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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
PUBLIC MEETING  
March 13, 2015  
9:00 a.m.

Albuquerque Public School Offices  
John Milne Community Board Room  
6400 Uptown Boulevard, Northeast  
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. 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:

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	I N D E X   T O   P R O C E E D I N G S	
2		Page
3	1    Call to Order, Roll Call, Pledge of Allegiance and Salute to the	5
4	New Mexico Flag	
5	2    Approval of Agenda	7
6	3    Approval of Minutes for PEC Meeting on	8
7	February 13, 2015	
8	4    Report from PED Leadership	9
9	5    Adopt PEC Open Meeting Resolution	11
10	6    Carl Perkins Update to the State Plan for	17
11	Program Year 2015-2016	
12	7    Discussion and Possible Action on	57
13	Charter School Amendments	
14	7A    Gilbert Sena Charter School	57
15	7B    ASK Academy	62
16	7C    The International School	66
17	at Mesa del Sol	
18	7D    Horizon Academy	153
19	7E    Albuquerque Sign Language	159
20	Academy	
21	8    Report from Options for Parents	174
22	and the Charter School Division,	
23	Discussion and Possible Action	
24	9    Board of Finance Applications,	212
25	Monte del Sol	
26	10   Discussion and Possible Action on	215
27	Notices of Intent	
28	11   Report from the Chair with	236
29	Discussion and Possible Action	

1	I N D E X T O P R O C E E D I N G S, Continued	
2		
3	12	Report form the Charter School Committee, Discussion and Possible Action 261
4	13	Report, Discussion and Possible Action on PSCOC Meeting Information 267
5	14	PEC Committee & Liaison Reports and Possible Action 271
6		
7	15	Old Business 271
8	16	PEC Comments 271
9	17	Open Forum 281
10	18	Executive Session under 10-15-1(H)(7) Regarding Threatened or Pending Litigation 261
11		
12	19	Adjourn 286
13		
14		
15		
16		
17		
18		
19		
20		
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22		
23		
24		
25		

REPORTER'S CERTIFICATE 287

ATTACHMENT TO THE RECORD:

"Visitors Attending Public Education Meeting,  
March 13, 2015"

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1 THE CHAIR: Good morning, ladies and  
2 gentlemen. I welcome you to this meeting of the  
3 New Mexico Public Education Commission.

4 First item on the agenda is Call to Order  
5 and Roll Call.

6 Mr. Secretary?

7 COMMISSIONER PERALTA: Thank you,  
8 Madam Chair.

9 Commissioner Pogna? Roll call.

10 Commissioner Pogna?

11 COMMISSIONER POGNA: I didn't hear --  
12 didn't hear my name.

13 COMMISSIONER PERALTA: Commissioner  
14 Toulouse?

15 COMMISSIONER TOULOUSE: Present.

16 COMMISSIONER PERALTA: Commissioner  
17 Armbruster.

18 COMMISSIONER ARMBRUSTER: Present.

19 COMMISSIONER PERALTA: Commissioner  
20 Conyers?

21 COMMISSIONER CONYERS: Here.

22 COMMISSIONER PERALTA: Commissioner  
23 Peralta is here.

24 Commissioner Gipson?

25 COMMISSIONER GIPSON: Here.

1 COMMISSIONER PERALTA: Commissioner  
2 Bergman?

3 COMMISSIONER BERGMAN: Here.

4 COMMISSIONER PERALTA: Commissioner  
5 Shearman?

6 THE CHAIR: Here.

7 COMMISSIONER PERALTA: Commissioner  
8 Chavez? (Silence.)

9 Commissioner Carr?

10 COMMISSIONER CARR: Here.

11 COMMISSIONER PERALTA: You have nine  
12 Commissioners present.

13 THE CHAIR: Thank you, Mr. Secretary.  
14 With nine Commissioners present, I do declare we  
15 have a quorum.

16 And I don't think I said what I needed to  
17 say. I call to order this regularly scheduled  
18 meeting of the New Mexico Public Education  
19 Commission. We've had roll call and declared a  
20 quorum.

21 I would ask that Commissioner Armbruster  
22 lead us in the Pledge of Allegiance.

23 Commissioner Chavez is not here yet. I  
24 would ask Commissioner Conyers to lead us in the  
25 Salute to the New Mexico Flag.

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

3 THE CHAIR: Thank you. Item 2 is Approval  
4 of the Agenda.

5 Ms. Friedman, are these microphones on, or  
6 do we need to do something?

7 MS. FRIEDMAN: They're on.

8 THE CHAIR: They're just -- they're on?  
9 Good. Thank you.

10 MS. FRIEDMAN: Madam Chair, you just need  
11 to pull it closer to you.

12 THE CHAIR: Okay. By the way, I would  
13 ask, too, that those of you who may have electronic  
14 devices with you today, please turn those off or  
15 "silent" or something.

16 And I would also like to welcome Channel 7  
17 here today. We don't always have the media here  
18 with us, and we welcome them today.

19 Item No. 2, Approval of the Agenda. We've  
20 had -- these items were sent to you by e-mail. Do  
21 you have any questions?

22 Hearing no questions, the Chair would  
23 entertain a motion to approve the agenda.

24 COMMISSIONER CARR: So moved.

25 THE CHAIR: Motion by Commissioner Carr to

1 approve the agenda.

2 COMMISSIONER POGNA: (Indicates.)

3 THE CHAIR: Second by Commissioner Pogna.

4 Any discussion?

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

6 (Commissioners so indicate.)

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

8 (No response.)

9 THE CHAIR: The agenda is approved.

10 Item No. 3 is Approval of the Minutes of  
11 the February 13, 2015, meeting. Are there any  
12 corrections, additions, changes to those minutes?

13 I'm not hearing any; and I have none.  
14 either. Ms. Chapman, you do an outstanding job.

15 Hearing no corrections to the minutes, the  
16 Chair would entertain a motion.

17 Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Madam Chair, I  
19 move that we approve the minutes, as presented.

20 THE CHAIR: Motion by Commissioner  
21 Toulouse to approve the minutes as presented. Do I  
22 hear a second?

23 COMMISSIONER BERGMAN: Second.

24 THE CHAIR: Commissioner Bergman seconds.

25 Any further discussion?



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

2 (Commissioners so indicate.)

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

4 (No response.)

5 THE CHAIR: The minutes are approved, as  
6 distributed.

7 Item No. 4 is Report from PED Leadership.  
8 Matt Pahl, CSD Interim Director.

9 I see Mr. Pahl is not here. However,  
10 Julie Lucero is here.

11 Julie, do you have a report for us?

12 MS. LUCERO: Madam Chair, members of the  
13 Commission, I do. Currently, we have an update on  
14 the PARCC assessment. Just two weeks in, the first  
15 testing window, over 146,000 students, 70 percent,  
16 have started the assessment. 781 schools around  
17 New Mexico have started taking the PARCC  
18 assessments. Nearly half, 48 percent of all  
19 assessments, have been completed. We've had no  
20 major technical issues and continue to work closely  
21 with all of the districts and charters. We are  
22 getting great feedback from teachers,  
23 administrators, and students about "knocking it out  
24 of the PARCC."

25 THE CHAIR: Thank you. I would like to

1 share a little story with you on PARCC. I'm on the  
2 Artesia School Board, as I'm sure everyone knows.  
3 And we started giving the PARCC last week.

4 One of our fourth-graders called her  
5 teacher over and said, "I'm having trouble with this  
6 math problem. I can see the problem. I can see the  
7 box where I'm supposed to type in the answer; but it  
8 won't let me type anything in."

9 So the teacher called in the tech person.  
10 The tech person called Pearson. After an hour on  
11 the phone, the person from Pearson said, "I can see  
12 the text box. I can see the question, and I can  
13 type in; so I don't understand why your student  
14 can't. But we've spent enough time on this; so I've  
15 just typed in the answer for the student."

16 And we heard this in a Board meeting. And  
17 every mouth fell open, you know. And then the  
18 Assistant Superintendent, who was telling the story  
19 said, "Of course, then the person from Pearson  
20 laughed and said, 'Of course I did not type in the  
21 answer. I just wanted you to know that some of us  
22 still have a shred of humor left after all this  
23 process has gone on.'"

24 So I, too, think that the test went with  
25 fewer hitches than we thought there might be. I do

1 know some students that I talked with said the test  
2 itself, exclusive of the math section, was easier  
3 than the practice test. But the math part, they  
4 thought was harder; math is always harder; so -- but  
5 anyway, thank you for that update, Julie.

6 Next item is Item No. 25, Adopt PEC Open  
7 Meeting Resolution.

8 Mr. Granata, if you would take over,  
9 please?

10 MR. GRANATA: Madam Chair, Commissioners,  
11 as you may recall from the last meeting, we  
12 discussed the fact that the Commission needs to  
13 adopt an Open Meetings Resolution. It's required by  
14 the OMA, the Open Meetings Act.

15 And so I prepared a proposed Open Meetings  
16 Resolution. And it basically provides for all of  
17 the minimum requirements that are required under the  
18 Act. And so the -- the proposed Open Meetings  
19 Resolution is before you for your consideration  
20 today, and also for discussion and any comments.

21 I know Beverly had some additions. I'm  
22 not sure if those additions made it into this copy.  
23 So I'll just ask that Beverly discuss the amendments  
24 that she made, so that we can put those changes in  
25 here before the Commission votes on whether or not

1 to accept it.

2 MS. FRIEDMAN: Madam Chair, and  
3 Commissioners, my question had to do with the --  
4 with No. 3 on Page 2, about special meetings being  
5 called by the Chairperson or a majority of the  
6 Commission members upon 72 hours' notice. And the  
7 next line, "The notice shall include an agenda for  
8 the meeting or information on how the members of the  
9 public may obtain a copy of the agenda."

10 My question was a clarification question  
11 on that particular one, in that the agenda and the  
12 notification for 72 hours for a special meeting  
13 needed to be announced at the same time.

14 Usually, we have our meetings, and then we  
15 do our agenda. And so I just was clarifying that.  
16 So there's no change for that.

17 Let me see. I forget where the other one  
18 was. My other question had to do with announcements  
19 of the meetings. And according to this, in No. 6,  
20 the last sentence, "A member of the Public Education  
21 Department staff shall also provide telephonic  
22 notice of the date, time, and place of the meeting  
23 to any broadcast stations licensed by the Federal  
24 Communications Commission and newspapers of general  
25 circulation that have made a written request for

1 notice of the Commission's meetings."

2 My question to Josh was whether we could  
3 do that electronically via e-mail. And he said that  
4 we could. And so I assume that it would be  
5 telephonic or electronic notice in No. 6.

6 And --

7 MR. GRANATA: Beverly, if I may interrupt  
8 for one second?

9 MS. FRIEDMAN: Yes.

10 MR. GRANATA: Commissioners, my  
11 understanding of telephonic -- pardon me, that was  
12 "electronic" -- would be e-mail. In order to have a  
13 record, I think that would be proper, rather than,  
14 like, a text. So that's just a clarification.

15 (Reporter requests clarification.)

16 MS. FRIEDMAN: And the other part was  
17 No. 5, the last sentence in that one: "A member of  
18 the Public Education Department staff shall also  
19 mail copies of the meeting notice to those broadcast  
20 stations licensed..." and so forth. And my  
21 question was whether, instead of mailing copies,  
22 that these can be sent via e-mail, also.

23 And those are all the changes that I had.

24 THE CHAIR: Do you agree with that?

25 MR. GRANATA: Commissioners, I do agree

1 with that.

2 THE CHAIR: So, Josh, just for clarity,  
3 would you -- I've counted three changes? Or two?

4 COMMISSIONER GIPSON: Two.

5 THE CHAIR: Just two. Would you go back  
6 through and make sure we have the wording correct on  
7 those two changes?

8 MR. GRANATA: So, Commissioners, on  
9 Page 2, No. 5, towards the bottom of the paragraph,  
10 "A member of the Public Education Department staff  
11 shall also mail..." -- and then insert something to  
12 the effect of "e-mail will work as well;" not that  
13 language, in particular, but something indicating  
14 that e-mail would suffice.

15 And then also for No. 6, including the  
16 word "electronic" after "telephone."

17 THE CHAIR: All right. Commissioners,  
18 you've -- I hope you've had a chance to read through  
19 the Open Meetings Resolution. You've heard the two  
20 proposed changes.

21 Is there any discussion?

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

24 COMMISSIONER BERGMAN: Madam Chair, a  
25 question. Do we have to read this entire document

1 as the motion, or can we just make a general motion?

2 MR. GRANATA: Just make a motion "as  
3 amended."

4 COMMISSIONER BERGMAN: "As amended"?

5 MR. GRANATA: That's correct.

6 COMMISSIONER BERGMAN: Just a  
7 clarification as to what to do.

8 THE CHAIR: Before we get any further in  
9 the meeting, I would like for the official record to  
10 note that Commissioner Chavez is here, and we're  
11 glad to see you this morning.

12 COMMISSIONER CHAVEZ: Thank you.

13 THE CHAIR: So we have all ten  
14 Commissioners in attendance.

15 Do I have a motion on the Open Meetings  
16 Resolution, as amended?

17 COMMISSIONER GIPSON: Madam Chair?

18 COMMISSIONER CARR: (Indicates.)

19 THE CHAIR: Commissioner Carr's hand is  
20 up.

21 COMMISSIONER CARR: Okay? I move we  
22 approve the -- I move we approve the PEC Open  
23 Meetings Act Resolution, as amended.

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

1 COMMISSIONER GIPSON: Second.

2 THE CHAIR: Motion by Commissioner Carr,  
3 second by Commissioner Gipson, to approve the Open  
4 Meetings Resolution, as amended.

5 Any discussion?

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

8 COMMISSIONER PERALTA: Commissioner  
9 Conyers?

10 COMMISSIONER CONYERS: Yes.

11 COMMISSIONER PERALTA: Commissioner  
12 Peralta votes "Yes."

13 Commissioner Gipson?

14 COMMISSIONER GIPSON: Yes.

15 COMMISSIONER PERALTA: Commissioner  
16 Bergman?

17 COMMISSIONER BERGMAN: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Shearman?

20 THE CHAIR: Yes.

21 COMMISSIONER PERALTA: Commissioner  
22 Chavez?

23 COMMISSIONER CHAVEZ: Yes.

24 COMMISSIONER PERALTA: Commissioner Carr?

25 COMMISSIONER CARR: Yes.



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: Madam Chair, that  
10 is a 10-to-0 vote in favor of the motion.

11 THE CHAIR: The motion passes unanimously  
12 to approve the motion, as amended.

13 Let's move on to Item 6, Carl Perkins  
14 Update to the State Plan for Program Year 2015-'16.  
15 Mr. Spencer?

16 And I am sorry; I don't have your name  
17 here.

18 DR. PEREA: Dr. Elaine Perea.

19 THE CHAIR: Please introduce yourself.

20 COMMISSIONER PERALTA: Dr. Elaine Perea.

21 THE CHAIR: Thank you very much.

22 MR. SPENCER: Thank you very much.

23 Madam Chair, members of the Commission, in today's  
24 report, the Carl D. Perkins Career-Technical  
25 Education Act, we're going to be seeking approval on

1 two particular items. The first is the update to  
2 the revised budget for Program Year 8, which is the  
3 current school year, 2014-2015. And then we have  
4 the report for the proposed revisions to the State  
5 plan for Program Year 9, which would be school year  
6 2015-'16; and we would be requesting approval of  
7 that, as well.

8 THE CHAIR: Let me just be certain,  
9 Mr. Spencer. You need two separate approvals? Two  
10 separate votes, or can this be all done in one vote?

11 MR. SPENCER: Madam Chair, you can have it  
12 all in one vote, if that's how you choose to do it.  
13 We would just seek the approval of both items --

14 THE CHAIR: Okay.

15 MR. SPENCER: -- in some form.

16 THE CHAIR: Thank you.

17 MR. SPENCER: So first in your Board  
18 packet you have the Carl D. Perkins Revised  
19 Allocation for Year 8, which is School Year  
20 2014-'15.

21 I've provided you with a letter from the  
22 United States Department of Education's Office of  
23 Vocational Adult Edu- -- Office of Career Technical  
24 Education, which outlines the supplemental increase  
25 that was received by the State of New Mexico.

1           And what you're going to find there is  
2           that they're reinstating the awards to prior to  
3           sequestration amounts. And so as such, New Mexico  
4           received a nominal increase; it was about -- just a  
5           little over \$4,000 for the current year. But that  
6           does get us back up to the funding levels prior to  
7           sequestration.

8           As such, I've also provided the  
9           calculation for how that particular award is broken  
10          out. The total Federal award for Perkins is now at  
11          \$8,028,679, which now accounts for the additional  
12          increase. Actions that we'll be taking in the  
13          College and Career Readiness Bureau are to apply  
14          this particular formula -- or calculation, rather --  
15          to the formulas to disburse these particular funds  
16          to secondary, post-secondary, reserve set-asides.

17          So that concludes the Year 8 update.

18          THE CHAIR: All right.

19          MR. SPENCER: Moving into the Year 9  
20          update, every year the State of New Mexico is  
21          required to submit a revision to the State Plan.  
22          And this is for Program Year 9, affecting School  
23          Year 2015-'16. As such, the State is required to  
24          submit a request for extension of the grant for that  
25          particular program year.

1           And in your Board packet, I've provided  
2 you with the April -- a letter dated April 1st of --  
3 I apologize -- should be '15, getting ahead of  
4 myself -- to Edward R. Smith, the Chief Program  
5 Administration Branch Director. And that is the  
6 request that we would be submitting to the U.S.  
7 Department of Education requesting such extension  
8 for the program year.

9           Behind that particular letter, you have  
10 the proposed budget. The direction that the State  
11 had received from the Department of Education was to  
12 build the proposed budget for Program Year 9 at an  
13 equal level to what has been provided to the State  
14 in Program Year 8. And so this does account for  
15 that additional request that we just spoke of in the  
16 earlier part of the report.

17           Specifically, I guess, for the benefit of  
18 the new members of the Commission, the Federal grant  
19 has some set-asides that are allowable through the  
20 Federal Act, and then they have set-asides that are  
21 required by the Federal Act. So for example, when  
22 you take a look at your program budget, which looks  
23 like a computerized table entry form, you'll see  
24 that we start, in line No. 2, with the amount of the  
25 award of \$8,028,679, is the projected amount for

1 Year 9.

2 You will then see that the local  
3 distribution to schools, which is line No. 6, is  
4 85 percent of the award.

5 The Federal award provides for 5 percent  
6 of State-level administration, 10 percent  
7 State-level leadership, and 85 percent grants to  
8 schools. Of the 85 percent, you will see that in  
9 line item 10, that we take out the computation of  
10 9.99 percent -- actually, just right under the  
11 10 percent -- to allocate toward reserve set-aside.  
12 And within our State plan, we're supporting the  
13 dropout prevention program called Jobs for America's  
14 Graduates, or JAG; and also High Schools at Work,  
15 which is a framework for redesigning schools around  
16 the career technical education theme.

17 The additional -- what is remaining of the  
18 85 percent. So if you would consider line 6 being  
19 85 percent of the award. Line 10 is 10 percent of  
20 line 6. So the reserve is a part of the local  
21 formula distribution.

22 What remains of the 85 percent, according  
23 to the State plan, is that 50 percent of the dollars  
24 are allocated to the secondary schools and  
25 50 percent of the dollars are allocated to

1 post-secondary schools; and so you can see how that  
2 then gets calculated.

3 The 10 percent leadership set-aside off  
4 the top amount of the grant, as I spoke of earlier,  
5 we have required activities. Those required  
6 activities are line 16 and line 17, support for  
7 engaging students, whether at the secondary or  
8 post-secondary level, in pathways, non-traditional  
9 to that particular gender.

10 So, for example, the most simplistic  
11 approach, encouraging females and providing females  
12 with an opportunity to participate say in welding;  
13 or the male population, to gain some training maybe  
14 in nursing.

15 Correctional institutions -- or "State  
16 institutions," as it's otherwise known in the  
17 Plan -- are \$10,000 to support career technical  
18 education efforts in an institution that would apply  
19 for support. In that year, it happens to be the  
20 School for the Visually Impaired. So that is the  
21 required activity.

22 The remainder of the balance you see here  
23 in line 18 are State-directed activities. This also  
24 supports some of the State-level staff for the  
25 leadership components and technical assistance

1 components required within the administrative  
2 set-aside, if you will, of the grant.

3 We also support career technical student  
4 organizations and some more support for the dropout  
5 prevention program called "JAG."

6 And then also, about a year ago, I had  
7 reported to the PEC that we allocated some dollars  
8 to conduct a study of New Mexico's career technical  
9 education system. And that study should be coming  
10 to closure here in the month of May and June. And  
11 we're going to be providing you all with a copy of  
12 that particular report and have some dialogue around  
13 that.

14 But looking at where do we have our  
15 strengths and weaknesses that we would like to  
16 mitigate gets paid for from this line item called  
17 "State Leadership." Then you see the State  
18 administration of not more than 5 percent before the  
19 Federal grant in line 21. It is what's used to  
20 operate the grant with regard to staffing, salaries  
21 of workers in the bureau, and paying both copy  
22 costs, supplies, materials, travel for monitoring  
23 visits and such.

24 Line 23 is new. You haven't seen this in  
25 State plan revisions in the past. But the Fed

1 incorporated this line 23 in the Federal grant that  
2 does require a dollar-for-dollar match. And that  
3 dollar-for-dollar match is also used as the  
4 maintenance of effort on the grant.

5 So for every Federal dollar we spend in  
6 line 21, we shall spend a dollar in line 23; but  
7 because it's also maintenance of effort, we can't  
8 spend less in Program Year 9 from line 23 than we  
9 would have spent in Program Year 8. And so you  
10 don't see a direct correlation between line 21 and  
11 line 23. That's because several years ago, the  
12 State overspent, if you will, on the State admin  
13 side, \$633. But it creates a benefit, because we  
14 have 633 more dollars of State money that the PED  
15 has to put on the table. I just wish it was a  
16 little bit bigger of an error at the time.

17 But that there is an explanation of the  
18 program budget that we're submitting to the U.S.  
19 Department of Education.

20 We do anticipate that as the Fed receives  
21 the Congressional appropriations and they apply the  
22 formulas to states, that we may have a bit of maybe  
23 a shift in that, and we'll have to come to you later  
24 for a re-approval of the budget, if such occurrence  
25 arose.



1           Moving into the revision of the narrative  
2 component of the State plan, in the Federal  
3 guidelines to the State, they -- "they," the Fed --  
4 require that the State seriously consider making  
5 revisions to its narrative. And it wasn't just the  
6 State of New Mexico. They asked all states to look  
7 at this.

8           And there was a report that the White  
9 House had published that is titled, "Ready To Work,  
10 Job-Driven Training and American Opportunity."

11           And they asked us to review that  
12 particular report and seriously consider revisions  
13 that can take place within our narrative of how we  
14 can continue to enforce that maybe pathway or goal  
15 or vision of where career technical education and  
16 job training needs to go, if we're going to provide  
17 for a stronger middle-class economy with skilled  
18 workers and sufficient salaries, living wages,  
19 things of that sort.

20           In the efforts of the State, back in 2012,  
21 the Fed also published the "Investing in America's  
22 Future Blueprint for Transforming Career and  
23 Technical Education." And that was the Office of --  
24 then -- Vocational Adult Education's vision for the  
25 reauthorization of Perkins and how states should

1 align efforts to ensure that we provide meaningful  
2 and adequate programs of study opportunities for  
3 students at secondary and post-secondary levels, so  
4 that they can engage in training that leads to a job  
5 in the end, that leads to a quality credential or  
6 certification that is acknowledged by an employer  
7 work-base.

8           So, for example, if you have a welding  
9 program in a school, does the welding program  
10 implement an industry-standard curriculum that  
11 ultimately leads a student to the ability to pass  
12 the certification exam of the National Welding  
13 Society?

14           And so we have been engaging in efforts,  
15 just through technical assistance and professional  
16 development with our communities, engaging language  
17 within the local application to move those  
18 principles forward. But most recently, we also have  
19 the publication this year of the Chief State School  
20 Officers Association, which is the report on  
21 "Bringing More Relevance to Career Technical  
22 Education."

23           And the notion in that report was really  
24 how do you provide equitable value, if you will, to  
25 the word "career" in the "college and career

1 readiness" definition? When we talk about the fact  
2 that we're preparing students to be college- and  
3 career-ready, do we have equal standard, equal  
4 weight to "career" as we do on "college"?

5 It's very easy to ask somebody on the  
6 street, if you will, "What does it mean to be  
7 college-ready," and people can really put their  
8 finger on that; but it's not as clear when you say  
9 "What is it to be career-ready?" You have skill  
10 development, the soft skills, showing up to work on  
11 time, passing a drug test, things of that sort that  
12 may or may not get considered, most people's  
13 definition of that career.

14 So triangulating those three reports, the  
15 job-driven report, the blueprint for transforming  
16 career technical ed programs, and the Chief School  
17 Officers report, we came to four guiding principles  
18 that we saw as a cross-section. And that is  
19 provided on the page of the revision that we  
20 provided to you, which is No. 1, Alignment; No. 2 is  
21 Collaboration of Stakeholders; 3 is Accountability;  
22 and 4 is Innovation.

23 So you didn't have a full report provided  
24 to you last week when we turned in your Board  
25 packet, because we were having some conversations

1 that were scheduled on Monday with our stakeholders  
2 of secondary and post-secondary institutions to get  
3 their input about the cross-section of those three  
4 particular reports and consider what currently is  
5 embedded in the State plan for the administration of  
6 Carl D. Perkins, and to get their input and their  
7 take and conformation that we're headed in the right  
8 direction.

9 So this morning, we slipped a document  
10 into your binder. So it's the second page -- second  
11 component of the narrative. It's actually a stapled  
12 portion here, where we're making some proposals to  
13 add new language to the State plan.

14 And you'll see that the first is  
15 strengthening the collaborative relationship with  
16 employers and workforce partners, and how do we  
17 provide meaningful engagement of the employer base  
18 into the classroom setting, if you will.

19 And we're already doing this by  
20 redesigning the high schools, the work grant  
21 application that requires a partnership with the  
22 local workforce development partner; that if, for  
23 example, a school is going to apply for dollars to  
24 be expended on a particular pathway, such as, let's  
25 say, health services, is the local hospital or the

1 local medical community involved in the development  
2 of the pathway to set the standards of credentials  
3 of what students should know and be able to do, as  
4 it aligns toward that occupational skill development  
5 or certification in the end? What should the  
6 laboratory environment look like? Should we buy  
7 this equipment versus that equipment? What's being  
8 used in the practical workplace setting? And how  
9 does the employer community come together and  
10 provide internships or externships, job-shadowing,  
11 on-the-job placements for those students for their  
12 real-world learning?

13 So in that grant application, we're  
14 forcing the partnership by saying, "Let's get a  
15 contract on the table about who's going to do what,  
16 and let's hold ourselves accountable to that."

17 So we've embedded that within this  
18 particular response of the current work that we're  
19 doing.

20 We're also embedding within this  
21 particular response the development of what we're  
22 calling a "Program-of-Study Evaluation Tool." And  
23 that tool has been developed, and we have a task  
24 force appointed from -- it's self-selected -- any  
25 institution, secondary or post-secondary, can be

1 part of the task force; but we have about six  
2 partners of secondary, post-secondary institutions,  
3 a total of approximately 12 institutions that are  
4 coming together and providing feedback on our first  
5 draft of our Program-of-Study Evaluation Tool to  
6 identify what were the strengths, what are the  
7 weaknesses, what are the shortcomings, so we can  
8 release this statewide to all schools to be able to  
9 use to self-assess whether their career technical  
10 education programs really have those what we call  
11 "signature features."

12 Does it really culminate in an experience  
13 for students? Does it culminate in ready-for-work  
14 opportunities, like industry certification? Does it  
15 provide opportunities for the engagement of the  
16 employer base? Does it connect to post-secondary  
17 engagement? Not to say that all those students are  
18 required to proceed to a bachelor's degree; but do  
19 we force the dual credit and provide those  
20 opportunities where applicable? Does it lead to  
21 maybe three more courses beyond high school  
22 graduation to finish that national certification,  
23 such as in the IT world.

24 In that world, certification without a  
25 college-level degree or even associate's degree

1 could lead an individual to a \$60,000 wage upon  
2 termination of high school, if we do it right with  
3 the engagement of the post-secondary experience  
4 through dual credit, or even perhaps advanced  
5 placement.

6 So each school will analyze and help  
7 schools analyze whether they're on the right path.

8 No. 2 is emphasizing the alignment between  
9 high quality programs and labor market demand.  
10 We're developing what we are proposing to be a  
11 program-of-study approval process. So if we truly  
12 acknowledge a program of study to be of high quality  
13 that maintains those signature features those are,  
14 the programs of study that we want to be able to  
15 report our outcomes on, rather than career technical  
16 ed programs that might still be developed based on  
17 random selection of electives at a local level.

18 The third is support programs that offer  
19 meaningful accountability and employability skills  
20 by recognizing industry-based certifications as  
21 clear matrices of performance. Within the secondary  
22 system, we currently have, within S.T.A.R.S., the  
23 ability for schools to report those numbers of  
24 students that are attempting those industry  
25 certifications and the numbers that are passing, so

1 that we can see the success rates of the students  
2 and appropriately report those within the  
3 consolidated fall report.

4 A shortcoming in some of the consolidated  
5 fall annual reports that we've provided to the Fed  
6 over time have been that it didn't provide for the  
7 reporting of those successes at the local level  
8 obtained by students; and collecting that  
9 information within the accountability system now  
10 provides us an opportunity to provide that report to  
11 the Fed as we talk about the credentials that  
12 students are earning beyond a high school graduation  
13 diploma or a certificate program or associate's  
14 degree at a community-college level.

15 The last portion of the report is dealing  
16 with performance measures. And we gave some slides  
17 to you in your packet just two weeks ago that look  
18 like graphs. And Dr. Elaine Perea is going to take  
19 you through an example of how to read one of the  
20 graphs and how that particular graph then was used  
21 to engage the dialogue of our stakeholders this past  
22 Monday to get their input on the levels of  
23 performance we should be negotiating with the Fed  
24 for Program Year 9. Dr. Perea.

25 DR. PEREA: Madam Chair -- Chairwoman --



1 and Commissioners, as Mr. Spencer said, on Monday,  
2 we had two phone calls; one was secondary, and one  
3 was post-secondary representatives. These are  
4 people who handle the schools' data.

5 In those meetings, we were seeking  
6 feedback so that we could set our performance  
7 targets for the upcoming school year. To set the  
8 stage for that, we presented them with the data  
9 which you have a copy of in your folder.

10 And I just -- I'm just going to show you,  
11 kind of briefly, what we've done to help us get a  
12 handle on where we've been and where we might expect  
13 to be in the coming year.

14 So the -- the first set -- mine is in  
15 color; I think yours is probably in black and white.  
16 But there's a couple of graphs on one piece of  
17 paper.

18 And at the top, it says, "Indicator." The  
19 first one is 1S1.

20 1S1 is the indicator for secondary schools  
21 for reading and language arts, academic attainment.  
22 And so what we have here, these graphs, are about  
23 the academic attainment of students who are  
24 concentrators in a career tech program of study.  
25 And we've looked over the course of time to see

1 where we've been to help get some idea of where we  
2 may be going.

3 The Y axis on the left is the percent of  
4 students who met that indicator, met the  
5 proficiency, now, for the last several years.  
6 That's been the SBA test; for the upcoming year, it  
7 will be the PARCC test.

8 The -- the X axis across the bottom is the  
9 year.

10 The gray bars that are -- the vertical  
11 bars, that's the Federal target that was set.

12 And then the pinpoints that are on the  
13 graph are where we actually ended up.

14 So some years, you can see that we are  
15 above the target, and other years, we're below the  
16 target.

17 Just to walk you through that data a  
18 little more precisely, in 2009, for Indicator 1S1,  
19 the target was, say, roughly 58 percent. The actual  
20 performance was 61.4. So in that year, we were  
21 above the target.

22 The next year, 2010, the target was about  
23 the same, maybe 59 percent. The actual performance  
24 was 53.7; so we missed the target in that year.

25 So what we did is we put this into a

1 statistical model. The reason there's two graphs is  
2 we actually used two different models to help us  
3 predict. One model only used the prior two years'  
4 data, where we've had a consistent form of  
5 collecting and reporting the data. We used the  
6 two-year model to predict this year. And then we  
7 used those three years to predict the next year.

8 The other model, we used all the years to  
9 predict this year and then the next year.

10 So because we know there are a lot of data  
11 anomalies, and some of these indicators are really  
12 drastic in some cases, it makes more sense to only  
13 use a few years' data to predict.

14 The one last thing I want to point out  
15 about that is you'll see there's kind of a light  
16 gray bar that goes horizontally that encompasses the  
17 whole of the actual performance. And that's our  
18 error. So when we used less data, the error is  
19 wider; when we used more data, the error is  
20 narrower.

21 So at any rate, the very far right column,  
22 the numbers that are in bold are the predicted  
23 numbers that come out of the two different  
24 statistical models.

25 So in the -- in the left-hand side, you

1 see the number 46.9; and in the right, you see 40.2.  
2 Those are the numbers that come out of the two  
3 different statistical models that will predict where  
4 we might expect performance to be in -- in 2016,  
5 assuming we were using the same test.

6 So after I've given you all of that  
7 statistical explanation, then we have to deal with  
8 the fact that we've changed tests. And because we  
9 know that that's going to change everything, the --  
10 all of -- all of the statistical stuff that we did  
11 and all of this fun math is much more relevant to  
12 other predictors.

13 For predictor 1S1 and 1S2, which are the  
14 academic attainment predictors, what we are  
15 proposing to the Fed is that we will try to align  
16 with the State's overall performance targets for  
17 '15-'16, because we all have a question mark about  
18 what's going to happen with PARCC and whether we're  
19 going to be above or below last year's performance,  
20 above or below any statistical model that we might  
21 make.

22 And so at the broader level of State  
23 performance, they're in negotiation right now with  
24 the -- with the Feds. And we propose that for the  
25 Perkins targets, that we will align to what the --

1 what the -- what the agreed targets are for the  
2 State as a whole, for the waiver of the No Child  
3 Left Behind Act.

4 So for those two indicators, that's what  
5 we're proposing.

6 So probably on top of these graphs, you  
7 have a color chart that we put in this morning. And  
8 this color chart shows you our actual performance  
9 for the last several years, the targets. And the --  
10 and the final column on the right shows what we're  
11 proposing -- what we're proposing to you that we  
12 will propose to the Feds for our 2015-'16 targets.

13 So 1S1 and 1S2, the targets are that we  
14 will align to the No Child Left Behind waiver. For  
15 target 2S1, technical skill attainment, for each of  
16 these, we used a little bit different methodology,  
17 trying to come up with the target that we thought  
18 was the most defensible.

19 And so for 2S2, which is a target based on  
20 GPA, our most recent years' performance was very  
21 high at 93 percent. We are not sure that we are  
22 going to be able to replicate that; and we would  
23 hate to set the target that high and then not be  
24 able to replicate it. So we'd like to look at a  
25 longer period of performance time to set the target.

1           So we've proposed a target of 85.2, which  
2 is -- is in line with our last three years of  
3 performance. We've had a major upward trend over  
4 the last three years; but we don't want to over-set  
5 the target and then miss it. And so -- and so  
6 that's -- that's how we came up with that number.

7           And all of these numbers, we came up with  
8 by pulling the secondary members -- the  
9 representatives from the LEAs, getting their input.  
10 We looked -- we spent about two hours with the  
11 secondary schools on this data and really looked at  
12 it very carefully to come up with these proposals.

13           3S1 is school completion. Again, we set a  
14 target of 85 percent. And one of the reasons  
15 that -- for both 3S1 and 4S1, that we did not want  
16 to set a target much higher than the existing target  
17 is our concern that the -- the change in tests might  
18 impact graduation rates and completion rates. And  
19 with that concern, we, of course, don't want that to  
20 be the case.

21           But we don't want to set higher targets,  
22 knowing that there are some challenges in regards to  
23 those tests.

24           5S1 is secondary placement. This  
25 indicator is dependent on our ability to track our

1 students after they leave high school and move into  
2 post-secondary, move into work. And we have  
3 increased our collaboration with both HED and DWS to  
4 try to get that data. So we feel more confident in  
5 letting that indicator move up, because we are  
6 getting better at collecting the data.

7 And we believe that -- personally, I  
8 believe that a lot more than 50 percent of high  
9 school graduates are doing something. They're  
10 either in school or they're working; and that at  
11 50 percent, we're reflecting more of our inability  
12 to track students than we are an honest statement of  
13 what's happening with our students when they finish  
14 high school. So we're comfortable moving that  
15 indicator up.

16 And 6S1 and 6S2, as Mr. Spencer said  
17 earlier, non-traditional participation has been a  
18 focus of Perkins since the beginning of this version  
19 of the Act. And what we mean by "non-traditional"  
20 is students taking courses and students  
21 participating in programs of study that are  
22 typically gendered. And the non-traditional student  
23 is the one who is of the other gender. The girl who  
24 decides she wants to be a welder or an auto  
25 mechanic, or the boy who decides he wants to go into

1 cosmetology or into nursing; those are the  
2 non-traditional students.

3           These have been the indicators that the  
4 State continues to struggle with. We missed 6S1 in  
5 three consecutive years; so we will be going on  
6 corrective action plan in July with the Feds, where  
7 we have to report quarterly what we are doing to fix  
8 that.

9           Given that, given how big of a challenge  
10 this indicator has been for us, we are -- we are  
11 proposing to the Feds not to move our target up.  
12 They like to see that we're continuously improving  
13 and that your targets are constantly moving forward;  
14 but given that we haven't been able to hit this one  
15 yet, we'd rather not move the target out even  
16 furtherer.

17           MR. SPENCER: If I may, just on that 6S1  
18 indicator moving into corrective action with the Fed  
19 at this time, I'd like to note for the PEC is that  
20 the performance target that was set for the State  
21 was probably unrealistically high. So when you're  
22 looking at performance of 60 percent, for those of  
23 you who have been on the PEC, it was my argument of  
24 saying, "So you want me" -- Fed -- "want us in the  
25 State of New Mexico to enroll four boys in



1 cosmetology to four girls in cosmetology." And  
2 therefore, they're asking for us to deny access to  
3 the female population, just because they want boys  
4 in the seat.

5 And it makes more sense to think about the  
6 threshold of what constitutes non-traditional is  
7 usually a 25 to 75 percent factor; so it makes no  
8 sense to have a performance target excessively  
9 higher perhaps than the 25, but certainly should not  
10 be higher than 50.

11 And so we've reset those targets. But  
12 whenever we reset a target, it takes two years to  
13 catch up to the target because of the performance  
14 cycle.

15 DR. PEREA: So unless the Commissioners  
16 would really like for me to, I would suggest that we  
17 do the same thing with the post-secondaries. And  
18 I'm happy to walk through each indicator; but the  
19 second page of this little colored printout shows  
20 what we're proposing for each target for the  
21 post-secondary.

22 Do you want me to go through each one? If  
23 you all have any questions, I can explain in more  
24 detail the logic of how we came up with each of  
25 those numbers.

1 THE CHAIR: Thank you very much.

2 Commissioners, do you have questions of  
3 Director Spencer or Dr. Perea?

4 Mr. Carr -- Commissioner Carr?

5 COMMISSIONER CARR: Given, you know, I had  
6 an economics professor, who should be long-retired  
7 now, who said, "All things being equal, this will  
8 happen" -- right? -- because there are so many  
9 variables in economics. It seems like we've got  
10 more variability in education now than we do in our  
11 economy, which is probably not a stretch.

12 What do you think are the causes for  
13 you -- for us not meeting our goals?

14 MR. GRANATA: I would say that that -- we  
15 have to address that indicator by indicator.

16 COMMISSIONER CARR: Indicator by  
17 indicator, actually, you put in your report.  
18 Nothing sticks out, though, as --

19 MR. SPENCER: There's -- Dr. Perea is  
20 absolutely right. There's issues with each one of  
21 the indicators. In some cases -- well, in all  
22 cases, the federal government is asking New Mexico  
23 to propose higher indicators of performance from one  
24 year over the next. They want to say that the State  
25 is trying to achieve toward that continuous

1 improvement.

2 But you get to a point in some of these  
3 indicators where you have cultural barriers or  
4 anomalies, whereby it may not be appropriate in  
5 certain communities to ask boys to participate in  
6 cosmetology programs, because society, in some  
7 cases, just doesn't allow that; and so you can't  
8 move a performance measure in some of those  
9 institutions.

10 So in order to mitigate that, we have to  
11 take an "all things being equal" approach and  
12 balance the equation to say, "Well, then, what can  
13 we do as a state?"

14 And we might have some communities that  
15 might be able to over-perform in that performance  
16 target, and other communities that under-perform in  
17 the target; but in the aggregate, we have to shoot  
18 for a particular level of performance.

19 So we haven't been able to identify any  
20 particular trend or threat, if you will, that is the  
21 cause for not being able to meet the performance  
22 targets.

23 I do think that on the post-secondary  
24 side, it was an issue of lack of consistent data  
25 reporting of the post-secondary institutions to the

1 State. And so over this last 12-month period, we  
2 have worked extensively with those post-secondary  
3 institutions to ensure that the matrix is clearly  
4 understood and that's consistently being reported  
5 from institution to institution. And as a result,  
6 we did see some gains in the post-secondary areas.

7 We're also diving into the secondary data  
8 set of S.T.A.R.S. to also ensure that we are getting  
9 the accurate data from schools. Do we need to go  
10 into the data sets, maybe 80th and 120th day of  
11 school, and do a data evaluation and start looking  
12 at comparisons indicator by indicator, school by  
13 school?

14 For example, I've done that with the  
15 dual-credit reporting, when you just drop  
16 comparisons on an Excel spreadsheet and call up the  
17 school that has more than a 10 percent discrepancy  
18 in performance from one year to the next. You get a  
19 lot of "ah-ha" moments at the local level. Many of  
20 the "ah-ha" moments is somebody didn't have the  
21 right report from the local system. We're giving  
22 them an opportunity to correct that before it  
23 becomes part of the final report.

24 So I think that when we dive deeper into  
25 doing the data evaluations school by school on a

1 continuous basis, we would probably be able to see  
2 some of those performance targets moving, as well;  
3 so it could part of a systems issue.

4 DR. PEREA: Another thing I'll say towards  
5 your question, two of the areas we've missed in the  
6 last couple of years and are in corrective action,  
7 or with the threat of corrective action, are in  
8 academic attainment and non-traditional courses.  
9 Both of those two, if you know anything about  
10 New Mexico education, you know that we're not  
11 struggling with those only in Perkins, only in CTE;  
12 but those are statewide issues.

13 Academic attainment is certainly something  
14 we are struggling with as a state. We, within the  
15 Perkins grant, are putting a lot of resources and a  
16 lot of effort toward making sure that career  
17 technical education is integrated with the core  
18 curriculum and integrated with academic rigor; and  
19 so that a student who chooses to take construction  
20 industries, for example, doesn't miss out on  
21 algebra.

22 In fact, we're doing a lot of professional  
23 development to pull the algebra teacher actually  
24 into the construction industries classroom, so that  
25 they can see that the slope of -- of the roof line

1 is the Pythagorean theorem, and make those  
2 connections. So we're trying.

3 COMMISSIONER CARR: Very good. I guess  
4 further, with the PARCC testing, that we won't get  
5 the results probably until November, I'm thinking?  
6 Maybe, you know? We'll see, you know. So using  
7 MAPs scores or Discovery Short-Cycle Assessments --

8 MR. SPENCER: Madam Chair, members of the  
9 Commission, that's not an opportunity for us, for  
10 the reason that we have a prescribed way of  
11 reporting for the data. And typically, it's been  
12 attached to the Standards-Based Assessment, and it  
13 doesn't include the short-cycle assessments as part  
14 of that. So we are to align to the NCLB waiver at  
15 this time; so we have to report based on the PARCC,  
16 and not necessarily the short-cycle assessments.

17 DR. PEREA: But aren't they using the  
18 short-cycle to set the No Child Left Behind targets?

19 MR. SPENCER: We're -- here, it's the  
20 requirement under Perkins.

21 DR. PEREA: Yeah. But I'm saying since  
22 we're going to align -- I think that they are using  
23 the short-cycles to try and set the statewide  
24 levels, and that we're going to align to the  
25 statewide levels, but not for reporting.

1           COMMISSIONER CARR: I know Congress is  
2 debating right now; so that should change, as well.  
3 It could change.

4           THE CHAIR: Pull it as close as you can.

5           COMMISSIONER CARR: I assumed it was  
6 working well. Sorry. And I'll speak up -- I don't  
7 remember what I was going to say -- is that, you  
8 know, we have 26 states that started out with PARCC,  
9 and it went down to 11. And, really, counting, the  
10 momentum is not this way; it's that way.

11           So I expect we'll have some -- some major  
12 changes. And, you know, it's hard -- you guys have  
13 to really -- it's really hard to hit a moving  
14 target. It seems like -- and it seems like  
15 everybody is moving; so it's -- I feel for what you  
16 guys have to do. That's very difficult, you know,  
17 with all the data that you have to come up with.

18           And, you know, we're all kind of in the  
19 same boat; all the schools are, too.

20           So thank you so much for your work.  
21 Again, this is a very important grant that's  
22 extremely helpful to thousands of New Mexico's  
23 students. And I hope it does not end. Thank you.

24           THE CHAIR: Thank you. Other questions?  
25           Commissioner Toulouse?

1           COMMISSIONER TOULOUSE: Madam Chair, I  
2 have two questions. The first one is kind of a  
3 generic question, because I'm not sure I've ever  
4 known what your staffing is that you have to work  
5 with to work with both secondary and post-secondary  
6 schools to gather this data to work with the Feds.

7           What is your staffing in your bureau?

8           MR. SPENCER: We currently have a vacancy  
9 in one of those particular -- we actually have two  
10 vacancies. One, we don't have enough funding to  
11 fill. The other one just became vacant. But other  
12 than that, if we were staffed with what we have  
13 funds for, we would have six education  
14 administrators, one support staff, one  
15 business-manager-type staff, a finance person for  
16 us, and a staff manager.

17           And then I'm a half-time director for  
18 Perkins, because I'm the other half-time for all of  
19 the other elements of college and career readiness,  
20 to include dual credit, advanced placement,  
21 et cetera. And under leadership, we have two  
22 education administrators working on the front of  
23 technical assistance.

24           COMMISSIONER TOULOUSE: Okay. That gives  
25 me a better picture -- thank you very much -- of



1 what you have working with you.

2 Now, my actual real question on this is I  
3 know from the post-secondary side that a lot of  
4 these programs, too, you don't want to over-educate,  
5 because when you do, you let too many people get in.  
6 And that was a consideration -- at least in  
7 community colleges when I was there, you want to  
8 educate enough people to fill the job market, but  
9 not to drive salaries down, because your idea is to  
10 educate somebody to meet a living wage, not a  
11 minimum wage.

12 So I'm wondering how New Mexico's current  
13 economic slowdown, or recession, is tying into the  
14 ability of these schools, if you get people, either  
15 in secondary or post-secondary, into these programs  
16 who may not see jobs at the other end, or employers  
17 who are -- are saying, "Don't bother because I can't  
18 hire anybody, and I don't like telling X, Y, and Z  
19 kids year after year, 'Sorry, you've got the  
20 education, but I don't have the job.'"

21 So how do you tie that into what you have  
22 to tell the federal government about the goals  
23 you're setting?

24 MR. SPENCER: Part of that is done through  
25 the local application. And in the local

1 application, before an institution can propose a  
2 program of study in a particular occupational area,  
3 they have to be able to demonstrate that there is  
4 occupational labor market demand for that and that  
5 the demand yields a high wage and that it is high  
6 skill in a high-growth industry.

7 And so, for example, we saw negative job  
8 growth through Department of Workforce Solutions  
9 data in cosmetology programs; so obviously, we  
10 wouldn't want to invest our dollars in  
11 negative-job-growth-type industries.

12 But what we do need to do is we need to  
13 invest the dollars where we do have the need and are  
14 going to have the unfulfilled positions. So that's  
15 how -- the federal government does require the  
16 alignment to that. That's how we've been doing  
17 this.

18 But we also look at a broader vision than  
19 just Perkins to say, "So through the efforts of  
20 Perkins, how do you affect the entire career  
21 technical education system?"

22 And part of the revision to the narrative  
23 that you saw was moving toward that program of study  
24 approval process; and so with the vision that every  
25 school, whether or not we're receiving Perkins

1 dollars would be able to take a look at career  
2 technical education programs in the same way so that  
3 students do end up with an outcome.

4 COMMISSIONER TOULOUSE: Thank you.

5 COMMISSIONER ARMBRUSTER: I have a  
6 question.

7 THE CHAIR: Commissioner Armbruster?

8 COMMISSIONER ARMBRUSTER: This is probably  
9 more for my clarification. So people or  
10 institutions apply for the grant. And so the more  
11 people who would apply, the less everyone would get,  
12 in a sense, because there's just the pie of  
13 \$8 million-whatever.

14 So I just had a question. So the School  
15 for the Deaf did not apply for a grant. Is that --

16 MR. SPENCER: That is correct.

17 COMMISSIONER ARMBRUSTER: And would you  
18 know why? I'm just concerned, because I know that  
19 that's an area that's a difficult group to employ  
20 oftentimes.

21 MR. SPENCER: Uh-huh. You have an anomaly  
22 there, because the School for the Deaf is identified  
23 as a State institution. And the State institutions  
24 are supported through an alternative set-aside of  
25 the funding formula under Perkins.

1           So when you were looking at the budget  
2 earlier, and I explained, here is an 85 percent  
3 carve-out of the grant, 50 percent go to  
4 post-secondary institutions and 50 percent go to  
5 secondary institutions. Just for clarification,  
6 those secondary institutions are the 89 school  
7 districts, the State-authorized charter schools that  
8 implement a career technical education program of  
9 study, and the Bureau of Indian Education schools  
10 that implement a career technical education program  
11 of study.

12           On the post-secondary set-aside, it's  
13 going to be all of our community colleges that offer  
14 associate's degrees in career technical education  
15 areas, or the branch campuses of the four-year  
16 institutions that offer the associate's degree in  
17 career technical ed areas.

18           And if you have -- if we have four-year  
19 institutions that offer associate's degrees in CTE,  
20 career technical ed, then they would be inclusive,  
21 as well. As such, we have Northern New Mexico  
22 College and Western New Mexico University that do do  
23 that.

24           Those are the eligible recipients. The  
25 dollars are disseminated via funding formula at a

1 post-secondary institution. It's based on PELL and  
2 BIE assistance. At a secondary level, it's based on  
3 census information, 5 to 17 year-olds in the service  
4 area of the eligible entity, and then the proportion  
5 of those 5 to 17 year-olds living in poverty.

6 So regardless of whether an institution  
7 applies or not, we have an allocation set-aside for  
8 them. If they don't apply for the dollars and meet  
9 the requirements of the Federal Act, we take those  
10 unapplied for dollars and redistribute to those that  
11 did apply.

12 The School for the Deaf would be funded  
13 under the State institution set-aside. And  
14 actually, they did apply for the grant; but because  
15 the dollars are so minimal, we make that  
16 competitive. And this year's School for the Deaf  
17 Impaired had an application that was funded, and  
18 School for the Deaf was not. We'll be releasing  
19 that application again for them to be able to  
20 resubmit that.

21 COMMISSIONER ARMBRUSTER: Thank you.

22 THE CHAIR: Further questions?

23 Commissioner Bergman?

24 COMMISSIONER BERGMAN: I notice on all  
25 your graphs, you have a term there, "Safe Harbor

1 Percentage." Define "safe harbor" for me.

2 DR. PEREA: The Feds give us a little bit  
3 of wiggle room. And if we are within 10 percent of  
4 the target -- or 90 percent, depending on how you  
5 want to think of your math -- if the target was 75  
6 and we hit 74, that would be "safe harbor." So we  
7 wouldn't go into corrective action if we got that  
8 close. So we don't get all the way to the dock, but  
9 we at least made it into the harbor.

10 COMMISSIONER BERGMAN: So it's just a term  
11 that someone -- either you or the Feds established  
12 that term?

13 DR. PEREA: To -- to identify the  
14 90 percent -- between 90 and 100 percent.

15 COMMISSIONER BERGMAN: Okay, thank you.  
16 Thank you, Madam Chair.

17 THE CHAIR: Other questions or comments,  
18 Commissioners? Hearing none, I would remind you  
19 that on the first sheet of paper after Tab 6 is the  
20 executive summary for this item. There is also a  
21 proposed language for a motion, or motions, as you  
22 would prefer; or use your own language, if you would  
23 rather.

24 But at this time, the Chair would  
25 entertain a motion on the Carl D. Perkins State

1 Plan.

2 Commissioner Toulouse?

3 COMMISSIONER TOULOUSE: Madam Chair, I  
4 move that the Public Education Commission approve  
5 both the Year 8 Carl D. Perkins Revised Allocation  
6 and Budget, and the Year 9 State Plan Revision.

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

9 COMMISSIONER PERALTA: Second.

10 COMMISSIONER CHAVEZ: (Indicates.)

11 THE CHAIR: I'm looking at Commissioner  
12 Chavez for the second.

13 Motion by Commissioner Toulouse, second by  
14 Commissioner Chavez, to approve both the Year 8 Carl  
15 D. Perkins Revised Allocation and Budget, and the  
16 Year 9 State Plan Revision.

17 Further discussion, Commissioners?

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

20 COMMISSIONER PERALTA: Commissioner  
21 Gipson?

22 COMMISSIONER GIPSON: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Bergman?

25 COMMISSIONER BERGMAN: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Shearman?

3 THE CHAIR: Yes.

4 COMMISSIONER PERALTA: Commissioner Chavez?  
5 COMMISSIONER CHAVEZ: Yes.

6 COMMISSIONER PERALTA: Commissioner Carr?  
7 COMMISSIONER CARR: Yes.

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 Madam Chair, that is a 10-to-0 vote in  
22 favor of the motion.

23 THE CHAIR: Thank you very much. The  
24 motion passes unanimously.

25 We thank you both for being here today;



1 very well-done presentation.

2 MR. SPENCER: Thank you.

3 THE CHAIR: Commissioners, it's a little  
4 after 10:00. Are you ready for a break, or would  
5 you prefer to move on?

6 COMMISSIONER POGNA: Keep going.

7 COMMISSIONER CARR: I would like to have a  
8 break.

9 THE CHAIR: We're moving on to Item No. 7,  
10 Discussion and Possible Action on Possible Charter  
11 School Amendments.

12 Julie, please?

13 MS. LUCERO: Madam Chair, members of the  
14 Commission, we have several amendments today.

15 Our first is from Gilbert Sena Charter  
16 School, and we do have members from the school here  
17 today.

18 The Gilbert Sena Charter School is  
19 requesting a new facility located at 11200 Lomas  
20 Boulevard, Northeast, Albuquerque, New Mexico. The  
21 CSD recommends approval of this amendment with the  
22 following conditions:

23 Approval is contingent on E-Occupancy of  
24 this facility.

25 THE CHAIR: And I would ask our

1 representative -- or liaison to the PSCOC,  
2 Commissioner Peralta, to introduce Martica and ask  
3 for her input.

4 COMMISSIONER PERALTA: Thank you,  
5 Madam Chair. In regards to Gilbert Sena Charter  
6 School, I've asked Martica Casias with the PSFA to  
7 please come before us to give us an update on the  
8 facility for Gilbert Sena Charter School.

9 MS. CASIAS: Madam Chair, members, we have  
10 been working diligently with Gilbert Sena Charter  
11 School. The facility does meet the average  
12 weight- -- exceed the average weighted NMCI, and  
13 they should have no problem obtaining the  
14 E-Occupancy.

15 We assessed the facility and gave them an  
16 approval letter.

17 THE CHAIR: Thank you.

18 Let me just ask, for my own information,  
19 when do you plan to move into the new facility --  
20 oh, I'm sorry. Please introduce yourselves.

21 MS. TORRES: I'm Nadine Torres. I'm the  
22 Executive Director of Gilbert Sena Charter High  
23 School.

24 MS. TUDOR: My name is Michelle Tudor.  
25 I'm the Director of Development.

1 MS. TORRES: We are looking at a start in  
2 the fall, August.

3 THE CHAIR: Okay.

4 MS. TORRES: Yes.

5 THE CHAIR: Commissioners, do you have  
6 further questions?

7 Commissioner Bergman?

8 COMMISSIONER BERGMAN: Yeah. I just --  
9 will the new facility be able to accommodate your  
10 entire cap, should you decide to go to your cap,  
11 which is, I believe, 300?

12 MS. TORRES: Yes, it will.

13 COMMISSIONER BERGMAN: And it would fit  
14 with PSFA?

15 MS. CASIAS: Yes, Madam Chair,  
16 Commissioner Bergman, it would.

17 COMMISSIONER BERGMAN: Thank you very  
18 much. Thank you, Madam Chair.

19 THE CHAIR: Further questions,  
20 Commissioners?

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

23 And again, I would remind you there are  
24 proposed -- there is proposed language for motions  
25 on your executive summary for Item No. 7.

1 Commissioner Toulouse?

2 COMMISSIONER TOULOUSE: Madam Chair, I am  
3 willing to read the motions.

4 THE CHAIR: Okay.

5 COMMISSIONER TOULOUSE: I move to approve  
6 the amendment presented by Gilbert Sena Charter  
7 School requesting a new facility located at  
8 11200 Lomas Boulevard, Northeast, Albuquerque,  
9 New Mexico.

10 THE CHAIR: Thank you.

11 COMMISSIONER PERALTA: Second.

12 THE CHAIR: Motion by Commissioner  
13 Toulouse, seconded by Commissioner Peralta, to  
14 approve the amendment request presented by Gilbert  
15 Sena Charter School for a new facility, as noted in  
16 the motion.

17 Is there further discussion?

18 Let me just ask. When did you all first  
19 come to us to let us know you were contemplating a  
20 new facility?

21 MS. TORRES: We actually came to you when  
22 we were doing our charter renewal last year. And  
23 that facility did not work out; so we have been  
24 looking for a new facility.

25 THE CHAIR: So we were well aware of your

1 quest?

2 MS. TORRES: Yes.

3 THE CHAIR: Thank you very much.

4 MS. TORRES: You're welcome.

5 THE CHAIR: Further comments or  
6 discussion?

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

9 COMMISSIONER PERALTA: Commissioner  
10 Bergman?

11 COMMISSIONER BERGMAN: Yes.

12 COMMISSIONER PERALTA: Commissioner

13 Shearman?

14 THE CHAIR: Yes.

15 COMMISSIONER PERALTA: Commissioner Chavez?

16 COMMISSIONER CHAVEZ: Yes.

17 COMMISSIONER PERALTA: Commissioner Carr?

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER PERALTA: Commissioner Pogna?

20 COMMISSIONER POGNA: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Toulouse?

23 COMMISSIONER TOULOUSE: Yes.

24 COMMISSIONER PERALTA: Commissioner

25 Armbruster?

1 COMMISSIONER ARMBRUSTER: Yes.

2 COMMISSIONER PERALTA: Commissioner  
3 Conyers?

4 COMMISSIONER CONYERS: Yes.

5 COMMISSIONER PERALTA: Commissioner  
6 Peralta votes "Yes."

7 Commissioner Gipson?

8 COMMISSIONER GIPSON: Yes.

9 COMMISSIONER PERALTA: Madam Chair, that  
10 is a 10-to-0 vote in favor of the motion.

11 THE CHAIR: Thank you. The motion passes  
12 unanimously to approve the amendment for your new  
13 location.

14 MS. TORRES: Madam Chair, members of the  
15 Commission, we appreciate that. Thanks so much.

16 MS. TUDOR: Thank you very much.

17 THE CHAIR: Next is the ASK Academy  
18 Charter School. Will representatives of their  
19 school like to come forward?

20 Julie, please?

21 MS. LUCERO: ASK Academy Charter School is  
22 requesting a new facility located at 4550 Sundt  
23 Road, Rio Rancho. The CSD recommends approval of  
24 this amendment with the following conditions:

25 Approval is contingent on E-Occupancy of

1 that facility.

2 THE CHAIR: Thank you very much. Again,  
3 Commissioner Peralta?

4 COMMISSIONER PERALTA: Madam Chair, thank  
5 you. Again, I would ask Martica Casias to give us  
6 an update on the facility for ASK Academy.

7 MS. CASIAS: Madam Chair, members of the  
8 Commission, PSFA has been working with ASK Academy  
9 for some time now. We've done an assessment of the  
10 facility, and it meets and greatly exceeds the  
11 weighted NMCI. It has a rating of 0, which means  
12 that it's an excellent building.

13 And we did assess it for the full number  
14 of 600 students, Madam Chair, and we gave an  
15 approval letter to the school.

16 THE CHAIR: Thank you very much.

17 Questions, Commissioners?

18 Commissioner Bergman?

19 COMMISSIONER BERGMAN: I'm kind of  
20 curious. Are you currently located in Albuquerque  
21 and you're wanting to move to Rio Rancho?

22 MS. DOVE: No, we've always been in Rio  
23 Rancho.

24 MR. BERGMAN: Okay.

25 THE REPORTER: I don't know who the

1 speakers are here.

2 MR. BARBOUR: I am Daniel Barbour. I'm  
3 the general manager of the ASK Academy,  
4 B-A-R-B-O-U-R.

5 MS. DOVE: And Madam Chair, members of the  
6 Commission, I'm Connie Dove. I'm Director of  
7 Advancement for the Academy.

8 COMMISSIONER BERGMAN: I hope I don't have  
9 to reask the question. I think they've answered it.

10 Thank you.

11 Thank you, Madam Chair.

12 THE CHAIR: Now, further questions,  
13 Commissioners?

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

16 COMMISSIONER PERALTA: Madam Chair?

17 THE CHAIR: I'm sorry. Commissioner  
18 Peralta?

19 COMMISSIONER PERALTA: Sure. I move to  
20 approve the amendment presented by the ASK Academy  
21 Charter School requesting a new facility located at  
22 4550 Sundt Road, Rio Rancho, New Mexico.

23 THE CHAIR: Do I hear a second?

24 COMMISSIONER ARMBRUSTER: Second.

25 THE CHAIR: Commissioner Armbruster.



1 Motion by Commissioner Peralta, second by  
2 Commissioner Armbruster, to approve the amendment  
3 request presented by ASK Academy for the new  
4 location, as noted in the official record.

5 Is there further discussion?

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

8 COMMISSIONER PERALTA: Commissioner  
9 Shearman?

10 THE CHAIR: 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 THE CHAIR: I'm sorry?

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Toulouse?

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Armbruster?

25 COMMISSIONER ARMBRUSTER: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Conyers?

3 COMMISSIONER CONYERS: Yes.

4 COMMISSIONER PERALTA: Commissioner  
5 Peralta votes "Yes."

6 Commissioner Gipson?

7 COMMISSIONER GIPSON: Yes.

8 COMMISSIONER PERALTA: Commissioner  
9 Bergman?

10 COMMISSIONER BERGMAN: Yes.

11 COMMISSIONER PERALTA: Madam Chair, that  
12 is a 10-to-0 vote in favor of the motion.

13 THE CHAIR: Thank you. The motion passes  
14 unanimously to approve the amendment request  
15 presented by the ASK Academy Charter School for a  
16 new location, as noted on the official record.

17 Congratulation.

18 MR. BARBOUR: Madam Chair, members of the  
19 Commission, thank you.

20 THE CHAIR: Thank you very much.

21 Next is the International School at  
22 Mesa Del Sol. If the representatives from that  
23 school would like to come forward, please?

24 Julie?

25 MS. LUCERO: The International School at

1 Mesa Del Sol is requesting to serve students in  
2 Grades 9 through 12, with a total number of students  
3 at full enrollment of 450, from a grade span of full  
4 enrollment of 450 in Grades K through 8.

5 The CSD recommends denial of this  
6 amendment.

7 THE CHAIR: Thank you.

8 MS. LUCERO: Madam Chair, members of the  
9 Commission, there is quite a bit of evidence  
10 provided with their amendment request. I've also  
11 included a grade report. And so when you're ready,  
12 if you have questions as to why we're recommending  
13 denial, you can get into that.

14 THE CHAIR: While Commissioners are  
15 finding those pages, if you all would like to  
16 introduce yourselves, please? And spell your name,  
17 if you have a unique spelling.

18 MR. McCUNE: I'm Chuck McCune,  
19 M-c-C-U-N-E. I'm a parent at the school at  
20 International School. And I'm also a member of the  
21 governing council. Thank you.

22 MR. GIEBITZ: My name is Robert Giebitz.  
23 That's G-I-E-B-I-T-Z. I'm also a parent of two  
24 children at the school. I am a member of the  
25 governing council, and I am currently a doctoral

1 student at UNM in organizational learning.

2 THE CHAIR: Thank you.

3 DR. EICHHORST: Dr. Kim Eichhorst,  
4 E-I-C-H-H-O-R-S-T. I'm also a parent of two  
5 children at TIS, a member of the governing council,  
6 and a professor at UNM.

7 DR. JOYCE: Good morning, Sean Joyce,  
8 S-E-A-N, J-O-Y-C-E, Head of School, International  
9 School at Mesa Del Sol.

10 THE CHAIR: Thank you.

11 MS. LUCERO: Madam Chair, members of the  
12 Commission, if you'll look at the grade reports,  
13 I've included three years. Their most current  
14 grade, they have a grade of a D. The year before  
15 that, they had a grade of a D, as well; and the  
16 first year, a grade of a B.

17 We looked at this -- at their grade report  
18 several times. And Dr. Joyce and I had several  
19 conversations. And the reason is expanding a grade,  
20 we always want to look at schools that are improving  
21 or showing progress. And with this particular  
22 school, if you'll turn to the second page of the  
23 first report card, noticing the graph of over the  
24 three-year summary, typically, in this case, the  
25 bottom level is Beginning Steps, Nearing Proficient,

1 and Advanced.

2 This area, noticing year 2011, '12, '13,  
3 these are the areas that we always want to see the  
4 bottom half decrease rather than increase. We also  
5 want to see proficiency increase rather than  
6 decrease.

7 And in this instance, for both reading and  
8 math with International School, these areas, it's  
9 not moving in the direction that we'd like to see to  
10 recommend approval of a grade expansion at this  
11 time.

12 Their grade report also for student growth  
13 of lowest performing students is an F, as well as  
14 student growth of highest performing students of an  
15 F. We would feel more comfortable and confident  
16 recommending approval of a school that had higher  
17 grades in those areas.

18 THE CHAIR: Thank you. Commissioners, do  
19 you have questions of either Julie or the school  
20 representatives?

21 COMMISSIONER GIPSON: Madam Commissioner?

22 THE CHAIR: Go ahead.

23 COMMISSIONER GIPSON: I guess a question I  
24 have is what sort of remediation measures you've  
25 made -- or attempted to make -- over these years,

1 and why do you feel there hasn't been great success  
2 with these efforts, considering the scores here?

3 DR. JOYCE: Madam Chair, members of the  
4 Commission, we're going to open with questions and  
5 comments, rather than my opening remarks? Is that  
6 as we normally would? But that's fine, okay.

7 To answer your question, Commissioner  
8 Gipson, yes, we have. We have made a number of  
9 changes and interventions. We have met all of the  
10 Public Education Commission's requirements of a  
11 School of Concern. We have met all the Charter  
12 School Division's actions under that Schools of  
13 Concern.

14 We have hired personnel. We have put into  
15 place after-school tutoring. We have put in place  
16 reading instruction, both a push-in and pull-out  
17 model, for our instruction in reading and literacy.  
18 So we've done a number of changes and improvements.  
19 We have been able to hire and sustain the staffing  
20 in the special education department, which for the  
21 past three years, has been very tumultuous.

22 We've had an increase -- a significant  
23 increase in the number of students with special  
24 needs, and being able to acquire and then ultimately  
25 maintain the staffing in the special education

1 department has been an integral part of our  
2 turnaround.

3 THE CHAIR: Other questions?

4 COMMISSIONER ARMBRUSTER: Madam Chair?

5 THE CHAIR: Commissioner Armbruster?

6 COMMISSIONER ARMBRUSTER: Madam Chair,  
7 hold on. Can you hear me? I'm wondering whether we  
8 might start with the statement that he prepared,  
9 because that might answer the questions? I don't  
10 know.

11 THE CHAIR: Well, let's go ahead with our  
12 questions, and if there's anything --

13 COMMISSIONER ARMBRUSTER: He can just add?

14 THE CHAIR: Commissioner Toulouse?

15 COMMISSIONER TOULOUSE: Madam Chair,  
16 Dr. Joyce, I know when you first started coming in  
17 here, you were having trouble with maintaining  
18 special education teachers. Has that problem been  
19 fixed; because I know that's a problem for every  
20 charter school out there? And if you did fix it,  
21 I'm wondering how you fixed it.

22 DR. JOYCE: Madam Chair, members of the  
23 Commission, Commissioner Toulouse, absolutely, we  
24 have. We struggled year-in-year-out, to acquire  
25 people -- as you indicated, finding qualified

1 special education teachers are a premium -- and we  
2 were able to hire enough staff to meet our needs  
3 through the special education department. Even more  
4 importantly, we've been able to maintain that  
5 employment.

6 We have letters of commitment for renewal  
7 of contract for our members of the special education  
8 department. And as the Public Education Special  
9 Education Division has indicated, we are still in  
10 compliance.

11 So a year ago, yes, as we were completing  
12 our contract negotiations with the Public Education  
13 Commission, we had just begun to put those things in  
14 place.

15 Prior to that, we have openly and honestly  
16 acknowledged that we have been unable to do that for  
17 up to three years.

18 COMMISSIONER TOULOUSE: Thank you.

19 THE CHAIR: Other questions?

20 COMMISSIONER ARMBRUSTER: Madam Chair?

21 THE CHAIR: Commissioner Armbruster?

22 COMMISSIONER ARMBRUSTER: What -- two  
23 questions, actually. What percentage of your  
24 population is in special ed? And has that increased  
25 each year, the percentage?



1 DR. JOYCE: Madam Chair, members of the  
2 Commission, Commissioner Armbruster, last year  
3 was -- we saw the greatest single-year growth. In  
4 our fourth year, we ended the school year with 19  
5 students with an identified [verbatim] educational  
6 plan.

7 We opened our fifth year, last year, with  
8 more than 25 new students coming in with an IEP. We  
9 ended up, by the time -- January of 2014, at the  
10 time that we were beginning our negotiations for our  
11 contract renewal with the Public Education  
12 Commission, we were looking at a total of  
13 85 students who were either carrying an IEP or  
14 through a Student Assistance Team process to  
15 identify for their special ed needs.

16 COMMISSIONER ARMBRUSTER: So that probably  
17 accounts for your lack of growth.

18 DR. JOYCE: Madam Chair, Commissioner  
19 Armbruster, yes.

20 COMMISSIONER ARMBRUSTER: I am a special  
21 ed teacher.

22 THE CHAIR: Commissioner Chavez?

23 COMMISSIONER CHAVEZ: Thank you. Thank  
24 you, Madam Chair.

25 I have some demographic questions.

1 THE CHAIR: Please pull the mic close.

2 COMMISSIONER CHAVEZ: Oh, I'm sorry. I  
3 have some questions about the demographics of your  
4 student population. I don't have a real good  
5 sense -- I mean, you break it down sort of in terms  
6 of the whole proficiency, you know, math and all  
7 that kind of data; but can you tell me what your  
8 student body, demographically, looks like?

9 And then my other question is are the  
10 students coming from -- where are the students  
11 coming from, in terms of, you know, neighborhoods in  
12 Albuquerque or different geographic areas in  
13 Albuquerque, if you have that information?

14 DR. JOYCE: Madam Chair, members of the  
15 Commission, Commissioner Chavez, our students reside  
16 in the communities as far north of us as Rio Rancho,  
17 to the south in Los Lunas and Belen, to the east and  
18 East Mountains. We've had them as far as Moriarty.

19 On the West Mesa, we have Petroglyph; we  
20 have all the zip codes in Albuquerque Metro area  
21 represented on our campus.

22 We have 55 percent of our students who are  
23 identified with free-and-reduced lunch program.

24 We have -- I want to get that number  
25 correct -- 25 percent of our students who come from

1 homes of -- English is not the first language spoken  
2 in that home.

3 Our ethnic racial background is  
4 approximately 45 percent or greater Hispanic/Latin  
5 American. We have about 11 percent  
6 African-American, 3 percent Native American,  
7 probably close to 30 -- 35 percent Caucasian, and  
8 then a smattering of -- of -- one of the  
9 indicators -- because of the new identification used  
10 by the federal government, we actually have probably  
11 40 to 50 percent of our students who identify  
12 themselves as multi-racial and multi-ethnic.

13 COMMISSIONER CHAVEZ: Thank you.

14 THE CHAIR: Other comments?

15 Dr. Joyce, I certainly don't intend not to  
16 let you make your presentation. I simply wanted to  
17 let Commissioner's questions come first.

18 If there was anything in your presentation  
19 that questions hadn't already been asked about, I  
20 was going to ask you for that presentation. So I'm  
21 going to ask my -- or put forward my concern right  
22 now.

23 Anytime this Commission has looked at  
24 expansion of grade levels, my first thought is to  
25 look at student growth of the highest and lowest

1 performing students. And consistently at your  
2 school, those have been very low. The last two  
3 years have both been Fs. The last two years, the  
4 numbers have been exactly the same, 7.2 for the  
5 highest performing students out of a possible  
6 20 points; lowest performing students, 15.3 points  
7 out of a possible 20, which is still a grade of F.

8 My personal philosophy is that you don't  
9 expand anything until you can serve those students  
10 more effectively, until those grades can drastically  
11 improve. I do not favor expanding, putting any more  
12 load on a school than is already there.

13 I think all resources, both financial and  
14 personnel, need to be directed towards bringing  
15 those students' grades up. An F just, in my mind,  
16 is too low; it simply won't do. Those students need  
17 more help; they need more focus. And until that can  
18 happen, I don't think the school can expand. And  
19 that's the way I've always voted, and I'll vote that  
20 way today.

21 Any other comments?

22 Now, please go ahead with your  
23 presentation, Dr. Joyce.

24 DR. JOYCE: Thank you, Madam Chair,  
25 members of the Commission. A quick note on that,

1 Madam Chair. If you look at the 2013-2014 grade  
2 reports, which we did include in our packet to you,  
3 the student growth of the lowest performing  
4 students, you're correct, in the '13 year, was an F  
5 of a 5.3 student -- school points. In 2014, that  
6 same category was an F; but 11.16. That's more than  
7 100 percent growth in the lowest percentile.

8 THE CHAIR: You correct me. Thank you. I  
9 was looking at the wrong number. Thank you.

10 DR. JOYCE: Thank you very much,  
11 Madam Chair.

12 All right. My formal presentation.

13 Good morning, Madam Chair and members of  
14 the Commission.

15 As most of the Commissioners know, it's  
16 been my privilege and pleasure to be the Head of  
17 School at the International School at Mesa Del Sol  
18 since before it first -- opened our doors with  
19 students in August of 2009 with 51 students.

20 Today, we are a  
21 kindergarten-through-eighth-grade school with just  
22 under 230 students. We are an authorized  
23 International Baccalaureate World School, with our  
24 Primary Year program of kindergarten through fifth  
25 grade, and with the intent to earn the IB

1 authorization for the Middle School program that  
2 consists of Grades 6 through 10.

3 The diversity of our larger school  
4 community is reflected in our students and the staff  
5 here at the International School. Over 55 percent  
6 of our students qualify for free-and-reduced lunch.  
7 Just under 25 percent of our students reside in  
8 homes where English --

9 (Reporter requests clarification.)

10 DR. JOYCE: Our students reside in  
11 Rio Rancho to the north, Belen and Los Lunas to the  
12 south, East Mountains in the east, and the West Mesa  
13 and Petroglyphs area to the west, with all of the  
14 zip codes within the City of Albuquerque included.

15 This means that for most of our families,  
16 they spend an hour or more each day getting their  
17 students to and from our school. Our educational  
18 program here is different from all other schools in  
19 New Mexico because of the expertise of our faculty  
20 and staff, the number and specific partnerships we  
21 have in our school community, and because of our  
22 authorization with the IB organization.

23 Since the opening of our school in 2009,  
24 we have maintained a collaborative relationship with  
25 the University of New Mexico's School of Behavioral

1 Studies through their occupational therapy graduate  
2 program, which launched and continuously trains our  
3 instructional staff in their ALERT program. The  
4 ALERT program supports our students and staff  
5 through developing skills and strategies for  
6 managing the learning environment for all students.

7 With our partnership with the University  
8 of New Mexico's Biology Department, the  
9 International School is one of a select few that  
10 participate in a Bosque Environmental Monitoring  
11 program, BEM, sending our students of school ages to  
12 the nearby Rio Grande Bosque each month to record  
13 and document the condition and quality of the river  
14 environment.

15 When other schools are dropping programs  
16 like that, the International School continues to add  
17 those kinds of programs.

18 We were the first of eight schools in  
19 New Mexico to bring Playworks, a national federation  
20 nonprofit organization, to our campus. Our lead  
21 administrator was the first person in New Mexico to  
22 implement Thinking Maps school-wide and has now made  
23 the International School one of only a dozen or so  
24 Thinking Maps schools in New Mexico.

25 We're an innovative school, delivering a

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e-mail: info@litsupport.com

1 broad-based instructional program designed to  
2 provide tools and strategies for the enduring  
3 lifelong success, which is difficult to measure by  
4 standardized assessments for all of our students.

5 Another program offered at the  
6 International School exclusively is Club TIS. Club  
7 TIS is a student-initiated, non-adult-initiated,  
8 community-focused for action and volunteers and  
9 extension of our elementary program around the  
10 broader Albuquerque metropolitan area. As an IB  
11 World School, the International School delivers the  
12 IB curriculum currently in our K-5 grade levels.

13 The IB academic program is an inquiry and  
14 concept-based curriculum that differs from  
15 traditional public schools in the United States  
16 because of its focus on transferable concepts and  
17 critical thinking skills to solve problems and  
18 create solutions for the challenges of today and the  
19 future.

20 Fourteen documents were sent to the  
21 Charter School Division from the International  
22 Schools leadership team regarding our amendment  
23 proposal. I hope you have all 14 of those.

24 We did not know if all or how many of  
25 these documents made it into your packets regarding



1 our amendment; but the reason for so many documents  
2 being sent to you was to be able to provide this  
3 Commission with as much information about our school  
4 as possible, knowing that we would not be able to  
5 show you our school firsthand, and that no one  
6 currently on staff at the Charter School Division  
7 has been on our campus to be able to give you that  
8 perspective.

9 One of the 14 documents I hope you were  
10 able to access was a November 2013 school site visit  
11 report from then the director of Charter School  
12 Division, Dr. Tony Gerlicz. His report was the  
13 basis for our school's charter renewal last year.  
14 And most of the current Commissioners here today  
15 supported our renewal, while regrettably, there are  
16 no current charter school staff members [verbatim]  
17 who were privy to that renewal process.

18 The reason our governing council wanted  
19 you to be able to read this report -- his report --  
20 was the fact that Dr. Gerlicz, a former New Mexico  
21 charter school director, who was also a director of  
22 an IB school, the Warsaw International -- sorry --  
23 the Warsaw Academy in Poland, and a sitting director  
24 of the Charter School Division, was admittedly  
25 perplexed with the data about our school.

1           In the school, he spent four days, not  
2 just the usual two days, to conduct a site visit  
3 presented to him.

4           The International School was a paradox to  
5 Dr. Gerlicz, and the more he learned about our  
6 school, the more confident he was that the school  
7 should have its charter renewed; but he also wanted  
8 assurance that it would improve, hence the School of  
9 Concerns designation and the three-year instead of  
10 five-year renewal.

11           Now, let me highlight some of the  
12 development that made the International School  
13 different from other schools in New Mexico.

14           All our elementary students are in school  
15 128 hours more than the Department of Education's  
16 minimum of 990 hours. That is not, in itself, a  
17 great feat. What is it our students do with those  
18 128 hours that other students in public schools in  
19 New Mexico do not?

20           Our elementary school students receive one  
21 hour every day of one of the following special  
22 content classes that most elementary schools do not  
23 receive: They receive one hour every day of either  
24 physical and health education, fine arts, music, or  
25 Spanish. They receive one hour a week of library

1 research and study.

2 Our responsibility to our IB authorization  
3 requires that we spend at least 90 minutes a day on  
4 the inquiry-based learning that is the foundation of  
5 the IB curriculum, known as the "Program of  
6 Inquiry." By the time a student reaches the fifth  
7 grade in an IB school, the last year of the Primary  
8 Year program, they are required to produce a major  
9 research, community-based project, that consumes  
10 one-sixth of their school year. This project is  
11 known simply as "Exhibition."

12 During this current testing season here in  
13 New Mexico, our present fifth-grade students have  
14 already begun their academically rigorous  
15 "exhibition" that will be the culmination of their  
16 IB elementary school experience. That is a public  
17 performance, and you are all welcome to attend, the  
18 likes of which no traditional schools in New Mexico  
19 require of its students to promote from fifth grade.

20 What does life of an IB middle school  
21 student look like? Unlike most of their traditional  
22 public school peers in New Mexico, IB middle school  
23 students are required to complete eight courses all  
24 year long, every year, from sixth grade to tenth  
25 grade. IB middle school students are required to

1 take a second language every year, all year long.  
2 They are required to either take a fine arts or a  
3 performing arts class every year, all year long.

4 They're required to take physical and  
5 health education every year, all year long.

6 I have with me present letters that  
7 represent almost 100 families in our community right  
8 now who not only want their students enrolled in an  
9 IB middle school, but they want their students to  
10 continue their education in an IB Middle Year  
11 program for their ninth-grade year.

12 What is so special about an IB education?

13 First of all, the IBO -- the IB  
14 organization -- will not authorize any school to  
15 deliver its curriculum without the school meeting  
16 its exacting, highly rigorous academic standards,  
17 and must maintain those standards year-in and  
18 year-out.

19 The closest thing to traditional schools  
20 in the United States to IB is the Advanced Placement  
21 program. Most of you, I'm sure, are familiar with  
22 it. Interestingly, though, the Ivy League schools  
23 in the East Coast accept college course credit --  
24 every Ivy League school accepts college credit for  
25 students with an IB diploma; but not every

1 Ivy League school accepts college course credit for  
2 students who graduate with an AP. Diploma program  
3 is the "platinum card" diploma for American high  
4 school graduates. It's accepted in every college  
5 and university in over 120 countries.

6 Excuse me. Here, Cottonwood Classical  
7 Preparatory School in Albuquerque, a charter school,  
8 graduates about half of its senior class with an IB  
9 diploma, between 20 and 30 students, on average, a  
10 year. The reason is simply because the academic  
11 rigor required to earn the IB diploma is very  
12 difficult. That is as it should be. That is how  
13 IBO has designed their program.

14 This is also the reason why the IBO  
15 created the Middle Year program to ramp up and  
16 support middle-school students to be able to  
17 successfully earn their IB diploma when they exit  
18 twelfth grade.

19 This leads me back to why I am here with  
20 you today. We are seeking your approval to amend  
21 our charter to add the ninth grade IB program so our  
22 students may continue their IB education here at the  
23 International School.

24 We have successfully addressed everything  
25 that the Public Education Commission, the Charter

1 School Division, and the Special Education  
2 Department of the Public Education Department has  
3 asked of us as a School of Concern, and more so. We  
4 submitted our school improvement plan to the Charter  
5 School Division and the Public Education Commission  
6 in December of 2014, and the Public Education  
7 [verbatim] approved our improvement plan based on  
8 the Charter School Division's assurance it was  
9 complete and satisfactory. We were doing what we've  
10 been asked to do.

11 We have continued to maintain our  
12 six-member council government membership, one more  
13 than our minimum five-member. We are completely up  
14 to date with all of our special education  
15 documentation, our IEPs, annual documentation,  
16 et cetera. We are fully staffed for 12 months now,  
17 which is the first in our school's history.

18 After searching for 15 months, we were  
19 finally able to hire a highly qualified reading  
20 specialist, and just as importantly, keep that  
21 person on staff for the entire school year, while  
22 also having received a commitment for the coming  
23 school year.

24 These are some of the numerous  
25 intervention strategies we have put into place to

1 support both the lowest quartile members on campus  
2 and our highest performing students.

3 We have an after-school tutoring program  
4 that currently serves 31 students twice a week.  
5 This is in addition to our daily homework club that  
6 serves more than 40 students five days a week.

7 We have data that clearly shows academic  
8 growth for all of our students, not just our lowest  
9 performing.

10 One such data source that is -- that is  
11 our most recent school report card, which shows, as  
12 I said earlier, 100 percent growth in our lowest  
13 quartile of performing students. That is no special  
14 measure.

15 We had students that were previously  
16 performing in the 5th percentile that were then,  
17 after one year, performing over 18th percentile.  
18 That is tremendous growth. They were still in the  
19 bottom quartile at the end of that assessment  
20 period.

21 Another source we have is our benchmark  
22 assessments for our kindergarten through third-grade  
23 students and our first two DIBELS assessments this  
24 year, which is K-3, and our 3-through-8 MAP  
25 assessment data for all of our students, not just

1 the lowest quartile.

2 Let me give you one example of our  
3 intervention strategies to compare the support of  
4 our lowest-performing students through a push-in  
5 model of instruction, versus a pull-out model.

6 Hands down, with just two data points,  
7 using our DIBELS K-3 assessment data, we have  
8 clearly demonstrated that our school and students,  
9 using our reading specialist who is delivering the  
10 push-in instruction, is clearly more instruction in  
11 increasing student literacy than a pull-out.

12 In our first-grade classroom, students at  
13 the beginning of the year were scoring 32 percent in  
14 proficient. By the middle term, that second data  
15 point in January, we had over 64 percent of the same  
16 students who were proficient. That's an accurate  
17 demonstration of the success of our push-in model.  
18 We did not have those resources a year ago.

19 We've done everything the Charter School  
20 and the Public Education [verbatim] has asked of us.  
21 We've documented it. We've demonstrated growth in  
22 test data.

23 We ask you today to allow us to add just  
24 one grade for next year so our current students may  
25 remain with us as their IB school of choice.



1           There are many other things to date -- to  
2 data than just a set of numbers. No one in public  
3 schools in the United States is any more aware of  
4 the importance of student achievement than we are.  
5 Our very mission and vision, which was included in  
6 that packet to you, is based on student achievement.

7           However, that student achievement is not  
8 exclusively the type of achievement that is easily  
9 measured on standardized assessments.

10           I'm not here to argue the merits or  
11 effectiveness of any standardized assessment; but at  
12 least I would hope that we would be able to  
13 acknowledge that one size does not fit all, and that  
14 many students do not demonstrate well their skills  
15 and knowledge on such types of assessments.

16           No one in our organization, from the  
17 governing council, which includes five of the six  
18 members who have children in our school, on down to  
19 the students themselves, and the parents who deliver  
20 their children to us every day, want anything less  
21 for their children's success and achievement than  
22 this Public Education Commission and the Charter  
23 School Division.

24           We have letters signed from parents who  
25 are requesting the Public Education Commission to

1 extend this parent-choice school to ninth grade.

2 Again, we are simply requesting the  
3 support of the Public Education Commission to  
4 approve what our community has asked for in their  
5 school of choice.

6 We openly acknowledged, in the fall of  
7 2013, when Dr. Gerlicz and Susan Coates made their  
8 initial site visit for our charter renewal, in good  
9 faith, that we had shortcomings and deficits. We  
10 candidly addressed them during the charter renewal  
11 contract negotiation that Commissioner Bergman  
12 attended, and honestly shared our immediate  
13 restructuring solutions with the entire Public  
14 Education Commission in May of 2014.

15 Our belief is that if the Public Education  
16 [verbatim] is able to look beyond the numbers  
17 represented by the school report card and see the  
18 whole school and understand those important things  
19 that the International School and its students do  
20 well, that are beyond the measure of an assessment,  
21 that you will, in good faith, support both the  
22 wishes of our parent community and the desires of  
23 our students to continue, into the ninth grade,  
24 their IB education.

25 One comment I would like to make on the

1 PARCC assessment -- because, again, in the charter  
2 school, most of us wear multiple hats. And on any  
3 given day, we change them so often that every day is  
4 a "bad hair" day. I spent every day last week  
5 working with third-graders on our PARCC assessments.

6 In the two groups of third-graders, the  
7 entire third grade, on the second day of the  
8 assessment, every student but one had a test  
9 interruption. The average interruption on our  
10 campus, through the technology delivery, was five  
11 per child, per test.

12 I'm not optimistic that our results will  
13 be great. We had kids who were in tears because  
14 they couldn't finish the test and had to restart  
15 over and over again. This was reported, by the way.  
16 We were told at 8:30 on our second day of  
17 assessment, from Pearson themselves, that we were to  
18 dump all the software off our server and reload the  
19 software, because they had changed the software the  
20 night before.

21 Thank you for this opportunity to share  
22 our Little School on the Mesa with you today. We  
23 are grateful to the Commission for considering our  
24 amendment and weighing the pros and cons of this  
25 proposal. We hope that you will support our school

1 as we move forward and continue on working --  
2 offering a meaningful and comprehensive IB  
3 curriculum to our current community, and continue to  
4 improve in ways that the Public Education  
5 Department, the Charter School Division, and the  
6 Public Education Commission encourage us to do, as  
7 we grow and take pride in.

8 Thank you.

9 (Applause.)

10 THE CHAIR: Thank you.

11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: Let me start this  
13 way:

14 So essentially, what you're saying is that  
15 as it stands now, your eighth-graders leave your  
16 school, and I'm guessing most of them, if not all of  
17 them, are not getting into an IB school; so they're  
18 back just in the general population, so to speak?

19 DR. JOYCE: Madam Chair, Commissioner  
20 Bergman, yes. Last year we promoted 21  
21 eighth-graders, four of them at Albuquerque Academy,  
22 two at Menaul School. I don't believe a single one  
23 of them got into an IB school. And that's what we  
24 like to do.

25 COMMISSIONER BERGMAN: I understand your

1 rationale. I see no indication here -- were you to  
2 be allowed to add a ninth grade, how many students  
3 are you going to admit? I don't see a cap, so to  
4 speak, on your ninth-graders.

5 Can you tell me what that is?

6 DR. JOYCE: Madam Chair, members of the  
7 Commission, Commissioner Bergman, we would never go  
8 beyond our charter's cap, which is 20-to-1 in  
9 classes, even though we do have the opportunity to  
10 take the State's maximums; but we're still looking  
11 at a 20-to-1. Our school's overall cap is 450, and  
12 we have no intention of exceeding that, even with a  
13 ninth-grade program.

14 COMMISSIONER BERGMAN: I understand that.  
15 I just was thinking long-term, down the road, if you  
16 did it, then at some point in the future, started  
17 adding other grades, if you had a super-large  
18 ninth-grade class, you might have cap problems. Do  
19 you see what I'm saying, if they kept staying with  
20 you?

21 So it would be something to consider  
22 anyway, as you went forward on that. I think that's  
23 all I have. Thank you, Madam Chair.

24 THE CHAIR: Okay. I just want to be  
25 clear. Your amendment request is to add 9 through

1 12 grades, the ninth through the twelfth grade;  
2 correct?

3 DR. JOYCE: Madam Chair, members of the  
4 Commission, no, just ninth grade. That's all we're  
5 asking, is to allow our eighth-graders to move into  
6 the ninth grade.

7 THE CHAIR: And then the next year, are  
8 you going to ask for the tenth grade?

9 DR. JOYCE: Madam Chair, Commissioners, if  
10 we can prove to you, we'll deserve it. That's where  
11 we'll be. A year and a half from here, we'll be  
12 here for charter renewal anyway. We're asking for a  
13 one-grade increase, and again, to continue to meet  
14 your requirements as a School of Concern.

15 MS. LUCERO: Madam Chair, may I make a  
16 clarification point? Members of the Commission? I  
17 just wanted to note that Dr. Sean Joyce mentioned  
18 that CSD has not had a site visit. That is  
19 incorrect. We actually had a site visit last year  
20 in May by Ron Christopherson, and that same year, an  
21 additional visit by Tony and Susan on October 7th.  
22 And he is also scheduled for a site visit this year  
23 on April 21st.

24 THE CHAIR: Thank you.

25 DR. JOYCE: Madam Chair, members of the

1 Commission, I said current staff had not made such a  
2 visit. Yes, Ron was there last year.

3 THE CHAIR: Commissioner Carr?

4 COMMISSIONER CARR: I would just like to  
5 let you know that, you know, I think -- of course,  
6 we're going to take a look at you again in the fall;  
7 but, you know, I -- I understand you have a lot of  
8 issues that you're dealing with. I especially  
9 appreciated your comment on the PARCC. It wasn't  
10 very much different from the school that I teach at.

11 I didn't see anybody crying; but we had  
12 issues. Somebody may have; some of the teachers may  
13 have been crying.

14 But -- sorry to digress.

15 The -- I just wanted to explain that I  
16 can't support -- based on the circumstances, I can't  
17 see where I can justify voting to increase your  
18 numbers, going to a different grade level. I do  
19 wish you every success. I -- the IB program is a  
20 fantastic program. It's expensive and difficult to  
21 deal with. And you've been doing that. That's  
22 pretty impressive.

23 I -- how many -- my fellow Commissioners  
24 here, clue me in. How many IB schools are there in  
25 Albuquerque that are available for students to

1 attend?

2 DR. JOYCE: Madam Chair, members of the  
3 Commission, Commissioner Carr, there are a total of  
4 seven authorized IB schools in the State of New  
5 Mexico. Four of them have the Diploma program,  
6 eleventh and twelfth grade. Two of them have the  
7 Primary Year program, K-5; we're one of those two.

8 One has a middle-school program, sixth  
9 through tenth. That's a private school in Santa Fe.

10 The four schools with Primary Year, there  
11 are two charter schools in Albuquerque. The other  
12 two, one's a charter school -- I'm sorry -- a  
13 private school in Farmington, and the other is a  
14 private school in Santa Fe.

15 The United World College, which is only a  
16 Diploma program, eleven to twelve, is in Las Vegas.  
17 That's probably the most famous of all the IB  
18 schools in the state.

19 There aren't a lot of options. The  
20 Diploma program is at Sandia High School, which is  
21 an APS school. That's just the eleventh and twelfth  
22 grade.

23 Cottonwood Classical, which is probably  
24 the most successful, they're a 6-12 school. They  
25 have only the IB Diploma program, eleven and twelve.



1 That's one of the reasons why they only have  
2 50 percent or so of their graduates graduating with  
3 that diploma, because they don't have a Middle Years  
4 program, and their community is not interested in  
5 doing it because of the expense.

6 But there aren't that many IB schools that  
7 the state, even though it's the fastest growing  
8 curriculum in the United States.

9 COMMISSIONER CARR: Well, I would just  
10 like to say that that's -- that's a real -- that's a  
11 very strong point, very strong argument that you  
12 make here today. Nonetheless, I -- you know, I want  
13 to wait and see what happens at renewal. I'm  
14 impressed that you had so many people come up here  
15 and support you, and the number of letters that you  
16 have. And I assume you're not Joseph McCarthy, who  
17 used to make those things up, from the '50s.

18 I -- and I don't think you made it up; so  
19 I'm just making a comment.

20 The -- so I wish you every success. I  
21 hope when you come before us for renewal that we  
22 have what we need to actually offer what you are  
23 wanting to do, because I think that is something  
24 that's important.

25 One of the things that I look at in

1 charter schools is what are they doing that's not  
2 being offered by the local community. And you're  
3 doing a lot of that. So that's a big deal for me.  
4 So good luck.

5 COMMISSIONER TOULOUSE: Madam Chair?

6 THE CHAIR: Other questions?

7 Commissioner Toulouse?

8 COMMISSIONER TOULOUSE: Madam Chair, I  
9 would like to respectfully make a comment to both  
10 you and Mr. Carr. I'm going to disagree with you  
11 both. I think having had a family member who was in  
12 an IB program, but also having grandchildren who are  
13 getting ready to make transition years, I think it's  
14 very hard to take a group of kids at eighth grade,  
15 with the age they are, their biological changes they  
16 are and all, and if there's a possibility they don't  
17 have to make the huge change into a regular kind of  
18 program, but they've been successful in this program  
19 to now, I think it's unfair if we have an  
20 opportunity to give them that ninth-grade year, not  
21 to let them have it.

22 They're not asking for a lot. They're  
23 asking for only taking the students they've trained  
24 already into this and taking it forward.

25 I also would just as soon go on record

1 with what most of you already know. I have  
2 absolutely no faith at all in the letter grades. I  
3 know we're stuck with them. I know the law says we  
4 have to use them; but until I can find a way to  
5 reproduce any one of them from year to year to year,  
6 I'm not going to base most of my decisions, other  
7 than what we absolutely have to, on those letter  
8 grades.

9 And I do know enough about IB curriculum  
10 to know that I think it's very hard to shove it,  
11 especially for grade-school kids, into the packet  
12 that creates those grades. So whatever the rest of  
13 you do, I am going to vote to let them have ninth  
14 grade, whether the rest of you say "No" or not.

15 I just wanted to explain what my vote will  
16 be ahead of time. And I mean no disrespect to any  
17 of you. But I'm looking at the students that we're  
18 here to serve, and I just think we would disserve  
19 this group of eighth-graders, who wouldn't have to  
20 make what is a bad transition, for many kids, into  
21 high school, for one more year. Thank you.

22 THE CHAIR: Could we -- Commissioner?

23 COMMISSIONER CONYERS: Yes. As I look at  
24 this and listen to this, I'm kind of conflicted on  
25 it. The -- I look -- you know, you always have an

1 "A" on the "Opportunity to Learn" portion, which I  
2 think is very good. And I know the -- it sounds  
3 like you're doing a lot of neat things and great  
4 things.

5 And, you know, the last school I worked  
6 at, I retired as executive director and principal.  
7 And we were doing as much as anybody could do, I  
8 think; and yet when our test scores came back, they  
9 were very disappointing. And so I think it's  
10 possible to be doing great things, and somewhat  
11 supporting what Carmie said here, that they don't  
12 always reflect in the final result or the grade.

13 And so it's -- I used to work for a  
14 superintendent. Sometimes at the board meetings,  
15 he'd say, "Well, I feel strongly both ways on this  
16 issue."

17 And that's kind of how I feel today.

18 Thank you.

19 DR. EICHHORST: Madame Chairwoman, may I  
20 address both those comments?

21 THE CHAIR: No, not unless there's a  
22 direct question to you.

23 Commissioner Armbruster?

24 COMMISSIONER ARMBRUSTER: I understand  
25 your conflicts. I, too, agree with you, Chairman

1 Toulouse [verbatim].

2 My concern -- a number of concerns -- in  
3 an IB school -- so you can correct me and answer  
4 this -- students with special ed needs, an IEP,  
5 children cannot be taken out of their regular  
6 classroom; and so somehow, remediation is given to  
7 them differently than it would be for other  
8 students? Or how does that work?

9 DR. JOYCE: Madam Chair, Commissioners,  
10 Commission Armbruster, no. IBO fully supports the  
11 special education laws and mandates of the  
12 United States. Students with special needs are  
13 served both inside the classroom, in a push-in model  
14 with the general education classroom. They're also  
15 taken in a pull-out to address their special needs  
16 identified on their IEP. It may be ancillary  
17 services, but it may not be.

18 Our reading specialist does do some  
19 pull-out work with students with an IEP in reading  
20 literacy. But the International Baccalaureate  
21 organization prefers, and strongly encourages, more  
22 of the inclusion model. And one of the things that  
23 we have discovered this particular school year, now  
24 that we have a full-time reading specialist, is  
25 especially our older-age students in the grades

1 fifth through eighth grade resent being pulled out,  
2 because they're missing the classroom instruction,  
3 which is, again, supported by our data this year  
4 with the reading specialist, that the push-in model  
5 is more appropriate.

6 But absolutely, we serve them by the  
7 letter of the law. We, as a charter school, IB  
8 school, still are responsible and required to adhere  
9 to the letter of the law.

10 COMMISSIONER ARMBRUSTER: And can -- a  
11 reading specialist is not a special -- does not hold  
12 a special ed credential; is that correct?

13 DR. JOYCE: Madam Chair, members of the  
14 Commission, Commissioner Armbruster, ours does.

15 COMMISSIONER ARMBRUSTER: Okay. So  
16 yours --

17 DR. JOYCE: She has multiple licenses,  
18 which is a valuable asset, which is why we're doing  
19 everything we can to keep her happy.

20 COMMISSIONER ARMBRUSTER: That's a good  
21 idea; because we're rare.

22 And I had another question. So just  
23 looking ahead, if we were to grant the ninth grade  
24 and then things didn't work out, for whatever  
25 reason -- and I have the same faith in those letter

1 grades as Commissioner Toulouse -- would -- so then  
2 it would be even more difficult, in a sense, to  
3 transition into another school, whatever school,  
4 because they're tenth-graders now, and not starting  
5 as ninth-graders.

6 That is a consideration; correct?

7 DR. JOYCE: Madam Chair, members of the  
8 Commission, Commissioner Armbruster, yes, it is.  
9 And our commitment is, first and foremost, just like  
10 yours, to the students. We are doing everything we  
11 can, and we continue to grow larger support from our  
12 community to do whatever it takes to get the job  
13 done well.

14 COMMISSIONER ARMBRUSTER: My inclination  
15 is to say that I would grant the ninth grade. And  
16 I'm going to give you my reasons. One is you have  
17 such a diverse area of people who are willing to  
18 drive a long way. I know that Albuquerque takes --  
19 is this okay, Julie?

20 MS. LUCERO: When you're done, I'd just  
21 like to comment.

22 COMMISSIONER ARMBRUSTER: You know, that's  
23 impressive to me. It's impressive that -- the  
24 things that you are doing. It is a concern, of  
25 course, that kids are not -- all of them are not

1 doing well; but I don't think that's necessarily  
2 unusual.

3           So mine would be -- vote would be to allow  
4 you the ninth grade and want to see the improvement  
5 with those kids. And I will just say, on my  
6 personal research and 39 years as a special ed  
7 teacher, that students actually make more  
8 progress -- and I was an inclusion teacher, by the  
9 way -- being pulled out for a certain period --  
10 which I don't know how you can do, because that  
11 means that one of those -- I don't like to call them  
12 electives, but I'm not sure what word you use -- the  
13 language, the -- whatever -- is something they're  
14 not going to have. There's not enough time in the  
15 day to pull out and still have everything. That's  
16 just the way it is.

17           I would be somewhat curious that they  
18 would be able to do a second language; because  
19 that's usually quite difficult, unless they're  
20 already Spanish-speaking children. And they would  
21 be. So that's what I have to say.

22           THE CHAIR: Commissioner, if I could just  
23 ask for clarification? You'd say you'd be willing  
24 to support adding the ninth grade and see, the next  
25 year, what improvement was made; is that correct?



1 COMMISSIONER ARMBRUSTER: Yes.

2 THE CHAIR: What would -- what form would  
3 the proof of that improvement take?

4 COMMISSIONER ARMBRUSTER: Good point. I'm  
5 certainly not going to say the PARCC test. I'm not  
6 going to say -- I don't think that's a valid way.  
7 So I don't -- can you give me some options?

8 THE CHAIR: No, I'm asking you.

9 COMMISSIONER ARMBRUSTER: Well, I was just  
10 wondering what other measures we can use besides  
11 that.

12 THE CHAIR: Because if we're not going to  
13 rely on the school grade report card, if we're not  
14 going to rely on the PARCC, what are we going to  
15 rely on if we're going to demand proof?

16 We've just spent two days in contract  
17 negotiations with charter schools. And one of the  
18 things that we talked about, greatly, is, "How do  
19 you bring up the lowest performing students?" And  
20 you don't put a requirement on the school to improve  
21 one grade level and that meets requirements for the  
22 contract; because if all you're moving up is one  
23 grade level, your lowest performing students will  
24 never catch up. Never.

25 So my thought in saying "No, I wouldn't

1 support grade expansion," is saying, "Your lowest  
2 performing students -- and even the highest  
3 performing students in this school -- are not  
4 showing that they are getting everything they need  
5 to progress at the level they need to progress at to  
6 bring this grade up. And until they bring this  
7 grade up, how are they truly progressing in their  
8 education?"

9 And so I'm asking, what kind of proof can  
10 we use that would meet your criteria to know that  
11 that progress is being made?

12 COMMISSIONER ARMBRUSTER: Because I don't  
13 know all of the law -- things -- my personal opinion  
14 is when all the students are taking -- and it's  
15 discovery, or it's MAPs, or it's one of those  
16 interim things -- that those are probably more  
17 accurate than taking -- than looking at a test that  
18 we actually have no idea how anyone would do.

19 When you keep changing the criteria, then  
20 every year, you get a different score. You're --  
21 it's like comparing apples and broccoli, instead  
22 of -- if we were doing the SBA -- and we've done  
23 this -- and this was this and it didn't go up, that  
24 would probably be slightly more indicative than  
25 changing tests; because now, I don't know how I

1 would compare their PARCC test. I'd have to look  
2 at -- I guess we'd have to look at every charter  
3 school and see if it made a difference, and they  
4 went either up or down, wouldn't we?

5 THE CHAIR: Commissioner Toulouse?

6 COMMISSIONER TOULOUSE: Madam Chair, I'm  
7 wondering, if we did approve this, if they would be  
8 willing -- because I'm sure they're going to do  
9 internal assessments -- if they would be willing to  
10 go back onto the Schools of Concern and report to  
11 us, then, as they've met the progress of how this is  
12 working with their eighth-graders and then their  
13 ninth-graders, to give us a report so that we would  
14 be able to see through the year what efforts they're  
15 making.

16 MS. LUCERO: Madam Chair, members of the  
17 Commission, when I refer to the report card, I am  
18 not only speaking of the letter grade. There's a  
19 lot of information in the report card other than a  
20 grade.

21 So if you notice, on Page 3, there's a  
22 graph showing student growth. There, you'll notice,  
23 every year, that number on the bottom increases as  
24 far as students showing one year's worth of growth.  
25 So every year, less -- more and more students are

1 making less than one year's worth of growth in both  
2 reading and math. And that is a concern to me, not  
3 necessarily the grade.

4 Also, if you turn the page, and you look  
5 at schools like Mesa Del Sol, they rank at the  
6 lowest end in most areas. So I am not only  
7 referring to the letter grade of a "D." I look at  
8 the entire report, which offers lots of information.  
9 And not showing more than a year's worth of growth  
10 is a concern to me. And that is 75 percent of their  
11 population.

12 THE CHAIR: Thank you, Julie.

13 Commissioner Chavez?

14 COMMISSIONER CHAVEZ: Thank you,  
15 Madam Chair. Yeah. And I actually had a question  
16 about that.

17 When I look at, you know, your -- from  
18 2012 to the 2013, you've gone, you know, down. And  
19 basically, you know, that goes -- also raises the  
20 issues that were just stated; right?

21 And so I guess what I wanted to ask you is  
22 how do you explain that? What happened?

23 DR. JOYCE: Madam Chair, members of the  
24 Commission, Commissioner Chavez, the -- the  
25 explanation is somewhat complex. And I don't mean

1 to fall behind the guise of complexity.

2 We -- as we increase our student  
3 enrollment, we grew horizontally as well as  
4 vertically. And being a school that is  
5 affectionately known as "The Little School on the  
6 Mesa" out in the middle of nowhere, literally -- the  
7 closest residential area is five-and-a-half miles  
8 until just recently, since Mesa Del Sol started  
9 their housing -- we had difficulty just filling  
10 classrooms. And every year, we had a significant  
11 percentage of students that were new to our school,  
12 brand new to our school, who had basically been  
13 moving from school to school.

14 So we had a high population of students  
15 who were unsuccessful and were looking for a school  
16 to fit into. We were not able to come close to  
17 supporting that with resources and personnel and  
18 materials and curricular support structures. And  
19 that's what you see, the downward trend, not just in  
20 the lowest percentile -- quartile of performance,  
21 but in the top 75 percent, as well.

22 We also had a significant turnover in  
23 instructional staff. And one of the reasons is,  
24 again, coming to a charter school from traditional  
25 schools, teachers, in many cases, have a -- pardon

1 the expression -- a rude awakening. Our middle  
2 school teachers on average have four prep periods.  
3 They prep four different subjects, because they're  
4 full-time employed, but they have a sixth grade, a  
5 seventh grade, and an eighth grade prep, and many of  
6 them, in the last year, had dual licensure; so they  
7 were prepping as many as six or seven courses.

8 That's a turnover, a high turnover.

9 Our elementary staff does recess  
10 supervision every day, three times a day, and in the  
11 cafeteria.

12 I am the -- the snow clearance custodian  
13 on our campus. And with 28 rooms, I am assisted by  
14 our instructional staff to clear ramps, rails,  
15 sidewalks.

16 It's not easy to be a charter school  
17 teacher, so we have had a high turnover in the past,  
18 particularly in Years 3, 4, and 5. This year, we  
19 had great stability. We maintained stability from  
20 last year, when we hired within the school year.  
21 Those teachers continue their employment here this  
22 year and maintain that.

23 So again, not to diminish or to mystify  
24 this in any kind of language of complexity, but  
25 there are a number of issues and elements that are

1 explained to that.

2 One of the things I would also like to  
3 address is with respect to the report card itself  
4 and that single matrix. I had with me our benchmark  
5 assessments, our short-cycle assessments that we use  
6 on our campus. One, kindergarten through third  
7 grade, is the DIBELS. We use, from third grade --  
8 actually, from kindergarten all the way to eighth  
9 grade -- we use the Measures of Academic Progress,  
10 the MAPs assessments from NWEA.

11 We also have Running Record, kindergarten  
12 through fifth grade; that's an ongoing assessment.  
13 We have portfolios that the International School --  
14 International Baccalaureate Organization requires of  
15 our students; those are performance-based. We have  
16 multiple measures that we can use, and we're happy  
17 to use those.

18 Today's assessments, I mentioned earlier,  
19 our DIBELS shows growth in our kindergarten to third  
20 grade. And as I said in our experiment or our  
21 action research with first grade, students started  
22 the year with 32 percent proficiency and went to  
23 64 percent proficiency. That's based upon the  
24 changes that we've made, both in the classroom and  
25 with our instructional support personnel.

1           And I don't want to diminish the  
2 professional development of our classroom  
3 instruction. When we have teachers who remain on  
4 staff for more than two years, they receive 15 days  
5 of professional development every year, paid  
6 professional development. You all know, who have  
7 spent time in the classroom, it takes years for you  
8 to master your craft. When you're an IB school and  
9 an underperforming school, it takes you years to  
10 learn the instructional strategies to support  
11 literacy and numeracy and the IB curriculum.

12           So our turnover has been huge and a  
13 dramatic reason why our performance has suffered.  
14 Again, that revolving door has been mitigated.

15           I've got data here. One of the things I  
16 would like to point out, using our DIBELS, also,  
17 from the first two points, is that as a school from  
18 our first -- our beginning of the year to our middle  
19 of the year, we had 90 percent of our students who  
20 were exceeding the benchmark from the first to the  
21 second; only 10 percent in that group lost ground to  
22 nearing proficient. But in the nearing proficient,  
23 we had a 62 percent gain from the beginning of the  
24 year to the middle of the year.

25           So those students who were just nearing



1 are now exceeding, 62 percent of them.

2 From the lowest performing, we had  
3 12 percent of those students move up. I have the  
4 data; I'd be happy to share it with you.

5 I'm also happy to use that as a criteria,  
6 or the leverage, to keep us as a School of Concern  
7 as we move forward. Thank you.

8 COMMISSIONER CHAVEZ: Can you also tell  
9 me --

10 THE CHAIR: Commissioner Chavez?

11 COMMISSIONER CHAVEZ: Yeah. Thank you. I  
12 have another question.

13 Can you also tell me what your student --  
14 student body turnover has been? Has there been  
15 consistency, or have you seen some -- some real  
16 changes in terms of kids leaving, kids coming in,  
17 that kind of thing?

18 DR. JOYCE: Members of the Commission  
19 Commissioner Chavez, we have -- in the first three  
20 years, we had a 95 -- roughly averaging 95,  
21 96 percent continuation of enrollment.

22 Beginning in Year 4, that dropped to about  
23 92. Last year, when we -- we promoted our first  
24 group of eighth-graders -- as I said, 21 of them --  
25 from last May to the 40th day of this school year,

1 we had a 55 percent student drop in Grades 6, 7, and  
2 8. And that's largely attributed to the feedback  
3 from our community that because we did not add the  
4 amendment to add the high school to our  
5 authorization last year, many of our parents said,  
6 "We're looking for an IB school" -- or, "We're  
7 looking for a school that will be continuous for our  
8 students."

9 Because we didn't add it last year,  
10 55 percent of our middle-school students left this  
11 year. That's huge. That's by far the highest any  
12 year.

13 So until last year, we had a reasonable  
14 attrition rate. And as a former APS administrator  
15 for four years in Albuquerque Public Schools, our  
16 annual transition in the Northeast Heights of the  
17 schools I was a principal at was about 12 to  
18 15 percent. So we exceeded that our first three,  
19 four years; had a huge change last year, and we're  
20 looking at maintaining it.

21 We have grown steadily over the course of  
22 this year, though, from 40th day to 120th.

23 COMMISSIONER CHAVEZ: Okay. And you said  
24 that your cap is 450?

25 DR. JOYCE: That's correct.

1 COMMISSIONER CHAVEZ: What's your current  
2 enrollment?

3 DR. JOYCE: We're about -- I think  
4 today -- I haven't checked -- it's about 228 or 229.

5 COMMISSIONER GIPSON: Madam Chair, can I  
6 ask, how many students, then, do you anticipate  
7 with -- if we increase the grade, how many students  
8 do you anticipate adding in to your enrollment with  
9 that?

10 DR. JOYCE: Members of the Commission,  
11 Commissioner Gipson, we anticipate probably between  
12 10 and 20 ninth-graders next year. We anticipate  
13 keeping at least 50 to 70 percent of our current  
14 eighth grade, and maybe adding one or two new who  
15 may be looking at either the revolving door charter  
16 schools, but actually saying, "Okay, we didn't get  
17 in at Cottonwood Classical to get into their DP  
18 program." The Sandia High School program is  
19 200 students representing the entire over 80,000 APS  
20 students.

21 So we might pick up one or two there.  
22 They're not expecting a great enrollment increase at  
23 all in that ninth-grade enrollment this first year.  
24 Again, families that are new to the community are  
25 looking at probably the school's report card; so we

1 don't expect a great increase.

2 COMMISSIONER GIPSON: What about staffing  
3 concerns, then? Because outside of the grades --  
4 I've lived these grades for many years; I understand  
5 the difficulties with them; I've lived the horrors  
6 of them -- my concern is with the continuity with  
7 staff. So what are you looking at in terms of  
8 additional staff that you would have to -- to add?

9 DR. JOYCE: Madam Chair, members of the  
10 Commission, Commissioner Gipson, we have already  
11 initiated our hiring process for the coming year,  
12 anticipating a sixth-through-eighth-grade program,  
13 and moving into the authorization through IBO, which  
14 means that we have to have those eight subjects,  
15 et cetera.

16 We have a candidate who has signed a  
17 letter of intent who spent three years in Ghana  
18 teaching in an IB school -- World school -- there,  
19 and several years in Costa Rica, also. She's  
20 dual-certified -- actually, she's got four licenses;  
21 so she's a performing arts, a language arts, and, in  
22 New Mexico, it's a humanities or social studies  
23 license. So she's going to be teaching five  
24 different preps. She knows that; she's used to  
25 that; we embrace that.

1           We have -- several of our current  
2 middle-school instructors have multiple licenses.  
3 So we have already put into place the hiring process  
4 and looking at filling slots for kindergarten -- I'm  
5 sorry -- sixth through eighth. If we are able to  
6 add the ninth grade, we're looking at just a single  
7 group of kids, as I say, between 12 -- I wouldn't  
8 think we would get more than 20.

9           But one of the other things that we're  
10 doing at the International School at Mesa Del Sol  
11 is -- and this is a big change for us -- it's highly  
12 supported by the IB program -- is we're leveling and  
13 grouping our students differently.

14           For instance, we don't -- we are not going  
15 to run math next year in our math department with  
16 sixth-grade math, seventh-grade math, eighth-grade  
17 math. We have students right now on our campus,  
18 who -- in seventh grade, that are ready for  
19 geometry. We're looking at a math program that will  
20 have a general math, a pre-algebra, algebra, and  
21 geometry.

22           We have a science teacher who can teach  
23 both science and math. We have a math teacher who  
24 can do that.

25           So we are looking at a fine arts and

1 performing arts class that, again, is  
2 ability-leveled, multi-aged, so that students  
3 continue to move through that.

4 We're going to do the same thing with  
5 physical and health education, et cetera.

6 So by doing that, we may have four grade  
7 levels represented on campus; but that wouldn't be  
8 four discrete prep levels for all those content  
9 areas. Because we are making them content-specific  
10 and multi-age, we're looking at being able to reduce  
11 the number of preps for our staff.

12 I hope I answered your question.

13 COMMISSIONER GIPSON: You did. You did.

14 Thank you.

15 THE CHAIR: Commissioner Bergman?

16 COMMISSIONER BERGMAN: I think I would  
17 like to note, particularly for the benefit of our  
18 three newest Commissioners, this school has had a  
19 number of difficulties over the last couple of  
20 years. And I have always been personally impressed  
21 with Dr. Joyce's willingness -- whatever this  
22 Commission has asked them to do, they have fallen  
23 over backwards to do, right up and through all our  
24 contract negotiations and everything else.

25 And as far as the grade report, whether

1 you agree with the system or not, it is the law of  
2 the land in this state right now, and we have to  
3 live with it. And what Julie has pointed out, it  
4 is -- past the A through F part of it, there is a  
5 lot of good, useful information buried in it that is  
6 not quite as subjective, perhaps, as the grades are;  
7 and so we have to live with that.

8 And as I've been sitting here listening to  
9 everything and thinking about what some of the  
10 Commissioners have said, I was thinking that should  
11 this Commission allow this school to add the ninth  
12 grade, would you, Dr. Joyce, be willing to sit down  
13 perhaps that the first part of June -- I'm not  
14 proposing that we renegotiate their contract and  
15 performance framework -- would you be willing to sit  
16 down and -- just as we did in the contract  
17 negotiation, formulate some short-cycle assessments  
18 for those ninth-graders that would allow us, if you  
19 come back in a year and ask for a tenth grade -- and  
20 we could add them as an addendum to the performance  
21 framework, or we could make it a part of the School  
22 of Concern -- you remember all those conditions we  
23 imposed on you on that? -- would you be willing to  
24 do that, sit down with myself and maybe a couple of  
25 other Commissioners and come up with something like

1 that?

2 And that would allow us something to  
3 measure to see if their ninth-graders, one, do  
4 improve, specifically improve. We'd even be able to  
5 compare their ninth-grade results with their  
6 eighth-grade results. I assume you have assessments  
7 like that. Would you be willing to do that?

8 DR. JOYCE: Madam Chair, members of the  
9 Commission, Commissioner Bergman, I have a small  
10 group of friends that I noticed when I came in this  
11 morning just before the meeting, and 228 students,  
12 that I have no choice not to do that. It would be  
13 my pleasure. Absolutely, I would be very willing to  
14 do that, and I appreciate the offer. Thank you.

15 COMMISSIONER BERGMAN: So I would just ask  
16 you to consider that. Should it go forward, perhaps  
17 that would then address some of the concerns that I  
18 know my fellow Commissioners have about this.

19 I'm kind of like Commissioner Conyers.  
20 I've kind of got mixed feelings on it. It may be a  
21 little premature. It does concern me you prepare  
22 these kids up through eighth grade with the IB part  
23 of it, and we turn them loose out in the community,  
24 and they're out of the program. I'm not sure that's  
25 fair to the kids, either.



1 I share Commissioner Toulouse's concern  
2 about that. So let me also throw that into the mix,  
3 let you just think that a little bit. Because I'll  
4 certainly be willing to sit down with them, and  
5 invite any of you to come to sit.

6 I picked June, because we still have 20  
7 more contract negotiations between now and the end  
8 of May. Our calendar is full. And like I say, it  
9 wouldn't be a contract negotiation. We'd come up  
10 with some goals, and I would put them before the  
11 Commission for a vote, just as we do everything  
12 else.

13 And like I say, we'll put it somewhere,  
14 call it a "condition of concern" or whatever you  
15 want. So I offer that for you all to think about.  
16 Thank you, Madam Chair.

17 THE CHAIR: Commissioner Carr?

18 COMMISSIONER CARR: I think -- I think  
19 maybe most of us here -- I'm not sure -- just the  
20 ones that I know have already spoken up. But I  
21 think the A through F should be scrapped; I've never  
22 supported it in the first place. I think there's a  
23 bill in the Senate sponsored by Senator Lopez to  
24 scrap it. It won't go anyplace. It's probably not  
25 going to go past the House.

1           But that's my -- you know, it is a dilemma  
2 for us to work through a system that we think has a  
3 lot of imperfections. And it's a dilemma for me,  
4 because -- you know, how am I going to judge all  
5 these schools that -- we're judging all the  
6 traditional public schools, all the charter schools.

7           And we here at the Commission don't just  
8 use the A-through-F grading. We do use lots of  
9 other -- lots of other assessments -- lots of other  
10 things. There's a lot of other things that we look  
11 at when you come up for renewal.

12           I've heard a lot -- you brought up DIBELS.  
13 Correct me if I'm wrong. Are there two different  
14 kinds of DIBELS tests? Are there two different  
15 companies that do it? Or is it just one?

16           DR. JOYCE: Madam Chair, members of the  
17 Commission, Commissioner Carr, I'm not sure. When  
18 we started this a year ago, there was an added -- I  
19 think it's called "DIBELS Access."

20           COMMISSIONER CARR: Uh-huh.

21           DR. JOYCE: And my job is to support the  
22 teachers and write the checks. I'm not sure whether  
23 that's a different company than the other DIBELS.  
24 So I apologize.

25           COMMISSIONER CARR: Yeah, okay. You just

1 gave me a clue, because my wife has used DIBELS for  
2 years. She -- they, as a school, decided to use  
3 that instead of any other testing that they were  
4 trying to push their way. And she has a lot of  
5 faith in it. I've looked at research in DIBELS.

6 And it just goes up to third grade. And  
7 can you give me some data on the other grades? You  
8 use MAP tests? Discovery tests? What do you use?

9 DR. JOYCE: Madam Chair, Commissioner  
10 Carr, we use kindergarten, all the way through  
11 eighth grade, we use the MAPs, Measures of Academic  
12 Progress. That provides us with reading, language  
13 arts, and math.

14 The DIBELS only gives us the reading and  
15 language arts, not the math component. So our  
16 students are -- in the K-3 program, if they're a  
17 third-grade student, they have the DIBELS; they have  
18 Running Record; they have MAPs; they have NMSBA;  
19 they have PARCC. They are assessed formally on  
20 short-cycle assessments three times a year, Running  
21 Record probably five or six times a year; and then  
22 right now, with the NMSBA and the PARCC, twice a  
23 year with that, because fortunately, they're not in  
24 fourth grade; but they have the science component,  
25 as well.

1           COMMISSIONER CARR: So maybe you stated it  
2 earlier, and I missed it. Are -- do you show some  
3 significant improvement in grade -- in any of those  
4 tests in your upper grades?

5           DR. JOYCE: Madam Chair, members of the  
6 Commission, Commissioners Carr, in the upper years,  
7 we have only the Measures of Academic Performance.  
8 Fourth grade -- so third grade and up, yes, there is  
9 growth. And I have only the beginning-of-the-year  
10 assessment on that in the fall. I don't have our  
11 middle-of-the-year, which was tested in February,  
12 because when we were down -- we were finishing that  
13 window and starting the PARCC assessments, I have  
14 not been able to close that window.

15           We have some students who are cycling.  
16 And if you understand the Measures of Academic  
17 Performance, when you close that window, you're  
18 done. And we have an overlap. So I've not been  
19 able to close that window.

20           And I -- so I do not have the  
21 middle-of-the-year data. But looking at our trend  
22 data from students who were here at the beginning of  
23 the year, versus their last three years, yes, we  
24 have growth. And that, to me, is not terribly  
25 significant, because our staffing changes and our

1 interventions did not come into play until late  
2 February, when our first special education teacher  
3 came on, and then in March, when we were able to  
4 bring on a reading specialist, et cetera.

5 So we have very little  
6 beginning-of-the-year; but our trend data starts  
7 with our middle-of-the-year; and I do have the  
8 DIBELS for that.

9 COMMISSIONER CARR: Well, I was asking for  
10 rationale to support what you wanted. I think you  
11 convinced me today. And I don't -- you know, one of  
12 the things I look at -- you guys are professionals.  
13 I don't see a need to meet with you in June. We're  
14 going to see your stuff in the fall. And me,  
15 personally -- just speaking for myself -- you know,  
16 you know what's at stake, you know. I'm not -- you  
17 know. And if -- you'll either get it done, or you  
18 won't. And I'm going to vote for your request  
19 today.

20 THE CHAIR: Commissioner Chavez, did you  
21 have a comment?

22 COMMISSIONER CHAVEZ: Yeah. What I wanted  
23 to -- I wanted to respond to what Commissioner  
24 Bergman was saying in terms of, you know, looking  
25 at, you know, what -- you know, meeting and

1 basically having a conversation in terms of what  
2 else are you willing to do to make improvements at  
3 the school.

4 I'd like to see that conversation take  
5 place; but I also think that we should make -- we  
6 should operate under the assumption that we're  
7 looking at the school coming back, basically, and  
8 asking for a tenth grade and asking for an eleventh  
9 grade. Because the reality is, you know -- I mean,  
10 that's just the reality of it; right? Folks are  
11 going to want to stay.

12 So I think we should probably operate  
13 under that assumption, when we're thinking about  
14 what we're going to do and how we're going to  
15 vote -- I think this has also been a very difficult  
16 discussion for me, as well. I don't support the  
17 letter grades. I have a whole lot of reservations  
18 about the PARCC. And as a matter of fact, if my  
19 kids were in school right now, I'd probably opt them  
20 out. I would probably opt them out of any tests  
21 that I could, because it's causing a great deal of  
22 difficulty and disruption in our education system.  
23 And, really, what is it doing?

24 I think we need to figure out how we get  
25 back to, you know, allowing teachers to teach and

1 just getting away from all of this ridiculousness.

2 I'm also concerned about the fact that,  
3 you know, kids and families who want to continue in  
4 this kind of environment might not be able to. But  
5 I am also deeply concerned about whether or not the  
6 kids are making academic progress. And I think  
7 that's my biggest -- my biggest concern right now,  
8 you know, and I think that's one of the things that  
9 we really have to think about.

10 You know, if there's all of these other  
11 assessments -- and I was glad that Commissioner Carr  
12 asked those questions about the other tests. I'm  
13 not an educator. I work for an education union; but  
14 I don't dive deep into the details. So if these are  
15 some of the other ways that we can sort of measure  
16 progress, you know, I would be happy with that, as  
17 well.

18 DR. JOYCE: Madam Chair, members of the  
19 Commission, Commissioner Chavez, I think one of the  
20 other matrices that's involved here that sometimes  
21 is overlooked are the people behind me. If they  
22 aren't satisfied with the academic performance of  
23 their child, they won't be here next year.

24 I am absolutely committed to whatever it  
25 is that the Public Education Commission, the Charter

1 School Division, the Public Education Department, is  
2 requiring of us. As I said earlier, we're not going  
3 to argue standardized assessments, the high-stakes  
4 accountability. That's not our intention here  
5 today. But I do not want to downplay the fact that  
6 our customers -- if we are not providing that, our  
7 customers will also tell us.

8 These families that are here today are  
9 supporting the IB program, and their children --  
10 they want them in that. But if we're not performing  
11 at the level that they expect of their children --  
12 and they do have high expectations -- they won't be  
13 here. So I think that's another measurement for  
14 you.

15 MS. LUCERO: Madam Chair and members of  
16 the Commission, my point exactly. There is  
17 inconsistency and instability with staff turnover  
18 and student turnover. Exactly like he said, if they  
19 are not doing their job, students and parents will  
20 leave. And that's exactly what's happening.

21 Up to this point, we don't have  
22 information showing that it has stabilized or that  
23 he is keeping families.

24 And I'm sorry. But staff and student  
25 turnover does impact performance, whether it's



1 assessed on a report card or not.

2 THE CHAIR: Commissioner Peralta?

3 COMMISSIONER PERALTA: So correct me if  
4 I'm wrong. We've had a number of struggling years,  
5 established evidence of what we've gotten in the  
6 report card. And again, my personal feeling about  
7 report cards is that that's been used for every  
8 school in the State of New Mexico. We can't get  
9 away from that.

10 This year would probably be -- you would  
11 say this year is probably the most solid year, as  
12 far as stable staffs and your students and programs  
13 and things like that; correct?

14 DR. JOYCE: Madam Chair, members of the  
15 Commission, Commissioner Peralta, yes. Currently, I  
16 have 14 elementary school staff members. I know I'm  
17 going to lose one, because her significant other is  
18 in another state. I have no intention of replacing  
19 any of the current staff there.

20 The same thing is true in our middle  
21 school. As we are looking at expanding our --  
22 completing our program for the IB, I have to add  
23 staff there; but I'm not expecting any turnover.

24 And I would like to comment, Commissioner  
25 Peralta, we have S.T.A.R.S. data. And you can check

1 our 40, 80, 120 data on attendance. You can pull it  
2 any day of the year. You can see what our  
3 enrollment is, whether there are students fleeing or  
4 coming into our school.

5 We've never had the request from Charter  
6 School Division to verify that and to prove that.  
7 But I'm happy to provide that data for you, as well.

8 COMMISSIONER PERALTA: Sure. And it seems  
9 like the consensus of the Commission here are  
10 wanting to see maybe possibly another year or so of  
11 data information to see if there's any improvements  
12 in your progress -- in your school. And with you  
13 guys coming back in 2016 for renewal, that's pretty  
14 close; that's just around the corner.

15 Can you answer me this? Why just one  
16 grade level now, and why not just go for the ball of  
17 wax and go nine through twelve?

18 DR. JOYCE: Madam Chair, members of the  
19 Commission, Commissioner Peralta, in good faith,  
20 this was discussed by our governing council. And we  
21 honestly felt that, in good faith, we should only  
22 ask for one year, give you that option of saying,  
23 "You didn't do it, so that's it."

24 We have asked. We have thought about it;  
25 but we honestly want to say we know that we are --

1 and we've openly acknowledged our shortcomings and  
2 deficiencies. We are doing everything we can to  
3 correct that and to be the highest performing  
4 school.

5 And so in good faith, we are asking for  
6 just one year, knowing that we can come back, if we  
7 demonstrate, we will move forward in partnership.  
8 If we don't demonstrate that, we don't deserve to  
9 continue.

10 And I think the last thing I want to add  
11 to that, those members of the Commission who were  
12 here a year ago know at one point in time, our  
13 governing council actually considered shutting the  
14 school down rather than renewing the charter;  
15 because if we're not going to do it right, we don't  
16 want to do it at all.

17 THE CHAIR: Well, let me add it to that,  
18 as long as you brought up what's happened in the  
19 past. I believe finances was driving that decision,  
20 to a great extent. You were in trouble financially.  
21 And that was a struggle to keep the school open.

22 So, you know, the history of the school is  
23 it's been a struggle from day one. And I -- whether  
24 you agree with the school report card, whether you  
25 have delved into the fine print or not, the school

1 is not making progress with their students.

2 Look at the numbers. It's going backwards  
3 in many cases. This Commission has traditionally  
4 said no to adding grades to schools that are in this  
5 situation. We have set a precedent. That doesn't  
6 mean we always have to do it the same; but that has  
7 been the mindset.

8 You need to take care of your current  
9 students before you add more students and stress  
10 your system even more. Make your system work; help  
11 the students you have; bring them up to the level  
12 they need to be. And then we'd be more than happy  
13 to see your school grow. But you've got to --  
14 you've got to show us -- you've got to show me --  
15 that you are serving your students academically.

16 And these grades -- and as Julie pointed  
17 out, the fine print inside here shows students, by  
18 and large, are going the wrong direction.

19 You may have other data. This is the data  
20 I have. And for two years, that data has not  
21 changed. It's been an "F" in both of those areas.

22 The first year, your school did better;  
23 and it's been downhill from there, of the three  
24 years that we're looking at the reports.

25 I'm simply saying I believe you've got to

1 serve the students you have before you take on  
2 others. That's my --

3 DR. JOYCE: Madam Chair, Commissioners.

4 THE CHAIR: Commissioner Peralta. I'm  
5 sorry I interrupted.

6 COMMISSIONER PERALTA: If I may finish  
7 kind of where I was going with this, is that you'll  
8 be asking for one grade level, ninth grade. And  
9 then we foresee that becoming tenth grade, eleventh  
10 grade, because we kind of want to keep the trend  
11 going with these kids continuing in your program.

12 My thought is, is that we give you this  
13 other year when you come up to renewal, and look at  
14 the data then. And when you come up for renewal  
15 request nine through twelve; because you've got  
16 200-plus wiggle room in your cap. I think that --  
17 with, like you said, ninth grade is 10 or 20 kids;  
18 add another grade, you're talking about another 40,  
19 60 kids; plenty of room, still.

20 If we're going to be looking at data, why  
21 are we looking at it annually; ninth grade, tenth  
22 grade, some more data year by year? To me, you're  
23 looking at maybe -- you've got one solid year now,  
24 and hopefully, next year will be even better. And  
25 then when you come up for renewal, come before the

1 Commission and ask for ninth through twelfth, as  
2 opposed to what we have. Just a thought.

3 DR. JOYCE: Madam Chair, Commissioners, we  
4 are -- the intent of this is to serve our current  
5 students. We have a current group of eighth graders  
6 that we want to continue to serve. We're not  
7 looking to expand our enrollment. We're saying we  
8 have eighth-graders. We want to continue to serve  
9 those eighth-graders as ninth-graders in an IB  
10 school. That's the purpose of our amendment, to  
11 continue to serve the students we have today.

12 MR. McCUNE: Madam Chair, may I address  
13 that question?

14 THE CHAIR: Was there a question addressed  
15 to you?

16 MR. McCUNE: Well, Commissioner Armbruster  
17 had a question that was not completely answered  
18 relative to --

19 THE CHAIR: Unless the question was  
20 addressed to you, no, you may not.

21 MR. McCUNE: Okay, thank you.

22 THE CHAIR: That's the way we run this.  
23 Commissioner Toulouse?

24 COMMISSIONER TOULOUSE: Madam Chair,  
25 Dr. Joyce, do you have an idea how many of your

1 fourth-graders would continue into fifth grade this  
2 year, since you said you lost a lot last year, if  
3 you don't get this ninth grade?

4 DR. JOYCE: Madam Chair, members of the  
5 Commission, Commissioner Toulouse, that is a  
6 speculative number. Currently, our fifth grade is  
7 full. We have two classes of 20. Based upon last  
8 year's -- if we call it a trend -- I would expect  
9 probably anywhere from 20 to 50 percent of those  
10 students not return, because it makes sense, in the  
11 configuration of schools in New Mexico, that if they  
12 cannot continue in an IB program in sixth grade  
13 through, that they will put their child in a  
14 sixth-grade school somewhere that will be easier for  
15 them to transition through their high school  
16 diploma.

17 But as for an exact number, I would have  
18 only last year's data to do that; because the  
19 previous year, when we moved from fifth grade to  
20 sixth grade and sixth grade to seventh grade and  
21 seventh grade to eighth grade, we retained over  
22 95 percent of our students.

23 COMMISSIONER TOULOUSE: Madam Chair, I  
24 would like to comment also that -- number one --  
25 this is an aside -- these are some of the best

1 minutes we've seen of a governance council to be  
2 able to see what they actually voted on what they  
3 approved and the discussion. I do want to commend  
4 your group on that.

5 I had one other concern when it comes to  
6 the grades and all. You know, what we're being  
7 given are percentages, just like -- you know, I know  
8 having participated in the last couple of days of  
9 charter negotiations, we look at a cohort of  
10 students who have been there the entire school year.  
11 These numbers are aggregating everybody together,  
12 whether they were there one year, two years, three  
13 years, whether they came in the middle of the school  
14 year.

15 My other problem with getting stuff that  
16 is percentages, it's great if you have a school of  
17 2,000 students, because then the averaging out  
18 really does average it out. When you have these  
19 small numbers, and because these are schools of  
20 choice, not neighborhood schools, where you're going  
21 to continue through, percentages don't mean nearly  
22 as much to me as if I could see a number for each of  
23 these years. You know, "We had 20 students this  
24 year, you know, and this is the average. Then we  
25 dropped to this. We had this."



1           And even a breakdown -- and I know that's  
2 a tremendous amount of data; but I have a thing  
3 about data. And I'd like to do my own conclusions,  
4 from that basic data, how many of those have been  
5 there, one year, two years, three years, or came in  
6 the middle of the school year, because on a small  
7 school with 200 students, one or two students can  
8 literally make you go up or down a whole area.

9           And so for me -- that's one of my problems  
10 when I see these grades. I'm seeing percentages.  
11 I'm not seeing numbers, as opposed to numbers and a  
12 consistency that lets me see it.

13           So that was just an explanation, also, of  
14 some of my problems with this kind of information.  
15 And, again, this school will have problems next year  
16 if they continue to drop their students, because,  
17 again, it is a school of choice.

18           You know, my kids went to private schools,  
19 and then they went to their neighborhood schools all  
20 the way through. My grandchildren, in general, have  
21 gone to charter schools and could change any time,  
22 or go back to their neighborhood schools. I do have  
23 one that went back to a neighborhood school.

24           You know, that makes it very difficult  
25 when you don't control, you know, the enrollment

1 factor of your students. There's a lot of issues  
2 just besides whether somebody is pleased or not.

3 I think the fact we have this many people  
4 wanting children in International Baccalaureate  
5 degrees tells me a lot. I'm not sure either of my  
6 children, who are both very bright, in kindergarten  
7 and first and second grade, would have been able to  
8 navigate one. On the other hand, I have one  
9 grandson who I know would have navigated it  
10 beautifully.

11 It just is such an individual choice that  
12 I'm concerned that we're grouping everybody  
13 together, and all kinds of stuff together in  
14 percentages, and not letting me see the basic data.  
15 That's a long explanation; but I did want to explain  
16 that's part of my problems with charter schools and  
17 how we get the data. Thank you.

18 THE CHAIR: Thank you, Commissioner.

19 COMMISSIONER ARMBRUSTER: I'd like to say  
20 several things before you would answer, if you won't  
21 mind; so you may want to write this down.

22 COMMISSIONER TOULOUSE: That's a teacher.

23 COMMISSIONER ARMBRUSTER: I'm sorry.  
24 That's a teacher. I have an enormous respect for  
25 Ms. Lucero and for our Chair, and I'm listening

1 carefully to what they say. And so here are my  
2 comments relative to this entire thing.

3           Number one is -- I have not changed my  
4 vote, by the way. But my concern is that the  
5 highest performing students are not continuing to  
6 be -- to do -- to do better, I guess is what you  
7 would do on whatever measure you're talking about.  
8 And maybe we're not talking about the right measure;  
9 because my experience is, it doesn't matter what  
10 test you give or what you teach or if you don't  
11 teach at all, the top performing 90th percentile  
12 kids will still do that. It doesn't really matter.  
13 It's the bottom ones who are the -- problematic.

14           And number two, I wanted to know --  
15 because I am thinking would I come to this  
16 school? -- that's a lot, what you're asking teachers  
17 to do. And I don't know if you can tell me this,  
18 because it may be privileged information.

19           Do teachers get paid more than other  
20 teachers would get paid because they're asked to do  
21 four preps? They're asked to do snow removal, and  
22 three recesses, and cafeteria duty? Because that's  
23 a lot more than what we would ask of, I think, a  
24 traditional teacher in Albuquerque.

25           And the last thing is sort of -- this is

1 to Ms. Lucero. If we have a school who's not doing  
2 very well, they have a huge turnover in kids, a  
3 turnover in teaching staff, I would really question  
4 why we wouldn't even close the school. And I'm not  
5 suggesting that; but, you know, it's like -- I don't  
6 see the point of keeping a school going if we're  
7 not -- it's not doing well enough to do better.

8 Does that make sense what I'm asking you?

9 MS. LUCERO: Madam Chair, Commissioner  
10 Armbruster, that's exactly the point. The Charter  
11 School Division is really taking the stance of if  
12 schools are not performing, that they shouldn't be  
13 open. "D" or "F" schools, we need to intervene and  
14 provide support and get them to a place where they  
15 are, or they should be closed down.

16 So that is really the reason why we do not  
17 recommend expansion of schools that are not  
18 performing or do not have stability at this point.

19 We want to go in that direction. And  
20 clearly, that's the stance we want to take. We want  
21 to look at all things, not only the report card  
22 grade. We want to look at lotteries. We want to  
23 look at staff turnover, which we added at the last  
24 meeting. We want to look at student turnover. It's  
25 all data that we have on top of the report card

1 grade.

2 But that's exactly it. We do not want  
3 charter schools to be bad performers.

4 COMMISSIONER ARMBRUSTER: I'd like them to  
5 kind of address what I asked, and then I have one  
6 comment. I'll let you go first.

7 DR. JOYCE: Madam Chair, members of the  
8 Commission, Commissioner Armbruster, the drop in  
9 highest performing students -- one of the things I  
10 want to say with respect to that -- and it's kind of  
11 a compound response, and it dovetails a little bit  
12 on Commissioner Carr's response about how all  
13 schools in New Mexico -- all public schools in  
14 New Mexico -- are measured in the same way.

15 I disagree slightly. As I say, I have  
16 been a public school servant for most of my career,  
17 and just recently, the last six years, at a charter  
18 school. There is no structure in place in the  
19 Public Education Department to close an  
20 underperforming public school, public district  
21 school. If they don't measure up, they don't  
22 measure up.

23 Charter schools live and die by both their  
24 enrollment and their performance on the  
25 standards-based assessments. Our report cards are

1 how we're held accountable.

2 So I appreciate the apples and broccoli  
3 metaphor -- I've always had to eat my broccoli --  
4 because truly, charter schools are not appropriately  
5 comparable to traditional, public-school district  
6 schools.

7 One of the things that I haven't  
8 mentioned -- and I feel that this is sort of kind of  
9 ticky-tack, and who am I for you to believe me,  
10 because I'm there every day, and I'm going to give  
11 you an anecdotal response, and you don't have any  
12 proof of the veracity of my comment.

13 But last year, as I mentioned, late  
14 February, early March, our governing council had  
15 seriously voted to close the school. We had  
16 middle-school students who, as I said, 55 percent of  
17 them exited the school.

18 When I was administering -- I was a  
19 proctor administering those tests, I knew I had  
20 students in the middle school who were not taking  
21 those tests seriously. They said, "I won't be here  
22 next year. I don't care. I won't be here."

23 Obviously, that's reflected in our scores.  
24 It's obviously reflected in our report card. I  
25 don't have any accurate information as to is it

1 3 percent? Is it 20 percent? Is it 17 percent of  
2 the eighth-grade class last year? I don't know.

3 I do know that was an impact. It was a  
4 comment that was often repeated in frustration by  
5 both teachers and myself and other families.

6 So the drop in our highest performing  
7 students, there, again, there are rational,  
8 reasonable explanations for that. Can I provide you  
9 accurate data on multiple fronts? No. But I have  
10 some.

11 With respect to the salary of charter  
12 school employees, I am happy to -- to report that  
13 our charter school teachers do receive a higher  
14 percentage of salary on our teachers' scale. Our  
15 teachers' salary schedule, which is public  
16 information, is, on average, about \$1,000 higher  
17 than the local school districts step and column.

18 So they are not compensated, and they will  
19 never be appropriately compensated for their work  
20 and the value of what they do; but they are slightly  
21 paid more than their counterparts in -- other public  
22 school districts.

23 The other thing that goes along with that,  
24 which, as I stated earlier, the student -- I'm  
25 sorry -- the staff that stays realizes that not only

1 are there extra duties, their school day is longer.  
2 Our staff reports at 7:30, and they leave school at  
3 4:00. They teach seven hours, teach students a  
4 minimum of seven hours every day.

5 Again, as a former administrator in the  
6 local school district, I know that's not comparable  
7 to the public education elementary school staff. So  
8 we really can't compare apples to apples in that  
9 context. But our staff does not get broccoli; they  
10 are paid slightly more.

11 The third question that you said is  
12 closing the school. And we've addressed that  
13 somewhat. And I want to just close on that comment  
14 by saying -- emphasizing -- I don't have any more  
15 perhaps reliable information, credible information  
16 to provide you with that, other than Dr. Tony  
17 Gerlicz himself. And the reason I highlighted that  
18 is because here is a man who opened a charter  
19 school, Monte del Sol, in Santa Fe. He knows the  
20 charter school world. He was a headmaster of the IB  
21 School in Warsaw, Poland.

22 He knows IB schools. Albeit it was the  
23 MYP and the DP program -- he acknowledged he didn't  
24 know the PYP program -- I met several times with  
25 him. He knows his responsibilities as the charter



1 school director for charter schools in this state.  
2 He also knows his responsibility to the Public  
3 Education Commission.

4 And his report acknowledges the paradox of  
5 our school's situation, which is why he strongly  
6 recommended for only a three-year renewal, strongly  
7 recommended for the Schools of Concern, and laid  
8 those items out before he left the Charter School  
9 Division.

10 And I -- I -- I believe his response is  
11 more credible than perhaps anything I could tell you  
12 with respect to why we are in such a paradoxical  
13 situation. Here is a man who knows it as well or  
14 better than I do, and he represents more this  
15 Commission than I.

16 COMMISSIONER ARMBRUSTER: So my closing  
17 comment, Madam Chair, is I am still willing to give  
18 them one more year, because we are not talking about  
19 closing them. But I would think -- and I don't know  
20 that -- this is not an etched-in-stone comment --  
21 that if you are now maintaining staff, and they're  
22 not leaving, and you are -- your student turnover,  
23 given that you will have a ninth grade, will stay --  
24 because they'll know as of today -- so they'll know  
25 whether they're going or not -- I would think that

1 the one year would be reasonable.

2 On the other hand, I will be concerned  
3 when you come up again if there is no growth in  
4 particularly the highest -- even though I know the  
5 lowest is very important, but that's much more  
6 difficult to do -- and that staff has turned over;  
7 because it just seems to me that you've made  
8 progress, and that should be rewarded and not  
9 punished. And that's why I say that.

10 But I would be much in a totally different  
11 place if those things don't occur. Does that make  
12 sense?

13 DR. JOYCE: Thank you.

14 THE CHAIR: Thank you, Commissioner.

15 Commissioners, we've been at this for  
16 almost two hours. I would ask if we are ready to  
17 come to conclusion, a motion and a vote.

18 COMMISSIONER TOULOUSE: Madam Chair, I  
19 call the question.

20 THE CHAIR: Thank you very much. You have  
21 proposed motions on the second page of the executive  
22 summary for this item, knowing that the wording  
23 would need to be adjusted for Grade 9 only, should  
24 you choose to use any of that wording.

25 The Chair would entertain a motion.

1 COMMISSIONER BERGMAN: Madam Chair?

2 THE CHAIR: Commissioner Bergman?

3 COMMISSIONER BERGMAN: I'll make the  
4 motion.

5 Madam Chair and Commissioners, I would  
6 move that the Public Education Commission approve  
7 the amendment presented by the International School  
8 at Mesa Del Sol requesting to add the ninth grade to  
9 their current K-through-8 structure and with no  
10 change in their cap at this time; their cap would  
11 continue at 450.

12 And I think that's it. I think that's  
13 what I'll move.

14 THE CHAIR: Is that sufficient, Josh?

15 MR. GRANATA: (Indicates.)

16 COMMISSIONER TOULOUSE: Second.

17 THE CHAIR: Motion by Commissioner  
18 Bergman, second by Commissioner Toulouse, to approve  
19 the amendment request by International School at  
20 Mesa Del Sol to add Grade 9 with keeping the  
21 enrollment cap as it is.

22 Any discussion?

23 COMMISSIONER ARMBRUSTER: I have a  
24 question. Commissioner Bergman, when you -- and I  
25 may not have heard this. Was this just for one

1 year, to reevaluate at the end of the year?

2 THE CHAIR: You cannot put conditions --

3 COMMISSIONER ARMBRUSTER: Got it.

4 THE CHAIR: -- on an amendment.

5 COMMISSIONER ARMBRUSTER: Okay. Thank  
6 you.

7 COMMISSIONER BERGMAN: Yeah, it's not  
8 conditional. But we all discussed what the  
9 implications would be next year.

10 COMMISSIONER ARMBRUSTER: Okay.

11 THE CHAIR: Anything else?

12 COMMISSIONER ARMBRUSTER: No, thank you.

13 THE CHAIR: Are we ready to vote?

14 Mr. Secretary, roll-call vote, please?

15 COMMISSIONER PERALTA: Commissioner  
16 Chavez?

17 COMMISSIONER CHAVEZ: Yes.

18 COMMISSIONER PERALTA: Commissioner Carr?

19 COMMISSIONER CARR: Yes.

20 COMMISSIONER PERALTA: Commissioner Pogna?

21 COMMISSIONER POGNA: Yes.

22 COMMISSIONER PERALTA: Commissioner  
23 Toulouse?

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER PERALTA: Commissioner

1 Armbruster?

2 COMMISSIONER ARMBRUSTER: Yes.

3 COMMISSIONER PERALTA: Commissioners

4 Conyers?

5 COMMISSIONER CONYERS: Yes.

6 COMMISSIONER PERALTA: Commissioner

7 Peralta votes "No."

8 Commissioner Gipson?

9 COMMISSIONER GIPSON: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Bergman?

12 COMMISSIONER BERGMAN: Yes.

13 COMMISSIONER PERALTA: Commissioner

14 Shearman?

15 THE CHAIR: No.

16 COMMISSIONER PERALTA: That is an 8-to-2

17 vote. The motion carries.

18 THE CHAIR: Thank you very much. The

19 motion to approve the amendment to add Grade 9 for

20 International School at Mesa Del Sol is approved.

21 COMMISSIONER BERGMAN: Madam Chair, before

22 we dismiss them, some housekeeping, please, on this.

23 THE CHAIR: All right.

24 COMMISSIONER BERGMAN: In my remarks

25 earlier, I indicated that I'd be willing to sit down

1 with them and do -- come up with some academic goals  
2 for their ninth grade, because, one, their ninth  
3 grade was not a part of the school when we did the  
4 contract negotiations. Commissioner Carr has  
5 indicated he does not think that's necessary.

6 I would just ask what is the will of the  
7 Commission? Does the majority of the Commission  
8 want us to do that, want me to do that, sit down?  
9 Or would you agree that you don't even think that's  
10 necessary? Which way would you feel comfortable?

11 COMMISSIONER PERALTA: I concur with  
12 Commissioner Carr. I think that the assessments  
13 that they do within their particular school is  
14 sufficient. They provide the data.

15 THE CHAIR: I would think with their  
16 renewal application, they're certainly going to  
17 bring us that information.

18 COMMISSIONER BERGMAN: So then I would  
19 withdraw that request.

20 COMMISSIONER TOULOUSE: And Madam Chair, I  
21 think we already had an agreement from them that we  
22 would look at them as a School of Concern for this  
23 year, so that they would bring us their data as the  
24 year goes on. I don't know if we have to see them  
25 every month; but every couple of months.

1 I'm assuming you're not going to give us  
2 every single month on kids; but every other month,  
3 as we see a necessity for it, I would think -- you  
4 know, October -- you know, January and March or  
5 something like that, just -- as an informal  
6 agreement, not as part of anything -- if they have  
7 something to present earlier, I think they can  
8 present it.

9 If we begin to have questions on anything  
10 that comes up at the charter school, we can request  
11 it, but that they be continued on that list. Would  
12 you -- and I think in some cases at the beginning,  
13 if you'd like to give us just a written report, for  
14 instance, as soon as school starts, like you were  
15 doing -- I just -- again, this is more an informal  
16 thing -- but to -- so that there is no surprise for  
17 you or us when we come up to a year from now.

18 Because we've all put ourselves on the  
19 line.

20 THE CHAIR: Commissioner Armbruster?

21 COMMISSIONER ARMBRUSTER: I would think  
22 that pretty immediately -- like, in the middle of  
23 the summer, which we now call "fall," they would --  
24 we would know. If 55 -- whatever grade -- left,  
25 that would be kind of a scary thing, because we have

1 now added the ninth grade, which was your feeling of  
2 why people were leaving. I understand you're going  
3 to 6-7-8 middle school. So we should know that  
4 pretty soon, wouldn't we?

5 Would that be reasonable to you?

6 THE CHAIR: Julie, are we likely to know  
7 enrollment numbers?

8 COMMISSIONER ARMBRUSTER: Or staff  
9 turnover, whatever.

10 MS. LUCERO: Yes, we will have a definite,  
11 by 40th day. We have information at the 120th day  
12 for this year, that we can update you by May.

13 THE CHAIR: But next year, it's going to  
14 be the 40th day.

15 COMMISSIONER ARMBRUSTER: So that's a way.

16 COMMISSIONER TOULOUSE: That's why I  
17 suggested October.

18 COMMISSIONER BERGMAN: One final comment.  
19 So, like I say, we're abandoning that other idea.

20 I think it's readily apparent to you folks  
21 what the thinking of this Commission at this time  
22 is. We are all concerned about that improvement  
23 category. And the clock is ticking. It's -- I'll  
24 just leave it with that.

25 THE CHAIR: Thank you all very much.



1           Commissioners, let's break for lunch. How  
2 long do you want? An hour or 45 minutes?

3           COMMISSIONER TOULOUSE: Let's do an hour.

4           THE CHAIR: You want an hour? We'll be  
5 back at 1:00.

6           (A recess was taken at 11:57 a.m., and  
7 reconvened at 1:00 p.m., as follows:)

8           THE CHAIR: I call back into session this  
9 regularly scheduled meeting of the New Mexico Public  
10 Education Commission. We will resume with Agenda  
11 Item 7D, Horizon Academy.

12           Do we have anyone from the school? Please  
13 come up here.

14           Good afternoon.

15           MS. CARTER: Good afternoon. My name is  
16 Cynthia Carter. I'm the director of Horizon Academy  
17 West. And we have with us today Dr. Avery Ewing.  
18 And he is our principal here at Horizon Academy  
19 West.

20           THE CHAIR: Welcome both of you. Can we  
21 have CSD's recommendation, please?

22           MS. LUCERO: Yes. Horizon Academy West  
23 has two amendment requests; and they are withdrawing  
24 their second, realizing that they do not need to  
25 file an amendment request for governing board

1 bylaws.

2 So the first one is requesting a grade  
3 level decrease from 500 students in grades K through  
4 6 to 500 students in grades K through 5. The CSD  
5 recommends approval of this amendment.

6 THE CHAIR: Would you like to speak to  
7 that?

8 MS. CARTER: Yes, I would. Horizon has  
9 been around for quite a while. We've gone through  
10 two authorizations. And so we are a kindergarten  
11 through sixth grade, and we house a pre-K, as well.

12 When we started housing our pre-K, it has  
13 given us an opportunity to serve some children that  
14 want to continue with Horizon for kindergarten. And  
15 so within the last two or three years, we've been  
16 adding, increasing a classroom every -- every grade  
17 level. So for two years, we -- for two years ago,  
18 we added a fourth grade, kindergarten. Then we  
19 need -- there was a need for first grade -- four  
20 first-grade classrooms. This year, we added a  
21 second -- a fourth second-grade classroom.

22 And so as we stand, we have 18  
23 third-graders that have an intent to come back to  
24 Horizon. And we, as administrators and our  
25 governing council, have taken a look at our pros and

1 cons of our school setup, and we really want to  
2 serve the population that wants to come to Horizon.

3 In the past, we've had sixth grade. It  
4 has been a struggle to fill that sixth-grade class,  
5 due to the fact that schools for parents with  
6 options, they have -- they usually start at a sixth  
7 grade and move up. And so if you want a child to  
8 get into another charter, it's easier to get in at  
9 the sixth-grade level and move up than it is to go  
10 into a seventh grade or eighth grade.

11 And so with that being said, every year,  
12 our parents, when we call and ask them if they're  
13 returning, our sixth grade, we always have maybe 24  
14 to 25 out of 60 students saying that they are going  
15 to return. But the reality is once they get into  
16 another charter school or want to start their  
17 children at mid-school, then we have a hard time  
18 filling that sixth-grade class.

19 That -- taking a look at how we can serve  
20 our population, we feel that it would be best to  
21 serve kindergarten through fifth grade, giving them  
22 a really good foundation in the elementary setting,  
23 and then letting them move to another school of  
24 option.

25 THE CHAIR: Thank you very much for that.

1           Commissioners, do you have questions about  
2 this amendment proposal?

3           Hearing no questions, the Chair would  
4 entertain a motion. And, again, I would remind you  
5 that there is proposed motion language in your  
6 executive summary for this item.

7           Commissioner Peralta?

8           COMMISSIONER PERALTA: I would ask the  
9 Public Education Commission to move and approve the  
10 amendment presented by Horizon Academy West  
11 requesting a grade-level decrease from 500 students  
12 from grades K through 6 to 500 students in grades K  
13 through 5.

14           COMMISSIONER GIPSON: Second.

15           THE CHAIR: I'm sorry. Who seconded?

16           COMMISSIONER GIPSON: I did.

17           THE CHAIR: Motion by Commissioner  
18 Peralta, second by Commissioner Gipson, to approve  
19 the amendment request presented by Horizon Academy  
20 West, as noted on the official record.

21           Is there further discussion?

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

24           And before we do that, I would note that  
25 we have one, two, three, four, five, six, seven,

1 eight -- we have eight Commissioners seated.  
2 Commissioner Chavez is close to being seated.  
3 Commissioner Toulouse is coming in the door; so if  
4 we could just pause for a second to let everyone be  
5 seated.

6 Commissioners, just for your information,  
7 we have a motion on the floor to approve the  
8 amendment request by Horizon Academy West to reduce  
9 their grade levels from K-6 to K-5, keeping their  
10 same enrollment cap.

11 Do you wish to vote or excuse yourself?

12 COMMISSIONER TOULOUSE: Madam Chair, I'm  
13 comfortable voting.

14 COMMISSIONER CHAVEZ: The same; I reviewed  
15 the information, yeah.

16 THE CHAIR: Thank you very much.

17 Mr. Secretary, whenever you're ready.

18 COMMISSIONER PERALTA: Okay. Motion is to  
19 approve the amendment, as presented.

20 Commissioner Carr?

21 COMMISSIONER CARR: Yes.

22 COMMISSIONER PERALTA: Commissioner Pogna?

23 COMMISSIONER POGNA: Yes.

24 COMMISSIONER PERALTA: Commissioner  
25 Toulouse?

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER PERALTA: Commissioner  
3 Armbruster?

4 COMMISSIONER ARMBRUSTER: Yes.

5 COMMISSIONER PERALTA: Commissioner  
6 Conyers?

7 COMMISSIONER CONYERS: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Peralta votes "Yes."

10 Commissioner Gipson?

11 COMMISSIONER GIPSON: Yes.

12 COMMISSIONER PERALTA: Commissioner

13 Bergman?

14 COMMISSIONER BERGMAN: Yes.

15 COMMISSIONER PERALTA: Commissioner

16 Chavez?

17 COMMISSIONER CHAVEZ: Yes.

18 COMMISSIONER PERALTA: Madam Chair, that  
19 is a 10-to-0 vote in favor of the motion.

20 THE CHAIR: Thank you. The motion passes  
21 unanimously to approve the amendment request, as is  
22 noted in the official record. Thank you very much.

23 And as Julie noted, they have withdrawn  
24 the second amendment request because it's not  
25 required -- an amendment is not required to make

1 this change in their governance council.

2 MS. CARTER: Thank you so much for your  
3 time.

4 THE CHAIR: Thank you for being here.  
5 The next school is Albuquerque Sign  
6 Language Academy.

7 THE CHAIR: Good afternoon. Just please  
8 introduce yourself.

9 MR. MARTINEZ: Good afternoon. My name is  
10 Rafe Martinez, Raphael Martinez. I'm the Executive  
11 Director of the Albuquerque Sign Language Academy.

12 THE CHAIR: Julie.

13 MS. LUCERO: With your permission,  
14 Albuquerque Sign Language is requesting an  
15 enrollment cap increase from 100 students to  
16 200 students. The CSD recommends approval of this  
17 amendment with the following conditions:

18 Approval is contingent on E-Occupancy of a  
19 facility that has capacity to meet the enrollment  
20 cap of 200 students.

21 THE CHAIR: Thank you very much. Would  
22 you care to address us?

23 MR. MARTINEZ: Madam Chair, members of the  
24 Commission, yes. Thank you for having us today. So  
25 we have the opportunity, as we move forward, to --

1 we're placing our evolution with some momentum that  
2 we are looking to go to -- add grades, as we expand.  
3 And so kind of as the precedent has been set over  
4 the last -- as I've been watching the Commission  
5 act, we're asking to increase our enrollment cap  
6 to -- knowing that the building is actually the  
7 biggest determiner as to how big we can grow.

8 So as Commissioner Toulouse has been to  
9 our building, she sees that we're busting at the  
10 seams. And we have received a school improvement  
11 grant that is going -- that gives us some  
12 opportunity to add a portable close by -- in the lot  
13 next to us that would help us expand. But we wanted  
14 to kind of go all the way with where we project to  
15 be in the coming years as we add grades and get  
16 bigger.

17 And I think it gives us an opportunity,  
18 too, when we look for buildings, if we're going to  
19 move from that particular spot or if we add on and  
20 build, that we would have that cap in place already  
21 as our ceiling.

22 THE CHAIR: Let me -- just for  
23 clarification, you're authorized for what grades  
24 right now?

25 MR. MARTINEZ: Kindergarten to 12.



1 THE CHAIR: Okay. So it wouldn't be a  
2 change to your charter to -- to implement the --  
3 implement more grades; you just need the room to do  
4 it.

5 MR. MARTINEZ: Madam Chair, members of the  
6 Commission, that is correct.

7 THE CHAIR: Okay. Thank you.  
8 Commissioners, do you have questions?

9 COMMISSIONER GIPSON: I'm sorry. My -- I  
10 guess my one question is, you put a portable in.  
11 How soon are you going to be overcrowded, then,  
12 because of portables in --

13 MR. MARTINEZ: Well, a portable wouldn't  
14 push us to -- we wouldn't have the capacity to push  
15 up to 200 with just a portable. That would be a  
16 long-term vision as we add kids and expand grades.

17 COMMISSIONER GIPSON: Yes. But my  
18 question was how soon are you going to be out of  
19 space, with even that portable?

20 MR. MARTINEZ: Madam Chair, members of the  
21 Commission, soon, very soon. So just so you know  
22 kind of the logistics of where we're sitting, we  
23 have -- a 100-student cap is our -- per charter. We  
24 choose to stop at 94 because of the nature of our  
25 students. We have a lot of extra apparatus

1 involved, walkers and that sort of thing; we're  
2 busting as it is. So we have 40 kids on our waiting  
3 list.

4 So there's a need for us in the community;  
5 we know that. We're being as aggressive as we can  
6 about chasing funding ways to get into a new  
7 building, partnerships, that kind of thing. So the  
8 ideal, the future vision, is to push up to 200 in a  
9 very controlled way, where we don't compromise the  
10 integrity of the program.

11 So just adding a portable, that gives  
12 us -- that will free up a classroom so we can move a  
13 kind of therapeutic space and maybe some  
14 administrative space into a portable to free up a  
15 classroom. But it's a short-term goal, short-term  
16 solution.

17 COMMISSIONER GIPSON: Okay.

18 THE CHAIR: Commissioner Bergman?

19 COMMISSIONER BERGMAN: Yeah. I -- what  
20 grades do you have right now?

21 MR. MARTINEZ: Madam Chair, members of the  
22 Commission, Commissioner Bergman, we -- right now,  
23 we're kindergarten to 9; but again, that's a -- our  
24 high school is in partnership with Amy Biehl; right?  
25 So the two that we actually have on our campus are

1 the most high-need, special ed kids that stay with  
2 us through high school.

3 So right now, there's only two  
4 ninth-graders. That cohort is going to get bigger  
5 with or classes as they grow up; because there's  
6 more kids that fit that criteria that will stay with  
7 us in the future years.

8 COMMISSIONER BERGMAN: Actually, we did  
9 the Amy Biehl negotiation yesterday afternoon; so  
10 your name did come up.

11 MR. MARTINEZ: That's good.

12 COMMISSIONER BERGMAN: So ultimately, you  
13 envision that this Amy Biehl thing is just  
14 short-term, really, until you get up through the  
15 twelfth grade? Or will you still have some kind of  
16 relationship?

17 MR. MARTINEZ: Commissioner Bergman, I  
18 think we'd still have a relationship. We don't have  
19 the capacity to serve the regular ed high school  
20 kids because of compliance issues around highly  
21 qualified teachers, and then the money to staff per  
22 content area; right? So that's why the partnership  
23 with Amy Biehl was created was because they do have  
24 the capacity for that, and they're willing to let us  
25 infuse parts of our mission into theirs. We're

1 aligned, because they serve that population of kid  
2 better.

3 COMMISSIONER BERGMAN: And my next  
4 question isn't necessarily tied to this amendment.  
5 But since you were here, and there would be some --  
6 as you increase your number, where are you right now  
7 on getting your assessment, you know; because you  
8 were having to do the assessment because you  
9 couldn't -- I'm thinking about adding more students  
10 if we don't have a way to assess them.

11 So are you closer to getting an  
12 assessment, academic assessment?

13 MR. MARTINEZ: Academic? Yes. So good  
14 question. We are implementing the assessments we  
15 are creating with the PED. So we already have two  
16 data points, very promising. What we're looking at  
17 now in the next -- this year, next, and a third  
18 year, is to work with the PED to norm and validate  
19 the results that we have.

20 So the assessments are created, and we're  
21 already moving -- they're being administered and,  
22 you know, we're collecting data. Now, the question  
23 now from here to the next couple of years is, like,  
24 aligning the data, making sure it's valid, it's  
25 reliable, and that we can actually track student

1 growth.

2 COMMISSIONER BERGMAN: So PED has accepted  
3 and approved working with you, the assessments that  
4 will achieve their purpose?

5 MR. MARTINEZ: Yes, they've approved the  
6 assessments that I think are specific to us. Now,  
7 the question is, is where does PARCC fit into that  
8 equation; because there's different -- I've been a  
9 part of different discussions where PARCC is  
10 minimized in lieu of that these other assessments  
11 exist; but then I've also been a part of discussions  
12 where they've said, "No, PARCC, is the federal  
13 mandate and you must serve this portion of the  
14 grade"; right?

15 So we're -- we're in discussion about  
16 that. And I think we've had some very calm, logical  
17 conversations as to why our kids just don't fit that  
18 model; so...

19 COMMISSIONER BERGMAN: Good. Thank you.

20 Thank you, Madam Chair.

21 THE CHAIR: Any other comments?

22 COMMISSIONER TOULOUSE: Madam Chair, may I  
23 ask Mr. Martinez, on behalf of the three new people  
24 we have, to maybe give a quick thumbnail sketch of  
25 what their school is, the kinds of students they

1 have, and their sign language curriculum as it  
2 relates to dual language; and also how you've  
3 connected with Gallaudet University?

4 MR. MARTINEZ: So Madam Chair, members of  
5 the Commission, Commissioner Toulouse, yes,  
6 absolutely, I love talking about the school.

7 COMMISSIONER TOULOUSE: Because we have  
8 several new people.

9 MR. MARTINEZ: So we are a  
10 one-of-a-kind -- nationally -- one-of-a-kind  
11 program. And the reason being there is we are a  
12 State-certified dual-language ASL -- American Sign  
13 Language -- and English school. So we incorporate  
14 hearing kids with deaf kids, and we teach under kind  
15 of this pedagogy of bilingual education,  
16 dual-language education. It's not happening  
17 anywhere else.

18 Recently -- this was December -- we were  
19 in Gallaudet kind of doing some things out in D.C.,  
20 and we connected with a professor out there who,  
21 when we walked in, she said, "You guys are  
22 Albuquerque Sign Language?"

23 We said, "Yeah."

24 She said, "You guys are doing something, I  
25 don't think you know what you're doing."

1 I said, "I've been accused of that  
2 before."

3 She says, "Yes. You guys have stumbled on  
4 to what really culminates 50 years of research and  
5 no one else is doing in the nation."

6 And if you know kind of the genesis of the  
7 school, it was started by a group of parents and  
8 educators that wanted services here in Albuquerque,  
9 as opposed to sending kids to Santa Fe. So as we  
10 just kept picking at this idea of what it meant to  
11 deaf and hearing siblings to be together in an  
12 educational setting, it's evolved to what it is now.

13 So we're a majority special ed school. We  
14 have -- about 65 to 67 percent of our total  
15 population has an IEP. Most of them are D-level or  
16 have severe needs, not just deaf.

17 And we also have regular ed  
18 high-functioning students, as well, so...

19 THE CHAIR: Thank you. Appreciate that.  
20 Always good to hear about your school.

21 COMMISSIONER TOULOUSE: Madam Chair, I  
22 have one other question. I know, Mr. Martinez, when  
23 I was there to visit, you were having problems with  
24 keeping a nurse at site the whole time for some of  
25 your children who have to have a nurse on site.

1 Have you been able to fix any of that?

2 MR. MARTINEZ: Well, we have a nurse --  
3 what did she call them? -- nurse practi- -- no, not  
4 -- tech.

5 THE CHAIR: Practitioner?

6 MR. MARTINEZ: Not a practitioner. We're  
7 in compliance with the law, because we contract with  
8 a head nurse who's not on campus; but we have a  
9 medical tech person that can oversee kind of issues  
10 regarding nursing services for school -- for school  
11 purposes.

12 I'm not sure if you're referring to -- we  
13 have about four kids that are considered medically  
14 fragile. So they have their own personal nurse; so  
15 they accompany the students every day to school.  
16 And poor things, we stick them in one corner and  
17 just -- by the closet, so they just don't get in the  
18 way; so that's where they sit.

19 If their kids have any issues, they can  
20 help; right? Their students have vents, drains,  
21 different things like that.

22 COMMISSIONER TOULOUSE: Madam Chair? I  
23 was referring, when I was there, you had one child  
24 sitting there with the parent so that they could be  
25 in class, because you didn't have a nurse that day



1 because there was not one available; not because you  
2 couldn't afford one or anything. And so that's why  
3 I was wondering if -- how that works.

4 MR. MARTINEZ: You're right. I'm sorry,  
5 Commissioner Toulouse, yes. So in that instance,  
6 that was kind of an issue through the Department of  
7 Health. And that program runs through them. And  
8 that's how those parents get services if they have a  
9 child that is considered medically fragile and needs  
10 to have a nurse accompany them to school. So those  
11 issues with that, that has been taken care of; so  
12 thank you.

13 COMMISSIONER ARMBRUSTER: Madam Chair?

14 THE CHAIR: Commissioner?

15 COMMISSIONER ARMBRUSTER: So I understand  
16 the special ed. So you have the special ed  
17 population; then you have regular ed. And they're  
18 learning sign.

19 MR. MARTINEZ: Uh-huh.

20 COMMISSIONER ARMBRUSTER: So when those  
21 regular ed students, non-hearing impaired students,  
22 go to -- they're going to Amy Biehl, because that's  
23 a high school -- a high school?

24 MR. MARTINEZ: (Indicates.)

25 COMMISSIONER ARMBRUSTER: So they can get

1 their regular curriculum; but you're keeping your --  
2 so your 9 through 12 is going to be really your  
3 special ed, highly impaired student? Or you're  
4 hoping to keep all those kids?

5 MR. MARTINEZ: Madam Chair, members of  
6 this Commission, Commissioner Armbruster, no. So  
7 the kids -- it's not broken down by special ed  
8 designation. What it is, is it's broken down by  
9 kids who would pursue a high school diploma, as  
10 opposed to a Certificate of Completion. So the kids  
11 that are more suited for a Certificate of  
12 Completion, those are our kids; those are the ones  
13 that are most severe. But our deaf kids who can  
14 earn a diploma move on to Amy Biehl.

15 We've supplemented their program through  
16 various ways, around having a deaf education  
17 teacher, signing for the masses -- like, that's  
18 another great thing that Amy Biehl is doing is  
19 they're accepting our lead when it comes to us  
20 teaching sign language to their student population,  
21 so that our kids --

22 COMMISSIONER ARMBRUSTER: You're  
23 considered bilingual if you can sign.

24 MR. MARTINEZ: Exactly.

25 COMMISSIONER ARMBRUSTER: So your 9 to 12

1 is probably going to be a pretty small specific  
2 group of kids.

3 MR. MARTINEZ: Madam Chair, members of  
4 this Commission, yes. Right now, I think, as we  
5 sit, it'll be a small cohort of kids. However, I  
6 think, as people are learning more about us or  
7 getting more notoriety, and our waiting list is  
8 growing, those numbers could grow in the future,  
9 which is exciting, but also daunting; right?

10 COMMISSIONER ARMBRUSTER: Yeah.

11 THE CHAIR: Any other questions? Hearing  
12 none, we do have a motion on the floor. Are you  
13 ready to vote?

14 COMMISSIONER BERGMAN: I don't think we  
15 have a motion yet.

16 COMMISSIONER TOULOUSE: We don't have a  
17 motion.

18 THE CHAIR: I've lost it. We don't have  
19 a motion on the floor.

20 Commissioner Armbruster?

21 COMMISSIONER ARMBRUSTER: I would move to  
22 approve the amendment presented by the Albuquerque  
23 Sign Language Academy requesting an enrollment cap  
24 increase from 100 students to 200 students.

25 THE CHAIR: Thank you. Do I hear a

1 second?

2 COMMISSIONER TOULOUSE: Second.

3 COMMISSIONER BERGMAN: Second.

4 THE CHAIR: Commissioner Bergman makes the  
5 second. Commissioner Armbruster makes the motion  
6 and Commissioner Bergman seconds, to approve the  
7 amendment presented by Albuquerque Sign Language  
8 Academy, as on the official record.

9 Further discussion?

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

12 COMMISSIONER PERALTA: Commissioner Pogna?

13 COMMISSIONER POGNA: I didn't hear you.  
14 Did you call my name?

15 COMMISSIONER PERALTA: Yes.

16 COMMISSIONER POGNA: Yes.

17 COMMISSIONER PERALTA: Commissioner  
18 Toulouse?

19 COMMISSIONER TOULOUSE: Yes.

20 COMMISSIONER PERALTA: Commissioner  
21 Armbruster?

22 COMMISSIONER ARMBRUSTER: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Conyers?

25 COMMISSIONER CONYERS: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Peralta votes "Yes."  
3 Commissioner Gipson?  
4 COMMISSIONER GIPSON: Yes.  
5 COMMISSIONER PERALTA: Commissioner  
6 Bergman?  
7 COMMISSIONER BERGMAN: Yes.  
8 COMMISSIONER PERALTA: Commissioner  
9 Shearman?  
10 THE CHAIR: Yes.  
11 COMMISSIONER BERGMAN: Commissioner  
12 Chavez?  
13 COMMISSIONER CHAVEZ: Yes.  
14 COMMISSIONER PERALTA: Commissioner Carr?  
15 COMMISSIONER CARR: Yes.  
16 COMMISSIONER PERALTA: Madam Chair, that's  
17 10 to 0, in favor of the motion.  
18 THE CHAIR: Thank you. The motion to  
19 approve the amendment of Albuquerque Sign Language  
20 Academy passes unanimously. Congratulations.  
21 MR. MARTINEZ: Thank you.  
22 THE CHAIR: We'd like to continue hearing  
23 from you how the school is doing --  
24 MR. MARTINEZ: Absolutely, I will.  
25 THE CHAIR: -- and growing. Thank you so

1 much.

2 COMMISSIONER TOULOUSE: Madam Chair, I  
3 would suggest people here go visit, because it is a  
4 unique experience with educational systems. And  
5 every single employee signs. And it was very  
6 interesting to me, as a non-signer, but knows a few  
7 signs, to watch all of this communication that's  
8 going on with not just one or two people signing,  
9 but everybody in the hallways and the classrooms, at  
10 the front desk signing, too.

11 And I think that's something some of us  
12 need to see and understand how unique this is.

13 Thank you.

14 THE CHAIR: Thank you.

15 Commissioner Pogna?

16 COMMISSIONER POGNA: Personal comment. I  
17 would like to ask Gilbert to please call my name out  
18 louder.

19 COMMISSIONER PERALTA: I will.

20 THE CHAIR: We need a red light to go on.

21 All right. Commissioners, let's move on  
22 to Item No. 8, Report from Options for Parents and  
23 the Charter School Division, Discussion and Possible  
24 Action. Julie?

25 MS. LUCERO: Madam Chair, members of the

1 Commission, we'll first start with Schools of  
2 Concern. Our first is the Southwest Learning  
3 Centers.

4 While we have no update on the FBI  
5 investigation, PED continues to fully cooperate and  
6 will continue to bring you updates as we have them.

7 Our second school of concern is ACE  
8 Leadership Charter School. The reason ACE  
9 Leadership was put on the list of Schools of Concern  
10 due to the fact that they occupied a facility  
11 without permission from the Public Ed Commission.

12 They are currently in their brand new  
13 facility. The reason they did occupy the temporary  
14 facility is because their new facility was not  
15 ready; so they occupied this temporary facility from  
16 August until the end of November.

17 They moved into their new facility in  
18 January and seem to be settling in well. We've had  
19 conversations with the director, and she was made  
20 aware of the fact that she cannot move into a  
21 temporary site without your permission. And  
22 hopefully, from this point forward, we won't have  
23 those issues occur again.

24 So that's as far as ACE Leadership is  
25 concerned.

1 Did you have questions?

2 THE CHAIR: Yes, I do. Do you know if the  
3 temporary facility they were occupying had an  
4 E-Occupancy?

5 MS. LUCERO: Madam Chair, yes, the  
6 temporary facility did have an E-Occupancy. I  
7 thought I had included that in there. If not, I can  
8 get you --

9 THE CHAIR: I just missed seeing it.

10 MS. LUCERO: It's actually not there. I  
11 can provide a copy of that E-Occupancy certificate.

12 THE CHAIR: Commissioners?

13 COMMISSIONER CARR: I -- you went through  
14 Southwest so quickly, I didn't get a chance to ask  
15 you a question. Has there been a new forensic audit  
16 ordered for Southwest?

17 THE CHAIR: Commissioner Carr, can I ask  
18 you to use the microphone, please? Pull it a little  
19 closer?

20 COMMISSIONER CARR: Has a new forensic  
21 audit been ordered for Southwest Academy?

22 MS. LUCERO: Madam Chair and Commissioner,  
23 not that I am aware of; but I am not fully aware of  
24 what's moving forward. I get updates about  
25 Southwest only stating that they're still in the



1 process of investigating.

2 COMMISSIONER CARR: We received two  
3 letters in regards to Southwest Academy, that they  
4 have ordered that a new audit be done. So you don't  
5 know if that's being -- that's happening or not?

6 MS. LUCERO: What I do know is all schools  
7 have to undergo a new audit for this year; so  
8 that's -- they will have to undergo that particular  
9 audit. I'm not sure the extent of it. When I --  
10 there's problems identified that it is a more  
11 intensive audit; so that could be the case with  
12 Southwest.

13 COMMISSIONER CARR: And so -- I don't  
14 know -- and if I'm -- if anybody on the Commission  
15 knows more than I know, please clue me in; because  
16 I -- you know, so we're talking about a forensic  
17 audit here, not an ordinary audit. And -- and so  
18 that's of great concern to me if that's not being  
19 done. And I just wanted to make that clear. Does  
20 anybody else know anything?

21 THE CHAIR: Commissioner Bergman and I and  
22 Commissioner Toulouse, Commissioner Pogna, worked  
23 with the three Southwest schools the past two days  
24 on their contract negotiation.

25 Commissioner Bergman, would you like to

1 bring forward anything from that?

2 COMMISSIONER BERGMAN: Madam Chair,  
3 certainly. Thank you, Madam Chair.

4 If the letters you're referring to are  
5 from the State Auditor, Southwest -- according to  
6 the folks at Southwest, at this point, apparently,  
7 the auditor has done all they're going to do. They  
8 have bounced the thing back essentially to PED, and  
9 secondarily somewhat to us; although we're not  
10 really involved in it.

11 The forensic audit that you're talking  
12 about, according to the people at Southwest, that is  
13 being conducted by PED. And it's -- the gist of  
14 what I got from the Southwest people is that it is  
15 ongoing; but it could be going on for quite some  
16 time. So PED still has all their finances of the  
17 three schools, and there's no indication at this  
18 time that they're in a position where they're going  
19 to release that back; in other words, release their  
20 finances. So PED is still controlling the finances  
21 of the three schools.

22 The FBI investigation, which we really  
23 have nothing to -- is ongoing. Even the people at  
24 the school said they've had no contact with the FBI;  
25 so it's just -- all that, unfortunately, is in

1 limbo.

2 The information on the forensic audit  
3 would have to come from PED. And they're not really  
4 keeping us in the loop particularly, either; so I  
5 don't know how -- whether we have a vehicle where we  
6 could even ask and whether they would answer if we  
7 did ask. So that's where it stands now,  
8 Commissioner Carr.

9 And as to the negotiations, they actually  
10 came prepared. They brought us very rigorous  
11 academic goals for all three of those schools; in  
12 fact, they -- we had, actually, excellent  
13 discussions, because they -- we wanted to be sure  
14 that they weren't shooting so high that they  
15 wouldn't be able to make them, because that doesn't  
16 accomplish a thing if you set an impossible goal.

17 So we had a good discussion on those. And  
18 we had -- they came prepared to actually -- they are  
19 concerned about the academic improvement of their  
20 kids; so their heart's in the right place.

21 That's what I came away from those  
22 meetings with, anyway. And they do have some good  
23 goals going forward as we implement their contract  
24 and their performance framework. So I was satisfied  
25 with that aspect of it all.

1           If anybody else wants to offer anything  
2 additional, then --

3           THE CHAIR: I think you've covered it  
4 pretty well. What information we have on the  
5 forensic audit came from the school.

6           Julie, I would like to ask, on behalf of  
7 the Commission, that you approach PED and see what  
8 information, if any, you can get for us on the  
9 forensic audit. I know the contract has been let; I  
10 know the person has been hired to do it. Where they  
11 are and how much longer they think it will take, any  
12 information that they feel that they can release,  
13 we'd like to have.

14           MS. LUCERO: Madam Chair, members of the  
15 Commission, yes, I will do that.

16           THE CHAIR: Thank you. Commissioner Carr?

17           COMMISSIONER CARR: I would just like to  
18 finish with I would like to see this expedited.  
19 And, you know, if it doesn't happen pretty soon, you  
20 know, I think we need to start demanding some  
21 answers; because I'm not just -- I'm not talking  
22 about the academics of the school, which I know has  
23 been, for the most case, excellent. I'm not  
24 speaking to that. I'm talking about other issues;  
25 so -- that we all know about, and which is of great

1 concern, I think, to all of us.

2 So I just want us to -- to keep an eye on  
3 that audit and see where it's going to be. And if  
4 we don't hear anything about it maybe by June, then  
5 we need to ask our attorney to see what we can  
6 demand in that regard.

7 COMMISSIONER TOULOUSE: Madam Chair?

8 THE CHAIR: Commissioner Toulouse?

9 COMMISSIONER TOULOUSE: I would like to  
10 just add that their attorney talked to us quite a  
11 bit about the forensic audit and that he feels the  
12 auditor who has been hired -- and I understood from  
13 him that it was already started -- already started  
14 the audit -- is what he considers probably the best  
15 forensic auditor in the State of New Mexico. But I  
16 also know you cannot hurry an audit or audit  
17 findings; you're not going to find an auditor out  
18 there who is going to release anything before  
19 they're ready to give you their preliminary  
20 findings.

21 So we can ask all we want; but I don't  
22 think even PED can push the auditor, once they're  
23 out there working on the audit information.

24 I think that a lot of this discussion we  
25 can have, again, when they come up in front of us

1 next month with their contract for us to approve;  
2 because I had some other issues that we discussed  
3 then that I think need to be discussed, but next  
4 time.

5 THE CHAIR: Good. Can I ask Commissioner  
6 Peralta, as our PSCOC liaison, do you have any  
7 report on facilities for us on this school?

8 COMMISSIONER PERALTA: Southwest?

9 THE CHAIR: ACE.

10 COMMISSIONER PERALTA: No, I -- I --

11 THE CHAIR: I see Martica had to leave.

12 COMMISSIONER PERALTA: When that did come  
13 up on e-mail from Josh, I did forward that to  
14 Martica. And she hasn't provided me any information  
15 on that; but I will definitely follow up on that.

16 THE CHAIR: Good. Appreciate it.

17 Commissioner Armbruster?

18 COMMISSIONER ARMBRUSTER: Yes. I just had  
19 a question. Was this the charter school who had  
20 something like a K-6 and a 7-8, and then a 6-7-8?

21 THE CHAIR: It's a K-6, 7-8, 7 through 12;  
22 there are three schools.

23 COMMISSIONER ARMBRUSTER: And you all  
24 talked -- because I wasn't a Commissioner -- about  
25 somehow combining some of these 7-8s, so they

1 wouldn't have three small schools, or whatever that  
2 was?

3 THE CHAIR: We talked about that during  
4 negotiations. And they're certainly considering it.  
5 What they said to us was it makes more sense to them  
6 to put the intermediate school, the seventh- and  
7 eighth-grade school, with the elementary, rather  
8 than putting it with the secondary school, as we  
9 suggested.

10 So they're going to look at this and see  
11 financially if they can do it and the impact to the  
12 students. But they are -- they assured us they are  
13 giving it serious, serious consideration.

14 COMMISSIONER ARMBRUSTER: Well, they  
15 probably would be getting lots less money, because  
16 they wouldn't be getting the Small School Supplement  
17 for the third school.

18 THE CHAIR: All three schools do, yes.  
19 But if they combined it with the elementary school,  
20 even with the combined numbers, they would still  
21 qualify for Small School Supplement funding.

22 COMMISSIONER ARMBRUSTER: Wouldn't they  
23 have just two of those instead of three, if they  
24 combined? Even though it's still small --

25 THE CHAIR: Yes, anything under 200, or

1 200 and below, gets full funding; up to 400 gets  
2 partial funding.

3 COMMISSIONER ARMBRUSTER: Oh, okay.

4 THE CHAIR: So -- but we will talk about  
5 that more when those contracts come up for review.

6 Commissioner Bergman?

7 COMMISSIONER BERGMAN: Commissioner  
8 Armbruster asked; let me just amplify. When we  
9 renewed them in December, they actually received a  
10 couple of conditions. And one of the conditions  
11 reads, approximately, they will pursue consolidation  
12 of, I believe, the intermediate with one of the  
13 other schools.

14 So they, actually -- this Commission  
15 required -- it was left open; there's no deadline.  
16 It was left open in that regard. So they're  
17 actually operating under a specific condition that  
18 says they will pursue it. Whether they will  
19 actually do it, that's a question that would have to  
20 be answered down the road.

21 THE CHAIR: Anything else on Southwest or  
22 ACE?

23 Okay.

24 Julie, if you would please go ahead?

25 MS. LUCERO: The next School of Concern is



1 Dream Diné. And we still -- they are still not in  
2 their permanent facility. They have just extended  
3 their lease in the current site to April 30th.  
4 They're still dealing with the fire marshal  
5 installing a fire alarm, a heating system, small  
6 items, such as door handles, things like that.

7 I'm hoping that -- the updates look very  
8 similar month-to-month. The only new one that would  
9 have an impact would be that extension of at least  
10 to April 30th.

11 And I am scheduled to visit their site  
12 May 1st.

13 THE CHAIR: And how many students do they  
14 have?

15 MS. LUCERO: Fifteen.

16 THE CHAIR: They still have 15?

17 MS. LUCERO: They still have 15.

18 THE CHAIR: Commissioner Peralta, I'll ask  
19 you again if you have any further information on  
20 that school.

21 COMMISSIONER PERALTA: Madam Chair, yes, I  
22 do. Martica was called back to her office. She did  
23 leave me some notes on Dream Diné and the facility.  
24 What she is saying, she spoke to the general  
25 construction bureau chief at the Construction

1 Industries. The CID is the agency that issues  
2 Certificates of Occupancy. The State Fire Marshal's  
3 Office needs to approve the facility prior to the  
4 Construction Industries Division giving that  
5 Certificate of Occupancy.

6 So currently, the State Fire Marshals'  
7 Office has not approved the fire alarm system; so  
8 therefore, the Construction Industries Division has  
9 not submitted a Certificate of Occupancy, and the  
10 building now, at this point, cannot be occupied.

11 THE CHAIR: Thank you very much. Do you  
12 all have questions on Dream Diné? All right.

13 Julie, if you'd go ahead with Item B?

14 MS. LUCERO: Item B is Anthony Closure  
15 Update. We are moving forward and meeting with the  
16 school monthly, with closure. They are working on  
17 inventories, student files, those types of things.  
18 We are moving forward until we hear differently.

19 Their hearing has not been set yet, that I  
20 am aware of. We will continue to move forward with  
21 closure, as long as -- until we hear differently.

22 THE CHAIR: Thank you. Josh, would you  
23 care to speak to that?

24 MR. GRANATA: Madam Chair, Commissioners,  
25 I would just echo what Julie said that to my

1 knowledge, a hearing has not been set by Anthony at  
2 this point in time.

3 THE CHAIR: A hearing on what?

4 MR. GRANATA: A hearing on the appeal. As  
5 you're aware, Anthony appealed the chartering  
6 authority, the PEC's, decision to reapprove their  
7 charter; and so there has been no hearing set yet  
8 for that appeal.

9 THE CHAIR: Any questions on Anthony?

10 Okay.

11 MS. LUCERO: The next item is a staffing  
12 update and facilitator contract. We are fully  
13 staffed still, and moving forward working on many  
14 things, such as negotiations, notices of intent, new  
15 training, renewal training, and site visits, is what  
16 the staff is currently working on right now.

17 All of our schools will receive their  
18 annual visit now in the spring. We've started  
19 those, using our new monitoring tool, WebEx; it's  
20 working very well. And it seems like it will really  
21 contribute to the way we monitor schools.

22 THE CHAIR: Okay, thank you.

23 Questions?

24 COMMISSIONER CARR: I'm sorry. I --

25 THE CHAIR: Commissioner Carr?

1           COMMISSIONER CARR: The -- when -- one of  
2 the things I think that I would like to see, and  
3 maybe I need -- I would like to follow you to a site  
4 visit one time -- is I have concerns that we're not  
5 digging deep enough when we go. And I -- that --  
6 that may be unfounded, completely; but I just -- I  
7 would like maybe at some point to -- to see for  
8 myself exactly what you do; so a site -- a visit of  
9 a site visit, so to speak, if that's acceptable to  
10 you.

11           MS. LUCERO: Madam Chair,  
12 Commissioner Carr, what I can do, until you can join  
13 us for a visit, is I can provide an agenda of what  
14 our day looks like. When we -- when we're on site,  
15 currently, a half -- our half-day, we monitor  
16 compliance, looking at all policies in place, those  
17 types of things, which takes a half-day. We visit  
18 classrooms.

19           Because I have knowledge in special ed --  
20 I was a special ed director -- I really am diving  
21 into special education files. We look at their  
22 lottery process. We interview staff members. We  
23 visit with their director.

24           The other piece that we are really, really  
25 digging in deep is goals. Through our last renewal

1 cycle, we noticed that most of our schools were not  
2 tracking their goals, and that was a real problem  
3 for us. If the report card is the only evidence we  
4 have to this point, and they don't have goals to  
5 support that they're doing anything different to  
6 prove success, well, we need to push them on that  
7 part. So we're really spending a full day doing  
8 that.

9 So I can provide that agenda, if you'd  
10 like; and yes, you are more than welcome to join us.

11 THE CHAIR: Well, let me speak to that,  
12 Julie, because if you'll remember a couple of years  
13 ago, the Commission asked to accompany the CSD on  
14 site visits. And we really received quite a bit of  
15 pushback on that.

16 And you will -- you were not with CSD at  
17 that time. The Director even went so far as to say  
18 that he thought it would violate -- well, I don't  
19 remember his exact words -- but the gist of what he  
20 said was if we choose to go to certain site visits  
21 and not to others, if we only go to one site visit  
22 and no others, then we're singling out that school.

23 And I believe, Jeff, you remember -- I  
24 believe you -- well, if I was on the Commission, you  
25 were on the Commission -- and I think we had quite

1 the discussion about singling out schools for more  
2 intense scrutiny than the other schools were  
3 getting.

4 So I don't know, Josh, if you're prepared  
5 to speak to that today. But I think before we do  
6 anything like that, we need to get an opinion from  
7 Josh as to whether or not that is something we  
8 really want to get into; because it was -- it really  
9 raised quite a storm at that time.

10 MS. LUCERO: Madam Chair, my invitation is  
11 only to assure the Commission about the fact that we  
12 really do want good schools and that we are in there  
13 doing the best job we possibly can.

14 THE CHAIR: But from our perspective, we  
15 certainly don't want it to appear that we single out  
16 any school for added scrutiny. Just off the top of  
17 your head?

18 MR. GRANATA: Madam Chair, Commissioners,  
19 I think that I'd like to take that issue and think  
20 about it a little bit before just giving you an  
21 answer on the fly. At the next Board session, I  
22 think I can assess this in more depth, in addition  
23 to some other concerns that Commissioner Bergman has  
24 raised. So I'll be prepared to answer this question  
25 later on down the line.

1 THE CHAIR: Okay. Thank you.

2 COMMISSIONER ARMBRUSTER: Madam Chair?

3 THE CHAIR: Please put it on your list.

4 COMMISSIONER ARMBRUSTER: Madam Chair?

5 THE CHAIR: Commissioner Armbruster?

6 COMMISSIONER ARMBRUSTER: Going along with  
7 what Josh is going to be looking at, does that also  
8 apply to visiting schools? I don't know the answer.  
9 I'm asking if that's also -- I don't mean going  
10 with -- Commissioner Carr was talking about going  
11 with CSD; right?

12 THE CHAIR: On a site visit.

13 COMMISSIONER ARMBRUSTER: I'm not talking  
14 about that. That's one of your things. But the  
15 other thing was could you just go see a charter  
16 school, or is that also not something one should do?  
17 Does that make sense?

18 COMMISSIONER TOULOUSE: Madam Chair?

19 MR. GRANATA: Madam Chair, Commissioners,  
20 I think it's fine for Commissioners to visit the  
21 charter schools. But, again, I'll address this in  
22 more depth at the work session.

23 My main concern is that a Commissioner  
24 might potentially show bias against a school, and  
25 that bias could be used against the PEC later on

1 down the line if a decision is made against the  
2 school. That's my main concern.

3 And I'll look into that some more. But in  
4 terms of just a Commissioner visiting a school, I  
5 don't think there's much of a concern; but comments  
6 made by the Commissioners could be concerning.

7 COMMISSIONER TOULOUSE: Madam Chair, I  
8 want to own up. First, I was the one who asked to  
9 visit originally and started this; because mine was  
10 a learning process. I wanted even to know what the  
11 charter schools were like and then what our  
12 employees did, not anything else.

13 But I would also say I would take  
14 exception to being told I could not visit any  
15 charter school that invites me. I do go. But I  
16 have a rule. I don't ask to go to one. I don't  
17 show up. I wait till somebody sends me an e-mail or  
18 something -- and I have -- that says, "Would you  
19 come visit us?" Then I set up a specific time.

20 And I go because I have so many charter  
21 schools in my area. I also have had lunch, for  
22 instance, with a charter school that's an  
23 APS-chartered school, because they had questions  
24 they wanted answered, and I didn't have a problem  
25 with saying, "Hey, I don't oversee you. If you have



1 questions, I can tell you about the Charter School  
2 Act."

3 I would take exception to being told, "You  
4 can't go at all." But I think I have safeguarded by  
5 saying I think the invitation has to come from the  
6 school. And the word has gotten around to the  
7 schools who have invited, and I've said, "I'll come  
8 visit."

9 I learned so much when Rafe invited me to  
10 come to his school that I would not want -- and I'm  
11 not sure whether our attorney gave us that opinion  
12 or not -- that I wouldn't get my back up and say,  
13 "I'll take my chances", as long as I'm handling it  
14 the way I'm handling it and not just showing up at  
15 the door and saying, "Hey, let me in."

16 THE CHAIR: I think the other thing Josh  
17 would probably remind all of us is that we are out  
18 in the community. We're anywhere. If we're asked a  
19 question, or if we -- if we're there, we are  
20 representing ourselves, not the Commission as a  
21 whole.

22 And I think probably that goes without  
23 saying; but just to ensure -- Commissioner Carr?

24 COMMISSIONER CARR: I would just like to  
25 clarify. You know, my intentions would be to -- not

1 to observe the school, but to observe CSD and see  
2 what they do, and make it clear, you know -- so when  
3 you're thinking about this, Josh, make it clear that  
4 I'm just educating -- I would just be educating  
5 myself on what CSD does when they do a site visit.

6 And I would not do anything to interfere  
7 with what -- I want to see what they normally do,  
8 not, "Hey, Julie, you didn't look under that rock,  
9 you didn't ask that person this," you know. That's  
10 a type of micromanaging; that's not something I want  
11 to do.

12 I just want to see what they do so that I  
13 can be completely relieved of any concern that --  
14 that they are fully looking at the school  
15 themselves. So it would be a pure observation and  
16 nothing more.

17 So when you do that, Josh, that's what I  
18 would do. And I would probably -- I would probably  
19 only do it once, you know. And we could do a roll  
20 of the dice of which school it is, as long as it's  
21 not in Las Cruces.

22 THE CHAIR: All right. Are we ready to  
23 move on? Okay.

24 COMMISSIONER GIPSON: You don't need a  
25 passport to come down to us.

1 THE CHAIR: Julie, go ahead, please.

2 MS. LUCERO: Madam Chair, members of the  
3 Commission, the next item is Notice of Intent. I  
4 have included a new list, with the district that the  
5 school is planning on serving. Their address was  
6 included last time, but not the actual location of  
7 the site. So the new list does provide that  
8 information.

9 COMMISSIONER CARR: That's in the  
10 notebook?

11 MS. LUCERO: Yes.

12 COMMISSIONER CARR: Good.

13 MS. LUCERO: And I do know that the next  
14 item on the agenda talks specifically about notices  
15 of intent and the requirements; so I am not going to  
16 get into that here. That's actually your item,  
17 Madam Chair, but that item updates you on the  
18 location of the charter school.

19 THE CHAIR: What are the dates of the  
20 training?

21 MS. LUCERO: Our first training is  
22 March 27th.

23 THE CHAIR: And have all of the people who  
24 have sent in notices of intent been made aware of  
25 those dates and the fact that it is mandatory

1 training?

2 MS. LUCERO: Madam Chair, members of the  
3 Commission, yes, they are made aware that they are  
4 required trainings, and there are three that they  
5 are required to attend that are pretty in-depth.  
6 We're including lots of outside resources from PED  
7 and other areas in these trainings.

8 THE CHAIR: There's -- I'd like to ask a  
9 question at this point. And Josh may want to  
10 respond to it -- or who may, or whomever. I think  
11 we have two notices of intent for statewide online  
12 schools? Two?

13 MS. LUCERO: Madam Chair, members of the  
14 Commission, yes, there are two.

15 THE CHAIR: You know, it occurs to me that  
16 a statewide online school is in every district in  
17 the state. And so notice should be provided to  
18 every school district in the state when the -- when  
19 the notice of intent is filed, not just with  
20 wherever the online school might have an office or  
21 whatever they plan to have; but to notify every  
22 single district in the state, because every single  
23 district in the state potentially could have  
24 students who might sign up for that school.

25 Has that thought -- is that a reasonable

1 thought?

2 MS. LUCERO: Madam Chair, members of the  
3 Commission, that does make sense. You know, one of  
4 the schools you're talking about, in particular,  
5 does state they are serving -- it's a statewide  
6 charter school. That would make sense that they  
7 would notify most districts. That wasn't clear in  
8 the application for them; so that they were one of  
9 the schools that did provide district notice, but it  
10 was only for the Albuquerque area.

11 So that's probably something that we would  
12 need direction from the PEC on how you would like us  
13 to follow up with schools; because I'm thinking in  
14 the future, we could get more that would be serving  
15 a statewide population rather than one district.

16 COMMISSIONER ARMBRUSTER: Julie, can I ask  
17 you a question about that?

18 THE CHAIR: Hold on just one second. Josh  
19 has something to say.

20 MR. GRANATA: So Madam Chair,  
21 Commissioners, I agree with the Chair. My  
22 interpretation of the Rule 6.80.4.8 states that the  
23 written notification to the PEC regarding -- it  
24 should go to "the school district in which the  
25 charter school is to be located," is the language of

1 the rule. So if the charter school is online, and  
2 it's located throughout the state of New Mexico, it  
3 would make sense that all the districts that are  
4 affected would need to be notified.

5 THE CHAIR: Commissioner Armbruster?

6 COMMISSIONER ARMBRUSTER: So this is not a  
7 private for-profit? It's not, like -- whatever --  
8 Connections or K12, Inc; is that correct? Is it a  
9 local one?

10 MS. LUCERO: Madam Chair, Commissioner  
11 Armbruster, we don't have all the information yet.  
12 The notice of intent is pretty limited. We'll get  
13 more information as they turn in the entire  
14 application. But it does appear that a company  
15 would provide the curriculum. So that's usually how  
16 it works with -- you know, with Connections, as  
17 well. Although they do follow State Common Core,  
18 you know, guidelines from the State, they do  
19 purchase their curriculum from an outside state  
20 agency. And the school that has turned in a notice  
21 of intent, I think has the same intention of  
22 purchasing their curriculum from a company named  
23 "Pathways."

24 So it's a non-profit. It's really  
25 purchasing -- just the same way a school here could

1 purchase textbooks from Pearson or McMillan, they  
2 can purchase their online from a company.

3 COMMISSIONER ARMBRUSTER: Okay. And then  
4 are -- so students who choose to do this, is it  
5 part-time? Full-time? So they don't come to a  
6 school, a brick-and-mortar school? They're home,  
7 or --

8 MS. LUCERO: Madam Chair, Commissioner  
9 Armbruster, this school, in particular, will be all  
10 online is what it looks like they're proposing. It  
11 wouldn't be a blended model. So it would be from  
12 home. And some models work where they communicate  
13 via text, via computer, phone call. I'm not sure  
14 what their intention is.

15 But that's typically how it works. It's  
16 not -- the proposal is not a blended model; it's  
17 completely online.

18 COMMISSIONER ARMBRUSTER: And it's  
19 different from the two online schools that we have,  
20 or the same?

21 THE CHAIR: Same.

22 COMMISSIONER CARR: Have no idea.

23 COMMISSIONER ARMBRUSTER: So now -- didn't  
24 you mention one time that there's one in Santa Fe  
25 and I think one up near Farmington, maybe?

1 THE CHAIR: There's one in Farmington.  
2 There's one in Santa Fe -- well, the one in  
3 Farmington was authorized by the Farmington school  
4 board, the school district. Connections, which has  
5 an office in Santa Fe, was denied by the Public  
6 Education Commission and then overturned by the  
7 Secretary; so they are a State-chartered school.

8 COMMISSIONER ARMBRUSTER: So is that a  
9 precedent for all others?

10 If it -- if you, the PEC, did not  
11 authorize that school, and it was overruled, and so  
12 it now exists, is that a precedent -- can they all  
13 do that?

14 THE CHAIR: A judge told us we had to do  
15 what the Secretary orders.

16 COMMISSIONER BERGMAN: On that school.

17 COMMISSIONER ARMBRUSTER: But it doesn't  
18 mean every school. It wasn't, like, "Okay, so now  
19 it's everybody." It's just that one school at that  
20 moment in time. It was just that one school, the  
21 judge said "Yes, you have to authorize that"?

22 COMMISSIONER BERGMAN: I think the  
23 question she was asking -- does, that mean we have  
24 to automatically approve all virtual online schools?  
25 My thinking is no. The judge just ruled on that one



1 school. I don't believe that forces us to approve  
2 all future schools. That would be my  
3 interpretation.

4 THE CHAIR: I do think it does say we do  
5 have to follow the Secretary's orders, if it comes  
6 to that. So, no, nobody can -- no, we're not  
7 ordered to automatically approve anything.

8 COMMISSIONER ARMBRUSTER: Right. That was  
9 my question.

10 COMMISSIONER CARR: Madam Chair --

11 THE CHAIR: Commissioner Carr?

12 COMMISSIONER CARR: -- to -- I concur with  
13 what you said about notifying the districts. But  
14 also keeping in mind that all of our State-chartered  
15 charter schools are considered districts, in and of  
16 themselves; so they also need to be notified. This  
17 will certainly affect them.

18 THE CHAIR: Say that again, please?

19 COMMISSIONER CARR: All of our  
20 State-chartered charter schools are considered  
21 districts, in and of themselves. Their director is  
22 essentially their superintendent; so they should  
23 also be notified.

24 THE CHAIR: But they do actually  
25 physically reside within a school district.

1           COMMISSIONER CARR: No, you missed my --  
2 these particular charter -- the new charter  
3 schools -- we -- as we notify the regular -- the  
4 traditional school districts, we also need to notify  
5 all the State-chartered charter schools, because  
6 they are also districts.

7           THE CHAIR: You're absolutely right.

8           COMMISSIONER BERGMAN: And they could also  
9 lose students to a statewide virtual charter school.  
10 That's a very valid point.

11           COMMISSIONER CARR: So according to the  
12 law, they need to be notified, as well. And a  
13 quick -- New Mexico Online Prep Academy? Do you  
14 know where their offices are going to be based? We  
15 don't know where their students are going to be,  
16 but --

17           MS. LUCERO: I'm sorry, Commissioner. For  
18 which one?

19           COMMISSIONER CARR: No. 13, New Mexico  
20 Online Prep Academy. It says, "Not specific." The  
21 other one had an Albuquerque -- I would assume  
22 they're going to have an office space somewhere.

23           MS. LUCERO: Right. And right now, we do  
24 not have all that information. If they do follow  
25 through, I'll notice, on the next item on the notice

1 of intent if they were one of the schools that  
2 notified their district, and we would have that  
3 information, what -- where they're planning on  
4 residing. But --

5 COMMISSIONER CHAVEZ: It says they're in  
6 Santa Fe.

7 COMMISSIONER CARR: Where did you see  
8 Santa Fe?

9 COMMISSIONER CHAVEZ: I was looking --  
10 because I think we had gotten -- I remembered we had  
11 gotten this information last month. And it looks  
12 like in February, they gave us a Santa Fe address,  
13 if that's the same school.

14 MS. LUCERO: Madam Chair, members of the  
15 Commission, that is actually the address of the  
16 person that's writing the application.

17 COMMISSIONER CHAVEZ: Ah, okay.

18 MS. LUCERO: But it wasn't consistent with  
19 where they were going to reside, with most schools.

20 COMMISSIONER CHAVEZ: Okay.

21 MS. LUCERO: So I'll get that information  
22 for you.

23 THE CHAIR: So, Julie, the two proposed  
24 online schools are Nos. 12 and 13 on this list?

25 MS. LUCERO: No. 16, as well, is Pathways.

1 THE CHAIR: So is that three?

2 COMMISSIONER GIPSON: That makes three.

3 MS. LUCERO: That would be three, yes.

4 THE CHAIR: You know, I don't know,  
5 Commissioners, if we want to take any kind of  
6 action.

7 COMMISSIONER BERGMAN: What I would  
8 suggest is later on in this meeting, I'm going to  
9 suggest that we have a work session before our April  
10 meeting. We have several things we have to address  
11 in the work session, anyway. I believe we should --  
12 if we're going to take some action on this  
13 particular issue, one, Josh would need to tell us do  
14 we have the authority to require somebody to send a  
15 notice to all the districts and to all the charter  
16 schools, because they do constitute districts.

17 One of the reasons why these online  
18 schools exist, they establish an office in the  
19 community, and their claim is that's how they're  
20 getting around the brick-and-mortar. They say,  
21 "Yes, it's right here in Santa Fe. You can come to  
22 our building."

23 The thing is the students don't go to that  
24 building. Their offices are there.

25 They might argue, "Well, our office is in

1 Santa Fe; so we should only have to" -- I'm not  
2 going to argue that case. But I would propose we  
3 put that on our agenda for our work session, that we  
4 discuss how -- if we're going to change it, we need  
5 to change the notice of intent plenty far in  
6 advance, so next year's applicants have the proper  
7 district of who they have to notify. That would be  
8 my suggestion.

9 MR. GRANATA: Madam Chair and  
10 Commissioners, I'll put that on my list of things to  
11 do. It's getting longer.

12 THE CHAIR: Okay. All right. Any other  
13 discussion on that item, Commissioner?

14 COMMISSIONER CHAVEZ: Yeah. Madam Chair,  
15 I was just wondering if, in the discussions at any  
16 point in time, you all have considered or looked at  
17 the financial impact that -- that charter schools  
18 have on the public schools.

19 THE CHAIR: I hate to tell you; but that's  
20 not our business.

21 COMMISSIONER CARR: We can't.

22 THE CHAIR: It's not; absolutely not. The  
23 first year I was on this Commission, I voted "No" on  
24 every single application and said, "Schools are not  
25 being sufficiently funded now; we can't afford to

1 add any more to it." And I was named in the appeals  
2 that I was arbitrary and capricious, because that is  
3 not part of the responsibility of the PEC to look at  
4 that.

5 If you look at the law and the reasons  
6 that this PEC may use to deny an application, that's  
7 not listed. We cannot consider that.

8 COMMISSIONER CHAVEZ: Well, I'm glad I  
9 asked.

10 MS. LUCERO: The next item is Charter  
11 Schools with D or F Grades. The Charter School  
12 Division at the Public Ed Department is excited to  
13 move the State towards the highest quality charter  
14 environment possible. We want to celebrate the  
15 success of charter schools across the state and  
16 support charters in their efforts to best serve  
17 students. As a result, schools with a grade of D or  
18 F are subject to increased support and scrutiny.

19 This has been manifested in a few ways  
20 already. First, the Charter School Division has  
21 been moving more closely with the Priority Schools  
22 Division at the Department to better support  
23 struggling schools. Second, we have collaborated  
24 with PEC in creating improvement plans for schools  
25 with D or F.

1           Low schools are important indicators of a  
2 school's health, and we want to use this platform as  
3 a notice that any school with a D or F and  
4 particularly those with consistently low grades are  
5 subject to nonrenewal or closure recommendation from  
6 CSD's point of view.

7           THE CHAIR: Thank you very much.  
8 Appreciate your efforts.

9           Commissioner Carr?

10           COMMISSIONER CARR: I don't know. This  
11 seems to be the best place to bring this up.  
12 It's -- in the midst of the PARCC testing -- but  
13 also other things -- it's come to my attention that  
14 it's -- that it appears that most charter schools,  
15 in my opinion, seem to be under the mistaken belief  
16 that they can not allow students to opt out of the  
17 PARCC.

18           And I am not a lawyer. But I think  
19 they're absolutely wrong.

20           And here's another item. It's really not  
21 related to the first item, but it is of concern to  
22 me.

23           Well, first of all, let me finish the  
24 first one, is, well, what are you going to do to a  
25 student if he doesn't -- if he doesn't take it? Or

1 if the parent says, "No, I'm opting my kid out,  
2 anyway; I don't care"?

3 Well, the charter school can't expel them.  
4 You know, what are they going to do? They're going  
5 to give them a zero on their standardized test;  
6 right? I -- yeah, I don't know.

7 So that is of concern to me. I don't  
8 think charter schools, especially under our watch,  
9 should be doing anything -- telling parents  
10 something that they have no business telling them.

11 And here's the other one. And I don't  
12 necessarily disagree with this. But requiring  
13 parents to have meetings -- if this is within their  
14 contract, too; but they put these things in their  
15 contract -- requiring parents to have meetings twice  
16 a year, to actually if they don't come in and have a  
17 parent-teacher conference, that they're not  
18 fulfilling their contract with the school to -- to  
19 actually do this.

20 Public schools can't do that. And maybe  
21 it would be a good idea if they could. I don't know  
22 what we still would do to the parent. What? Are we  
23 going to put them in jail? Right? We can't even  
24 force them to get their kid there every day, because  
25 we have such a truancy problem.



1           But certainly -- I mean, charter schools  
2 do get a lot of waivers, a lot of all waivers and  
3 everything. But I have concern that they're not  
4 following the law.

5           So it's a question I want to put out  
6 there. Julie, you're certainly welcome to comment  
7 on it. But it's a question I'd like to put to --  
8 sorry -- another thing to put on your plate, Josh.

9           But, yeah, I did send Josh an e-mail on  
10 this earlier, too, forewarning him of me bringing  
11 this up. And, of course, I would welcome any  
12 comments by the Commission on this, as well.

13           Thank you.

14           MS. LUCERO: Madam Chair,  
15 Commissioner Carr, we actually did not have a  
16 different message than any of the other district  
17 schools in the state. The message was no different  
18 from charter schools compared to district, not  
19 traditional schools.

20           So we didn't personally call charter  
21 schools and tell them they couldn't opt out. It was  
22 the same rule that applied to all schools.

23           The other piece, whether students decide  
24 to opt out or not, the idea behind the Charter  
25 School Division is we want high-performing schools.

1 So if you're opting out of PARCC or you're not doing  
2 well on it, track your goals that you propose to the  
3 PEC. And as you noticed in the last renewal cycle,  
4 I would say that out of those 22 applications, maybe  
5 only 70- -- maybe only 25 percent of those schools  
6 even tracked a goal. So then they need to prove  
7 that they are doing something that proves that those  
8 students are successful, whether it is PARCC or  
9 whether it's not.

10 MR. GRANATA: Madam Chair, Commissioners,  
11 Commissioner Carr, like I spoke with you briefly, I  
12 can look into this issue some more. I think I need  
13 more facts before I can say any kind of -- anything  
14 with legal force behind it.

15 I think the bottom line, though, is that  
16 if a student is expelled for not taking the exam,  
17 for example, that that student is required to be  
18 provided with due process, and they would need to  
19 follow the law in that regard. But I can look into  
20 this, as well.

21 COMMISSIONER CARR: Thank you.

22 THE CHAIR: Okay.

23 COMMISSIONER TOULOUSE: Madam Chair?

24 THE CHAIR: Commissioner?

25 COMMISSIONER TOULOUSE: During our

1 discussions on the contract, if you remember, I  
2 asked one of the schools about how many did they  
3 have opting out of PARCC, and they looked at me with  
4 big eyes and said, "We didn't allow them to do that,  
5 and we didn't have a discussion with them about how  
6 did they do that."

7 They had a very complicated way that they  
8 got through to the parents saying, "Your kid better  
9 be there, because we're not allowing you not to have  
10 them there."

11 On the other hand, I also know --  
12 anecdotally, I talked to the head of one of the  
13 charter high schools that I saw on my way to the  
14 bank. She said, "I have four of them who opted out.  
15 I support my students, my parents, my staff, you  
16 know, my faculty, everybody. If that's what they  
17 wanted to do, I don't have a problem with it,  
18 although I wish they had taken it."

19 So, you know, I think people interpret not  
20 any message they got from Charter School Division,  
21 but what they see their authority is as a charter  
22 school differently. And I think maybe next year for  
23 the next round of testings maybe, there needs to be  
24 a reminder to charter schools that, "You're under  
25 the same rules as every other public school in the

1 state; you don't make your own."

2 Thank you.

3 COMMISSIONER ARMBRUSTER: Madam Chair?

4 THE CHAIR: Thank you. You know, we are  
5 getting away from the agenda, the published agenda.

6 COMMISSIONER ARMBRUSTER: I can do it  
7 later. In the interest of time, I retract.

8 THE CHAIR: Sorry?

9 COMMISSIONER ARMBRUSTER: In the interest  
10 of time, I will retract my proposed question.

11 THE CHAIR: Thank you so much. I think  
12 we --

13 COMMISSIONER ARMBRUSTER: But I'll write  
14 it down.

15 THE CHAIR: Probably in the interest of  
16 being legal, we should try to stay with the agenda.

17 So let's move on, Julie, if you're  
18 finished.

19 MS. LUCERO: I am. Thank you.

20 THE CHAIR: Thank you very much. Let's  
21 move on to Item No. 9, Board of finance Application  
22 from Monte del Sol.

23 If we have any representatives from that  
24 school, come forward.

25 Julie, I'll ask you to go ahead.

1 MS. LUCERO: Madam Chair, Commissioners,  
2 Monte del Sol submitted their Board of Finance. It  
3 has been reviewed by CSD and is sufficient and  
4 complete. You can look at the pages.

5 They were delayed due to a death in the  
6 family of the director; but have concluded the  
7 entire packet at this point.

8 THE CHAIR: Okay. Thank you. And you are  
9 recommending to us that all required documents,  
10 signatures, notifications, everything has been  
11 provided, as required?

12 MS. LUCERO: Madam Chair, members of the  
13 Commission, yes.

14 THE CHAIR: Thank you.

15 Commissioners, you've heard the  
16 recommendation from CSD. Do you have discussion?

17 Hearing none, the Chair would entertain a  
18 motion.

19 COMMISSIONER PERALTA: Madam Chair?

20 THE CHAIR: Commissioner Peralta?

21 COMMISSIONER PERALTA: I move that the PEC  
22 approve the Monte del Sol Charter School Board of  
23 Finance Application, pursuant to NMAC 6.80.4.17.

24 THE CHAIR: Thank you. Do we have a  
25 second?

1 COMMISSIONER TOULOUSE: (Indicates.)  
2 THE CHAIR: Commissioner Toulouse?  
3 Motion by Commissioner Peralta, seconded  
4 by Commissioner Toulouse, to approve the Monte del  
5 Sol Charter School Board of Finance Application.  
6 Any discussion?  
7 Mr. Secretary, may we have a roll-call  
8 vote?  
9 COMMISSIONER PERALTA: Commissioner  
10 Toulouse?  
11 COMMISSIONER TOULOUSE: Yes.  
12 COMMISSIONER PERALTA: Commissioner  
13 Armbruster?  
14 COMMISSIONER ARMBRUSTER: Yes.  
15 COMMISSIONER PERALTA: Commissioner  
16 Conyers?  
17 COMMISSIONER CONYERS: Yes.  
18 COMMISSIONER PERALTA: Commissioner  
19 Peralta votes "Yes."  
20 Commissioner Gipson?  
21 COMMISSIONER GIPSON: Yes.  
22 COMMISSIONER PERALTA: Commissioner  
23 Bergman?  
24 COMMISSIONER BERGMAN: Yes.  
25 COMMISSIONER PERALTA: Commissioner

1 Shearman?

2 THE CHAIR: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Chavez?

5 COMMISSIONER CHAVEZ: Yes.

6 COMMISSIONER PERALTA: Commissioner Carr?

7 COMMISSIONER CARR: Yes.

8 COMMISSIONER PERALTA: Commissioner Pogna?

9 COMMISSIONER POGNA: Yes.

10 COMMISSIONER PERALTA: Madam Chair, by a  
11 10-to-0 vote, that is in favor of the motion.

12 THE CHAIR: The motion carries  
13 unanimately. Thank you all.

14 Let's move to Item No. 10, Discussion and  
15 Possible Action on Notices of Intent. That's Item  
16 No. 10 in your notebook.

17 Is Ms. Ventura here?

18 MS. HERRERA: Yes. It's Mrs. Herrera,  
19 though.

20 THE CHAIR: "Herrera"? Please, if you  
21 would come forward. If Commissioners have  
22 questions, we will direct those to you.

23 Julie, can you give us some background on  
24 this, please?

25 MS. LUCERO: Madam Chair, members of the

1 Commission, what we noticed with these notices of  
2 intent, that there were several schools -- or  
3 three -- five schools -- that did not notify the  
4 district. And that is part of the process. From my  
5 understanding last year, these schools were  
6 disqualified from the process because of this.

7 So CSD was not really sure of how we  
8 should move forward with these five schools that did  
9 not provide the not- -- the district notice, and  
10 we're really wondering how we should move forward  
11 with this if they should be able to.

12 Now, the application was not -- the new  
13 application was not available until January 5th; but  
14 the old notice of intent application was. The  
15 criteria is not any different. There were just  
16 minor grammatical errors that we changed that you  
17 approved; but as far as requirements, notifying a  
18 district, that's never been a change from the  
19 application that was available in December to the  
20 one in January.

21 THE CHAIR: Okay. Thank you.

22 Please identify yourselves.

23 MS. HERRERA: I'm Rianne, R-I-A-N-N-E,  
24 Herrera, H-E-R-R-E-R-A.

25 MS. MENICUCCI: I'm Janea Menicucci. It's



1 J-A-N-E-A; last name is M-E-N-I-C-U-C-C-I.

2 THE CHAIR: Thank you. And you represent  
3 which school?

4 MS. HERRERA: A Window of Hope.

5 THE CHAIR: I'm sorry?

6 MS. HERRERA: A Window of Hope.

7 THE CHAIR: Okay. So that's the first one  
8 on the list. And if you'll notice, it has a note on  
9 the spreadsheet in your notebook that that obviously  
10 is an issue with this.

11 Can you just briefly give us the  
12 background on this, very briefly?

13 MS. HERRERA: A brief background on the  
14 issue?

15 We started the charter school letter of  
16 intent back in August, when we met with Doug Wine at  
17 the Charter School Coalition. And I was concerned  
18 mainly because most of us that are the founders are  
19 district -- we work in the district of Albuquerque  
20 Public Schools. So I wanted to make sure that it  
21 wasn't going to be an issue with putting out my  
22 letter of intent as far as my job that's on the  
23 line.

24 So I met with him, and he said it  
25 shouldn't be; because I wanted to be a State charter

1 school, not to be affiliated with Albuquerque Public  
2 Schools.

3 So when we started going through the  
4 process, we noticed, the letter of intent, on the  
5 cover letter, it does state to let and notify the  
6 school district you're in. So we had some questions  
7 about that. And we had e-mailed, and we had  
8 discussed many times on the phone with Ms. Olivas,  
9 who is at the Department of Ed who is actually the  
10 lady that handles the submissions of the letter of  
11 intent.

12 We were under the impression that we did  
13 not have to let Mr. Brad Winters know about the  
14 charter school, because we were not going to be a  
15 part of APS.

16 We then shortly found out later that that  
17 is not correct. We found out on the 27th from -- I  
18 believe it was someone -- maybe in your office.  
19 Ms. Montoya?

20 MS. LUCERO: Yes, Julianna Montoya; she's  
21 one of our administrators.

22 THE CHAIR: Let me just ask you right now.  
23 On the instructions for the notice of intent, what  
24 does it say about notifying the district and the  
25 charter -- and the PEC?

1 MS. LUCERO: Madam Chair, members of the  
2 Commission, it is very clearly stated that that is a  
3 requirement. I did speak with Ms. Olivas, who is  
4 our secretary. And she informed me that she did not  
5 say anything that it was not a requirement. But it  
6 is clearly stated on the website that that is a  
7 requirement.

8 THE CHAIR: Okay. Tell me about what you  
9 read on the website as far as notification.

10 MS. HERRERA: On the website -- well,  
11 none -- you're right. None of the new documents  
12 were up until --

13 MS. MENICUCCI: I think it was  
14 January 5th.

15 MS. HERRERA: So we were going off the old  
16 documents. But on the actual cover letter, it does  
17 say, "When you file your notice of intent, you need  
18 to let the school district know that you're applying  
19 in the school district." I don't know what it says  
20 verbatim.

21 So that was why we had some questions, and  
22 that's why we had originally phoned Ms. Olivas,  
23 because we weren't sure if that was for -- because  
24 it doesn't specifically say within the -- you know,  
25 the charter schools that are not going to be

1 affiliated with the -- with APS, or whoever the  
2 district is. We wanted to make sure that wasn't  
3 just because we weren't going to be affiliated with  
4 them.

5 So we wanted to have that direction -- a  
6 better direction, because I was worried that if I  
7 let Mr. Winters know -- because I work in the tower  
8 with him -- it wasn't going to impact my job. So I  
9 wanted to make sure I really had to actually let  
10 them know, because we weren't going to be  
11 affiliated.

12 THE CHAIR: So it did say on the notice  
13 for a State-Chartered charter school that you had to  
14 notify both the PEC and the district.

15 MS. HERRERA: It doesn't say for -- it  
16 doesn't say for state or district; it just says that  
17 "you are to notify."

18 MS. MENICUCCI: So it kind of goes back to  
19 your issue earlier that you were discussing about  
20 talking about the State charter schools. It's  
21 really unclear in the terminology.

22 THE CHAIR: It's only about State charter  
23 schools, though. I mean that's the application, the  
24 intent.

25 MS. MENICUCCI: Right. And so -- and we

1 also were -- we are dealing with the interim  
2 superintendent. And when we started this process,  
3 we had Mr. Brooks, who was in charge; and then we  
4 had Mr. Winter. So we were trying to go through  
5 back and forth; but it was our impression that we  
6 didn't have to, because we were a State charter.

7 COMMISSIONER BERGMAN: Madam Chair, let me  
8 read it I do have it, because I anticipated this.

9 And this document that I'm holding in my  
10 hand, this is one of the documents that we revised a  
11 year ago. But I will also note that even though we  
12 revised this document a year ago, that that double  
13 notification has always been a part of the  
14 application process.

15 But let me -- this document, this  
16 Commission approved on January 7th of 2014; in other  
17 words, I don't know what was on the website because  
18 I never go to the website. It should have been on  
19 the website, whether it was on there or not. So  
20 this document was available well before they started  
21 their process.

22 And this is what it says. It's the very  
23 first paragraph, under the words "Instructions":

24 "According to NMSA 22-8B-6B, the Notice of  
25 Intent to submit a charter application must be filed

1 by the organizer of a proposed charter school..." --  
2 you know, there's no distinction between State or  
3 the non-State there -- "...of a proposed charter  
4 school to the Public Education Commission at the  
5 address below..." -- and then there's the word "AND"  
6 in all capital letters underlined and in very black  
7 ink. And, it says, "...AND to the superintendent of  
8 the school district in which the charter school is  
9 proposed to be located," period. "Failure to notify  
10 may result in your application being rejected."

11 And so in all honesty, I don't see what  
12 would be difficult to understand in that statement.  
13 I think it's very clear, very concise, and very  
14 precise. So that's what the exact statement says.

15 THE CHAIR: And what was the -- what was  
16 the due date for the notices?

17 COMMISSIONER BERGMAN: For this one, it  
18 must be submitted by 5:00 p.m. Mountain time on the  
19 second Tuesday of January of the current year. If  
20 you remember, we actually -- they used to have the  
21 actual year on there. That was confusing to people.  
22 We took that out and just said "the current year."  
23 So this applies to every year.

24 THE CHAIR: What was that date, Julie; do  
25 you remember? The second Tuesday?

1 MS. LUCERO: 15th.

2 MS. HERRERA: It is.

3 MS. LUCERO: The 15th of January.

4 THE CHAIR: And when was your notification  
5 filed?

6 MS. MENICUCCI: We filed on January 5th.

7 THE CHAIR: To the district.

8 MS. HERRERA: No, ma'am. To Ms. Olivas'  
9 office, the letter of intent. I didn't let the  
10 Superintendent know until I was e-mailed by the  
11 office saying that our -- that was the 27th --  
12 stating that our NOI was incomplete because we did  
13 not submit the letter of intent.

14 So I asked Ms. Montoya, Julianna Montoya,  
15 if I could still do that, because I was under the --  
16 obviously not told correctly from a previous phone  
17 call -- but that I was under the assumption that I  
18 didn't have to because it was a State charter  
19 school. So I asked her could I still do that, and  
20 she said, "Yes, that would be fine."

21 So I did that right away. I e-mailed  
22 Mr. Winter and gave him my letter -- my notice of  
23 intent, as well. And then I received a phone call  
24 on March 2nd from Amy Chacon saying it was  
25 incomplete, and it would most likely be denied for

1 this reason; and that's why I'm here today.

2 MS. LUCERO: Madam Chair, members of the  
3 Commission, I just want to clarify. After we had  
4 gone through all the notices of intent to see if  
5 they were complete, making sure they fulfilled all  
6 the requirements, I made a mistake earlier. I said  
7 five -- there are actually six schools that did not  
8 comply with the district notice. We did -- at that  
9 point, Ms. Montoya reached out to schools to see if  
10 maybe it was lost within the submission process.  
11 But it would still have to prove the date before the  
12 15th, not saying that what happened with the  
13 R-drive -- we have a drive that's specific to save  
14 all of our documents. We have all the notices of  
15 intent on there; somehow, they were deleted. So we  
16 had to upload. So we thought that possibly the  
17 district notice could have been lost in that  
18 transition.

19 So it was never the intent of giving an  
20 extension. Now, you can go get notification for  
21 your district. When Amy Chacon called, it was to  
22 notify districts that there was a possibility they  
23 could be disqualified because they did not fulfill  
24 the requirement of notifying the district. I think  
25 that now the decision really is yours, as the PEC,



1 to determine if these schools really are  
2 disqualified, those six schools, because they didn't  
3 comply with the requirement.

4 And it was there before January 5th;  
5 that's always been clear.

6 THE CHAIR: Please do.

7 MR. GRANATA: Madam Chair, Commissioners,  
8 I just want to make sure that the Commission  
9 understands the law so that they can make a proper  
10 decision. The rule states that, "Failure to provide  
11 timely notification may result in an application  
12 being rejected."

13 And I think it's important to look at the  
14 word "may." It basically gives the Commission  
15 discretion. What the Commission needs to do is look  
16 and see if the facts that have been presented today  
17 show good cause for why the notification wasn't  
18 timely submitted. And so that's what's before the  
19 Commission today.

20 Lawyers put a lot of stock in the use of  
21 the word "may" versus "shall." If it was "shall,"  
22 there's no question that if it's not timely, than  
23 the Commission can't accept it. But -- so the  
24 Commission needs to decide whether there is good  
25 cause to accept it or not, and, obviously, looking

1 back to precedent that the Commission has set before  
2 in order to make that decision.

3 COMMISSIONER CARR: Madam Chair?

4 THE CHAIR: Thank you.

5 Commissioner Carr?

6 COMMISSIONER CARR: Okay. So big red  
7 flag. You said six schools. Are they on here? Are  
8 they on this list?

9 MS. LUCERO: Madam Chair,  
10 Commissioner Carr yes, you'll notice the six  
11 schools. There's a comment right next to their  
12 name. You'll see the submission date of the actual  
13 notice of intent, and then there's a comment either  
14 saying -- says he has a document, looking for it, or  
15 we left a voice-mail and didn't even get a response  
16 back from them.

17 So the decision wouldn't be only for this  
18 school moving forward; it would be for the other  
19 five, as well.

20 Now we do allow these schools to notify  
21 district at this point and let them move forward.  
22 We need your guidance as far as what CSD does moving  
23 forward, inviting them to trainings and so forth.

24 COMMISSIONER CARR: Just to conclude what  
25 I'm -- what I'm trying to say, I take pride in

1 trying to be completely fair and give everybody a  
2 chance to explain what's going on. And, of course,  
3 then, the Commission can make up their mind about  
4 whether or not the circumstances warrant going ahead  
5 and allowing you to go forward.

6 I -- based on what I heard today, I don't  
7 believe so. And I have concerns that this  
8 particular part of the process is the most simple  
9 part of the process. And if everything can't be  
10 fulfilled within that part, then it gives me  
11 concerns about all the other things we go through  
12 when you actually get the rest of your paperwork.  
13 So I'm going to say no.

14 THE CHAIR: Thank you.

15 COMMISSIONER CARR: Sorry.

16 THE CHAIR: Just from a historical  
17 perspective, I would note that this Commission has  
18 not accepted late submissions for the notice of  
19 intent, either to us or to the district. I believe  
20 there was either one or two last year.

21 COMMISSIONER BERGMAN: There was one last  
22 year --

23 COMMISSIONER TOULOUSE: One last year.

24 THE CHAIR: -- that we had to exclude for  
25 that very reason. So there is precedent for that.

1 Commissioner Bergman?

2 COMMISSIONER BERGMAN: Well, that word is  
3 "precedent." We're not a court, and we're not  
4 lawyers, for the most part. But my concern would be  
5 that the first time we do make an exception, for  
6 whatever reasons, then I would suggest that we be  
7 negating the language that we have in here; and in  
8 the future, they will say, "Well, you let this  
9 school last year go forward; so we didn't notify  
10 them, for whatever reason."

11 So I am very reluctant to set that kind of  
12 a precedent. Either we have these requirements, or  
13 we don't.

14 COMMISSIONER GIPSON: Madam Chair.

15 THE CHAIR: Commissioner?

16 COMMISSIONER GIPSON: I tend to agree with  
17 Commissioner Bergman -- or Bregman.

18 COMMISSIONER BERGMAN: Old  
19 what's-his-name, yeah.

20 COMMISSIONER GIPSON: I think if we're  
21 going to establish a precedent, it has to be over  
22 something that is an extraordinary reason. There  
23 has to be truly extenuating circumstances; and I  
24 think the application is more than clear with what  
25 has to be done; so that I really -- I fail to see

1 the gray area where there was confusion in what  
2 needed to be submitted and the timely fashion that  
3 it had to be submitted in.

4 THE CHAIR: Thank you. Any other  
5 comments?

6 COMMISSIONER BERGMAN: Actually -- and I  
7 did notice as I went down and read some more, that  
8 first paragraph is actually repeated, in essence,  
9 again, on the front page. So it's actually on the  
10 front page twice. That's how important that it was  
11 deemed.

12 So I just point that out to you if you  
13 read the document, yeah.

14 THE CHAIR: So I think -- I see no other  
15 comments. I think the Commission needs to vote on  
16 this item, and so that it's noted on the record.

17 COMMISSIONER BERGMAN: So we're talking  
18 about all six, then? I don't even know what six  
19 we're talking about.

20 THE CHAIR: I think, really, the one  
21 that's on the agenda is the one that --

22 COMMISSIONER CARR: The one that's on the  
23 agenda?

24 THE CHAIR: Well, no, it doesn't name any  
25 one particular school.

1 COMMISSIONER CARR: I can name them,  
2 from --

3 THE CHAIR: Well, I started to say,  
4 perhaps we should just simply name all six that have  
5 not done the proper notification and -- if that is  
6 the Commission's preference.

7 COMMISSIONER CARR: Would you like me to  
8 name them?

9 THE CHAIR: Is that what we want to do?  
10 All six?

11 COMMISSIONER BERGMAN: They should be  
12 specifically mentioned in the motion.

13 COMMISSIONER CARR: Why don't I make a  
14 motion and name them in the motion.

15 THE CHAIR: Why don't you do that,  
16 Commissioner?

17 COMMISSIONER CARR: And I would like to  
18 say I understand where you guys are coming from. If  
19 you got this information from the Coalition, for  
20 instance, the Coalition doesn't speak for the Public  
21 Education Commission. If they're giving out  
22 inadequate information, that's unfortunate.

23 MS. HERRERA: That's not who I received  
24 the information from, though. It was from the  
25 Secretary of the PED that accepts the letters of

1 intent.

2 COMMISSIONER CARR: And I would just like  
3 to preface this motion with please reapply next  
4 year. I -- you know, I don't -- I don't know what  
5 most of these schools are all about; so I have no  
6 malice toward any of them.

7 So the -- so I move that we do not accept  
8 the applications from the following schools:

9 A Window of Hope School; Bernalillo  
10 Academy; Molero [ph] Charter School; Mesa  
11 International School.

12 THE CHAIR: That's not an issue with  
13 notification, the --

14 COMMISSIONER CARR: The Mesa International  
15 School?

16 THE CHAIR: Right.

17 COMMISSIONER CARR: One, two, three,  
18 four -- it's six.

19 COMMISSIONER GIPSON: It's listed here.

20 THE CHAIR: It has nothing in Box 4.

21 COMMISSIONER BERGMAN: You're looking at  
22 one document, Madam Chair, and Jeff's looking at  
23 another one.

24 COMMISSIONER GIPSON: No, he's looking  
25 at --

1 THE CHAIR: If you'll withdraw that for  
2 just a minute?

3 Julie, give us a list of the six schools  
4 we're considering.

5 MS. LUCERO: Madam Chair, members of the  
6 Commission, the list:

7 A Window of Hope; Bernalillo Academy;  
8 Molero [ph] Charter School; Mesa International;  
9 New Mexico School of Agriculture; and Pathways in  
10 Education.

11 I am not sure why Diné does not have a  
12 date there. I am thinking they did turn theirs in,  
13 from what I remember; but we will need to probably  
14 look at that one next month.

15 So, again, it's A Window of Hope;  
16 Bernalillo Academy; Molero [ph] Charter School; Mesa  
17 International; New Mexico School of Agriculture; and  
18 Pathways in Education.

19 THE CHAIR: Okay.

20 COMMISSIONER CARR: Okay?

21 THE CHAIR: I apologize for interrupting  
22 you.

23 COMMISSIONER CARR: Are you going to make  
24 me do this all over again?

25 THE CHAIR: Yes, indeed.



1 COMMISSIONER CARR: Sorry. Okay. I move  
2 that we deny the applications from the following  
3 schools: A Window of Hope School.

4 COMMISSIONER BERGMAN: I hate to  
5 interrupt. We're not denying the application.  
6 We're refusing to accept, or something like that.

7 COMMISSIONER CARR: Sorry.

8 MS. LUCERO: "Disqualified" maybe would be  
9 a good word, from the process.

10 COMMISSIONER CARR: Well, we're refusing  
11 to accept the applications. Okay. I'll reword it.  
12 Thanks.

13 I make a motion that we refuse to accept  
14 the applications from the following schools:

15 A Window of Hope School; Bernalillo  
16 Academy; Mesa International School; New Mexico  
17 Gateway Academy; New Mexico School of Agriculture --  
18 and something else that I can't see -- Pathways.

19 THE CHAIR: Jeff, hold on. Hold on.  
20 Could we do this? Could you make the preliminary  
21 motion and let Julie name the schools, because I  
22 still think your list is not accurate.

23 COMMISSIONER GIPSON: New Mexico Gateway  
24 isn't one of them.

25 COMMISSIONER CARR: Oh, sorry.

1 MR. GRANATA: Madam Chair, Commissioners,  
2 I think the motion could just be simply that -- that  
3 the Commission does not accept the six schools that  
4 Julie listed that are on the record already. I  
5 don't think there's a question.

6 COMMISSIONER GIPSON: There you go.

7 COMMISSIONER CARR: Take five. I'm glad  
8 the TV station is not filming this.

9 I move we do not accept the applications  
10 from the school Julie Lucero mentioned -- schools  
11 that Julie Lucero mentioned.

12 COMMISSIONER BERGMAN: Do we need to say  
13 why? Due to the --

14 COMMISSIONER CARR: Due to the lack of a  
15 complete notification to the local districts. Thank  
16 you.

17 THE CHAIR: Okay. Is everybody all right  
18 with that? So we have a motion.

19 Do we have a second?

20 COMMISSIONER CHAVEZ: Second.

21 THE CHAIR: Commissioner Chavez?

22 Motion by Commissioner Carr, second by  
23 Commissioner Chavez, to not accept the application  
24 of the six schools that Julie listed that are on the  
25 official record, for the reason of not receiving the

1 notification to the districts on time.

2 Any further discussion?

3 May we have a roll-call vote,

4 Mr. Secretary?

5 COMMISSIONER PERALTA: Commissioner

6 Armbruster?

7 COMMISSIONER ARMBRUSTER: Yes.

8 COMMISSIONER PERALTA: Commissioner

9 Conyers?

10 COMMISSIONER CONYERS: Yes.

11 COMMISSIONER PERALTA: Commissioner

12 Peralta votes "Yes."

13 Commissioner Gipson?

14 COMMISSIONER GIPSON: Yes.

15 COMMISSIONER PERALTA: Commissioner

16 Bergman?

17 COMMISSIONER BERGMAN: Yes.

18 COMMISSIONER PERALTA: Commissioner

19 Shearman?

20 THE CHAIR: Yes.

21 COMMISSIONER PERALTA: Commissioner

22 Chavez?

23 COMMISSIONER CHAVEZ: Yes.

24 COMMISSIONER PERALTA: Commissioner Carr?

25 COMMISSIONER CARR: Yes.

1 COMMISSIONER PERALTA: Commissioner Pogna?

2 COMMISSIONER POGNA: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Toulouse?

5 COMMISSIONER TOULOUSE: Yes.

6 COMMISSIONER PERALTA: Madam Chair, that  
7 is a 10-0 vote in favor of the motion.

8 THE CHAIR: Thank you. Motion passes  
9 unanimately. Ladies, we thank you for your  
10 interest. Hope to see you again.

11 Let's move on to Item No. 11, Report from  
12 the Chair with Discussion and Possible Action.

13 The first item is something I think we  
14 have really talked about before, but I wanted to get  
15 it on the record officially. We have talked about  
16 not using the PARCC as a performance indicator for  
17 this first year.

18 As we go through the negotiations,  
19 contract negotiations with the schools, most have  
20 said, "Please" -- "you know, we'd rather not use  
21 PARCC this first year, anyway. We don't have any  
22 idea what the results are going to be, nor do we  
23 know the form that those negot- -- that those  
24 results are going to be."

25 And certainly, so far in the negotiations,

1 we've agreed with that. So I would like to put it  
2 to the Commission for your discussion and your  
3 opinion that we not use PARCC as a performance  
4 indicator in the contracts being negotiated for this  
5 first year with PARCC results.

6 Discussion?

7 Commissioner Armbruster?

8 COMMISSIONER ARMBRUSTER: You said this to  
9 me. It somewhat begs the question, then -- and I  
10 agree with this, by the way. But then how will we  
11 look at the charters that we already have to see if  
12 they're going up or down, because it's going to --  
13 to me, it's the same issue.

14 THE CHAIR: The majority of the contract  
15 negotiations I've participated in -- and  
16 Commissioner Bergman has been in even more -- we've  
17 really encouraged the schools to use their  
18 short-cycle assessment data for their negot- -- for  
19 their indicators. And most -- they've all agreed to  
20 do that.

21 COMMISSIONER ARMBRUSTER: Okay. So we're  
22 giving it to -- everybody has the same options?

23 THE CHAIR: Oh, absolutely.

24 Commissioner Bergman?

25 COMMISSIONER BERGMAN: If the truth be

1 told, we haven't really been using the SBA results  
2 as separate indicators, normally. We have always  
3 tried to stress that the performance indicators --  
4 as the Chair just noted -- we wanted something in  
5 the area of reading, something in the area of math.  
6 And we've encouraged approved short-cycle  
7 assessments, too, and multiple short-cycle  
8 assessments.

9 Most of the schools are giving an entry  
10 one as soon as the kids get to school. They give  
11 one in the middle, at the end -- I guess if they're  
12 on the -- around the Christmas holidays. And then  
13 they give the exit one at the end of the school  
14 year.

15 We're setting up the cohort is that the  
16 only requirement is that the kids in the cohort are  
17 the ones that take the first test, the second test,  
18 and the third test. If they miss the first test,  
19 unfortunately, they're not in the cohort; but then  
20 they have to go in the following year.

21 So that's been kind of our motivation for  
22 doing it and our -- and the way we're handling it.  
23 And I kind of agree, since obviously, there's so  
24 many apparently difficulties -- some difficulties  
25 with the PARCC, I agree with let's not use it. I'm

1 not sure I'd ever want to use it, to tell you the  
2 truth. But that's not -- it might not be for the  
3 same reason that some of the others of you don't  
4 want to use PARCC.

5 We're trying to do things that are easily  
6 ascertainable. On those three short-cycle  
7 assessments, that's pretty easily -- and it's easily  
8 proven when it's time to prove. We tell them, "You  
9 have to be able to prove to your CSD liaison that  
10 you either met this goal or you didn't meet this  
11 goal. And -- and then the liaison and you need to  
12 be able to prove to the members of the Commission  
13 that you either met that goal or you didn't meet  
14 that goal."

15 COMMISSIONER ARMBRUSTER: I think further  
16 proof of that is that the Secretary of Education has  
17 indicated that she's being thoughtful and not  
18 including the PARCC assessment as part of teacher  
19 evaluations.

20 So it would seem that that's part and  
21 parcel -- "part," not PARCC -- of the same  
22 conversation.

23 THE CHAIR: We're simply trying to work  
24 with the schools, because they're a little uncertain  
25 as to how those results are going to come back this

1 year. And certainly, they don't want to tie their  
2 renewal or whatever to that uncertainty.

3 COMMISSIONER CARR: Madam Chair?

4 THE CHAIR: Commissioner Carr?

5 COMMISSIONER CARR: I'll be brief. The --  
6 I agree. And, you know, like I say, as we're  
7 meeting here today, there's a court case pending  
8 between a Washington-based testing company up  
9 against PARCC, saying that they didn't abide by the  
10 bidding process. You know, so there's so many  
11 question marks up in the air, I certainly agree that  
12 we shouldn't use the PARCC.

13 But I'd ask Julie, do you have any idea  
14 what the PED's going to do in regards to school  
15 grades and -- since the PARCC results aren't going  
16 to come out until late fall?

17 THE CHAIR: Jeff, if you wouldn't mind,  
18 that's one of the items.

19 COMMISSIONER CARR: Oh.

20 THE CHAIR: And it's really "B".

21 COMMISSIONER CARR: Oh, okay. I'll wait  
22 till then.

23 THE CHAIR: If you can hold that  
24 discussion till we get there, please?

25 COMMISSIONER CARR: Yeah.



1 THE CHAIR: Anyone else on not using PARCC  
2 for an indicator?

3 COMMISSIONER GIPSON: I think it's fair  
4 and reasonable.

5 THE CHAIR: I would prefer to have it as a  
6 vote. Since it's listed as "possible action," I  
7 would appreciate if the Commission would take a vote  
8 and have a firm stand to direct our negotiating  
9 teams.

10 Would anybody care to make that motion?  
11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: Madam Chair, I  
13 would move that the Public Education Commission does  
14 not use the PARCC as a performance indicator during  
15 the coming year.

16 THE CHAIR: All right.

17 COMMISSIONER POGNA: (Indicates.)

18 THE CHAIR: Second? Commissioner Pogna?

19 Motion by Commissioner Bergman, second by  
20 Commissioner Pogna, to not use the PARCC as a  
21 performance indicator for this coming year, the --  
22 let me clarify that -- in my mind, would be the  
23 contracts that are being negotiated now through the  
24 end of this cycle of negotiation.

25 Was that your intent?

1 COMMISSIONER BERGMAN: Yes, and it would  
2 also apply to the 23 performance frameworks that we  
3 will also be working on this summer, from previously  
4 negotiated years, yeah.

5 THE CHAIR: Okay. Any further discussion?  
6 Hearing none, may we have just a voice  
7 vote, sir?

8 MR. GRANATA: (Indicates.)  
9 All those in favor, please say "Aye."  
10 (Commissioners so indicate.)

11 THE CHAIR: Any opposed, please say "No."  
12 (No response.)

13 THE CHAIR: Motion carries. Thank you  
14 very much.

15 Now, let's go on to the second, Item B.  
16 And I don't want to belabor the point, and  
17 Commissioner Carr has already touched on it. We've  
18 got to talk about what we're going to do with those  
19 performance frameworks that need to be either  
20 negotiated -- or mostly renegotiated -- for existing  
21 schools.

22 The first part -- the first section in  
23 that performance frameworks documents is the  
24 academic framework. And for existing schools, the  
25 first part of that section is based on their current

1 report card.

2 Because the results of the PARCC test are  
3 going to be so late coming out this year, it has  
4 been suggested, or recommended, to us that we  
5 consider either an October or November date would be  
6 the earliest that those report cards might be  
7 available.

8 Now, Julie, is that consistent with what  
9 you're hearing?

10 MS. LUCERO: Madam Chair, members of the  
11 Commission, there will be a report card, and it will  
12 be later in the fall. What's exactly included in  
13 that report card is still not very clear; but there  
14 will be a report card grade. That's definite.

15 THE CHAIR: In the fall?

16 MS. LUCERO: In the fall.

17 THE CHAIR: When in the fall?

18 MS. LUCERO: November time frame.

19 THE CHAIR: Ah, okay. So whatever form  
20 that report card takes, it's going to be very, very  
21 late. We generally have started those  
22 negotiations -- what we have tried to do with  
23 renegotiations of frameworks is to have those  
24 completed when the school year begins, so that those  
25 schools know what the requirements are when they

1 begin that school year so they can begin to work  
2 toward achievements of those requirements.

3 Well, if we don't have the report card to  
4 populate the first part of the academic framework,  
5 does that hold up the whole process? Do we go ahead  
6 and negotiate those -- renegotiate those performance  
7 frameworks without the information from the report  
8 card and come back in and insert that information  
9 when it's available, knowing we're not going to  
10 renegotiate those things twice?

11 We simply cannot do it. So I lay that  
12 issue at your doorstep.

13 COMMISSIONER BERGMAN: Let me jump on that  
14 issue, then.

15 THE CHAIR: Okay, Commissioner Bergman.

16 COMMISSIONER BERGMAN: First, let me  
17 explain that even though we're using the term  
18 "negotiation," and it is a term -- it is -- when we  
19 say that term, most of you are visualizing those  
20 four-hour sessions where we're sitting down on  
21 these -- when we're just going to be the performance  
22 framework. This summer, we did -- all those were  
23 done on the phone. I think the longest conversation  
24 we had lasted about an hour.

25 THE CHAIR: No, it was three hours.

1           COMMISSIONER BERGMAN: Did we have one  
2 that lasted three hours? I've forgotten that one  
3 now.

4           THE CHAIR: I'll never forget it.

5           COMMISSIONER BERGMAN: I have, apparently.  
6 I must have zipped that off onto the clouds.

7           There is a reason for that. As is  
8 mentioned already today, we have 23 of those this  
9 summer. And that's the question. What do we do on  
10 those 23 schools?

11           My suggestion is going to be that we don't  
12 invest a lot of time this summer when we won't have  
13 the data to look at. They will have their  
14 short-cycle assessment data, and that's what most of  
15 their goals are going to be tied to; so I would note  
16 that. We can probably move forward and look at  
17 their goals and what they've talked about.

18           But the thought of negotiation, at least  
19 my intent, as I involve myself in this -- that  
20 goals -- they don't always have to change their  
21 goals. We evaluate them. If we find that --  
22 because they've asked us -- I've told them, "If we  
23 find that you've made all these goals, then probably  
24 they should be kicked up a little."

25           We want to continually challenge them, as

1 we've touched on all day. How do we get schools to  
2 improve if they're not continually challenged to  
3 reach higher, reach for the stars?

4 But if they haven't reached those goals,  
5 then we probably would just either keep those goals  
6 in place, or we would have to ask the question, if  
7 they didn't reach -- if a school, for instance,  
8 didn't reach all of its goals, did we set too  
9 ambitious and too rigorous a goal?

10 So there will always be lots of questions.  
11 So I don't envision this to be a really long,  
12 drawn-out process. I wish I hadn't forgotten the  
13 three-hour one. But I don't envision it to be that.

14 THE CHAIR: Two hours.

15 COMMISSIONER BERGMAN: The problem for us  
16 not only going now, but going forward, we're now  
17 negotiating -- we have another 26 schools that go in  
18 the pot next year. Not this summer, but next  
19 summer, we have 49 schools that will have a  
20 performance framework that we will have to address  
21 during the summer.

22 The year after that, we will have probably  
23 another 20 on top of that. That's why I keep  
24 suggesting CSD is woefully understaffed. Even  
25 though their staffing chart says their fully

1     staffed, they are right woefully understaffed as to  
2     the future needs, their needs and our needs both.

3             And I actually tried to tell that to the  
4     Legislature in my testimony before the House  
5     Education Committee and I got shut off in the middle  
6     of my testimony. Well, we don't want to talk about  
7     that.

8             THE CHAIR: Could I just suggest -- I  
9     don't think we have time to develop a performance  
10    framework cycle today. I don't know if we really  
11    even want to.

12            Could I suggest that we ask Commissioner  
13    Bergman, as Chair of the Charter School Committee  
14    and the one that sort of has taken the lead role in  
15    these negotiations, could we ask Commissioner  
16    Bergman to develop a plan that says we will consider  
17    every -- every school that comes up for  
18    renegotiation, we will ask CSD -- perhaps we will  
19    ask CSD -- to look at those schools who have not met  
20    their goals and to forward those on to the PEC  
21    Charter School Committee.

22            And then that committee will determine how  
23    much renegotiation needs to be done and contact the  
24    schools and do it.

25            Then when the grades come out, those

1 schools that have D and F grades will be required,  
2 as they are now, to write an improvement plan.

3 That's all.

4 So really, I don't guess we need to do a  
5 whole lot about the school's report cards. It's  
6 just automatic. It's just good information to have  
7 when you're doing the renewal and the negotiation.

8 But could we ask Commissioner Bergman --  
9 and you need something else to do, I know -- but to  
10 come up with just an outline of a plan on how we're  
11 going to deal with these renegotiations and bring it  
12 to us next month for the Commission's consideration?

13 COMMISSIONER BERGMAN: You certainly could  
14 ask me, and if I was in a bad mood, I might say no.  
15 But I'm in a good mood, so I will say yes. I will  
16 ask Julie, are you going to be in the office next  
17 week? Do you have any days next week when you're  
18 not in the office?

19 MS. LUCERO: In the office Tuesday only.  
20 I'm in site visits Monday, and in Las Cruces from  
21 Tuesday to Friday next week.

22 COMMISSIONER BERGMAN: You'll be in next  
23 Tuesday?

24 MS. LUCERO: Tuesday.

25 COMMISSIONER BERGMAN: Why don't I give



1 you a call, if you wouldn't mind? And you think  
2 about it a little bit, how we might address this  
3 issue, and you and I can talk it out. And I'll talk  
4 it out with the members of the Charter School  
5 Committee and then share it with everybody.

6 I'll make a note to call you next Tuesday,  
7 then.

8 THE CHAIR: Commissioners, can I just get  
9 a consensus, if that's all right with you? Is there  
10 anyone that would like to take a different direction  
11 on this?

12 Okay. I think we're all right on that,  
13 then.

14 Let's just move forward on that then.

15 Item No. C, again, it's something much  
16 like using the PARCC as an indicator. Item C, I  
17 think this Commission has already talked about. And  
18 I can't remember if it was in a work session or if  
19 it was an actual meeting, and we took action on it.

20 Currently, in the requirements for the  
21 charter -- for the contract negotiation, it says  
22 that schools must have one mission-specific  
23 indicator. I believe strongly that we changed that.  
24 This Commission said, "We're going to require two  
25 mission-specific indicators"; but I have not had

1 time to look through all the minutes and find it or  
2 whatever.

3 Commissioner Bergman thinks also that  
4 that's what happened, that we changed it to two.

5 So as long as we're going to have to look  
6 at it today, anyway, I would ask for your  
7 consideration of changing that in a formal way to  
8 two academically-oriented, mission-specific  
9 indicators; not requiring schools to do academic  
10 indicators, but to be more oriented, at least,  
11 towards the academics.

12 I know you've all done negotiations, and  
13 we've seen schools bring forward indicators that  
14 were really, really specific to their mission  
15 statement; but they completely missed any academic  
16 indicators. We heard a lot about community service  
17 and many other things like that. But some schools  
18 simply missed that whole academic thrust.

19 And so I'd like to put that before you and  
20 get your thoughts. Commissioner?

21 COMMISSIONER BERGMAN: Let me start off  
22 the discussion on that by noting that, for the  
23 benefit of the newer Commissioners -- yesterday, at  
24 our Amy Biehl negotiation, their attorney, Patti  
25 Matthews -- Patti Matthews and Sue Fox have a law

1 firm in Albuquerque. They represent most, if not  
2 all, of the State-chartered charter schools, and  
3 they have for many years.

4 She actually started our session yesterday  
5 by raising -- she didn't raise it as an issue. She  
6 said, "I'm not trying to throw a monkey wrench into  
7 this." "But," she said, "does statute actually  
8 state that the PEC could require academic goals from  
9 the school?"

10 So before we even started our negotiation  
11 we had kind of a philosophical discussion with  
12 Patti.

13 And my contention -- and we'll get into  
14 this with Josh; he doesn't have anything to do, so  
15 maybe he can look into this, too -- was whether or  
16 not there is actually a State statute that mandates  
17 that schools have to provide academic  
18 mission-specific indicators to the Public Education  
19 Commission. We are the State authorizer, and we are  
20 statutorily established. We've been given that  
21 duty.

22 So my contention would be that to fulfill  
23 those authorizing duties, if we wish to impose goals  
24 on these schools, we have the right to do that.

25 She threw up her hands and smiled and

1 said, "I'm not trying to challenge the system or  
2 anything." But that's how she's thinking from the  
3 other side of the table.

4 So we do run into that. So I agree with  
5 the Chair. I believe that we already did it; but we  
6 need to do it again. I believe we are perfectly  
7 within our right to ask any State-authorized charter  
8 school to submit to us two mission-specific academic  
9 indicators. Otherwise, as all the Commissioners  
10 have asked today, how do we know if a school -- what  
11 they're doing if they don't have indicators?

12 And so that's -- I would like us -- yes,  
13 let's vote today and say, "The PEC wishes to require  
14 of all State-authorized charter schools that when we  
15 do these negotiations, that they have to submit  
16 two" -- that's a Chair word; I can't remember  
17 how -- "two mission-specific academic indicators."

18 And then that stalls the issue until  
19 somebody like Patti files a suit against us.

20 THE CHAIR: Would you like to make that in  
21 the form of a motion, so we don't continue with  
22 discussion? Why don't you put that on the table,  
23 and we'll move forward?

24 COMMISSIONER BERGMAN: Do you want to do  
25 the discussion after I make the motion?

1 THE CHAIR: Sure, we'll always have  
2 opportunity.

3 COMMISSIONER ARMBRUSTER: I've said one  
4 quick -- when you say "indicator," do you mean a  
5 measure?

6 COMMISSIONER BERGMAN: Yeah, we use  
7 "indicator." We're talking goals.

8 COMMISSIONER ARMBRUSTER: A measurable  
9 goal of --

10 THE CHAIR: In the verbiage, it says  
11 "indicators."

12 COMMISSIONER ARMBRUSTER: I just wanted to  
13 know what we're talking about for sure.

14 COMMISSIONER BERGMAN: To me, it's  
15 interchangeable. To a lawyer, it may not be  
16 interchangeable.

17 THE CHAIR: Commissioner Carr, do you have  
18 something?

19 COMMISSIONER CARR: Well, it's quite  
20 clear; I've been an educator for so long. All  
21 schools are required to give goals or mission  
22 statements, regardless of whether they're a charter  
23 or not. I mean, that's in the law; so they have to  
24 do it, you know.

25 So I don't -- you know, Josh may come up

1 with something different. I kind of doubt it on  
2 this one. But I concur that, yes, we can require  
3 them to do goals.

4 COMMISSIONER BERGMAN: And I don't mean to  
5 imply that I think Patti is going to run out and  
6 file a lawsuit against us. She indicated she  
7 wasn't. She just did raise the issue. I wanted all  
8 the Commissioners to be aware; she did raise that  
9 issue.

10 COMMISSIONER CARR: Well, also, they can  
11 appeal the negotiation if they don't like it; right?  
12 So...

13 THE CHAIR: Well, if they don't agree to  
14 it, you declare an impasse and it goes to the  
15 Secretary, so -- all right.

16 COMMISSIONER BERGMAN: Madam Chair, do you  
17 want me to make the motion?

18 THE CHAIR: Commissioner, do you want to  
19 make the motion, please?

20 COMMISSIONER BERGMAN: Madam Chair, I  
21 would move that the Public Education Commission  
22 establish the requirement that each State-authorized  
23 charter school shall submit at least two  
24 mission-specific -- how did you word it? --  
25 academically --

1 THE CHAIR: I said "academically  
2 oriented," but you can say --

3 COMMISSIONER BERGMAN: Two  
4 mission-specific, academically oriented, annual  
5 indicators, and/or goals, however we wish to define  
6 that word.

7 THE CHAIR: Performance indicators.

8 COMMISSIONER BERGMAN: Yeah.

9 THE CHAIR: All right. We have a motion  
10 on the floor from Commissioner Bergman.

11 May we have a second?

12 COMMISSIONER CONYERS: Second.

13 THE CHAIR: Commissioner? Motion by  
14 Commissioner Bergman, second by Commissioner  
15 Conyers, to require of all State-chartered charter  
16 schools the submission of two academically oriented  
17 mission-specific performance indicators.

18 Discussion?

19 Hearing none, may we do this by a voice  
20 vote? Roll call? Hearing none --

21 COMMISSIONER ARMBRUSTER: I did have --  
22 sorry. My -- it's just a language. I'm not arguing  
23 the point. So we're -- a mission-specific  
24 academically oriented indicator, is that a  
25 performance indicator that we're talking about?

1 THE CHAIR: Yes.

2 COMMISSIONER ARMBRUSTER: Shouldn't that  
3 word be in there?

4 COMMISSIONER BERGMAN: The Chair changed  
5 my -- she put the word "performance" in there. If  
6 you want me to reword it, I will reword it.

7 COMMISSIONER ARMBRUSTER: I'm fine with  
8 this whole thing, of course.

9 COMMISSIONER BERGMAN: The "performance"  
10 is what we want. It's key that that word be in  
11 there.

12 COMMISSIONER ARMBRUSTER: I think you put  
13 it in, Carolyn. I thought it was missing from what  
14 you said.

15 COMMISSIONER BERGMAN: I would amend my  
16 motion to indicate "performance indicator." Is that  
17 satisfactory, Josh?

18 THE CHAIR: Commissioner Conyers, do you  
19 agree with the amendment to the motion?

20 COMMISSIONER CONYERS: Oh, yes.

21 THE CHAIR: We have an amended motion  
22 before us. Any further discussion?

23 Commissioner Peralta, may we have a  
24 roll-call vote, please?

25 COMMISSIONER PERALTA: Commissioner



1 Conyers.

2 COMMISSIONER CONYERS: Yes.

3 COMMISSIONER PERALTA: Commissioner

4 Peralta votes "Yes."

5 Commissioner Gipson?

6 COMMISSIONER GIPSON: Yes.

7 COMMISSIONER PERALTA: Commissioner

8 Bergman?

9 COMMISSIONER BERGMAN: Yes.

10 COMMISSIONER PERALTA: Commissioner

11 Shearman?

12 THE CHAIR: Yes.

13 COMMISSIONER PERALTA: Commissioner

14 Chavez?

15 COMMISSIONER CHAVEZ: Yes.

16 COMMISSIONER PERALTA: Commissioner Carr?

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER PERALTA: Commission Pogna?

19 COMMISSIONER POGNA: Yes.

20 COMMISSIONER PERALTA: Commissioner

21 Toulouse?

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER PERALTA: Commissioner

24 Armbruster?

25 COMMISSIONER ARMBRUSTER: Yes.

1 COMMISSIONER PERALTA: Madam Chair, that  
2 is 10-to-0 in favor of the motion.

3 THE CHAIR: The motion passes unanimously.  
4 Thank you very much.

5 That is all for me.

6 Item 12, Report from the Charter School  
7 Committee, Discussion and Possible Action.

8 COMMISSIONER CONYERS: Madame  
9 Commissioner, I need to leave now.

10 THE CHAIR: Thank you for being here.  
11 We'll see you next month.

12 Please note that Commissioner Conyers must  
13 leave now. So our quorum is nine.

14 THE CHAIR: Let's take a 10-minute break.  
15 (Recess taken, 3:00 p.m. to 3:07 p.m.)

16 THE CHAIR: Please note that Commissioner  
17 Pogna left.

18 Ladies and gentlemen, let's get started  
19 back. We're really -- this meeting is running  
20 pretty long.

21 Please note that Commissioner Chavez had  
22 to step out of the room, but Commissioner Bergman is  
23 back in the room. We have seven Commissioners in  
24 the room right now.

25 Josh has asked could we move the executive

1 session up to the next item on the agenda. He --  
2 his time is short, and he needs to be leaving.

3 Would that be all right to move Item 18 up  
4 to -- did you do your -- up to Item 12? Is that all  
5 right with everybody?

6 COMMISSIONER BERGMAN: Yeah, then I'll be  
7 13, I guess?

8 THE CHAIR: Okay. Then we need a motion  
9 to go into executive session.

10 COMMISSIONER ARMBRUSTER: I move we go  
11 into executive session.

12 THE CHAIR: It has to read exactly what's  
13 here.

14 COMMISSIONER ARMBRUSTER: Oh. I don't  
15 know where it is.

16 THE CHAIR: On the agenda.

17 COMMISSIONER ARMBRUSTER: Let someone else  
18 do it.

19 COMMISSIONER PERALTA: I'll do it.

20 THE CHAIR: All right, Commissioner.

21 COMMISSIONER GIPSON: I have to cite the  
22 10-15?

23 COMMISSIONER TOULOUSE: Gilbert said he'd  
24 do it.

25 COMMISSIONER PERALTA: Madam Chair, I move

1 that we go into Executive Session, under  
2 10-15-1(H)(7), regarding threatened or pending  
3 litigation.

4 THE CHAIR: Motion from Commissioner  
5 Peralta. Who seconds?

6 COMMISSIONER GIPSON: Second.

7 THE CHAIR: From Commissioner Gipson, to  
8 go into Executive Session, as noted on the official  
9 record.

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

12 COMMISSIONER PERALTA: Commissioner  
13 Gipson?

14 COMMISSIONER GIPSON: Yes.

15 COMMISSIONER PERALTA: Commissioner  
16 Bergman?

17 COMMISSIONER BERGMAN: Yes.

18 COMMISSIONER PERALTA: Commissioner  
19 Shearman?

20 THE CHAIR: Yes.

21 COMMISSIONER PERALTA: Commissioner Carr?

22 COMMISSIONER CARR: Yes.

23 COMMISSIONER PERALTA: Commissioner  
24 Toulouse?

25 COMMISSIONER TOULOUSE: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Armbruster?

3 COMMISSIONER ARMBRUSTER: Yes.

4 COMMISSIONER PERALTA: Commissioner  
5 Peralta.

6 Madam Chair, that is seven votes of  
7 current present Commissioners to go into Executive  
8 Session.

9 THE CHAIR: Thank you. Motion passes  
10 unanimously to go into Executive Session. We'll  
11 take a few minutes for anyone nonessential to leave  
12 the room. We'll let you know as soon as we come  
13 back into regular session.

14 (Executive Session conducted  
15 off the record.)

16 THE CHAIR: We are out of Executive  
17 Session. No decisions were made; no votes were  
18 taken.

19 We are now back on the agenda. What was  
20 originally No. 12 is where we are now, Report from  
21 Charter School Committee, Discussion and Possible  
22 Action.

23 Commissioner Bergman?

24 COMMISSIONER BERGMAN: Just in the  
25 interests of keeping this quick, the next

1 negotiations now are on the 24th and the 25th of  
2 this month in Albuquerque. And as I have it now, I  
3 have myself, the Chair, Commissioner Gipson, and  
4 Commissioner Armbruster; you're going to be at  
5 those. So that's all still correct? Okay.

6 And then the other one that will be held  
7 before our next meeting, we have negotiations on the  
8 6th and 7th of April; and that's the two days before  
9 the Spring Budget Workshop. The Chair was not going  
10 to be able to be at those negotiations. So I ask --  
11 the schedule is -- now, is myself, Commissioner  
12 Chavez, Commissioner Armbruster, and Commissioner  
13 Toulouse are going to be at the morning one on the  
14 6th; and the afternoon one, Commissioner Toulouse is  
15 recusing herself, because she has a connection to  
16 Tierra Adentro.

17 Then on the 7th, here, again, it's myself,  
18 Commissioner Armbruster, and Commissioner Toulouse.

19 Commissioner Chavez, you didn't sign up  
20 for the 7th? I didn't put your name down, if you  
21 did. You may have just indicated you wanted to  
22 attend the first one on the 6th.

23 COMMISSIONER CHAVEZ: Yeah. And you know  
24 what? I shouldn't be there, anyway, because I know  
25 the --

1 COMMISSIONER BERGMAN: Okay. We'll drop  
2 you off the 7th.

3 COMMISSIONER CHAVEZ: Yeah. Yeah.

4 COMMISSIONER BERGMAN: Okay. So for the  
5 7th, myself, Commissioner Armbruster. And then in  
6 the morning, here, again, Commissioner Toulouse will  
7 be there for South Valley Prep; but in the afternoon  
8 session for La Promesa, Commissioner Toulouse has  
9 again recused herself there.

10 So as of the schedule right now, it will  
11 be myself and Commissioner Armbruster will be there.

12 So be prepared to go to work. It will be  
13 two of us there.

14 COMMISSIONER ARMBRUSTER: I have down  
15 8:30; is that correct?

16 COMMISSIONER BERGMAN: 8:30 for  
17 South Valley, and -- since Carmie cannot attend the  
18 afternoon one on the 7th, is there anyone that wants  
19 to join in there on the 7th, which is an afternoon?  
20 If not, Commissioner Armbruster and I will take care  
21 of it.

22 Okay. We'll two-team them. We'll  
23 double-team them.

24 So that's all I have to report on that.  
25 I've already said that so far, I've been satisfied

1 with the six negotiations we've done. For the most  
2 part, the schools were cooperative and willing to  
3 do -- one, we spent a lot of time on, and we  
4 apparently have to spend a little more time on the  
5 last one. But we'll get that done.

6 So that's where we stand.

7 Oh, I am asking that we have a work  
8 session on the day before our April meeting. And I  
9 don't have a calendar in front of me. I don't even  
10 know what date that will be.

11 THE CHAIR: The 17th is our --

12 COMMISSIONER GIPSON: The 17th; Friday,  
13 the 17th.

14 COMMISSIONER BERGMAN: But I mean on the  
15 16th, I would like to have a work session. In the  
16 last couple of meetings, we've thrown things at  
17 Julie. I don't know how extensive it will be. We  
18 might want to start in the morning and just go --  
19 schedule for all day and quit when we run out of  
20 stuff to do, if that's amenable.

21 One specific request we have, a Mr. Rick  
22 Rios -- I don't know -- I think some of you may know  
23 Rick -- he used to be with the Charter Coalition,  
24 and then he has done a couple of things. He's  
25 currently with, I believe, a charter school advocacy



1 group. He was after me for several months to sit  
2 down and have a meeting with him.

3 And so I finally sat down with him on the  
4 day before our Las Cruces negotiations. He was  
5 there. And what he has -- he has some ideas about  
6 governance councils and how they can be improved.  
7 And so we discussed it, some of what he has in mind.  
8 I told him -- I said, "Well, statutorily, we can't  
9 do that."

10 But some of what he has in mind, we might  
11 be able to do -- talk to governance councils. And  
12 so I want CSD to be there. He has a packet of  
13 information. It's actually pretty good information.  
14 So I would like to invite him. He will take an hour  
15 or less. He said he'd answer questions. I found  
16 what he presented to me fairly interesting. If  
17 nothing else, it helps us as we do all these various  
18 deliberations with the charter schools.

19 So I would certainly propose that this  
20 Mr. Rick Rios be on our work session. We always  
21 have outside people there, anyway. That's not  
22 unusual for us.

23 Then you all just tell me what else -- I  
24 would like for us to have a work session on the  
25 16th, then.

1 THE CHAIR: We're having a work session on  
2 the 16th. That's pretty well-defined, and a  
3 day-long session. But, Julie, I hope you're keeping  
4 a list; and Beverly, if you would, as well, and put  
5 that request on there?

6 I know Josh has a list, and I think I've  
7 got a list somewhere; so...

8 COMMISSIONER ARMBRUSTER: I'm sorry.  
9 What -- did we decide a time on that one on the  
10 16th?

11 THE CHAIR: Generally, we start at 9:00,  
12 don't we?

13 COMMISSIONER BERGMAN: I would suggest, if  
14 possible, when we get to the agenda setting part of  
15 it, for his convenience, since he doesn't work  
16 part-time, that we maybe put Mr. Rios first on the  
17 agenda, and he can leave whenever he wants to leave.  
18 That would just be my suggestion.

19 THE CHAIR: Commissioner Chavez?

20 COMMISSIONER CHAVEZ: I just wanted to let  
21 folks know that I will probably have to miss both of  
22 those days. There is a conflict with my work  
23 schedule. And I'll probably have to be out of town  
24 then.

25 THE CHAIR: Thank you for letting us know.

1 COMMISSIONER ARMBRUSTER: Carolyn?  
2 Where -- on April the 16th and 17th, where is that?

3 THE CHAIR: We'll be back in Santa Fe.

4 COMMISSIONER BERGMAN: Our meeting is in  
5 Santa Fe, isn't it? Well, then, it would be -- we  
6 would ask Beverly to reserve us the room the day  
7 before.

8 MS. FRIEDMAN: You have the room reserved,  
9 both rooms.

10 THE CHAIR: If that's everything, let's  
11 move on to Item 13 on the agenda.

12 Commissioner Peralta, report on PSCOC  
13 Meeting and the Lease Assistance Application.

14 COMMISSIONER PERALTA: Yes, we had a  
15 conference call meeting last week, myself and Julie  
16 from CSD and a few people from the PSFA. We were  
17 reviewing three documents on the charter school  
18 lease applications process. And there were three  
19 documents. I asked Josh, prior to that, to forward  
20 those documents to you. Hopefully you all got a  
21 chance to get those documents in your e-mails.

22 A lot of the conversation and a lot of the  
23 talk was about the three documents. There was the  
24 lease application. There was the conflict of  
25 interest questionnaire. And then there was a

1 letter -- a submittal letter to the charter schools  
2 that they had to submit for their application  
3 process.

4 A lot of the stuff was pretty much just  
5 wordsmithing and kind of moving pieces of the  
6 documents into single pages itself, so that it's  
7 more independent and more clear to the people that  
8 are applying for the charter school leases.

9 And so we're asking Commissioners to give  
10 us any feedback. If you've looked at the documents,  
11 if there's anything you feel that you might want to  
12 address or bring up, if you could shoot me an e-mail  
13 prior to the 27th of March; because on the 31st, I  
14 believe they want to have this document presented to  
15 the AMS Subcommittee, which Mr. Bergman is going to  
16 sit in my place for that particular meeting there on  
17 the 31st. That would be one of the things that will  
18 be brought up in that committee.

19 COMMISSIONER BERGMAN: Is there going to  
20 be a vote on that?

21 COMMISSIONER PERALTA: Just a  
22 presentation.

23 COMMISSIONER BERGMAN: You'll need to tell  
24 me how you probably would have voted.

25 COMMISSIONER PERALTA: I think this

1 document is something -- Julie, jump in, if you'd  
2 like. You're probably weren't familiar with the  
3 application itself. It's been in the process here  
4 for the last few years. Just some things that the  
5 charter schools have mentioned that they wanted --  
6 they weren't sure about some things in the  
7 applications.

8 MS. LUCERO: Madam Chair, members of the  
9 Commission, the major changes which I thought were  
10 positive, if charter schools have three facilities  
11 they will have to turn in three separate lease  
12 applications, which is new. And Martica thought  
13 that that was better accountability for our charter  
14 schools. So that was one change.

15 The other was making it mandatory to  
16 submit by a deadline. If they did not submit it by  
17 that deadline, then they didn't receive lease  
18 reimbursement, which is really a big -- a big deal,  
19 which I also think is important. I'm not sure if  
20 that's going to work when schools don't comply,  
21 because that'll impact many of our charters,  
22 possibly not having a facility.

23 Those are the two major changes.

24 The only concern I had with it was the  
25 date. I think it's due at the end of May. I'm not

1 sure that's enough time for schools to submit on  
2 time, especially with this new requirement of if you  
3 don't meet the deadline, you don't get lease  
4 reimbursement. So that would be the only thing that  
5 I would raise, maybe offering a little bit more time  
6 looking into June; although I don't know how that  
7 impacts PSFA as far as money being, you know, sent  
8 out by August.

9 COMMISSIONER PERALTA: So it's a good  
10 document, in my opinion. I think it's --

11 THE CHAIR: So if you have comments or --  
12 comments to make --

13 COMMISSIONER PERALTA: Yeah.

14 THE CHAIR: -- or suggestions, get those  
15 to Commissioner Peralta before the 27th.

16 COMMISSIONER PERALTA: And then we have  
17 one surprise meeting that was just -- wasn't on the  
18 calendar that just got put in on the 25th. I'll be  
19 attending the PSCOC -- it's a work meeting. The  
20 purpose of that is to look at available funding for  
21 awarded projects and February revenue estimates. So  
22 it's just basically some financial documents we're  
23 looking at to see what we can --

24 THE CHAIR: Keeping you busy.

25 COMMISSIONER PERALTA: Well, it's only the

1 second meeting; so I'm still getting my feet wet.

2 So...

3 THE CHAIR: Good deal. All right. We're  
4 ready? Let's move on then, please. I think we  
5 probably have liaison and committee reports. But is  
6 there anyone with a committee or a liaison job that  
7 would like to report?

8 Seeing none, Old Business? I have  
9 certainly nothing on the minutes. Anything else?

10 All right. PEC Comments.

11 Item A -- and I understand that that has  
12 been recommended to be deleted from the discussion?  
13 Did you talk to Josh?

14 COMMISSIONER CARR: Oh, I talked to Josh  
15 about it; but --

16 THE CHAIR: Your recommendation to me  
17 was --

18 COMMISSIONER CARR: Had a minimum  
19 discussion on it. But basically, what I would like  
20 to do now is to please table these two items and  
21 have them maybe placed higher up on the agenda for  
22 the next meeting.

23 THE CHAIR: For April?

24 COMMISSIONER CARR: For April. I don't  
25 think they're pressing, and I know everybody wants

1 to get home. And I'd like all the Commissioners to  
2 be present, or as many as possible. Maybe, you  
3 know, I might even -- maybe we'll delay them  
4 until -- until May, if you're going to be at the May  
5 meeting; because I don't care it's pressing enough.

6 So we could -- if -- I think most of the  
7 Commissioners will be here -- I especially want the  
8 new Commissioners to be here; but for -- let's table  
9 it until May, if that's okay with the Chair.

10 THE CHAIR: I'm still asking you about  
11 Item A, because Josh told me he was recommending  
12 that we not discuss that.

13 COMMISSIONER CARR: Well, my discussion  
14 with him is -- based on what I wanted to bring up,  
15 was quite --

16 THE CHAIR: Let's get clarity from him.  
17 And are you -- are you --

18 COMMISSIONER CARR: Well, we did -- I got  
19 clarity from him. If you want to get clarity from  
20 him, also, that's fine.

21 THE CHAIR: I will.

22 COMMISSIONER CARR: But, yeah, there's  
23 still a couple of items there that I want to  
24 discuss. I'll just quickly -- basically -- I might  
25 as well just say it then.



1 THE CHAIR: Let's don't, till he's here.  
2 Because he's so concerned about Item A, let's make  
3 sure --

4 COMMISSIONER CARR: But we had a  
5 discussion about it.

6 THE CHAIR: I really would prefer to let's  
7 do this when he's here --

8 COMMISSIONER CARR: Okay.

9 THE CHAIR: -- if you don't mind.

10 COMMISSIONER CARR: We don't have -- so --  
11 and I believe if I decide to table these two items,  
12 it's not just up to me. I think we need --

13 THE CHAIR: I'm sorry. I didn't hear you.

14 COMMISSIONER CARR: If we decide to table  
15 these two items, it's not just up to me; it's up to  
16 the entire Commission, because I'm taking things off  
17 the agenda. So we need to vote to make sure that's  
18 okay with everybody else, too.

19 THE CHAIR: So are you making that motion?

20 COMMISSIONER CARR: I make that motion  
21 that we table Items A and B until May.

22 THE CHAIR: Okay. Do we have a second?

23 COMMISSIONER GIPSON: Second.

24 THE CHAIR: Commissioner Gipson? Motion  
25 by Commissioner Carr, seconded by Commissioner

1 Gipson, to table Item 16A and B until the  
2 May meeting.

3 Any discussion?

4 COMMISSIONER CARR: Discussion -- and  
5 please make sure that it's closer to the top of the  
6 agenda, so we can actually get to it and people  
7 aren't leaving.

8 THE CHAIR: Could you make that note,  
9 Beverly, please?

10 Okay. Commissioner Peralta, may we have a  
11 roll-call vote?

12 COMMISSIONER PERALTA: I'll be on guard  
13 here.

14 THE CHAIR: Did you pack up too soon?

15 COMMISSIONER PERALTA: Make sure we have  
16 everybody.

17 Commissioner Toulouse?

18 COMMISSIONER TOULOUSE: Yes.

19 COMMISSIONER PERALTA: Commissioner  
20 Armbruster?

21 COMMISSIONER ARMBRUSTER: Yes.

22 COMMISSIONER PERALTA: Commissioner

23 Peralta votes "Yes."

24 Commissioner Gipson?

25 COMMISSIONER GIPSON: Yes.

1 COMMISSIONER PERALTA: Commissioner  
2 Bergman?  
3 COMMISSIONER BERGMAN: Yes.  
4 COMMISSIONER PERALTA: Commissioner  
5 Shearman?  
6 THE CHAIR: Yes.  
7 COMMISSIONER PERALTA: Commissioner  
8 Chavez?  
9 COMMISSIONER CHAVEZ: Yes.  
10 COMMISSIONER PERALTA: Commissioner Carr?  
11 COMMISSIONER CARR: Yes.  
12 COMMISSIONER PERALTA: Madam Chair, that's  
13 8-to-0 in favor.  
14 THE CHAIR: Thank you. The motion passes  
15 unanimously. We'll table those items till May and  
16 put them earlier on the agenda.  
17 Item 17. Beverly did we have anyone sign  
18 up for Open Forum?  
19 Oh, thank you. Tom --  
20 COMMISSIONER CARR: I still wanted to --  
21 THE CHAIR: Oh, I'm sorry. I'm just  
22 speeding through this, aren't I?  
23 COMMISSIONER CARR: I want to get home,  
24 too. But I'm going to make this short, because I  
25 just feel like it's a short story.

1           After weeks of prepping for the test and  
2 taking the test, I was pretty worn out, exhausted,  
3 and kind of depressed when I came into town last  
4 night. And I went to dinner. And I ran into one of  
5 my students that I had two years ago. And she --  
6 she goes, "Mr. Carr," you know. And she yells, and  
7 she comes running to me and gives me a big hug.

8           And she's talking to the person next to  
9 her, "He was my great AP teacher."

10           "Oh, I had a great AP teacher, too"; back  
11 and forth.

12           It's always those moments for me, as a  
13 teacher, when I realize that's why we're doing what  
14 we're doing. And all of a sudden, all my energy  
15 came back. And I just wanted to shared that story  
16 with you guys. And if -- it's the -- it's the best  
17 merit pay -- as a matter of fact, it's the only  
18 merit pay that I like and will accept as a teacher.

19           Thank you.

20           THE CHAIR: Thank you.

21           Commissioner Chavez, any comments to make?

22           COMMISSIONER CHAVEZ: I don't.

23           THE CHAIR: All right. Thank you.

24           Commissioner Gipson?

25           COMMISSIONER GIPSON: No.

1 THE CHAIR: Commissioner Bergman?

2 COMMISSIONER BERGMAN: I've made plenty.

3 Thank you.

4 THE CHAIR: Let me just say I was  
5 approached by Patti Matthews during one of the  
6 breaks and was asked about communications from  
7 parents and schools directly to PEC Commissioners.  
8 Was that allowed or was that not allowed?

9 And I said, "I don't know, don't know that  
10 we have taken a stand on that."

11 But I would ask that Beverly put it on our  
12 list of items to talk about at the work session in  
13 April, and so that everyone can have input on that.

14 MS. FRIEDMAN: Madam Chair, would you say  
15 that again? What topic?

16 THE CHAIR: Comments from parents and  
17 students -- or parents and schools directly to PEC  
18 Commissioners?

19 Commissioner Peralta?

20 COMMISSIONER BERGMAN: Yes. I would just  
21 note -- yeah, now, I do have a comment. I didn't  
22 know you were going to say that; but now I'll take  
23 my time on the PEC Comments.

24 As elected officials, anybody can approach  
25 me and talk to me anytime they want. That's my

1 attitude towards it, anyway.

2 COMMISSIONER GIPSON: Your name, address,  
3 and phone number is everywhere.

4 COMMISSIONER BERGMAN: So I would be like  
5 Commissioner Toulouse. You can't tell me I can't  
6 talk to people or they can't approach me.

7 THE CHAIR: I think there -- I think there  
8 may be some caveats to that.

9 COMMISSIONER BERGMAN: Which we can  
10 discuss, fine.

11 COMMISSIONER CHAVEZ: Madam Chair?

12 THE CHAIR: Commissioner?

13 COMMISSIONER CHAVEZ: I don't think that  
14 there are any caveats, at all. I would -- I mean,  
15 how do you stop constituents from approaching you  
16 and expressing their concerns about, you know,  
17 issues with regard to charter schools? So I -- I  
18 think that we don't --

19 THE CHAIR: I think we just need to talk  
20 it through and be sure we're all on the same page.

21 Commissioner Peralta?

22 COMMISSIONER PERALTA: I'm good.

23 COMMISSIONER TOULOUSE: Madam Chair, I  
24 just have a brief comment. And I started thinking  
25 about this several weeks ago. I think, based on

1 what we don't know and never did get on our request  
2 for public records on the exact -- where the  
3 2 percent went, I would like to put on the agenda  
4 that we discuss and possibly vote to request an  
5 audit from the State Auditor of the 2 percent funds.

6 THE CHAIR: Are you talking about on a  
7 meeting agenda? Not a work session?

8 COMMISSIONER TOULOUSE: On a meeting  
9 agenda; because we would need to do that as an  
10 official request. So I would like to see that on a  
11 future agenda, because I still, coming up on -- as  
12 the next budgets are being prepared, and through  
13 absolutely no fault of the person who has to answer  
14 the public records requests, we never really got an  
15 answer on the 2 percent funds.

16 And I think it's been going on long enough  
17 that I really think we should request. If the  
18 Auditor doesn't want to do it, fine; but due  
19 diligence from us should be that we request, since  
20 we can't get the information, an audit of where our  
21 funds are going.

22 THE CHAIR: But now, remember, they are  
23 not our funds.

24 COMMISSIONER TOULOUSE: They are our  
25 funds, in the sense of what the law says they come

1 back to fund --

2 THE CHAIR: They go to the Department.

3 COMMISSIONER TOULOUSE: Well, but they are  
4 to fund -- I've read the law. I know what they're  
5 saying, and we're in a discussion period now. But  
6 that money is supposed to be made available through  
7 what our activities are to do the work of the  
8 charter schools. And we are not getting that.

9 And because we can't even find out exactly  
10 how much they are and exactly where all of those are  
11 being put, and we already are in a mess with the  
12 charter school -- set of charter schools who wanted  
13 a forensic audit -- we've discussed it -- our due  
14 diligence is we at least request an authority that  
15 can audit the 2 percent funds and see what is being  
16 done with them at PED.

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER TOULOUSE: Because every  
19 school district that gets them, they can use them  
20 how they want. But I don't think that applies quite  
21 to PED as the recipient, because we're the  
22 authorized body; and the school districts, they are  
23 the authorizing body. So in my interpretation of  
24 what I look at, it is our responsibility to at least  
25 know where their funds are going, even if we're,



1 right now, not allowed to have any say on that.

2 Thank you.

3 And it's just -- if it can go on the  
4 agenda, then we can have a discussion about that.

5 THE CHAIR: Beverly, have you got that?

6 COMMISSIONER TOULOUSE: And a request, if  
7 necessary.

8 THE CHAIR: Commissioner Armbruster?

9 COMMISSIONER ARMBRUSTER: I'm fine.

10 THE CHAIR: Okay. Anybody else?

11 All right. Now, we have finished PEC  
12 Comments.

13 Now we're ready for Open Forum. And Tom  
14 Kuehn?

15 MR. KUEHN: "Keen" [ph].

16 THE CHAIR: Thank you. Please come  
17 forward.

18 COMMISSIONER TOULOUSE: You've been very  
19 patient.

20 MR. KUEHN: As you all have. You're here  
21 frequently; I'm here today.

22 THE CHAIR: Would you spell your name for  
23 our recorder?

24 MR. KUEHN: It's K-U-E-H-N.

25 THE CHAIR: I will remind you, you have

1 three minutes.

2 MR. KUEHN: Thank you, Chairwoman, members  
3 of the Commission. My name is Tom Kuehn, and my  
4 three -- I have a third-grade son as a student at  
5 the International School at Mesa Del Sol. I want to  
6 thank you for providing me with this occasion to  
7 publicly speak with the Commission.

8 As brief as it is, it will be much greater  
9 than the opportunity afforded to us by the Charter  
10 School Division.

11 In January, members of our parent  
12 community crafted a letter to each of the  
13 Commissioners. These letters strongly encouraged  
14 each district's Commissioner to approve our  
15 amendment for expansion to include the ninth grade.  
16 And thank you for that vote today.

17 We then asked the school's population to  
18 sign these letters to be presented to the February  
19 PEC meeting, and, as it turns out, at today's  
20 meeting. Nearly a third of our parents signed these  
21 letters. And that's a big step up in participation  
22 for our community.

23 I am deeply disappointed to say that the  
24 CSD shockingly discouraged our Head of School from  
25 submitting these letters directly to all of you. I

1 am personally dumbfounded that a State employee  
2 would discourage a block of concerned parents from  
3 communicating directly with their elected officials.

4 Further, I'm saddened such an effort came  
5 from the organization whose purpose is to support  
6 schools such as ours and wields enough authority to  
7 cause our Head of School to accede to this  
8 recommendation.

9 My son transferred to TIS from Hope  
10 Christian School, a K-12 private school here in  
11 Albuquerque, at the start of last year, which was a  
12 very difficult year for the International School.  
13 But he thrived. The reason behind the transfer and  
14 this success is that IB curriculum.

15 This year, there is a calm and decorum at  
16 the school that is unnoticed by testing or report  
17 card grading. It hasn't been noticed by the CSD, as  
18 no one from the Division has visited there for  
19 nearly two years, with the exception of  
20 Mr. Christopherson, who spent three hours with  
21 parents, set aside all the other problems that he  
22 had to deal with. He called a meeting with the  
23 parents and spent three hours with them. He's very  
24 patient, as well.

25 Special needs student requirements are

1 being addressed aggressively and successfully.  
2 Teacher turnover is quite low, and there has been a  
3 slight increase in the student body, all of which  
4 has contributed to an atmosphere of much greater  
5 stability of the school at large.

6 Our community is not a wealthy one. About  
7 half the students receive Free and Reduced Lunch.  
8 The school does not have many amenities, like Hope  
9 Christian and other schools. What it provides is  
10 the discipline of inquiry and exploration through  
11 that International Baccalaureate curriculum.

12 From what I've heard here today, I have a  
13 couple of other points. And one of them has to do  
14 with school grades. I don't care about them one way  
15 or another, honestly; but they are a quick reference  
16 to how the school is performing in relation to other  
17 schools.

18 The problem I have is that when that grade  
19 is based too heavily on PARCC or other standardized  
20 testing, it minimizes the school community input and  
21 innovation.

22 MS. FRIEDMAN: Thirty seconds.

23 MR. KUEHN: The school has to teach to the  
24 test, and that gives some test provider control over  
25 our local curricula, and that's a problem. There

1 also appears to be a kind of a "have" or "have not"  
2 undercurrent in the Charter School Division.  
3 Schools of Concern, such as TIS, are held to a  
4 higher standard than other schools. We meet almost  
5 a resistance in routine dealing with the Charter  
6 School Division.

7 MS. FRIEDMAN: Your time is up.

8 MR. KUEHN: Thank you.

9 THE CHAIR: Thank you very much.  
10 Appreciate your waiting so long and being so  
11 patient.

12 COMMISSIONER CHAVEZ: Madam Chair?

13 THE CHAIR: We don't have discussion with  
14 public forum.

15 COMMISSIONER CHAVEZ: I would like to  
16 raise maybe a point of order. I'd like to hear him  
17 finish. I mean, he's the only one that's here. I'm  
18 sure it's not going to go on much longer.

19 THE CHAIR: Boy, I wish Josh was still  
20 here. I'm real reluctant to set precedent that we  
21 don't -- how much longer is your --

22 MR. KUEHN: A couple of sentences; one  
23 sentence -- two sentences.

24 THE CHAIR: Please finish.

25 MR. KUEHN: I would agree that there is a

1 kind of a natural distaste for struggling entities  
2 throughout our society. And sadly, I don't have any  
3 magic potion to correct it; only to ask that the  
4 Charter School Division be aware of the impression  
5 that this leaves with its constituents.

6 And I do thank you, and thank you for your  
7 vote.

8 THE CHAIR: Thank you for your time.

9 COMMISSIONER TOULOUSE: Move adjournment.

10 COMMISSIONER CARR: Second.

11 COMMISSIONER GIPSON: Third.

12 THE CHAIR: We are adjourned.

13 (Proceedings adjourned at 3:53 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 Albuquerque, in the  
14 matter therein stated.

15           In testimony whereof, I have hereunto set my  
16 hand on March 27, 2015.

17  
18  
19                                   *Cynthia Chapman*

20                   Cynthia C. Chapman, RMR-CRR, NM CCR #219  
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