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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS

PUBLIC MEETING

June 19, 2015

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. VINCE BERGMAN, Vice Chair  
MR. GILBERT PERALTA, Secretary  
MS. KARYL ANN ARMBRUSTER  
MR. JEFF CARR  
MS. ELEANOR CHAVEZ  
MR. JAMES CONYERS  
MS. PATRICIA GIPSON  
MS. MILLIE POGNA  
MS. CARMIE TOULOUSE

STAFF:

MR. MATT PAHL, Interim Director, Charter School  
Division  
MS. JULIE LUCERO, General Manager, Options for  
Parents  
MR. JOSHUA GRANATA, Assistant Attorney General,  
Counsel to the PEC  
MS. BEVERLY FRIEDMAN, Custodian of Records and  
PED Liaison 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. I ask  
4 Secretary Peralta for a roll call.

5 COMMISSIONER PERALTA: Commissioner  
6 Gipson?

7 COMMISSIONER GIPSON: Here.

8 COMMISSIONER PERALTA: Commissioner  
9 Toulouse?

10 COMMISSIONER TOULOUSE: Present.

11 COMMISSIONER PERALTA: Commissioner  
12 Conyers?

13 COMMISSIONER CONYERS: Here.

14 COMMISSIONER PERALTA: Commissioner  
15 Bergman?

16 COMMISSIONER BERGMAN: Here.

17 COMMISSIONER PERALTA: Commissioner  
18 Peralta is here.

19 Commissioner Pogna?

20 COMMISSIONER POGNA: Here.

21 COMMISSIONER PERALTA: Commissioner  
22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Here.

24 COMMISSIONER PERALTA: Commissioner Carr?

25 COMMISSIONER CARR: Here.

1 COMMISSIONER PERALTA: Commissioner  
2 Shearman?

3 THE CHAIR: Here.

4 COMMISSIONER PERALTA: Commissioner  
5 Chavez.

6 (No response.)

7 Madam Chair, you have nine members of the  
8 Commission present.

9 THE CHAIR: Thank you. We do have a  
10 roll -- pardon me -- we do have a quorum to conduct  
11 business today. Thank you.

12 I would ask everyone to rise for the  
13 Pledge of Allegiance and the Salute to the New  
14 Mexico Flag. Commissioners Peralta and Conyers?

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

17 THE CHAIR: Next is the approval of the  
18 agenda. And I would ask Commissioners that we  
19 consider deleting Item No. 11, as we finished that  
20 business in yesterday's special meeting.

21 I would remind everyone that items can be  
22 moved around on the agenda, but no new items may be  
23 added.

24 COMMISSIONER CARR: Madam Chair?

25 THE CHAIR: Commissioner Carr?

1 COMMISSIONER CARR: Since we were on the  
2 agenda, just maybe a point of personal privilege.  
3 Could we have a moment of silence for the shooting  
4 victims in South Carolina?

5 THE CHAIR: Thank you, Commissioner. I  
6 think that would be very appropriate.

7 COMMISSIONER CARR: Thank you.

8 (Moment of silence conducted.)

9 THE CHAIR: Thank you, all. Thank you,  
10 Commissioner Carr.

11 Anything else on the agenda?

12 Hearing none, the Chair would entertain a  
13 motion to approve the agenda, with the deletion of  
14 Item No. 11. Commissioner Armbruster?

15 COMMISSIONER ARMBRUSTER: I so move.

16 THE CHAIR: Motion from Commissioner  
17 Armbruster.

18 COMMISSIONER CARR: Second.

19 THE CHAIR: Second from Commissioner Carr.

20 Any discussion?

21 Hearing none, all those in favor, please  
22 say "Aye."

23 (Commissioners so indicate.)

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

25 (No response.)

1 THE CHAIR: The motion carries  
2 unanimously.

3 Please let the record reflect that  
4 Commissioner Chavez is now here. Welcome to you.

5 Item No. 4 is Report from PED Leadership.  
6 Well, Matt, the old guy returns. I'm sorry. I  
7 skip- -- I was so anxious to get to you, Matt, I  
8 skipped the minutes. I'm sorry.

9 Let's go to Item No. 3, minutes. Let's  
10 first consider the PEC Work Session minutes of May  
11 14, 2015.

12 Are there any corrections? Changes?

13 Hearing none, the Chair would entertain a  
14 motion on the April -- pardon me -- on the May 14  
15 Work Session minutes.

16 COMMISSIONER BERGMAN: So move.

17 COMMISSIONER GIPSON: Second.

18 THE CHAIR: I have a motion from  
19 Commissioner Bergman, second from Commissioner  
20 Gipson, to approve the May 14 Work Session minutes,  
21 as distributed.

22 Any discussion?

23 Hearing none, all those in favor, please  
24 say "Aye."

25 (Commissioners so indicate.)



1 THE CHAIR: Any opposed, please say "No."  
2 (No response.)

3 THE CHAIR: The minutes are approved.  
4 Next, we'll consider the PEC meeting  
5 minutes of May 15, 2015.

6 Any corrections?

7 Hearing nothing voiced, the Chair would  
8 entertain a motion on the May 15 minutes.

9 COMMISSIONER GIPSON: So moved.

10 THE CHAIR: Motion by Commissioner Gipson.  
11 Second by --

12 COMMISSIONER PERALTA: Second.

13 THE CHAIR: -- Commissioner Peralta to  
14 approve the May 15 minutes.

15 Any discussion?

16 Hearing none, all those in favor, please  
17 say "Aye."

18 (Commissioners so indicate.)

19 THE CHAIR: Any opposed, please say "No."  
20 (No response.)

21 THE CHAIR: The May 15 minutes are  
22 approved.

23 And last are the minutes of the May 22nd  
24 2015 Special PEC Meeting. Any corrections or  
25 changes?

1           Hearing none, the Chair would entertain a  
2 motion.

3           COMMISSIONER CONYERS: So move.

4           THE CHAIR: Motion by Commissioner  
5 Conyers.

6           COMMISSIONER CARR: Second.

7           THE CHAIR: Second from Commissioner Carr,  
8 to approve the May 22nd Special Meeting minutes.

9           Any discussion?

10          Hearing none, all those in favor, please  
11 say "Aye."

12          (Commissioners so indicate.)

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

14          (No response.)

15          THE CHAIR: Minutes pass as presented.

16          Now we're to Item No. 4.

17          Mr. Pahl, it's nice to see you back.

18          MR. PAHL: Madam Chair, it's nice to see  
19 you, too. I'm glad I'm generating this much  
20 excitement amongst the Commissioners.

21                 Just two points that I'd like to bring to  
22 the Commission today -- and thank you for welcoming  
23 me back.

24                 The first is the Public Education  
25 Department, at the beginning of this month, on

1 June 1st, submitted our Educator Equity Plan. This  
2 is something that the -- not on a regular basis, but  
3 it's requested of us from the federal government.  
4 In the past, it focused on Highly Qualified teachers  
5 and how the State was planning to insure that Highly  
6 Qualified teachers were provided for students  
7 equally across the state, regardless of their  
8 economic or ethnic background.

9           This year, we did something a little  
10 different that was approved by the feds. And we  
11 looked at teacher effectiveness and how that  
12 distribution was -- was provided for equally across  
13 the state. And what we found were some interesting  
14 things that they really echo, I think, a narrative  
15 that we know throughout the state, that students who  
16 are growing up in poverty in the state have a higher  
17 chance of having a teacher with an effectiveness  
18 rating that's less than effective, meaning minimally  
19 effective or ineffective; and the same thing goes  
20 for our Native American students and our Hispanic  
21 students in the state.

22           So that -- that's new information to us;  
23 but it echoes a narrative that we -- we know has  
24 been in the state for a long time, and that's that  
25 the services we're providing to students who are

1 growing up in economically disadvantaged communities  
2 or -- or are of certain ethnic background aren't  
3 having the same educational outcomes as their more  
4 affluent peers.

5 We conducted several stakeholder meetings,  
6 one in Roswell, one in Albuquerque, and another here  
7 in Santa Fe, and, through those stakeholder  
8 meetings, were able to determine what our next steps  
9 would be to ensure that every student has equal  
10 access to an effective teacher.

11 And I'm just giving you the highlights  
12 here. But once this report is finalized from the  
13 federal government, we will -- we will give you a  
14 copy; but I'm giving you a little preview here  
15 today.

16 But the four topics that we're planning on  
17 focusing on to ensure equal access to effective  
18 teachers are teacher preparation in the state; so  
19 the pre-service training the teachers receive prior  
20 to getting into the classroom. The idea there is to  
21 set those expectations during training, to mirror  
22 the expectations that teachers will have when  
23 they're leading the classroom.

24 If we hear a lot of first-year teachers  
25 say, "That first year is really tough," how do we

1 make that less tough on first-year teachers?

2 Secondly, recruiting and keeping good  
3 teachers. That's, I think, been on the table for  
4 decades now, and trying to think of new ways of how  
5 we do that.

6 Third, developing cultural competency  
7 amongst our teachers. And the idea there -- some of  
8 the ideas that came up there are making that  
9 connection between how teachers are trained and  
10 where they will work more direct and explicit. My  
11 experiences from teaching on the Navajo Nation are  
12 good examples of -- if I knew, when I was doing my  
13 training, that I was going to be teaching there, I  
14 might have learned a few different things about how  
15 to deliver instructions to that particular student  
16 body. So it's something we want to look at when we  
17 prepare all teachers.

18 And provide professional development,  
19 which is that fourth category that we'll be focusing  
20 on, to be sure every student has an effective  
21 educator in the classroom. They're all term -- we  
22 put all of these in terms of support. We have some  
23 interesting programming that has been established in  
24 the last two years. And in the next two years,  
25 we'll be able to determine its effectiveness and

1 whether we need to make tweaks to that program or  
2 eliminate it entirely, or expand it if it's  
3 successful.

4 So we're excited for the future and what  
5 this new data does for us, looking at a problem  
6 that's been well-established and could be considered  
7 an old problem, but looking at new ways at how we  
8 try to ensure that we provide equal access to a  
9 great education for all students in New Mexico.

10 And I have a second item for the report.  
11 But if there are questions on that -- I don't know,  
12 Madam Chair. What's your pleasure?

13 THE CHAIR: It's interesting. But let's  
14 see if anyone has questions.

15 Commissioner Armbruster?

16 COMMISSIONER ARMBRUSTER: Yes, Mr. Pahl, I  
17 totally agree. How could you not agree that  
18 everyone should have a Highly Effective teacher?  
19 But my experience is showing how -- and I will say  
20 that it's limited to Los Alamos -- that we have  
21 A schools with outstanding retention rates and all  
22 of those things that we would want, and we do not  
23 have Highly Effective teachers; in fact, we had zero  
24 at the high school.

25 And so I'm not sure that these minimally

1 effective teachers are -- they're effective, but by  
2 a point, a type of -- however you want to describe  
3 that.

4 I'm not sure how we are evaluating,  
5 because you shouldn't have A schools without Highly  
6 Effective teachers, in a sense; nor should you have  
7 F schools or D schools or C schools, if they're all  
8 Highly Effective teachers.

9 So I'm not quite sure -- not that I  
10 disagree with a word that you said, by the way. I'm  
11 not sure how to quantify that, and really -- do you  
12 understand what I mean?

13 MR. PAHL: Yeah. Yeah.

14 COMMISSIONER ARMBRUSTER: But I'm all for  
15 this. I don't know how we're going to do this.

16 Another part of that that greatly concerns  
17 me is I'm thinking back to a very, very long time  
18 ago, when I was a first-year teacher, having zero  
19 idea of what I was doing, and to think that I would  
20 really -- in two years, I would have to know enough  
21 to be able to do a dossier in New Mexico -- you have  
22 five years, because I was on that Governor's  
23 Commission that changed it from three years to five  
24 years.

25 And so it concerns me; because now, we're

1 expecting brand new teachers -- and as you said, it  
2 was -- could have been better, even -- I mean, I  
3 shudder to think how I was the first couple of  
4 years. And I think, wow, are they really going to  
5 be -- you have to be effective -- right? -- to do  
6 your dossier? Is that right? You have to have an  
7 Effective evaluation to do your dossier?

8 MR. PAHL: I believe that's correct.

9 COMMISSIONER ARMBRUSTER: So I'm not sure  
10 that we're going to have these young teachers -- not  
11 necessarily young, but first-year teachers and  
12 second-year teachers, who can get that high to be  
13 able to go on; because within the four years, if you  
14 don't have it, you're out of teaching forever.

15 So that's just a concern that I have about  
16 that that I hope they address.

17 MR. PAHL: Right. Sure.

18 COMMISSIONER ARMBRUSTER: Okay.

19 MR. PAHL: Thanks, Madam Chair,  
20 Commissioner Armbruster. Just a quick note. When  
21 we looked at the effectiveness, it was Effective and  
22 higher; so not just looking at Highly Effective and  
23 Exemplary. And that counts for about 78 percent of  
24 our teachers right now. So it's a vast majority  
25 that have that.



1           And great schools do have Minimally  
2 Effective teachers. But you'll see that the  
3 proportion is much higher, towards Effective and  
4 higher.

5           So I think it's encouraging -- I think the  
6 questions, Commissioner Armbruster, that you posed  
7 are important ones and things that we want to look  
8 into; but I thought it was encouraging that this new  
9 system of data is showing us some of the things that  
10 we already know. The fact that it's reaffirming  
11 some of our challenges, I think, is showing that  
12 there is some validity there.

13           The second -- the second update I wanted  
14 to provide the Commission with was in the last  
15 fall -- at the beginning of the school year, the  
16 Public Education Department put out a request for  
17 applications for a Pay for Performance pilot.  
18 Districts and charters got to design their own  
19 system to pay teachers based on their performance in  
20 the classroom.

21           There were some -- there were some  
22 guidelines for what their plan should look like.  
23 But most recently, the largest district that  
24 participated in the program, Santa Fe Public  
25 Schools, recently made payments to their teachers

1 based on their -- based on their NMTEACH ratings,  
2 based on some other metrics of success in the  
3 classroom, which included increasing their students'  
4 attendance rates.

5 Every plan was a little unique. But they  
6 all did incorporate some of the evaluation system.  
7 And I just wanted to provide the Commission with  
8 some -- some numbers here:

9 \$4.7 million total were distributed to  
10 teachers in Santa Fe Public Schools. In Santa Fe,  
11 their program, teachers needed to opt into the  
12 program. You had a choice, as a teacher, whether  
13 you wanted to participate in Pay for Performance or  
14 not. Over 90 percent of teachers said that they  
15 wanted to opt in to the program.

16 In all, 897 teachers were given awards,  
17 with the average award of \$3,000. The largest award  
18 was about \$8,000. And 43 principals also  
19 participated in the program, with an average award  
20 of \$4,500.

21 So based on their plans, something that  
22 they developed locally, they were able to provide  
23 teachers with a nice bonus at the end of the year.

24 And I know, Commissioner Carr, the school  
25 that you're working in also participated in the

1 program. I don't have any numbers from many of the  
2 others, but just to highlight that the participating  
3 districts are paying out funds now, and teachers are  
4 excited about it.

5 And I'm particularly excited about the  
6 fact that Santa Fe teachers opted in -- so many  
7 opted into the program; so it was a nice thing to  
8 see. And over the course of the next two years,  
9 we'll find out if this is having the impact that we  
10 hope the investment is having.

11 So thank you.

12 THE CHAIR: Thank you. Do you have any  
13 questions?

14 One that pops into my mind, Mr. Pahl, you  
15 said 897 Santa Fe teachers were awarded varying  
16 amounts. How many were not?

17 MR. PAHL: I would guess that that number  
18 is a little less than 100, just because it's  
19 90 percent opted in; and that's about 900, the 897.

20 So the ones that -- do you mean the ones  
21 that opted in and didn't receive an award?

22 THE CHAIR: Yes.

23 MR. PAHL: Very few did not receive any  
24 award. But the smaller awards could be in the  
25 hundreds of dollars, very small.

1           The system was really set up to recognize  
2 many different factors of success in the classroom.  
3 But those larger awards would have gone to teachers  
4 with high summative evaluation of ratings. So I  
5 would venture to guess that that number is less than  
6 30 who opted in and didn't receive an award.

7           But most teachers received an award. And  
8 17 percent of teachers received an award less than  
9 \$1,000. That's the best I can do for you on that,  
10 that metric.

11           THE CHAIR: Thank you.

12           Any other questions?

13           All right. Thank you very much for that.

14           Let's move on to Item No. 5, which is  
15 New Mexico School for the Arts, their annual report.

16           Good morning.

17           MR. GONZALES: Good morning. Good  
18 morning, Madam Chair. Can you hear me? Is that on?

19           Madam Chair, members of the Commission,  
20 thank you for this opportunity to present to you a  
21 summary of the 2014-15 New Mexico School for the  
22 Arts Annual Report. Our principal and Head of  
23 School, Cindy Montoya, sends her regrets, as she  
24 will not be with us here today, this morning. But  
25 our chair of our governing council, Ms. Sherry

1 Thompson is here sitting next to me.

2 Also with us is Katy Phebus, who is our  
3 lead programming officer, and Mr. Joey Chavez, who  
4 is our dean of students and chair of our theater  
5 program. And they're sitting behind us.

6 THE CHAIR: Good morning.

7 MR. GONZALES: My name is Riis Gonzales,  
8 and I have the pleasure of serving as the director  
9 of New Mexico School for the Arts - Art Institute.  
10 NMSA is attracting students from every corner of  
11 New Mexico, and the school is proving to be a real  
12 educational success story for the state. And we  
13 want to thank each of you for all of your support  
14 these past five years.

15 As you know, there's a very long agenda  
16 ahead of you today; so with your permission, I'd  
17 just like to spend a few minutes summarizing that  
18 25-page document that's in your packet.

19 We worked hard to make the Annual Report  
20 as comprehensive as possible; so at your  
21 convenience, please feel free to reference it  
22 throughout the morning or in the future.

23 I'd like to remind the Commission that  
24 New Mexico School for the Arts has graduated its  
25 fourth class this month -- actually, last month --

1 and has just completed its fifth year of operation.  
2 Our mission continues to focus on providing access  
3 to rigorous mastery arts and academic high school  
4 education for young aspiring artists across our  
5 state.

6 More details about the mission, the  
7 purpose and history of NMSA can be found in the  
8 first few pages of the report; but because this  
9 presentation is an annual report, I'll just focus my  
10 talking points on this past year.

11 This year, students have come from  
12 27 distinct New Mexico communities throughout our  
13 state, and our total enrollment this year was  
14 197 students.

15 Our senior class numbered 44, and I'm  
16 happy to report all 44 graduated this year, and 43  
17 have been accepted, received some sort of  
18 scholarship, and plan to attend college.

19 So we're honored to report that  
20 100 percent of our seniors graduated and are also  
21 pleased that we have an 86 percent four-year cohort  
22 graduation rate. As I mentioned we're also  
23 experiencing a 96 percent college placement rate and  
24 really proud of our 44 seniors; they've received  
25 over \$5.5 million in scholarship offers throughout

1 the year.

2 We received an A rating from the Public  
3 Education Department.

4 In regards to our SBA scores and goals,  
5 NMSA continues to achieve a much higher proficiency  
6 rate compared to the statewide scores. 52 percent  
7 of our tenth-graders and 67 percent of our  
8 eleventh-graders were proficient or advanced in  
9 math, compared to 30 percent and 42 percent  
10 statewide.

11 78 percent of our tenth-graders and  
12 83 percent of our eleventh-graders were proficient  
13 or advanced in reading, compared to 38 percent  
14 statewide and 52 percent statewide.

15 Our ninth- and tenth-graders averaged  
16 higher than the national average in ACT Explore  
17 testing. And 47 percent of our students are  
18 enrolled in at least one honors course.

19 In regards to our demographics, this year  
20 our student body was about 55 percent Caucasian and  
21 45 percent Hispanic or other minority populations.  
22 30 percent of our student body was male, and  
23 70 percent was female. 46 percent of our student  
24 body was eligible for Free and Reduced Lunch.

25 And, as you might know, NMSA is classified

1 as a Title 1 school. And those graphs are located  
2 in the report.

3 So NMSA continues to work towards equal  
4 student representation in each of the three  
5 Congressional districts. We continue to see an  
6 increase in interest from both Congressional  
7 District 1 and 2; but the majority of our enrolled  
8 students are residents of the Congressional District  
9 3, basically Santa Fe and their surrounding areas  
10 and cities. We believe that once our permanent  
11 campus is built, we'll see many more students  
12 applying from Congressional Districts 1 and 2.

13 And towards the end of my presentation,  
14 I'll update you on our permanent campus progress.

15 In regards to our overall goals this year,  
16 we have three that were approved and measured.

17 Goal 1 was focused on academic  
18 proficiency. Our goal was to have a minimum of  
19 70 percent of our eleventh-grade students testing  
20 proficient in advanced reading and math. 88 percent  
21 of our eleventh-graders tested proficient in  
22 advanced reading, and 67 percent tested proficient  
23 in advanced math.

24 Goal 2 was focused on measuring progress  
25 towards graduation. Our goal was to have 75 percent



1 of our full-time students acquire at least four  
2 credits per year towards New Mexico graduation  
3 requirements. And I'm happy to report 98 percent of  
4 NMSA students acquired at least four credits toward  
5 graduation by the end of semester one.

6 Our third goal was focused on students  
7 excelling in both academics and in their art  
8 discipline. We said this goal would be met when  
9 80 percent of our students achieve a cumulative GPA  
10 of at least 3.0.

11 88 percent of our ninth-graders achieved a  
12 3.0; 63 percent of our tenth-graders achieved a 3.0;  
13 73 percent of our eleventh-graders achieved a 3.0;  
14 and 73 percent of our twelfth-graders achieved a  
15 3.0.

16 So we're proud to report that New Mexico  
17 School for the Arts continued to meet and, in most  
18 categories, exceed the stated benchmarks and goals.

19 New Mexico School for the Arts is also  
20 fortunate to have a very dedicated principal, head  
21 of school, governing council, faculty and staff, and  
22 obviously, their efforts continue to result in a  
23 very positive outcome for our students.

24 In regards to the artistic side of the  
25 school, we continue to see remarkable results. In

1 the report, we listed over 40 major artistic  
2 collaborations and outreach events. We visited over  
3 30 middle schools and elementary schools, and we  
4 hosted over 60 professional guest artist workshops  
5 or lectures this past year.

6 As you might recall, our artistic faculty  
7 and programming, our statewide outreach, our guest  
8 artist program, our residential program, are all  
9 privately funded. We are honored and proud to  
10 report that this past year, we were able to  
11 privately raise \$1.9 million to support these  
12 programs.

13 And the last point I'd like to address is  
14 our potential permanent campus site, which we're  
15 really excited about. As you might know, or have  
16 read, the New Mexico State Legislature, and the  
17 Governor approved and signed a Senate Joint  
18 Resolution this past session. And that's in the  
19 packet.

20 This resolution allows NMSA the  
21 opportunity to purchase about 11 acres of  
22 State-owned land near -- here in Santa Fe. The land  
23 is across the street from the new Higher Education  
24 Center and behind the Santa Fe College of Art and  
25 Design, which is going to allow us to have a lot of

1 collaborations with both of those entities.

2 We have begun the early due diligence  
3 phase, including surveying the site, conducting a  
4 Phase 1 environmental study, and we're beginning to  
5 receive proposals for the Ed Specs process.

6 As required in the approved resolution, we  
7 must present this final purchase agreement to the  
8 Capitol Building's Planning Commission, and this  
9 meeting will take place early next month.

10 So we're optimistic this purchase  
11 agreement will be approved so that we can move  
12 forward in building our campus, or at least getting  
13 started.

14 So, in conclusion, I just want to thank  
15 each one of you for your support over the years and  
16 hearing and bearing with me through this summary. I  
17 hope it was satisfactory.

18 The Governing Council, the NMSA Art  
19 Institute Board of Directors, faculty and staff are  
20 really committed to making the New Mexico School for  
21 the Arts a really special school for our most  
22 talented young artists throughout the state.

23 So with that, Madam Chair and members of  
24 the Commission, thank you very much for allowing us  
25 to present to you.

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1 THE CHAIR: Thank you so much. It's  
2 always nice to hear the interesting and fun things  
3 you all are doing, very helpful to students.

4 Commissioners, do you have questions?  
5 Commissioner Carr?

6 COMMISSIONER BERGMAN: No, go ahead.

7 COMMISSIONER CARR: Okay. I always do,  
8 because I -- we're not supposed to have favorites;  
9 but you're one of my favorite schools. Sorry.

10 MR. GONZALES: Did you get that on the  
11 record?

12 THE REPORTER: (Indicates.)

13 COMMISSIONER CARR: I just wanted to  
14 point out the obvious, how well your arts students  
15 are doing in their core classes and how important  
16 the arts are. And I know you're -- you know, you do  
17 have a special group of kids. And some of my  
18 students have aspired to go to your school.

19 The -- but I just want to emphasize here  
20 how important -- how important the arts are to all  
21 of our students statewide and how important it is  
22 for them, and -- and to reiterate the fact that the  
23 data shows that students who engage in the arts,  
24 dance, and music, and all those aspects, do better  
25 in math and reading than students who don't.

1           It helps them. It helps them develop that  
2 part of their brain, you know. I like to think that  
3 my arts experience -- because I was a music major; I  
4 went to Berklee College of Music for two years. And  
5 so I like to think that that helped develop my brain  
6 a little bit better than it was.

7           Thank you so much for having a great  
8 school and for what you do with your students.

9           MR. GONZALES: Thank you, Commissioner.

10          THE CHAIR: Commissioner Bergman?

11          COMMISSIONER BERGMAN: Thank you. You  
12 know, each year, since I'm from Roswell, I've  
13 encouraged you guys to come down to Southeastern  
14 New Mexico and Roswell and recruit people. And I  
15 was very pleased to see an article in the Roswell  
16 paper that two young people from Roswell did go  
17 through your application process and through your  
18 audition process and have been accepted and are  
19 going to start there in the fall. They were  
20 excited; their parents were excited; I got excited  
21 too.

22          I'm excited to see a couple of young  
23 people from Roswell come to your school. Continue  
24 to keep Southeastern New Mexico in your thoughts and  
25 in your recruiting. Artesia, Carlsbad, Lovington,

1 Hobbs, Clovis, Portales, and a number of the little  
2 schools there down in that area, they all have  
3 talented young people that would benefit from what  
4 you do up here in your school in Santa Fe.

5 And I do what I can. Each year, I take  
6 your report home. I read it. Then I find somebody  
7 in that area to give it to. Last year, I gave it to  
8 the principal at the Dexter Middle School, who  
9 happens to be a friend of mine. I said, "I know  
10 you're a small district. You don't like to lose  
11 students to other places; but if you have one or two  
12 kids that would benefit from this kind of a program,  
13 take a look at this and think about it."

14 So I do what little bit I can to help out.

15 So I congratulate you and thank you.

16 Great report. Thank you.

17 THE CHAIR: Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Madam Chair, just  
19 to comment now that my cousin who graduated last  
20 year has successfully finished his first year at UNM  
21 with very good grades. He's dropping out of  
22 marching band; it got in the way of actually some of  
23 the studying.

24 I think it's okay if we have favorites.

25 Our rules don't say we can't have favorites. We

1 can't always vote. We have to vote what's right,  
2 whether it's our favorite or not. But I think it's  
3 just because we all have several favorites. And I  
4 think this school is one of everybody's, because it  
5 is unique and covers the whole state in a way that  
6 our virtual schools don't, and provides a benefit to  
7 students who wouldn't go to school otherwise.

8 So I just wanted to say again,  
9 congratulations for another successful year, and I  
10 will be voting on anything from your school from now  
11 on. So, you know, just keep that in mind.

12 Thank you...unless his sister decides to  
13 go there at some point.

14 THE CHAIR: I do appreciate the outreach  
15 activities that you had in Artesia. The kids were  
16 wonderful and really enjoyed it.

17 I wonder, though, are you able to track  
18 your graduates? I'm sure you do, to a certain  
19 extent. But how long are you able to track the  
20 students who graduate and go on to college or  
21 whatever? Can you see how they're able to fit into  
22 that larger art world?

23 I know that's probably a tough transition  
24 for kids from New Mexico; anywhere, probably. But  
25 how -- how do you track them and how successful have

1 you been at that?

2 MR. GONZALES: Thank you, Madam Chair, for  
3 the question. So we're really -- so we have four  
4 years of students that have graduated. So they're  
5 in college right now. We have a very active alumni  
6 Facebook page, and we're trying to track them just  
7 via the Internet and through our database in the  
8 development office.

9 But you're hitting a good point. Some of  
10 our students, especially some of our Native American  
11 students, they come to NMSA; they graduate. They're  
12 very successful at our school, and they're being  
13 recruited to some of the top institutions across the  
14 country.

15 And a couple of them have found that  
16 transition very difficult. So we're looking at  
17 programs to try to integrate them into college a  
18 little bit better.

19 But for the most part, our students are  
20 doing exceptionally well, and we'll add that to the  
21 report next year so we can really analyze that.

22 THE CHAIR: I appreciate that. My  
23 experience is more with -- I'm from Artesia. So we  
24 have a very strong athletic tradition in Artesia.  
25 And we've had, particularly minority students, who



1 are tremendous athletes and get scholarships, as you  
2 say, some of them, a long way away. And they --  
3 many of them are simply not able to make that  
4 transition. And I think maybe it's because of the  
5 lack of support.

6 I will tell you one thing that is working  
7 in Artesia is the Mack Chase Foundation that gives  
8 scholarships, millions of dollars in scholarships.  
9 They have people employed in the Foundation that do  
10 nothing but support the graduates. They don't just  
11 track them; they support them.

12 I know that's another expense; but it has  
13 caused their graduates -- their scholarship  
14 recipients to be much more successful.

15 So it might be just something to look at,  
16 because we certainly want them to be successful.

17 MR. GONZALES: Absolutely.

18 THE CHAIR: Any other questions?

19 Commissioner Armbruster?

20 COMMISSIONER ARMBRUSTER: Mine's a  
21 comment. I happen to know Mary McLeod [ph] and  
22 Cindy Montoya. We trained them in Los Alamos. I  
23 wanted to just give you a compliment.

24 There was a situation in Los Alamos. And  
25 someone said to his daughter -- he said, "Well, how

1 did you notice why this school was different from  
2 another school?"

3 And she said, "Because everyone there was  
4 smiling."

5 And I think that's to your benefit and to  
6 your honor, and I'd be happy to share that.

7 MR. GONZALES: Sure.

8 THE CHAIR: Anything else? We thank you  
9 for being here.

10 MR. GONZALES: Madam Chair and members of  
11 the Commission, if -- one thing that we really  
12 realized over the last couple of years is touring  
13 the school and seeing the school and seeing the  
14 smiles is really uplifting; so if you're ever in  
15 Santa Fe, and especially in the afternoon -- our  
16 arts block is happening in the afternoon from 2:00  
17 to 5:00 every day -- and you just want to drop by  
18 and see the students in action in what they're  
19 doing, please let me know, and we can set that up  
20 almost immediately. Thank you.

21 THE CHAIR: Thank you for that invitation.

22 Thank you for being here, and we  
23 appreciate hearing from you.

24 Item No. 6, Mr. Pahl, is Discussion and  
25 Possible Action on Charter School Amendments.

1 MR. PAHL: Madam Chair, members of the  
2 Commission, our first and only amendment today comes  
3 from Coral Community Charter School.

4 THE CHAIR: Good morning.

5 SPEAKER: Good morning.

6 THE CHAIR: If you would introduce  
7 yourselves, and if you have a unique spelling to  
8 your name, please spell it for the recorder.

9 MS. ELDREDGE: My name is Donna Eldredge.  
10 It's E-L-D-R-E-D-G-E. And I am the cofounder and  
11 head administrator at Coral Community Charter  
12 School.

13 MR. NUNN: My name is read none. I'm a  
14 founder and a leader of the Boys Academy at Coral  
15 Community Charter School.

16 THE CHAIR: Mr. Pahl?

17 MR. PAHL: Madam Chair, members of the  
18 Commission, Coral Community Charter School is  
19 requesting revision of their charter statement that  
20 currently states, "The school intends to locate  
21 within the southeast area of Albuquerque," and would  
22 like to change that to, "Coral Community Charter  
23 intends to move to 4401 Silver, Southeast,  
24 Albuquerque, New Mexico, ZIP code 87108."

25 Madam Chair, this school has been on our

1 list of schools that has been looking for a  
2 facility. And with that -- and it sounds like they  
3 found their facility -- we would recommend approval  
4 of this amendment.

5 The approval of the charter included the  
6 intent of the school to locate within the southeast  
7 area. All students will be served; however, the  
8 school leaders anticipated especially serving  
9 students from the International Zone, Sandia Labs,  
10 and the bases. This request complies with that  
11 intent.

12 We recommend approval -- "we," being the  
13 Public Ed Department Charter School Division,  
14 recommend approval of this amendment with the  
15 following conditions: And that is that the building  
16 receives an E-Occupancy rating.

17 THE CHAIR: Thank you. If you would like  
18 to give us some information, we'd certainly be glad  
19 to hear it.

20 MS. ELDREDGE: We've recent- -- we've  
21 recently -- I contacted the architect, just so that  
22 I could have some information for you regarding our  
23 intent to have everything in place. And the -- the  
24 interior renovation for the E-Occupancy was -- is  
25 underway. We -- the project received approval from

1 the PSFA and the building permit from the City of  
2 Albuquerque.

3 The project actually mobilized June 2nd,  
4 and the contractor has 75 days to complete the work,  
5 which means that by August 16, we should be able  
6 to -- to commence. And our start date is  
7 August 24th.

8 THE CHAIR: I'm not that familiar with  
9 Albuquerque. How far is it from your current  
10 location to your new location?

11 MR. NUNN: About three miles.

12 THE CHAIR: So how is it going to impact  
13 your current students? Do you anticipate all of  
14 them will be able to transition to your new  
15 location?

16 MS. ELDREDGE: We do have an  
17 intent-to-return form that our parents fill out  
18 every year. And 98.8 percent of our students said  
19 they would be returning.

20 THE CHAIR: That's a pretty good  
21 percentage.

22 Commissioners, any other questions?

23 COMMISSIONER TOULOUSE: Madam Chair?

24 THE CHAIR: Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: I have one.

1 Living over there and having driven by where you're  
2 going to be, there is that other construction and  
3 all going on there right now. Is that going to get  
4 in the way of the people trying to work on your  
5 building?

6 You know, there's that big apartment block  
7 that's getting all of the praise because of its  
8 green status and all. And I just want to make sure  
9 that everybody is going to be able to get in around  
10 there and do -- not to mention my son-in-law's  
11 office is right there.

12 So I just -- are they anticipating any  
13 problems with all the construction in one area?

14 MS. ELDREDGE: No, there have been no  
15 concerns brought to our attention. And they are on  
16 track; so --

17 COMMISSIONER TOULOUSE: I'm very glad to  
18 see you back over there, because the charter schools  
19 really are few and far between. You know, we have  
20 Cesar Chavez; but then you have to go down to Yale  
21 or on over to Randolph to get to any of the other  
22 charter schools. So I'm very glad to see you closer  
23 to the Central corridor. Thank you.

24 THE CHAIR: Thank you. Any other  
25 questions?

1 All right. Hearing none, the Chair would  
2 entertain a motion.

3 Commissioner Bergman?

4 COMMISSIONER BERGMAN: Madam Chair,  
5 Commissioners, I move that the Public Education  
6 Commission approve the amendment presented by Coral  
7 Community Charter School requesting revision of the  
8 charter of the school which states, "The school  
9 intends to locate within the southeast area of  
10 Albuquerque," to read, "Coral Community Charter  
11 School intends to move to 4401 Silver, Southeast,  
12 Albuquerque, New Mexico 87108," contingent on  
13 receiving the E-Occupancy.

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

16 COMMISSIONER TOULOUSE: Madam Chair, I  
17 will second the motion.

18 THE CHAIR: Thank you. Motion by  
19 Commissioner Bergman, second by Commissioner  
20 Toulouse, to approve the amendment request presented  
21 by Coral Community Charter School, as was read into  
22 the record.

23 Is there any discussion?

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

1 COMMISSIONER PERALTA: Commissioner Pogna?  
2 COMMISSIONER POGNA: Yes.  
3 COMMISSIONER PERALTA: Commissioner  
4 Toulouse?  
5 COMMISSIONER TOULOUSE: Yes.  
6 COMMISSIONER PERALTA: Commissioner  
7 Armbruster?  
8 COMMISSIONER ARMBRUSTER: Yes.  
9 COMMISSIONER PERALTA: Commissioner  
10 Conyers?  
11 COMMISSIONER CONYERS: Yes.  
12 COMMISSIONER PERALTA: Commissioner  
13 Peralta votes "Yes."  
14 Commissioner Gipson?  
15 COMMISSIONER GIPSON: Yes.  
16 COMMISSIONER PERALTA: Commissioner  
17 Chavez?  
18 COMMISSIONER CHAVEZ: Yes.  
19 COMMISSIONER PERALTA: Commissioner Carr?  
20 COMMISSIONER CARR: Yes.  
21 COMMISSIONER PERALTA: Commissioner  
22 Bergman?  
23 COMMISSIONER BERGMAN: Yes.  
24 COMMISSIONER PERALTA: Commissioner  
25 Shearman?



1 THE CHAIR: Yes.

2 COMMISSIONER PERALTA: Madam Chair, that  
3 is a ten-to-zero vote in favor of the motion.

4 THE CHAIR: Thank you. The motion passes  
5 unanimately to approve the amendment request of the  
6 Coral Community Charter School.

7 Congratulations. Enjoy your new facility.

8 MS. ELDREDGE: Thank you very much. Thank  
9 you.

10 THE CHAIR: Item No. 7, Discussion and  
11 Possible Action to Commence Operations for the  
12 Following Schools.

13 Julie, we would first ask that the -- oh,  
14 dear. Would you pronounce the name of the school,  
15 please, before I absolutely wreck it?

16 MS. LUCERO: Madam Chair, members of the  
17 Commission, I am actually going to call the school  
18 up -- DEAP Charter School -- and let them do that,  
19 because I know I will not pronounce it right at all.

20 THE CHAIR: Will the representatives come  
21 forward, please?

22 MS. LUCERO: Madam Chair, members of the  
23 Commission, in your packet, you will see their  
24 Planning Year Checklist. They have completed all  
25 items to the Planning Year Checklist in a timely

1 manner. They've actually done an outstanding job.

2 The only item that they -- that's still in  
3 progress is obtaining E-Occupancy on their facility.  
4 And I'll go ahead and let them give us some  
5 information on their facility, and then Charter  
6 Schools Division will make a recommendation on  
7 commencement.

8 THE CHAIR: Thank you. Please introduce  
9 yourselves and let us hear from you.

10 MS. BEGAY: Ya-at-eeh Abini. Good  
11 morning, everyone. My name is Kayla Begay. I am  
12 one of the co-founders of the Dzil Dit Looi School  
13 of Empowerment, Action, and Perseverance. You can  
14 just call it "DEAP."

15 THE CHAIR: Thank you.

16 MS. GARNENEZ: Good morning, Madam Chair,  
17 and good morning, Commissioners. Thank you for  
18 having us. My name is Prestene Garnenez,  
19 P-R-E-S-T-E-N-E; last name, Garnenez,  
20 G-A-R-N-E-N-E-Z. And I am also a co-founder of the  
21 DEAP Charter School.

22 THE CHAIR: Do you have others with you  
23 you would like to introduce?

24 MS. GARNENEZ: Yes, we have our attorney  
25 from Johnson, Barnhouse & Keegan, Jenny Dumas.

1 MS. DUMAS: Hi.

2 MS. GARNENEZ: And then, as you know, we  
3 have support from the NACA-Inspired Schools Network.  
4 And we have the NISN Director, Allen Brower [ph],  
5 here.

6 MR. BROWER: Good morning.

7 THE CHAIR: Good morning.

8 MS. GARNENEZ: We also brought our project  
9 manager, as well as our construction manager, as we  
10 are building out our facilities. So they are also  
11 here. That is Mike Silbert and Bill Johnson--  
12 yeah -- Bill Richardson. Sorry.

13 THE CHAIR: Thank you. Good morning.

14 MS. GARNENEZ: Okay. So to give you guys  
15 an update on our facilities, we're -- as you know,  
16 when we came here last year, we had a Plan A,  
17 Plan B, Plan C, and D. Plan A was to try and  
18 co-locate with the school district, McKinley County  
19 Schools. So once we got approval from you all, we  
20 pursued that option until early this January, when  
21 it became really evident that we weren't going to be  
22 able to co-locate with them.

23 If you recall, we had thought that it was  
24 a real possibility, because they have three schools  
25 in our community. The middle school and the high

1 school were both built for a capacity of  
2 400 students, and they are now both at about 130  
3 students; so they do have some space in their  
4 school, which is why we had wanted to try and  
5 co-locate with them.

6 In January, when it became evident that we  
7 wouldn't be able to co-locate, we really started to  
8 look at Plan B, which was to build out our own  
9 facilities; and we've done that.

10 So since February, we have been working  
11 with our own community, the Red Lake Chapter, who  
12 has been very supportive, to try and identify some  
13 land within our community. And initially, we had  
14 pursued a two-and-a-half-acre tract of land that the  
15 Chapter had already been looking at using for their  
16 own administrative complex site; but due to a number  
17 of different reasons, weren't able to build out  
18 their facility.

19 However, in March, we found that we  
20 wouldn't be able to use that land. So we looked at  
21 another parcel of land, and we were able to secure  
22 an 8.37-acre tract of land within our community.

23 And since March, we've been making record  
24 time for the Navajo Nation -- I don't know if you  
25 also are aware that we are subject to an additional

1 layer of regulation, because we are on the Navajo  
2 Nation. Not only do we have to comply with State  
3 regulations, but we also have to comply with the  
4 Navajo Nation, as well as to some extent the BIA and  
5 the Indian Health Service for our facilities.

6 But despite all of that, we've been able  
7 to push through a land lease through the Navajo  
8 Nation for the 8.37-acre tract of land.

9 We've also secured the help of our project  
10 manager and construction manager to secure a general  
11 contractor. We've been mobilized on the site. Just  
12 this past month, we expect to have our facilities,  
13 which we settled on utilizing modular facilities  
14 that will meet educational occupancy from a private  
15 company here in Albuquerque. And they're scheduled  
16 to deliver those buildings by July 1st.

17 And we expect -- we've met with Indian  
18 Health Service; we've met with the utility company.  
19 They are in Navajo, and we expect to be able to move  
20 into our facilities by August 10th, which is a good  
21 month before we open our doors for the first day of  
22 classes, which will be September 14th.

23 THE CHAIR: Thank you. Sounds like things  
24 are going well.

25 Other questions, Commissioners?

1           Let me just ask, for clarification. Did I  
2 hear you say the buildings are leased?

3           MS. GARNENEZ: Yes. We will be leasing  
4 the modular facilities.

5           THE CHAIR: So you're setting them on  
6 foundations and all of that, but they are leased  
7 buildings?

8           MS. GARNENEZ: Yes.

9           THE CHAIR: You're not buying them?

10          MS. GARNENEZ: Yeah. We had entered into  
11 a three-year contract with them, with the private  
12 company. We did consult PSFA to see if that was  
13 something we could do. And we did -- we did receive  
14 word back that we could do that.

15          THE CHAIR: Could I just ask, why leasing  
16 rather than purchase?

17          MS. GARNENEZ: It was basically a business  
18 decision. With all of the work that needed to  
19 happen on the site, leasing at this point was the  
20 more -- in the immediate future, it was more  
21 feasible for us to do that and to spread that cost  
22 out over a three-year period than to purchase it all  
23 at once.

24          THE CHAIR: Will you have the opportunity  
25 to purchase those facilities, say, at the end of the

1 three-year lease?

2 MS. GARNENEZ: I don't believe so.

3 THE CHAIR: So tell me what the future  
4 looks like. At the end of three years, what do you  
5 do?

6 MS. GARNENEZ: Well, as we're building  
7 out, we will be looking to move in more facilities,  
8 which, at that point, we are looking to have -- I  
9 know there is also -- we would have to start  
10 thinking about lease-purchase options. So we would  
11 probably be looking to purchase those facilities in  
12 the future, as we bring them in; because right now,  
13 we are looking to bring in two facilities which  
14 would accommodate the number of students that we are  
15 expecting this year.

16 We're also working, at the same time, to  
17 look at bringing in more additional modular  
18 facilities, two a year. So those -- those contracts  
19 and those agreements would probably -- would be  
20 lease-to-purchase.

21 THE CHAIR: Thank you.

22 Any other questions?

23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair, not a  
25 question; a comment. I want to really congratulate

1 you for successfully getting through the tribal  
2 bureaucracy. I think that is an amazing feat. And  
3 you young people are really deserving of a big pat  
4 on the back for figuring out how to navigate that.

5 MS. GARNENEZ: Well, I think it's  
6 important to note that the Navajo Nation is very  
7 supportive of this. And they -- the different folks  
8 in the Department, our own council delegate and then  
9 the office of the President and Vice President have  
10 been bending over backwards to allow us to move  
11 through the process as quickly as possible.

12 COMMISSIONER TOULOUSE: Madam Chair, I  
13 just find it very interesting the contrast between  
14 what's happened in Shiprock and what is happening  
15 with you. And I think they're slightly different  
16 bureaucrats.

17 I could probably explain -- but I won't --  
18 what's happened in Shiprock, knowing Shiprock much  
19 better than I know your community. But I do still  
20 think it's quite a feat for you to have successfully  
21 gotten it through and have the support of the people  
22 you have; so well done.

23 THE CHAIR: Thank you.

24 Any other questions?

25 Ms. Begay, would you just share with



1 the -- with the full Commission -- we were visiting  
2 before the meeting started. You were letting us  
3 know how many students you have and so forth. I  
4 think everyone would appreciate knowing that.

5 MS. BEGAY: So as of right now, we have  
6 32 students in our applicant pool:  
7 24 seventh-graders and eight sixth-graders. We have  
8 17 pending applications. Our target is 40 students;  
9 but I believe we're going to go well over that when  
10 they see the buildings.

11 So we're really excited, and we've been  
12 meeting with families and students. And, you know,  
13 we have a lot of students who are from 12, 20 miles  
14 away, and they're willing to come out and be a part  
15 of our school.

16 So that's our update.

17 THE CHAIR: And staff?

18 MS. BEGAY: We just hired our  
19 administrator. Her name is Ms. Ellen Moore. And so  
20 we're really excited to have her join us. She  
21 couldn't make it here today. So she'll be our head  
22 administrator. I'm going to be one of the teachers,  
23 and we're looking for another teacher, as well as a  
24 Navajo language and culture teacher right now.

25 THE CHAIR: And what's your enrollment

1 cap?

2 MS. BEGAY: Our enrollment cap for sixth  
3 through eleventh, or --

4 THE CHAIR: The total.

5 MS. BEGAY: The total. The total is 180.

6 THE CHAIR: So you have a ways to go; but  
7 you've got a wonderful start. Good.

8 Any other questions?

9 Julie, please go ahead.

10 MS. LUCERO: CSD is recommending approval  
11 of a conditional commencement of operations for  
12 DEAP, with the condition that all items on the  
13 Planning Year Checklist and the attached Charter  
14 School Commencement of Operations Site Visit  
15 Checklist be completed no later than two weeks prior  
16 to the scheduled first day of school, as verified by  
17 CSD site visit.

18 If the school fails to meet these  
19 conditions, the term of the charter contract will be  
20 suspended for the remainder of the FY '16 and will  
21 commence in FY '17.

22 And if you'll notice, the Commencement of  
23 Operations Site Visit, the items included are the  
24 written curriculum for the first 45 days, resources  
25 necessary for implementation of the curriculum, as

1 articulated above, E-Occupancy certificate, copy of  
2 licenses, contracts with position descriptions,  
3 criminal background checks, and student enrollment  
4 forms to exceed the number of over eight.

5 THE CHAIR: Thank you, Julie, for that.

6 Commissioners, I would just ask that you  
7 notice the proposed motion is a little different  
8 from what we've seen before. But it goes along with  
9 the expanded document for the checklist, the  
10 Planning Year Checklist. So that all of these items  
11 that we've struggled with with some schools through  
12 the years are now part of the checklist and need to  
13 be completed in a timely manner before school is  
14 allowed to start.

15 So that's -- that's why the addition to  
16 the checklist and why the differently worded motion.

17 So any questions of the school or of  
18 Julie?

19 Hearing none, the Chair would entertain a  
20 motion. I would ask that you might want to see this  
21 Executive Summary for Item 7.

22 Commissioner Toulouse?

23 COMMISSIONER TOULOUSE: Madam Chair, I  
24 move that the Public Education Commission approve a  
25 conditional commencement of operations for DEAP,

1 with the condition that all items on the Planning  
2 Year Checklist and the attached Charter School  
3 Commencement of Operations Site Visit Checklist be  
4 completed no later than two weeks prior to the  
5 scheduled first day of school, as verified by a CSD  
6 site visit.

7 If DEAP fails to meet these conditions,  
8 the term of the charter contract will be suspended  
9 for the remainder of FY '16, and operations will  
10 commence in FY '17.

11 THE CHAIR: Thank you. You've heard the  
12 motion. May I have a second, please?

13 COMMISSIONER GIPSON: Second.

14 THE CHAIR: All right. I've heard  
15 Commissioner Gipson.

16 So our motion is by Commissioner Toulouse,  
17 second by Commissioner Gipson, to approve  
18 operation -- a commencement of operations for DEAP,  
19 with the conditions as noted on the record.

20 Any further discussion?

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

23 COMMISSIONER PERALTA: Commissioner Carr?

24 COMMISSIONER CARR: Yes.

25 COMMISSIONER PERALTA: Commissioner Pogna?

1 COMMISSIONER POGNA: Yes.  
2 COMMISSIONER PERALTA: Commissioner  
3 Chavez?  
4 COMMISSIONER CHAVEZ: Yes.  
5 COMMISSIONER PERALTA: Commissioner  
6 Toulouse?  
7 COMMISSIONER TOULOUSE: Yes.  
8 COMMISSIONER PERALTA: Commissioner  
9 Armbruster?  
10 COMMISSIONER ARMBRUSTER: Yes.  
11 COMMISSIONER PERALTA: Commissioner  
12 Bergman?  
13 COMMISSIONER BERGMAN: Yes.  
14 COMMISSIONER PERALTA: Commissioner  
15 Conyers?  
16 COMMISSIONER CONYERS: Yes.  
17 COMMISSIONER PERALTA: Commissioner  
18 Gipson?  
19 COMMISSIONER GIPSON: Yes.  
20 COMMISSIONER PERALTA: Commissioner  
21 Peralta votes "Yes."  
22 Commissioner Shearman?  
23 THE CHAIR: Yes.  
24 COMMISSIONER PERALTA: Madam Chair, that  
25 is a ten-to-zero vote in favor of the motion.

1 THE CHAIR: Thank you very much. The  
2 motion passes unanimously.

3 MS. GARNENEZ: Thank you, Commissioners.

4 THE CHAIR: Thank you, all. Have a great  
5 year.

6 Our next school is Sandoval Academy of  
7 Bilingual Education. If there is anyone here from  
8 that school, would they please come forward?

9 Good morning. How are you?

10 MR. VALLEJO: Good morning.

11 THE CHAIR: Please introduce yourselves.

12 MR. VALLEJO: Certainly. I am Pedro  
13 Vallejo. I am the principal of SABE.

14 MS. HUFFMON: And I'm Paola Huffmon, and  
15 I'm a Board member.

16 THE CHAIR: Thank you.

17 Julie, whenever you're ready.

18 MS. LUCERO: Madam Chair, members of the  
19 Commission, Sandoval Academy of Bilingual Education  
20 has also completed all items on their Planning Year  
21 Checklist, with the exception of the E-Occupancy.  
22 They do currently have a facility, and they have  
23 started renovations on that. CSD is also  
24 recommending approval of an additional commencement  
25 of operations for SABE, with the condition that all

1 items on the Planning Year Checklist and the  
2 attached Charter School Commencement of Operations  
3 Site Visit Checklist be completed no later than two  
4 weeks prior to the scheduled first day of school, as  
5 verified by a CSD visit.

6 If the school fails to meet these  
7 conditions, the term of the charter contract will be  
8 suspended for the remainder of the FY '16, and  
9 operations will commence in FY '17.

10 THE CHAIR: Thank you.

11 Commissioners, do you have any questions?

12 I see -- I hear no questions.

13 In that case, the Chair would entertain a  
14 motion. I again refer you to the Executive Summary  
15 for Item No. 7.

16 Do we have a motion?

17 Commissioner Peralta?

18 COMMISSIONER PERALTA: Madam Chair, I move  
19 that the Public Education Commission approve a  
20 conditional commencement of operations for Sandoval  
21 Academy of Bilingual Education with the condition  
22 that all items on the Planning Year Checklist and  
23 the attached Charter School Commencement of  
24 Operations Site Visit checklist be completed no  
25 later than two weeks prior to the scheduled first

1 day of school, as verified by a CSD site visit.

2 If SABE fails to meet these conditions,  
3 the term of the charter contract will be suspended  
4 for the remainder of the FY '16, and operations will  
5 commence in FY '17.

6 THE CHAIR: Thank you, Commissioner. Do  
7 we have a second?

8 COMMISSIONER CARR: Second.

9 THE CHAIR: Motion by Commissioner  
10 Peralta, second by Commissioner Carr, to approve the  
11 commencement of operations for Sandoval Academy of  
12 Bilingual Education, with the conditions as noted in  
13 the motion.

14 Is there further discussion?

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

17 COMMISSIONER PERALTA: Commissioner  
18 Armbruster?

19 COMMISSIONER ARMBRUSTER: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Conyers?

25 COMMISSIONER CONYERS: Yes.



1 COMMISSIONER PERALTA: Commissioner  
2 Peralta votes "Yes."  
3 Commissioner Pogna?  
4 COMMISSIONER POGNA: Yes.  
5 COMMISSIONER PERALTA: Commissioner Carr?  
6 COMMISSIONER CARR: Yes.  
7 COMMISSIONER PERALTA: Commissioner  
8 Toulouse?  
9 COMMISSIONER TOULOUSE: Yes.  
10 COMMISSIONER PERALTA: Commissioner  
11 Chavez?  
12 COMMISSIONER CHAVEZ: Yes.  
13 COMMISSIONER PERALTA: Commissioner  
14 Bergman?  
15 COMMISSIONER BERGMAN: Yes.  
16 COMMISSIONER PERALTA: Commissioner  
17 Shearman?  
18 THE CHAIR: Yes.  
19 COMMISSIONER PERALTA: Madam Chair, that  
20 is a ten-to-zero vote in favor of the motion.  
21 THE CHAIR: Thank you. The motion passes  
22 unanimously to approve commencement of operations of  
23 Sandoval Academy of Bilingual Education, with  
24 conditions as noted.  
25 Congratulations.

1 MR. VALLEJO: Thank you, Madam Chair and  
2 Commissioners.

3 THE CHAIR: Thank you. Have a great year.

4 Next we have Technology Leadership High  
5 School. If those representatives would come  
6 forward, please?

7 Good morning. Will you introduce  
8 yourselves, please?

9 MS. CORTAZZO: My name is Kara Cortazzo,  
10 K-A-R-A, C-O-R-T-A-Z-Z-O. And I'm one of the  
11 founders, and I'm the executive director of  
12 Technology Leadership High School.

13 MR. FAHSEL: Hello, Commissioners. My  
14 name is Kyle, K-Y-L-E, Fahsel, F-A-H-S-E-L. And I  
15 am a school development fellow assisting Kara on the  
16 development of the school during the planning year.

17 MR. IVEY-SOTO: Good morning, Madam Chair,  
18 Commissioners. My name is Daniel Ivey-Soto. I am  
19 counsel to the school.

20 THE CHAIR: Thank you. Julie, whenever  
21 you're ready.

22 MS. LUCERO: Madam Chair, members of the  
23 Commission, I'll go ahead and let Tech Leadership  
24 give us an update on their facility.

25 They have completed all other items on

1 their Planning Year Checklist in a timely manner.  
2 They've done a really great job with that.

3 But I'll go ahead and hand the facility  
4 over to them and then make a recommendation.

5 THE CHAIR: All right. Please go ahead.

6 MS. CORTAZZO: Good morning, Madam Chair,  
7 Commissioners, and PED Staff. My name is Kara  
8 Cortazzo. I'm the Executive Director of Technology  
9 Leadership High School that will reside in the  
10 southeast of Albuquerque.

11 I am happy to report that Technology  
12 Leadership is on schedule to open August 17. We  
13 currently have 70 students enrolled and have hired  
14 three out of our four teachers. Our building  
15 renovation in the Sandia Tech Park is also on  
16 schedule, and we are excited for the coming school  
17 year.

18 So at this point, we have about two more  
19 weeks, and construction will be completed within the  
20 renovation of the building.

21 THE CHAIR: That is wonderful to hear.  
22 Thank you.

23 MR. IVEY-SOTO: And I might also add that  
24 before she left the country, Ms. Poulos stopped by  
25 our facility and actually took a look around and

1 talked to the construction crew and was able to see  
2 for herself where we were.

3 THE CHAIR: That's great to hear. Julie?

4 MS. LUCERO: Madam Chair, members of the  
5 Commission, CSD is recommending approval of a  
6 conditional commencement of operations for Tech  
7 Leadership High School, with the condition that all  
8 items on the Planning Year Checklist and the  
9 attached Charter School Commencement of Operations  
10 Site Visit Checklist be completed no later than two  
11 weeks prior to the scheduled first day of school, as  
12 verified by a CSD visit.

13 If the school fails to meet these  
14 conditions, the term of the charter contract will be  
15 suspended for the remainder of the FY '16, and  
16 operations will commence in FY '17.

17 THE CHAIR: Thank you.

18 Commissioners, any discussion?

19 Commissioner Toulouse?

20 COMMISSIONER TOULOUSE: Madam Chair, I  
21 didn't hear anything about PSFA approval. Do you  
22 have that for that facility, just to dot all the i's  
23 and cross the t's.

24 MS. CORTAZZO: Yes, they came out in  
25 February, I believe, yes.

1 THE CHAIR: Thank you. Commissioner  
2 Bergman?

3 COMMISSIONER BERGMAN: Refresh my memory.  
4 Where is the Sandia Tech Park located.

5 MS. CORTAZZO: The main cross streets in  
6 Southeast Albuquerque are Central and Eubank. If  
7 you go south on Eubank from Central, it's right  
8 before you go into the gate to the base.

9 COMMISSIONER BERGMAN: Thank you very  
10 much.

11 THE CHAIR: Any other questions? Hearing  
12 none, the Chair would entertain a motion.

13 COMMISSIONER GIPSON: Okay.

14 THE CHAIR: Commissioner Gipson?

15 COMMISSIONER GIPSON: It's my turn.

16 Madam Chair, I move that the Public  
17 Education Commission approve a conditional  
18 commencement of operations for Technology Leadership  
19 High School, with the condition that all items on  
20 its Planning Year Checklist and the attached Charter  
21 School Commencement of Operations Site Visit  
22 Checklist be completed no later than two weeks prior  
23 to the scheduled first day of school, as verified by  
24 a CSD site visit.

25 If Technology Leadership High School fails

1 to meet these conditions, the term of the charter  
2 contract will be suspended for the remainder of  
3 FY '16, and operations will commence in FY '17.

4 THE CHAIR: Thank you. You've heard the  
5 motion. Do we have a second?

6 Commissioner Pogna.

7 Motion by Commissioner Gipson, second by  
8 Commissioner Pogna, to approve the commencement of  
9 operations of Technology Leadership High School,  
10 with the conditions as noted in the motion.

11 Are there further discussion or questions?

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

14 COMMISSIONER PERALTA: Commissioner  
15 Peralta will vote "Yes."

16 Commissioner Conyers?

17 COMMISSIONER CONYERS: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Gipson?

20 COMMISSIONER GIPSON: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Bergman?

1 COMMISSIONER BERGMAN: Yes.

2 COMMISSIONER PERALTA: Commissioner

3 Toulouse?

4 COMMISSIONER TOULOUSE: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Shearman?

7 THE CHAIR: Yes.

8 COMMISSIONER PERALTA: Commissioner Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Chavez?

12 COMMISSIONER CHAVEZ: Yes.

13 COMMISSIONER PERALTA: Commissioner Carr?

14 COMMISSIONER CARR: Yes.

15 COMMISSIONER PERALTA: Madam Chair, that

16 is a ten-to-zero vote in favor of the motion.

17 THE CHAIR: Thank you. The motion passes

18 unanimately to commence operations for Technology

19 Leadership High School, with those conditions as

20 noted.

21 Thank you very much. Have a great year.

22 MS. CORTAZZO: Thank you.

23 THE CHAIR: Commissioners, I think this is

24 a pretty good place to take a break. Shall we take

25 about 10 minutes? Fifteen?

1 COMMISSIONER BERGMAN: Ten.

2 THE CHAIR: Let's come back at 17 after.

3 (Recess taken, 10:04 a.m. to 10:17 a.m.)

4 THE CHAIR: I call back into session this  
5 meeting of the Public Education Commission.

6 COMMISSIONER TOULOUSE: Sorry,  
7 Madam Chair. My knees don't move that fast.

8 THE CHAIR: Commissioners, I believe we  
9 are to Item No. 8 on the agenda, Report from Options  
10 for Parents and the Charter School Division.  
11 Discussion and Possible Action on Schools of Concern  
12 is Item A.

13 So, Julie, if you would, please?

14 MR. PAHL: Madam Chair, members of the  
15 Commission --

16 THE CHAIR: Oh, I'm sorry. Let me back  
17 up. If you've noticed on the agenda, when we were  
18 on Item 6 talking about amendments, Item A on that  
19 was actually the Masters Program, requesting an  
20 enrollment cap.

21 I am told that there has been some  
22 confusion, mix-up with the paperwork, and that all  
23 the required paperwork is not ready today.

24 I do know there are some representatives  
25 here from the school, and I apologize for you being



1 here today; but we are going to put this item off to  
2 the July meeting so that we have all the required  
3 paperwork, everything is in order, and there will be  
4 no question, when the action is taken on that  
5 amendment, that it's correct.

6 So, again, I apologize for the confusion;  
7 but we will handle that on our July agenda. Okay?  
8 And thank you, Masters Program, for being here.

9 Now, let's go back to Item No. 8. Julie,  
10 if you would begin with the Schools of Concern,  
11 please.

12 MS. LUCERO: Madam Chair, members of the  
13 Commission, the first School of Concern is Southwest  
14 Learning Centers. CSD has no additional updates at  
15 this time. CSD will provide all updates to the PEC,  
16 when available.

17 THE CHAIR: Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: On those schools,  
19 do we know what the status of their governance  
20 councils are and whether they have enough members  
21 now or not?

22 MS. LUCERO: Madam Chair, members of the  
23 Commission, yes, they do have all the required  
24 members at this time.

25 COMMISSIONER TOULOUSE: Thank you.

1 THE CHAIR: And I just have one question.  
2 I do know they've had some turnover in staff. I  
3 know their head administrator has made it known he  
4 is leaving, may have already left. Do you know how  
5 the search for his replacement is going?

6 MS. LUCERO: Madam Chair, members of the  
7 Commission, I just received an update yesterday from  
8 Robert Pasztor. He is the only administrator for  
9 all three schools. And they are currently looking  
10 for new administrators; so he said they are in  
11 search of those positions currently.

12 THE CHAIR: Commissioners, any other  
13 questions on Southwest Learning Centers?

14 COMMISSIONER CARR: Madam Chair?

15 THE CHAIR: Commissioner Carr?

16 COMMISSIONER CARR: I guess just a  
17 statement. I'm disappointed that I don't -- that we  
18 don't know anything yet. And it's not your fault,  
19 you know. But I -- this is a school of great  
20 concern to me. We revoked a charter yesterday on a  
21 school, you know. And I -- I just -- I hope we get  
22 to hear something quickly.

23 I don't know if there's anything you guys  
24 can do; but I just think one of the reasons they  
25 can't find a director is because they're currently

1 under investigation by the FBI. I wouldn't want to  
2 go to work for them, you know, under those  
3 conditions, you know.

4 So it's just -- I just want to make the  
5 statement that it's of continuing concern, and I  
6 hope we can hear something sooner than later.

7 THE CHAIR: Thank you. Any other  
8 comments?

9 Okay. Mr. Pahl?

10 MR. PAHL: Madam Chair, just an add-on to  
11 Commissioner Carr's comments. The Charter Schools  
12 Division will be keeping track of their staffing  
13 levels for the same reasons that they -- that  
14 Commissioner Carr has speculated as to why they're  
15 having a hard time finding administrators. They  
16 may, for the same reasons, be having a hard time  
17 finding teachers. And so we'll be keeping an eye on  
18 that.

19 If they don't have enough teachers to  
20 serve their students appropriately, there may have  
21 to be some -- some intervening by the Commission to  
22 ensure that they are able to do that, or by the  
23 Department. But we'll keep you up-to-date on that  
24 as the summer progresses.

25 THE CHAIR: Has there been any

1 communication from the schools on the condition that  
2 was imposed by the Commission when we approved them  
3 for renewal on combining or consolidating some  
4 schools? Have they -- do they have a plan in place?  
5 Are they even talking about it?

6 MS. LUCERO: Madam Chair, members of the  
7 Commission, they talked about that during  
8 negotiations, and bringing that plan together when  
9 they renew in the next two years.

10 And Commissioner Bergman may recall the  
11 conversation during negotiations about them speaking  
12 to combining the schools during their next renewal.

13 THE CHAIR: Commissioner Bergman?

14 COMMISSIONER BERGMAN: They're in no rush.  
15 I remember when we had the discussion. They're in  
16 no rush to do that. There were issues raised at  
17 that time. I'm sure by the time this two years  
18 passes that something -- they will either decide to  
19 do it, or they'll decide not to do it. And then I  
20 guess we have to decide what we're going to do next  
21 after that.

22 I hope I'm not wrong, based on something  
23 Commissioner Carr just said. I don't believe the  
24 schools are under investigation by the FBI. I  
25 believe former employees are under investigation by

1 the FBI. So I don't think the schools are under  
2 investigation. I think -- I don't think they -- I'm  
3 not sure.

4 COMMISSIONER CARR: We don't know.

5 COMMISSIONER BERGMAN: I don't want to  
6 read the headline in the Albuquerque Journal  
7 tomorrow that the schools are under investigation  
8 when I don't believe they are. Thank you.

9 THE CHAIR: Commissioner Toulouse?

10 COMMISSIONER TOULOUSE: Madam Chair,  
11 Mr. Pahl, is PED still continuing to handle the  
12 finances for the schools?

13 MR. PAHL: Madam Chair, members of the  
14 Commission, yes.

15 COMMISSIONER TOULOUSE: Then, Madam Chair,  
16 I would feel they aren't out from under  
17 investigation or out of the woods if PED hasn't felt  
18 it's time to hand back the finances, either. So I  
19 would have continuing concerns. And I know none of  
20 us can hurry up the FBI. But maybe PED can talk to  
21 the State Auditor and the State Attorney General and  
22 see if they can prod out a little more information.

23 Thank you.

24 MR. PAHL: Madam Chair, just to be clear,  
25 we're serving as their Board of Finance. We're not

1 acting as their business manager. I know that's  
2 what you meant. Just a clarification for the  
3 audience and the Commission.

4 THE CHAIR: Thank you. Anything else?  
5 All right. Let's move on, Julie, to  
6 Dream Diné.

7 MS. LUCERO: Madam Chair and members of  
8 the Commission, Dream Diné has provided an update on  
9 their facility. They're getting closer. They still  
10 have concerns with their fire -- fire alarm system  
11 and waiting on that to clear before receiving  
12 E-Occupancy. They anticipate that this will all be  
13 taken care of within the next two to four weeks.

14 What CSD would like to recommend for  
15 Dream Diné is something similar to what we  
16 recommended with our schools on the earlier -- No. 7  
17 on the agenda. If the school fails to meet, we want  
18 to propose that we use the same Commencement of  
19 Operations Site Visit that we recommended earlier.

20 If the school fails to meet the terms of  
21 this site visit two weeks prior to the start of the  
22 school, the charter of the school contract will be  
23 suspended for the remainder of FY '16. The school  
24 will be reconsidered for FY '17.

25 If the school meets these conditions, CSD

1 would like to complete a first-year site visit no  
2 later than 45 days from the beginning of the school  
3 year, with the intent that a report on this visit to  
4 the PEC will provide sufficient information to  
5 remove the school from the Schools of Concern list.

6 THE CHAIR: Okay. Commissioners, you've  
7 heard the recommendation. Do we have that in  
8 writing, Julie?

9 MS. LUCERO: The recommendation? No. But  
10 we can use a similar -- or I can -- actually, I have  
11 a written note. I could pass that down to you.

12 THE CHAIR: It might be better, if we're  
13 going to have a motion, to use that wording to be  
14 sure we get it all in there.

15 Commissioners, do you have any questions?  
16 Commissioner Bergman?

17 COMMISSIONER BERGMAN: Given how far the  
18 school had to go, Julie, can you define a little bit  
19 what "closer" means, since we're two months away  
20 from another school year starting? I mean, that's  
21 pretty close.

22 MS. LUCERO: Madam Chair, Commissioner  
23 Bergman, the updates are very similar to last month.  
24 They're waiting on final approval. And I'm not  
25 sure. We may have someone in the audience that

1 could speak to that. I don't know if that is the  
2 case.

3 But what it is, is they are waiting for a  
4 response from the Fire Marshal. Pending a positive  
5 review, our next step is to schedule a visit with  
6 the Nation Navajo Fire Marshal to test the fire  
7 alarm system. CID's last visit identified  
8 deficiency on the approved fire alarm. When the  
9 Fire Marshal has signed off on the alarm, the CID  
10 will revisit, and E-Occupancy will be approved.

11 So it looks like one final step is what  
12 they're waiting on.

13 COMMISSIONER BERGMAN: Thank you, Julie.  
14 Thank you, Madam Chair.

15 THE CHAIR: Julie, do we know how many  
16 students they had at the end of this past school  
17 year?

18 MS. LUCERO: Madam Chair, members of the  
19 Commission, they had 14 students. And I was on site  
20 there pretty late in the year, and they did have  
21 students who were interested in the upcoming year  
22 and had received notice of intent to return. So it  
23 looks like their enrollment will be the same and  
24 hopefully, a little greater.

25 THE CHAIR: Thank you. Any other



1 questions or comments?

2 Hearing none, the Chair would entertain a  
3 motion. And whoever chooses to make that motion, I  
4 would ask that you visit with Julie and get the  
5 wording correct so we get those conditions listed in  
6 there.

7 Commissioner Gipson, would you be  
8 interested in doing that, since you are so close?

9 COMMISSIONER GIPSON: Sure. Okay.  
10 Let's -- Madam Chair, I move that the Public  
11 Education Commission approve the -- Dream Diné be  
12 required to complete the charter school Commencement  
13 of Operations Site Visit that has been recommended  
14 for the school. If the school fails to meet the  
15 terms of the site visit two weeks prior to the start  
16 of the school term, the term of the charter contract  
17 will be suspended for the remainder of FY '16, and  
18 the school will be reconsidered for FY '17.

19 THE CHAIR: Thank you very much. Do we  
20 have a second?

21 COMMISSIONER BERGMAN: Second.

22 THE CHAIR: Motion by Commissioner Gipson,  
23 second by Commissioner Bergman, considering  
24 Dream Diné's possible commencement or continued  
25 operation in the next school year, with conditions

1 as noted in the official motion.

2 Is there any discussion?

3 (Chair consults with counsel.)

4 THE CHAIR: Julie, can you tell me if the  
5 school has been notified of this potential  
6 recommendation?

7 MS. LUCERO: Madam Chair, members of the  
8 Commission, yes. Ms. Poulos has mentioned this to  
9 the organization that supports them. And I am --  
10 communicate pretty well with Gavin, and we will talk  
11 about this in depth. When we were at our site  
12 visit, we did raise concern about the E-Occupancy  
13 and really stressed the importance of receiving that  
14 early in August.

15 THE CHAIR: Okay. Thank you.  
16 Commissioner Toulouse?

17 COMMISSIONER TOULOUSE: Madam Chair, not  
18 having been on the Commission as long as some of the  
19 rest of you, I don't understand -- I know that it  
20 says we can suspend charters. But I've never seen  
21 it happen, and I don't know the legality or the  
22 process in doing it.

23 And to me, I'm not sure this necessarily  
24 meets the legal position of suspending a charter at  
25 this point. So I don't know. Could our legal

1 counsel give me some advice?

2 MR. GRANATA: Madam Chair, Commissioner  
3 Toulouse and Commissioners, it's -- while the term  
4 "suspension" isn't necessarily defined in the  
5 Charter School Act, I think in this particular  
6 circumstance, it does make sense. When a school  
7 hasn't commenced operations, it would make sense  
8 that at that point in time, they could be suspended,  
9 as opposed to if a school had already commenced  
10 operations, it wouldn't.

11 COMMISSIONER TOULOUSE: They have.

12 THE CHAIR: They've been in operation.

13 MR. GRANATA: In terms of serving  
14 students?

15 THE CHAIR: Yes.

16 COMMISSIONER TOULOUSE: Madam Chair, I  
17 also -- I understand that the building they're in  
18 does meet E-Occupancy and has, and the problem has  
19 been continuing to extend that lease, which has  
20 continued to be extended.

21 So I just have concerns about doing a  
22 suspension in this way with no advance notice to us  
23 and nothing in the agenda that let me think that  
24 they were likely to do this. And therefore, them  
25 not having a representative here, I just -- I have

1 concerns about this.

2 MR. GRANATA: Madam Chair, Commissioners,  
3 I agree with Commissioner Toulouse, then, at this  
4 point in time. I mean, I guess the next possible  
5 consideration for the PEC would be to revoke the  
6 charter. So that's what I think.

7 THE CHAIR: Well, in my mind, the issue is  
8 they have been in a temporary facility -- or a  
9 facility that was supposed to be temporary, this  
10 entire school year with their new permanent facility  
11 sometime in the future going to be ready. And it  
12 was always next month or next month or next -- so  
13 now, they're saying it's just a matter of a few  
14 weeks, perhaps, and that this facility is ready.

15 So if the new facility is not ready in  
16 time for school to start, do they have the old  
17 facility that they've been leasing as a fallback?  
18 Is it still available?

19 MS. LUCERO: Madam Chair, members of the  
20 Commission, when I spoke with Gavin during our  
21 visit, he was not confident that they did have that  
22 temporary facility for the upcoming year. But I  
23 would need to get clarification from him to verify  
24 that.

25 THE CHAIR: Mr. Pahl?

1 MR. PAHL: Madam Chair, I think the  
2 difference between a decision based on the proposed  
3 motion by Commissioner Gipson -- I don't know that  
4 the timing makes that much of a difference between  
5 June and July. And perhaps our best course of  
6 action is to ensure that the school has a  
7 representative here to ask some of these questions  
8 at the July meeting and ensure that we're properly  
9 documented to make this decision at the July  
10 meeting.

11 It would -- I think we feel confident  
12 that -- the Charter School Division feels confident  
13 that this is the right course of action as far as a  
14 recommendation; but we're highlighting a few things  
15 here as far as background information that may make  
16 it better for July. And maybe by July, they're in  
17 their building, and we don't need to consider this  
18 anyhow.

19 THE CHAIR: Just for clarification in my  
20 mind, the crux of the matter is if -- if -- when  
21 it's two weeks before time for school to start, if  
22 their new facility is not ready, and the old  
23 facility is no longer available, then they have no  
24 place to have school, and so they would not be able  
25 to start school.

1           Is that essentially what we're talking  
2           about here?

3           MR. PAHL: Yes, Madam Chair. That's what  
4           we're recommending, as Staff.

5           THE CHAIR: Commissioner Bergman?

6           COMMISSIONER BERGMAN: I think we're a  
7           little premature. I think we're playing "what if."  
8           What if they don't get ready? I think we should  
9           withdraw the motion at this time, and we can  
10          certainly visit this in July. But I think we're a  
11          little early.

12          COMMISSIONER GIPSON: Madam Chair, I will  
13          withdraw the motion.

14          THE CHAIR: All right. Thank you. We did  
15          not have a second, did we?

16          Okay. So the motion is withdrawn.

17          COMMISSIONER CARR: Madam Chair, I had  
18          a --

19          THE CHAIR: Commissioner Carr?

20          COMMISSIONER CARR: Maybe -- you know,  
21          yes, we are playing a lot of "what ifs" here. What  
22          if -- then why don't we -- instead of "what if," why  
23          don't we give them a certain period of time, and  
24          then, you know, over the next two weeks, let's see  
25          what's going on? And then possibly, we want to have

1 a hearing like we had for Health Sciences Academy  
2 to -- to see what's going on so that we're giving  
3 them their due process.

4 So I -- maybe set up the possibility.  
5 We'll have a -- or maybe set up a hearing, and then  
6 we can cancel the hearing if things go the way they  
7 want it to go. But when we do a hearing, we need to  
8 give some notice. We can always cancel the hearing.

9 And so I just want to make sure that we  
10 give them the same due process that we've given  
11 other schools. Just my thought.

12 THE CHAIR: Thank you, Commissioner.

13 I wonder perhaps if we take Mr. Pahl's  
14 suggestion to put them on the July agenda. And then  
15 if things are not in place in July, we will need to  
16 see what the next step is.

17 Would you agree, Mr. Granata?

18 MR. GRANATA: Yes, Madam Chair.

19 THE CHAIR: Okay. So --

20 COMMISSIONER CARR: My only concern -- you  
21 know, my concerns now are with the children that are  
22 wanting to enroll in this school -- well, teachers,  
23 too, but children first -- the idea that, you know,  
24 they're going to have to figure out where they're  
25 going to go if this school doesn't open.

1           So the sooner we know, the better it will  
2 be for them. So that's my concern, that we wait  
3 till July and see what happens, and then we need to  
4 get a hearing, and then maybe we need to revoke the  
5 charter.

6           Of course, it's kind of moot if they  
7 can't -- if they don't have a building, they're not  
8 going to open anyway. So maybe if that happens, I  
9 guess there's not any immediacy involved.

10           But -- and I don't know -- not having a  
11 building, is that a material violation? I don't  
12 think -- I don't think it technically is; but it  
13 certainly works out that way.

14           COMMISSIONER TOULOUSE: Madam Chair, let  
15 me call point of order on this and say this isn't an  
16 agenda item at this point. It wasn't -- they're not  
17 in any of the written material on the list; so I  
18 don't think we should really go any further, other  
19 than to say let's put them on the July agenda.

20           Thank you.

21           THE CHAIR: Is anybody opposed to putting  
22 them on the July agenda? Then I think that's what  
23 we should do.

24           Julie, did you have a comment?

25           MS. LUCERO: Madam Chair, members of the



1 Commission, I also want to add, when I was at the  
2 site visit, I did see the new facility. I did see  
3 the new facilities and actually walked through the  
4 classrooms. They are waiting on the fire alarm  
5 piece. I'm hopeful that will be taken care of by  
6 August.

7 THE CHAIR: Keep us posted as developments  
8 occur. Let the Commission know. Can we do that?

9 Would you, please?

10 MS. LUCERO: Yes.

11 THE CHAIR: Okay. Thank you very much.

12 All right. Let's move on to Item 3,  
13 La Resolana Leadership Academy.

14 MS. LUCERO: Madam Chair, we do have  
15 members from this school here, if they would like to  
16 come up.

17 Madam Chair, CSD worked with the school.  
18 And based on the review of the La Resolana  
19 Leadership Academy's Corrective Action Plan, the CSD  
20 recommends approval, with the condition that the  
21 school provide reports and evidence to the PEC,  
22 through CSD, in a timely manner.

23 You will see that we included the  
24 action -- the Corrective Action Plan in the binder.

25 THE CHAIR: Good morning.

1 MS. MONTOYA: Good morning, Madam  
2 Commissioner and Commissioners.

3 THE CHAIR: While we're looking through  
4 this Corrective Action Plan, if you would like to  
5 bring any information to us we'd be happy to hear  
6 from you.

7 MS. MONTOYA: Thank you. Am I doing this  
8 right?

9 First of all, I'd like to say that this  
10 has been a very upsetting experience for us, to be  
11 placed in this position by a Level 2 special ed  
12 teacher with 17 years of experience. We did -- with  
13 these audit findings, there were a couple of  
14 clerical errors. But these mistakes in service  
15 pages and accuracy and reporting to S.T.A.R.S. has  
16 been a very unfortunate experience for our school,  
17 because we have never had these kind of findings  
18 before, either material violations or major audit  
19 findings.

20 So this has been a very upsetting  
21 experience for all of us. To correct this, that  
22 teacher's contract was not renewed. I have replaced  
23 her. And we're looking forward to working with the  
24 IEP specialist that we are contracting with for the  
25 2015-'16 school year.

1 I've already met with her to establish the  
2 parameters for her leadership and her guidance  
3 through this process. And our goal is to correct  
4 the errors that have been made and provide a high  
5 quality special ed program for our students and to  
6 be compliant with this Corrective Action Plan.

7 THE CHAIR: Thank you. We appreciate your  
8 willingness to work with CSD and with us to -- to  
9 bring your school to the level that we all want it  
10 to be.

11 MS. MONTOYA: Thank you, Commissioner.  
12 (Reporter requests name of speaker.)

13 MS. MONTOYA: Justina Montoya. And I'm  
14 the principal.

15 MS. LUCERO: Madam Chair, members of the  
16 Commission, I apologize. The Corrective Action Plan  
17 was not included in your binder; but I will send  
18 that out to you as soon as I can obtain a copy.

19 THE CHAIR: Because I'm looking at the  
20 instructional audit. Okay. Manual. Okay. All  
21 right.

22 So can you -- can you just flesh out this  
23 Corrective Action Plan for us a little bit?

24 MS. LUCERO: Madam Chair, members of the  
25 Commission, the school has come up with these

1 conditions, and CSD has worked with them. They will  
2 receive additional training in writing IEPs, which  
3 is very important. They'll work collaboratively  
4 with the Special Education Bureau, and we will  
5 continue to perform additional site visits to make  
6 sure that they are on the right track.

7 They'll provide evidence that these things  
8 are occurring through sign-in sheets, calendars,  
9 those type -- and we'll also be -- we have a very  
10 collaborative partnership with the Special Education  
11 Bureau. We'll also be working with them to make  
12 sure they are in compliance with these items.

13 THE CHAIR: On the -- on the Corrective  
14 Action Plan, are there very definitive due dates?

15 MS. LUCERO: Madam Chair, members of the  
16 Commission, yes, there are very defined dates where  
17 all this evidence is due.

18 THE CHAIR: Commissioner Armbruster?

19 COMMISSIONER ARMBRUSTER: I'm sorry. I  
20 must have been asleep for a second. What is the  
21 violation? Or did I just not see it?

22 MS. LUCERO: Madam Chair, Commissioner  
23 Armbruster, we actually brought the concerns to the  
24 Commission last month. And the concerns were  
25 over-reporting Level D students --

1 COMMISSIONER ARMBRUSTER: Oh, I remember.

2 MS. LUCERO: -- when they should have  
3 been -- they were inaccurately reported to  
4 S.T.A.R.S. And their IEPs were written  
5 inaccurately. So those are the items that they are  
6 writing a Corrective Action Plan for.

7 COMMISSIONER ARMBRUSTER: Thank you.

8 THE CHAIR: Any other questions?

9 Commissioner Bergman?

10 COMMISSIONER BERGMAN: Julie, I'm just  
11 kind of curious. I know our protocols, and your  
12 protocols for your site visits are comprehensive and  
13 everything. But since we're seeing more and more of  
14 these special education glitches showing up, are you  
15 and the people doing the site visits, have you  
16 had -- have you guys had the training to spot these  
17 kind of things? Or are you going to have to start  
18 taking somebody maybe from the Special Ed Bureau or  
19 something on your site visits?

20 I raise that just for thought. Would you  
21 have a comment on that?

22 MS. LUCERO: Madam Chair, Commissioner  
23 Bergman, actually, the additional audits that are  
24 occurring when we go to look at special education,  
25 they always occur with a representative from the

1 Special Education Bureau. So it has been myself and  
2 an administrator from the Bureau themselves.

3 COMMISSIONER BERGMAN: Great. Thank you.

4 Thank you, Madam Chair.

5 THE CHAIR: Thank you. Any other --  
6 Commissioner Armbruster?

7 COMMISSIONER ARMBRUSTER: Now that I'm  
8 awake, I do remember this. It was numbers, 13, and  
9 there were three; right? So does that money have --  
10 it's been collected, reclaimed, whatever the word  
11 is, from the school for over-reporting? Is that the  
12 deal?

13 MS. MONTOYA: Yes, Madam Commissioner.  
14 That money has been reclaimed through our 2015-'16  
15 school budget. And we will also be reporting  
16 quarterly to the CSD Director and to the CSD Staff,  
17 our liaison, in terms of compliance with our  
18 Corrective Action Plan.

19 COMMISSIONER ARMBRUSTER: Thank you.

20 THE CHAIR: Any other comments?

21 Hearing none, the Chair would entertain a  
22 motion. I would direct your attention to the  
23 Executive Summary for Item 8. There are -- there's  
24 wording for several different proposed motions.

25 Commissioner Bergman?

1 COMMISSIONER BERGMAN: Madam Chair, I  
2 would move that the Public Education Commission  
3 approve La Resolana Leadership Academy's Corrective  
4 Action Plan presented to the Commission today. And  
5 I'm not going to read that little part there,  
6 because it's not in our materials today.

7 Let me start over.

8 It says in our materials, found in our  
9 materials; but it's not in our materials.

10 THE CHAIR: But it will be sent to us.

11 COMMISSIONER BERGMAN: Maybe I'll word it  
12 that way. Madam Chair, I'll start over.

13 I move that the Public Education  
14 Commission move to approve La Resolana Leadership  
15 Academy's Corrective Action Plan presented to the  
16 Commission today and to be made available to the  
17 Commissioners in the near future for today's  
18 Commission meeting, with the condition that the  
19 school provides reports and evidence to the PEC,  
20 through CSD, in a timely manner.

21 THE CHAIR: Thank you.

22 Do we have a second?

23 COMMISSIONER ARMBRUSTER: Second.

24 THE CHAIR: I'm sorry? Commissioner  
25 Armbruster.

1 Motion by Commissioner Bergman, second by  
2 Commissioner Armbruster to approve the Corrective  
3 Action Plan of La Resolana Leadership Academy, as  
4 noted in the official motion.

5 Is there further discussion?

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

8 COMMISSIONER PERALTA: Commissioner  
9 Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER PERALTA: Commissioner  
12 Bergman?

13 COMMISSIONER BERGMAN: Yes.

14 COMMISSIONER PERALTA: Commissioner  
15 Gipson?

16 COMMISSIONER GIPSON: Yes.

17 COMMISSIONER PERALTA: Commissioner  
18 Conyers?

19 COMMISSIONER CONYERS: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Armbruster?

22 COMMISSIONER ARMBRUSTER: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.



1 COMMISSIONER PERALTA: Commissioner Pogna?

2 COMMISSIONER POGNA: Yes.

3 COMMISSIONER PERALTA: Commissioner Carr?

4 COMMISSIONER CARR: Yes.

5 COMMISSIONER PERALTA: Commissioner

6 Peralta votes "Yes."

7 Commissioner Shearman?

8 THE CHAIR: Yes.

9 COMMISSIONER PERALTA: Madam Chair, that  
10 is a ten-to-zero vote in favor of the motion.

11 THE CHAIR: Thank you. The motion passes  
12 unanimously to approve the Corrective Action Plan  
13 for La Resolana.

14 Congratulations. Hope you have a great  
15 year.

16 MS. MONTOYA: Thank you very much,  
17 Commissioners.

18 THE CHAIR: If we have anyone here from  
19 Mission Achievement and Success Charter School, I  
20 would invite them to come down.

21 Julie, whenever you're ready. And I  
22 believe we have a handout.

23 COMMISSIONER BERGMAN: Madam Chair?

24 THE CHAIR: Commissioner Bergman?

25 COMMISSIONER BERGMAN: While she's passing

1 those out, I might note that Mission Achievement --  
2 the people in that school have been in contact with,  
3 I know, the Executive Committee. They had  
4 scheduling conflicts and could not be here today.  
5 So they have made us aware of that.

6 It's not because they have a lack of  
7 concern about what we're about to discuss; but they  
8 all had other conflicts today. And I don't -- I'm  
9 not certain that this is an action item today. It  
10 may be. But that's why they're not here. I thought  
11 it was important that everybody know that.

12 THE CHAIR: Thank you.

13 COMMISSIONER TOULOUSE: Madam Chair, if  
14 there is a vote on this school, I will need to  
15 recuse myself, because I now have a cousin who will  
16 be registering there for the fall semester.

17 THE CHAIR: You have too much family,  
18 Commissioner.

19 COMMISSIONER TOULOUSE: Yes, there are  
20 times I absolutely agree with you.

21 THE CHAIR: Julie, whenever you're ready.

22 MS. LUCERO: Madam Chair, members of the  
23 Commission, on May 8th, Charter School Division and  
24 Special Education Bureau conducted a special  
25 education audit at Mission Achievement and Success.

1 And there were several findings during that visit.

2 At the time of the visit, CSD and Special  
3 Education Bureau discussed the preliminary findings  
4 with the school and did inform them that they could  
5 be a School of Concern, and there could be a  
6 budget -- the concerns would be reported to Budget  
7 so that was discussed in detail on May 8th.

8 They were -- we did have discussion with  
9 them on Monday concerning -- with this list. Now,  
10 the internal memo was not given to them until later  
11 in the week. That's normally a memo that we use  
12 within the Division. So I'll go ahead and let  
13 Mr. Pahl finish.

14 MR. PAHL: Madam Chair, members of the  
15 Commission, I just wanted to address the letter that  
16 was handed out from MAS, which is what the school  
17 calls themselves, Mission Achievement and Success.  
18 MAS is a very good school. We're supportive of the  
19 work that they're doing. And any corrections in the  
20 special education services that they're providing  
21 is -- comes from a posture of support.

22 That said, there are some items in this  
23 letter that I want to address.

24 First of all, we have -- MAS has an annual  
25 budget of \$3 million that they get from the Public

1 Education Department. When we approve a charter  
2 school, that's a \$15 million investment that we make  
3 in one school of public funds being used for public  
4 services to students in the state. If we're going  
5 to give public funds, we expect them to play by the  
6 public's rules. That includes providing the  
7 services that are articulated when you -- when you  
8 claim special ed students, you are claiming them,  
9 and you are going to provide services, as  
10 articulated in their IEP, State statute, and State  
11 rule.

12 In this case, they had several gifted  
13 students that were not being serviced by a teacher  
14 who was -- who was credentialed or had the  
15 appropriate credential to teach gifted students. In  
16 their letter, they note that there was an issue with  
17 their inclusive program.

18 That is not the problem here. The problem  
19 is that the inclusive program needs to be taught by  
20 somebody with a background in appropriately teaching  
21 gifted students. And so when we -- when we look at  
22 the issue here, we're looking at claiming funds for  
23 added costs that are associated with serving special  
24 education students.

25 If I have an inclusive program with a

1 teacher that is normally licensed, there is no  
2 additional cost; but they are claiming additional  
3 cost.

4 I think there is some confusion about what  
5 the rules are surrounding the budget here. And I  
6 think that's underlined by their accusation that  
7 this is a unilateral decision by Julie Lucero.  
8 Nobody takes away \$140,000 from a school  
9 unilaterally.

10 Later in their letter, they assert that  
11 Charter School Division is acting in a manner that  
12 is not consistent with the rest of the Department.  
13 As mentioned by Ms. Lucero a moment ago, this  
14 special education audit was conducted with staff  
15 from the Special Education Department -- Division  
16 here at the Department. We have staff here today.  
17 We are talking.

18 When we have findings regarding special  
19 education, as Ms. Lucero mentioned, we bring in a  
20 member from the Special Education Division here at  
21 the Department. So we're getting that expertise  
22 there to make sure we're interpreting the situation  
23 correctly.

24 And I know this is a point that we  
25 disagree on sometimes. But I'd just like to note

1 that that's an advantage of having staff here at the  
2 Public Education Department, that we can leverage  
3 those resources.

4 So I think some of the accusations in  
5 the -- in the letter are baseless. And it's  
6 upsetting that, you know, we are having a lot more  
7 findings in special education right now. I think  
8 that's a good thing. We can't have charter schools  
9 operating on a different framework than the rest of  
10 public schools in the state on something as integral  
11 as special education services to students, which is  
12 federally mandated, as well as State-mandated.

13 And so I just want to underline those  
14 points, that this is a budget issue, because there  
15 were units claimed for services to students. Those  
16 services were not provided for in the way that is  
17 outlined in statute and rule. The issue here at  
18 hand is -- the prime issue is the certification of  
19 the teacher that's providing those services. And  
20 some of us here are former special education  
21 teachers, or have been involved in that. Providing  
22 gifted services, really, because it's not federally  
23 mandated, there's a lot of interpretations of how  
24 that actually works.

25 If we, as the State, are providing funds

1 for gifted education, and we -- it's not being  
2 provided by somebody who is trained in providing  
3 gifted education, that money should not go to the  
4 school. Just a couple of issues with the memo that  
5 I wanted to touch on there. Thank you.

6 THE CHAIR: Thank you.

7 COMMISSIONER CARR: Madam Chair?

8 THE CHAIR: Commissioner Carr?

9 COMMISSIONER CARR: I just want to thank  
10 you for your concern on this issue. And I -- it's  
11 very important. When you look at these things, you  
12 know, is it malfeasance or is it fraud, you know?  
13 And how do you know the difference? And sometimes  
14 it's pretty difficult to tell.

15 "Oh, I'm sorry. I made a mistake. I  
16 didn't mean to do that."

17 And maybe there's no way to tell, you  
18 know.

19 But when you get so many of them, it makes  
20 you wonder, you know. Do you -- do we have cases  
21 where people are under-reporting, and they make a  
22 mistake by under-reporting? Typically, people make  
23 the mistake of over-reporting, because there's money  
24 involved; right? So there's a great deal of  
25 motivation there.

1           So thank you for this, and please continue  
2 to keep a close eye on it.

3           THE CHAIR: Further comments,  
4 Commissioners?

5           So as I read the recommendation in our  
6 notebooks, what the recommendation is is that MAS  
7 worked with CSD to create a Corrective Action Plan.  
8 We're not being asked to approve a Correction Action  
9 Plan today, only that we ask you all to work with  
10 them to create one that will then be brought to us  
11 for approval; is that right?

12          MS. LUCERO: Madam Chair, members of the  
13 Commission, that is correct.

14          THE CHAIR: Okay. So I don't think if we  
15 take action as we're requested to do today, that  
16 we're doing anything that we shouldn't, because the  
17 school is not here today. They will be here. They  
18 will be involved, and they will be here when this is  
19 presented, okay, without a doubt.

20          MS. LUCERO: Madam Chair, members of the  
21 Commission, yes. We will bring that Corrective  
22 Action Plan back in July.

23          THE CHAIR: And you will request that the  
24 school is here.

25          MS. LUCERO: Absolutely.



1 THE CHAIR: Okay. Thank you.

2 Commissioner Bergman?

3 COMMISSIONER BERGMAN: I haven't read the  
4 document word for word, but I've scanned it. And it  
5 does appear -- I just want to note for the record,  
6 since we're not here -- apparently, they disagree  
7 with a lot of CSD's findings. And I do see in here  
8 that it -- this is from MAS -- they state they have  
9 scheduled a meeting with members from the Special  
10 Education Bureau to further understand what the  
11 concerns are.

12 So it's not -- they're not ignoring it.  
13 And the CSD is not ignoring it, and we're not  
14 ignoring it. So they aren't here. I have no  
15 problem with CSD talking with them about how it's  
16 going to be done, yeah.

17 THE CHAIR: Mr. Pahl?

18 MR. PAHL: Sorry. Madam Chair, members of  
19 the Commission, just two quick things:

20 First, in regards to Commissioner Carr's  
21 comments, because this school does a great job with  
22 their students, generally, malfeasance is more along  
23 the lines of what we're thinking than fraud. I know  
24 my comments probably came across as being pretty  
25 forceful, or more forceful than my comments normally

1 are. If there is an inaccurate representation with  
2 a staff's name on it, you can expect a vigorous  
3 defense from me.

4 And I just want to note that. My comments  
5 probably didn't sound that supportive. But we just  
6 feel like there's an issue here. Let's move forward  
7 and fix it. We feel like the Corrective Action Plan  
8 will do that.

9 THE CHAIR: Commissioner Armbruster?

10 COMMISSIONER ARMBRUSTER: Although I know  
11 a lot about disability and special ed, I know not a  
12 lot about this GATE. But I did read every word. I  
13 looked at all those charts, because I have nothing  
14 left to do in my life.

15 So what I'm not understanding is -- I  
16 mean, I printed off the law, the regulations,  
17 whatever they are, and saying that gifted services  
18 can be delivered -- they don't have to be delivered  
19 outside the general education classroom. And I --  
20 well, two things I want to say:

21 One is that it looked from those gazillion  
22 charts of sixth grade, seventh grade, eighth grade,  
23 ninth grade, that you didn't reproduce, but they  
24 were on that e-mail that I got, anyway, it appeared  
25 that the kids weren't even necessarily gifted in

1 terms of academics, that they were actually below  
2 grade level, that they've made huge amounts of  
3 progress, which is good; but they did not have a  
4 teacher with a GATE certification.

5           And that seems like that's the issue, that  
6 they didn't have a GATE certification. But I just  
7 remember that before -- I guess two years ago, you  
8 didn't have to have one; you just were sort of  
9 designated -- "Ms. Lucero, you're teaching the GATE  
10 social studies class for eighth grade next year,"  
11 and that was all there was.

12           So my suspicions are there might be a lot  
13 of schools out there who didn't even know that, that  
14 you have to have a GATE person. So we're taking  
15 money, then, from them because even though the kids  
16 did really well, they didn't have somebody with a  
17 GATE? How is it we didn't know that, I guess is the  
18 other part of that? Why didn't we know there was no  
19 GATE teacher?

20           MS. LUCERO: Madam Chair, Commissioner  
21 Armbruster, so a couple of clarifications. So MAS  
22 is reporting 31 C-level gifted students. When you  
23 are a C-level gifted student, you're receiving over  
24 50 percent of your day in a gifted service  
25 classroom. And that is pretty unusual.

1           Usually, in norm, only .1 percent of  
2 students actually have an IQ of above 145. Those  
3 are usually the students that require services over  
4 50 percent of the day in gifted.

5           So the number of students reported at that  
6 level is one of the concerns. But, yes, they are  
7 not receiving services from a teacher that is  
8 endorsed in gifted. And that became a requirement  
9 in 2012.

10           Now, you'll notice in their memo, they say  
11 that in statute, it says that a case manager does  
12 not require a gifted endorsement. We are not  
13 talking about a case manager. That is true. The  
14 case manager is not required to have a gifted  
15 endorsement in order to support those students. But  
16 the teacher of service does. And so they have a  
17 little bit of misunderstanding.

18           And also, we have pulled their policies.  
19 And MAS has stated in their policy that they will  
20 have a gifted endorsed teacher to provide these  
21 services. So they did that themselves. These are  
22 policies that they have approved.

23           THE CHAIR: It sounds like these are very  
24 rather involved issues and that we need to allow the  
25 people that are experts in these areas, our Special

1 Ed Bureau and Audit, Budget Bureau, let them go  
2 through this for us and bring us back exactly what  
3 the answers are. And I would hope that we'll have  
4 that in July.

5 Okay. Anything further?

6 We have a proposed motion, again, on  
7 Executive Summary for Item No. 8.

8 COMMISSIONER ARMBRUSTER: Should we be  
9 having the motion now, or should this be like the  
10 other school, where we're going to wait until July  
11 to see what the deal is?

12 COMMISSIONER TOULOUSE: This is on the  
13 agenda.

14 COMMISSIONER ARMBRUSTER: Right. Okay.  
15 But they're not here to --

16 THE CHAIR: But the recommendation is that  
17 we ask the school to work with CSD to create a  
18 Corrective Action Plan. And then that will come to  
19 us in July.

20 COMMISSIONER ARMBRUSTER: Got it.

21 THE CHAIR: All right. Do we have a  
22 motion?

23 Commissioner Bergman?

24 COMMISSIONER BERGMAN: I don't know if we  
25 have a motion yet. I just want to explore this a

1 little bit. In the past -- we have had a couple of  
2 situations like this in the past. And we have, as a  
3 group, just told CSD to go ahead and work with the  
4 school and work out something and bring it back to  
5 us in the future.

6 I don't know we need an official -- even  
7 though it's on the agenda, that we actually need a  
8 motion. This sounds like there's already been some  
9 work done. CSD has already been working. I don't  
10 know if we need to formalize it. I'm just a little  
11 uncomfortable formalizing it, when -- I know what  
12 you're saying. It's a very benign motion.

13 THE CHAIR: When you're asking for a  
14 Corrective Action Plan, it's a little bit more of an  
15 issue, rather than just work with them on something,  
16 to my notion, anyway.

17 COMMISSIONER BERGMAN: It is -- okay.  
18 We're not really censuring anybody or anything at  
19 this stage.

20 THE CHAIR: Are we ready for a motion?

21 COMMISSIONER ARMBRUSTER: Oh, all right.

22 COMMISSIONER BERGMAN: I'm normally your  
23 fallback motion guy. I'm not doing this one. I'm  
24 normally --

25 THE CHAIR: Do you see that on the bottom

1 of the page?

2 COMMISSIONER ARMBRUSTER: I do see that on  
3 the bottom of the page.

4 THE CHAIR: Commissioner Armbruster?  
5 Thank you.

6 COMMISSIONER ARMBRUSTER: I move to have  
7 the CSD work with MAS to create a Corrective Action  
8 Plan.

9 THE CHAIR: Do we have a second?

10 COMMISSIONER CARR: Second.

11 THE CHAIR: Motion by Commissioner  
12 Armbruster, seconded by Commissioner Carr, to ask  
13 MAS and CSD to work together to create a Corrective  
14 Action Plan.

15 Is there any discussion?

16 COMMISSIONER ARMBRUSTER: I want you to do  
17 that and everything. But should we wait on some of  
18 that until they -- I mean, I just thought -- this  
19 took me an hour to read this whole thing last night  
20 and click each link and go back and forth. Do we  
21 want to -- the Corrective Action Plan is you have to  
22 have a teacher with a GATE certification? That's  
23 it?

24 MS. LUCERO: Madam Chair, Commissioner  
25 Armbruster, yes. That's actually part of it. There

1 are some other findings that will need to be  
2 addressed during that time. We are meeting with  
3 MAS, the Special Education Bureau -- and I am  
4 joining that meeting -- on Thursday to go over these  
5 items and provide clarification to the school.

6 COMMISSIONER ARMBRUSTER: Okay.

7 THE CHAIR: Any other discussion?

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

10 COMMISSIONER TOULOUSE: Madam Chair,  
11 remember, I'm recused.

12 COMMISSIONER PERALTA: Commissioner Pogna?

13 COMMISSIONER POGNA: Yes.

14 COMMISSIONER PERALTA: Commissioner  
15 Armbruster?

16 COMMISSIONER ARMBRUSTER: Yes.

17 COMMISSIONER PERALTA: Commissioner  
18 Conyers?

19 COMMISSIONER CONYERS: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Peralta votes "Yes."

22 Commissioner Gipson?

23 COMMISSIONER GIPSON: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Chavez?



1 COMMISSIONER CHAVEZ: Yes.

2 COMMISSIONER PERALTA: Commissioner Carr?

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER PERALTA: Commissioner

5 Bergman?

6 COMMISSIONER BERGMAN: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Shearman?

9 THE CHAIR: Yes.

10 COMMISSIONER PERALTA: Madam Chair, that  
11 is nine votes in favor, with one abstention.

12 THE CHAIR: The motion passes nine to  
13 zero, with one abstention, to ask CSD and MAS to  
14 work together on a Corrective Action Plan.

15 Okay? Next item, Julie, as we leave  
16 Schools of Concern and go to Item B, Anthony Charter  
17 School.

18 MS. LUCERO: Madam Chair and members of  
19 the Commission, as reported at the May PEC meeting,  
20 the Judge issued a stay of the closure of Anthony  
21 Charter School. At this time, PED's General Counsel  
22 is engaging in settlement negotiations with the  
23 school. When further updates are available, CSD  
24 will provide those to the PEC.

25 COMMISSIONER CARR: Madam Chair, your

1 silence speaks.

2 COMMISSIONER TOULOUSE: Madam Chair?

3 THE CHAIR: Commissioner?

4 COMMISSIONER TOULOUSE: I don't  
5 understand, if it's our action, how there's a  
6 settlement agreement that isn't including discussion  
7 with us.

8 THE CHAIR: Because the -- the appeal is  
9 of the Secretary's decision, not ours.

10 COMMISSIONER TOULOUSE: I understand that.  
11 But it's a second level up from us, and it still is  
12 bottom line. And I just -- and I just -- I  
13 understand which attorney is handling it. I just  
14 don't understand why there isn't some communication  
15 on this, other than a flat statement, "Hey, it's  
16 being negotiated," given to this Commission.

17 I think there is a certain level of  
18 disrespect there. I'm sorry; but I do.

19 THE CHAIR: I asked Mr. Granata if he  
20 would respond. And then if you still --

21 MR. GRANATA: Madam Chair, Commissioners,  
22 Commissioner Toulouse, there was a meeting a while  
23 back between the Executive Committee and members  
24 from PED, including Dan Hill, regarding the status  
25 of the Anthony appeal in District Court. And the

1 Department sought out -- I guess the Department  
2 wanted to take into consideration the viewpoint of  
3 the Commission in terms of the settlement, in terms  
4 of conditions that the PEC would want to impose upon  
5 the school.

6 And it was my understanding that the  
7 Commission basically still wants the school to be  
8 closed, and that the Commission will rely upon any  
9 conditions that were offered by CSD. And so there  
10 were good faith efforts between the Department and  
11 the Executive Committee regarding the status of the  
12 case.

13 COMMISSIONER TOULOUSE: Thank you. I  
14 just, again, think this is a wider issue, so that we  
15 need to know what's decided, then, at those  
16 meetings, too. But I also think it's unfortunate  
17 that then we would end up with another school that  
18 we wanted closed, and yet we'd have to leave open,  
19 that we'll still have to fairly deal with. It's too  
20 bad we can't do what Las Cruces did to us and say,  
21 "Okay, you now need to go to your local school  
22 district and be chartered, because we can't handle  
23 you."

24 I mean, I know we can't; but it just -- it  
25 seems like there ought to be a fair exchange.

1 THE CHAIR: Mr. Pahl, did you have  
2 something to add?

3 MR. PAHL: Only in reaction to  
4 Commissioner Toulouse's comments. It was not the  
5 intent of our statement to disrespect the  
6 Commission. I think we're falling victim right now  
7 to the fact that I'm here as a replacement, and that  
8 there wasn't continuity behind the Director.

9 And I can make sure she knows that a more  
10 thorough response would be appreciated by the  
11 Commission in the future. So thank you, and we  
12 apologize that that would be the -- what was  
13 communicated through our brief statement.

14 THE CHAIR: Commissioner Bergman?

15 COMMISSIONER BERGMAN: I'd just like to  
16 respond to Commissioner Toulouse, particularly, but  
17 to everybody. The EC never decides anything. When  
18 we're talking with people -- Mr. Granata said it was  
19 a discussion. That's all that was done. We tried  
20 very forcefully to make the position of what we felt  
21 the entire PEC would be, that we should be involved.

22 But unfortunately, when something is  
23 appealed to the Secretary and she rules, we're out  
24 of it. It's that -- after that. And then this one  
25 went to a judge, and when you get a judge involved,

1 we're really out of it.

2 And so we're now left with the pieces to  
3 pick up. And we won't be back picking up pieces  
4 until after it's now resolved, and the school is  
5 probably going to be back in business.

6 I think it's -- that's a foregone  
7 conclusion now. And then I guess we pick up -- when  
8 it's back in business, then we pick up our oversight  
9 again and start from scratch there.

10 But this is not the first time this has  
11 happened, where someone else set conditions for  
12 schools and stuff. And, yeah, it's not an ideal  
13 situation. And it's -- but there's -- as these  
14 processes go forward, there's just nothing we can do  
15 as a Commission, I'm afraid, other than be chagrined  
16 and disappointed and everything else.

17 Thank you, Madam Chair.

18 THE CHAIR: Thank you. Let me just -- I  
19 just want to make one clarification. Just so that  
20 there's no misunderstanding, this school came to the  
21 PEC for renewal. We denied their renewal. They  
22 appealed to the Secretary. The Secretary upheld the  
23 PEC's denial.

24 The school appealed to District Court.  
25 The decision on that appeal, if I am not mistaken,

1 has not been rendered yet. What has happened is the  
2 Court has issued a stay, meaning that that school  
3 stays open until a decision is either made by the  
4 Court or some settlement is reached.

5 Mr. Hill did invite the Executive  
6 Committee -- and I do think -- I may have been the  
7 only one that could meet with him that day -- to ask  
8 if the PEC would want to discuss conditions  
9 perhaps -- perhaps that the PED then could talk to  
10 the school about in a settlement, whereby the school  
11 stayed open.

12 In my mind, I conveyed the feeling of this  
13 Commission when I said, "Thank you for offering to  
14 include us in this, but we think the school should  
15 be closed, and we're not interested in settlement.  
16 We're not interested in participating in any way in  
17 a settlement."

18 PED did not have to ask us to be involved  
19 in settlement. It's not our business; it's PED's  
20 business, because they represent the Secretary.

21 So it was -- it was generous of them to  
22 include us. They didn't have to. But whether PED  
23 decides to settle with this school or whether PED  
24 decides to let it go ahead and be the Judge's  
25 decision is not anything that's up to us. It is

1 completely out of our hands now.

2 And this, as I said, is an appeal of the  
3 Secretary's decision, and she did support our  
4 decision. So I just don't want there to be any  
5 confusion that we're in any way in an adversarial  
6 situation with PED or with the Secretary over  
7 this -- this issue. I'm just very disappointed that  
8 it has worked out the way it has.

9 And my personal -- personal -- opinion is  
10 I would rather that the Judge ruled and that we take  
11 the Judge's ruling and do whatever the courts tell  
12 us to do.

13 COMMISSIONER GIPSON: Madam Chair, I just  
14 have a question now about the school itself in terms  
15 of had they lost significant enrollment? Staff?  
16 Because we've been seeing the closure time line and  
17 that process going through. So now, you know, my  
18 concern is with students. And, you know, did a  
19 number of them transition out of the school because  
20 it was potentially closing? And do you have any  
21 information on that?

22 MR. PAHL: Madam Chair, Commissioner  
23 Gipson, I don't think we have that information.  
24 Generally, as we go through the closure checklist,  
25 we try not to have closure activities that are

1 interfering with the school year.

2 I can -- we can dig up that information,  
3 probably not by the end of the day; but we can send  
4 out an e-mail just to let you know. We have the  
5 three check-ins for enrollment at a school, which is  
6 40th, 80th, and the 120th day; so that difference  
7 between the 80th and the 120th should be instructive  
8 for us.

9 COMMISSIONER GIPSON: Okay.

10 COMMISSIONER CARR: Madam Chair?

11 THE CHAIR: Commissioner Carr?

12 COMMISSIONER CARR: I feel like this is  
13 another time where we -- this is another unique  
14 situation for us. This is another unique situation  
15 for us. They keep coming around.

16 I -- I -- I'm of the opinion that we  
17 should give something to the PED in case they do  
18 come up with a solution, instead of letting the  
19 Judge make the decision.

20 Had we voted to approve this school, we  
21 would have voted to approve them with a great deal  
22 of conditions. And I would -- all those conditions  
23 and concerns, maybe you already have them and maybe  
24 you already know. But I think it would be nice for  
25 us to say, "Okay. Well, if you do decide to let



1 this school move forward, and it's through  
2 negotiations, it's with conditions that at least  
3 we've had some part in, so that, you know, if the  
4 school indeed is going to remain open, then we want  
5 to do everything possible to make sure they're as  
6 successful as possible and that they correct all the  
7 concerns that we had."

8 And I know there were many.

9 So that's my thoughts on it. Rather than  
10 staying completely out of it, I would like to give  
11 some input.

12 THE CHAIR: Mr. Pahl?

13 MR. PAHL: Madam Chair, Commissioner Carr,  
14 we can talk to our General Counsel as they navigate  
15 these waters and both look at our recommendation  
16 when we were considering the approval -- or the  
17 renewal of the charter, which had several of some of  
18 these conditions, and also look back at the minutes  
19 and use that as a starting point in terms of  
20 understanding the points of view of the Commission  
21 in those, just following that conversation.

22 THE CHAIR: Commissioner Bergman?

23 COMMISSIONER BERGMAN: I would also like  
24 to note, should the Judge rule in favor of the  
25 school and they are in business again, since it was

1 a new -- it was a renewal application, there will  
2 be -- they still would have to negotiate a contract  
3 and a performance framework, because that has not  
4 been done yet.

5 That's where the conditions are going to  
6 come in, I can assure you. There will be a whole  
7 bunch of conditions probably at that level. And we  
8 will have to have probably an entire PEC discussion  
9 on that to be sure everybody gets a weigh-in on  
10 conditions and that kind of thing. It's not a done  
11 deal yet. We're waiting on a judge, really, is what  
12 we're waiting on. And the stay will allow them to  
13 stay open.

14 I assume while the stay is in effect, we  
15 can't negotiate with them. We have to wait for the  
16 Judge to rule. Then we get to that stage. There  
17 will be some conditions. They'll be in a position  
18 of leverage; but we'll be able to put some  
19 conditions on them, I believe.

20 Thank you, Madam Chair.

21 COMMISSIONER ARMBRUSTER: Madam Chair?

22 THE CHAIR: Commissioner Armbruster?

23 COMMISSIONER ARMBRUSTER: Just a point of  
24 information for me. So charter schools are funded,  
25 as are public schools. And so when they have --

1 when they go to court and have an attorney -- sorry,  
2 for all of you who are in the audience. So really,  
3 public funds are paying for those people to go to  
4 court? Is it taken out of their money that they're  
5 given as a school, or is it in addition to that?

6 This is just -- this is not really talking  
7 about the school. I just wanted to know, in  
8 general.

9 MR. PAHL: Madam Chair, Commissioner  
10 Armbruster, I can answer that pretty quickly. Yes,  
11 it would come out of the school, the school's  
12 budget. Schools generate funding based on the  
13 students they enroll and several other school  
14 factors. At that point, they get monthly -- they  
15 get disbursements from the State, and they spend the  
16 money on -- on what they need to execute their  
17 program.

18 So in this case, they probably are  
19 spending a lot on legal fees, a lot more than other  
20 schools, anyhow. But, yes, it comes out of the  
21 school's budget.

22 THE CHAIR: Any other comments or  
23 questions?

24 Okay. Thank you.

25 Let's move on, Katie. Item C, Notices

1 of -- what did I say?

2 COMMISSIONER CARR: You said "Katie."

3 THE CHAIR: "Katie"? Did I rename you?  
4 I'm sorry, Julie.

5 MS. LUCERO: Madam Chair, members of the  
6 Commission, at this time, we do not have charters  
7 looking for a new facility. But we'll bring updates  
8 monthly.

9 THE CHAIR: Okay. Thank you. Please go  
10 ahead.

11 MS. LUCERO: Madam Chair, members of the  
12 Commission, the next item on the agenda is CSD  
13 Collaboration with PED Priority Schools Bureau.

14 As the Commission requested, we have  
15 provided materials concerning the instructional  
16 audit monitoring completed by Priority Schools  
17 Bureau. CSD looks forward to working with the  
18 Commission on the improvement plan process and  
19 determine if it is appropriate to align the  
20 improvement plan with the Priority School Bureau  
21 process.

22 So you'll have a chance -- the manual is  
23 included and the site visit protocol guidance is  
24 included for you to look at.

25 THE CHAIR: Thank you. Do we have any

1 questions? Comments?

2 Thank you for that. Appreciate it very  
3 much.

4 Commissioners, do we need a break?  
5 Continue? Okay.

6 Let's go on to Item No. 9, Discussion and  
7 Possible Action on Performance Frameworks and  
8 Contracts for the Following Schools.

9 Let's start with Albuquerque Institute of  
10 Math and Science. If they would come forward,  
11 please?

12 So, Julie, I'm going to ask you to help  
13 with this, and Commissioner Bergman, as well, since  
14 he's negotiated so many of these.

15 Good morning.

16 MS. SANDOVAL-SNIDER: Good morning.

17 THE CHAIR: If you would introduce  
18 yourselves one more time.

19 MS. SANDOVAL-SNIDER: I'm Kathy  
20 Sandoval-Snyder, and I'm the Director of AIMS.

21 MR. IVEY-SOTO: Daniel Ivey-Soto, General  
22 Counsel.

23 THE CHAIR: Thank you. If you have  
24 anything you'd like to say, we'd love to hear from  
25 you.

1 MR. IVEY-SOTO: Madam Chair, this was a  
2 spirited negotiation between the school and the  
3 Commission. And I think we really ended up in a  
4 very good place in terms of performance frameworks  
5 that match where the school is at and still has the  
6 Commission performing its oversight function. So  
7 thank you very much for that.

8 THE CHAIR: Thank you. Would you care to  
9 go ahead?

10 COMMISSIONER BERGMAN: Thank you,  
11 Madam Chair, I would. I would share Mr. Ivey-Soto's  
12 comment. I would have used the political term, we  
13 had some very "frank" discussions. And this was the  
14 first school that we had to have two negotiating  
15 sessions; and now that we've had a second one, I  
16 hope that's not going to become the norm. One is  
17 taxing; two is really a struggle.

18 And that doesn't sound right. We had some  
19 very good discussions. There -- we had --  
20 "disagreements," again, is probably too strong a  
21 word; but we -- we spent a lot of time talking about  
22 the various issues. And we didn't always agree.

23 But that's the way -- that's why it's  
24 called "negotiations." You don't always agree. The  
25 school was cooperating. I am satisfied with where

1 we ended up at the end. And I certainly intend to  
2 vote for this contract.

3 It -- I actually enjoyed the conversation,  
4 because I learned a lot, as I talked to these  
5 schools. That's where we actually get -- it's --  
6 this is not a forum, really, for discussion. That's  
7 why I encourage you guys to go to these  
8 negotiations, because that's where we really have  
9 some fine conversations with these schools, and we  
10 find out what their concerns are.

11 And they have concerns, I guarantee you,  
12 and they're legitimate concerns. So here again,  
13 we're going to have another round already next  
14 spring. It seems like it'll be tomorrow. But when  
15 you can go to one of these things, sign up, because  
16 that's where the -- but I'm satisfied with where we  
17 are on this school, and I'm ready to go forward on  
18 it.

19 Thank you, Madam Chair.

20 THE CHAIR: Any questions or discussion?

21 All right. Hearing none, the Chair would  
22 entertain a motion.

23 MS. LUCERO: Madam Chair, members of the  
24 Commission, I have proposed motions in there. And I  
25 just wanted to mention, this school will need to

1 provide approved minutes. So I did recommend for  
2 each school, depending on whether they provided  
3 approved minutes or not. And it's listed under each  
4 school.

5 COMMISSIONER BERGMAN: I see minutes. In  
6 fact, that's all that's in my package is the  
7 minutes. I don't see any other documents. But I do  
8 have some minutes here.

9 MR. IVEY-SOTO: Madam Chair, members of  
10 the Committee, we did meet to approve the  
11 performance frameworks and the contract after the  
12 negotiations. We have not had the subsequent  
13 meeting to approve the minutes of the meeting, where  
14 we approved the performance frameworks and the  
15 contracts.

16 THE CHAIR: These are the June 1st minutes  
17 that we now have.

18 MR. IVEY-SOTO: That is correct.

19 COMMISSIONER BERGMAN: But you have  
20 approved them now, and would be able to furnish that  
21 proof?

22 MR. IVEY-SOTO: Madam Chair?

23 COMMISSIONER BERGMAN: Or may have already  
24 furnished it?

25 MR. IVEY-SOTO: Commissioner Bergman, we



1 have not had the subsequent meeting yet. What it  
2 would be is approval, contingent upon evidence that  
3 those minutes are approved.

4 THE CHAIR: Okay. Did everyone have in  
5 their binder the -- the actual --

6 COMMISSIONER BERGMAN: Oh, it's buried in  
7 the minutes. It's buried in their minutes. I  
8 didn't look for it in their minutes. Clearly  
9 documented, yes.

10 THE CHAIR: Now that we've found  
11 everything, are you ready to make a motion?

12 COMMISSIONER BERGMAN: Have you called for  
13 discussion? Have you called --

14 THE CHAIR: I thought we had discussion.  
15 Any further discussion? Okay. Hearing none, the  
16 Chair would entertain a motion.

17 COMMISSIONER BERGMAN: I'll go ahead --  
18 I'll start the ball rolling, if you'd like,  
19 Madam Chair.

20 THE CHAIR: Please, Commissioner Bergman.

21 COMMISSIONER BERGMAN: Thank you,  
22 Madam Chair.

23 Madam Chair, I would move that the Public  
24 Education Commission approve the 2013 through 2020  
25 Charter Contract and the associated 2015-2016

1 Performance Frameworks, with performance indicators,  
2 for Albuquerque Institute of Math and Science, with  
3 the condition that the school provide signed and  
4 approved minutes by their Governing Council.

5 COMMISSIONER CARR: Second.

6 THE CHAIR: Thank you. We have a motion  
7 by Commissioner Bergman, seconded by Commissioner  
8 Carr, to approve the Contract and Performance  
9 Framework, with condition of approved minutes, as  
10 was stated in the official motion.

11 Is there further discussion?

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

14 COMMISSIONER PERALTA: Commissioner  
15 Gipson?

16 COMMISSIONER GIPSON: Yes.

17 COMMISSIONER PERALTA: Commissioner  
18 Peralta votes "Yes."

19 Commissioner Conyers?

20 COMMISSIONER CONYERS: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER PERALTA: Commissioner Pogna?

3 COMMISSIONER POGNA: Yes.

4 COMMISSIONER PERALTA: Commissioner Carr?

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER PERALTA: Commissioner

7 Chavez?

8 COMMISSIONER CHAVEZ: Yes.

9 COMMISSIONER PERALTA: Commissioner

10 Bergman?

11 COMMISSIONER BERGMAN: Yes.

12 COMMISSIONER PERALTA: Commissioner

13 Shearman?

14 THE CHAIR: Yes.

15 COMMISSIONER PERALTA: Madam Chair, that

16 is a ten-to-zero vote in favor of the motion.

17 THE CHAIR: The motion passes unanimously.

18 We look forward to next year's animated discussion.

19 MR. IVEY-SOTO: Thank you.

20 THE CHAIR: Thank you. Next is the DEAP

21 School.

22 MS. LUCERO: Madam Chair, members of the

23 Commission, we do have approved minutes for this

24 school.

25 THE CHAIR: Okay.

1 MS. LUCERO: Madam Chair, members of the  
2 Commission, if you'll notice the statement on the  
3 bottom of the third page that shows that they  
4 approved the minutes from May 19th on June 4th.

5 THE CHAIR: Would you tell us what item it  
6 is on here? I'm having trouble finding it.

7 MS. LUCERO: Madam Chair, members of the  
8 Commission, right after the tab for D -- if  
9 you'll -- the Short Cycle Assessment indicator is  
10 the first item. And then you will see the minutes  
11 is the second item. There's a couple of pages of  
12 minutes. And then on the back page --

13 THE CHAIR: Under F? It's C?

14 COMMISSIONER GIPSON: I have a "D," but I  
15 don't have an "E" or an "F."

16 It's the last -- it's the last page of the  
17 minutes.

18 THE CHAIR: Okay. Mr. Granata agrees with  
19 you, it's sufficient, and we have found it. Thank  
20 you very much.

21 If you would just introduce yourselves one  
22 more time for the record?

23 MS. BEGAY: Hello, Commissioner,  
24 Madam Chair. My name is Kayla Begay. And I am one  
25 of the co-founders of DEAP School.

1 MS. GARNENEZ: And I am Prestene Garnenez.  
2 I'm also a co-founder of the DEAP Charter School.

3 THE CHAIR: Thank you very much.

4 Mr. Bergman, were you in on these -- these  
5 negotiations?

6 COMMISSIONER BERGMAN: Madam Chair -- yes,  
7 Madam Chair, I believe I was.

8 THE CHAIR: Okay. Would you care to  
9 comment?

10 COMMISSIONER BERGMAN: I will comment.  
11 Let me say I'm having a throat problem today; so I'm  
12 going to make my general comment now, any of these  
13 negotiations that I was involved in in the schools  
14 that are before us today.

15 They all went well. As always, we have  
16 spirited discussions. We spent a lot of time on the  
17 performance indicators, particularly. Each school  
18 works with us on that.

19 And all these contracts that are here  
20 today before us that I worked on -- I did miss two.  
21 I -- that may have to be pointed out at the  
22 appropriate time. I had, actually, a sick day and  
23 missed two of them, which is a first for me.

24 But I am satisfied with all these  
25 contracts and performance frameworks; so I don't

1 have to speak again. Thank you, Madam Chair.

2 THE CHAIR: Okay. Thank you very much.

3 Commissioners, you'll notice that these  
4 Short Cycle Assessments are based on the MAPS  
5 testing. They have both an assessment for reading  
6 and math, as we've been trying to do for all  
7 schools.

8 Does anyone have any questions or comments  
9 or concerns?

10 Hearing none, the Chair would entertain a  
11 motion.

12 COMMISSIONER CONYERS: Madam Chair?

13 THE CHAIR: Mr. Carr? Pardon me.

14 Mr. Conyers.

15 COMMISSIONER CONYERS: I'd like to move to  
16 approve the 2015-2020 Charter Contract and 2015-2016  
17 Performance Framework with performance indicators  
18 for DEAP.

19 THE CHAIR: Thank you.

20 COMMISSIONER TOULOUSE: Second.

21 THE CHAIR: You've heard the motion from  
22 Commissioner Conyers, seconded by Commissioner  
23 Toulouse, to approve the Contract and Performance  
24 Framework, as stated in the official motion.

25 Is there any discussion?

1           Hearing none, Mr. Secretary, may we have a  
2 roll-call vote?  
3           COMMISSIONER PERALTA: Commissioner  
4 Conyers?  
5           COMMISSIONER CONYERS: Yes.  
6           COMMISSIONER PERALTA: Commissioner  
7 Armbruster?  
8           COMMISSIONER ARMBRUSTER: Yes.  
9           COMMISSIONER PERALTA: Commissioner  
10 Toulouse?  
11           COMMISSIONER TOULOUSE: Yes.  
12           COMMISSIONER PERALTA: Commissioner Pogna?  
13           COMMISSIONER POGNA: Yes.  
14           COMMISSIONER PERALTA: Commissioner  
15 Peralta votes "Yes."  
16           Commissioner Gipson?  
17           COMMISSIONER GIPSON: Yes.  
18           COMMISSIONER PERALTA: Commissioner  
19 Bergman?  
20           COMMISSIONER BERGMAN: Yes.  
21           COMMISSIONER PERALTA: Commissioner  
22 Shearman?  
23           THE CHAIR: Yes.  
24           COMMISSIONER PERALTA: Commissioner  
25 Chavez?

1 COMMISSIONER CHAVEZ: Yes.

2 COMMISSIONER PERALTA: Commissioner Carr?

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER PERALTA: Madam Chair, that  
5 is a ten-to-zero vote in favor.

6 THE CHAIR: Thank you. The motion passes  
7 unanimately. You're ready to get started. Thank  
8 you very much.

9 COMMISSIONER TOULOUSE: Have a safe drive  
10 home.

11 THE CHAIR: Next on the list is Monte del  
12 Sol Charter School.

13 So many people were getting up, I thought  
14 there was a whole group coming down to the table.

15 Would you introduce yourself?

16 DR. JESSEN: My name is Dr. Robert Jessen.  
17 I'm the Head Learner of Monte del Sol Charter.

18 THE CHAIR: Thank you very much. Do you  
19 have any comment on these conditions, on these  
20 indicators that were negotiated?

21 DR. JESSEN: No, I don't.

22 THE CHAIR: Thank you very much. You have  
23 the indicators before you. They were negotiated  
24 using the Discovery Short Cycle Assessment, one on  
25 reading and one on math.



1 Do you have any discussion?

2 COMMISSIONER ARMBRUSTER: It had a  
3 mentorship goal, also?

4 THE CHAIR: Yes, they have an additional  
5 goal.

6 Is there any discussion on any of them?

7 Hearing none, the Chair would entertain a  
8 motion. I'm looking at Commissioner Carr.

9 COMMISSIONER CARR: They didn't put the  
10 motions on the computer; so that was -- that's the  
11 only reason I haven't been doing it.

12 THE CHAIR: Oh. You can share with --

13 COMMISSIONER CARR: Sure, I'd be happy to.  
14 Oh. Here we go.

15 THE CHAIR: Okay, Commissioner Carr.

16 Would you hold on just a minute, please?

17 COMMISSIONER BERGMAN: Are the minutes  
18 good?

19 COMMISSIONER CARR: I'm ready, anytime you  
20 are.

21 (Chair consults with counsel.)

22 THE CHAIR: Okay. I'm -- I'm told by  
23 Mr. Granata, on their minutes, on the first page of  
24 their minutes, under Agenda Item 3A, it says,  
25 "Review and signature of contract documents for

1 Monte del Sol's charter with NMPED."

2 It's with the PEC; so we would need to  
3 have that corrected when you do your approval of the  
4 minutes.

5 DR. JESSEN: We'll take care of that.

6 THE CHAIR: Okay? So would you include  
7 that correction in your motion, please?

8 COMMISSIONER CARR: Tell me that again?  
9 It's -- oh, yeah, PEC, not PED. Right, okay. I'll  
10 figure out where I can put it in there.

11 I move to approve the 2015-2020 Charter  
12 Contract and the 2015-2016 Performance Framework  
13 with performance indicators for Monte del Sol  
14 Charter School, with the condition that the school  
15 provides signed and approved minutes by their  
16 governing council, and that they correct their --  
17 let's see -- it's in the resolution; right?

18 MR. GRANATA: The minutes.

19 COMMISSIONER CARR: Correct the minutes,  
20 the change of "PED" to "PEC."

21 THE CHAIR: You've heard the motion. Do  
22 we have a second?

23 COMMISSIONER POGNA: Second.

24 THE CHAIR: Motion by Commissioner Carr,  
25 second by Commissioner Pogna, as you've heard on the

1 official motion.

2 Is there any discussion?

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

5 COMMISSIONER PERALTA: Commissioner  
6 Bergman?

7 COMMISSIONER BERGMAN: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Gipson?

10 COMMISSIONER GIPSON: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Chavez?

13 COMMISSIONER CHAVEZ: Yes.

14 COMMISSIONER PERALTA: Commissioner Carr?

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER PERALTA: Commissioner Pogna?

17 COMMISSIONER POGNA: Yes.

18 COMMISSIONER PERALTA: Commissioner

19 Toulouse?

20 COMMISSIONER TOULOUSE: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Armbruster?

23 COMMISSIONER ARMBRUSTER: Yes.

24 COMMISSIONER PERALTA: Commissioner

25 Conyers?

1 COMMISSIONER CONYERS: Yes.

2 COMMISSIONER PERALTA: Commissioner

3 Peralta votes "Yes."

4 Commissioner Shearman?

5 THE CHAIR: Yes.

6 COMMISSIONER PERALTA: Madam Chair, that  
7 is a ten-to-zero vote in favor of the motion.

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

10 If you would provide those corrected  
11 minutes -- official corrected minutes to CSD?

12 DR. JESSEN: Thank you, Madam Chair. Will  
13 do.

14 THE CHAIR: Thank you very much.

15 DR. JESSEN: Thank you.

16 THE CHAIR: Next is Sandoval Academy of  
17 Bilingual Education.

18 Good morning, again. Please introduce  
19 yourselves for the record.

20 MR. VALLEJO: Pedro Vallejo, principal of  
21 SABE.

22 MS. HUFFMON: Paola Huffmon, Board member.

23 THE CHAIR: Thank you very much.

24 Commissioners, I think this is one of the  
25 few that Commissioner Bergman missed. And I was in

1 attendance at this negotiation.

2 Now, help me say this correctly. Their  
3 first indicator, Short Cycle Assessment, Reading in  
4 English; then the second is Reading in Spanish;  
5 third -- I'm sorry, I've misnumbered these. It  
6 starts with No. 2, "Reading in English."

7 Would you give us a little background on  
8 that particular indicator?

9 MR. VALLEJO: Certainly. That comes from  
10 the fact that we are a bilingual/biliteracy charter  
11 school, K-8. And so we wanted to make sure that  
12 students were progressing both in English and in  
13 Spanish; hence the two different indicators, the DRA  
14 for English and EDL for Spanish in the different  
15 content areas.

16 THE CHAIR: So, really, that -- that  
17 encompasses your first two indicators; is that  
18 correct?

19 MR. VALLEJO: That is correct.

20 THE CHAIR: Okay. And then you go to your  
21 Short Cycle Assessment in math. And I'm looking  
22 for -- again, it's Discovery; right?

23 MR. VALLEJO: That is correct.

24 THE CHAIR: Okay. So, Commissioners, are  
25 you satisfied with these indicators?

1 Mr. Granata, are you okay with the  
2 minutes?

3 MR. GRANATA: Yes.

4 THE CHAIR: All right. He is indicating  
5 the minutes are in order.

6 Is there any discussion on these  
7 indicators or minutes?

8 Hearing none, the Chair would entertain a  
9 motion for Sandoval Academy of Bilingual Education.

10 Commissioner Chavez, would you like to try  
11 one?

12 COMMISSIONER CARR: Hang on. I'm going to  
13 get you -- oh. Is there more to it? Let's see.  
14 That's --

15 COMMISSIONER CHAVEZ: Oh, this one? Okay.  
16 All right.

17 Based on review of the Charter Contract --  
18 excuse me -- Performance Framework with performance  
19 indicators and all information available at this  
20 time, CSD recommends approval, with the condition  
21 that the school provide signed and approved minutes  
22 by their governing council.

23 (Reporter requests clarification.)

24 COMMISSIONER GIPSON: That's not the  
25 motion. The next thing down.

1 COMMISSIONER CHAVEZ: Move to approve the  
2 2015-2020 Charter Contract and the 2015-2016  
3 Performance Framework, with the performance  
4 indicators, for Sandoval Academy of Bilingual  
5 Education, with the condition that the school  
6 provide signed and approved minutes by their  
7 governing council.

8 THE CHAIR: Thank you.

9 You've heard the motion by Commissioner  
10 Chavez. Do we have a second?

11 COMMISSIONER CARR: Second.

12 THE CHAIR: By Commissioner Carr. The  
13 official motion is to approve the Charter Contract  
14 and Performance Framework, as noted in the motion.

15 Is there further discussion?

16 Hearing none --

17 COMMISSIONER GIPSON: Do we have the  
18 minutes?

19 THE CHAIR: Josh has approved them.

20 COMMISSIONER GIPSON: So it's not on  
21 condition that we have the minutes; we have them.  
22 So it's not a condition that they provide --

23 THE CHAIR: They're not official.

24 COMMISSIONER GIPSON: Oh, got you. Got  
25 you. Okay.

1 THE CHAIR: Okay. Mr. Secretary, may we  
2 have a roll-call vote?

3 COMMISSIONER PERALTA: Commissioner  
4 Chavez?

5 COMMISSIONER CHAVEZ: Yes.

6 COMMISSIONER PERALTA: Commissioner Carr?

7 COMMISSIONER CARR: Yes.

8 COMMISSIONER PERALTA: Commissioner  
9 Conyers?

10 COMMISSIONER CONYERS: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Bergman?

13 COMMISSIONER BERGMAN: Yes.

14 COMMISSIONER PERALTA: CommissionerR

15 Gipson?

16 COMMISSIONER GIPSON: Yes.

17 COMMISSIONER PERALTA: Commissioner Pogna?

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER PERALTA: Commissioner

20 Toulouse?

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Peralta votes "Yes."

24 Commissioner Armbruster?

25 COMMISSIONER ARMBRUSTER: Yes.



1 COMMISSIONER PERALTA: Commissioner  
2 Shearman?

3 THE CHAIR: Yes.

4 COMMISSIONER PERALTA: Madam Chair, that  
5 is a ten-to-zero vote in favor.

6 THE CHAIR: Thank you. The motion passes  
7 unanimously. Thank you all very much.

8 MR. VALLEJO: Thank you, Madam Chair,  
9 members of the Commission.

10 THE CHAIR: Thank you.

11 Can you hand this around to Cindy, please?  
12 I don't think she has all the wording on Sandoval.  
13 Thank you.

14 The next school is Taos Integrated School  
15 of the Arts.

16 Is there anyone here with that school? If  
17 you would introduce yourselves, please?

18 MR. GREYWOLF: Sure. My name is Rich  
19 Greywolf. I'm the current director of TISA.

20 MS. GOMEZ: Deanna Gomez, the contracted  
21 business manager.

22 THE CHAIR: Thank you both very much.

23 Commissioners, I think, as you can see,  
24 these are pretty straightforward minutes. They're  
25 using the NWEA MAPs for both reading -- they've

1 broken their reading into grade levels, third  
2 through eighth, and K-2, with some pretty specific  
3 information along with that indicator; and then  
4 their Short Cycle Assessment for math.

5 Are the minutes sufficient?

6 (Chair consults with counsel.)

7 THE CHAIR: Mr. Granata has a  
8 clarification that he'd like to share with everyone.

9 MR. GRANATA: Madam Chair, Commissioners,  
10 the comments that I'd like to make are kind of  
11 directed towards CSD. I've had this conversation  
12 with Katie before and towards the school itself,  
13 just in terms of the school's compliance with the  
14 Open Meetings Act.

15 I've noticed a number of schools have  
16 called emergency meetings in order to address the --  
17 the ratification or adoption or approval of these  
18 contracts. And so I just caution the schools to be  
19 careful about calling emergency meetings. The Act  
20 specifically defines what an emergency meeting is.

21 And so what I would ask this school to do  
22 is at the next meeting, ratify the decisions that  
23 were made at this emergency meeting, just to make  
24 sure that there aren't any problems in terms of  
25 violations of OMA.

1 MS. GOMEZ: Excuse me. When they did do  
2 the actual approval, it was at the regular scheduled  
3 meeting on the 10th. That was a regular meeting.

4 THE CHAIR: I think your attorney has  
5 something to say.

6 Ms. Matthews?

7 MS. MATTHEWS: Madam Chair, members of the  
8 Commission, Mr. Granata, I'm fairly certain it's a  
9 misuse of the word "emergency." And they do that.  
10 And I try to educate over and over that that means  
11 something very different.

12 So thank you for that point. But I just  
13 want to assure you that this particular school, they  
14 do -- they don't use -- they don't hold emergency  
15 meetings. And so -- and most of the charters I  
16 represent don't hold emergency meetings; but they  
17 misused the term.

18 THE CHAIR: Thank you. And I think we all  
19 appreciate that when we're doing these negotiations  
20 kind of at the last minute and you need to get the  
21 forms to CSD so it can come to us for approval and  
22 you need to call a meeting or something, it does get  
23 a little tense in there. So we all want to be  
24 correct, legal.

25 So you're suggesting that the motion

1 include that at their next regularly scheduled  
2 governing council meeting, this action be ratified?

3 MR. GRANATA: Madam Chair, Commissioners,  
4 it sounds to me, from what I've heard from  
5 Ms. Matthews, is that the school has already  
6 appropriately ratified these decisions. So I don't  
7 think it's necessary.

8 THE CHAIR: So it does not need to be  
9 undone?

10 MR. GRANATA: I don't think so.

11 THE CHAIR: Okay. All right.

12 Commissioners, you've seen the indicators.  
13 You've heard the discussion about the minutes. Do  
14 you have any questions?

15 Commissioner Carr?

16 COMMISSIONER CARR: Madam Chair, I'm ready  
17 to make a motion.

18 THE CHAIR: If you're ready, that's fine.

19 COMMISSIONER CARR: I actually have it  
20 now.

21 I move to approve the 2015-2020 Charter  
22 Contract and 2015-2016 Performance Framework, with  
23 performance indicators, for Taos Integrated School  
24 of the Arts, with the condition that the school  
25 provide signed, approved minutes by their governing

1 council.

2 THE CHAIR: Thank you. Do we have a  
3 second?

4 COMMISSIONER POGNA: (Indicates.)

5 THE CHAIR: Commissioner Pogna?

6 Motion by Commissioner Carr, second by  
7 Commissioner Pogna, to approve the Contract and  
8 Performance Frameworks, as stated in the official  
9 motion.

10 Is there further discussion?

11 Hearing none, Mr. Secretary, roll-call  
12 vote, please?

13 COMMISSIONER PERALTA: Commissioner  
14 Peralta will vote "Yes."

15 Commissioner Conyers?

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER PERALTA: Commissioner  
18 Bergman?

19 COMMISSIONER BERGMAN: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Armbruster?

25 COMMISSIONER ARMBRUSTER: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Toulouse?  
3 COMMISSIONER TOULOUSE: Yes.  
4 COMMISSIONER PERALTA: Commissioner  
5 Chavez?  
6 COMMISSIONER CHAVEZ: Yes.  
7 COMMISSIONER PERALTA: Commissioner  
8 Shearman?  
9 THE CHAIR: Yes.  
10 COMMISSIONER PERALTA: Commissioner Pogna?  
11 COMMISSIONER POGNA: Yes.  
12 COMMISSIONER PERALTA: Commissioner Carr?  
13 COMMISSIONER CARR: Yes.  
14 COMMISSIONER PERALTA: Madam Chair, that  
15 is a ten-to-zero vote in favor of the motion.  
16 THE CHAIR: Thank you. The motion passes  
17 unanimously.  
18 MR. GREYWOLF: Thank you.  
19 THE CHAIR: Congratulations.  
20 The next school is Technology Leadership  
21 High School.  
22 THE CHAIR: One more time, if you would  
23 introduce yourselves for the record, please?  
24 MS. CORTAZZO: Kara Cortazzo, K-A-R-A,  
25 C-O-R-T-A-Z-Z-O, Executive Director, Technology

1 Leadership High School.

2 MR. FAHSEL: Kyle, K-Y-L-E, Fahsel,  
3 F-A-H-S-E-L, School Development Fellow, Technology  
4 Leadership High School.

5 MR. IVEY-SOTO: Daniel Ivey-Soto, General  
6 Counsel.

7 THE CHAIR: Thank you, all.

8 Do you have any comments on these  
9 indicators?

10 MS. CORTAZZO: I would just like to say  
11 thank you. We had very successful negotiations, and  
12 I was very pleased at the end of the negotiation,  
13 which lasted a long time, and I appreciate that.

14 Thank you.

15 THE CHAIR: Thank you. They take a while,  
16 but they're worth it, huh? Good deal.

17 Commissioners, you have the indicators  
18 before you. Mr. Granata tells me the minutes are  
19 sufficient.

20 Do you have any discussion or questions?

21 Hearing none, the Chair would entertain a  
22 motion on Technology Leadership High School.

23 Commissioner Pogna?

24 COMMISSIONER POGNA: Madam Chair, I move  
25 to approve the 2015-2020 Charter Contract and

1 2015-2016 Performance Framework, with performance  
2 indicators, for Technology Leadership High School.

3 COMMISSIONER ARMBRUSTER: (Indicates.)

4 THE CHAIR: Thank you. We have a motion  
5 and a second. Motion by Commissioner Pogna, second  
6 by Commissioner Armbruster for approval of the  
7 Contract and Performance Framework, as in the  
8 official motion.

9 Is there further discussion?

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

12 COMMISSIONER PERALTA: Commissioner Carr?

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER PERALTA: Commissioner  
15 Gipson?

16 COMMISSIONER GIPSON: Yes.

17 COMMISSIONER PERALTA: Commissioner Pogna?

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER PERALTA: Commissioner

20 Chavez?

21 COMMISSIONER CHAVEZ: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER PERALTA: Commissioner



1 Peralta votes "Yes."

2 Commissioner Conyers?

3 COMMISSIONER CONYERS: Yes.

4 COMMISSIONER PERALTA: Commissioner  
5 Armbruster?

6 COMMISSIONER ARMBRUSTER: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Shearman?

9 THE CHAIR: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Bergman?

12 COMMISSIONER BERGMAN: Yes.

13 COMMISSIONER PERALTA: Madam Chair, that  
14 is a ten-to-zero vote in favor of the motion.

15 THE CHAIR: Thank you. The motion carries  
16 unanimously. We thank you all for being here. Have  
17 a good year.

18 MS. CORTAZZO: Thank you.

19 THE CHAIR: Commissioners, if you're  
20 having a little trouble finding the ASK Academy in  
21 your notebooks, I don't have a tab for them. And  
22 you may not, either; so that may be --

23 COMMISSIONER BERGMAN: It's behind the one  
24 we just did with no tab. I stumbled on it by  
25 accident.

1 THE CHAIR: Oh, okay. I found it; but  
2 it -- it's -- it's a little hard to find. Has  
3 everyone found it?

4 COMMISSIONER GIPSON: Yeah.

5 THE CHAIR: Okay. Do we have anyone from  
6 the ASK Academy here today?

7 MS. DOVE: Yes, Madam Chair. Our  
8 principal is stuck in traffic. He'll be here in a  
9 few moments. Is it possible to move us?

10 MS. MATTHEWS: Let me do it, Connie.

11 Madam Chair, members of the Commission,  
12 Patricia Matthews for ASK Academy. Mr. Barbour  
13 would like to be here. There's a tad bit of a  
14 glitch in the documents; so he would like to be here  
15 to help Connie explain. So if we could be moved --  
16 moved to the end of this group, I request the  
17 Commission to do that.

18 THE CHAIR: Anyone have a problem with  
19 that?

20 Okay. We'll move ASK after Turquoise  
21 Trail.

22 MS. MATTHEWS: Say that fast. Thank you  
23 very much.

24 THE CHAIR: Thank you.

25 Then we would ask anyone from the MASTERS

1 Program to come forward.

2 MS. MATTHEWS: Members of the Commission,  
3 Madam Chair? Madam Chair, members of the  
4 Commission, I'm Patricia Matthews on behalf of the  
5 MASTERS Program.

6 Julie, I'm not sure if Ms. Salzman  
7 contacted you or not. I think there's been a bit of  
8 a confusion on whether or not they needed to be here  
9 today. Do you have the documents from them?

10 MS. LUCERO: Madam Chair, members of the  
11 Commission, Ms. Matthews, Mr. Woodd is their  
12 liaison; but he has had conversations and did tell  
13 them they were on the agenda for Performance  
14 Framework.

15 We do have all the documents and are  
16 recommending approval of the documents, as  
17 negotiated.

18 MS. MATTHEWS: Madam Chair, I'm here. I  
19 can't speak on behalf -- I couldn't -- I mean, I was  
20 at the -- I was at the negotiation; so I certainly  
21 would be here to answer whatever questions, to the  
22 extent I could. If not, I suppose I'd ask the  
23 Commission to vote without the folks being here,  
24 because I don't know that there is any concern about  
25 the MASTERS Program's issues.

1 THE CHAIR: Thank you.

2 Mr. Bergman?

3 COMMISSIONER BERGMAN: I think we've had  
4 one or two in the past that were unable -- I don't  
5 think attendance is mandatory. And we haven't had  
6 any questions so far. So let's see how this one  
7 goes.

8 THE CHAIR: Does anyone object to our  
9 going ahead without the school representatives here,  
10 other than their attorney?

11 COMMISSIONER CARR: No.

12 THE CHAIR: Okay. Then let's move ahead  
13 with the MASTERS Program. Maybe you've had a chance  
14 to look at the minutes. They're sufficient; the  
15 minutes are sufficient. You have the indicators  
16 before you.

17 We don't have any questions or concerns?

18 Please notice they are using ACCUPLACER  
19 for their Short Cycle Assessment. That's something  
20 new, and we're anxious to see how it works out.

21 Commissioner Armbruster?

22 COMMISSIONER ARMBRUSTER: I -- so  
23 Performance Indicator 2, is that the first one?

24 THE CHAIR: Yes.

25 COMMISSIONER ARMBRUSTER: I was looking

1 for a "1."

2 THE CHAIR: No, it always starts with a  
3 "2."

4 COMMISSIONER ARMBRUSTER: 2, 3, and 4.

5 THE CHAIR: "1" is boilerplate in the  
6 document.

7 Anything else? Any concerns at all?

8 Hearing none, the Chair is ready to  
9 entertain a motion.

10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Okay.

12 Madam Chair, I will try to read this one.

13 Based on review of the proposed  
14 indicators, completed framework, completed  
15 contract --

16 COMMISSIONER BERGMAN: That's the  
17 description; that's not the motion.

18 COMMISSIONER TOULOUSE: I'm sorry. See,  
19 it's getting to lunchtime, folks. Some of us need  
20 to renew the blood sugar.

21 I move to approve the 2015-2020 Charter  
22 Contract and 2015-2016 Performance Framework, with  
23 performance indicators, for the MASTERS Program,  
24 with the condition that the school provides signed  
25 and approved minutes by their governing council.

1 COMMISSIONER PERALTA: Second.

2 THE CHAIR: Thank you. We have a motion  
3 by Commissioner Toulouse, second by Commissioner  
4 Peralta.

5 Any further discussion?

6 Commissioner Peralta, may we have a  
7 roll-call vote?

8 COMMISSIONER PERALTA: Commissioner Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER PERALTA: Commissioner  
11 Toulouse?

12 COMMISSIONER TOULOUSE: Yes.

13 COMMISSIONER PERALTA: Commissioner  
14 Armbruster?

15 COMMISSIONER ARMBRUSTER: Yes.

16 COMMISSIONER PERALTA: Commissioner  
17 Conyers?

18 COMMISSIONER CONYERS: Yes.

19 COMMISSIONER PERALTA: Commissioner  
20 Peralta votes "Yes."

21 Commissioner Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Bergman?

25 COMMISSIONER BERGMAN: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Chavez?

3 COMMISSIONER CHAVEZ: Yes.

4 COMMISSIONER PERALTA: Commissioner Carr?

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER PERALTA: Commissioner  
7 Shearman?

8 THE CHAIR: Yes.

9 COMMISSIONER PERALTA: Madam Chair, that  
10 is a ten-to-zero vote in favor of the motion.

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

13 MS. MATTHEWS: Thank you, Commissioners.

14 THE CHAIR: Tierra Encantada Charter  
15 School.

16 Good morning. Please introduce yourself.

17 MR. BENAVIDEZ: Good morning.

18 Madam Chair, members of the Commission. My name is  
19 Daniel Benavidez. I'm the director of  
20 Tierra Encantada Charter School.

21 THE CHAIR: Would you care to comment on  
22 the indicators?

23 MR. BENAVIDEZ: No. It was -- it was very  
24 exciting to go through -- the process of going from  
25 a local to a State charter has been really exciting

1 for us, because you guys have taken an active  
2 interest in our school, and it shows.

3 So thank you very much, all.

4 THE CHAIR: Thank you.

5 Commissioners, you have the indicators in  
6 front of you. Mr. Granata tells me the minutes are  
7 sufficient.

8 Any questions? Concerns?

9 Hearing none, the Chair would entertain a  
10 motion.

11 COMMISSIONER PERALTA: Over here.

12 THE CHAIR: Commissioner Peralta?

13 COMMISSIONER PERALTA: Madam Chair, I move  
14 to approve the 2015-2020 Charter Contract and the  
15 2015-2016 Performance Framework with performance  
16 indicators for Tierra Encantada Charter School, on  
17 the condition that the school provide signed and  
18 approved minutes by their governing council.

19 THE CHAIR: You've heard the motion by  
20 Commissioner Peralta.

21 Do we have a second?

22 COMMISSIONER TOULOUSE: (Indicates.)

23 THE CHAIR: I'm hearing -- I'm seeing  
24 Commissioner Toulouse seconding the motion.

25 Any further discussion?



1 The motion is to approve the Charter  
2 Contract and Performance Framework, as noted in the  
3 motion, for Tierra Encantada Charter School.

4 Anything else?

5 May we have a roll-call vote?

6 COMMISSIONER PERALTA: Commissioner Carr?

7 COMMISSIONER CARR: Yes.

8 COMMISSIONER PERALTA: Commissioner  
9 Chavez?

10 COMMISSIONER CHAVEZ: Yes.

11 COMMISSIONER PERALTA: Commissioner  
12 Shearman?

13 THE CHAIR: Yes.

14 COMMISSIONER PERALTA: Commissioner  
15 Bergman?

16 COMMISSIONER BERGMAN: Yes.

17 COMMISSIONER PERALTA: Commissioner  
18 Gipson?

19 COMMISSIONER GIPSON: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Peralta votes "Yes."

22 Commissioner Conyers?

23 COMMISSIONER CONYERS: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Armbruster?

1 COMMISSIONER ARMBRUSTER: Yes.

2 COMMISSIONER PERALTA: Commissioner

3 Toulouse?

4 COMMISSIONER TOULOUSE: Yes.

5 COMMISSIONER PERALTA: Commissioner Pogna?

6 COMMISSIONER POGNA: Yes.

7 COMMISSIONER PERALTA: Madam Chair, that  
8 is a ten-to-zero vote in favor of the motion.

9 THE CHAIR: Thank you very much. The  
10 Contract and Performance Framework for  
11 Tierra Encantada Charter School, as it is listed in  
12 the formal motion, is approved unanimously.

13 MR. BENAVIDEZ: Thank you very much,  
14 Madam Chair, members of the Commission. Have a good  
15 lunch and a good weekend.

16 THE CHAIR: Have a great school year.

17 Ms. Matthews, are your people here yet  
18 from -- I'm sorry. We have Turquoise Trail. I'm  
19 getting hungry, too.

20 We're just barely still in the morning; so  
21 I will say, "Good morning."

22 If you would introduce yourselves, please?

23 MR. TRUJILLO: Madam Chair, members of the  
24 Commission, my name is Floyd J. Trujillo. I'm  
25 president of the Turquoise Trail Charter School

1 Governance Council.

2 MR. GRIFFIN: And my name is Ray Griffin,  
3 and I am the head administrator of Turquoise Trail  
4 Charter School.

5 THE CHAIR: Do you have any comments on  
6 the indicators?

7 MR. GRIFFIN: Other than thank you for the  
8 process. We've enjoyed working with the council  
9 members and look forward to the next five years  
10 working with all of you.

11 THE CHAIR: Terrific. Thank you very  
12 much.

13 Commissioners, Mr. Granata tells me the  
14 minutes are sufficient, and you have the indicators  
15 before you. Are there any questions?

16 No? No comments? Questions?

17 Commissioner Armbruster?

18 COMMISSIONER ARMBRUSTER: Yeah. I'd like  
19 to move to approve the 2015 through 2020 Charter  
20 Contract and 2015-2016 Performance Framework, with  
21 performance indicators, for Turquoise Trail Charter  
22 School.

23 THE CHAIR: Thank you. We have a motion.  
24 We need a second.

25 COMMISSIONER CARR: Second.

1 THE CHAIR: Motion by Commissioner  
2 Armbruster, second by Commissioner Carr, to approve  
3 the Contract and Performance Framework for Turquoise  
4 Trail, as stated in the official motion.

5 Is there any further discussion?

6 Hearing none, Mr. Peralta, may we have a  
7 roll-call vote?

8 COMMISSIONER PERALTA: Madam Chair,  
9 Commissioner Peralta will abstain from this vote.

10 Commissioner Toulouse?

11 COMMISSIONER TOULOUSE: Yes.

12 COMMISSIONER PERALTA: Commissioner  
13 Gipson?

14 COMMISSIONER GIPSON: Yes.

15 COMMISSIONER PERALTA: Commissioner  
16 Armbruster?

17 COMMISSIONER ARMBRUSTER: Yes.

18 COMMISSIONER PERALTA: Commissioner Pogna?

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Conyers?

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER PERALTA: Commissioner

24 Chavez?

25 COMMISSIONER CHAVEZ: Yes.

1 COMMISSIONER PERALTA: Commissioner Carr?

2 COMMISSIONER CARR: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Bergman?

5 COMMISSIONER BERGMAN: Yes.

6 COMMISSIONER PERALTA: Commissioner

7 Shearman?

8 THE CHAIR: Yes.

9 COMMISSIONER PERALTA: Madam Chair, that  
10 is nine votes in favor, with one abstention.

11 THE CHAIR: Thank you very much. The  
12 motion passes nine-to-zero, with one abstention, for  
13 the Contract and Performance Framework.

14 Congratulations. Have a good year.

15 MR. TRUJILLO: Thank you, Madam Chair.

16 Thank you.

17 MR. GRIFFIN: Thank you.

18 THE CHAIR: Thank you.

19 Ms. Matthews, I can -- I can offer you  
20 that we could do this school after lunch, if you all  
21 would prefer.

22 MS. MATTHEWS: Madam Chair, members of the  
23 Commission, Ms Dove thinks she can wing it. I know  
24 I won't be of any help.

25 MS. DOVE: You're always of help.

1 THE CHAIR: This is the ASK Academy. I'll  
2 give everyone a minute to get that paperwork in  
3 front of you.

4 Mr. Granata, are the minutes --

5 MR. GRANATA: (Indicates.)

6 THE CHAIR: Mr. Granata tells me the  
7 minutes are sufficient. You have the indicators in  
8 front of you.

9 Are there any questions or concerns?

10 Commissioner Bergman?

11 COMMISSIONER BERGMAN: Well, I think  
12 something was said about there's a little thing that  
13 needs to be taken care of, and I always cringe when  
14 I hear that. What's this little thing we need to  
15 hear?

16 THE CHAIR: I'm getting in such a hurry.  
17 Please introduce yourselves and let us hear from  
18 you, whatever you have to say.

19 MS. DOVE: Oh, here he is, at the final  
20 hour. Very good.

21 THE CHAIR: You can introduce yourselves.

22 MS. MATTHEWS: I don't think I need to say  
23 anything.

24 MR. BARBOUR: Thank you. My apologies.

25 MS. DOVE: Madam Chair, sorry.

1 Madam Chair, members of the Commission, I'm Connie  
2 Dove. I'm Director of Advancement for the ASK  
3 Academy.

4 MR. BARBOUR: Madam Chair and members of  
5 the Commission, excuse my promptness here; but I'm  
6 Dan Barbour, the General Manager for ASK Academy.

7 THE CHAIR: And do you have a statement  
8 for us, some information?

9 MS. DOVE: I do, Madam Chair. There is a  
10 little concern on the final Performance Contract on  
11 the assessment for reading and the assessment for  
12 math. Something that was taken out of the original  
13 ended up back in.

14 I think the document that you have -- and  
15 it is where it says, "The growth will be determined  
16 using Discovery projected growth targets for each  
17 student, as set by the fall test."

18 In our version, that was where it ended  
19 with a period. And that was what our Board  
20 approved. In the documents that I received back on  
21 Friday, it had, back in, the language, "...as shown  
22 on the attached sample report."

23 Now, the reason why that language was  
24 taken out was the concern over the sample report.  
25 The sample report was provided by Ms. Barnes in an

1 Excel document that wasn't labeled. And so we  
2 weren't sure what was being requested, whether it  
3 was two times the standard deviation or two times  
4 the standard error.

5 She then provided the actual Discovery  
6 booklet, which she said she was pulling that  
7 information from, which was great. And, again, in  
8 the standard -- in the booklet, it is the scale  
9 scores and the standard errors, not standard  
10 deviations.

11 So it does appear that her attached report  
12 is standard errors. But when I asked about that  
13 language, in an e-mail from Ms. Barnes on Friday,  
14 she said, "Well, that chart was just -- the  
15 calculations were done for us -- that it was two  
16 times the standard deviation."

17 Well, again, the concern is the standard  
18 error is a reasonable -- a reasonable expectation of  
19 growth. It's 7-to-10 percent worth of growth in six  
20 months. A standard deviation is actually an  
21 increase in a person's rank. So that would be  
22 bringing, really, an average student to a gifted  
23 student in six months, or a student with a severe  
24 cognitive disability to an average student in six  
25 months. It's just not -- it's not a possible



1 measurement. It is actually six to seven years of  
2 cognitive or academic growth.

3 And so we just want to clarify that we're  
4 looking at standard error, not standard deviation.  
5 And the terms seem to have been used  
6 interchangeably, and they're vastly different.

7 THE CHAIR: I remember there was quite a  
8 lengthy discussion during the negotiation over these  
9 fine points.

10 COMMISSIONER GIPSON: Yes.

11 THE CHAIR: Could I suggest that we not  
12 deal with this today, that you all and CSD get with  
13 Ms. Barnes? Because I thought, when we left that  
14 day, we had a finalized document. So if this is not  
15 that document, let's get the final document that  
16 should have been sent out shortly to everyone, and  
17 have Ms. Barnes in -- here with us next month, when  
18 we relook at this.

19 MS. MATTHEWS: Madam Chair, if I may, as a  
20 point of order -- and I don't know if the school  
21 would have any objection -- to tabling the academic,  
22 like you did with La Promesa, just because this is  
23 June, and we'd like to have that contract approved  
24 for operations as of July 1; so then we could come  
25 back in July on the academics.

1 THE CHAIR: I understand. Do you have any  
2 problem with that?

3 Okay. Does everyone -- did everyone hear  
4 what Ms. Matthews suggested?

5 Commissioner Bergman?

6 COMMISSIONER BERGMAN: Just a reminder  
7 what we did with La Promesa at the special meeting,  
8 we approved the contract, the financial performance  
9 framework, the professional organizational  
10 framework, and left the academic performance  
11 framework, which we still have to do with  
12 La Promesa, as a matter of fact.

13 I think we can do that today, if that's  
14 agreeable with the school. In July, we can address  
15 that academic part, if everybody is agreeable to  
16 that.

17 THE CHAIR: I would strongly urge that  
18 when this item comes up on the agenda, that Julia be  
19 in attendance so we can be sure we're getting  
20 everything correct.

21 COMMISSIONER BERGMAN: Hopefully, it will  
22 have already been corrected and the new documents  
23 will reflect -- I think we did drop that language.

24 MS. DOVE: I just think it was the wrong  
25 document that was attached to your documents.

1 THE CHAIR: We just want to be sure,  
2 though.

3 MS. DOVE: Exactly. Us, too.

4 COMMISSIONER BERGMAN: I'm happy to do  
5 that, Madam Chair.

6 Madam Chair, I would move that the Public  
7 Education Commission approve the 2015-2020 Charter  
8 Contract and the 2015-2016 Financial Performance  
9 Framework, comma, Organizational Performance  
10 Framework, comma, with The Academic Performance  
11 Framework to be approved at our July meeting, due to  
12 perhaps a need to change some language in the  
13 documents; and, also, on the condition that the  
14 school provide signed and approved minutes by their  
15 governing council.

16 Is that adequate?

17 MS. DOVE: And I believe that's already  
18 been provided, the signed --

19 THE CHAIR: The copy of the minutes that  
20 we have are marked "Draft"?

21 MS. DOVE: No. I also sent them to  
22 Ms. Barnes once we had our next governance council  
23 minutes, the signed minutes.

24 THE CHAIR: Let's make sure we have  
25 official signed minutes.

1           COMMISSIONER BERGMAN: I might need to  
2 amend the motion to say this is for the ASK Academy.  
3 Did I do that?

4           THE CHAIR: And who seconded the motion,  
5 or did anyone yet?

6           COMMISSIONER BERGMAN: I don't think  
7 anyone did.

8           THE CHAIR: Okay. Commissioner Conyers,  
9 are you interested in seconding the motion?

10          COMMISSIONER CONYERS: Yes, I'll second  
11 it.

12          THE CHAIR: Thank you very much. Motion  
13 by Commissioner Bergman, seconded by Commissioner  
14 Conyers, to approve the Contract and Performance  
15 Framework, as stated in the official motion, for the  
16 ASK Academy.

17                   Is there any further discussion?  
18 Commissioner Armbruster?

19          COMMISSIONER ARMBRUSTER: I just want to  
20 understand. So the minutes from the meeting were  
21 not -- were okay, I'm sure, on the organizational  
22 and the financial, but probably not the academic,  
23 because that's what we're looking at again. So they  
24 have to get new minutes, then?

25          MS. MATTHEWS: Madam Chair, members of the

1 Commission, Commissioner Armbruster, actually, what  
2 the board -- or what the council of the ASK Academy  
3 approved was the whole package, and they approved  
4 the form of the academic indicators that they  
5 received that they thought -- I mean, initially,  
6 that were correct. So they've already voted on the  
7 correct form.

8 So I was going to ask for clarification.  
9 Thank you for bringing that up. Do you need for  
10 them to go back and revote? Because the form they  
11 approved was without the language that they thought  
12 was removed at the negotiations. So it seems to me  
13 they've already approved the proper form.

14 THE CHAIR: My question for you would be  
15 would it not be better for us to wait until after  
16 the July meeting and see, for absolute certain, what  
17 we approve in the July meeting? Then if there's a  
18 need to go back to your governing council for any  
19 additional minutes, we could certainly ask for it at  
20 that time. Is that okay?

21 MS. DOVE: Absolutely, yeah.

22 COMMISSIONER TOULOUSE: Madam Chair, I  
23 believe, in your restating of the motion, you  
24 included the Performance Framework. I know it's not  
25 in the original motion. But when you just restated

1 it --

2 THE CHAIR: I said "the Performance  
3 Framework, as stated in the motion."

4 COMMISSIONER TOULOUSE: Okay.

5 THE CHAIR: And in the motion, it said  
6 just the Financial and the Organizational.

7 Any further discussion? Hearing none,  
8 Commissioner Peralta, may we have a roll-call vote?

9 COMMISSIONER PERALTA: Commissioner  
10 Conyers?

11 COMMISSIONER CONYERS: Yes.

12 COMMISSIONER PERALTA: Commissioner  
13 Gipson?

14 COMMISSIONER GIPSON: Yes.

15 COMMISSIONER PERALTA: Commissioner  
16 Chavez?

17 COMMISSIONER CHAVEZ: Yes.

18 COMMISSIONER PERALTA: Commissioner Pogna?

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER PERALTA: Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER PERALTA: Commissioner  
23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Peralta votes "Yes."

2 Commissioner Armbruster?

3 COMMISSIONER ARMBRUSTER: Yes.

4 COMMISSIONER PERALTA: Commissioner  
5 Bergman?

6 COMMISSIONER BERGMAN: Yes.

7 COMMISSIONER PERALTA: Commissioner  
8 Shearman?

9 THE CHAIR: Yes.

10 COMMISSIONER PERALTA: Madam Chair, that  
11 is a ten-to-zero vote in favor of the motion.

12 THE CHAIR: Thank you. The motion passes  
13 unanimously, as the motion was stated in the  
14 official record.

15 Any other comments?

16 We thank you very much. I'm sorry to ask  
17 you to come back in July; but we -- I think we all  
18 want it to be absolutely correct. So we'll see you  
19 then.

20 MS. DOVE: Thank you.

21 MR. BARBOUR: Thank you, Commission.

22 THE CHAIR: Commissioners, are we ready  
23 for lunch? Do we want 45 minutes or an hour?

24 COMMISSIONER BERGMAN: Come back at 1:00.

25 COMMISSIONER PERALTA: Actually, we're

1 almost there, Commissioner Shearman. 11 is gone.

2 THE CHAIR: Some of this is going to take  
3 some time, I'm afraid.

4 COMMISSIONER PERALTA: Just trying.

5 THE CHAIR: Let's come back at 1:00.  
6 We're recessed till 1:00.

7 (A recess was taken at 12:13 p.m., and  
8 reconvened at 1:00 p.m., as follows:)

9 THE CHAIR: I call back into session this  
10 regular meeting of the New Mexico Public Education  
11 Commission. I believe we are at Item No. 10. But  
12 before we get started on that, I wanted to introduce  
13 Kelly Callahan, or at least acknowledge she's here.

14 Most of us have worked with Kelly when she  
15 was with CSD. We miss her. She's with the Charter  
16 School Coalition now. Do you have anybody with you,  
17 Kelly, that you'd like to introduce?

18 MS. CALLAHAN: No, it's just me today.  
19 But, Madam Chair, if you'd indulge me just  
20 30 seconds?

21 THE CHAIR: Please do. Come on down.

22 MS. CALLAHAN: I can use my teacher voice.  
23 Remember? I talked to you like this all the time.

24 Madam Chair, Commissioners, thank you very  
25 much. I just wanted to say that the New Mexico



1 Coalition for Charter Schools is now under the  
2 leadership of myself and Greta Roskom. And we are  
3 half-time co-executive directors; so this is a new  
4 model. And -- but we feel like the Coalition has  
5 gotten a great two-for-one deal, and we look forward  
6 to working with the Public Education Commission, the  
7 Public Education Department, and the charter  
8 schools.

9 And one of our highest priorities, both  
10 Greta and myself, is to really emphasize the quality  
11 of charter schools and how we can support that and  
12 make sure that the schools get the technical support  
13 on that side; but also that we are working with the  
14 Commission and the PED to ensure that there's  
15 consistency in oversight and accountability.

16 So thank you very much. I really  
17 appreciate it. It's a pleasure working with you  
18 guys. I'm so glad to be back in the charter school  
19 game. And it's -- I think there's many great things  
20 that will be happening in the near future.

21 So thank you, Madam Chair.

22 THE CHAIR: Thank you. We really look  
23 forward to working with you.

24 COMMISSIONER TOULOUSE: Madam Chair, I'd  
25 just like to ask a favor of you and your co-chair.

1 Next time -- or co-director.

2 Next time you write one of your articles  
3 for the Albuquerque Journal, try to get the Public  
4 Education Commission in there, so they don't edit it  
5 out. The one you wrote before referred to PED and  
6 the Charter School Coalition; but PEC wasn't in  
7 there. But I have a feeling if it is in there,  
8 unless it's prominent, the Journal is going to edit  
9 us out, because they don't care.

10 MS. CALLAHAN: Madam Chair, Commissioner  
11 Toulouse, absolutely. I think that would be --  
12 because one of the things that we're going to be  
13 talking about at the conference -- if I may make a  
14 personal request -- that the conference -- the  
15 State's charter conference is going to be October  
16 30th and 31st. And as always, the Commission will  
17 be invited.

18 So I think when we do our first column, we  
19 will definitely emphasize that relationship and  
20 talking about accountability. And so the conference  
21 is going to be all about that.

22 So October 30th and 31st. And the  
23 Commissioners are invited as complimentary guests,  
24 and we usually have a meeting tied --

25 COMMISSIONER BERGMAN: We have had one, I

1 think, at least, maybe two, yeah.

2 MS. CALLAHAN: Right. And if that's  
3 something that you wish to continue, please feel  
4 free to contact me, and we'll make sure that that  
5 room and setup is available for you all. Thank you.

6 THE CHAIR: All right. Thank you very  
7 much.

8 All right. Let's move on now with Item  
9 No. 10, School Improvement Plans. Julie?

10 First one on the list is Cesar Chavez. If  
11 anyone is here from that school, please come on  
12 down.

13 Good afternoon.

14 MS. THOMAS: Good afternoon.

15 THE CHAIR: We're glad you're here.  
16 Please introduce yourself for the record.

17 MS. ARNESS: I'm Tani Arness, principal at  
18 Cesar Chavez. T-A-N-I. Last name, A-R-N-E-S-S.

19 MS. THOMAS: And I'm Caryl Thomas, the  
20 executive director. And that's Caryl, C-A-R-Y-L,  
21 Thomas, T-H-O-M-A-S.

22 And, Madam Chair and members, Commission,  
23 if I could just take a moment to let you know about  
24 our transition that we're doing of leadership right  
25 now in our school?

1 THE CHAIR: Please do.

2 MS. THOMAS: Thank you. Tani has been the  
3 principal of our school for this last year. And  
4 I -- and she and I have worked in conjunction in  
5 transitioning her to the executive director  
6 position, which she will officially begin as of  
7 July 1st. And I am retiring as of June 30th.

8 And Tani has done a great job. She's  
9 worked at Cesar Chavez for nine years; she's been  
10 the S.T.A.R.S. coordinator. She also teaches a  
11 wonderful poetry class. And she -- and I have  
12 absolute confidence in her, handing over my baby to  
13 her.

14 And I just want to take a moment to thank  
15 everyone for the opportunity to work with you these  
16 last six years and to express my appreciation  
17 that -- for the support that you have shown for our  
18 school and your understanding of some of the  
19 challenges that we have in meeting our mission and  
20 working with our at-risk population.

21 So thank you so much for the opportunity  
22 to work with you. And I think you're going to enjoy  
23 working with Tani.

24 THE CHAIR: Thank you very much. Caryl, I  
25 really enjoyed getting to know you, getting to know

1 what your school does. I'm very impressed. I know  
2 your school is going to miss you. I think the whole  
3 charter school community is going to miss you.  
4 You've done an outstanding job. We look forward to  
5 working with you.

6 MS. THOMAS: Thank you so much.

7 MS. ARNESS: Thank you, Madam Chair.

8 THE CHAIR: Julie, whenever you're ready.

9 MS. LUCERO: Madam Chair, members of the  
10 Commission, the school has provided all evidence  
11 required at this time. We just have a couple of  
12 items we need to close out our Web EPSS, and we will  
13 come back with a final recommendation on all  
14 improvement plans in July.

15 But the school has provided all required  
16 evidence for the Improvement Plan.

17 THE CHAIR: All right. Thank you very  
18 much. Is there any action that you are requesting  
19 we take at this time?

20 MS. LUCERO: Not at this time. At the  
21 July meeting, we will make a recommendation.

22 THE CHAIR: Thank you very much. Any  
23 comments or questions, Commissioners?

24 Commissioner Toulouse?

25 COMMISSIONER TOULOUSE: Madam Chair, I

1 just want to thank these two women from this school,  
2 because I've been there. I know what they've done.  
3 And they did the honor of having me sit on the stage  
4 with them at their graduation and help greet their  
5 students.

6 And last year, I sat out in the audience  
7 and didn't let them know I was there. This time, I  
8 couldn't get away with that.

9 But it always is such a good experience to  
10 see -- every one of those kids is introduced  
11 individually, and then with their future plans.  
12 None of them are left as if they can't do something.

13 I think one of them was going to work in a  
14 family restaurant, a couple were going into the  
15 military, one to UNM with a full scholarship, if I  
16 remember. Isn't she the same one that got the  
17 gold-level WorkKeys?

18 MS. ARNESS: We had one going to UNM with  
19 a Bridge Scholarship.

20 COMMISSIONER TOULOUSE: They, all of them,  
21 take WorkKeys. A bronze level takes work; but you  
22 can do it. Silver is what you aim for. I think  
23 it's almost impossible to get gold. And one of  
24 their students got -- that's an entry into almost  
25 any kind of job or any kind of program they want to

1 do.

2 And I think it's wonderful they do that.  
3 But every one of those students is enrolled  
4 somewhere, to CNM, to UNM, to an apprenticeship  
5 program, or a couple to the military. I mean, it  
6 just -- and they let everybody know it. The whole  
7 audience knows it. Everybody does.

8 And I think that's something that also  
9 encourages those students to follow on through,  
10 because everybody's been told they're going to.

11 I just want you to know I think that's a  
12 good idea. I do appreciate the honor of letting me  
13 be up there and greet all of your students. One of  
14 them even gave me a great big hug and told me in my  
15 ear, "Thank you for being here." That's special,  
16 too, because I'm not anybody. They don't know who  
17 we are, you know.

18 And so I think it's special somebody  
19 thought that. So thank you.

20 MS. ARNESS: Thank you, Commissioner  
21 Toulouse, for attending our graduation, which was a  
22 great honor, and also for your support of our  
23 school. We work hard on our graduation transition  
24 for our students, and it's something we're really  
25 proud of; so it was wonderful that you could be

1 there.

2 MS. THOMAS: Thank you.

3 THE CHAIR: Other comments or questions of  
4 the school?

5 All right. We thank you for being here  
6 today. Enjoy your retirement.

7 MS. THOMAS: Thank you.

8 THE CHAIR: Next is Creative Education  
9 Preparatory Institute.

10 Good afternoon. If you all would  
11 introduce yourselves, please?

12 MS. BOTTONE: My name --

13 THE CHAIR: Press the lever down. Thank  
14 you.

15 MS. BOTTONE: Thank you. My name is  
16 Shanni Bottone. Let me spell that. "Shanni" is  
17 S-H-A-N-N-I. "Bottone" is "B," as in boy,  
18 -O-T-T-O-N-E. And I'm the S.T.A.R.S. coordinator  
19 and business assistant.

20 MS. WOGENRICH: And I'm Kelly Wogenrich.  
21 That's Kelly with just a "Y." Wogenrich,  
22 W-O-G-E-N-R-I-C-H. And I'm the school test  
23 coordinator and also an English teacher at CEPI.

24 THE CHAIR: Thank you for being here.

25 Julie?



1 MS. LUCERO: Madam Chair, members of the  
2 Commission, CEPI has provided all documents  
3 necessary to meet the Improvement Plan. The only  
4 thing outstanding is our closing out of Web EPSS.  
5 That will be reported back out at the July meeting,  
6 and we will make a final recommendation on the  
7 Improvement Plan at that time.

8 THE CHAIR: Thank you.

9 Commissioners, do you have any questions  
10 of Julie or the school?

11 Does the school wish to make any kind of  
12 statement?

13 MS. BOTTONE: I think we're good.

14 THE CHAIR: Okay.

15 MS. WOGENRICH: We'll certainly answer any  
16 questions.

17 THE CHAIR: Any questions or comments?  
18 Go ahead.

19 COMMISSIONER BERGMAN: Thank you for being  
20 here all day for this very brief moment.

21 THE CHAIR: It's nice to meet the people  
22 from the schools, though. We don't always get to  
23 know the folks -- the face of the school. So even  
24 though it's just here for a few minutes, we  
25 appreciate you being here.

1 MS. WOGENRICH: Well, we appreciate the  
2 opportunity to be here today.

3 THE CHAIR: Thank you.

4 If there are no questions, we thank you  
5 for being here, and we'll let you go back to work or  
6 whatever it is you're doing this summer.

7 MS. BOTTONE: Thank you.

8 THE CHAIR: Thank you so much.

9 Let's go to La Tierra Montessori School of  
10 Arts and Science. Is there anyone here?

11 Oh, there you are. Appreciate you being  
12 here.

13 Please introduce yourself.

14 MS. DAVIS: My name is Sandra Davis. And  
15 the Head Learner at La Tierra Montessori is  
16 attending her daughter's graduation today, and so I  
17 am here representing the school.

18 I served as an administrator at the end of  
19 last year at the school and have been mentoring the  
20 new administrator all this year.

21 THE CHAIR: We thank you for being here.

22 Julie?

23 MS. LUCERO: Madam Chair, members of the  
24 Commission, you'll notice that their improvement  
25 plan is missing from the binder. But we have

1 received all outstanding items, with the exception  
2 of the completion of Web EPSS. So they have  
3 completed all items on the Improvement Plan, and  
4 we'll make a recommendation in July.

5 THE CHAIR: Okay. Commissioners, do you  
6 have questions?

7 Again, hearing none, thank you so much for  
8 being here. You've been here a long time, and we  
9 appreciate it.

10 MS. DAVIS: Thank you.

11 THE CHAIR: It's nice to see you again.

12 MS. DAVIS: Thank you.

13 THE CHAIR: And last is School of Dreams  
14 Academy. We appreciate you all being here. We know  
15 you've waited a long time, as well. Please  
16 introduce yourselves.

17 MS. MURPHY-OSHIRO: Good afternoon,  
18 Madam Chair, officers, and members of the  
19 Commission. I am Tomasita, T-O-M-A-S-I-T-A,  
20 Murphy-Oshiro, O-S-H-I-R-O. I'm a teacher, and I'm  
21 completing my educational leadership internship.

22 MS. GARCIA: Good afternoon, Madam Chair,  
23 Commissioners. My name is Amelia Garcia, and I am  
24 the school counselor.

25 THE CHAIR: Thank you.

1 Julie?

2 MS. LUCERO: Madam Chair, members of the  
3 Commission, this school has also submitted all  
4 required documents for the Improvement Plan. Again,  
5 we are waiting on the Web EPSS, and that will be  
6 finalized, and we will make a final recommendation  
7 in July on the total completion of the Improvement  
8 Plan.

9 THE CHAIR: Thank you very much.  
10 Questions or comments, Commissioners?

11 Do you ladies have any comments?

12 MS. MURPHY-OSHIRO: Yes. Now that I've  
13 got you all before us and we've waited all this  
14 time, I just wanted to give you a brief snapshot of  
15 our school. We're super-proud of it.

16 We're nestled in the Rio Grande Valley in  
17 Central New Mexico, and we draw students from  
18 several small communities. These areas vary from  
19 urban to rural. Our learners include foster  
20 children, home-schooled students, dropouts, the  
21 gifted and talented, special education, the  
22 exceptional, and the disenfranchised, serving grades  
23 seven through 12.

24 It was co-founded by our principal, Mike  
25 Ogas, in 2008. He was unable to be here today.

1           It's a Title I school and has been  
2 designated as a SAMS school and is nationally  
3 accredited by Advanced Ed.

4           Recently, we were awarded a large grant to  
5 be an early college high school, offering dual  
6 credit in conjunction with the UNM-Valencia County  
7 Branch, together with our one principal,  
8 378 students, their families, and five Governing  
9 Council members. And we are the School of Dreams  
10 Academy. We're the only charter school in Valencia  
11 County.

12           So I just want to give, like, three  
13 sentences of some of our accomplishments, if that's  
14 okay.

15           THE CHAIR: Sure.

16           MS. MURPHY-OSHIRO: We have won, and  
17 continue to win, national awards for our robotics,  
18 our dance, our music, and our art programs. And  
19 this year, 131 students enrolled in dual credit  
20 classes. We had one senior who graduated with her  
21 diploma and two associate's degrees. We had two  
22 Daniels Foundation scholarship winners, and one  
23 Gates Millennium scholarship out of our 65 seniors  
24 that graduated.

25           THE CHAIR: That is outstanding.

1 MS. MURPHY-OSHIRO: Thank you.

2 THE CHAIR: Thank you for staying around  
3 to share that with us.

4 MS. MURPHY-OSHIRO: It's a nice place to  
5 be, yes.

6 THE CHAIR: Any questions? We very much  
7 thank you for being here, and we look forward to  
8 hearing from you again.

9 MS. MURPHY-OSHIRO: Thank you. Enjoy your  
10 day.

11 THE CHAIR: All right. We have deleted  
12 Item No. 11; so we'll go directly to Item No. 12,  
13 which is Discussion and Possible Action on Joint  
14 Resolution HJR4, creating a 13-member State Board of  
15 Education.

16 And I believe, Commissioner Carr, you were  
17 the one that asked for this to be on the agenda; so  
18 if you would like to discuss it, please?

19 COMMISSIONER CARR: Sure. Thank you.

20 I forgot how many years ago now that we  
21 first supported a resolution bringing back what I  
22 call the "State School Board Amendment." And I  
23 wanted to give the new members a chance to -- to  
24 vote to support this joint resolution that would be  
25 an amendment to the Constitution that would bring

1 back the State Board of Education as it was before  
2 19 --

3 COMMISSIONER POGNA: 2000 --

4 COMMISSIONER CARR: -- excuse me -- 2003.  
5 I was going back too far. 2003.

6 The form that you have now was actually  
7 introduced by Representative Bobby Gonzales in the  
8 last session. It didn't -- obviously didn't get  
9 anywhere. The session before last, we came very  
10 close to a vote; but we had a couple of  
11 representatives that were ill and couldn't attend  
12 the session, and we were about at 50/50.

13 The -- this is something that will most  
14 likely have no chance of going anywhere in the next  
15 session; but in the session -- the next session  
16 after this one, it does have a possibility.

17 And for the people who weren't here  
18 before, you know, the -- when we were the State  
19 School Board -- and Millie was actually the only one  
20 here who was actually on it when it was a State  
21 School Board -- you had ten elected members from ten  
22 districts, and five members were appointed by the  
23 Governor. The State School Board had complete, you  
24 know, oversight, with consent, over the Public  
25 Education Department. And the State School Board

1 selected a Superintendent of Education in the form  
2 and governed over the PED much like a local school  
3 board would govern over a local school district.

4 Many of you are either school board  
5 members or have been -- or some of you have.

6 This particular form -- I mean, it  
7 could -- you know, actually, if it ever actually  
8 makes it to the floor of the House and the Senate --  
9 and I hope someday that it will -- the form that it  
10 takes could be slightly different than the one  
11 that's presented to you. Representative Bobby  
12 Gonzales has been in the House of Representatives --  
13 and he's also a former superintendent -- felt like  
14 the Governor should get at least three appointees,  
15 you know. And as it comes -- as it goes through the  
16 system, those appointees could disappear. Some  
17 other things could change.

18 There was even, in one of the early  
19 resolutions that I had that's actually on the State  
20 Democratic Party Platform, it calls for an election  
21 of a State School Board Superintendent, like it was  
22 20 years ago. And a lot of people want to take the  
23 politics out of it.

24 And also, in going to the year-before-last  
25 session, a lot of the talk was centered around,



1 "Well, let's make it nonpartisan." So it could end  
2 up being nonpartisan like it was before.

3 And the election -- the State School  
4 Board -- New Mexico State School Board actually took  
5 place at the same time that the local school board  
6 elections took place. It was very different than  
7 what we're used to now.

8 So there's a lot of things that could  
9 happen.

10 What I would like for us to do here,  
11 and -- you know, is to, at least in principle,  
12 support -- like to call for a vote to support either  
13 this resolution or something very similar to it.  
14 And I can come to -- I can come up with some quick  
15 wording for it.

16 And that's basically it. I wanted to give  
17 the new members a chance to get on board with it,  
18 and I wanted us to be on the record supporting it,  
19 so that if I presented it to the State Legislature  
20 that I can tell them that the Public Education  
21 Commission, as it currently stands, supports this  
22 particular amendment.

23 COMMISSIONER POGNA: Do we have a copy of  
24 the resolution?

25 COMMISSIONER CARR: Well, it was in here

1 before.

2 THE CHAIR: I don't -- I don't remember  
3 seeing it.

4 COMMISSIONER CARR: It had been in there  
5 before. And I can certainly get everybody a copy.  
6 But the basic tenets of it are that the current ten  
7 members of the Public Education Commission would  
8 remain on the board. And those would be elected  
9 positions, and there would be -- I don't necessarily  
10 support the three appointees by the Governor; but it  
11 would be better than what we have now, I think.

12 And I could come up with pretty basic  
13 wording for -- for a motion that -- you know,  
14 because, like I said, when it goes through the whole  
15 process, there's going to be a lot of changes to it,  
16 regardless.

17 COMMISSIONER POGNA: Just a quick note. I  
18 was elected in -- when was I elected? -- 1978.

19 COMMISSIONER CARR: Right.

20 COMMISSIONER POGNA: And we hired this --  
21 the State Superintendent was not elected at that  
22 time. Before that.

23 COMMISSIONER CARR: Oh, before that. So  
24 it was even farther than that.

25 COMMISSIONER POGNA: Even further, because

1 we hired -- the Board hired the Superintendent,  
2 yeah.

3 COMMISSIONER CARR: Right.

4 THE CHAIR: Other comments?

5 Commissioner Bergman?

6 COMMISSIONER BERGMAN: Let me share this  
7 with you. In April, I ran into a Republican  
8 legislator of my acquaintance, and I was in a venue  
9 where I could talk to him about why we're not  
10 getting our legislation through the Legislature.  
11 And in this instance, this year, it was the  
12 Republicans that opposed our legislation. It  
13 depends on who the Governor is, apparently, on which  
14 party is supporting legislation. That's politics.  
15 That's the way it's always been.

16 I had a very frank discussion. I told him  
17 how much we needed this legislation. And I expected  
18 him to give me the usual song-and-dance that  
19 legislators do; but he was actually fairly candid.

20 One, he said our friends over at at PED  
21 oppose all our legislation. We're not idiots. We  
22 knew that. They go to the Legislature and tell  
23 them, "We don't support this."

24 We were asking for a budget, and we're  
25 asking for this, and we're asking for that; and so

1 we're not getting any help from our colleagues over  
2 in the PED Department. That's politics, also. I  
3 understand. They understand we're trying to  
4 encroach on their territory.

5 I had a very frank discussion. I told  
6 him -- I said this: "We really need this." All --  
7 everybody, both Republicans and Democrats, keep  
8 saying -- they all say the same thing. They all  
9 want better schools.

10 I said, "That's what the PEC is trying to  
11 give this state. We're trying to give you better  
12 charter schools. We need this legislation."

13 Well, of course, I gained no traction.  
14 But then at the end, I asked him specifically. I  
15 said, "You're aware that there's this resolution in  
16 the -- also that's been introduced about the  
17 takeover of the Public Education" -- and he said,  
18 "Oh, yes, we're all familiar with that."

19 I said, "Does that have any effect on  
20 this?"

21 He said, "As long as that's sitting over  
22 here, you're not going to get any legislation out of  
23 the Legislature, as long as that's sitting there."

24 I'm just telling you that. He was very  
25 candid. I didn't expect that. He viewed it as a

1 highly partisan thing. Whether it is or not, I  
2 don't know. I'm just telling you what I had in this  
3 discussion.

4 We need that legislation that we've -- we  
5 were close to what we've been asking for for years  
6 in the bill that I testified, and they whisked me in  
7 there and they whisked me out of there and had their  
8 vote. You might not remember. The vote was six to  
9 six. Nora Espinoza was the chair of the Education  
10 Committee this year. She's on another committee.  
11 We had a six-to-six vote. We didn't lose; we didn't  
12 win. That was tabled, and it disappeared.

13 I think as long as this is in there, our  
14 chances of getting other legislation that we really  
15 need are going to be slim to none.

16 I'm just being honest with you. We can  
17 say everything is nonpartisan; it's not political.  
18 Everything is partisan when you get to the  
19 Legislature, as we saw with the Capital Outlay.  
20 Everything is partisan, and everything is political.

21 We really need our budget. We really need  
22 these things that we're asking for. And I just  
23 wanted to tell you, you know, that there's two  
24 schools of thought on this; there's not just one.  
25 There's two sides to it.

1           And I did have that conversation. And I  
2 worked him as best I could. I said, "I'll be happy  
3 to sit down with you guys and tell you why."

4           I tried to tell them why when I testified,  
5 and they cut me off. That was my buddies on the  
6 Republican side. They cut me off and wouldn't let  
7 me speak. I was irritated at that and told him  
8 that. The whole purpose of testifying is to get  
9 people to testify for or against a bill. They -- it  
10 just -- it just frustrated me no end, because we  
11 worked so hard going to all the LESC meetings and  
12 working with them and the Staff to get this  
13 legislation.

14           Then, in the final analysis, we get two  
15 minutes, and then that's it, we're done, when we all  
16 invested -- or some of us, anyway, invested  
17 100 hours or more trying to get that legislation in  
18 there.

19           I just throw that out for food for  
20 thought. It's something that everybody has to be  
21 thinking about as we go forward with this.

22           Thank you, Madam Chair.

23           THE CHAIR: Thank you. Are there other  
24 comments?

25           COMMISSIONER CARR: Well, Madam Chair, I'd

1 just like to -- may I -- maybe the offhand comments  
2 of one legislator. I don't think --

3 COMMISSIONER BERGMAN: Oh, sure.

4 COMMISSIONER CARR: -- I don't think our  
5 legislation had a chance. And I don't think it had  
6 had a chance; I'll just say that, regardless. I  
7 think if we get a Democratic governor next, they're  
8 not going to -- they may not want to give up the  
9 power, either; because once the executive branch  
10 gets power, they hardly ever give it back.

11 My position is this is the right thing to  
12 do. I don't care -- and whether people believe me  
13 or not, I don't care whether we have a Republican or  
14 a Democratic governor. I think this was a huge  
15 mistake, and I think the majority of the Legislature  
16 and the majority -- there were a number of Democrats  
17 who fought Governor Richardson in the first place.

18 It may never come to pass. It's something  
19 I'm not going to give up on as long as I'm alive,  
20 because I think it's the right thing to do. And I  
21 think we should simply support it because it's the  
22 right thing to do.

23 It may be ten years; it may be five years;  
24 it may be two years down the road before it even has  
25 a chance to go anywhere.

1           But I don't care if it takes 20 years, if  
2 I'm still around. And if I'm not still around, I'm  
3 going to ask my daughter to take it up and go  
4 forward with it, because I think it's the right  
5 thing for us to do, because it was a huge mistake.  
6 And I think most people recognize that.

7           I don't think Governor Richardson still  
8 wants to give up on it. But he's not there anymore,  
9 so it doesn't matter.

10           So I would like -- and what I could do, to  
11 speed things up, is since everybody didn't have  
12 everything, I could put together a nice motion and  
13 make sure everybody has all the information, and  
14 then maybe we could take a vote on this in July.

15           THE CHAIR: Perhaps -- I'm even thinking  
16 if we had a copy of the last Constitutional  
17 amendment resolution that was put forward --

18           COMMISSIONER CARR: I have it on my  
19 computer.

20           THE CHAIR: -- perhaps we could have that  
21 for the July meeting and then really have something  
22 to look at.

23           COMMISSIONER CARR: You bet.

24           THE CHAIR: I think we'd all be more  
25 comfortable knowing what we're voting on.



1 COMMISSIONER CARR: Sure.

2 THE CHAIR: Commissioner Pogna?

3 COMMISSIONER POGNA: Yes, Jeff. I've  
4 talked to my legislator, and to tell -- and I also  
5 know that other former legislators have talked to  
6 him. They're people's parents and teachers'  
7 concerns about Common Core, about returning a State  
8 Board of Education, et cetera.

9 And he was not interested. He said there  
10 was no interest in this kind of thing. Well, of  
11 course, you have a Republican governor. She -- same  
12 thing that you said. They don't -- they're not  
13 going to lose power. Richardson got it in because  
14 he wanted the power. And he had, for the first time  
15 ever, a Secretary of Education. And she has the  
16 power. She's not going to give that up. The next  
17 one is not going to give it up.

18 COMMISSIONER CARR: Not without a fight.

19 THE CHAIR: Why don't we do that? Bring  
20 forward a copy of that resolution. We'll put it on  
21 the July agenda.

22 I do think we need to have a frank  
23 discussion, though, about whether or not this  
24 Commission wants to continue with both forms of  
25 legislation. Do we want to continue with supporting

1 the Constitutional amendment, as well as a bill to  
2 refine the PEC, and to -- what those bills have  
3 aimed to do in the past.

4 You know, we've never had that discussion  
5 among the Commission, and I think perhaps it's time  
6 to have that. So if we put that on the July agenda,  
7 then I think everyone will have their opportunity to  
8 weigh in with their opinion. So if you'll get  
9 that --

10 COMMISSIONER CARR: I will.

11 THE CHAIR: -- document to -- to Beverly?

12 COMMISSIONER CARR: I will. Two years  
13 ago, this was Senate Resolution 2, you know. There  
14 was also a Senate Resolution 8, which was sponsored  
15 by Tim Keller, which would have put us in complete  
16 control of just charter schools, which was  
17 another -- like, a lesser thing. To me, you give  
18 the Legislature options, just like you're doing  
19 negotiations, and you want to get -- you don't get  
20 all that you want.

21 Maybe we can get part of what we want.  
22 But I -- again, maybe I'll put -- because we voted  
23 on that one, also, at the same time that we voted on  
24 the Constitutional amendment. And maybe I can -- I  
25 can pull that one up, as well, so that people can

1 look at it. And to me, I just move forward.

2 It took Governor Richardson -- I think it  
3 was the shortest time ever for a constitutional  
4 amendment; it was put through. That's how much  
5 power he had at the time. Most constitutional  
6 amendments take years.

7 THE CHAIR: Thank you very much. If you  
8 all are ready, let's move on.

9 Next item is Report from the Chair. And I  
10 only have one item to bring forward to you. I think  
11 a couple of months ago, I told you that I had sent a  
12 request to the Attorney General's Office asking for  
13 an opinion with regards to whether a proposed  
14 statewide online virtual school must notify every  
15 school district in the state of the organizer's  
16 intent to establish a statewide school.

17 This is the letter I just received from  
18 the Attorney General's Office. They have appointed  
19 an attorney, an Assistant Attorney General, to look  
20 into this matter, and they will get back to us.

21 So they really received the letter, and  
22 they're really going to look into it. So, yay.

23 Yes.

24 COMMISSIONER CARR: All right.

25 COMMISSIONER ARMBRUSTER: So just in terms

1 of a time line?

2 THE CHAIR: No.

3 COMMISSIONER ARMBRUSTER: I know they  
4 didn't give you one. But don't we have people  
5 coming up suggesting more?

6 THE CHAIR: You know, we suggested -- or  
7 we asked CSD if they would send out that  
8 notification. And the response that we kept getting  
9 back was, "We haven't" -- "No, we haven't decided  
10 yet." And then finally what I was told is, "We'd  
11 rather not."

12 Now, Julie, am I misquoting anybody?

13 MS. LUCERO: Madam Chair, members of the  
14 Commission, no, that -- I wasn't a part of that  
15 decision. But yes, I understood that that couldn't  
16 come from CSD.

17 THE CHAIR: So the other thing I wanted to  
18 let you know, when I was at the School Law  
19 Conference this year, boy, I did a lot of talking at  
20 the School Law Conference. I talked to the  
21 executive director of the New Mexico School Boards  
22 Association and asked if they would be willing to  
23 send that information out to all their members --  
24 member districts -- for us. And he indicated yes,  
25 they would.

1           So when we get the final list of  
2 applicants, I will provide that to Joe Guillen, and  
3 they will send out the whole list. It's public  
4 knowledge. It's public information. He'll send out  
5 the list when we get the public input hearings set.  
6 He will also send that information out, so that if  
7 any districts want to come to the input hearing and  
8 have something to say, they'll know when and where  
9 it is.

10           So that's what we're going to do.

11           COMMISSIONER CARR: All right.

12           THE CHAIR: I may even talk with the new  
13 executive director of the Charter Schools Coalition  
14 to see if they might like to send that information  
15 out. And I don't want to put Kelly on the spot; so  
16 I won't ask you for an answer right now. But I had  
17 meant to talk to you about that, and -- but it's  
18 public information; so I don't think it's really  
19 stepping on anybody's toes.

20           So that's -- yes, Beverly?

21           MS. FRIEDMAN: Madam Chair, there's  
22 information in each of the Commissioners' notebooks  
23 about NACSA, if you wanted to mention that.

24           THE CHAIR: I think it's in the front of  
25 your notebook.

1 COMMISSIONER BERGMAN: Before we get into  
2 that -- (Consults with Chair.)

3 THE CHAIR: While you're looking at that,  
4 Commissioner Bergman has a comment he'd like to  
5 make.

6 COMMISSIONER BERGMAN: Just for Karyl  
7 Ann's benefit, particularly, until something  
8 changes, by statute, we have to accept all  
9 applications. We can't tell virtual schools, "No,  
10 you don't apply in New Mexico."

11 We have to accept the applications. They  
12 have to be processed as long as they fit the  
13 statutory requirements. And as we saw with seven or  
14 eight or whatever the final number was this year,  
15 they didn't notify the right people, then we can  
16 say, "No, your application wasn't" -- unfortunately,  
17 under the current statutory environment, we can't  
18 say, "No, thanks, virtual schools. We don't want  
19 you here in New Mexico."

20 We can't do that. We just can't.

21 COMMISSIONER ARMBRUSTER: I sort of  
22 understood that. My question really was, which was  
23 apparently not well put, was two things that were  
24 occurring. One did we have to notify, or should we  
25 have notified, all districts. And that was sort of,

1 like, we're thinking about that.

2 And in the meanwhile, the event is going  
3 to occur; and so, you know, it's like closing the  
4 barn door when the horse, or whatever, is already  
5 out.

6 COMMISSIONER BERGMAN: Unfortunately,  
7 until whoever in the Attorney General's Office --  
8 and Josh has requested information for some of us  
9 that were around when the first virtual schools --  
10 and that was myself, Commissioner Shearman.  
11 Commissioner Carr was around then.

12 Very first year, we had at least two,  
13 maybe three. I remember that was the ones that  
14 actually filed suit.

15 So I am going to be in touch with you  
16 probably a very long e-mail this week, Josh. I'll  
17 give you what I remember from six years ago. And  
18 anything else -- I'll ask about Connections and the  
19 one that's in Farmington. I'll send everything I  
20 can remember on those, what happened and how it fell  
21 and everything.

22 So he's helping out in some way, shape, or  
23 form. So it's just like anything. It sometimes  
24 moves at a snail's pace and --

25 COMMISSIONER ARMBRUSTER: Right. Thank

1 you.

2 THE CHAIR: Okay. Back to the NACSA  
3 conference, which is in Colorado in October, I  
4 think, according to our rules of procedure, people  
5 who have not attended in the last year or two will  
6 be given first preference.

7 However, I think Beverly tells me we --  
8 since it's so close this year, we probably will be  
9 able to accommodate everyone who would like to go.

10 But, Beverly, what's -- give us a date by  
11 when you need to know who's going.

12 MS. FRIEDMAN: Madam Chair, Commissioners,  
13 if I can know who is going to go at the next meeting  
14 in July; because the -- if you look at the  
15 information, there is an "early bird" rate by the  
16 end of August. And all of the information and  
17 paperwork needs to be done and sent to the Secretary  
18 for her approval. And then it goes to the  
19 Governor's Office for their approval before we can  
20 go to the next step, which is reserving rooms and  
21 airfare and so forth.

22 And so I -- at the next meeting, I would  
23 like your decisions, whether you can go or not. And  
24 then I'm also going to be asking you for some  
25 information, basically, for registration purposes



1 and that type of thing, as far as what day you want  
2 to leave, when you're coming back and all of that.

3 I note -- I put on those papers that if  
4 you are seriously interested in going, I would call  
5 that hotel and make reservations for the room that  
6 you would like, with your credit card, in the next  
7 couple of weeks, because, according to the  
8 paperwork, it's a small -- not small -- it's a large  
9 resort area. But with all of NACSA coming to it,  
10 I'm sure those rooms are going to go fast.

11 There are other hotels in the area; but  
12 that is where all of the meetings are going to be  
13 held. And so if you would reserve the room with  
14 your credit card, then what I'll do is what I did  
15 with the group who went to Miami last year, is then  
16 I make the reservations, and we pay your hotel with  
17 what is called the "P Card." You do not have to put  
18 any money out for that.

19 And I believe Jeff and Vince and Gilbert  
20 went last year to Miami. And the only out-of-pocket  
21 would be your meals and your travel from the airport  
22 back and forth. But the P Card will pay for  
23 basically -- if you choose to fly and your hotels.

24 THE CHAIR: All right. So if you are  
25 pretty sure you're going, you might want to go ahead

1 and make your reservations. Otherwise, be prepared,  
2 when you come in July, to let us know for sure.

3 And I'll ask Beverly to be pretty sure of  
4 money that's available and get an idea of how much  
5 each person will cost to go, and then we'll know if  
6 we have enough money for everybody that wants to go.

7 MS. FRIEDMAN: Madam Chair, Commissioners,  
8 I put in a request for your budget, covering an  
9 amount I thought would be applicable. And by the  
10 next meeting, I'll know if we have it.

11 THE CHAIR: Okay, good. Thank you very  
12 much.

13 COMMISSIONER CARR: Madam Chair, I would  
14 just like to encourage -- I encourage the new  
15 members to go, especially. Those of us who went,  
16 who have been part of this for six-and-a-half  
17 years -- right? --

18 THE CHAIR: Long time.

19 COMMISSIONER CARR: -- it seems like it's  
20 longer than that -- I don't know if we got as much  
21 out of it, because we knew more than a lot -- we  
22 knew more than some of the presenters knew, because  
23 of our experience.

24 But I -- it's still a good chance to get  
25 new ideas and everything, even if the older members

1 want to go, I think. But especially the new  
2 members, I think there's a lot of great information  
3 for them.

4 COMMISSIONER ARMBRUSTER: And, Beverly?

5 THE CHAIR: Do we need to do this during  
6 the meeting, or do you just want to talk to Beverly  
7 individually?

8 COMMISSIONER ARMBRUSTER: I can talk to  
9 her. That's fine.

10 THE CHAIR: That's all I have, in case  
11 anybody has any further questions. I have no new  
12 Old Business.

13 Anybody?

14 All right. We're to PEC Comments. Why  
15 don't we start right here. Patti, do you have  
16 anything?

17 COMMISSIONER GIPSON: No, not really. I  
18 just want to thank everyone for yesterday. And I'm  
19 glad we survived it.

20 COMMISSIONER CARR: Yeah, that was tough.

21 THE CHAIR: Thank you.

22 Carmie?

23 COMMISSIONER TOULOUSE: Madam Chair, I did  
24 not sleep well last night. However, what I need to  
25 report is I went to the LESC meeting three weeks ago

1 in their organizational meeting. Being under the  
2 leadership of the House at the moment, it's going to  
3 have a very different approach.

4 But they plan to put charter school items  
5 on every agenda, and they are looking to include  
6 charter school changes in various places in their  
7 various legislation.

8 So whatever we're going to put forward,  
9 you know, they are going to be doing it, too. And I  
10 do plan, to the best of my ability, to attend the  
11 LESC meetings and do have reservations for Raton.

12 THE CHAIR: Thank you. Appreciate that  
13 report.

14 Mr. Conyers?

15 COMMISSIONER CONYERS: No comment.

16 THE CHAIR: Not a thing?

17 Commissioner Bergman?

18 COMMISSIONER BERGMAN: I would just  
19 reiterate what Commissioner Toulouse said. They did  
20 pass a bill, what they call the "charter school  
21 cleanup" thing; and they put some stuff in there  
22 that I disagree with. So we have to be very -- we  
23 have to stay on top of this, or we're going to  
24 discover they've done some stuff to us that is just  
25 going to be totally -- we're not going to like it.

1           We have to stay involved. We have to stay  
2 concerned. The Legislature is not infallible. And  
3 so we have to be very careful. We have to be  
4 involved. We have to hold what ground we have, I  
5 think, as we try to gain some new ground.

6           So let's keep -- we need to stay on top of  
7 it.

8           Thank you, Madam Chair.

9           THE CHAIR: Thank you.

10           Commissioner Chavez, do you have any  
11 comment?

12           COMMISSIONER CHAVEZ: I don't.

13           THE CHAIR: Thank you.

14           Commissioner Armbruster?

15           COMMISSIONER ARMBRUSTER: I'm still  
16 looking for my parking place, but --

17           MS. FRIEDMAN: I'm still waiting to talk  
18 to someone who can make a decision.

19           COMMISSIONER ARMBRUSTER: Okay. I just  
20 thought I would --

21           THE CHAIR: And I'm still paying on my  
22 parking ticket.

23           COMMISSIONER ARMBRUSTER: Anybody agree  
24 with me, on our request?

25           THE CHAIR: Looking back, I have to say,

1 you know, back when they didn't give me a ticket  
2 because I had an official parking license plate, I  
3 liked it. And now, I get tickets. So I think we  
4 kind of stirred up a hornet's nest. Maybe it will  
5 work out well. We can hope. We can hope.

6 Commissioner Carr?

7 COMMISSIONER CARR: I would like to  
8 request to be put back on the liaison to the LESC,  
9 and -- if that's possible. I plan on going to the  
10 Raton meeting and going to some more of the LESC  
11 meetings, as they progress. I may not go to the  
12 one -- I think the next one is, like, way down where  
13 you live.

14 But I'm not -- you know --

15 THE CHAIR: Jeff, I looked at the list.  
16 We're full on LESC. And I -- I would -- I'm a  
17 little concerned about adding anybody else. I mean,  
18 we've got -- if everybody shows up, we'd have a  
19 quorum.

20 That's the first problem.

21 The next problem is money. You know, if  
22 we have that many people going to that many  
23 meetings, I'm not sure the budget will pay for it.

24 I would first ask you to talk with the  
25 people that are already listed on the LESC and see

1 if someone would trade with you; and, if not, then  
2 let's see what else I can do.

3 But I'm really concerned about a quorum,  
4 because we're going to have too many people. So  
5 would you do that first?

6 COMMISSIONER CARR: Sure, I can do that.  
7 It -- it -- it won't preclude me, though, from going  
8 to any of the meetings.

9 THE CHAIR: Oh, no.

10 COMMISSIONER CARR: The --

11 THE CHAIR: I would just caution, though,  
12 that -- that we don't have a quorum at any of those  
13 meetings, whether it's, you know, liaisons or not.  
14 We can't have -- five?

15 MR. GRANATA: Well, a quorum, with the  
16 Open Meetings, that comes into play. It's just if  
17 the quorum of the members are discussing PEC  
18 business.

19 THE CHAIR: Or give the appearance of.  
20 They've beat us up for lots of years for all of  
21 us -- or that many of us -- being in the same place.

22 MR. GRANATA: What Jeff says is absolutely  
23 correct. As a citizen, as member of the public, he  
24 can attend. If there are five other Commissioners  
25 attending the same event, it's not necessarily a

1 violation of OMA. If the five Commissioners are  
2 sitting together and talking about PEC business --  
3 or six Commissioners -- then that is a violation.

4 THE CHAIR: So if you all go, sit  
5 separately.

6 COMMISSIONER ARMBRUSTER: And wear  
7 sunglasses and a hat.

8 THE CHAIR: Commissioner Pogna, I know you  
9 had something you wanted to bring to us.

10 COMMISSIONER POGNA: Yes. If you recall  
11 some months ago, Jeff mentioned that, "Millie  
12 doesn't say much."

13 So I'm going to say -- I have a message.  
14 I did attend the State Library Commission meeting as  
15 a delegate. And they met at the Laguna Pueblo,  
16 which is a far piece to go for a two-hour meeting.

17 But they had held it there because the --  
18 the State Library Association was holding their  
19 annual conference there; so that's where we met.  
20 Most of the time, they meet in Santa Fe, so it will  
21 be better next time.

22 But what I want to tell you is that I  
23 received an invitation from Hillsdale College, from  
24 the President, who was the speaker at this  
25 commencement. And I have been involved with



1 Hillsdale College for many, many years. They are a  
2 truly classical college, and they -- they are --  
3 they excel in academics and on the founding  
4 principles of freedom and liberty, and so on, and  
5 moral discipline.

6 And so the invitation was to attend the  
7 Estancia Valley Classical Academy, which was very  
8 interesting. And I -- they gave me programs to give  
9 to the members. And so I brought them to you. They  
10 are -- they are lovely.

11 Anyway, they had ten graduates. It was in  
12 a huge room. It was lovely. I thought they were  
13 just going to fill a few seats; but the place was  
14 absolutely filled with people from Estancia Valley,  
15 who have such pride and interest in this classical  
16 academy.

17 And they did a beautiful job. It was very  
18 classy. The graduates all had caps and gowns. They  
19 had beautiful classical music intervals, which were  
20 performed by the students. It was just absolutely  
21 wonderful.

22 The -- the New Mexico -- in case you  
23 weren't aware of it, they're -- they are one of the  
24 first classical charter schools in the nation  
25 affiliated with Hillsdale College. And presently,

1 there are eight classical charter schools throughout  
2 the nation, various states. And they enroll nearly  
3 4,000 students.

4 Of course, the Estancia Valley is the only  
5 one in New Mexico at this time; but they have  
6 another five schools, beginning in the fall of 2015,  
7 in three other states.

8 It was just -- it was just a lovely,  
9 lovely event, and appreciated my being there. They  
10 realized that I was there representing the Public  
11 Education Commission and thanked me for being there.

12 That's it. I wanted to give you the  
13 programs, because they were so classy, just very  
14 lovely.

15 THE CHAIR: Thank you very much. And  
16 thank you for going to that for us.

17 Commissioner Peralta?

18 COMMISSIONER PERALTA: Madam Chair, just  
19 to give you a heads-up, there's a good chance that I  
20 may not be in attendance at the next Commission  
21 meeting. Our local school board is having their  
22 local retreat. As an administrator, I'm required to  
23 be there. That's on the 19th and 20th.

24 So that's where I'm at.

25 THE CHAIR: Josh, do you have anything

1 you'd like to bring to us?

2 MR. GRANATA: I don't have anything to  
3 say. It's been a long two days.

4 THE CHAIR: The only thing I wanted to say  
5 is I thank you all for yesterday. It was a long,  
6 hard day, and I appreciate the work that we did.  
7 And thank you all, of course, for being here today  
8 and the work that we do.

9 I want to remind you, if you look ahead on  
10 the important dates that Beverly has listed,  
11 remember, in August, we do the road show, right now,  
12 from the 17th through the 21st, depending on how  
13 many applicants we get.

14 Remember, we were also talking about maybe  
15 trying to fit in a meeting, a PEC meeting, in that  
16 week somewhere.

17 So just kind of keep your calendars open  
18 for that week, if you would, please.

19 That's all I've got.

20 Commissioner Bergman?

21 COMMISSIONER BERGMAN: One final thing.  
22 It was announced that Frances Maestas was leaving  
23 the LESC. She's been the Executive Director for as  
24 long as I can remember, and I enjoyed working with  
25 her. Anybody here hearing any chatter who might be

1 replacing her?

2 THE CHAIR: No, they haven't started  
3 looking at that.

4 COMMISSIONER BERGMAN: Too bad.  
5 Okay. Thanks.

6 THE CHAIR: Anything else? Would someone  
7 like to make a motion to adjourn?

8 COMMISSIONER CARR: So moved.

9 COMMISSIONER POGNA: Second.

10 THE CHAIR: Second. And say "yes."  
11 We're adjourned. Thank you, all.

12 (Proceedings concluded at 1:55 p.m.)  
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1                   BEFORE THE PUBLIC EDUCATION COMMISSION

2                                   STATE OF NEW MEXICO

3  
4  
5  
6  
7                                   REPORTER'S CERTIFICATE

8                   I, Cynthia C. Chapman, RMR, CCR #219, Certified  
9                   Court Reporter in the State of New Mexico, do hereby  
10                  certify that the foregoing pages constitute a true  
11                  transcript of proceedings had before the said  
12                  NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the  
13                  State of New Mexico, County of Santa Fe, in the  
14                  matter therein stated.

15                  In testimony whereof, I have hereunto set my  
16                  hand on June 29, 2015.

17  
18  
19                                   \_\_\_\_\_  
20                                   Cynthia C. Chapman, RMR-CRR, NM CCR #219  
21                                   BEAN & ASSOCIATES, INC.  
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