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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
PUBLIC MEETING  
June 30, 2014  
1:00 p.m.  
4216 Balloon Park Road  
Albuquerque, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219  
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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

MR. MATT PAHL, Interim Director, Charter School  
Division  
MS. BEVERLY FRIEDMAN, PED Liaison to the PEC  
MS. ABBY LEWIS, Counsel to the PEC

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1 THE CHAIR: I call to order this special  
2 meeting of the New Mexico Public Education  
3 Commission. I will ask Secretary Bergman for roll  
4 call, please.

5 COMMISSIONER BERGMAN: Commissioner Pogna?

6 COMMISSIONER POGNA: Here.

7 COMMISSIONER BERGMAN: Commissioner  
8 Toulouse?

9 COMMISSIONER TOULOUSE: Present.

10 COMMISSIONER BERGMAN: Commissioner  
11 Peralta?

12 COMMISSIONER PERALTA: Here.

13 COMMISSIONER BERGMAN: Commissioner  
14 Parker?

15 COMMISSIONER PARKER: Here.

16 COMMISSIONER BERGMAN: Commissioner Gant?

17 COMMISSIONER GANT: Here.

18 COMMISSIONER BERGMAN: Commissioner  
19 Shearman?

20 THE CHAIR: Here.

21 COMMISSIONER BERGMAN: Commissioner  
22 Bergman is here.

23 Madam Chair, you have seven members  
24 present. You have a quorum.

25 THE CHAIR: Thank you. We do officially

1 have a quorum.

2 I will ask everyone to stand for the  
3 Pledge of Allegiance and Salute; Commissioner  
4 Peralta, Commissioner Toulouse.

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

7 THE CHAIR: Commissioners, you have in  
8 front of you our agenda for today consisting of only  
9 five items. Do we have any corrections, additions  
10 to that agenda?

11 If not, the Chair will entertain a motion  
12 for approval.

13 COMMISSIONER GANT: I move we accept the  
14 agenda, as written.

15 COMMISSIONER TOULOUSE: Second.

16 THE CHAIR: Motion by Commissioner Gant,  
17 second by Commissioner Toulouse to approve the  
18 agenda.

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

20 (Commissioners so indicate.)

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

22 (No response.)

23 THE CHAIR: The agenda is approved.

24 Item No. 3 is Approval of the minutes for  
25 the June 13, 2014, minutes. Commissioner Peralta?

1           COMMISSIONER PERALTA: Yes, Madam Chair.  
2 I'd like to make a motion on the minutes for June  
3 the 13th.

4           I make the motion that the Commission  
5 tentatively adopt the PEC meeting minutes from the  
6 June 13th, 2014, regular meeting of the PEC, subject  
7 to changes and final adoption at the July 11, 2014,  
8 regular PEC meeting.

9           COMMISSIONER GANT: Second.

10          THE CHAIR: Thank you. We have a motion  
11 and second to tentatively approve the minutes of the  
12 June 13, 2014, minutes with final approval coming at  
13 the July 11th meeting.

14          Any discussion?

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

16          (Commissioners so indicate.)

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

18          (No response.)

19          THE CHAIR: The motion is approved.

20          Item No. 4, Discussion and Possible Action  
21 on Health Sciences Academy Charter School to  
22 Commence Operation.

23          I would ask whoever represents the school  
24 that would like to come forward to the table, please  
25 do so.

1           Mr. Pahl, if you have some comments for  
2 us?

3           MR. PAHL: Yes. Thank you, Madam Chair.

4           Madam Chair, members of the Commission,  
5 the Charter Schools Division recommends the PEC  
6 approve the Health Sciences Academy to commence  
7 operations for the 2015 school year.

8           Inside your binders, you'll see an updated  
9 Planning Year Checklist, as well as pertinent  
10 documents that address some of the concerns from the  
11 last PEC meeting.

12           On the Planning Year Checklist, you'll see  
13 two different color fonts: One is in red, and the  
14 other is in blue. The blue items are the ones that  
15 the Health Sciences Academy would like to give some  
16 further context for. But you'll notice that most of  
17 them are red, and you'll notice that the checklist  
18 looks very different from the last time you saw it;  
19 so thank you.

20           THE CHAIR: Thank you. I would ask the  
21 school for any comments that they might have at this  
22 point.

23           MR. NEVINS: Madam Chairman, members of  
24 the Commission, thank you very much for calling this  
25 special meeting. I'm sorry that I was unable to

1 attend the last one.

2 My wife, Lorna's, son was married in  
3 Canada, and we didn't realize that we were going to  
4 have that opportunity and a conflict; so I  
5 appreciate you all having taken the time today.

6 We're very confident that we have done  
7 what has been asked of us in terms of the checklist.  
8 We are here to entertain any questions you may have.

9 Acting CSD Director, Mr. Pahl, was kind  
10 enough to work with us, and Staff here,  
11 Mr. Christopherson. We have one of our  
12 co-administrators here, Tony Archuleta, and another  
13 Board member, Nancy Duhigg, whom you may have met.

14 Our founder, Lorna Samraj, is with us.  
15 Our business manager, Michael Vigil, and his son,  
16 Michael, Jr., is here as well. And I think we're  
17 able to answer any questions you may have of us at  
18 this point.

19 THE CHAIR: Thank you. Commissioners, do  
20 you have questions?

21 Commissioner Gant?

22 COMMISSIONER GANT: Madam Chair and  
23 members, I'm going to start with a very basic,  
24 basic, basic question. It's either for the Charter  
25 School Division or the charter school



1 representatives, themselves.

2 Why wasn't this done? Why wasn't this  
3 done on the 13th? This was -- like I told you, and  
4 I will tell you just like I told you two -- this was  
5 the worst checklist I've seen in eight years. Now,  
6 I want to know exactly why it wasn't done.

7 MR. NEVINS: Madam Chair and  
8 Commissioner Gant, I think there was a problem in  
9 communication. I also understand that  
10 Mr. Christopherson was away at the time of the last  
11 meeting. And even though most all of this was done  
12 with very few minor exceptions, it wasn't uploaded  
13 to you in a timely fashion. I have no control over  
14 that.

15 COMMISSIONER GANT: Sir, this is your  
16 charter school.

17 MR. NEVINS: I have no control over the  
18 uploading of the documents to you, sir. All of this  
19 was done.

20 What I'm trying to say, I'll say in a  
21 different way. All of it was done, with a minor  
22 exception. The uploading, I have no control over.

23 COMMISSIONER GANT: Did you bother to  
24 check with CSD and see if it was done properly?

25 MR. NEVINS: I couldn't do so, because

1 Mr. Christopherson was not around to discuss this  
2 with.

3 COMMISSIONER GANT: Mr. Pahl?

4 MR. PAHL: Madam Chair, Commissioner Gant,  
5 this was a mistake mostly at the hands of the  
6 Charter Schools Division. We -- we had a gap in  
7 between when we had submitted documents and when the  
8 meeting had occurred for the Public Education  
9 Commission. And in between those two points, we did  
10 not update the checklist. And that is why it was --  
11 it was largely empty the last time you saw it.

12 COMMISSIONER GANT: So we've got people  
13 running four hours up and down the highway; we've  
14 got Staff showing up here, at your expense --

15 MR. PAHL: Uh-huh.

16 COMMISSIONER GANT: -- and the safety and  
17 health, running up and down interstates to be here,  
18 because someone didn't upload something. And no one  
19 bothered to check; is that correct?

20 MR. PAHL: Madam Chair, Commissioner Gant,  
21 there were checks that occurred in the process. But  
22 because of the absence of our -- our first liaison,  
23 as well as the administrators from the school, there  
24 was some miscommunication on our end.

25 COMMISSIONER TOULOUSE: Madam Chair?

1 THE CHAIR: Commissioner?

2 COMMISSIONER TOULOUSE: Madam Chair,  
3 Commissioners, public, you know, I worked 30 years  
4 in the Human Services Department. And I didn't have  
5 an option when I ran an office, if somebody needed  
6 their food stamps or Medicaid or their welfare  
7 check, and somebody was out, not finding somebody  
8 else to do it.

9 And I just wonder why, at this time, that  
10 when someone -- when the liaison was out -- and he  
11 legitimately can be out and it's not his problem --  
12 but there was not somebody who would have checked to  
13 see, before that meeting, that every document we  
14 needed was uploaded. I mean, there has to be some  
15 overall authority to review everything, whether the  
16 person who is the frontline person or not isn't  
17 there.

18 And I'm concerned that -- you know, I've  
19 only been here a year and a half on this Commission.  
20 This is the first major screw-up that I have seen.  
21 The Staff there has worked beautifully with us and  
22 with each other. And all of a sudden, the last  
23 meeting -- this wasn't the only one -- everything  
24 just went to pieces.

25 And with the changes that all of you were

1 making at the top, did anybody ever stop and think  
2 what it was doing to us, to our process? We don't  
3 have a choice. Our staff is your staff. But they  
4 do our work. And it makes us all look bad.

5 And I was concerned after that meeting and  
6 talked to several people, and -- just informally --  
7 to get a picture of what was going on. And nobody  
8 had an answer, other than, "Nobody's doing anything  
9 on picking up any more."

10 And I'm using this example. It has  
11 nothing to do with these good people. We know that  
12 this school is ready to go. That's why we're  
13 meeting today, to let them do it.

14 But I am concerned that there was a gap  
15 and a huge vacuum at the top, and nobody filled it.

16 Thank you.

17 THE CHAIR: Thank you. Other comments?  
18 Go, please.

19 COMMISSIONER BERGMAN: Mine's not a  
20 comment, more of a question. Are we doing  
21 questions, or are we doing comments?

22 THE CHAIR: Please, whatever is your  
23 pleasure.

24 COMMISSIONER BERGMAN: Thank you. Matt, I  
25 am on Page 7. Under Item 29, it still looks like

1 you have a couple of board members that are waiting  
2 on training, and you're waiting on CSD to provide  
3 that training. Matt, when are we going to get that  
4 done so all of their board members are up to speed?

5 MR. PAHL: Madam Chair, Commissioner  
6 Bergman, much like the other schools that we  
7 commenced operations for, we said by the end of  
8 September --

9 COMMISSIONER BERGMAN: September?

10 MR. PAHL: -- that we would allow them  
11 that grace period to complete their training.

12 COMMISSIONER BERGMAN: And you will be  
13 able to provide that training by then?

14 MR. PAHL: Yes, the appropriate partner  
15 will be able to.

16 COMMISSIONER BERGMAN: Great. Thank you.  
17 Thank you, Madam Chair.

18 THE CHAIR: Thank you. I have -- let me  
19 ask for clarification. You said Mr. Archuleta is  
20 co-administrator.

21 MR. NEVINS: Yes, Madam Chair.

22 THE CHAIR: Who is the other one?

23 MR. NEVINS: Janet Goldsbury, Madame  
24 Chairman.

25 THE CHAIR: I'm sorry?

1 MR. NEVINS: Her name is spelled  
2 G-O-L-D-S-B-U-R-Y. "Janet" is her first name.

3 She has her license, and the documentation  
4 of her license as an administrator is in the package  
5 here. What number is that?

6 MS. SAMRAJ: 6-1.4.

7 MR. NEVINS: It's 6-1.4, Director and  
8 Principal Administrator. And the details are there  
9 in your documentation.

10 THE CHAIR: Sorry. He -- the -- sorry.

11 MR. PAHL: Madam Chair, if I may?

12 THE CHAIR: Go ahead.

13 MR. PAHL: They have a more detailed list  
14 of documents. We have just the ones that were  
15 addressing some of the issues from last time. So he  
16 might be referring to a document that is not here  
17 right now. But because he has it in front of him,  
18 he'd be -- we can furnish it to the Commission.

19 MR. NEVINS: We have -- Madam Chairman, if  
20 I may just add -- do you have another flash drive  
21 available? I'm going to ask, with your permission,  
22 that if you think this is of any use to you, a flash  
23 drive that has all these documents is here, and I  
24 can bring it forward to Abby Lewis --

25 MS. LEWIS: Yeah, I can put it on my

1 computer.

2 MR. NEVINS: -- and then we can identify  
3 that document, once she has this.

4 MS. LEWIS: So is it just a folder called  
5 "Policies" or something?

6 MS. SAMRAJ: It's just one.

7 MR. NEVINS: Thank you so much.

8 THE CHAIR: Is that going to allow  
9 everyone to see it?

10 MS. LEWIS: At least we'll have them.

11 MS. SAMRAJ: Madam Chairman, can I list  
12 the documents on there that pertain to the  
13 co-administrator, Janet Goldsbury?

14 THE CHAIR: Let's see if we have specific  
15 questions first. If we need that, we'll come back  
16 to it. Commissioner?

17 COMMISSIONER BERGMAN: Thank you. I'm  
18 sure I can reference that document at some point.  
19 But one of the reasons that I voted for your school  
20 was Mr. Haugen's presence, because of his extensive  
21 36 or 37 years of total experience in running a  
22 school. And, of course, we can't -- health is a  
23 thing that -- it's unfortunate.

24 So, just, can you briefly just give me  
25 Goldsbury's resume right now so I can have it in

1 mind?

2 MR. NEVINS: Yes. And we're fortunate.  
3 One of the issues, Madam Chairman and Commissioner  
4 Bergman, you school us in is backup. What are we  
5 going to do if, for some reason, a gentleman like  
6 Mr. Haugen is no longer able to serve? What are we  
7 going to do about that? Have we made any planning?  
8 Has the board done any planning?

9 And the answer is yes. Mr. Archuleta here  
10 has 30-plus years in the public school system. He  
11 has run some charter schools before, but  
12 Ms. Goldsbury has not. She has wonderful academic  
13 credentials.

14 So wouldn't it be silly for us to bring  
15 somebody cold into the situation of doing all the  
16 complexities required of an administrator, knowing  
17 the academics, but not knowing how to interface with  
18 Title I, Title II, all the other federal programs,  
19 understand the dynamics of transportation, of board  
20 interaction with you and with others.

21 So we brought in Mr. Archuleta, who was  
22 kind enough to participate, and is participating, as  
23 a co-administrator. So they will share the role.  
24 It's a wonderful way of managing the issue.

25 THE CHAIR: You might know the first



1 question after that that's going to jump into my  
2 mind is how are you paying them both? Because I  
3 remember your budget, and every dime was spent.

4 MR. NEVINS: Madam Chair -- and I have a  
5 good answer for that, if I may. Mr. Archuleta is on  
6 a contract. The normal salary for an administrator  
7 is \$80,000. And then there's benefits, as you know,  
8 of approximately 35 percent. That comes out to 80  
9 plus 29, or \$109,000.

10 We have Mr. Archuleta as a consultant for  
11 \$33,000. And we have Janet as both a math teacher  
12 for the seventh and eighth grade and an  
13 administrator. So we're only taking \$19,000, plus  
14 her benefits on \$19,000, for administrative work.  
15 If you take the 35 percent on the 19, that's  
16 approximately \$5,000.

17 So if you add 24 and 33, we have a total  
18 of \$56,000 we're paying for the administration;  
19 \$57,000 versus \$109,000. So I think we actually are  
20 saving money and having two highly qualified people  
21 as administrators.

22 THE CHAIR: Ms. Lewis?

23 MS. LEWIS: I just have a couple of  
24 questions. I apologize. I've been on the road for  
25 the most of the last week; so this is the first time

1 I've gotten to lay eyes on the contract. So I'm  
2 going to take this opportunity to just ask if you  
3 could tell -- you know, I'm always thinking  
4 Procurement Code. So I have a couple of questions  
5 specifically about this contract and the hoops and  
6 procedures that it went through.

7 But I'm wondering if I could just take  
8 this opportunity for you all to tell me a little bit  
9 about ACES. I kind of heard about what it is.  
10 Matt, maybe you know, or maybe you'd like to know  
11 more. I just don't know much about what ACES is or  
12 does.

13 MR. NEVINS: Madam Chairman, or Ms. Lewis,  
14 if I may, we happen to have one of the ACES folks  
15 here in the audience, if I may. I ask Max Luft to  
16 come up and sit next to Mr. Archuleta so he can  
17 explain who ACES is and what their relationship to  
18 the State of New Mexico might be.

19 MR. LUFT: Hi.

20 MS. LEWIS: Hi.

21 THE CHAIR: Please state your name for the  
22 record.

23 MR. LUFT: Max, M-A-X, Luft, L-U-F-T.

24 MS. LEWIS: And just to clarify -- I don't  
25 recognize you. I'm the Commission's attorney; I'm

1 not one of the Commissioners, just to clarify that.  
2 The rest of the folks in here know that, but I  
3 wasn't sure if you did.

4 MR. LUFT: ACES was started a year ago.  
5 And it is a joint powers agreement. The parties to  
6 the agreement are just charter schools. So, we're  
7 here to provide services to the charter schools.

8 In the JPA, it indicates that we are a  
9 public entity.

10 MS. LEWIS: Uh-huh, okay. So the JP- --  
11 that's why the JPA?

12 MR. LUFT: That's exactly right. Tony is  
13 our employee.

14 MS. LEWIS: Okay.

15 MR. LUFT: So they are leasing, renting an  
16 employee from a public entity.

17 MS. LEWIS: So his status with you is  
18 employee; status with them is contractor.

19 MR. LUFT: Yes, ma'am.

20 MS. LEWIS: Okay. This particular  
21 contract I'm looking at -- and this is a question in  
22 greater -- for the rest of your contracts -- did you  
23 put this through the State Use Act steps?

24 MR. LUFT: No.

25 MS. LEWIS: Okay. You're going to need to

1 do that.

2 MR. LUFT: Okay.

3 MS. LEWIS: Not a lot of entities are  
4 familiar with it, unfortunately. The counsel that  
5 controls that happens to be another client of mine,  
6 so I know more than the average bear about that.

7 I would advise you to talk to a lawyer  
8 about whether this has to go through the State Use  
9 Act.

10 And also I wanted to know if you put it  
11 through the Governmental Conduct Act. My  
12 understanding is that Mr. Archuleta was an employee  
13 of La Jicarita. Is that --

14 MR. ARCHULETA: An employee of ACES.

15 MS. LEWIS: So when you were with  
16 La Jicarita, that was also under this.

17 MR. LUFT: Yes, ma'am.

18 MS. LEWIS: So when was your last status  
19 as an employee with a State entity?

20 MR. ARCHULETA: Before coming to  
21 La Jicarita, I was an employee at Sandia Riverside  
22 Charter School. I was there for 26 months.

23 MS. LEWIS: Then you went right into --

24 MR. ARCHULETA: I was away for four, five  
25 months. That's when I came to ACES.

1 MS. LEWIS: So when you hired him, did you  
2 send his employment -- his con- -- anything through  
3 the Governmental Conduct Act? Did your lawyer look  
4 at that?

5 MR. LUFT: No.

6 MS. LEWIS: Okay. If I -- those are the  
7 only questions I have right now. But I appreciate  
8 you being here, because the Procurement Act is a  
9 bear, but it's something that I always have an eye  
10 on.

11 Okay. Thank you. Those are all my  
12 questions for now.

13 THE CHAIR: Okay. Thank you. I'm still  
14 hung up on there's a minimum salary for the  
15 principal for this position. Together, these two  
16 people are not getting that minimum salary.

17 MR. NEVINS: Madam Chairman, that's  
18 correct. Ms. -- the role of Ms. Goldsbury is a  
19 twofold role, as an instructor of mathematics and as  
20 a co-administrator. So she has a salary that is  
21 slightly more advanced because of her multiple  
22 duties of both the math instructor and a  
23 co-administrator with Mr. Archuleta.

24 THE CHAIR: And so how -- give me a  
25 percentage of her full time will be spent teaching.

1 MR. NEVINS: Approximately 50 percent.

2 THE CHAIR: Fifty?

3 MR. NEVINS: Five-zero.

4 THE CHAIR: So 50 percent then will be  
5 spent administratively?

6 MR. NEVINS: That is correct, Madam  
7 Chairman.

8 THE CHAIR: And you will be there the  
9 other 50 percent?

10 MR. ARCHULETA: Yes, ma'am.

11 THE CHAIR: And you live in Albuquerque.

12 MR. ARCHULETA: I live in Albuquerque, but  
13 I am very mobile. I travel very quickly.

14 THE CHAIR: Yeah, me, too. Me, too. It  
15 gets kind of long, too.

16 Okay. Commissioner Gant?

17 COMMISSIONER CARR: Madam Chair, members,  
18 reference the contract with Mr. Archuleta, it's only  
19 signed by Mr. Nevins. It's not signed by  
20 Mr. Archuleta. It's not signed by ACES.

21 Does that make it valid?

22 MR. LUFT: It is signed by ACES.

23 COMMISSIONER GANT: Here we go again.  
24 Mr. Pahl? To me, this is not a legal contract  
25 unless it's signed. And I'm looking at --

1 MR. NEVINS: Do you have a copy of it,  
2 Max?

3 MR. LUFT: I don't have a copy, but it is  
4 signed, and I can print it off. We have it online.

5 MR. NEVINS: Commissioner Gant, members of  
6 the Commission, this contract was signed. It was  
7 sent to Mr. Archuleta. It was scanned. If there is  
8 Internet access, I can provide you with a copy of  
9 the scanned document. And I think you may already  
10 have a copy of it.

11 MR. PAHL: Has the document changed since  
12 you signed it?

13 MR. NEVINS: No.

14 MR. PAHL: So while -- Madam Chair,  
15 Commissioner Gant, while the document is not the  
16 final signed agreement, it does represent the terms  
17 of that agreement.

18 COMMISSIONER GANT: Was this contract  
19 taken to your governance council?

20 MR. NEVINS: It was.

21 COMMISSIONER GANT: When was that?

22 MR. NEVINS: It was approved.

23 Do you have the date of the approval?

24 We have the minutes and the agenda and the  
25 approval.

1 COMMISSIONER GANT: You signed it on the  
2 11th of June.

3 MS. SAMRAJ: We had a special meeting on  
4 June 9.

5 MR. NEVINS: The special meeting,  
6 Mr. Gant, was held on the 9th of June.

7 COMMISSIONER GANT: All right. Reference  
8 Mr. Archuleta living in Albuquerque and Ms. Duhigg,  
9 I believe that's how you say your name -- you live  
10 in Albuquerque. So you're going to be the -- you're  
11 going to be -- what? You're on the board, council.

12 MS. DUHIGG: What is my position?

13 COMMISSIONER GANT: Governance council?

14 MS. DUHIGG: Secretary of the board.

15 MR. NEVINS: She's on the governing  
16 council, and she's secretary of the board.

17 COMMISSIONER GANT: So explain to me how  
18 someone can be on a governance board 260 miles away  
19 from the school.

20 MR. NEVINS: Madam Chairman, Mr. Gant,  
21 there are two ways that that can happen. And  
22 Ms. Duhigg has been very, very diligent in coming to  
23 the board meetings. As a matter of fact, she was  
24 there all last week.

25 She's just taken a new job here at the



1 Heart Hospital in Albuquerque. But that doesn't  
2 mean that she can't attend board meetings, either in  
3 person or Internet and Skype. It's very feasible  
4 and doable.

5 COMMISSIONER GANT: I understand that. I  
6 understand all this technology stuff. But how can a  
7 person -- and I'm not saying you're not a good  
8 person.

9 But how can you represent the community in  
10 which this charter school is located and not be a  
11 member of that community?

12 MR. NEVINS: Madam Chairman, Mr. Gant, I  
13 am just going to say this once. And I will refrain  
14 from further saying this.

15 Ms. Duhigg has been a founder. She comes  
16 from that community. She grew up in that community.  
17 She knows the community very well, and she has  
18 participated in many of the meetings in the  
19 community. We're so glad that she's a part of it.  
20 She's a health-care professional.

21 COMMISSIONER GANT: Okay, that's it. I  
22 got enough.

23 THE CHAIR: Could we go back --  
24 Commissioner Gant referred to Page 7 of the  
25 checklist. Could we go back to Page 7?

1           And I believe I heard correctly that the  
2 items in blue are still pending?

3           MR. NEVINS: Which item, Madam Chairman,  
4 are you referring to?

5           THE CHAIR: On Page 7, looks like this.  
6 (Indicates.)

7           MR. NEVINS: Okay. Very good.

8           THE CHAIR: These items in blue, could you  
9 walk us through those, please?

10          MR. NEVINS: Yes, Madam Chairman.

11          Transportation is the first item here. We  
12 are working with Mr. Antonio Ortiz, who is waiting  
13 for this meeting before he can address the issues  
14 that we need to complete with respect to furnishing  
15 of buses or providing that money. We already have  
16 issued an RFQ and an RFP for vendors to provide  
17 transportation services. We have a copy of the  
18 legal notarized statement from the Las Cruces Sun  
19 that that has been advertised; and so we're ready to  
20 move forward as soon as we can complete this process  
21 with you and speak with Mr. Ortiz.

22          The next item, we just addressed  
23 Ms. Goldsbury and Mr. Archuleta, I believe. That's  
24 the second item, 27.

25          Compliance with the nepotism rule. We

1 need to have the new administrator sign that  
2 document; that is correct. Ms. Goldsbury is in  
3 Costa Rica in an immersion course in Spanish. She  
4 will be back on the 7th of July, and we will have  
5 her sign that document.

6 With respect to the final item on that  
7 page, 29, I believe Mr. Pahl, Matt Pahl, has  
8 discussed that issue. We have asked on a number of  
9 occasions for both the Charter School Coalition and  
10 others to provide training for us, either online or  
11 in person. And I understand it's pending with the  
12 CSD.

13 THE CHAIR: Can we go back to the  
14 administrator item? I don't mean to beat it up.  
15 But what you all were telling us today differs  
16 somewhat from what's written here.

17 "Mr. Archuleta will fill in as interim  
18 administrator while the school's governing council  
19 seeks to fill the posted leadership role."

20 So Ms. Goldsbury's role as a teacher and a  
21 co-administrator is not a long-term thing; nor is  
22 Mr. Archuleta's involvement with the school?

23 MR. NEVINS: Madam Chairman, that is not a  
24 correct interpretation; nor is the written blue  
25 information.

1           The only thing that is correct is that Ron  
2 has resigned for medical reasons. Tony is an  
3 employee, and he will be one of the  
4 co-administrators, as I said earlier. Janet will  
5 remain as a co-administrator. And I think after a  
6 certain period of time, she will take the role  
7 completely as administrator, and we'll have to find  
8 a new math instructor; so she will be well-versed  
9 and well-skilled to fulfill that role completely.

10           So I would just tweak what is written here  
11 with the explanation I just provided you.

12           THE CHAIR: Okay. Commissioner Peralta?

13           COMMISSIONER PERALTA: Madam Chair, I see  
14 a copy of Mr. Archuleta's administrative license.

15           MR. NEVINS: I'm sorry?

16           COMMISSIONER PERALTA: There's a copy in  
17 here of Mr. Archuleta's administrative license, 3-B  
18 license, level 3-B. Does Ms. Goldsbury possess a  
19 similar license?

20           MR. NEVINS: You have that information.

21           MR. PAHL: And Mr. Christopherson can add  
22 some clarification to that, as well.

23           MR. NEVINS: It's in the documentation you  
24 have.

25           MS. SAMRAJ: Yes. It's No. 27.

1 MS. LEWIS: Thank you. 27-B? No. 27 --  
2 oh, there we go. "Goldsbury, secondary and middle  
3 school" -- which information were you -- I've got  
4 three here.

5 COMMISSIONER PERALTA: Level 3-B  
6 administrative license.

7 MS. LEWIS: Okay. Let me pull that up for  
8 you.

9 MR. PAHL: Madam Chair, if I can ask Ron  
10 Christopherson to stand and explain what he knows  
11 about the licensure.

12 THE CHAIR: And, Ron, just a minute.  
13 Would you clarify for us, Matt? I believe at the  
14 last meeting, Ed Wood was the liaison to the school.

15 MR. PAHL: He's the secondary liaison,  
16 because Ron was out of town; so he was providing?  
17 some information there from what he had seen. But  
18 Ron is the primary, and so he's completely up to  
19 speed with what's happening at the school.

20 THE CHAIR: Thank you. Did you find that?

21 MS. LEWIS: Yes.

22 THE CHAIR: Is that what you were looking  
23 for?

24 COMMISSIONER PERALTA: Yeah.

25 THE CHAIR: Commissioners, other

1 questions, comments, or concerns?

2 Would you like to make a motion?

3 COMMISSIONER BERGMAN: No, not yet. Okay.

4 If you want me to make it, let me have that.

5 MS. LEWIS: Yeah. Make sure you can read  
6 my writing.

7 THE CHAIR: Commissioner Bergman, I  
8 believe you have a question or a comment?

9 COMMISSIONER BERGMAN: I think it's been  
10 answered, but because I was looking at the contract,  
11 and then I looked in the blue again, Mr. Archuleta  
12 is actually an employee of ACES, then? And you have  
13 contracted for his services through ACES?

14 MR. NEVINS: That's correct, Commissioner.

15 COMMISSIONER BERGMAN: Isn't that going to  
16 be a little unwieldy, since he doesn't work directly  
17 for you? I know it's properly done, but I don't  
18 think it's done very often. I'm just curious.

19 MR. NEVINS: It's not done very often; I  
20 agree with you. But we want to make sure the school  
21 knows what it's doing, and we have two people to  
22 work hand-in-hand and complement each other.

23 COMMISSIONER BERGMAN: I agree with that  
24 100 percent. It's necessary.

25 Thank you. I think I've got it now.

1 THE CHAIR: Commissioner Parker?

2 COMMISSIONER PARKER: Madam Chair,  
3 Commissioners. Mrs. Goldsbury, what's -- the  
4 teaching load that she has is not a full-time load?  
5 It will only be a 50-percent load?

6 MR. NEVINS: Yes.

7 COMMISSIONER PARKER: (Indicates.)

8 MR. ARCHULETA: Madam Chairman and members  
9 of the Commission, I'd just like to add some  
10 information.

11 I was the Title I migrant director for  
12 22 years. I know that area very well. I was a  
13 member of the bi-national committee for IMEC,  
14 Interstate Migrant Education Council. I'm very  
15 familiar with the demographics of that area. I  
16 served as the director of that program for Gadsden  
17 for a short period of time.

18 I like the area; I know the area; I am  
19 committed to the area. This is the reason why I  
20 chose, and am excited about, that school. I really  
21 believe in it. Great potential to become an  
22 exemplary school.

23 So I just want to share that with you that  
24 I am not a "Johnny Come-Lately" to the area, and I  
25 feel very, very excited, because I see the potential

1 of that school. Thank you.

2 THE CHAIR: Thank you.

3 Can I just ask you, Mr. Archuleta, how  
4 long you were with Walatowa?

5 MR. ARCHULETA: I was at Walatowa for six  
6 years.

7 THE CHAIR: When did you leave there?

8 MR. ARCHULETA: From 2005 to 2011. And  
9 then I retired for a month, and then I was hired to  
10 be the principal at Sandia Riverside across the  
11 street in the same community. And I was hired for  
12 two months, and I stayed in 25 months.

13 THE CHAIR: Well, you can just see that  
14 question jump into my mind. Can't you -- don't you  
15 have to be retired in education for a year before  
16 you can go back?

17 MS. LEWIS: You're thinking Governmental  
18 Conduct Act, too, now. It's something to look into,  
19 for sure.

20 MR. ARCHULETA: Well, I did my -- when the  
21 return-to-work provisions came about, I left for  
22 Arizona for three years. Then the requirement was  
23 being out only 90 days.

24 THE CHAIR: Oh, I see. Okay. Were you  
25 with Walatowa when they renewed their charter with



1 the PEC?

2 MR. ARCHULETA: Yes. I was the person who  
3 spearheaded the transfer from a locally authorized  
4 charter to a State charter.

5 THE CHAIR: I thought I'd seen you before.  
6 Commissioner Parker, did you have another  
7 question?

8 COMMISSIONER PARKER: No.

9 THE CHAIR: Okay. Commissioner?

10 COMMISSIONER TOULOUSE: This isn't a  
11 concern; it's just a question I've had.

12 When you spoke about your co-administrator  
13 being in a Spanish language immersion program, I  
14 wonder -- and I'll be interested to see -- how you  
15 manage a specific curriculum on the medical with  
16 English Language Learners and teachers who need to  
17 be able to understand what their students are  
18 getting; so I would hope that your staff would be  
19 bilingual.

20 But in a technical sense, it's much harder  
21 to be technical than it is just regular interpreting  
22 from one thing to the other. So I just wanted to  
23 come in -- I'm going to be interested to see how  
24 this is going to work on this very specialized  
25 medical area.

1           And I would be interested in just having  
2 information from you folks at some point on how your  
3 staff has handled it and how they feel about it and  
4 what they've learned, because I think that would  
5 translate to lots of other, then, charter schools  
6 under specialized charter schools that have special  
7 activities, not just the medical ones, because I --  
8 having spent a number of years when I was young  
9 working on the Navajo reservation and using  
10 interpreters and having had a background in  
11 anthropology, where I was taught how to use  
12 interpreters, I was amazed at how the State simply  
13 hired people and assumed they could speak both  
14 languages. And I spent three years training  
15 employees and interpreters on how to do it.

16           And I think this is a similar one that's  
17 specific things. And I think there's a lot of  
18 skills you folks could then pass back to some of  
19 these other schools. Thank you.

20           MR. NEVINS: Madam Chairman, if I may  
21 respond just briefly?

22           THE CHAIR: Yes, please.

23           MR. NEVINS: Thank you, Commissioner  
24 Toulouse. Nancy is here as a board member; and, as  
25 you know, she's a medical professional. But I don't

1 know if you know, she's completely bilingual,  
2 growing up both in the U.S. and Mexico and coming  
3 back here.

4 Ms. Duhigg was down in the school that we  
5 hope to be approved to open and met many parents and  
6 a number of our teachers who are both bilingual. So  
7 if you wish -- not to take up too much of your time;  
8 but I can assure you that, without exception, every  
9 teacher in our school speaks Spanish. And many of  
10 them understand the vocabulary of medicine both in  
11 English and Spanish.

12 Thank you.

13 THE CHAIR: Thank you.

14 Commissioners, further questions?  
15 Comments? Ms. Lewis?

16 MS. LEWIS: No, thank you.

17 THE CHAIR: Commissioner Gant?

18 COMMISSIONER GANT: No.

19 THE CHAIR: Hearing none, the Chair would  
20 entertain a motion.

21 Commissioner Bergman?

22 COMMISSIONER BERGMAN: Madam Chair, I move  
23 that the Public Education Commission approve  
24 commencement of operations for Health Sciences  
25 Academy, subject to compliance with all applicable

1 laws.

2 THE CHAIR: Second?

3 COMMISSIONER TOULOUSE: Second.

4 THE CHAIR: We have a motion by  
5 Commissioner Bergman, second by Commissioner  
6 Toulouse, to approve commencement of operations for  
7 the Health Sciences Academy, as stated on the record  
8 by Commissioner Bergman.

9 Is there any discussion on the motion?

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

12 COMMISSIONER BERGMAN: Commissioner  
13 Toulouse?

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER BERGMAN: Commissioner  
16 Peralta?

17 COMMISSIONER PERALTA: Yes.

18 COMMISSIONER BERGMAN: Commissioner  
19 Parker?

20 COMMISSIONER PARKER: Yes.

21 COMMISSIONER BERGMAN: Commissioner Pogna?

22 COMMISSIONER POGNA: Yes.

23 COMMISSIONER BERGMAN: Commissioner Gant?

24 COMMISSIONER GANT: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER BERGMAN: Commissioner  
4 Bergman votes "Yes."

5 Madam Chair, that is a 7-to-0 vote in  
6 favor of the motion.

7 THE CHAIR: Thank you very much. The  
8 motion to commence operations for Health Sciences  
9 Academy passes unanimously. Congratulations.

10 MR. NEVINS: Thank you, Madam Chairman,  
11 members of the Commission. Thank you, Mr. Pahl and  
12 Mr. Christopherson. We're very pleased, and we hope  
13 to live up to your expectations. Thank you.

14 THE CHAIR: We're certainly looking  
15 forward to that.

16 Commissioners, Item 5 is "Adjourn." The  
17 Chair would entertain a motion. Oh, wait. One  
18 question before we do?

19 COMMISSIONER GANT: I have a comment. And  
20 I realize this is going to sound very hard, very  
21 tough, and very mean. But I sure hope this doesn't  
22 happen again. Because in my positions, over 60  
23 years of work -- consider, I started work at the age  
24 of ten -- if anything like this had happened in any  
25 position I was in, in any contract or any project,

1 if it were me, I'd be out that door on the street  
2 looking for a job. Simple as that.

3 And I sure hope this doesn't happen again.  
4 You might carry that message back, if they care, to  
5 the leadership of the PED, because this was  
6 absolutely ridiculous. Thank you.

7 THE CHAIR: Thank you. Anything else?  
8 Do I hear a motion to adjourn?

9 COMMISSIONER PERALTA: So move.

10 THE CHAIR: Or did I already have it?

11 COMMISSIONER PERALTA: No? Then --

12 THE CHAIR: Motion to adjourn. I think we  
13 probably need a second.

14 COMMISSIONER POGNA: Second.

15 THE CHAIR: All those in favor, please say  
16 "Aye."

17 (Commissioners so indicate.)

18 THE CHAIR: We are adjourned. Thank you  
19 very much for being here.

20 (Proceedings adjourned at 1:37 p.m.)  
21  
22  
23  
24  
25

1 BEFORE THE PUBLIC EDUCATION COMMISSION

2 STATE OF NEW MEXICO

3  
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11 State of New Mexico, County of Bernalillo in the  
12 matter therein stated.

13 In testimony whereof, I have hereunto set my  
14 hand on July 1, 2014.

15  
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17 *Cynthia C. Chapman*

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