machine.

(Executive Session conducted.)

THE CHAIR: Only that -- only the item listed on the agenda was discussed. No action was taken, no votes were taken in the executive session.

We are now to Item 16, which is PEC Comments.

COMMISSIONER POGNA: Madam Chair?

THE CHAIR: Where shall I begin?

Commissioner Peralta?

COMMISSIONER PERALTA: None at this time.

THE CHAIR: Commissioner Pogna?

COMMISSIONER POGNA: Yes, I do have -- I heard Abby say that you can ask for anything. So I am asking.

THE CHAIR: Okay.

COMMISSIONER POGNA: I'll just say that.

I would like to request that we get -- that we receive an updated version of the Public Education Commission members, their e-mails, et cetera. I have 2013. I don't have '14.

MS. FRIEDMAN: Okay.
COMMISSIONER POGNA: So I would like that update. I would like the New Mexico PEC Commission committee and liaison roles. I don't have that. I have for 2013.

My third request -- and I'm asking; I don't know if I'll get it. Is it possible for members of the Commission to have a directory of the Charter Schools in New Mexico? I have a wonderful directory that I had to get from Albuquerque Public Schools. I feel we are elected Commissioners. We should have access to a directory. Theirs is wonderful, but it's the year 2011 and 2012. I would like an up-to-date directory which lists all the charter schools, names, addresses, their locations.

I don't know where our charter schools are. We need a statewide directory. And I don't know if we have one.

MS. FRIEDMAN: Madam Chair?

COMMISSIONER GANT: Madam Chair?

MS. FRIEDMAN: Madam Chair?

THE CHAIR: Yes.

MS. FRIEDMAN: Madam Chair, Commissioner Pogna, the listings -- all three of those listings are on the website. But I can provide them to you electronically, or I can send them to you in hard
copy, if you would like.

   COMMISSIONER POGNA: Electronically.

   MS. FRIEDMAN: Electronically? The Charter School listing is under the Charter School Division. And it is a very comprehensive list of all of the schools with their directors and addresses and everything.

   COMMISSIONER POGNA: I didn't know that. Thank you very much.

   MS. FRIEDMAN: And I will provide you with that liaison list.

   THE CHAIR: Thank you, Beverly.

   Commissioner Bergman?

   COMMISSIONER BERGMAN: I have nothing to add today.

   THE CHAIR: Ms. Lewis?

   MS. LEWIS: No, ma'am, thank you.

   THE CHAIR: Commissioner Parker?

   COMMISSIONER PARKER: Madam Chair, Commissioners, assuming we still get snapshots, can we include the number of instructional hours the schools are providing in those snapshots, please?

   MR. PAHL: The only -- I'm assuming that was also included in old charters, in that document, as well. If it is, then, yeah, we would have that,
but certainly, for all the new contract schools.

THE CHAIR: Definitely -- well, the
charters should have it, too. The contracts
definitely do.

MR. PAHL: Okay, yeah.

THE CHAIR: Commissioner Toulouse?

COMMISSIONER TOULOUSE: Madam Chair, I've
said enough.

THE CHAIR: Thank you. I appreciate all
your work on the budget.

Commissioner Carr?

COMMISSIONER CARR: Yes. I just wanted --
I sent out an e-mail. I -- changing where I work.
I'm going to work for Taos Academy, which we just
renewed here as a State charter school. I have
three years left before I retire. I was enticed.
And I thought it was a no-brainer.

I -- a lot of you guys are familiar with
the school and how good of a school it is. And a
lot of the things that they do are things that I've
been wanting to do as a public schoolteacher for
24 years; for instance, hiking, camping, and special
enrichment classes, and things like that.

And also I would be teaching 40 students a
week instead of 182 students a week, not to mention
with all the issues that Taos is having right now, which didn't really play a part in my decision.

    I -- I needed something new so I didn't get burned out before I retired. I wanted to leave on a good note, which should reinforce everything that I've always said is that I'm a traditional public school person; I always have been. That will always be, probably, a -- that's always a huge part.

    Charter schools are -- there's a lot of good ones out there, and I've always said that I'm not so concerned with -- with charter schools, per se, as I'm concerned that our kids go to good schools. And that's the most important thing to me.

    This particular school tried to become part of a traditional public school setting when they first started, and they were not allowed to. And I want -- I would like -- I think that, you know, we need -- in the future, need to allow our public schools the same type of freedom that we're allowing charter schools, to reach out and try new things. And we've always been too limited to do that.

    So I just wanted to let everybody know that. And, of course, we probably won't have any votes on that charter school for another five years.
But if we do, I will abstain at that point.

THE CHAIR: Thank you for that information. Good luck on your new job.

COMMISSIONER CARR: Thank you.

THE CHAIR: Commissioner Gant?

COMMISSIONER GANT: The only comments I have, Madam Chair and members, is I've heard again the issues with the schools that are on the reservations and those that are proposing to go on the reservations. And this is going to have to end up, in my view, in the Legislature's back pocket.

And this is going to have to be something discussed at the LESC meetings, at the PSCOC meetings, and at the PSCOC Task Force meetings, because the LESC and the Task Force are the ones that establish some of the legislation that goes forward.

And until this is resolved, we have a double standard. You know me. I -- double standards are against the law, as far as I'm concerned. So you know -- and I think -- I'll say it now, because later down the road, I'll probably say it again. I think some of the schools we are establishing, whether on the reservation or off, we're establishing culturally segregated schools by the use of basing the charter schools in their
application on culture and items like that.

And in my view -- of course, I'm an old man from the old school. And we had a civil rights movement in the United States a long time ago, and I thought we started going away from it.

But we're going in the reverse direction using culture as a discriminator, and I think that's got to stop.

THE CHAIR: Thank you, Commissioner. I have nothing further to say.

Mr. Pahl?

MR. PAHL: Nothing here. Thank you for your time today.

THE CHAIR: Next item is Open Forum.

Athena Trujillo signed up, and she visited with us about Connections, so she is not here; so we have no one for Open Forum.

The next item on the agenda, unless anyone has something else is "Adjourn."

I will entertain a motion.

COMMISSIONER BERGMAN: So move.

COMMISSIONER POGNA: Second.

THE CHAIR: All in favor, please say "Aye."

(Commissioners so indicate.)
THE CHAIR: Any opposed?

(No response.)

THE CHAIR: We're adjourned.

(Proceedings concluded at 3:13 p.m.)
BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

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

In testimony whereof, I have hereunto set my hand on July 23, 2014.

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