

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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A P P E A R A N C E S

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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1 THE CHAIR: Ladies and gentlemen, I call
2 to order this regularly scheduled meeting of the
3 New Mexico Public Education Commission.

4 Secretary Bergman, may we have a roll
5 call?

6 COMMISSIONER BERGMAN: Commissioner Carr?

7 COMMISSIONER CARR: Here.

8 COMMISSIONER BERGMAN: Commissioner
9 Parker?

10 COMMISSIONER PARKER: Here.

11 COMMISSIONER BERGMAN: Commissioner
12 Peralta?

13 COMMISSIONER PERALTA: Here.

14 COMMISSIONER BERGMAN: Commissioner Pogna?

15 COMMISSIONER POGNA: Here.

16 COMMISSIONER BERGMAN: Commissioner
17 Toulouse?

18 COMMISSIONER TOULOUSE: Present.

19 COMMISSIONER BERGMAN: Commissioner Gant?

20 COMMISSIONER GANT: Here.

21 COMMISSIONER BERGMAN: Commissioner
22 Shearman?

23 THE CHAIR: Here.

24 COMMISSIONER BERGMAN: Commissioner
25 Bergman is here.

1 Madam Chair, you have eight members
2 present. You have a quorum.

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

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

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

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

14 THE CHAIR: Beverly, are these microphones
15 working?

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

19 THE CHAIR: So maybe, huh?

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

23 THE CHAIR: I'll get as close as I can.
24 Thank you very much.

25 Commissioners, we're to Item No. 2, which

1 is Approval of the Agenda. Commissioners, do you
2 have questions? Changes? Anything to the agenda?

3 Hearing none, the Chair would entertain a
4 motion.

5 COMMISSIONER GANT: So move.

6 COMMISSIONER CARR: Second.

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

10 Any discussion?

11 All those in favor, please say "Aye."

12 (Commissioners so indicate.)

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

14 (No response.)

15 THE CHAIR: The agenda is approved.

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

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

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

25 First of all, on Page 76, lines 11 and

1 12 -- I'm sorry, I'm looking at the wrong page.

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

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

10 Madam Attorney?

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

14 THE CHAIR: Does anyone remember?
15 Line 11.

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

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

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

24 I'm sorry. Page 110 -- can't even read my
25 own writing -- line 23, "...where we ask, in

1 writing, for the amendment is allowing us... ."

2 Does everyone see that? Okay.

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

8 MR. PAHL: Madam Chair?

9 THE CHAIR: Yes.

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

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

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

23 MS. LEWIS: Middle of line 10, Cindy.

24 COMMISSIONER BERGMAN: Well, even higher
25 than that. On No. 7, I think it says, "...the

1 school showed us the software."

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

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

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

11 Does that make sense to everyone? Okay.

12 Those are all of the changes I have.
13 Anything from anyone else? Hearing none, the Chair
14 would entertain a motion.

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

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

22 COMMISSIONER POGNA: Second.

23 THE CHAIR: Motion by Commissioner Gant,
24 second by Commissioner Pogna, to accept the June 13,
25 2014, minutes, as corrected.

1 Any discussion?

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

4 All those in favor, please say "Aye."

5 (Commissioners so indicate.)

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

7 (No response.)

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

10 June 30, 2014, Special Meeting minutes.

11 Commissioners, do you have corrections?

12 Changes? Anything?

13 Hearing none, the Chair would entertain a
14 motion.

15 COMMISSIONER POGNA: So moved that we
16 accept the minutes.

17 THE CHAIR: I have a motion.

18 COMMISSIONER CARR: Second.

19 THE CHAIR: Motion by Commissioner Pogna,
20 second by Commissioner Carr, to approve the June 30,
21 2014, Special Meeting minutes, as presented.

22 All those in favor, please say "Aye."

23 (Commissioners so indicate.)

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

25 (No response.)

1 THE CHAIR: The minutes are approved.

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

6 MR. PAHL: Madam Chair?

7 THE CHAIR: Item No. 5 -- Matt?

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

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

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

25 The second item of business is that I

1 wanted to alert the Commission of an opportunity for
2 our charter schools. We're about two-thirds of the
3 way through the application process. But the Public
4 Education Department was given \$7.2 million through
5 the Legislature, and we are using those funds to
6 support teachers through incentive pay pilots
7 throughout the state.

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

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

25 THE CHAIR: Thank you, Matt. If I might,

1 just while I'm thinking of it, I would like to know
2 all schools that receive those dollars, just for
3 general information, charters and traditional, if
4 you could do that.

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

7 THE CHAIR: Thank you. Mr. Carr?

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

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

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

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

23 MR. PAHL: Yes. Madam Chair,
24 Commissioner Carr, we sent an e-mail to all charter
25 directors. I presented at a conference in

1 Albuquerque to let them know. And that conference
2 was for the evaluation system, but I hijacked it for
3 ten minutes so I could let them know about the
4 opportunity, and have been spreading the word in as
5 many ways as possible.

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

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

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

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

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

21 Abby?

22 MS. LEWIS: Thank you. The intent of this
23 document is to lay out a really clear process for
24 how charter schools are to give amendments to the
25 PEC through CSD, and also through myself; so you've

1 got here in front of you a proposed draft protocol.

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

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

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

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

18 THE CHAIR: Okay.

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

25 Is that what you're saying?

1 MR. PAHL: No. Just one other change,
2 Madam Chair, we had a separate document that we
3 looked at during the work session regarding
4 transportation amendments. In sitting down with
5 Abby, we realized we could just incorporate that
6 here in this document.

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

12 THE CHAIR: Thank you.

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

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

17 MS. LEWIS: Thank you.

18 THE CHAIR: Commissioner Bergman?

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

1 time in the interim.

2 MS. LEWIS: Not quite.

3 COMMISSIONER BERGMAN: Not quite?

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

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

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

18 THE CHAIR: Some things were fleshed out.

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

21 MR. PAHL: Madam Chair?

22 THE CHAIR: Mr. Pahl?

23 MR. PAHL: May I just briefly say? Our
24 understanding of this document is that it's
25 separated into two pieces here. That first page is

1 really letting you know -- our charters know -- the
2 protocol. We need amendment requests three weeks
3 prior to the PEC meeting that they wish for it to be
4 heard. And it lets them know the documents that
5 need to be included with that request.

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

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

16 COMMISSIONER BERGMAN: Thank you.

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

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

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

25 And, frankly, I know legal stuff gets

1 dated on the last page, generally, of legal
2 documents; but I would prefer an effective date to
3 be part of the heading, if that -- like, the second
4 line -- the second heading, "Effective as of"
5 whenever.

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

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

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

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

24 Commissioners, do you have comments?
25 Questions?

1 Commissioner Parker?

2 COMMISSIONER PARKER: Madam Chair,
3 Commissioners, I just wanted to thank Matt and Abby
4 for doing this so quickly. I know you were working
5 really hard on it, so --

6 THE CHAIR: Thank you.

7 Anything else?

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

12 Commissioner Bergman?

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

20 THE CHAIR: Do I hear a second?

21 COMMISSIONER PARKER: Second.

22 THE CHAIR: Commissioner Parker?

23 Motion by Commissioner Bergman, second by
24 Commissioner Parker, to accept and approve the
25 charter school amendment process protocol, with the

1 changes, as noted, on the record.

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

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

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

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

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

15 Further discussion?

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

18 COMMISSIONER BERGMAN: Commissioner
19 Parker?

20 COMMISSIONER PARKER: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Peralta?

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Pogna?

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Toulouse?

3 COMMISSIONER TOULOUSE: Yes.

4 COMMISSIONER BERGMAN: Commissioner Carr?

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER BERGMAN: Commissioner Gant?

7 COMMISSIONER GANT: Yes.

8 COMMISSIONER BERGMAN: Commissioner
9 Shearman?

10 THE CHAIR: Yes.

11 COMMISSIONER BERGMAN: Commissioner

12 Bergman votes "Yes." That is an 8-to-0 vote in
13 favor of the motion.

14 THE CHAIR: Thank you, Commissioner
15 Bergman.

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

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

21 And I wanted to thank Cindy Chapman, our
22 court reporter. That July -- June 13th meeting was
23 a marathon, and we very much appreciate always how
24 well you do. And it's a challenge for me to find a
25 mistake.

1 All right. Commissioners, we're ready for
2 Item No. 9, Possible Action on Charter School
3 Amendments.

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

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

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

13 And Mr. Pahl?

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

20 The Charter Schools Division recommends
21 approval of this amendment.

22 THE CHAIR: Thank you very much.

23 Good morning.

24 MR. LENARD: Good morning.

25 THE CHAIR: It's nice to have you here.

1 If you would both introduce yourselves please and
2 spell your name if it's a little unique so we get it
3 right. Thank you.

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

8 MS. MACKRAIN: And my name is Tootsie
9 Mackrain. I am the Acting Director of Española
10 Valley Classical Academy. And my name is unique.
11 So it's "Tootsie," T-O-O-T-S-I-E, and "Mackrain,"
12 M-A-C-K-R-A-I-N.

13 THE CHAIR: Please be seated. Make
14 yourselves comfortable. I just have to tell you. I
15 love your name.

16 MS. MACKRAIN: Oh, thank you.

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

20 MS. MACKRAIN: Thank you.

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

23 MR. LENARD: Actually, Madam Chair, you
24 may not recall, but when we were forming the school
25 two years ago, one of the issues that you yourself

1 brought up was some of the goals were not as
2 measurable as they could be. After two years, we
3 have discovered that some of the goals needed to be
4 modified to make them more measurable.

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

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

14 THE CHAIR: Thank you.

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

23 And by changing one of the goals, it just
24 makes it more straightforward; it gives a more
25 accurate demonstration of how we can measure student

1 achievement and growth. And we just think that it
2 would be a positive change to re- -- change this one
3 goal in our original charter.

4 THE CHAIR: Thank you for that.

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

7 MS. MACKRAIN: Yes, ma'am. Other goals
8 are, by the end of EVC's second year of operation,
9 90 percent of the parents and/or guardians will
10 agree, or strongly agree, that their child's school
11 holds high expectations for academic achievement on
12 the annually required NMPED Quality of Education
13 Survey.

14 There was the goal that we want to modify.

15 By the end of EVCA's second year of
16 operation, 2013-'14, EVCA will have accomplished
17 100 percent of the overall goals and targeted goals
18 on the Educational Plan for Student Success.

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

24 And then by the end of EVCA's third year
25 of operation, in 2014-'15, 90 percent of the

1 students who have attended EVCA for two or more
2 years and desire to continue their education will be
3 accepted to post-secondary educational institutions.

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

6 MS. MACKRAIN: Yes.

7 THE CHAIR: They're short on academics.

8 MS. MACKRAIN: Yes.

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

15 MS. MACKRAIN: Yes, ma'am.

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

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

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

1 goals that I can recognize.

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

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

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

13 THE CHAIR: Please do.

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

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

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

22 THE CHAIR: But --

23 COMMISSIONER CARR: Okay?

24 THE CHAIR: But I will say the majority of
25 the new contracts that we've negotiated with charter

1 schools, rather than using PARCC scores -- which,
2 again, nobody really knows -- they are choosing to
3 use their short-cycle assessment, Discovery or MAPs,
4 which we're getting more data on understanding those
5 results.

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

12 Commissioner Gant?

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

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

22 So we don't know what the PARCC is all
23 about because no one's bothered to talk to us about
24 it from the PED. Nobody. And so we're sitting up
25 here trying to make a decision that, "Well, maybe

1 you were successful; maybe you weren't. Maybe the
2 pilot was successful; maybe it wasn't. Maybe
3 there's a baseline; and maybe there isn't."

4 We don't know. And the way I read your --
5 the amendment, it's more of asking for a change in
6 the system from the -- from the EPSS to the PARCC,
7 and not so much the goals. 70 percent of this;
8 70 percent of that. And the rationale, it's more
9 focused on the PARCC; so that's my concern.

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

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

17 So I have a problem with this, Madam
18 Chair.

19 COMMISSIONER BERGMAN: Madam Chair?

20 THE CHAIR: Commissioner Bergman?

21 COMMISSIONER BERGMAN: Well, whenever
22 Commissioner Gant is finished.

23 COMMISSIONER GANT: I'm done.

24 COMMISSIONER BERGMAN: Let me ask a
25 specific question, because I don't know, either.

1 You say you will score a 3 or above. What is the
2 top score you can get on this assessment?

3 MS. MACKRAIN: A 5.

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

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

8 COMMISSIONER BERGMAN: Proficient?

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

11 COMMISSIONER BERGMAN: No. Thank you.
12 Thank you.

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

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

19 COMMISSIONER GANT: I've got it.

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

23 MS. LEWIS: There you go.

24 THE CHAIR: Ah, sorry. Okay.

25 Just -- all right. Who else wanted to

1 speak? Commissioner Carr?

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

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

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

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

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

22 THE CHAIR: Good point.

23 COMMISSIONER TOULOUSE: And there's only
24 four in the minutes. And there's only four on the
25 list that we have. And so I question, are there

1 only four members, or --

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

7 COMMISSIONER TOULOUSE: Okay.

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

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

15 MR. LENARD: A perfectly legitimate
16 question.

17 COMMISSIONER TOULOUSE: All right. So
18 thank you.

19 THE CHAIR: Commissioner Parker?

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

24 MR. LENARD: It's listed to be five
25 people.

1 COMMISSIONER PARKER: Because I know some
2 of the other charters have added different language
3 to it to allow them the flexibility to avoid
4 situations like this.

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

10 THE CHAIR: Ms. Lewis?

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

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

23 But at this point, their charter does say
24 60 days, unfortunately.

25 THE CHAIR: And your charter says you will

1 have five members?

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

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

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

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

10 MR. LENARD: Absolutely.

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

13 Mr. Pahl?

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

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

1 to "proficient."

2 From what we know in other states that
3 have implemented the Common Core assessments,
4 Kentucky and New York, we can expect a decrease in
5 efficiency, because the bar has been raised. If you
6 look at the snapshot and see academics there for
7 2012-2013 for Estancia Valley Academy, they have
8 reading proficiency of 62 percent and a math
9 proficiency of 46.6 percent.

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

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

21 THE CHAIR: Thank you, Mr. Pahl.

22 I think everybody on this Commission knows
23 I'm a very black-and-white person. And I want it in
24 black-and-white, and I want to understand it. And I
25 am very reluctant to approve any goal that I don't

1 thoroughly understand and thoroughly understand how
2 it's going to be evaluated. I cannot support this
3 amendment.

4 Commissioners? Anyone else?

5 Commissioner Gant?

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

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

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

23 THE CHAIR: Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, since
25 their rationale here says that they were one of the

1 few charter schools that successfully piloted the
2 PARCC, do we have anybody out here who can explain
3 to us who was involved with that pilot to explain
4 that? One of our liaisons?

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

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

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

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

25 But there are no results from it. We

1 don't receive any final results or anything like
2 that, just that we participated in the pilot.

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

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

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

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

22 I worked with the PED. They were very
23 responsive in all the questions that I asked. And
24 we worked with the representatives from PARCC, and
25 they answered our questions when we were giving the

1 test and the questions that we had during the test,
2 because there were a few -- there were slight
3 problems with the test.

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

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

11 THE CHAIR: Commissioner Parker?

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

16 MS. MACKRAIN: Right.

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

25 MS. MACKRAIN: Yes, sir. We could

1 definitely go back and rework the goal with the
2 Governing Council. And we could include the
3 Short-Cycle. I think perhaps we were thinking that
4 the PARCC was the overreaching goal in what was
5 coming; so we were trying to be proactive and make
6 sure that we could set a goal that would be in
7 association with the testing that was coming.

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

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

20 How many students did you test?

21 MS. MACKRAIN: I don't remember the
22 number. Right off the top of my head, I think it
23 was about 36 in the seventh grade, and I think we
24 tested 14 in the tenth grade. So it wasn't a large
25 number, because we're a small school.

1 THE CHAIR: Just a sampling. Okay.

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

4 THE CHAIR: Commissioner Parker?

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

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

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

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

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

1 every year.

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

7 So our apologies for that.

8 THE CHAIR: Misunderstanding, and I
9 appreciate it.

10 Commissioner Pogna?

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

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

18 COMMISSIONER POGNA: It's all over
19 New Mexico.

20 THE CHAIR: Zip-a-dee-doo-dah. Write that
21 down, Cindy. Sorry.

22 I think we're at a point where some
23 decision needs to be made. And it occurs to me that
24 we have options. If you would care to withdraw this
25 amendment today and come back another day, perhaps

1 if you choose to do a different amendment, or the
2 Commission may vote on the amendment that is before
3 us, what is your pleasure?

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

10 THE CHAIR: Thank you very much.

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

14 MS. LEWIS: No.

15 THE CHAIR: They may simply withdraw it.
16 Thank you very much for being here.

17 COMMISSIONER POGNA: Madam Chair?

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

21 COMMISSIONER POGNA: Madam Chair?

22 MR. LENARD: I would like to introduce one
23 more of our members, Ms. Joanne -- she's our
24 treasurer. So I just wanted you to know that
25 there's another board member here today.

1 THE CHAIR: Thank you very much. And we
2 have a comment from Commissioner Pogna.

3 COMMISSIONER POGNA: Yes. Personal
4 comment.

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

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

11 THE CHAIR: Commissioner Bergman?

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

17 MR. LENARD: Yes. Yes, sir.

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

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

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

24 MR. LENARD: Not start-up funding, but a
25 lot of assistance on curriculum, and also methods.

1 And it served us very well, as I think you can see.

2 COMMISSIONER BERGMAN: Thank you for that.

3 I just wanted to --

4 THE CHAIR: Thank you very much.

5 MS. MACKRAIN: Thank you.

6 MR. LENARD: Thank you.

7 THE CHAIR: Next is the Masters Program.

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

10 COMMISSIONER TOULOUSE: J. Paul Taylor.

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

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

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

16 COMMISSIONER GANT: J. Paul Taylor.

17 THE CHAIR: J. Paul Taylor. And I
18 apologize.

19 MS. RISNER: Good morning, Madam Chair and
20 Commissioners. I'm Cynthia Risner, R-I-S-N-E-R.
21 I'm the administrator at J. Paul Taylor Academy.
22 It's a K-8 charter school in Las Cruces. We're
23 going into our fourth year.

24 THE CHAIR: Thank you very much.

25 Mr. Pahl?

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

7 THE CHAIR: Thank you very much.
8 Mr. Gant?

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

11 MS. RISNER: Miss.

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

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

23 MS. RISNER: Three. Three, ma'am; two in
24 the mission statement, and then another one; so
25 that's perhaps the confusion.

1 THE CHAIR: I've got to start looking on
2 the back. Two to the mission statement, one to the
3 governing council.

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

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

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

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

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

24 MS. LEWIS: You could make it conditional
25 on a vote at their next meeting specifically naming

1 the amendments, or at least a little more detail,
2 because with these minutes, it could be any
3 amendments. We can't tell from the minutes.

4 THE CHAIR: Okay.

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

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

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

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

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

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

25 Is everybody on the same page with me?

1 All right. Let's consider that one,
2 please. Would you let us hear from you on that one?

3 MS. RISNER: Yes, Madam Chair. As the
4 gentleman stated earlier, education is a real
5 learning curve. And I've been in education over
6 30 years. And charter school education is the
7 strongest learning curve I've ever been part of; so
8 we wrote our charter and identified the community of
9 need that we wanted to serve.

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

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

23 And they immediately said, "Well, you
24 can't do that, because you do not have the
25 Spanish-speaking models."

1 So instead, we're requesting permission to
2 change it to "Spanish language acquisition." And
3 we've seen some success. We've been working with
4 that some this year. And the children are growing
5 much more rapidly than when we were trying to do the
6 dual language, because they didn't have the other
7 children to converse with or to help with on it.
8 The children are doing an incredible job of
9 acquiring Spanish.

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

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

15 THE CHAIR: Thank you very much.

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

21 Hearing no discussion, the Chair would
22 entertain a motion.

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 move we approve the change to the J. Paul Taylor

1 mission statement to go from a dual language to a
2 language -- Spanish language acquisition approach,
3 contingent on their governing council meeting and
4 making more specific the wording of this amendment
5 that comes to us in their approval, that that's what
6 they approved.

7 THE CHAIR: Thank you. We have a motion.
8 Do we have a second?

9 COMMISSIONER PERALTA: Second.

10 THE CHAIR: Commissioner Peralta?

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

16 Any further discussion?

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

19 COMMISSIONER BERGMAN: Commissioner
20 Peralta?

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Pogna?

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER CARR: Yes. I'm sorry.

3 COMMISSIONER BERGMAN: Commissioner Carr?

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

6 COMMISSIONER BERGMAN: Commissioner Carr?

7 COMMISSIONER CARR: Yes.

8 COMMISSIONER BERGMAN: Commissioner
9 Parker?

10 COMMISSIONER PARKER: Yes.

11 COMMISSIONER BERGMAN: Commissioner Gant
12 abstains.

13 Commissioner Shearman?

14 THE CHAIR: Yes.

15 COMMISSIONER BERGMAN: Commissioner
16 Bergman votes "Yes."

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

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

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

25 Please go ahead.

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

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

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

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

1 students each grade level.

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

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

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

21 THE CHAIR: Thank you. Commissioners,
22 you've heard the recommendation from CSD; you've
23 heard the report from the school.

24 Do you have questions or comments?

25 Recalling that this motion, however you

1 choose to word it, also needs to include the
2 approval of the governing council, hearing no
3 further discussion, the Chair would entertain a
4 motion.

5 Commissioner Bergman?

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

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

16 COMMISSIONER PARKER: Second.

17 THE CHAIR: Commissioner Parker.

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

24 Any further discussion?

25 Mr. Secretary, may we have a roll-call

1 vote?

2 COMMISSIONER BERGMAN: Commissioner Pogna?

3 COMMISSIONER POGNA: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Toulouse?

6 COMMISSIONER TOULOUSE: Yes.

7 COMMISSIONER BERGMAN: Commissioner Carr?

8 COMMISSIONER CARR: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Parker?

11 COMMISSIONER PARKER: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Peralta?

14 COMMISSIONER PERALTA: Yes.

15 COMMISSIONER BERGMAN: Commissioner Gant

16 abstains.

17 Commissioner Shearman?

18 THE CHAIR: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Bergman votes "Yes."

21 Madam Chair, again, that is a 7-to-0 vote,

22 with one abstention, in favor of the motion.

23 THE CHAIR: Thank you. The amendment is

24 approved unanimously, pending governance council

25 approval.

1 The third amendment put forward by J. Paul
2 Taylor, Mr. Pahl?

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

9 THE CHAIR: Thank you.

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

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

24 The problem they've run into is they're
25 doing so much that that's -- the seven or nine which

1 we originally went into was too limiting. They want
2 more members to help share the workload. They are
3 astounding people.

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

11 THE CHAIR: Thirteen is an unlucky number.

12 MS. RISNER: I think we can cope.

13 THE CHAIR: Thank you.

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

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

25 That would be my only concern. I have no

1 problem with you doing it, but just knowing from
2 experience that if you get above, really, seven or
3 eight people, it becomes much more unwieldy. So...

4 THE CHAIR: Thank you. Other concerns or
5 comments?

6 Hearing none, the Chair would entertain a
7 motion.

8 MR. PAHL: Commissioner Bergman?

9 COMMISSIONER BERGMAN: All right.
10 Madam Chair, I would move that the Public Education
11 Commission accept and approve the amendment
12 submitted by the J. Paul Taylor Academy to change
13 the wording on their governance council membership
14 and change the numbers from 7 to 9 to 7 to -- a
15 minimum of 7 to a maximum of 13, again, subject to
16 their governing council meeting again and voting on
17 a more specifically worded amendment in their
18 minutes.

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

21 COMMISSIONER CARR: Second.

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

1 membership.

2 Are there further questions? Discussion?

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

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

9 Commissioner Carr?

10 COMMISSIONER CARR: Yes.

11 COMMISSIONER BERGMAN: Commissioner
12 Parker?

13 COMMISSIONER PARKER: Yes.

14 COMMISSIONER BERGMAN: Commissioner
15 Peralta?

16 COMMISSIONER PERALTA: Yes.

17 COMMISSIONER BERGMAN: Commissioner Pogna?

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Toulouse?

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER BERGMAN: Commissioner Gant

23 abstains.

24 Commissioner Shearman?

25 THE CHAIR: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Bergman votes "Yes."

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

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

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

11 COMMISSIONER GANT: Madam Chair, members,
12 I did attend their council meeting -- I think it was
13 in May or June -- May. And they have a very lengthy
14 one. But it's interesting how they run it. And I'm
15 not putting them down. It's very informal. We sit
16 around like this -- school boards sit around a dais
17 or wherever, you know. They were all in one room,
18 just stacked up on top of each other, talking to
19 each other, everybody mixed. And it took me a while
20 to figure out who the council was, who was the --
21 well, I know who the administrator was.

22 THE CHAIR: Very relaxed.

23 COMMISSIONER GANT: Very relaxed, but they
24 got a lot accomplished. It was almost three hours.
25 And that's unusual, very unusual. But they covered

1 all this stuff.

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

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

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

25 But you've got to hand it to them. You

1 get settled in a building; you really don't want to
2 move if you don't have to. And they talked about
3 how they are working with the district. They are
4 totally involved in putting this building together.

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

9 Thank you.

10 THE CHAIR: Thank you.

11 MS. RISNER: May I speak?

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

16 Please go ahead.

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

23 I do have to say Las Cruces Public Schools
24 has worked closely with us. The plans were approved
25 about a week ago; I don't have the exact day. We

1 should have a groundbreaking this month, and we're
2 moving forward. We feel very fortunate.

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

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

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

15 MR. PAHL: Sure, yeah.

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

19 Commissioner Bergman?

20 COMMISSIONER BERGMAN: Thank you. I have
21 noticed a potential problem, if these numbers are
22 correct, down here at the bottom of the first page
23 of your snapshot. It shows that the cap for this
24 school is 180, and their current enrollment is 186.
25 If that's the case, they've exceeded their cap.

1 MS. RISNER: That has been confusion since
2 we started. If you look in our charter -- and I can
3 send it to you -- the cap is 200. We were expecting
4 20 per grade, K through 8, but the cap specifically
5 says 200. When they've done our site visits, that's
6 come up.

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

10 MS. RISNER: Thank you.

11 THE CHAIR: Ed, are you their liaison?

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

13 THE CHAIR: And 200 is the correct number?

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

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

18 Any other questions?

19 Thank you both very much.

20 MS. RISNER: Thank you.

21 THE CHAIR: Ladies and gentlemen, we've
22 been at this for an hour and 15 minutes. I think
23 it's a good time to take a break. Let's take about
24 10 minutes. We'll come back at 25 after 10:00.

25 Thank you very much.

1 (Recess taken, 10:15 a.m. to 10:26 a.m.)

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

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

6 Mr. Pahl?

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

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

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

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

1 emphases of our school.

2 One of those, academic excellence.

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

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

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

14 THE CHAIR: Thank you very much.

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

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

20 MS. LEWIS: Yes, and yes.

21 THE CHAIR: Thank you very much.

22 Commissioners, do you have any questions
23 or concerns?

24 Hearing none, the Chair would entertain a
25 motion.

1 COMMISSIONER PERALTA: Madam Chair?

2 THE CHAIR: Commissioner Peralta.

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

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

9 COMMISSIONER PARKER: Second.

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

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

15 Is there any discussion?

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

18 COMMISSIONER BERGMAN: Commissioner
19 Parker?

20 COMMISSIONER PARKER: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Peralta?

23 COMMISSIONER PERALTA: Yes.

24 COMMISSIONER BERGMAN: Commissioner Pogna?

25 COMMISSIONER POGNA: Yes.

1 COMMISSIONER BERGMAN: Commissioner
2 Toulouse?

3 THE CHAIR: Is out of the room.

4 COMMISSIONER BERGMAN: Commissioner Carr?

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

7 COMMISSIONER BERGMAN: Commissioner Gant?

8 COMMISSIONER GANT: Yes.

9 COMMISSIONER BERGMAN: Commissioner
10 Shearman?

11 THE CHAIR: Yes.

12 COMMISSIONER BERGMAN: Commissioner
13 Bergman votes "Yes."

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

17 THE CHAIR: Thank you very much.

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

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

23 THE CHAIR: Thank you very much.

24 Next is Sage Montessori Charter School.
25 Come forward, please.

1 COMMISSIONER TOULOUSE: Madam Chair, I
2 must recuse myself from this vote because I have a
3 small cousin attending the school.

4 THE CHAIR: Thank you very much. So
5 noted.

6 Mr. Pahl?

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

14 MS. MONTOYA: Good morning.

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

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

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

24 I'd also like to address the --
25 Madam Chairwoman, Ms. Shearman. Thank you, and good

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

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

21 So basically, the -- what they've said was
22 that they would increase total scores by at least
23 1 point each year. And they stated that in
24 kindergarten, they would gain more than the
25 equivalent of one year in achievement each spring,

1 based on the use of students' end-of-the-year EA,
2 and DIBELS testing will increase.

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

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

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

19 Students who begin the school year at Sage
20 Montessori Charter School will be tested in fall,
21 winter, and spring, will achieve national student
22 growth targets in math and reading, as set during
23 the fall testing cycle by NWEA. Students in the
24 cohort will demonstrate one full year growth or more
25 as defined by NWEA student growth target established

1 from the fall test results. All students will score
2 from the 40th through the 70th range. NWEA is paid
3 for by the State and is aligned with New Mexico
4 Common Core State standards.

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

11 That is the first amendment.

12 THE CHAIR: Thank you very much.

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

15 Do you have any questions or comments?

16 Commissioner Bergman?

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

1 challenging to your school?

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

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

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

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

22 MS. MONTROYA: Commissioner Bergman, thank
23 you very much for your concern and your expertise.
24 And I appreciate the fact that you are holding
25 schools accountable. It's taken a long time. But

1 this school is accountable.

2 And in this goal, I have set up to
3 70 percent. And I know that we have kids in the
4 school that will score above that. But because of
5 the fact that we are in our third year, I'm still
6 building the team that we need in terms of
7 instruction to get these kids the right material to
8 excel in their program.

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

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

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

1 think I've said enough.

2 Thank you, Madam Chair.

3 THE CHAIR: Thank you. My comments are
4 I'm not that familiar with MAP's. I really am not.
5 And when you say they'll score between the
6 40th percent range and the 70th percent range, that
7 really does not tell me anything.

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

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

21 Would you respond to that, please?

22 MS. MONTOKA: Yes, Commissioners,
23 Chairwoman, we'd be glad to respond to that.
24 Basically, we -- this is a general goal. And there
25 are kids that are exceeding two or three grade

1 levels above their current level; so in that -- in
2 that regard, there are -- again, they will be in
3 this total school score, which is up to -- and I
4 have said -- 70 percent.

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

13 Thank you for your insight and your
14 comments.

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

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

21 Commissioner Bergman?

22 COMMISSIONER BERGMAN: Madam Chair, I
23 would move that the Public Education Commission
24 accept and approve this change in the Sage
25 Montessori's student performance expectations,

1 student S.M.A.R.T. goal number 1, as written on the
2 form.

3 THE CHAIR: Thank you.

4 COMMISSIONER PERALTA: Second.

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

9 Any discussion?

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

12 COMMISSIONER BERGMAN: Commissioner
13 Peralta?

14 COMMISSIONER PERALTA: Yes.

15 COMMISSIONER BERGMAN: Commissioner Pogna?

16 COMMISSIONER POGNA: Yes.

17 COMMISSIONER BERGMAN: Commissioner
18 Toulouse?

19 COMMISSIONER TOULOUSE: I abstain.

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

23 Commissioner Carr?

24 COMMISSIONER CARR: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Parker?

2 COMMISSIONER PARKER: Yes.

3 COMMISSIONER BERGMAN: Commissioner Gant?

4 COMMISSIONER GANT: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Shearman?

7 THE CHAIR: Yes.

8 COMMISSIONER BERGMAN: Commissioner

9 Bergman votes "Yes."

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

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

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

17 MS. MONTTOYA: Thank you,
18 Madame Chairwoman.

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

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

1 program.

2 The CSD recommends approval of this
3 amendment.

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

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

16 MS. MONTROYA: Thank you. The second
17 amendment that I'm here for today is in regard to
18 facilities. And looking at our current charter
19 statement, "Sage Montessori, K-through-8 Charter
20 School is located in Albuquerque's Journal Center at
21 5120 Masthead, Northeast. And it's across the
22 street from the Bar Association, if you know that
23 area. It's very beautiful, and we are allowed to
24 use that park there for activities. It's a gorgeous
25 area.

1 Our desired location is located near Paseo
2 del Norte and I-25. Under Facilities, Section G, in
3 our charter, Sage Montessori K-through-8 Charter
4 School will have two campuses. The first is located
5 at just the address that I described. The second
6 site would be located at 3821 Singer Boulevard,
7 Northeast. This is in the area not too far from
8 Century 24. It is approximately five minutes from
9 our current campus, just so you get a visual on
10 this.

11 Now, I'll explain the rationale.

12 The PSFA has listed our current facility
13 as being capable of hosting the education of
14 311 students. Unfortunately, because of the
15 instructional pods and centers that are unique to a
16 Montessori setting, the building feels overly
17 crowded with our current enrollment of only
18 250 students. Our current Masthead location is not
19 providing an optimum learning environment.

20 After seeking input from parents,
21 students, and community, we believe that our best
22 option is to expand our school's facilities to
23 include two campuses, a K-through-3 primary site at
24 the Singer location, which does have a playground
25 and used to be a charter school, even at that, a

1 Montessori charter school at one time; and to keep
2 the fourth-through-eighth grade at our current
3 location.

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

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

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

24 Additionally, the Singer location has been
25 the site of a State-authorized charter school since

1 2005. We anticipate a quick approval from the PSFA
2 and are prepared to meet a short move-in window.
3 Just to let you know, that letter is in there. The
4 specifications are very good. And we are set up to
5 move within three days to this -- to expand to the
6 second campus. Thank you.

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

10 MS. LEWIS: Yes, ma'am.

11 THE CHAIR: Thank you very much.

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

15 Commissioner Bergman?

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

20 MS. MONTROYA: Let me tell you. I am so
21 fortunate that I have hired two other teachers who
22 also hold the Level 3-B license. And as I go from
23 site to site, as being head administrator, I will
24 definitely have a designee in the event that I am
25 needed back, to handle the situation. And I will

1 have a head administrator in each building at all
2 times.

3 COMMISSIONER BERGMAN: Excellent. Thank
4 you.

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

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

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

24 MS. MONTTOYA: No, I do not. We have set
25 it up. We have stagger drop-off times. We have

1 aftercare that's going to be picking up students who
2 go to our after-school facility from the K-3, site
3 which is on Singer. There will be no traffic
4 between schools, other than staff who will be
5 floating.

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

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

16 MS. MONTROYA: Yes, ma'am.

17 THE CHAIR: Our snapshot says 199.

18 COMMISSIONER GANT: That was the 40-day.

19 COMMISSIONER BERGMAN: That was their
20 40-day count.

21 THE CHAIR: Just wanted to clarify that.
22 Any further discussion?

23 Hearing none, the Chair would entertain a
24 motion.

25 Commissioner Gant?

1 COMMISSIONER GANT: Madam Chair, members,
2 I move to approve the amendment presented by Sage
3 Montessori Charter School to occupy a second
4 facility at the address noted.

5 THE CHAIR: Do I hear a second?

6 COMMISSIONER BERGMAN: Second.

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

12 Is there further discussion?

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

15 COMMISSIONER BERGMAN: Commissioner Pogna?

16 COMMISSIONER POGNA: Yes.

17 COMMISSIONER BERGMAN: Commissioner
18 Toulouse abstains.

19 Commissioner Carr?

20 COMMISSIONER CARR: Yes.

21 COMMISSIONER BERGMAN: Commissioner
22 Parker?

23 COMMISSIONER PARKER: Yes.

24 COMMISSIONER BERGMAN: Commissioner
25 Peralta?

1 COMMISSIONER PERALTA: Yes.

2 COMMISSIONER BERGMAN: Commissioner Gant?

3 COMMISSIONER GANT: Yes.

4 COMMISSIONER BERGMAN: Commissioner
5 Shearman?

6 THE CHAIR: Yes.

7 COMMISSIONER BERGMAN: Commissioner
8 Bergman votes "Yes."

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

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

13 MS. MONTOKYA: Thank you all for your
14 support. Thank you for helping us grow.

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

18 Mr. Pahl, whenever you're ready?

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

25 THE CHAIR: Good morning. Whenever you're

1 ready, please introduce yourselves.

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

4 Oh, yeah.

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

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

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

10 MS. MYERS: Do you want copies?

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

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

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

18 COMMISSIONER GANT: No.

19 MS. MYERS: No? Okay.

20 THE CHAIR: Let's just proceed.

21 MS. MYERS: Okay. So can you hear me or
22 shall I push the button? So we're requesting to
23 amend our charter. We're currently approved to
24 serve students in grades 6 to 12, and we're
25 requesting to amend this to grades K to 5. And

1 we're seeking to -- if we're approved, we're seeking
2 to begin the elementary next school year; so not the
3 upcoming, but the 2015-'16, with a phase-in plan of
4 K-1 for that first year, and adding one year each
5 year until we get up to the fifth grade.

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

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

24 So the State average, for example, in --
25 state average of kids that are not proficient for

1 eighth grade math for the State is 50 percent. For
2 MAS, when they were coming in, we had 62 percent
3 that were not proficient as they walked through the
4 doors. And so that was part of our rationale for
5 requesting an elementary, as we found that while our
6 kids are making great gains -- and I'll talk about
7 the gains that we've seen -- we felt that if we
8 started with them younger, we wouldn't have some of
9 the issues that we have with catching up so much and
10 have such -- such a large amount of growth to make
11 and so many kids to do with it with as they entered
12 the school.

13 So then the next part -- and this, you
14 don't have in front of you. But this is what I
15 presented, so another part of why we didn't actually
16 just request a whole new charter and do an
17 elementary charter instead of just requesting an
18 expansion. And that really came down to just the
19 way that it works here.

20 If we were to do an elementary charter as
21 a stand-alone, those kids would not be
22 automatically -- they would not feed into the middle
23 school automatically. They would still have to
24 reapply through the lottery process, which kind of
25 defeats the purpose of what we were trying to do.

1 We added a little information. I'm sure
2 you're well aware of the research on how important
3 it is that kids are reading on grade level by third
4 grade, if they're not reading on grade level by
5 third grade, the detrimental effects that would
6 have; again, the rationale for why it would be
7 beneficial for us to start an elementary program.

8 I provided just a little bit of the
9 information about our demographics. So as of the
10 120th day reporting period of this past school year,
11 19 percent of our students were identified as
12 students with disabilities, 10 percent of our
13 students were identified as gifted students,
14 15 percent of our students were identified as
15 English Language Learners, and 71 percent of our
16 students were eligible for free-and-reduced lunches.

17 And then just to give you a sense of
18 middle-school kids across the state, the
19 2012-2000- -- this is based on 2012-2013 data that
20 came from the PED website -- 14 percent of the
21 state's kids are students with disabilities; so we
22 have 5 percent more, on average, than what's in a
23 typical middle school in the state. I wasn't able
24 to find gifted data. 14 percent ELL; so we're just
25 1 percent higher than for what the State averages

1 are for middle school; and right on average for what
2 the middle school free-and-reduced lunches are, just
3 to give you a sense of our demographics.

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

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

20 So we went from 33 percent to 56 percent
21 proficient. We made 20, 30, -- 23 percent gains in
22 seventh-grade reading; so we made 23 percent gains
23 in seventh-grade reading this year. And then we
24 made 21 percent gains in eighth-grade reading this
25 year. And that's movement in proficiency.

1 Then in math, we were 20 -- we made
2 19 percent gains in seventh-grade math, movement on
3 proficiency growth. And we didn't make as much in
4 eighth grade. We only increased by -- I can hardly
5 read this print -- we increased by 7 percent. But
6 I'd like to point out that one of the things that we
7 changed was we added an additional math class for
8 all of our kids, six, seventh, and eighth, but we
9 could not staff the position for eighth grade this
10 last school year.

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

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

23 And as you are aware, that if a child is
24 behind, you have to make more than one year's
25 academic growth in an academic year to ever close

1 the achievement gap for a child; so that's exactly
2 what we're looking for.

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

7 In math, seventh-graders, we had
8 78 percent of our students in math for seventh grade
9 made more than one year's academic gain. And I
10 didn't differentiate if this was 1.1 years,
11 1.9 years, 2.3 -- I didn't say what the range was,
12 but anything more than one year. And then for
13 eighth grade, 50 percent of our students
14 demonstrated more than one year's gain in that one
15 academic year. And again, I just want to point out
16 that the difference, where you see not as much
17 growth in the eighth grade, they only had one math
18 class.

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

25 I also included -- just for additional

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

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

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

24 THE CHAIR: Thank you very much.

25 Ms. Lewis has assured me that the governance council

1 minutes are in order. So you've heard the
2 recommendation from CSD and the presentation from
3 the school. Do you have questions?

4 Commissioner Gant?

5 COMMISSIONER GANT: Madam Chair, I do.
6 One, you want an increase in your student grades to
7 the lower grades, but we have a problem. Your
8 mission statement is only for middle and high, which
9 your charter was opened up for; so you have not
10 changed your mission statement; so you're still
11 under the old charter, and it's a little difficult
12 to add classes -- or grades -- based upon your
13 charter.

14 And I'm really concerned about your report
15 card. And I haven't seen the one, of course, for
16 '13-'14; so I find it a little difficult to be
17 adding the lower grades when you haven't really
18 according to the report card for just -- for the
19 upper grades. And I just have a real problem with
20 that.

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

24 COMMISSIONER GANT: '12-'13.

25 MS. MYERS: The grade is?

1 COMMISSIONER BERGMAN: You got a D in
2 final grade. You got a three-year average. I'm
3 looking at Mission.

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

14 Our grade for the first year was a C, and
15 our grade for the high -- the 75 -- the highest
16 75 percent was a B. And our lowest quartile is
17 where we struggled with, with our kids and stuff,
18 and that's where we made some of these changes with
19 the math and stuff to benefit all kids.

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

25 COMMISSIONER GANT: Mr. Pahl, can you

1 answer that? She claims we don't have the right
2 data.

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

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

11 Where did you get that?

12 THE CHAIR: Off the website.

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

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

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

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

1 COMMISSIONER PERALTA: Madam Chair?

2 THE CHAIR: Commissioner Peralta?

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

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

8 MS. MYERS: Correct.

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

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

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

15 MS. MYERS: Sophomore -- correct.

16 THE CHAIR: Commissioner Bergman?

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

22 And as Commissioner Peralta just pointed
23 out, they're actually not going to add the grades K
24 and 1 for a full year. It's going to be not this
25 coming school year, but the following school year.

1 And my thinking on that, until our
2 attorney tells me I'm wrong, is that would actually
3 give us a year to -- if we approve them to do, that
4 to change their mission statement to incorporate the
5 elementary grades; or perhaps our attorney should
6 weigh in whether we need to do the mission statement
7 first and then the other.

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

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

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

1 an enrollment expansion.

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

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

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

23 THE CHAIR: Thank you for that
24 explanation.

25 I do have the corrected final grade

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

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

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

18 But until you succeed in this
19 lowest-performing student group, until you can help
20 them succeed, I don't think the school is
21 succeeding, and I don't think it's -- it's not what
22 you came to us and promised this Commission and the
23 students what you were going to do. And so I want
24 to see that promise fulfilled before we change
25 anything else in this school.

1 And I think if you add elementary grades,
2 you're going to divide and give your staff more to
3 do; you're going to have more to do. And I think
4 the focus needs to remain on the group of students
5 and the classrooms and the grade levels you have and
6 help them be successful.

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

10 Commissioner Peralta?

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

20 I mean, I've only seen two, three years of
21 evidence here about how the school is performing.
22 With the new ninth-grade class coming in, I'd like
23 to see more that population of kids and -- over
24 time, and see how the school is doing before we add
25 or phase in any more grades into the school.

1 THE CHAIR: Thank you.

2 Commissioner Bergman?

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

6 COMMISSIONER CARR: Pass it down.

7 COMMISSIONER BERGMAN: I can't read that.
8 So it became a "C" instead of a "D."

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

11 COMMISSIONER BERGMAN: I see that now.
12 Thank you, Madam Chair.

13 THE CHAIR: You're welcome. Thank you.
14 Commissioner Parker?

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

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

1 completely separate from the middle and high school
2 altogether.

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

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

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

23 COMMISSIONER PARKER: How about outside
24 the building?

25 MS. MYERS: As far as, like, a recess and

1 play time?

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

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

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

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

1 COMMISSIONER PARKER: Thank you.

2 THE CHAIR: Commissioner Toulouse?

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

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

22 So I'd also like to see the next year's
23 data, especially considering the fact that I still
24 don't understand how all of these numbers -- how the
25 numbers translate into grades, and how the grades --

1 or the letter grade is consistent across the board.
2 And until I can trust in that, I'd much rather trust
3 in numbers. I'd like to know how many students went
4 from one category to the other, that kind of thing.

5 THE CHAIR: And you'll never get that.

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

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

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

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

1 their --

2 COMMISSIONER TOULOUSE: One year
3 doesn't --

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

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

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

24 Other questions, comments, Commissioners?

25 MS. MYERS: I would just like to address

1 the lower quartile on the first year's report card,
2 because we -- as you had suggested Commissioner
3 Toulouse, we tried our hardest just during the first
4 year to understand the formula, just like how the
5 stuff was computed, just to make sure we were doing
6 everything in our power to at least understand how
7 it worked and stuff.

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

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

23 What I wanted you to understand is that if
24 the State is bringing in kids with -- 50 percent of
25 the kids aren't proficient in math, we're coming in

1 with 40 percent. So our lowest quartile is all of
2 our kids are low; 60 percent of them aren't
3 proficient, when you're walking in with numbers like
4 that. But then our lowest are incredibly low.
5 We're looking at sixth-, seventh-, and
6 eighth-graders sometimes at a first-grade level.

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

17 And we strongly feel like there's research
18 that supports if we can not allow this to happen to
19 kids, we will have a much better chance of getting
20 them reading. But we have middle-school kids who
21 cannot read. When you're implementing an
22 intervention program that goes back to phonics,
23 decoding letter sounds, that's how extreme some of
24 the interventions are. We have 40 kids -- 40 -- we
25 had to purchase additional licenses, because you

1 need a license per kid -- 40 kids as of last school
2 year that were receiving this phonics intervention.

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

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

23 But I completely disagree that we're not
24 making gains, or that we're not achieving the
25 mission of our school. I absolutely think we are.

1 We did a lot of things in response to that lowest
2 quartile not making the gains. We've even added an
3 additional program for this upcoming school year for
4 our kids who are still sitting on the bubble, who
5 are eighth- and ninth-graders, because we feel like
6 we're down to four years to get them proficient to
7 head off to college.

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

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

25 THE CHAIR: Thank you very much.

1 Commissioner Carr?

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

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

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

23 And the middle school would tell you the
24 same thing about the fifth grade or sixth grade --
25 or the fourth grade, especially.

1 So we have to make -- to, you know, look
2 at all the details. But that's not how the other
3 schools are judged. And so "I understand your
4 pain," to quote Bill Clinton -- "I feel your pain."

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

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

18 And I can tell you from firsthand
19 experience, we didn't do anything different. We
20 didn't do anything different. We tried harder, I
21 guess. Maybe we knew what they were looking for; so
22 we keyed in on those places where they -- but we
23 really didn't do much of anything different. And a
24 lot of schools can tell you the same thing, over and
25 over again.

1 So we feel your pain, but we have to go by
2 these grades. And I would like to see this delayed,
3 especially if you're not going to put any action
4 until the next year. I would like to have more
5 data.

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

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

16 COMMISSIONER TOULOUSE: Madam Chair?
17 Point of order, we could also move to table until
18 the next meeting.

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

21 COMMISSIONER TOULOUSE: I know. But --

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

24 COMMISSIONER TOULOUSE: I disagree with
25 you on that one.

1 MS. LEWIS: Roberts Rules don't trump the
2 statute. So that's very clear. And if you vote to
3 table, it could be construed as an impasse, and that
4 results in an appeal to the Secretary.

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

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

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

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

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

1 But that's another option.

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

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

14 THE CHAIR: That sounds --

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

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

22 MS. MYERS: So if we withdraw, we just
23 resubmit this, essentially, is what you're saying.
24 So, yes, at this point in time, we'll withdraw. And
25 we'll put -- and sorry, before I do that, then.

1 One point of clarity: We can still just
2 bring the mission statement and just remove the
3 words "middle high school" and stuff, or request to
4 do that through an amendment, whether or not the
5 elementary was to be considered.

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

9 THE CHAIR: Each amendment would be
10 considered separately.

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

15 THE CHAIR: This amendment, or these
16 amendments?

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

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

21 MS. MYERS: We'll do both. I thought we
22 were talking about the one, since we were doing them
23 separate. But, yes, perfectly fine to do both. The
24 other one is completely contingent on this. We
25 don't need it if this one is not approved.

1 THE CHAIR: Is that all right with the
2 Commission? We don't have to vote on that. We
3 accept your withdrawal. We look forward to seeing
4 you again.

5 MS. MYERS: Thank you.

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

8 THE CHAIR: Commissioner Bergman?

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

16 That's just for future, filing that away.

17 Thank you, Madam Chair.

18 THE CHAIR: Thank you, Commissioner.

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

24 Is that all right with everybody?

25 Okay. Item No. 7, Report from Options for

1 Parents and the Charter School Division.

2 Mr. Pahl, please?

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

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

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

23 Then throughout the document, it talks
24 about "Authorizer." And then, in parentheses, it
25 says "PEC" slash "PED." I think that needs to be

1 corrected. PED is not the authorizer. It is solely
2 the PEC. And it goes throughout the document with
3 that designation.

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

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

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

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

19 COMMISSIONER GANT: Yes.

20 THE CHAIR: Commissioner Gant?

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

24 But one of the issues -- one of the items
25 that comes up in both of them is the student

1 records. And at one time, they were going to APS.
2 And Mr. Tolley is in the back, from APS.

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

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

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

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

24 COMMISSIONER GANT: That's what it says.

25 MR. PAHL: I --

1 MS. LEWIS: Tell us where you are, please.

2 THE CHAIR: What pages specifically are
3 you looking at?

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

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

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

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

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

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

15 COMMISSIONER GANT: Down at the bottom,
16 Item 11.

17 MS. LEWIS: And 13.

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

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

1 COMMISSIONER CARR: Madam Chair?

2 THE CHAIR: Commissioner Carr?

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

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

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

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

16 COMMISSIONER CARR: Thank you.

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

24 THE CHAIR: Perhaps at the next meeting,
25 we could ask for the current documents and ask that

1 Sandy be here to go through these with us.

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

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

6 All right. Mr. Pahl, schools of concern?

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

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

22 Ed Wood, our Staff liaison, has been
23 working with the school. And since that June PEC
24 meeting, Walatowa Charter High School has responded
25 to all items of concern listed on that site visit

1 report by the June 15th deadline. We continue to
2 work with them to -- to ensure that their
3 policy-and-procedure manuals and their governing
4 council bylaws are going to be appropriate and used.

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

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

11 MR. PAHL: Someone went to get Ed.

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

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

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

22 MR. WILKINSON: My name is Ira Wilkinson.

23 COMMISSIONER BERGMAN: Madam Chair?

24 THE CHAIR: Let them introduce themselves,
25 please.

1 MR. WILKINSON: My name is Ira Wilkinson,
2 principal of the Walatowa Charter School.

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

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

8 COMMISSIONER BERGMAN: Commissioner
9 Bergman would like to say something.

10 THE CHAIR: Commissioner Bergman would
11 like to say something.

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

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

23 But I do share Commissioner Carr's
24 concern: Why would a private organization have
25 school personnel records in their possession? I

1 guess that does need to be addressed.

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

4 THE CHAIR: Let me make sure I understand.
5 The Ralph J. Bunche is dated 7/9, but the TLC is
6 dated 7/3?

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

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

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

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

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

1 Do you have that with you?

2 MR. WOOD: I do, Madam Chair.

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

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

8 COMMISSIONER GANT: Send it.

9 THE CHAIR: Do what?

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

13 THE CHAIR: Can you do that?

14 MR. WOOD: I can.

15 THE CHAIR: Okay. A digital copy sent to
16 all Commissioners after the meeting. Thank you.

17 Please go ahead.

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

25 The concerns that we noted and the reason

1 we brought this to the attention of the Commission
2 was because there were deficiencies in data
3 reporting and accountability.

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

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

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

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

24 THE CHAIR: Before the closure documents.
25 Thank you. I've located it.

1 Okay. Was that the only area of concern
2 you had from your site visit?

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

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

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

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

19 THE CHAIR: Ms. Lewis?

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

25 MR. PAHL: I can answer that question.

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

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

9 MS. LEWIS: Understood.

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

12 MR. WOOD: It is, Madam Chair.

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

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

21 THE CHAIR: Please do.

22 MR. WILKINSON: The document that he's
23 referring to is our special education uploading now
24 on the Web EPSS. We've already sent that
25 documentation to the Special Ed Bureau, which

1 they've approved. It's just downloading that, also.

2 THE CHAIR: Say that last sentence again,
3 please?

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

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

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

15 THE CHAIR: Okay. Thank you.

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

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

25 And I did consult with the PSFA. And

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

8 COMMISSIONER GANT: Madam Chair?

9 THE CHAIR: Commissioner Gant?

10 COMMISSIONER GANT: Madam Chair, members,
11 we have public schools on tribal lands. And that's
12 a long, drawn-out process to get in there. We've
13 got to get the lease for the property, which runs
14 25 years, with an option of 50 years.

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

17 MR. WOOD: The person I contacted was
18 Martica.

19 COMMISSIONER GANT: All right,
20 Madam Chair, members. Thank you. I will be talking
21 to Martica, because we have an issue coming down --
22 we have two charter school applications, new ones,
23 that will be on tribal property. We need to clear
24 up this one, we really do, for E-Occupancy, because
25 if all traditional schools and charter schools which

1 are not on tribal land have to have an E-occupancy,
2 personally -- this is my opinion, my opinion only --
3 maybe E-occupancy should also pertain to all public
4 schools.

5 Thank you.

6 THE CHAIR: Thank you. Other comments?

7 Commissioner Toulouse?

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

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

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

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

22 And that's why I want to make sure these
23 things are actually verified, because, again, I
24 absolutely believe Mr. Wilkinson, but I've learned
25 over time that things can change or somebody else

1 can give different information to somebody. And
2 seeing is believing. You know, if it's not in
3 writing, it doesn't exist is a standard operation
4 procedure in State government, has been from before
5 I worked there, and has been since I retired.

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

11 Thank you.

12 THE CHAIR: Other comments or concerns?

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

15 MR. WILKINSON: Wilkinson, yes.

16 THE CHAIR: One of the things I asked
17 about last month in our meeting was your school's
18 progress towards meeting their goals. I remember
19 when we had the meeting to do the renewal for your
20 charter. And the goals that were set were
21 ambitious. I even voiced, I think, to you, to some
22 of the other members of the school, that I thought
23 they were very ambitious. I was -- I was impressed.
24 I was proud of you all for accepting that challenge
25 for very ambitious goals.

1 I'd like for you to tell me, just briefly,
2 how you're -- how you're coming along meeting those
3 goals, if you would.

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

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

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

25 So next year, we foresee these initiatives

1 coming through that they'll move from near
2 proficient to proficiency.

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

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

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

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

1 along; it is.

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

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

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

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

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

25 THE CHAIR: Thank you for that

1 information.

2 Commissioners, are there other questions?

3 Seeing none, Mr. Pahl?

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

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

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

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

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

23 I think we grilled them pretty thoroughly.

24 Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: I just want to

1 ask, are you satisfied now?

2 MS. STOFODIK: Madam Chair, Commissioner
3 Toulouse, yes, I believe that they have addressed
4 every single issue and really turned around the
5 school setup for this coming school year. We'll
6 see, as the school year continues; but I think a lot
7 of it had to do with leadership.

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

13 COMMISSIONER TOULOUSE: Thank you.
14 Madam Chair, I felt I wanted to ask that, because I
15 had recused myself. But I do have the
16 granddaughters of one of my first cousins who is in
17 kindergarten there and not happy at all last year.
18 And the family was not happy, tried to get her in
19 others, but she did not get in any others.

20 So she's going to be there in first, and I
21 was trying to reassure my cousin that there is
22 leadership now and that things are better. So
23 that's why I wanted to make sure, for personal, not
24 really as a Commissioner. So I can now -- you know,
25 when everybody isn't voting on it, I can call her or

1 text her tonight and say, "It's okay. Don't worry
2 about your granddaughter."

3 So thank you.

4 MS. STOFODIK: I hope so.

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

7 MS. STOFODIK: Okay, great. Well, I'm --

8 THE CHAIR: Okay, stay right there.

9 Mr. Pahl?

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

18 THE CHAIR: Commissioners, do you have
19 questions?

20 Commissioner Bergman?

21 COMMISSIONER BERGMAN: Since the Director
22 mentioned it, we did have our contract negotiation
23 with La Tierra on Wednesday afternoon. The school
24 leadership struck me as very motivated. They're
25 dedicated; they understand the problems. They're

1 dedicated to correcting those problems. The
2 contract negotiation went very well, I thought.
3 They were very amenable to doing the things that
4 needed to be done.

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

11 Thank you, Madam Chair.

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

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

18 THE CHAIR: Thank you.
19 Commissioner Gant?

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

1 correct? Or move to another building?

2 MS. STOFODIK: Commissioner Gant,
3 Madam Chair, yes, they are. You approved a new
4 building -- and I'm going to be faulty on trying to
5 pronounce it, so I'm not going to even try -- about
6 three months ago, at a meeting. And what has been
7 recently discovered is that the building is, to my
8 understanding, not potentially going to be ready
9 when they need to open.

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

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

23 MS. STOFODIK: I think that it -- it might
24 have been partially my fault, Commissioner Gant,
25 because they didn't yet have a PSFA approval for

1 this plan. So I didn't feel that it was -- well, we
2 discussed it, and we didn't know if it was for sure;
3 so we didn't want to bring up anything that wasn't
4 certain.

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

16 And, you know, it gets a little old.

17 MR. PAHL: Madam Chair, can I just?

18 THE CHAIR: Mr. Pahl.

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

1 that.

2 COMMISSIONER GANT: Thank you,
3 Madam Chair.

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

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

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

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

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

24 THE CHAIR: They do?

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

1 contract.

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

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

11 THE CHAIR: I see. Okay.

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

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

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

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

23 THE CHAIR: Okay. Anything else,
24 Commissioners?

25 COMMISSIONER GANT: Lunch.

1 THE CHAIR: Nothing? Lunch? Yeah.

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

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

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

9 Commissioners, do you want 30 minutes?
10 45? An hour?

11 COMMISSIONER CARR: How about 45?

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

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

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

21 Mr. Pahl?

22 MR. PAHL: Madam Chair, members of the
23 Commission, the Charter Schools Division of the
24 Public Education Department presents eight charter
25 school applications for your acceptance. These

1 eight have been submitted by the charters and were
2 received by the Charter Schools Division and
3 forwarded to you based on their completeness.

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

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

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

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

13 COMMISSIONER TOULOUSE: Madam Chair?

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

16 COMMISSIONER TOULOUSE: Madam Chair, did
17 we --

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

20 COMMISSIONER TOULOUSE: Did we skip
21 Item D-7.

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

23 COMMISSIONER TOULOUSE: Oh, okay.

24 THE CHAIR: How do you want to handle
25 this, Mr. Pahl? Shall we go through each one

1 individually, and if we have questions, we ask those
2 of you?

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

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

7 Commissioners, do you have any questions?

8 COMMISSIONER GANT: Madam Chair?

9 THE CHAIR: Commissioner Gant?

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

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

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

22 MR. PAHL: Madam Chair, Commissioner Gant,
23 the rest of the Commission, in this case, when we
24 forward on these applications, it's because the
25 application itself was complete, and complete enough

1 to warrant review. In the case of Academic
2 Opportunities Academy, they do not have proof that
3 they had submitted a Notice of Intent to the
4 district that they would be residing in. That is --
5 for the rest of the applicants, that had been
6 completed.

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

17 Now, there is a second school being
18 proposed in Luna County in the Deming school
19 district; that's Columbus Community School. They
20 did receive a Notice of Intent from that school.

21 Superintendent Moore went on to cite the
22 statute -- and I'm going to ask Ms. Lewis if we need
23 to read that into the record in order to be complete
24 here.

25 MS. LEWIS: Just to add a piece to this, I

1 also received this e-mail, and I confirmed with the
2 Deming Public Schools attorney that this letter was
3 not received. I can read it into the record,
4 although the motion that I -- the proposed motion
5 I've prepared has it, as well.

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

10 MS. LEWIS: Sure.

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

17 THE CHAIR: We appreciate that. Thank
18 you.

19 MS. LEWIS: NMSA 22-8B-6B reads that, "No
20 later than the second Tuesday of January of the year
21 in which an application will be filed, the
22 organizers of a proposed charter school shall
23 provide written notification to the Commission to
24 the school district in which the charter wishes to
25 be located of their intent to establish a charter

1 school. Failure to notify may result in an
2 application not being accepted."

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

9 Commissioner Bergman?

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

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

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

24 MS. LEWIS: Yes.

25 COMMISSIONER TOULOUSE: We do have an

1 option. And I wonder how complete -- I wonder how
2 complete every application was.

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

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

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

22 If -- I feel they don't fulfill their
23 responsibilities; they don't deserve to be
24 considered. Nobody's telling us why they didn't --
25 nobody is here to say, "I'm sorry. I didn't file

1 that notice. I filed it late. I forgot. I broke
2 my leg on the way to the post office." Nothing.
3 Nothing.

4 COMMISSIONER TOULOUSE: Madam Chair, do
5 they know that's an issue?

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

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

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

18 COMMISSIONER TOULOUSE: Okay. See, that
19 detail, too, would make a difference in how I would
20 look at it.

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

1 hear your concern.

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

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

13 THE CHAIR: Commissioner Gant?

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

24 THE CHAIR: Thank you.

25 Commissioner Parker?

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

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

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

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

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

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

23 I don't know what that would be. But I
24 think we -- it's important that we remain
25 consistent. And I agree that if they don't meet all

1 the qual- -- not the qualifications -- but meet all
2 the requirements of the application, that they
3 should be denied.

4 THE CHAIR: Thank you, Commissioner.

5 Other comments?

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

9 Commissioner Gant?

10 COMMISSIONER GANT: Madam Chair, members,
11 I move that, pursuant to New Mexico Statutes
12 Annotated 22-8B-6B, that the PEC not accept the
13 application for Academic Opportunities Academy,
14 which did not follow the due process notification
15 requirements of the aforementioned statute,
16 22-8B-6B, reading, "No later than the second Tuesday
17 of January of the year in which" the -- "an"
18 applicant -- "application will be filed, the
19 organizer of the proposed charter school shall
20 provide written notification to the Commission and
21 the school district in which the charter school is
22 proposed to be located" -- "to be located of their
23 intent to establish a charter school. Failure to
24 notify may result in the application not being
25 accepted."

1 THE CHAIR: Do I hear a second?

2 COMMISSIONER CARR: Second.

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

8 Is there any discussion? Hearing none --

9 MR. PAHL: Oh, sorry.

10 THE CHAIR: Hearing none, Mr. --
11 Commissioner Bergman, may we have a roll call?

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

17 Commissioner Carr?

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

20 COMMISSIONER BERGMAN: Commissioner
21 Parker?

22 COMMISSIONER PARKER: Yes.

23 COMMISSIONER BERGMAN: Commissioner
24 Peralta?

25 COMMISSIONER PERALTA: Yes.

1 COMMISSIONER BERGMAN: Commissioner Pogna?
2 COMMISSIONER POGNA: Yes.
3 COMMISSIONER BERGMAN: Commissioner
4 Toulouse?
5 COMMISSIONER TOULOUSE: Yes.
6 COMMISSIONER BERGMAN: Commissioner Gant?
7 COMMISSIONER GANT: Yes.
8 COMMISSIONER BERGMAN: Commissioner
9 Shearman?
10 THE CHAIR: Yes.
11 COMMISSIONER BERGMAN: Commissioner
12 Bergman votes "Yes."
13 Madam Chair, that is an 8-to-0 vote in
14 favor of that motion.
15 COMMISSIONER CARR: Madam Chair, could I
16 ask a question?
17 THE CHAIR: Let me --
18 COMMISSIONER CARR: I'm sorry.
19 THE CHAIR: The decision is unanimous not
20 to accept the application of Academic Opportunities
21 Academy.
22 Commissioner Carr?
23 COMMISSIONER CARR: I'm assuming this can
24 be appealed; is that right? Is that a correct
25 assumption?

1 MS. LEWIS: I don't see under what
2 mechanism. Appeal, in the regulation, in the
3 statute, off the top of my head, is reserved for the
4 denial of applications. This is a non-acceptance;
5 so the school may try, and then we'll have a longer
6 conversation about that. But there's no specific
7 procedure for non-acceptance, that I'm aware of.

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

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

12 COMMISSIONER CARR: All right.

13 THE CHAIR: Mr. Pahl?

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

23 THE CHAIR: Okay. Thank you for that.

24 COMMISSIONER GANT: Madam Chair?

25 THE CHAIR: Commissioner Gant?

1 COMMISSIONER GANT: Madam Chair, members,
2 just for the record, what would be the mechanism for
3 notification of the applicant, of Academic
4 Opportunities Academy?

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

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

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

12 THE CHAIR: Okay. All right.

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

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

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

22 Does the Commission choose to accept this
23 application?

24 COMMISSIONER GANT: Madam Chair?

25 THE CHAIR: Commissioner Gant?

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

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

12 THE CHAIR: Commissioner Bergman?

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

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

20 THE CHAIR: I guess so.

21 COMMISSIONER BERGMAN: I would concur with
22 Commissioner Gant. I'd just as soon we do all seven
23 of them, if they all meet the criteria, let's just
24 do them in one swoop and not take a great deal of
25 time talking about seven different groups.

1 THE CHAIR: Let me just make one comment,
2 because there was a question in my mind -- there was
3 some confusion about which school or which proposed
4 school did not send in their Notice of Intent to the
5 district.

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

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

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

24 THE CHAIR: Thank you for that
25 clarification. Thank you. That helps.

1 MS. LEWIS: I just now looked at my
2 calendar.

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

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

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

12 Any other discussion from Commissioners?

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

15 Commissioner Carr?

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

18 THE CHAIR: Sure.

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

23 Columbus Community School.

24 THE CHAIR: You said you were going to say
25 the names.

1 COMMISSIONER CARR: I'm going to do it.

2 Dzit Dit Looi School of Empowerment,

3 Action and Perseverance; or DEAP.

4 SAHQ Academy.

5 Sandoval Academy of Bilingual Education.

6 Sh'eh Wheef Shu-neen.

7 And Technology Leadership High School.

8 And the GREAT Jr. Academy.

9 COMMISSIONER GANT: Second.

10 THE CHAIR: We have a motion and a second

11 to accept the applications of the seven named --

12 proposed charter schools, motion by

13 Commissioner Carr, second by Commissioner Gant.

14 Do we have any discussion? Hearing none,

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

16 COMMISSIONER BERGMAN: Commissioner

17 Parker?

18 COMMISSIONER PARKER: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Peralta?

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner Pogna?

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER BERGMAN: Commissioner

25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER BERGMAN: Commissioner Carr?

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER BERGMAN: Commissioner Gant?

5 COMMISSIONER GANT: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Shearman?

8 THE CHAIR: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Bergman votes "Yes."

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

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

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

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

24 This year, there are seven of them. We
25 have draft performance frameworks for you in your --

1 in your binders. What we envision for today was
2 giving you an opportunity to ask some questions
3 about those schools and what you're reading on the
4 frameworks.

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

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

20 But by August, you should have a finalized
21 performance framework with the school grades and
22 potentially small modifications based on schools
23 producing the appropriate documentation of the
24 completeness or the -- the -- their ability to meet
25 requirements.

1 I'll stand for some questions, in general,
2 regarding the performance framework. I'd be happy
3 to answer.

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

10 THE CHAIR: Mr. Pahl, I start off with
11 Anthony Charter School. I look at their academic
12 performance framework through Page 6 -- page 7.

13 MR. PAHL: Oh, I forgot to mention.

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

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

1 the financial framework.

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

7 MS. STOFOS: It's under the
8 organizational framework, there -- Madam Chair,
9 Commissioners, under the organizational framework,
10 there are questions regarding the financial
11 stability of the school.

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

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

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

23 MR. PAHL: Yeah.

24 THE CHAIR: It really would. It really
25 would help.

1 COMMISSIONER GANT: Madam Chair?

2 THE CHAIR: Commissioner Gant?

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

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

15 MR. PAHL: Madam Chair, Commissioner Gant,
16 I'll try to answer that question. But we do have
17 school representatives, and I think they should have
18 the opportunity, as well.

19 First and foremost, this is a new process;
20 and so there is -- there has been some learning
21 experiences in going through this. So I do
22 anticipate it being smoother in the process as we
23 learn more. I think having some very objective
24 criteria in the performance frameworks, from our
25 perspective, was -- made it easier to make some --

1 some otherwise tough determinations on the
2 performance of the school. So that's one
3 perspective.

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

7 COMMISSIONER GANT: Madam Chair?

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

14 If we schedule the -- the farthest
15 location for a community input hearing and then came
16 back to Albuquerque, we could have a meeting on the
17 19th.

18 One of the things we talked about having
19 on the 19th were these performance frameworks with
20 the school grade. They will be complete at that
21 time. What I don't remember -- and, Ed, I believe
22 you were the one talking about this -- Julia talked
23 about having a color-coded chart that showed how
24 many "exceeds," "meets," "does not meet," so forth,
25 at a glance, the results of these frameworks. Are

1 we going to have that in August, or is that not a
2 possibility this year?

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

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

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

19 Commissioner Bergman?

20 COMMISSIONER BERGMAN: I would just
21 suggest, since we don't have the grades yet --
22 they're an integral part of these performance
23 frameworks -- that perhaps we would be just wasting
24 time today to spend any extensive time looking at
25 these today. It might be more appropriate to do it

1 in August, at a meeting in August. That would be my
2 suggestion.

3 COMMISSIONER GANT: Madam Chair?

4 THE CHAIR: Commissioner Gant?

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

13 THE CHAIR: Does that suit everybody?
14 Let's ask each school, in turn, then, if they do
15 have a representative here to come up and give us a
16 little information.

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

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

22 THE CHAIR: Good afternoon.

23 MS. ADOLPH: A little feedback?

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

1 MS. ADOLPH: I'm just going to use my
2 teacher voice. Colleen, C-O-L-L-E-E-N, Adolph,
3 A-D-O-L-P-H.

4 Okay. It was an interesting process. It
5 was a speedy year. It went by quicker than we
6 thought. We had a very, very short time. I think
7 the thing -- the -- the area that we had the most
8 difficulty with, as a school, was the use of the
9 Discovery testing.

10 In October, CSD came down and said that
11 things would be worked out with Discovery; they
12 would get back to us. And Discovery maintained
13 until the very end they were not going to have the
14 appropriate information for the high-school level.

15 We are a middle and a high school.

16 I think another mess-up with Discovery was
17 they did not open the window for us for our third
18 testing. And then when they did, they said that
19 that was all the information we were getting. So I
20 think that was one area that was real difficult for
21 us. And we are going to come back before you with a
22 change in our testing, and then to take a look at
23 our goals again.

24 THE CHAIR: Mr. Pahl?

25 MR. PAHL: Madam Chair, the concerns of

1 Anthony's are something that are not Anthony's alone
2 regarding Discovery. And it seemed to be the way we
3 wrote the goals didn't -- when we did these, may not
4 have known exactly what the outputs were for
5 Discovery, so the goals and the metric didn't always
6 match.

7 And so, as the school leader here
8 mentioned, it is something that our liaisons are
9 working to -- well, what would be a good proposal
10 for a goal that fits into what the Commission has
11 begun to work with on -- with other charters; so,
12 thank you.

13 THE CHAIR: Thank you. Thank you for that
14 information.

15 Next, I have Cottonwood Classical
16 Preparatory.

17 MR. WOOD: Madam Chair, if it please the
18 Commission, I contacted them and told them, if they
19 had an opportunity to come today, they could avail
20 themselves of it. But all the administrative staff
21 of the school are on vacation out of state at this
22 time.

23 THE CHAIR: Thank you. Appreciate that.

24 Next is Health Leadership. Welcome back.

25 MS. DURAN-BLAKEY: Hello again.

1 THE CHAIR: Please identify yourself.

2 MS. DURAN-BLAKEY: Good afternoon. I'm
3 Gabriela Duran-Blakey. I'm the principal of Health
4 Leadership High School. We -- this is our first
5 year, as you all know. And so I don't have anything
6 to compare it to, as far as using the performance
7 frameworks.

8 We found them very useful. As we went
9 through the year, the -- our board actually has
10 manipulated the performance framework into my
11 evaluation, as well. And so the performance
12 framework is what we use for the director's
13 evaluation, as well as evaluation of the school,
14 which I think has been a really good process for us.
15 And it kind of has helped to streamline our goals so
16 that we're not all over the place, especially the
17 first year, so that we have a solid foundation going
18 into the next year.

19 So we have found it very helpful.

20 As you know, we're a first-year school,
21 and we are in a year-round schedule; so our data is
22 coming in now, as we just closed up our year.

23 And the other little issue that we have is
24 just with the school grade. We're a brand new
25 school who have freshmen, but some of our students

1 are reclassified students; so the school grade
2 report that comes out will actually only represent
3 20 of our students who were tested, because they're
4 older students who were held back. And so they were
5 still in ninth grade, but their age -- they did take
6 the test. So you'll see that when we come back with
7 the school grade report.

8 THE CHAIR: Okay. Questions? Thank you
9 very much.

10 MS. DURAN-BLAKEY: Thank you.

11 THE CHAIR: Horizon Academy.

12 UNIDENTIFIED LIAISON: Madam Chair, the
13 administrator of Horizon Academy had a trip to the
14 East Coast planned for, just, today. So we went
15 through the report at length. But she -- and
16 everything was in good order. However, if -- she
17 requested that she be excused from the meeting
18 today, due to that trip that was planned today.

19 THE CHAIR: Thank you for that
20 information.

21 Media Arts.

22 MS. VOIGT: Greetings, Madam Chair,
23 members. It's great to see everyone again --

24 THE CHAIR: Again.

25 MS. VOIGT: -- after a year. So feedback

1 regarding the performance frameworks. Being the
2 first State-chartered school and also the first
3 school to go through the renewal contract, I found
4 the frameworks very comprehensive and very helpful.
5 The worksheet, especially, that was developed to
6 populate the contract was tremendously helpful.

7 My understanding, there might be some
8 changes towards some of the language within the
9 performance frameworks renewal for next -- I don't
10 know -- for upcoming years. But, nonetheless, we're
11 good for two more within the contract that we were
12 reauthorized under.

13 And we had tremendous support from the
14 Charter School Division in working through the
15 contract at ground level to be the first school to
16 be reauthorized under those documents.

17 THE CHAIR: Terrific. Thank you very
18 much. We appreciate that.

19 MS. VOIGT: Okay. Thank you.

20 MR. PAHL: Madam Chair, if I may, real
21 quick? I looked perplexed when we said "changes to
22 the framework." It's the financial framework that
23 we're speaking about. That's the anticipated change
24 from year one to year two; so sorry.

25 THE CHAIR: Right.

1 Next is New Mexico Connections Academy.

2 MS. TRUJILLO: Good afternoon, Madam Chair
3 and Commissioners.

4 THE CHAIR: Welcome back.

5 MS. TRUJILLO: Thank you. Thank you for
6 having us back.

7 THE CHAIR: Please identify yourself.

8 MS. TRUJILLO: Oh, I'm sorry. Athena
9 Trujillo, New Mexico Connections Academy.

10 And I have with me Lindsey Edwards, one of
11 the teachers from New Mexico Connections Academy.

12 I do want to say, as a leader of a
13 first-year charter school, that the performance
14 framework, the framework itself, assisted me in
15 completely understanding my school; so it was a
16 very, very valuable tool, and I'm very appreciative
17 of that.

18 I did bring a document today that the PEC
19 requested of our school the last time we were here;
20 so I would like to know if I could present that to
21 you.

22 THE CHAIR: What document was that?
23 Please refresh my mind.

24 MS. TRUJILLO: There were several
25 questions that the PEC had of our school. And I did

1 state that I would get that information back to you.
2 I did put my name on the "Open Discussion," just in
3 case we weren't called today.

4 THE CHAIR: If you would just hand those
5 to one of us, we'll pass them all around.

6 Whenever you're ready, please.

7 MS. TRUJILLO: So there were several
8 questions, and I tried to put it in a data format
9 for you. A question about the field trips that we
10 had completed and the number of people attending.
11 And you can see that we have quite a spread of
12 attendance, probably from six to 200, based on the
13 region in which we held the activity, or the
14 activity itself. Our parent volunteers are listed
15 as parent volunteers through what we have called
16 "Club Orange." And it is a group of parents who are
17 interested in supporting the school getting
18 together, working on parent initiatives. And that's
19 identified there for you.

20 We also had 74 students who signed up in
21 clubs at our school. And I did list the attendance
22 of those clubs below, which we had quite a few. You
23 can see there was a range of interests for those
24 students.

25 I did address our enrollment numbers for

1 the 40th, 80th, and 120th day.

2 I also have attached a geographical and a
3 county -- a pin map and a county map that addresses
4 our student population across the state of New
5 Mexico.

6 I have provided the State testing sites,
7 the number of students who participated in State
8 testing, and our State percentages.

9 There was a question about computers being
10 offered to our parents and students who enter our
11 school. And last year, we provided 368 computers
12 out of a total of 626 families. And our website and
13 enrollment documents encourage parents that if they
14 are interested in a computer, that they so note
15 that.

16 We also provided information on the number
17 of families based on our farm-student population who
18 received the Internet subsidy from our school. And
19 it's broken down by the payment months of the school
20 year. Roughly 10 percent of our population.

21 And then I broke down our enrollment,
22 because there was a question about how many of our
23 kiddos were -- I believe Commissioner Carr asked a
24 question about home school population. And it was
25 21.5 percent. And I broke it down further for you

1 all to see where our kids are coming from. And yes,
2 the Scantron and LEAP are aligned with the
3 Common Core standards; so I gave a little
4 information and provided a website.

5 I wanted to give you, at this time -- I
6 wanted to say at this time -- to thank you for the
7 questions that you had of our school last time and
8 an opportunity to present the answers to you today.

9 COMMISSIONER CARR: Madam Chair?

10 THE CHAIR: Commissioner Carr?

11 COMMISSIONER CARR: Oh, I'm sorry. If
12 the -- I noticed you thought the home-schoolers was
13 a much higher percentage.

14 MS. TRUJILLO: I wasn't sure, so I didn't
15 want to give a number; so I was playing it safe with
16 you.

17 COMMISSIONER CARR: Oh, okay.

18 THE CHAIR: Commissioner Gant?

19 COMMISSIONER GANT: He's first.

20 THE CHAIR: I'm sorry. Commissioner
21 Bergman?

22 COMMISSIONER BERGMAN: Just a couple of
23 observations about the field trips. I find it
24 interesting that the zoo was the most popular,
25 apparently, of one of your -- the Albuquerque Zoo

1 was the most popular -- at least, in this cycle.

2 MS. TRUJILLO: Well -- and I looked at
3 that, too. But it's an opportunity to share with
4 your family; so our students came with their parents
5 and traveled, but brought other family members. It
6 was quite a success. Everybody enjoyed themselves.

7 COMMISSIONER BERGMAN: I always enjoy --
8 I've taken my kids several -- whenever they were
9 young enough and at home, many times. The other
10 thing I would note is I see that you did not bring
11 your students down to Roswell to the World Famous
12 UFO Museum; so you might want to put that on one of
13 your future trips.

14 THE CHAIR: If you're going to plug
15 Roswell, I'm going to plug Artesia.

16 The reason I wasn't paying as close
17 attention as I should -- I'm reading. I'm looking
18 at your No. 7, "State testings." And I assume
19 that's the NMSBA testing; right?

20 MS. TRUJILLO: NMSBA, yes.

21 THE CHAIR: Under B, number of students
22 tested was 339, which really is well below any of
23 your 40-, 80-, or 120-day counts. Is that because
24 many of your students weren't there for the full
25 year, or what?

1 MS. TRUJILLO: Basically, that's a part of
2 it. But also our ninth-grade population was not
3 tested. There are certain grade levels that are not
4 tested; so it's accounted for in there.

5 THE CHAIR: Okay. Okay. The other thing
6 is -- I'm not sure who I should direct this question
7 to. But in Item No. 11, you refer to the site visit
8 report. And you'll remember, in our last meeting, I
9 asked, "Because this is such a unique school, we
10 really want to know more about it, and down to the
11 detail."

12 And at that time, I asked, "Could we have
13 the site visit report?"

14 And so this jogs my memory that I asked
15 for that. Do we have that information today?

16 MR. PAHL: Madam Chair, members of the
17 Commission, it's jogging my memory, as well. And I
18 apologize that it's not here today. We've made a
19 commitment to get the site visit report for
20 Walatowa; we'll do the same for Connections, to the
21 Commission.

22 THE CHAIR: Are we going to shoot for the
23 August 19th meeting, if the Commission approves that
24 date?

25 MR. PAHL: For -- yes, sure.

1 MS. LEWIS: Actually, Madam Chair, I would
2 request if I could see it a little bit before that,
3 because you're going to ask my advice about the
4 performance frameworks on August 19. And the site
5 visit reports will help.

6 And, you know, we asked for it two
7 meetings ago, and we were told "Next meeting." Then
8 we asked for it last meeting, and we were told,
9 "This meeting."

10 Everyone knows where to reach me; you know
11 my e-mail address. And I still haven't received it.
12 So I'm just a tad bit frustrated.

13 MR. PAHL: If I may, Madam Chair, we were
14 finalizing the report. And I think there are still
15 some small modifications to make. But that's why we
16 didn't have it prior to any of the prior meetings.
17 I think, again, there are some small modifications
18 to be made. But if we're expecting it for the
19 August meeting, you'd have it well before, I would
20 imagine sometime in the next week or so that we'll
21 have it finalized and to you.

22 THE CHAIR: Okay. So you're saying in the
23 next week to ten days you will get it to our
24 attorney? And then will you get it on to us or --

25 MS. LEWIS: Sure, yeah.

1 MR. PAHL: Yes, Madam Chair.

2 THE CHAIR: Both of them, I'm asking.

3 MR. PAHL: Yes.

4 THE CHAIR: Okay. Very good. Thank you.
5 Commissioner Gant?

6 COMMISSIONER GANT: Madam Chair, I'm
7 referencing the field trips -- members.

8 The field trips were basically to three
9 communities: Albuquerque, Alamogordo, and Santa Fe.
10 But then you look at the maps, and they're spread
11 all over the country -- all over the state, I should
12 say, the majority of them being in Albuquerque, and
13 then you move down to Cruces -- the Las Cruces area.

14 But what about those outliers, like
15 Lovington and all those -- I see the number of 496
16 who had participated. But I would imagine -- don't
17 have the data, but a lot of them were just repeats.

18 Is there any way of breaking down and
19 letting us know from communities, because you've got
20 Lovington, Hobbs, and Clovis. And you run up to
21 Shiprock and Red Rock and Lordsburg, et cetera. I
22 would be interested in knowing how many of those
23 outliers, the ones that live out on ranches,
24 participated in the trips.

25 MS. TRUJILLO: I can do that for you,

1 certainly.

2 COMMISSIONER GANT: Thank you.

3 THE CHAIR: Another question just occurred
4 to me. I'm looking at your map. And it's very
5 good. Thank you. I appreciate the information.

6 But I noticed over on the west side of the
7 state, Reserve and that area -- I know it's sparsely
8 populated over in that area. But you have almost no
9 students from that area. Does lack of connectivity,
10 lack of Internet access play into any of that? Or
11 is it just -- you just didn't get any students from
12 that area?

13 MS. TRUJILLO: Well, I would -- excuse me.
14 I would compare that area to the far northeast
15 corner, which is Clayton, out in Union County. At
16 one point, we did have one student from Union
17 County. I know for a fact there's Internet access,
18 as I've lived there before.

19 I'm not sure about Reserve; so I wouldn't
20 want to say "yes" or "no" one way or another.

21 THE CHAIR: Thank you. Other questions?
22 Commissioner Bergman?

23 COMMISSIONER BERGMAN: Actually, kind of
24 an application of what Commissioner Gant said. This
25 is a great map; you've got all these blue dots on

1 here. But for future reference -- and no special --
2 I would like to see a list from you that actually
3 tells me how many students are in Roswell, in
4 Lovington, by actual numbers.

5 And you don't have to make a special trip
6 back to us to bring it. Just the next time you
7 come, if you would make a mental note of you've got
8 200 students in Albuquerque and 400 in Santa Fe --
9 if you could do that for me, I would really
10 appreciate that.

11 MS. TRUJILLO: We actually have those
12 numbers. And I did do that at the beginning of the
13 school year, but I could certainly do it again.

14 COMMISSIONER BERGMAN: Okay. It's
15 actually no special.

16 MS. TRUJILLO: No, I can do that.

17 COMMISSIONER GANT: Madam Chair, members,
18 I did ask for the breakdown of who -- from what
19 community, et cetera. So I see -- it could be
20 something digitally sent to us. And we could get
21 that, what information you had, and send it the same
22 time and not have to make a trip. It could be
23 through the Internet, as far as I'm concerned.

24 Thank you.

25 THE CHAIR: Okay. Just whenever you have

1 that information, if you could send that to CSD and
2 to our attorney, they'll get it to us.

3 I do appreciate this extra work. I know
4 it was work. But this is -- you've got a unique
5 school here, and we're trying to learn all we can
6 about it. And we appreciate that.

7 MS. TRUJILLO: I appreciate that.

8 THE CHAIR: Appreciate your information.

9 Commissioners, do you have other questions
10 of Connections?

11 We thank you very much for being here
12 today.

13 MS. TRUJILLO: Thank you.

14 THE CHAIR: Mr. Pahl, while I'm thinking
15 about it, you are going to provide us with the site
16 visits for all of these first-year schools; right?

17 MR. PAHL: If that is a request. They are
18 very lengthy, though. But if that is a request of
19 the Commission, we'd be happy to provide it.

20 THE CHAIR: Well, they just have so much
21 information in them.

22 MR. PAHL: And Madam Chair, members of the
23 Commission, the idea of all the -- all the questions
24 on the site visit form directly align to one of the
25 ratings on your sheet here. And as we move

1 forward -- I will be responsive to any requests that
2 the Commission has. But as we move forward, if we
3 set a precedent for giving site visits for all of
4 them, we'll be drowning in paper when we have
5 20 schools.

6 So if we are strategic about it -- and
7 we'll provide all of those for these seven. But I
8 think they would be best served as a response to,
9 "I'm wondering what's happening with this school
10 because of this rating."

11 THE CHAIR: The whole process is so new.
12 I look at a box that's checked, and I don't know how
13 it got checked. I don't know the background to
14 that. And I think that's coming from the site
15 visit.

16 MR. PAHL: Sure. Yeah.

17 THE CHAIR: Is there a summative report
18 that would give us that information out of the site
19 visit that you already do?

20 MR. PAHL: Yes, we have a -- in fact,
21 maybe this is, you know, the interim step here. We
22 have what we call a "summative form" for the site
23 visit form that's a one-pager that you can -- you
24 can get some information from; and so that would
25 be -- it goes into another step of detail that's

1 furtherer than the performance framework, without
2 being the full, you know, 60 to 150 pages. So we'll
3 grant any requests, but I don't know if they're
4 going to be useful if we send all of them. But
5 that's your discretion.

6 THE CHAIR: Commissioner Carr?

7 COMMISSIONER CARR: Are all of these
8 already digitized?

9 MR. PAHL: Uh-huh. Uh-huh.

10 COMMISSIONER CARR: So it would be a
11 way -- if any of us would like to delve further into
12 something, that we could get -- just have access to
13 it? I wouldn't think we'd have to have everything
14 sent to us. But if we just had access to it, then
15 that would probably allow anybody who wants to dig
16 in further.

17 THE CHAIR: Are they, like, on SharePoint?

18 MR. PAHL: They are not on SharePoint
19 right now. I mean, we can discuss a mechanism,
20 maybe for this time; since there are only seven, we
21 could e-mail. But think about a solution as we
22 develop more. What I do want to note about the site
23 visit forms, though, is that they're meant to be
24 internal working documents. They are our notes,
25 literally; and so they may not make complete sense.

1 But we invite you to give us a call and --

2 THE CHAIR: We're good with things that
3 don't make sense. That's fine. Yes, let's try it
4 that way this time. And then maybe, as we move
5 forward after this first round, we'll have a better
6 idea.

7 MR. PAHL: Sure.

8 THE CHAIR: Okay. Thank you. Next on my
9 list is North Valley Academy. We thank you for
10 being here. Please introduce yourselves.

11 MS. McCONNELL: I'm Susan McConnell,
12 principal at North Valley Academy.

13 MR. BARTON: And I'm Ray Barton, the chief
14 operating officer.

15 THE CHAIR: Please give us your
16 impression, your views on these things.

17 MR. BARTON: Since I was involved in
18 providing a lot of the feedback, Susan asked me to
19 provide you with feedback. First, I'll let you know
20 that we felt that the PED staff on this,
21 particularly being a first-year process, was
22 extremely helpful, particularly from the standpoint
23 of understanding a lot of the impacts of when you're
24 doing statistical analysis and things like that; so
25 very informed, very intelligent.

1 There are four points that we would
2 suggest here as comments.

3 The first is that there's always this
4 discussion about the high-stakes testing, the
5 snapshot, and particularly, as administrators and
6 teachers say, it's not comparing apples and apples,
7 because kids change from school to school or class
8 to class; for that reason alone, we like the
9 inclusion, the use of the Short-Cycle, because
10 you're then comparing, for the most part, year
11 beginning to year end and steps in between.

12 So that's our first comment is that we
13 like that very much and think that that should be a
14 stronger component.

15 The second is we were very disappointed
16 that the financial indicators were not included in
17 the analysis this year. We did a report on them, as
18 did the other schools; but they're not being
19 included. We understand why.

20 But personalizing it, I come out of
21 business as CEO of large companies. And as you
22 would guess, without even these rudimentary
23 liquidity measurements and so forth, you couldn't
24 operate a business; so we think that they -- they're
25 very important and they should be a part of that.

1 Third is the measurement expectations.
2 And what we learned out of this is, early on, at the
3 very beginning, early [verbatim] possible time, to
4 get agreement on how are the measurements going to
5 look, what mechanism are we going to use, and what
6 they look like. Again, the Staff has been great.
7 But we've had to go through a process of some
8 supplemental information, submissions, in order to
9 get a meeting of the minds in terms to, "Okay, this
10 is what it should look like."

11 So early on, at least by the site visit,
12 to get those agreed upon would be very helpful in
13 the process.

14 The last relates to something you were
15 just talking about; and that is, we strongly suggest
16 a "Comments" section out of this process, much like
17 if you think when your credit report -- there's
18 something on your credit report that you disagree
19 with or you need modified, you have the opportunity
20 to -- it doesn't change it, but you have the
21 opportunity to submit comments, which go into the
22 same profile.

23 In that same sense, if a school had
24 modifiers, or even disagreements with, the
25 assessment by the Staff and the Commission, at least

1 you would be aware of those and be able to assess
2 those with the data.

3 So those would be the inputs that we would
4 have.

5 THE CHAIR: Thank you for that very
6 comprehensive report.

7 Commissioners, are -- any questions?
8 Commissioner Bergman?

9 COMMISSIONER BERGMAN: Not necessarily a
10 question, but you used the term "measurements." And
11 I have noted, in several of the boxes in their draft
12 copy, you have stated that the school did not
13 provide the necessary quantifiable data in the
14 requested template. Is that the measurements you're
15 talking about?

16 MR. BARTON: In the specific, yes. And
17 then the Staff's been very good in working with,
18 "Okay, what do you need, and we'll provide it for
19 you. We've got that. Let's do it."

20 But it's -- it's a first-year process.

21 COMMISSIONER BERGMAN: Sure.

22 MR. BARTON: But the earlier we could
23 agree upon what is this going to look like, the
24 better it would be.

25 COMMISSIONER BERGMAN: Because we're going

1 to have to have the data in order to evaluate the
2 goals.

3 MR. PAHL: And, if I may, Madam Chair,
4 you'll notice from our first negotiation together
5 that I asked a lot of specific questions about data,
6 and when we say "Fall," what does "Fall" mean, the
7 reason why I did that, it was a learning experience
8 out of charters like North Valley, where we're at
9 the end of the school year, and there's actually
10 some confusion -- not -- I mean, it's not anyone's
11 fault, I think, at this point, because we didn't lay
12 it out in the beginning, "This is what everyone's
13 expecting to see."

14 And I want the Commission to hear that, as
15 well, during the negotiations, so we all have a
16 common understanding of what's expected from the
17 beginning, moving into the end of the school year.
18 So my intricate and sometimes annoying questions
19 were not for no end.

20 THE CHAIR: Commissioner?

21 COMMISSIONER BERGMAN: And your comments
22 on "comments," each cycle, because this is a fairly
23 new -- and it will probably always be this way -- I
24 sit down and evaluate our forms as we finish a
25 cycle. So you guys might -- and CSD Staff might

1 want to make a note for when we get into maybe after
2 the first of the year when we sit down again and
3 start talking about forms again, maybe we should
4 talk about how that thought on "comments" can be
5 accommodated; because, as I looked at these -- this
6 first -- remember, you were the first seven. This
7 was new to everybody, including us and you, and so
8 we worked our way through it.

9 But as I looked at this first draft copy,
10 when you check in the box on some of them, you gave
11 us a little explanation; but on others, you gave us
12 no explanation; so I want to talk about that, too,
13 because especially if it does not meet standards or
14 falls -- we're going to need an explanation. So we
15 have to maybe tweak the forms a little bit to figure
16 out how we're going to do that.

17 THE CHAIR: And that, Commissioner
18 Bergman, may play into the need for the site visit
19 reports. If we have the explanation as part of the
20 document that we receive with -- you know, why that
21 grade was -- or that certain box -- was checked,
22 that may be the information right there that we
23 need.

24 MR. PAHL: Madam Chair, members of the
25 Commission, I'll propose this. That was something

1 that we had a discussion about as Staff and whether
2 that was appropriate to have in there or not. And
3 so the consideration was made, and we could send you
4 copies of the performance framework with, you know,
5 the -- the concise reason why they landed there, if
6 that -- if that pleases the Commission, outside of
7 the two site visits that you specifically asked for.

8 THE CHAIR: Why don't we move on? I think
9 for this year, we need all the information. And
10 then, as you say, when we meet and start discussing
11 all these forms and things again, taking into
12 account everything we've heard, I think we might
13 make some good changes, some good adjustments.

14 I remember the negotiations we did with
15 you all. And they were lengthy. They were not
16 contentious, but we were all learning. And so it
17 took a good amount of time, and you all have been a
18 great partner to help in this. We appreciate your
19 help.

20 Any other questions? Comments?

21 MR. BARTON: Madam Chair, just one last
22 comment, if we can.

23 THE CHAIR: Yes.

24 MR. BARTON: And Susan and I are
25 absolutely of the same mind. We support this

1 process 100 percent. We think it's a good process.
2 We like participating in it; so we're glad we're a
3 first-year school. Thanks.

4 THE CHAIR: Thank you so much for being
5 here.

6 MR. BARTON: You bet.

7 THE CHAIR: All right. Last item,
8 Mr. Pahl, "Staffing Update."

9 MR. PAHL: Madam Chair, members of the
10 Commission, we're still in the process of hiring
11 several positions right now. But we are getting
12 closer; there is progress there.

13 The one main staffing update is -- and Ron
14 had to leave -- but Ron Christopherson will be
15 leaving us at the end of this month, July, here. So
16 Ron's done a great job on Staff, but has found work
17 closer to the grandkids. So that's -- that's a
18 priority that's taking him elsewhere.

19 And it's a loss for us, but we're moving
20 forward with plans for continuing our good work,
21 despite his absence.

22 THE CHAIR: Okay. Mr. Pahl, let me
23 just -- I know you got my list of questions from the
24 minutes. And most of them, we've covered one way or
25 the other, so far, in the meeting. But as long as

1 it's still within your Director's Report, that
2 agenda item, I would simply like to ask your update
3 on the items that we haven't touched yet.

4 One of the questions that I had was what
5 is the criteria for "Exceeds educational standards."
6 And you were going to look into that and see if you
7 could get us that specific wording.

8 MR. PAHL: Right. And Madam Chair,
9 members of the Commission, I have to stand by my
10 answer, still, from last time, that for AIMS, it
11 was, you know, consistent As; they've had national
12 recognition. But I don't have a written policy for
13 that. And, looking back in the minutes, I did
14 notice the intent behind the question, which I
15 really liked, which you mentioned, "We want to make
16 sure we're recognizing our schools."

17 So in addition to the criteria for that
18 particular waiver, I'd like to explore with the
19 Commission on how we define a high quality school so
20 we can celebrate those schools, even if it's in a
21 small way, to make sure they know they're
22 appreciated for their good work with the students in
23 New Mexico.

24 THE CHAIR: And, certainly, Mr. Pahl, I
25 don't disagree with that. But I think it's

1 absolutely critical that PED recognize the need for
2 written criteria for "Exceeds educational
3 standards," because, according to the statute or
4 regulation for waivers --

5 MR. PAHL: Statute.

6 THE CHAIR: -- it says schools can apply
7 for a waiver -- those schools who exceed educational
8 standards can apply for these other waivers. That,
9 to my mind, says charter schools, traditional
10 schools -- there may be schools out there that would
11 like to apply for a waiver, but they don't know what
12 the standard is.

13 And so I don't think we're serving our
14 total educational community very well by not having
15 that definition. And I know it's not yours to
16 write. But I would appreciate it if you would
17 pursue that and see if you can discover, beyond,
18 they got an A on their report card for three years
19 and are nationally recognized -- if they're
20 nationally recognized, that's not even something
21 New Mexico has control of. So what in New Mexico
22 constitutes a school that exceeds educational
23 standards, okay?

24 Continuing with waivers. I'm going to ask
25 Ms. Lewis to help me with this one. Again, we asked

1 you, could the Commission have copies of all
2 waivers, those that are requested, those that are
3 granted, those that are denied? And at that time,
4 you weren't sure that we could get all of those.

5 Has anything changed?

6 MR. PAHL: Madam Chair, members of the
7 Commission, at the last meeting, I committed to
8 letting you know which waivers had been accepted.
9 In between the last meeting and this current
10 meeting, and in that time frame, none have been
11 accepted at this point in time.

12 THE CHAIR: When you use the word
13 "accepted," please tell me what that means.

14 MR. PAHL: A waiver that was submitted to
15 the Department and was -- was approved. I'm sorry.
16 I used the wrong "A" word. "Approved."

17 THE CHAIR: So if I ask you if there were
18 any waivers presented that were denied, could you
19 answer that?

20 MR. PAHL: Not at this time. But that's
21 under consideration.

22 THE CHAIR: Okay. Did I cover all bases,
23 Ms. Lewis, on waivers?

24 MS. LEWIS: I'm not sure what your
25 intention with your question --

1 THE CHAIR: I asked about the ones that
2 were approved, denied. What have I missed?

3 MS. LEWIS: Received, but not acted on, I
4 guess?

5 THE CHAIR: Received, but not acted on?

6 MR. PAHL: Again, I committed to saying
7 which waivers were approved.

8 MS. LEWIS: And I'll just do my
9 broken-record thing, which Matt has heard seven
10 times at this point. But under the IPRA statute, as
11 well as under PED's own regulations, the request and
12 the response are public documents and should
13 certainly not be withheld from the schools'
14 chartering authority if Joe Schmo on the street can
15 give you an IPRA request and is entitled to it under
16 the law.

17 This Commission keeps asking me, and I
18 don't have an answer to them. That's why I'm asking
19 you, too, Matt. I don't have an answer for them as
20 to why they're not being provided them, a legal
21 answer.

22 THE CHAIR: Please continue to pursue
23 that. Ladies and gentlemen, I think Cindy's hands
24 are getting tired. Let's take a little break here.
25 Let's come back at 2:00, and we'll continue.

1 (Recess taken, 1:53 p.m. to 2:03 p.m.)

2 THE CHAIR: I call back into session this
3 meeting of the New Mexico Public Education
4 Commission. We are to Item No. 8, "Discussion and
5 Possible Action on Extension of Approval/Denial
6 Deadline for New Charter School Applications."

7 Okay. For denial or approval. Statute
8 says those decisions must be made by September the
9 1st. It's not physically possible to get all of
10 this work done by September the 1st; so we're asking
11 for permission from the Commission to extend that
12 deadline.

13 Abby, would you like to weigh in on that?

14 MS. LEWIS: You're going to get tired of
15 hearing this argument from me. But yes, the statute
16 says "thou shalt by September 1." But it's silent
17 about an extension; so the Legislature didn't
18 specifically tell you you couldn't extend it. And
19 that's been the practice in the past is that CSD has
20 gotten -- and you should have the form in your "L"
21 drive, Matt -- have gotten a signature from the
22 school and from the Commission, just saying, "We're
23 extending this deadline to" -- I think it's
24 September 30, because the meeting is always in
25 September; we're just not sure when.

1 THE CHAIR: The 25th or 26th.

2 MS. LEWIS: Now, we know, but --

3 COMMISSIONER BERGMAN: The day varies each
4 year.

5 MR. PAHL: To -- sorry. I caught part of
6 that. Do I need to have a form now for us to sign?
7 Or is this for later -- at some point prior to what
8 the deadline is, we need to technically extend the
9 deadline is what I'm hearing.

10 THE CHAIR: Each one of the applicants
11 need to sign it.

12 MR. PAHL: For each one. So then they can
13 sign it, and, then, Madam Chair, you need to sign
14 it, as well.

15 COMMISSIONER BERGMAN: Yeah, I think a
16 letter has been done or something. And I will tell
17 you that I went through the form yesterday. Our
18 instructions for the new application form
19 specifically have a paragraph that notify each
20 applicant of that very statement and that tells them
21 that they will be asked to extend that deadline.

22 And our attorney says we cannot demand
23 they extend that deadline; they have to voluntarily
24 do that.

25 But we would have no answer -- no school

1 has ever not wanted to. What happens, if we ever
2 run into one that doesn't want to extend it, they're
3 out of luck, because we're not going to do the
4 decision until the end of September. We've never
5 found out what happens if one says, "No, I don't
6 want to extend it."

7 THE CHAIR: We just have to be very
8 persuasive.

9 Yes, ma'am? Please identify yourself for
10 the record.

11 MS. FOX: Madam Chair, Susan Fox with the
12 Matthews Fox Law Firm. I'm not here on behalf of
13 any particular school, but if you would just let me
14 make one point on behalf of the charter schools that
15 we've represented in the past...

16 And I've heard Abby say that -- or I've
17 heard you say that the deadline is proposed to be
18 extended to the end of September, which, in the
19 past, is what you've done, I think, middle or end of
20 September; and that's worked out okay.

21 But where we get -- and certainly, I
22 understand all the reasons for this, and we have all
23 these deadlines. But the more we -- the further on
24 we go, we eat into that planning year for the
25 charter schools. And if they appeal and get -- and

1 your decision -- and their appeal is successful,
2 we're also in a situation where a charter school has
3 less than six months to get up and running all and
4 all. And this Commission's opinion in the last year
5 has been stated as you only get one planning year.

6 In the past, charters have been allowed to
7 take two planning years, but I'm understanding that
8 that's changing now.

9 My long-winded point is I think the
10 September proposal is fine; but if you ever wanted
11 to get into October, you might hear something
12 differently from the charter schools, in terms of,
13 "That's just not enough time for us to appeal and
14 then start up a charter school successfully in that
15 abbreviated period."

16 THE CHAIR: Okay. Thank you for that
17 information.

18 MS. FOX: Thank you.

19 MS. LEWIS: Just to address what Sue said,
20 because when we have had -- we hear you that you're
21 biting into the planning year. When we have had
22 that issue in the past, this Commission has extended
23 the deadline for the Planning Year Checklist to be
24 complete; so...

25 MS. FOX: Yeah, and that has happened.

1 It's just that there is a small window of
2 opportunity for students to actually -- they need to
3 go to a school starting in August, basically;
4 otherwise, they're off to another school, and the
5 enrollment just doesn't work.

6 So there's a practical element here that's
7 very keen, as well as employee hiring is another
8 factor.

9 THE CHAIR: Thank you.

10 Commissioner Bergman?

11 COMMISSIONER BERGMAN: Thank you. I
12 understand what you're saying. And I could never
13 promise that we wouldn't go into October. But
14 October 1st is when we get the renewal applications.
15 And it would be impossible, almost, for this
16 Commission to be doing new applications in October
17 and renewal applications in October and all the
18 rest.

19 And you're right. It's -- the
20 September 1st deadline is an impossible deadline
21 that's -- unless they have changed the July 1st
22 deadline, which the Legislature has never seen an
23 inclination to do. I wish we could do it by the
24 September 1st deadline, but that's an impossible
25 deadline, cannot be done. That's why it's always

1 been done at the end of September.

2 MS. FOX: Another way of skinning the cat
3 is to come off the opinion that there is only one
4 planning year. That would at least give a school an
5 option to, if they can't get everything done in that
6 short abbreviated time, to opt to extend.

7 COMMISSIONER BERGMAN: I have not heard
8 what you're talking about. We have given schools
9 sometimes two planning years. I have not heard we
10 never want to do that again. No one has told me
11 that.

12 MS. LEWIS: I said it in an open meeting;
13 not that you weren't going to give them. The
14 question was asked of me, "Does the law allow for a
15 second planning year?"

16 And my response was, "No."

17 THE CHAIR: Precedent has been set, that
18 there have been some schools that have had a second
19 planning year; so it's not cast in stone.

20 MS. FOX: That helps a bit. Thank you,
21 Commissioners.

22 COMMISSIONER BERGMAN: I had a joke, and I
23 didn't say it.

24 THE CHAIR: Thank you, Sue.

25 All right, Commissioners. So we need to

1 vote. If you've discussed this as much as you
2 choose to, we need to vote to extend the deadline
3 for approval or denial for new charter school
4 decisions.

5 THE CHAIR: Commissioner Gant?

6 COMMISSIONER GANT: Question. In the
7 motion, do we not have to state the date in which we
8 want to move -- to extend?

9 COMMISSIONER BERGMAN: Which would, this
10 year, be 25 and 26.

11 MS. LEWIS: I'm trying to remember how the
12 form is drafted. You could. But, again, once you
13 have that meeting on the 25th and 26th -- and here's
14 a little bit to bore you about the interplay of
15 regulation and statute. You then have 14 days to
16 issue a written decision. However, the written
17 decision must harken back to the meeting. So that's
18 why you see me typing up motions when we do
19 approvals and denials on the spot, because I don't
20 know what you're going to say beforehand, so I can't
21 prepare them in advance.

22 But they -- I need to be able to lift them
23 from the meeting into your written decisions; so...

24 THE CHAIR: So it's done as quickly as
25 possible.

1 MS. LEWIS: So if you say 25th or 26th,
2 specifically, in the motion, then you've taken out
3 your own 14 days for a written decision. As soon
4 as -- and I know Cindy gets us the minutes as fast
5 as she can; so as soon as she gets them, that's when
6 I send them out. There's no waiting around or
7 twiddling thumbs. That's the way technology works.

8 THE CHAIR: How can we word the motion to
9 adequately indicate we want to allow CSD to work
10 with the charters to give an extension of that
11 September 1st deadline?

12 MS. LEWIS: I -- I don't know why you need
13 to have a date in there.

14 THE CHAIR: Okay.

15 COMMISSIONER CARR: Madam Chair?

16 THE CHAIR: Yes, Commissioner.

17 COMMISSIONER CARR: So where -- if you --
18 well, our -- you know, September 1st this year is
19 Labor Day. So the first -- the best way to do it
20 would be, say, maybe the second Tuesday of
21 September, something like that?

22 MS. LEWIS: But that's before the meeting.

23 MS. FRIEDMAN: That's not 14 days.

24 COMMISSIONER CARR: I'm just saying -- I
25 mean, that would be a way --

1 MS. LEWIS: Well -- but then you don't
2 have the 14 days.

3 MR. PAHL: How about by the end of
4 September? I mean that gives a lot of flexibility.

5 MS. LEWIS: I won't have the minutes by
6 the end of September to pull the written decision.
7 Now, if you read exactly what I've put in front of
8 you, then -- or if you agree and read exactly what
9 I've put in front of you, then I can pull it off my
10 own motion that I wrote. But if you don't, then I
11 need the minutes to adequately do your written
12 decision so that you are successful on appeal.

13 THE CHAIR: Well, then you better come up
14 with a motion.

15 MS. LEWIS: Well, I don't think it needs a
16 date in it, just that you're voting to extend the
17 deadline for the decision.

18 THE CHAIR: Is that sufficient?

19 MS. LEWIS: You're all looking at me like
20 it's not. So what am I missing?

21 COMMISSIONER BERGMAN: You're leaving it
22 open-ended? Would that not scare Sue Fox, that we
23 could move into October or November, if it's
24 open-ended?

25 COMMISSIONER CARR: Or wait five years?

1 MS. LEWIS: Then I guess -- what's 14 days
2 after the 26th?

3 MS. FRIEDMAN: It would be October 10th.

4 MS. LEWIS: Okay. So --

5 COMMISSIONER CARR: Then you'd want to
6 move to -- again, you'd want to put an exact date in
7 there.

8 COMMISSIONER TOULOUSE: Madam Chair, Abby,
9 what is the official date, though? Is it the day we
10 vote, or the day that you send the letter? Because,
11 to me, as soon as we take that vote, it becomes the
12 official decision, regardless of when the written
13 notification is received.

14 So if our motion would say that we will
15 take action no later than the end of the second day
16 of our September meeting, then we've done what we
17 have to do. People are going to know what we did,
18 and then the written notification comes. Because
19 we're not official with that; right?

20 MS. LEWIS: What's not official?

21 COMMISSIONER TOULOUSE: Well, we -- I
22 mean, we are already official. We don't wait for
23 the letter.

24 MS. LEWIS: Well, the law requires it. So
25 a good lawyer could argue either way. The law is

1 not --

2 COMMISSIONER TOULOUSE: I am not saying --

3 MS. LEWIS: I understand your question.

4 The law is not clear -- I think Sue and Julia and I
5 have all lamented this in the past. What is that
6 date? Is it the meeting? Is it the written
7 decision? So the law doesn't spell it out.

8 MS. FOX: I think it's the -- I'm sorry,
9 Madam Chair, and members of the Commission.

10 In my opinion, I think the statute is
11 written to contemplate that you shall meet and
12 decide by September 1st. So if you said you're
13 going to meet and decide on "X" day, then another
14 section of the statute having to do with the appeal
15 stuff and the written decision comes into play. But
16 that's a separate 14 days.

17 So if you said -- in my opinion, if you
18 said you're going to meet and decide on the 25th,
19 then that's when the decision is made, and then Abby
20 would have to send out the written decision within
21 those 14 days.

22 So we're really talking about
23 October 10th. But I think the statute talks about
24 your meeting day. Because you can only act as a
25 group; so that's when -- that's when the decision is

1 made.

2 Did I just convolute things or --

3 MS. LEWIS: No.

4 MS. FOX: I guess -- I like the original
5 motion better than leaving it open-ended.

6 MS. LEWIS: What was the original motion
7 at this point?

8 THE CHAIR: Extend it to the
9 September 25th and 26th.

10 MS. FOX: I won't interpret that as your
11 written decision being due on that date.

12 MS. LEWIS: Well, right. But -- like
13 Commissioner Toulouse says, all that matters is
14 what's in writing. So -- I appreciate you saying
15 you won't hold me to that, but you could, anyway.

16 MS. FOX: I mean -- and if you put that
17 you're going to meet and decide, because I think
18 that's the way the statute is in the first place --

19 MS. LEWIS: Versus the written decision
20 isn't the decision?

21 MS. FOX: Right. The written decision is
22 only operative vis-a-vis --

23 MS. LEWIS: In both?

24 MS. FOX: It's just -- the written
25 decision is only a reflection, a written

1 notification, of what you guys did.

2 MS. LEWIS: So maybe "meet and vote by the
3 September 25th-26th meeting" -- I mean "at the
4 September 25th-26th meeting"?

5 COMMISSIONER TOULOUSE: Madam Chair, I
6 don't remember having this discussion last year.

7 COMMISSIONER BERGMAN: We haven't. We're
8 doing this for the first time again, for some
9 reason.

10 COMMISSIONER TOULOUSE: I thought I had
11 learned enough by then that I wasn't spacing it; but
12 I wondered why.

13 MS. FOX: I mean, just for a little
14 insight -- I'm volunteering this. I mean, what I
15 would be looking for as an attorney to appeal
16 something is to make sure that when you are denying
17 someone, at that meeting, you clearly state on the
18 record all the reasons and the facts and everything
19 for the basis for that. That's what Abby will then
20 take from Cindy and turn into your written decision.

21 So as long as that -- all that stuff is in
22 the record at the meeting, it's hard for me to have
23 that due process issue we've had in the past.

24 COMMISSIONER BERGMAN: You have educated
25 us on what we need to say, I can assure you. We

1 know. You have educated us. Let's get on. Yeah,
2 move on.

3 COMMISSIONER GANT: I move that the --
4 Madam Chair?

5 Madam Chair, I move that the Public
6 Education Commission authorize the Charter School
7 Division to notify -- no? Tell me where I'm --

8 MS. LEWIS: To effect signing of an
9 extension for the meeting and vote on the approval
10 or denial of charter schools.

11 COMMISSIONER GANT: On the 25th?

12 MS. LEWIS: On the meeting of the 25th and
13 26th.

14 COMMISSIONER GANT: On the 25th and 26th
15 of September.

16 COMMISSIONER BERGMAN: And you should
17 probably state we're talking about new charter
18 school applications, as opposed to renewal charter
19 school applications. Or maybe not. Maybe our
20 attorney will say we don't need the word "new" in
21 there.

22 THE CHAIR: We have a motion on the floor
23 to approve --

24 COMMISSIONER CARR: Second.

25 THE CHAIR: Thank you very much. We have

1 a motion by Commissioner Gant, second by
2 Commissioner Carr, to approve the extension of the
3 deadline for approval or denial for new charter
4 schools to the official meeting of September 25-26.

5 Any discussion?

6 All those in favor, please say "Aye."

7 (Commissioners so indicate.)

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

9 (No response.)

10 THE CHAIR: Motion carries. Thank you all
11 very much.

12 Let's go to the PEC Calendar.

13 Matt, do you have that time line for us
14 that we talked about yesterday?

15 COMMISSIONER BERGMAN: Madam Chair, before
16 you go on, there's something we'd better discuss.

17 THE CHAIR: Okay.

18 COMMISSIONER BERGMAN: Because, you'll
19 remember, I mentioned I think we also have to
20 discuss the amended Charter School Act on these new
21 applications, for those that are approved, that that
22 mandates that the negotiation has to be done within
23 30 days. We have in the past, and we'll have to,
24 with however many schools we might have, we have
25 also extended that.

1 So I think we need to discuss -- that is
2 also going to -- from when we get the actual
3 approved schools, then we're also going to have to
4 ask them to extend their negotiation deadline past
5 that 30 days.

6 THE CHAIR: Let's make that part of the
7 September meeting after we do the approvals and
8 denials.

9 COMMISSIONER BERGMAN: Do you want to do
10 it then?

11 THE CHAIR: Yes. Then we'll know what
12 we're dealing with and have a better idea of time
13 line.

14 COMMISSIONER BERGMAN: Do you see what I'm
15 saying?

16 THE CHAIR: Yes, absolutely. Thank you.
17 Please remember that.

18 Matt, time line?

19 MR. PAHL: Madam Chair, as an oversight, I
20 don't have copies right now. I just texted staff to
21 run them down to me. My apologies. I thought we
22 were talking about the meeting calendar on this
23 item, and it's an oversight on my behalf.

24 THE CHAIR: It's both. Are they going to
25 have those for us before the end of the meeting, or

1 is it something you're going to e-mail to us?

2 MR. PAHL: I can get it before the end of
3 the meeting.

4 THE CHAIR: You can?

5 MR. PAHL: Yes, uh-huh.

6 THE CHAIR: Good deal. Then the other
7 item on the agenda -- by the way, let me just back
8 up a little bit.

9 Did everybody get this tentative time line
10 from Matt, e-mail? Okay. That's the one we're
11 working from, and he's just going to do a little
12 tweaking of it. Also, we've asked him to begin work
13 on the time line for the road show, because we need
14 to start getting that planned out as well. Okay?

15 Then if you'll look at Item No. 9 in your
16 notebooks is the -- the calendar for the rest of our
17 meetings. If you'll notice, of course, our road
18 show is scheduled for August the 18th through the
19 22nd. We have seven schools, or sites, that we need
20 to visit and have the community input hearings.

21 Again, yesterday, during the workshop, we
22 targeted August the 19th to have a meeting, because
23 we need it. And so is August the 19th an agreeable
24 date with everyone to have a meeting?

25 COMMISSIONER BERGMAN: We have to have a

1 quorum; so there have to be enough of us for a
2 quorum.

3 THE CHAIR: Commissioner Peralta?

4 COMMISSIONER PERALTA: Madam Chair, the
5 week of the 18th to the 22nd, that is our first week
6 of school. And me having two schools and trying to
7 get those schools running on the ground, I'll be
8 very scarce to the Commission on that week. We'll
9 try and make an attempt to meet one day, possibly
10 the 19th.

11 THE CHAIR: If you could make the 19th,
12 that would be really good. We're looking at
13 hopefully just a half-a-day.

14 MS. LEWIS: In Albuquerque.

15 COMMISSIONER PERALTA: Okay.

16 THE CHAIR: Okay? Mr. Carr, what does
17 that do to your first day of school, or first week
18 of school?

19 COMMISSIONER CARR: It's not my first
20 week. But, you know, I -- based on -- it's still --
21 it's the second week. And it's always horrible.
22 And -- however, because of my change of employment,
23 I will be off most Fridays. And I could possibly do
24 two of those days.

25 THE CHAIR: Is one of them the meeting

1 day?

2 COMMISSIONER GANT: 19th.

3 THE CHAIR: 19th, the Tuesday.

4 COMMISSIONER CARR: Well, I will probably
5 be -- the best possible schedule for me would be --
6 are we -- the best possible schedule for me would be
7 the 22nd, of course; and then the 21st, you know,
8 coinciding with that.

9 THE CHAIR: Okay.

10 COMMISSIONER CARR: But, you know, I'm
11 going to say don't base it on me, because I get --
12 well, I know Gilbert's in a bad situation for that,
13 too, you know. Anybody working in the -- in a
14 school, you talk about the first week or the second
15 week of school, it's really tough.

16 THE CHAIR: Okay. Let me do this. By
17 that first full week in August, that's the week of
18 the 4th, could everyone please -- all the
19 Commissioners please e-mail Beverly and tell her
20 which of those days you will be able to be involved
21 in the input hearings and whether or not you would
22 be able to make -- to make a meeting on the morning
23 of the 19th; right?

24 Okay. Because we need to know for sure
25 that we can have a quorum on the 19th. And so there

1 you go.

2 Anything else on calendar or meeting days?

3 All right. Moving right along. Next item
4 on the agenda is Discussion and Possible Action on
5 the PEC Budget for 2014-'15. I will defer to
6 Commissioner Toulouse and to our attorney, Abby
7 Lewis.

8 I do have one thing to add whenever you
9 want me to. Please go ahead.

10 COMMISSIONER TOULOUSE: Madam Chair,
11 Committee, we -- this is a very quick document,
12 because we did not get, until after noontime
13 yesterday, the documents I had requested. However,
14 part of me had expected there to be an extension of
15 that, until I -- which didn't happen; so I had time
16 to work.

17 I do not guarantee all of the accuracy on
18 the first couple of sections here, the number of
19 positions. I mean, I do have the right number total
20 on what's already there. The additional ones is
21 what I'm trying to add. But I wasn't adding another
22 general manager. There already is one, but it's not
23 filled, that part.

24 This was on my daughter's computer with
25 her spreadsheet material and a one-year-old trying

1 to climb in her lap and mine. What we did make
2 absolutely sure is all of the numbers add up. And
3 the top number, \$2,200,269.39, is the amount of
4 money I received on the notice, which does say --

5 THE CHAIR: You received that money?

6 COMMISSIONER TOULOUSE: No. I'm saying
7 the notice I received -- the notice I received.
8 Hey, if I received the money, I wouldn't be here
9 today.

10 The notice I received, however, Beverly,
11 for your information, too, this says, "This response
12 was sent via e-mail." I didn't get it on e-mail; I
13 only got the hard copy. I don't need it on e-mail.
14 I have the hard copy. But it does say I received
15 it.

16 They -- we had asked for several items,
17 the total amount in dollars of the 2 percent State
18 funds, the current allocation in dollars of those
19 funds, the anticipated 2 percent for this upcoming
20 fiscal year; and then, with the Charter School
21 Division, the number of authorized positions,
22 official titles, pay grades, positions currently
23 filled and total amount of expenditures for those
24 positions of the Charter School Division; and then
25 the total allocation of CSD in dollars for this

1 fiscal year, as well as the two most recent fiscal
2 years; and then the total allotment currently for
3 the Public Education Commission in dollars.

4 And I got this. We did not receive the
5 Item 2, which was the, specifically, current
6 allotment in dollars.

7 THE CHAIR: And I will speak to that, if I
8 might, please, in a moment.

9 COMMISSIONER TOULOUSE: Right. And so the
10 number on the top is the anticipated number of
11 dollars for the upcoming year, the next fiscal year
12 the budget is being done for. And the Chairman and
13 I -- and she'll tell you -- we had a little
14 disagreement on how to budget that, because these
15 are anticipated dollars, not dollars in hand.

16 So what we did, we wanted to use up all of
17 that money -- or she wanted to use up all of the
18 money. I wanted a little cushion, knowing how
19 things go. So I budgeted for the Charter School
20 Division staff. I budgeted, with concurrence of, I
21 think, the rest of the committee, one division
22 director, one general manager, an addit- -- there
23 are five educational administration advanced
24 positions. I budgeted for an additional four for
25 the amount of work that everybody's having to do.

1 The educational administration operational
2 position has one now; I budgeted for three, again,
3 with the amount of work that's coming up with the
4 reviews and all of these additional things.

5 There's one executive secretary, slash,
6 administrative assistant. That, I didn't change.

7 Business operations, there's one. I went
8 ahead and threw in some additional positions on that
9 one, because, again, with all of the budgeting we're
10 getting into now with looking at everybody's budgets
11 and the fiscal forms we're expecting now, I thought
12 I might as well ask for that.

13 And I also asked for two database
14 positions, where there are none for IT and database
15 folks.

16 All of that together is the bulk of -- of
17 what's -- I think that we really need to push for.
18 And that comes to the Total Salaries and Benefits
19 line there, because I went ahead -- I did a
20 3 percent increase, because that's what they've done
21 this year for each of those.

22 I took, for the benefit package,
23 35 percent, which is an average of what the benefit
24 packages come out to there, because of the
25 differences in medical. Once you can choose, it

1 goes anywhere from 29 percent to about 45 percent.
2 But the average is the 35; so I added all of that
3 in.

4 And that, together, comes up with the
5 \$1,497,151.35. That's what we really need to ask
6 for, to have our support staff staffed.

7 The Charter School Act is very clear that
8 the Charter School Division does the work for, are
9 the staff for -- even though they're not under the
10 control of -- the Public Education Commission. For
11 us to do our work adequately, we need to ask for the
12 staffing level, or request it or demand it or expect
13 it, or whatever word we choose to use, to do the
14 work that we're supposed to do by State law.

15 Then I went ahead and I'm requesting,
16 again, at the advice of people, \$150,000 for
17 contractual services, because I think there's a lot
18 of training that could be done, trainers that could
19 be brought in. There may be times where our
20 Assistant Attorney General may not be in a position
21 to do all of the legal work. We may want, on a
22 one-time or a two-time basis, an attorney. Who
23 knows? Maybe we want to audit ourselves. So I just
24 wanted to give us the ability to have money we could
25 contract and not have to go beg to get.

1 Then our travel expenses, which we
2 receive -- the paper we received is somewhere
3 around -- I'm rounding -- but \$70,000 for next year.
4 I bumped that up to \$100,000. We're going to add a
5 couple more people. Again, you don't know how much
6 we're all going to be going around the state.

7 I really think this Commission should be
8 meeting a few other places than Santa Fe. But
9 that's just me. I wouldn't mind going down south
10 toward other people. I wouldn't mind going up to
11 the north, so that the communities in each area
12 could see, at least once a year, each end of the
13 state, what it is we do.

14 So I wanted to allow for that kind --
15 again, I was asked to do the budget; I was trying to
16 use it all up. That was my thinking as I did this.

17 Then out-of-state travel, we have a few
18 thousand dollars. Again, I bumped that up to
19 \$15,000, because there are out-of-state trainings
20 and all that that could be useful to us, or, for
21 that matter, for the staff of the Charter School
22 Division. So I bumped up that out-of-state travel.

23 And then everything that was left over to
24 use up the whole \$2.2 million, I put in this
25 "Overhead" expenses, because that's the part we

1 don't have, how much of the money is proportionally
2 given for various support services throughout PED.

3 And I think I would like also to ask the
4 Chair to explain her discussion, because the deputy
5 secretary, Aguilar, came in after we returned this.
6 And it was my request and my response, but he pulled
7 only the Chair out and did not want the rest of us
8 to have anything discussed. And I want on the
9 record that I don't think that was a correct
10 decision on his part to make, because the request
11 may have been for the Commission, but it was not
12 from the Chair; it was from the Budget Committee.

13 So I did want that, Madam Chair, on the
14 record. But then if you would explain that and your
15 other little piece.

16 THE CHAIR: What other little piece?

17 COMMISSIONER TOULOUSE: Yeah. Using the
18 whole amount.

19 THE CHAIR: Okay. Deputy Secretary
20 Aguilar told me yesterday that the information on
21 Item No. 2 in the IPRA request, as Commissioner
22 Toulouse said, the amounts that are spent with other
23 departments, budget, finance, whatever, he does not
24 have those together yet. He did not have a ballpark
25 figure he could give me yet. But he said he could,

1 by -- by the middle of next week, have preliminary
2 information, and final information by the end of
3 August. So we will hopefully have that information
4 in that time line.

5 I don't know that necessarily that we
6 should wait to approve this budget and go ahead and
7 send it forward to wait on that information, because
8 even what we're going to get from Deputy Secretary
9 Aguilar next week will still be preliminary
10 information. And Commissioner Toulouse has pretty
11 well taken care of a ballpark figure herself.

12 The other thing, I did want Commissioner
13 Toulouse to budget all of the money. That's the way
14 I'm used to working with budgets. You take all the
15 money you think you're going to get, and you put it
16 somewhere; you're going to use it. Perhaps if all
17 that money doesn't actually materialize, as Abby
18 suggested, we could always do a budget bar and move
19 some things around to accommodate. But it's just my
20 experience with budgets, you take everything you can
21 get and spend it, you know. And we want to do
22 this -- we want to do it right for the benefit of
23 the kids and the schools. So I thought it was the
24 right way to go.

25 Carmie wanted to give herself a little

1 cushion there and not use all the money, but -- so
2 it's just a philosophical difference.

3 Abby, do you have anything you wanted to
4 weigh in at this point?

5 MS. LEWIS: No, ma'am, just that I have
6 the motion for --

7 THE CHAIR: Whoever wants to make the
8 motion, Abby has a suggested one.

9 COMMISSIONER TOULOUSE: Madam Chair, I
10 just wanted to explain. There is a philosophical
11 difference that I have. Because of having worked
12 for years with anticipated income that often didn't
13 get there, my feeling always is not to hold back a
14 lot, but enough, because we're not going to know
15 until we know what enrollments are, until next year
16 we know what the amount per student is going to be,
17 that kind of thing, to be absolutely sure. So it
18 was just a philosophical difference.

19 THE CHAIR: Not in the public schools.
20 You never know.

21 COMMISSIONER TOULOUSE: I did do what the
22 Chair requested, and that's why we've got all of
23 this -- whatever we had left went to overhead.

24 THE CHAIR: Thank you very much,
25 commissioner Bergman.

1 COMMISSIONER BERGMAN: Madam Chair, I
2 suggest we don't wait any longer on PED. Let's go
3 forward with what we have here, get it done and get
4 on with it.

5 THE CHAIR: Mr. Pahl?

6 MR. PAHL: Madam Chair, just for -- and
7 members of the Commission. The Public Education
8 Department -- we noted what Commissioner Toulouse
9 noted of what we would call this. The Public
10 Education Department would consider this a request.
11 And so I just want to be clear that this would be a
12 request for staff support. The rationale behind the
13 budget was helpful to hear and helps inform that
14 request.

15 MS. LEWIS: We can save the legal
16 conversation for Mr. Hill and myself, if he'll ever
17 return an e-mail. But I don't need to argue legal
18 with Matt.

19 COMMISSIONER TOULOUSE: But also,
20 Madam Chair and Abby, normally in state government,
21 everything is labeled a "budget request." That's
22 what you --

23 THE CHAIR: The only thing I would add
24 that I think needs to be on here is the name of the
25 entity -- the New Mexico Public Education Commission

1 Budget Request for 2014-'15 Fiscal Year.

2 Now, if you're ready?

3 MR. PAHL: If I may, just to further
4 clarify it -- because Commissioner Toulouse is
5 correct. It would be a budget request of the PED in
6 the -- under -- as I understand it -- and I don't
7 want to push this too far, but just so we -- so you
8 know what the PED stance is right now -- that, you
9 know, the Commission can request staff support, and
10 we would consider this as a -- you know, a staff
11 support request under the -- under the law right
12 now. But as --

13 MS. LEWIS: The word "request" applies --
14 I really don't want to get into this, because poor
15 Matt doesn't have an attorney here. It's not my
16 code of ethics; it's not fair.

17 Yes, the budget -- the number is a
18 request. However, the way that the funds are used
19 and the control that the Commission has, under
20 statute, over these funds will not be a request. It
21 will be a memo outlining the law as it stands. So
22 I -- that's why I didn't want to get into the --

23 MR. PAHL: That's fine. I just --

24 THE CHAIR: Okay. Both sides have had
25 their say. We'll let you continue, as you need to.

1 Who has the motion?

2 All right. Commissioner Bergman, if --
3 Commissioners, if you're ready?

4 Commissioner Bergman.

5 COMMISSIONER BERGMAN: Madam Chair, I move
6 that the Public Education Commission approve the
7 preliminary Fiscal Year '16 budget, as presented by
8 the Budget Subcommittee of the Public Education
9 Commission, and delegate to the subcommittee the
10 authority to make changes, as new information is
11 gathered, and to then submit the final Fiscal Year
12 '16 budget to the Public Education Department.

13 THE CHAIR: Do we have a motion?

14 COMMISSIONER PERALTA: Second.

15 THE CHAIR: Commissioner Peralta -- I
16 almost called you "Senator." I'm redoing
17 everything.

18 COMMISSIONER PARKER: Nice work.

19 THE CHAIR: Motion by Commissioner
20 Bergman, second by Commissioner Peralta, for the
21 Public Education Commission to submit a budget. And
22 I will leave the official wording as it is stated in
23 the official motion in the minutes.

24 Commissioners, do we have any discussion?

25 Commissioner Parker?

1 COMMISSIONER PARKER: Madam Chair,
2 Commissioners, I don't know if this is the
3 appropriate time. But just when we're talking about
4 asking for more money than we might need, I'm kind
5 of hesitant, because I know the number of teachers
6 and students. And if there's money that we don't
7 necessarily need to have, that could be used for
8 additional teachers in the classroom. I would hate
9 to look for reasons to spend it just to spend it.

10 MS. LEWIS: It can't. The 2 percent --
11 this is the 2 percent of the State Equalization
12 Guarantee. And by statute, that is to flow back to
13 the administration of charter schools; so it can't
14 be used other places.

15 COMMISSIONER PARKER: Thank you so much
16 for the clarification. My fears have now gone.

17 THE CHAIR: It was a nice thought. It was
18 a nice thought.

19 Any other comments or questions?

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

22 COMMISSIONER BERGMAN: Commissioner
23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER BERGMAN: Commissioner Carr?

1 COMMISSIONER CARR: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Parker?

4 COMMISSIONER PARKER: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Peralta?

7 COMMISSIONER PERALTA: Yes.

8 COMMISSIONER BERGMAN: Commissioner Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER BERGMAN: Commissioner Gant?

11 COMMISSIONER GANT: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Shearman?

14 THE CHAIR: Yes.

15 COMMISSIONER BERGMAN: Commissioner

16 Bergman votes "Yes."

17 Madam Chair, that is an 8-to-0 vote in
18 favor of that resolution -- or that motion.

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

21 Let's move on to Item No. 11, Report on
22 LESC Subcommittee Meeting.

23 Ms. Lewis?

24 MS. LEWIS: This won't take long, and you
25 don't have anything in your binders because this was

1 just an organizing meeting.

2 The Legislative Education Study
3 Commission -- Committee -- is looking to make the
4 changes to the Charter Schools Act, which is very
5 welcome to attorneys who have been trying to
6 navigate it since they amended it. And they're
7 going to meet -- they're going to meet the last
8 afternoon of each of their meetings and the next day
9 in a subcommittee to specifically discuss the
10 changes to the Act itself, versus their regular
11 business during the rest of the meeting.

12 So they've asked for my input; and so I'll
13 be attending those subcommittee meetings, and, you
14 know, letting them know what works on the ground
15 when we're trying to actually perform the statute
16 and what doesn't. So the first meeting was just
17 saying, "This is when we're going to have our
18 meetings." And the first real substantive meeting
19 will be in Farmington next week.

20 THE CHAIR: Commissioner?

21 COMMISSIONER TOULOUSE: Madam Chair, I
22 also attended that. And I wanted to say, Abby does
23 a great job of supporting us. So I let her speak
24 for the Commission. But on occasion, you all have
25 learned what my mouth can do. And so I have spoken,

1 but only as myself but not for anybody else. But
2 Abby does speak for us.

3 I will also be going to Farmington.

4 THE CHAIR: Good, good. We appreciate
5 that. We thank you both.

6 Next item is PEC Legislative Committee
7 Report.

8 Commissioner Carr, do you have anything
9 for us at this time?

10 COMMISSIONER CARR: Not really. And I had
11 lots of intentions to go to more LESC meetings. But
12 a very political season is upon us, and I'm spending
13 a lot of time doing that; so -- and it probably
14 won't matter until after November, anyway.

15 THE CHAIR: Right. Okay. We appreciate
16 that.

17 COMMISSIONER TOULOUSE: Madam Chair?

18 THE CHAIR: Yes.

19 COMMISSIONER TOULOUSE: Could I revert
20 back for a minute?

21 Commissioner Parker requested a copy of
22 this letter, which I have only the one copy of.
23 Beverly, could we e-mail --

24 MS. FRIEDMAN: To all the Commissioners?

25 COMMISSIONER TOULOUSE: -- this to the

1 Commission, please? Thank you.

2 THE CHAIR: Thank you. That is -- I
3 appreciate you thinking of that.

4 COMMISSIONER TOULOUSE: He did.

5 THE CHAIR: Let me just stop here just a
6 minute.

7 Matt does have a time line ready for us,
8 and let's get those handed out and see if you have
9 any questions.

10 MR. PAHL: What I'll note, as I hand this
11 out, I have a couple of edits that we talked about
12 making at the work session. If we can just -- if
13 the motion could include language to make those
14 technical edits? They have not been made to this
15 document yet, but I do have those notes.

16 THE CHAIR: I can't remember what they
17 were.

18 MR. PAHL: I can't either. But I do have
19 them written down in my office. So if we are to
20 take an action, if we can include the language
21 allowing for those amendments, that would be
22 appropriate.

23 THE CHAIR: And this is the 2013-'14 new
24 charter application time line -- new charter time
25 line. And the time line for the road show is

1 coming.

2 MR. PAHL: The time line for the road show
3 can be expected on July 21st, with where we would
4 meet, a full schedule.

5 THE CHAIR: Let's just -- the sooner we
6 can get it out, the sooner we can begin to make
7 hotel reservations and not run into a situation
8 where it might be full or something.

9 MR. PAHL: Uh-huh. Uh-huh.

10 THE CHAIR: Okay. The only edit I
11 remember that we talked about was in the community
12 input hearings. And if you'll remember, that was
13 that little asterisk on the original time line that
14 indicated that community input -- or further
15 input -- people had three days -- three working days
16 to get that to -- do we remember to who?

17 MR. PAHL: To CSD.

18 THE CHAIR: Was it CSD?

19 MR. PAHL: Madam Chair, I think from
20 our --

21 THE CHAIR: I think you have that wording,
22 do you not?

23 MR. PAHL: I do.

24 THE CHAIR: I believe I gave that to you.

25 MR. PAHL: What we had decided at the work

1 session is once we determine what our vehicle will
2 be for receiving feedback, whether it's an e-mail
3 address or a website, we would incorporate that
4 information on the document.

5 THE CHAIR: You will include that on here?

6 MR. PAHL: Yes, yes.

7 THE CHAIR: But we decided it was three
8 working days?

9 MR. PAHL: Three working days from
10 5:00 p.m. of that day.

11 THE CHAIR: Can anyone think of anything
12 else?

13 MS. FRIEDMAN: Madam Chair?

14 THE CHAIR: Yes, Beverly.

15 MS. FRIEDMAN: Have you decided that you
16 did want the PEC meeting on Tuesday in the morning
17 on the 19th?

18 THE CHAIR: In Albuquerque.

19 MS. FRIEDMAN: In Albuquerque, okay.

20 THE CHAIR: So find us a place.

21 MS. FRIEDMAN: So we'll work around that.

22 THE CHAIR: If somebody would find us a
23 place, that would be helpful.

24 MS. FRIEDMAN: We'll find a place.

25 THE CHAIR: Does anyone see anything on

1 here they question? I can't find my copies. What I
2 think we all need are a few more pieces of paper.

3 COMMISSIONER BERGMAN: What are you
4 looking for?

5 THE CHAIR: I'm looking for the time line,
6 the one Matt sent out, and then the one that I
7 printed off from last year.

8 COMMISSIONER BERGMAN: I have not seen
9 that. I don't think it's in there.

10 THE CHAIR: We looked at it yesterday.

11 MS. LEWIS: I think you had it.

12 THE CHAIR: Ah-ha, eureka. I have found
13 it.

14 At 5:00 p.m. at the end of the third
15 working day, after each applicant's community
16 hearing, final deadline to submit written input to
17 the PEC --

18 MR. PAHL: Yes.

19 THE CHAIR: -- is what it says here.

20 MR. PAHL: Yes.

21 THE CHAIR: So we need wording to that
22 effect.

23 All right. Anything else anyone sees?

24 May I hear a motion to approve this time
25 line, then? This -- this -- shall we call this a

1 draft in case we want to change anything, or is it
2 pretty final as far as you're concerned?

3 MR. PAHL: Internally, at CSD, we feel
4 like this is final and it is complete.

5 COMMISSIONER BERGMAN: I don't think
6 there's anything we can change on this time line.

7 THE CHAIR: All right. Then let's have a
8 motion to approve.

9 COMMISSIONER CARR: So move.

10 COMMISSIONER POGNA: I move that we
11 approve the time line.

12 THE CHAIR: I'm looking at Commissioner
13 Pogna. She's moving that we approve this time line.
14 Commissioner Carr seconds.

15 COMMISSIONER CARR: Second.

16 THE CHAIR: Any discussion?

17 All those in favor, please sigh "Aye."
18 (Commissioners so indicate.)

19 THE CHAIR: Any opposed, please say "No"?
20 (No response.)

21 THE CHAIR: Don't smile, Tyson. It's too
22 late in the day.

23 MR. PAHL: And just for the record, I
24 assume this approval is with the changes we just
25 talked about verbally?

1 THE CHAIR: With that addition, yeah.

2 MR. PAHL: Okay.

3 THE CHAIR: Commissioner Bergman, your
4 report for the Charter School Committee?

5 COMMISSIONER BERGMAN: You jumped over the
6 Open Meetings Act.

7 THE CHAIR: I sure did. How did I do
8 that? And it's right in front of me.

9 Discussion and Possible Action on Open
10 Meeting Act Resolution.

11 Ms. Lewis?

12 MS. LEWIS: Nothing much to say. It's
13 that time of year again. So all I've done is change
14 the date at the top and brought you into compliance
15 by changing it from 24 hours to 72 hours, which is
16 what the Open Meetings Act now says.

17 COMMISSIONER CARR: Okay.

18 THE CHAIR: Okay. Any discussion? May we
19 have a motion?

20 COMMISSIONER BERGMAN: I move we approve
21 our new Open Meeting Act Resolution.

22 THE CHAIR: As presented. Thank you. Do
23 I have a second?

24 COMMISSIONER PARKER: Second.

25 THE CHAIR: Commissioner Parker? Motion

1 and second to approve the Open Meetings Act
2 resolution as presented.

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

5 (Commissioners so indicate.)

6 THE CHAIR: Any opposed, please say "No"?

7 (No response.)

8 THE CHAIR: Motion carries unanimously.

9 Now, Commissioner Bergman, may we hear
10 from you on the Charter School Committee?

11 COMMISSIONER BERGMAN: Not much at this
12 time. But here again, just as a heads-up, we now
13 have seven applications that will be resolved by the
14 end of September. We do not know until then how
15 many of those will be approved. But we will have --
16 given that they all agree to extend their contract
17 negotiation, that means there will be some
18 negotiations in the fall, and while we're also
19 trying to do renewal applications.

20 And so let's just keep that in mind. I
21 think that's how we did it last year. And I -- we
22 did the seven last year in the fall, did we not? Or
23 did we wait until the spring?

24 COMMISSIONER TOULOUSE: We did them in the
25 spring.

1 COMMISSIONER BERGMAN: I think we just did
2 the renewals starting on January 1st; is that right?
3 That's my problem. It's all starting to run
4 together. I think we did them in the fall; I
5 believe we had to.

6 THE CHAIR: I doubt we delayed anything.
7 Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: I remember doing
9 the Explore Academy this spring.

10 MS. LEWIS: That's new.

11 COMMISSIONER TOULOUSE: Well -- but that
12 was approved -- we approved that last September; we
13 did that in the spring.

14 COMMISSIONER BERGMAN: Some did get
15 delayed for a variety of reasons, yeah.

16 COMMISSIONER TOULOUSE: We did the
17 "Health" one down in Southern New Mexico in the
18 spring. We did -- so I think we did them in the
19 spring. We had about five of them.

20 COMMISSIONER BERGMAN: We did some of them
21 in the spring, but we had reasons. But, anyway,
22 there will be some in the fall, I'm pretty sure.
23 But we just won't know until after September the
24 26th how many we'll have to worry about. At most,
25 it's going to be seven.

1 THE CHAIR: Good.

2 COMMISSIONER BERGMAN: Anyway, that's all
3 I have at this time.

4 THE CHAIR: All right. Thank you.

5 Item 15 is an Executive Session regarding
6 pending litigation.

7 Will someone make the motion? And Abby
8 says if you read the wording right there, that's an
9 adequate motion.

10 MS. LEWIS: Just put "I move that we go
11 into Executive Session."

12 COMMISSIONER TOULOUSE: Madam Chair, I
13 move we go into Executive Session.

14 MS. LEWIS: Under? You have to cite the
15 Act.

16 COMMISSIONER TOULOUSE: Then I have to
17 find it. My vision is getting tired, too, folks.
18 You know, this committee really needs to have some
19 younger people besides their attorney and Mr. Pahl.
20 I know Tyson's younger. But you already told me you
21 were getting old, so...

22 COMMISSIONER BERGMAN: All they have to do
23 is want to run.

24 COMMISSIONER TOULOUSE: Madam Chair, I
25 move that we go into Executive Session, as per

1 Section 10-15-1(H) of the State law.

2 MS. LEWIS: (7). You have to cite
3 specific -- that's what the Open Meetings Act says.
4 I'm not just being a pain. You have to say
5 "(H) (7) ."

6 COMMISSIONER TOULOUSE: I said (H). Oh,
7 (H) (7). (7) isn't on here.

8 COMMISSIONER CARR: It's not on here.

9 THE CHAIR: Look on here, because this is
10 complete.

11 COMMISSIONER TOULOUSE: Normally, I'm
12 expecting what I need on this page.

13 Okay. I'm not going to do any more
14 motions that I can't free-form.

15 I move that we go into Executive Session
16 under State law 10-15-1(H) (7) regarding pending
17 litigation. You don't have to put the parentheses
18 around the (H) and the (7).

19 THE CHAIR: Do we have a second?

20 COMMISSIONER BERGMAN: Second.

21 THE CHAIR: We have a motion and second to
22 go into Executive Session. Mr. Secretary, we need a
23 roll-call vote.

24 COMMISSIONER BERGMAN: Commissioner Carr.

25 COMMISSIONER CARR: Here. Yes, I mean.

1 COMMISSIONER BERGMAN: Commissioner
2 Parker?
3 COMMISSIONER PARKER: Yes.
4 COMMISSIONER BERGMAN: Commissioner
5 Peralta?
6 COMMISSIONER PERALTA: Yes.
7 COMMISSIONER BERGMAN: Commission Pogna?
8 COMMISSIONER POGNA: Yes.
9 COMMISSIONER BERGMAN: Commissioner
10 Toulouse?
11 COMMISSIONER TOULOUSE: Yes.
12 COMMISSIONER BERGMAN: Commissioner Gant?
13 COMMISSIONER GANT: Yes.
14 COMMISSIONER BERGMAN: Commissioner
15 Shearman?
16 THE CHAIR: Yes.
17 COMMISSIONER BERGMAN: Commissioner
18 Bergman votes "Yes." 8-0, Madam Chair, in favor of
19 that motion.
20 THE CHAIR: All right. We are going into
21 Executive Session, but we are going to take a small
22 break first. We will then be back here at 3:00. We
23 always do it in Artesia. We can't?
24 MS. LEWIS: No, you just voted to go into
25 Executive Session.

1 THE CHAIR: Never mind. Artesia is wrong.
2 We're going into Executive Session right now. Thank
3 you very much. Cindy, thank you very much, if
4 you'll turn off your machine.

5 (Executive Session conducted.)

6 THE CHAIR: Only that -- only the item
7 listed on the agenda was discussed. No action was
8 taken, no votes were taken in the executive session.

9 We are now to Item 16, which is PEC
10 Comments.

11 COMMISSIONER POGNA: Madam Chair?

12 THE CHAIR: Where shall I begin?

13 Commissioner Peralta?

14 COMMISSIONER PERALTA: None at this time.

15 THE CHAIR: Commissioner Pogna?

16 COMMISSIONER POGNA: Yes, I do have -- I
17 heard Abby say that you can ask for anything. So I
18 am asking.

19 THE CHAIR: Okay.

20 COMMISSIONER POGNA: I'll just say that.
21 I would like to request that we get -- that we
22 receive an updated version of the Public Education
23 Commission members, their e-mails, et cetera. I
24 have 2013. I don't have '14.

25 MS. FRIEDMAN: Okay.

1 COMMISSIONER POGNA: So I would like that
2 update. I would like the New Mexico PEC Commission
3 committee and liaison roles. I don't have that. I
4 have for 2013.

5 My third request -- and I'm asking; I
6 don't know if I'll get it. Is it possible for
7 members of the Commission to have a directory of the
8 Charter Schools in New Mexico? I have a wonderful
9 directory that I had to get from Albuquerque Public
10 Schools. I feel we are elected Commissioners. We
11 should have access to a directory. Theirs is
12 wonderful, but it's the year 2011 and 2012. I would
13 like an up-to-date directory which lists all the
14 charter schools, names, addresses, their locations.

15 I don't know where our charter schools
16 are. We need a statewide directory. And I don't
17 know if we have one.

18 MS. FRIEDMAN: Madam Chair?

19 COMMISSIONER GANT: Madam Chair?

20 MS. FRIEDMAN: Madam Chair?

21 THE CHAIR: Yes.

22 MS. FRIEDMAN: Madam Chair, Commissioner
23 Pogna, the listings -- all three of those listings
24 are on the website. But I can provide them to you
25 electronically, or I can send them to you in hard

1 copy, if you would like.

2 COMMISSIONER POGNA: Electronically.

3 MS. FRIEDMAN: Electronically? The
4 Charter School listing is under the Charter School
5 Division. And it is a very comprehensive list of
6 all of the schools with their directors and
7 addresses and everything.

8 COMMISSIONER POGNA: I didn't know that.
9 Thank you very much.

10 MS. FRIEDMAN: And I will provide you with
11 that liaison list.

12 THE CHAIR: Thank you, Beverly.
13 Commissioner Bergman?

14 COMMISSIONER BERGMAN: I have nothing to
15 add today.

16 THE CHAIR: Ms. Lewis?

17 MS. LEWIS: No, ma'am, thank you.

18 THE CHAIR: Commissioner Parker?

19 COMMISSIONER PARKER: Madam Chair,
20 Commissioners, assuming we still get snapshots, can
21 we include the number of instructional hours the
22 schools are providing in those snapshots, please?

23 MR. PAHL: The only -- I'm assuming that
24 was also included in old charters, in that document,
25 as well. If it is, then, yeah, we would have that,

1 but certainly, for all the new contract schools.

2 THE CHAIR: Definitely -- well, the
3 charters should have it, too. The contracts
4 definitely do.

5 MR. PAHL: Okay, yeah.

6 THE CHAIR: Commissioner Toulouse?

7 COMMISSIONER TOULOUSE: Madam Chair, I've
8 said enough.

9 THE CHAIR: Thank you. I appreciate all
10 your work on the budget.

11 Commissioner Carr?

12 COMMISSIONER CARR: Yes. I just wanted --
13 I sent out an e-mail. I -- changing where I work.
14 I'm going to work for Taos Academy, which we just
15 renewed here as a State charter school. I have
16 three years left before I retire. I was enticed.
17 And I thought it was a no-brainer.

18 I -- a lot of you guys are familiar with
19 the school and how good of a school it is. And a
20 lot of the things that they do are things that I've
21 been wanting to do as a public schoolteacher for
22 24 years; for instance, hiking, camping, and special
23 enrichment classes, and things like that.

24 And also I would be teaching 40 students a
25 week instead of 182 students a week, not to mention

1 with all the issues that Taos is having right now,
2 which didn't really play a part in my decision.

3 I -- I needed something new so I didn't
4 get burned out before I retired. I wanted to leave
5 on a good note, which should reinforce everything
6 that I've always said is that I'm a traditional
7 public school person; I always have been. That will
8 always be, probably, a -- that's always a huge part.

9 Charter schools are -- there's a lot of
10 good ones out there, and I've always said that I'm
11 not so concerned with -- with charter schools, per
12 se, as I'm concerned that our kids go to good
13 schools. And that's the most important thing to me.

14 This particular school tried to become
15 part of a traditional public school setting when
16 they first started, and they were not allowed to.
17 And I want -- I would like -- I think that, you
18 know, we need -- in the future, need to allow our
19 public schools the same type of freedom that we're
20 allowing charter schools, to reach out and try new
21 things. And we've always been too limited to do
22 that.

23 So I just wanted to let everybody know
24 that. And, of course, we probably won't have any
25 votes on that charter school for another five years.

1 But if we do, I will abstain at that point.

2 THE CHAIR: Thank you for that
3 information. Good luck on your new job.

4 COMMISSIONER CARR: Thank you.

5 THE CHAIR: Commissioner Gant?

6 COMMISSIONER GANT: The only comments I
7 have, Madam Chair and members, is I've heard again
8 the issues with the schools that are on the
9 reservations and those that are proposing to go on
10 the reservations. And this is going to have to end
11 up, in my view, in the Legislature's back pocket.
12 And this is going to have to be something discussed
13 at the LESC meetings, at the PSCOC meetings, and at
14 the PSCOC Task Force meetings, because the LESC and
15 the Task Force are the ones that establish some of
16 the legislation that goes forward.

17 And until this is resolved, we have a
18 double standard. You know me. I -- double
19 standards are against the law, as far as I'm
20 concerned. So you know -- and I think -- I'll say
21 it now, because later down the road, I'll probably
22 say it again. I think some of the schools we are
23 establishing, whether on the reservation or off,
24 we're establishing culturally segregated schools by
25 the use of basing the charter schools in their

1 application on culture and items like that.

2 And in my view -- of course, I'm an old
3 man from the old school. And we had a civil rights
4 movement in the United States a long time ago, and I
5 thought we started going away from it.

6 But we're going in the reverse direction
7 using culture as a discriminator, and I think that's
8 got to stop.

9 THE CHAIR: Thank you, Commissioner. I
10 have nothing further to say.

11 Mr. Pahl?

12 MR. PAHL: Nothing here. Thank you for
13 your time today.

14 THE CHAIR: Next item is Open Forum.

15 Athena Trujillo signed up, and she visited
16 with us about Connections, so she is not here; so we
17 have no one for Open Forum.

18 The next item on the agenda, unless anyone
19 has something else is "Adjourn."

20 I will entertain a motion.

21 COMMISSIONER BERGMAN: So move.

22 COMMISSIONER POGNA: Second.

23 THE CHAIR: All in favor, please say

24 "Aye."

25 (Commissioners so indicate.)

1 THE CHAIR: Any opposed?
2 (No response.)
3 THE CHAIR: We're adjourned.
4 (Proceedings concluded at 3:13 p.m.)
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2 STATE OF NEW MEXICO

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13 In testimony whereof, I have hereunto set my
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16
17 *Cynthia Chapman*

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