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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
PUBLIC MEETING  
March 28, 2014  
9:00 a.m.  
Hotel Albuquerque at Old Town  
800 Rio Grande Boulevard, Northwest  
Albuquerque, New Mexico

REPORTED BY: Susan M. Hilton, CCR, CRR, RMR  
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A P P E A R A N C E S

COMMISSIONERS:

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

STAFF:

- MS. JULIA BARNES, Contract Attorney to the CSD
- MS. BEVERLY FRIEDMAN, PIO & PED Liaison
- MS. ABBY LEWIS, Counsel to the PEC

1 CHAIR SHEARMAN: Ladies and Gentlemen, I  
2 call to order this regularly scheduled meeting of the  
3 New Mexico Public Education Commission. Secretary  
4 Bergman, I would ask that you do a roll call, please.

5 COMMISSIONER BERGMAN: Thank you, Madam  
6 Chair. Commissioner Carr.

7 COMMISSIONER CARR: Here.

8 COMMISSIONER BERGMAN: Commissioner  
9 Peralta.

10 COMMISSIONER PERALTA: Here.

11 COMMISSIONER BERGMAN: Commissioner  
12 Toulouse.

13 COMMISSIONER TOULOUSE: Present.

14 COMMISSIONER BERGMAN: Commissioner  
15 Conyers.

16 COMMISSIONER CONYERS: Here.

17 COMMISSIONER BERGMAN: Commissioner Pogna.

18 COMMISSIONER POGNA: Here.

19 COMMISSIONER BERGMAN: Commissioner Gant.

20 COMMISSIONER GANT: Here.

21 COMMISSIONER BERGMAN: Commissioner  
22 Shearman.

23 CHAIR SHEARMAN: Here.

24 COMMISSIONER BERGMAN: Commissioner Bergman  
25 is here. Commissioner Parker.

1 COMMISSIONER PARKER: Just barely.

2 COMMISSIONER BERGMAN: Madam Chair, you  
3 have nine members present. You have a quorum.

4 CHAIR SHEARMAN: Thank you, Mr. Secretary.  
5 I declare that this meeting is official. We do have  
6 a quorum.

7 Let us move on to the Pledge of Allegiance  
8 and Salute to the Flag. And Commissioner Peralta the  
9 American flag is here. The New Mexico flag is here.

10 (Pledge of Allegiance and Salute to the New  
11 Mexico flag.)

12 CHAIR SHEARMAN: Thank you. May I also ask  
13 everyone with an electronic device that you turn them  
14 off or turn them down, whatever it takes so they  
15 don't make noise.

16 Next item on the agenda is statement of  
17 Aspiration from Commissioner Carr.

18 COMMISSIONER CARR: Thank you, Madam Chair,  
19 Members of the Commission, the audience. I thought  
20 that I would talk just a second about or a few  
21 seconds -- and they all know I'm lying when I say  
22 just a few seconds -- about Thomas Jefferson.

23 And something I teach every year to my  
24 students and some of the important things that he  
25 said about education. He had numerous quotes on

1 education, great thoughts of it. He believed it was  
2 imperative that a republic must have an educated  
3 populace in order for the republic to continue to  
4 survive. And those people that make up that populace  
5 should not only be educated, but be willing to serve,  
6 giving up their time when necessary, their lives if  
7 necessary to continue to support this republic.  
8 Something that's not tested in any of our testing,  
9 and many schools still strive to teach it. And we  
10 still -- we have a state law that says we're supposed  
11 to do the Pledge of Allegiance every morning.

12 Everybody doesn't have to participate, but we are to  
13 offer it.

14           And in so doing, that pledge which came  
15 about the end of the Nineteenth Century was designed  
16 to instill not just a mindless citizen doing whatever  
17 the government wants, but a pledge to all of the  
18 people. Because in this country, our Constitution  
19 starts out with, We the people. And when we pledge  
20 allegiance, we're not pledging allegiance to a king  
21 or a monarch. We are pledging allegiance to each  
22 other, and we're working for each other. I don't  
23 fight for a king. I fight for everyone.

24           And I think that's important to instill.  
25 And we must continue to strive to teach that to our

1 students. We don't want them to be again mindless  
2 robots, but active, engaged, educated, people who  
3 read and find out what's going on and don't come out  
4 from the sidelines and just complain, but vote and be  
5 active and speak out, and that's what a lot of you  
6 are going to do today. And that's extremely  
7 important. So believe it or not, I'll end it there.  
8 Thank you.

9 CHAIR SHEARMAN: Thank you, Commissioner.  
10 Very well done.

11 Next item on the agenda is Approval of the  
12 Agenda. Are there any changes, corrections? I have  
13 one that has been recommended by our attorney, so  
14 I'll ask that she present that.

15 MS. LEWIS: There's an element of 8  
16 embedded in 9D. So Sue Fox and I were suggesting  
17 that you pull 9D up into 8 to make it more efficient.

18 CHAIR SHEARMAN: So move 9D up and make it  
19 a part of 8. Any comment? Any other changes,  
20 corrections, thoughts on the agenda? Hearing none,  
21 the Chair would entertain a motion on approval of the  
22 agenda as changed.

23 COMMISSIONER BERGMAN: Madam Chair, I would  
24 move the agenda be approved with the changes noted  
25 moving 9D into the Paragraph 8 block.

1 CHAIR SHEARMAN: Thank you.

2 COMMISSIONER PERALTA: Second.

3 CHAIR SHEARMAN: Who was the second?

4 Commissioner Peralta. Motion by Commissioner  
5 Bergman, second by Commissioner Peralta to approve  
6 the agenda with 9D, as in David, moved up to become  
7 part of Item No. 8. Any discussion? All those in  
8 favor, please say "Aye."

9 (Commissioners so indicate.)

10 CHAIR SHEARMAN: Any opposed, please say  
11 "No." The motion carries unanimously. The agenda is  
12 approved.

13 Before I move any further, I would like to  
14 introduce our new reporter. Susan is here. We  
15 appreciate her being here and keeping up with us. We  
16 get a little wild on occasion.

17 Next item on the agenda is Item 3, Approval  
18 of the Minutes. Let's take the work session from  
19 February 27, 2014, first. Pardon me. Commissioner  
20 Parker.

21 COMMISSIONER PARKER: Madam Chair,  
22 Commissioners. It lists me as Albuquerque. I'm from  
23 Corrales. I don't know if it matters very much.

24 CHAIR SHEARMAN: I'm sorry. I missed that.

25 COMMISSIONER PARKER: It has me listed from

1 Albuquerque.

2 CHAIR SHEARMAN: Oh. Is that from the work  
3 session?

4 COMMISSIONER PARKER: Yes.

5 CHAIR SHEARMAN: Okay. Any other  
6 corrections to the work session? Hearing none, the  
7 Chair would entertain a motion.

8 COMMISSIONER CARR: So moved.

9 CHAIR SHEARMAN: Commissioner Carr made the  
10 motion to approve the minutes as corrected. Any  
11 second?

12 COMMISSIONER GANT: I'll second it.

13 CHAIR SHEARMAN: Commissioner Gant seconds  
14 the minutes of the February 27 working session are  
15 approved with the change that Commissioner Parker is  
16 from Corrales.

17 COMMISSIONER PARKER: Thank you.

18 CHAIR SHEARMAN: We want to be correct.

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

20 (Commissioners so indicate.)

21 CHAIR SHEARMAN: Any opposed, please say  
22 "No." The February 27 minutes are approved as  
23 corrected.

24 February 28 minutes, 2014, of the regular  
25 PEC meeting. Are there any corrections to those



1 minutes? Seeing none -- and I would like to convey  
2 this particular comment to Cindy. I didn't find any  
3 either. And I look for it.

4 COMMISSIONER CARR: That's a first.

5 CHAIR SHEARMAN: I think so.

6 COMMISSIONER GANT: So she doesn't change  
7 her mind quickly, I make a motion that we accept the  
8 minutes of the 28th.

9 COMMISSIONER CARR: Second.

10 CHAIR SHEARMAN: Moved by Commissioner  
11 Gant, second by Commissioner Carr of the February 28,  
12 2014, minutes be approved as presented. Any  
13 discussion? All those in favor, please say "Aye."

14 (Commissioners so indicate.)

15 CHAIR SHEARMAN: Any opposed, please say  
16 "No." The minutes are approved unanimously. Thank  
17 you very much.

18 The next item on the agenda is one that's  
19 going to be fun. It's a presentation of the Robotics  
20 Team and Parents from the Albuquerque School of  
21 Excellence. And who is going to begin the  
22 presentation?

23 NAKII TSOSIE: The team.

24 CHAIR SHEARMAN: The team will. If we have  
25 a speaker, please use the microphone. I think it

1 would be very helpful if you would make sure that the  
2 reporter hears your name and the spelling of your  
3 name. And we would like for each team member to  
4 identify themselves so that we can know who you are  
5 and make it official.

6 NAKII TSOSIE: Do you want me to say the  
7 names?

8 CHAIR SHEARMAN: Let's let each one  
9 introduce themselves.

10 NAKII TSOSIE: Well, I just want to say  
11 thank you for letting us be here to represent our  
12 school. This is our Robotics Team. I am Nakii  
13 Tsosie.

14 SKYLER HUGHES: I'm Skyler Hughes.

15 JACOB BUFFKIN: I'm Jacob Buffkin.

16 CRISTINA PINA: I'm Cristina Pina.

17 KIMBERLY SANCHEZ: I'm Kimberly Sanchez.

18 JONATHAN WOOD: Jonathan Wood.

19 NAKII TSOSIE: So I'm part of the  
20 presentation team for the Robotics Team. What we do  
21 is we write about a solution for the problem, and we  
22 present the solution and we try to win awards for it.  
23 We did it on avalanches, and we try to make a system  
24 to prevent or stop avalanches from happening. And we  
25 came up with a wall idea, and it's a curved wall so

1 that the snow can come off the wall and head down  
2 towards the mountain escaping the town or not hurting  
3 anybody or anything there.

4 SKYLER HUGHES: And I was part of the  
5 robotics part of the competition. And that part of  
6 the competition was we would have a large board, and  
7 that board would have obstacles or challenges related  
8 to that year's theme that they would have to  
9 complete. And we have to design robots to complete  
10 those challenges. And each challenge had a certain  
11 number of points, and there were many rules  
12 associated with each challenge that we had to follow  
13 to make sure our robot was within certain  
14 specifications so it could perform without cheating.

15 CRISTINA PINA: And every year that we  
16 participate in this challenge -- we have participated  
17 in it for three years -- we won an award every year.  
18 Two of them we won a team work award, and one we won  
19 a programming award.

20 SKYLER HUGHES: So now me and Jacob will  
21 demonstrate some of our robots.

22 JACOB BUFFKIN: This robot is Alpha Rex.  
23 He would walk. And it depends on how you program him  
24 on what to do. He moves his head and arms as he  
25 walks. And we'll stop, and you can press this little

1 button. The button will tell us what to do next.  
2 And he will say something and you can say something  
3 back to him. What you say, he will do.

4 (Demonstration of robot.)

5 SKYLER HUGHES: And next I'll present the  
6 color sorting robot. And another thing I might  
7 mention about these robots because the Alpha Rex is  
8 an older version of the robotic technologies, and the  
9 color sorter robot uses newer technology. And this  
10 robot, you scan it a color. And then based on what  
11 color you scan, it will place it in its appropriate  
12 cup.

13 (Demonstration of robot.)

14 CHAIR SHEARMAN: Please come around, if you  
15 can't see. That is very good.

16 SKYLER HUGHES: We saved our last robot,  
17 the best for last. So this robot in particular uses  
18 a new technology with newer robots called a gyroscope  
19 sensor. What it's going to do is it's going to  
20 actually balance itself using a gyroscope. And so it  
21 will keep balancing itself. And if we show it  
22 different colors with the arm, it will do different  
23 things. Green goes forward, yellow and blue turn it,  
24 and then red is stop. And it avoids walls as well.  
25 It has an ultrasonic sensor, and it will kind of

1 shake its arms and move out of the way. And then you  
2 can kind of push him, and he will balance. If you  
3 push him hard enough, he will show a little -- it's  
4 quite fun. And we do this -- these are just for show  
5 robots.

6           During the competition, it's very difficult  
7 to create robots because you have to decide from  
8 scratch from a bunch of cards. And then based upon  
9 how you assign it, it depends how you perform. It  
10 was really interesting at competition because you'll  
11 see how every different group did any different  
12 challenges differently. You go looking and see some  
13 of the teams do something more efficiently than you  
14 did. And you're like, Why didn't we do that?

15           CHAIR SHEARMAN: We think of that, too.

16           SKYLER HUGHES: You would just see things  
17 and it was very cool to see that. And there is three  
18 parts of the competition that we mentioned earlier.  
19 There's the team work competition part where we'll go  
20 in a room, and they will give us a bunch of brand new  
21 Legos. And they will say, Go build something, and  
22 then we will build something. It can be randomly.  
23 This year it was like, Build a replication of your  
24 problem that you solved. And so then they'll observe  
25 our team work and grade us on that. And then the

1 other one was our solution, which like I explained  
2 earlier the avalanches and the robot team.

3 CHAIR SHEARMAN: Do the commissioners have  
4 questions?

5 COMMISSIONER PARKER: Madam Chair and  
6 Commissioners and robotics experts, when you go to  
7 the competition and you're giving a box of random  
8 parts, they say, Here's your problem, solve it with  
9 this.

10 NAKII TSOSIE: They put us in a room and  
11 they give us a box of Legos and then tell us what we  
12 have got to build. And then we all work together as  
13 a team to build that certain thing. If they say  
14 glasses, we work together with Legos and come up with  
15 the design we should build. And we get like five  
16 minutes to do that, I think. And then I also wanted  
17 to mention we won an award three years in a row. I  
18 know Cristina said that, but I just wanted to make  
19 sure you heard it.

20 CHAIR SHEARMAN: Other comments or  
21 questions? That is just outstanding. I'm not a  
22 scientifically minded person, so I'm doubly impressed  
23 by what you've done. I think you are our future, and  
24 we certainly appreciate your efforts. Your families  
25 have probably been very supportive, and I know your

1 school has been. I think you're the sponsor of the  
2 robotics group.

3 MR. DADEBAYEV: Robotics coach.

4 CHAIR SHEARMAN: Would you mind stepping up  
5 to the microphone and identify yourself so we can  
6 have you officially on the record as well.

7 MR. DADEBAYEV: My name is Mr. Dadebayev,  
8 and I'm the robotics teacher at Albuquerque School of  
9 Excellence. We are just telling them what to do and  
10 then we encourage them, help them, but they all do --  
11 they work by themselves. But we are always trying to  
12 help them and to coach them and guide them. And I  
13 want to thank you for having us here today.

14 CHAIR SHEARMAN: We appreciate your  
15 efforts, and your team is most outstanding. We  
16 appreciate it. Thank you for coming. And I  
17 understand you have some information for us.

18 MS. TITUS: I do have a quick question.  
19 Can I get the kids to sit in front of you and take a  
20 quick picture?

21 CHAIR SHEARMAN: Sure.

22 MS. TITUS: My name is Liz Titus. I am a  
23 very happy parent of the Albuquerque School of  
24 Excellence. I have come to provide you-all hopefully  
25 a short overview of our student portal that we have

1 been using for the last four years and also a new  
2 application for iPhones and Androids that allows our  
3 parents -- I'm a former attorney so I talk really  
4 loud. It allows our parents to access either online  
5 or offline their student records. And what I have  
6 done is I've logged my children in. So go ahead and  
7 take that, and you can play with it so that you can  
8 all see what the app says. If you'll look around and  
9 kind of pass it down, that will be great.

10           So about four years ago, we decided that  
11 being a technology school we obviously wanted to  
12 encourage that as much as we could, and the school  
13 put in a parent portal -- there's no other way to  
14 describe it -- on our website. If you want to pull  
15 up the website on any of those also, I've got that  
16 there for you so you can see it. And obviously,  
17 that's a huge success because it allows parents to  
18 see grades, it allows parents to see homework. But  
19 it's also really helpful for the students because the  
20 parents and students have their own log-ins. So the  
21 students have all of their homework available online.  
22 They can go anytime they want to and look at it. If  
23 you forgot what your teacher told you to do today,  
24 you have no excuse for not turning it in the next  
25 day.



1           And the app that you're all looking at, and  
2 hopefully, it will make its way down to all of you,  
3 just started this year. The school, we just felt --  
4 or the school felt like it needed to offer all of the  
5 technological opportunities for parents to access the  
6 app. And obviously, you can tell the parent  
7 involvement is important and leads to this kind of  
8 success that the robotics team has had. So we can  
9 access grades. And you're welcome to look at my  
10 children's grades, if you want to. I'm very proud of  
11 them.

12           It also allows parents to access the  
13 disciplinary system, if they received any DPS points  
14 whether positive or negative in realtime. It allows  
15 us to access the account where, when I put money in  
16 for my children to buy lunch, I know if they bought  
17 lunch. And my absolute favorite part of it is that  
18 it sends what's called a push notification to me  
19 every time my children are given a grade for an  
20 assignment, every time my children eat lunch. I  
21 found out that my first grader didn't like her lunch  
22 and was giving it to all her friends and ordering  
23 lunch every day. I kept getting lunch notifications  
24 that she kept getting lunch every day that I sent  
25 lunch. And that may not seem like a big deal except

1 that it allows me as a parent to know exactly what is  
2 going on at the school and that I was able to nip  
3 that in the bud and take care of it.

4 But also more importantly, it allows me to  
5 see all of their grades. For the upper grades as  
6 they prepare for college, there is a guide on there  
7 with all of the requirements for the New Mexico  
8 graduation. It tells the student which ones have  
9 been done, it tells the parents what grade they  
10 received in those requirements, and it's all  
11 realtime.

12 And the other really good thing about the  
13 app is that it's available online and offline. So  
14 even if I'm not in a Wi-Fi connected location and I  
15 need to go look at something, I can go -- I can still  
16 go look at it, which is unusual in apps. So then it  
17 will just update whenever I get back to a Wi-Fi  
18 location. But I think it's the kind of technology  
19 that I don't believe is used in a lot of other New  
20 Mexico public schools. In fact, we may be the only  
21 New Mexico public school that has an app right now.  
22 I certainly think that this is something you-all will  
23 consider and help encourage other public schools to  
24 do because parent involvement to me is what really  
25 makes a school work. I mean, I understand teachers

1 do a lot of work and administrators are going crazy.  
2 But as long as I'm involved, then I know what kind of  
3 education my children are getting. And you have to  
4 make it easy for people if you want them to do it,  
5 and I think this app does that.

6 Also, we gave you a booklet on the school.  
7 It looks like this. And there's a section in there  
8 on the application if you want to learn anymore about  
9 it. Obviously, you're welcome to contact the school,  
10 and I'm sure they would be happy to talk to you about  
11 it. And there's also a section in there on our  
12 website and parent portal. So it gives us the daily  
13 schedule and all that kind of stuff. We know exactly  
14 what the kids are and what they're doing.

15 Anyway, so I hope that's giving you a  
16 little bit of an oversight of what our application  
17 and website has done. It's been great for the  
18 parents. They have certainly responded to it. They  
19 use it all the time. Does anyone have a question?

20 COMMISSIONER CARR: Madam Chair.

21 CHAIR SHEARMAN: Commissioner Carr.

22 COMMISSIONER CARR: Are those apps free?

23 MS. TITUS: No, sir. We hired a company to  
24 build it for us. So it cost about \$750, which seems  
25 a large investment when you're dealing with the

1 budgets that I know the schools are dealing with, but  
2 I'm sure that it has paid every penny back already to  
3 the school and to the parents, honestly.

4 MR. DADEBAYEV: You mean free to the parent  
5 or to the school?

6 MS. TITUS: It's free to the parent.

7 COMMISSIONER CARR: No. I meant free to  
8 other schools, because I'm on your bandwagon because  
9 we need to keep up with technology. Taos High School  
10 was like the top of the line 12 years ago. It  
11 doesn't take long. And it's a struggle to keep up,  
12 and it takes a lot of professional development and  
13 wouldn't it be great. That's a great program. We  
14 use similar types of things, but we really need to  
15 keep up to date. And it's not just -- it's  
16 efficiency for administrators, for teachers, but for  
17 students.

18 This is the world they're moving into.  
19 Robotics, all the technology, it's going to blow us  
20 away. Five or 10 years from now, we are going to see  
21 things that -- we think we have been amazed before.  
22 We will be amazed. And we need to make sure our  
23 students are up to date and make sure our schools are  
24 up to date. We're way behind.

25 MS. TITUS: Right. Well, like I said, it

1 was a \$750 investment. It was a fabulous investment  
2 for the school this year. It's something that we are  
3 going to use for years and years. So if you start  
4 spreading that cost out, if we use this app for the  
5 next five years, it's just not that expensive. And  
6 it's so beneficial.

7           And the other thing I should have  
8 mentioned -- and I'm sorry I didn't -- all of the  
9 classes and assignments are linked to the teacher who  
10 assigned it, graded it. So if I have a question --  
11 if my daughter got a 70 on a math test, and I have a  
12 question about it, all I have to do is click on that  
13 grade and it pops up. And I can send her teacher an  
14 e-mail saying I'm concerned regarding this  
15 assignment. Can we discuss it? It makes everybody  
16 so accessible especially since we're all into instant  
17 gratification.

18           COMMISSIONER BERGMAN: Is that a one-time  
19 charge or is that an ongoing monthly or annual  
20 charge?

21           MS. TITUS: No, no. That was a one-time  
22 charge for the company to develop our app. It's  
23 linked into our portal system that we already had  
24 online to our website. So all of the information  
25 that I can get through the app I can also get off the

1 website. It's just a little bit more tedious to go  
2 through the website whereas with the app, I open it  
3 up and it is right there.

4 COMMISSIONER BERGMAN: Is the name of the  
5 individual or the company, is that in your materials  
6 here?

7 MS. TITUS: I don't believe it is, and I  
8 don't have it, but I would be happy to get it for  
9 you.

10 COMMISSIONER BERGMAN: Well, I just asked  
11 because I have a friend who is a principal in middle  
12 school, and I would assume it would be all right to  
13 show it to her and school district because she might  
14 want to run it through her school district.

15 MS. TITUS: Oh, absolutely. If she wants  
16 to call our principal, I'm sure he would be happy to  
17 talk to her about it because we certainly don't  
18 want -- this is not ours. We want to encourage  
19 everyone to be able to do this. This is the world  
20 we're all moving into kicking and screaming.

21 COMMISSIONER CARR: Madam Chair, just one  
22 quick note. As I mentioned Thomas Jefferson earlier  
23 on, Thomas Jefferson and Ben Franklin would have been  
24 all over this. They would have been wanting the  
25 latest technology every second of the day. So it's a

1 good thing.

2 MS. TITUS: I hope you will go through  
3 this. It has a lot of information about the school,  
4 but it's specifically about the website and the app.  
5 We put our scientific achievements in there because  
6 we just got done with the Science Fair. So please do  
7 look through this and please contact us if you have  
8 any questions. I would be happy to leave my name and  
9 number with you, Madam Chairman, or with Beverly and  
10 anybody is welcome to contact me and ask me about it,  
11 or I can get you any other information. Is there any  
12 other questions?

13 CHAIR SHEARMAN: That looks like it. Thank  
14 you so much. We appreciate your presentation. We  
15 appreciate your students. Do you want those back?

16 MS. TITUS: We would like them back  
17 eventually.

18 CHAIR SHEARMAN: We appreciate your  
19 presentation again, students. Of course, you're all  
20 welcome to stay for the entire day for this meeting.  
21 However, I know you must be anxious to get back to  
22 school. So any time you're able to leave.

23 The next item on the agenda is the Report  
24 from the Secretary, and I do not think she's going to  
25 be able to make it today.

1                   Item No. 6, Report from the Deputy  
2 Secretary. Deputy Secretary Aguilar is going to try  
3 to make it today. And so whenever he walks in the  
4 door, we'll try to make time for him then. I know  
5 he's had a very busy week with the budget workshop.

6                   Let's go to Item No. 7 which is Carl  
7 Perkins Annual Revision to the State Plan, Year 8.  
8 Mr. Spencer, please.

9                   MR. SPENCER: Good morning, Madam Chair and  
10 Members of the Commission. It's a pleasure to be  
11 here with you today to provide you update to the Carl  
12 D. Perkins Annual submission of the revision to the  
13 state plan.

14                   Just as a backdrop, the state plan is a  
15 six-year plan established for the purposes of the  
16 Carl D. Perkins grant implementation, and on an  
17 annual basis the department is required to submit a  
18 revision to that plan to the United States Department  
19 of Education, Office for Vocation of Adult Education.  
20 The requirements of the submission of that plan  
21 include a revision to any component within the  
22 original state plan relative to the narrative,  
23 revisions to performance measures, and then also  
24 revision to the budget. So the performance measures  
25 and budgets are certainly areas that we adjust on an



1 annual basis as the federal government requires us to  
2 propose for Mr. Perkins' performance measures year  
3 after year in terms of the targets that the state  
4 would be able to achieve and hold schools accountable  
5 for.

6 So you had a series of e-mails over the  
7 last couple of weeks. And one happened to be a draft  
8 document that contained more information for your  
9 perusal to understand the position that we're in with  
10 regard to the submission of the state plan, and then  
11 most recently last week you received the documents  
12 that were uploaded in the federal system for that  
13 particular revision. So if they looked a little  
14 different and you were wondering why, the first set  
15 of documents just had more information for your  
16 perusal.

17 With regard to the state plan narrative,  
18 typically we don't make a revision to the narrative  
19 unless there's something that is significantly  
20 different in terms of the activities that we  
21 implement with regard to the current educational  
22 programs across our schools. And so the original  
23 plan that was submitted to the FED in my estimation  
24 is still a robust plan and provides the flexibility  
25 for the state to target. Certain areas include

1 technical education to demonstrate the opportunity  
2 for improvement, expansion or the creation of new  
3 programs and schools.

4           One of the items that I had to dig a little  
5 bit deeper in through the last year and a half has  
6 been the data collection reporting component of the  
7 federal grant. And it seems that as I go through the  
8 support documentation that remains in the bureau from  
9 the former bureau chief and any other subsequent  
10 correspondence that we were able to obtain from the  
11 United States Department of Education, we're using  
12 that information to really get an idea of why we are  
13 in a position with regard to performance measures we  
14 currently have.

15           One is the definition of a current  
16 technological education student concentrator 1 who  
17 completes two courses in a career technical education  
18 pathway. Yet we know that research shows that when  
19 you have a student that focuses on three career  
20 technical education courses in a single career  
21 cluster area, they tend to out perform their  
22 noncareer technical education counterpart by  
23 significant margin and English language, arts,  
24 mathematics in accordance with the standards based  
25 assessment.

1                   And while we know that the research  
2 indicates that and while we know that that seemed to  
3 have been the trend of the data of New Mexico for at  
4 least the last five years, what happened this last  
5 year where we saw an anomaly in my assessment where  
6 we saw the regression of students specific to English  
7 language, arts and mathematics. So knowing that  
8 those issues are occurring certainly drives us to dig  
9 a little bit deeper into the source documentation  
10 that we have.

11                   In looking through the documentation, I  
12 couldn't understand why we had two course sequence  
13 knowing that the federal government in 2008 issued  
14 guidance indicating the states secured with three  
15 course sequence for technical education to identify  
16 that concentrator. In looking through the state  
17 reports that had been submitted to the federal  
18 government in the past and also in looking at the  
19 revisions to the state plans that occurred on an  
20 annual basis, come to find out that it appears in May  
21 of 2012 my predecessor submitted in error a revision  
22 to -- it wasn't even a revision. It was really  
23 documenting based on the federal government's request  
24 what is the definition the state uses to identify a  
25 concentrator for technical ed. It seems to me like

1 it was an anomaly that she had submitted a two course  
2 sequence requirement.

3           Looking back at the original documentation  
4 of the state plan, that's the way the state plan was  
5 submitted to the federal government. There was some  
6 communication from the FED that said in the latter  
7 part of 2008, New Mexico please secure the definition  
8 of three-four sequence, and then it appears in 2012,  
9 do a cut and paste perhaps activity in the submission  
10 of the report. We thereby saw that the two-four  
11 sequence came about again.

12           Submitting the revision to the state plan  
13 last year at this time, it was an oversight on our  
14 side in that we didn't have all of the documentation  
15 analysis to determine whether that was correct or  
16 not. I just knew that when we submitted the state  
17 plan, I thought that it was quite interesting that we  
18 didn't align to the research and that was something  
19 we would have to move in subsequent years. Well, the  
20 subsequent year is here today.

21           And so knowing that that's the backdrop of  
22 what had happened with the definition, we made a  
23 recommendation to the FED with regard to the state  
24 plan narrative revision to revert back to the  
25 three-four sequence identifier for technical

1 education concentrator. Now, while we see the  
2 anomaly occurring within the way we define a  
3 concentrator for technical education, all of the data  
4 submissions that we have been able to analyze were  
5 all congruent to the three-four concentrator. So the  
6 data was submitted on an annual basis in alignment  
7 with the requirement that the FED set forth and what  
8 the research says. So there's not an issue with  
9 regard to invalidating the data. The data has been  
10 consistent over those years. So it's just trying to  
11 align the state plan definition back to the current  
12 legalities of the data that we have been submitting  
13 to the federal government. That's the only revision  
14 to the narrative component of the report.

15 To the second component to the revision  
16 that's necessary, the state has to propose  
17 performance targets. And when we looked at the  
18 consolidated annual report in the last presentation  
19 to you-all, we had identified that we weren't  
20 necessarily satisfied with the level of performance  
21 that we had reported to the FED. We look at career  
22 technical education, student concentrators, we look  
23 at their performance with regard to language arts,  
24 mathematics in accordance with the standards based  
25 assessment for whatever reason while we had a

1 positive growth over the last five years when we had  
2 a statistically significant decline, and couldn't  
3 really understand why.

4           So that prompted a conversation with the  
5 federal monitor at the U.S. Department of Education  
6 for New Mexico where I essentially opened the door  
7 and asked for some guidance because, as you all know,  
8 the state of New Mexico is moving to the PARCC  
9 assessment in the spring of 2015. And my  
10 understanding through working with the assessment  
11 accountability bureau, really the cut scores and  
12 things of that sort may not even be established until  
13 the latter part of 2015. So when the federal  
14 government is asking for us as a state to propose  
15 those targeted performance measures for the next  
16 year, and knowing that we have that unknown variable  
17 in terms of how is that congruent to the data set  
18 that we currently have, puts us in a little bit of a  
19 position to really not know what that performance  
20 target should be.

21           So what the FED advised is that we go ahead  
22 and take a look at the performance that was reported  
23 in the most recent year, past year and looking at the  
24 year before that, dividing by two and using that as  
25 the base target for performance negotiation moving

1 forward. So I know we had a conversation about that  
2 in the last commission meeting and you-all did have a  
3 concern about perhaps lowering a particular  
4 performance target, and you heard my commitment that  
5 we know that even if we hit the target, that still  
6 wasn't good enough. So while that's still the  
7 commitment and that's still the plan that's put in  
8 place for supporting career technical ed students  
9 across the state, it was through the federal guidance  
10 that we propose the targets that you see in your  
11 board packet today.

12 And so you'll see that we did see lower  
13 performance targets in academic attainment for  
14 reading, language arts, mathematics, but yet we're  
15 proposing an increase in performance with regard to  
16 technical skill attainment. This happens to be a GPA  
17 in students in career technical education programs  
18 where we saw the GPA go from a 2.0 to the 3.0 range.  
19 And so we would be able to demonstrate the continued  
20 improvement approach there.

21 We are also proposing the increase proposed  
22 target for student graduation rates for technical  
23 education students in accordance with this particular  
24 data set which demonstrates that they do have a  
25 higher graduation rate than the noncareer technical

1 student counterpart. And then what we're doing is we  
2 are proposing performance increase for nontraditional  
3 completion which happens to be males becoming  
4 involved in female dominated course of study and vice  
5 versa, the female population as well.

6 In the other areas of nontraditional  
7 participation and also the placement for technical  
8 education students and the school completion  
9 component, we're still digging into those particular  
10 data elements to find out what's going into that  
11 particular algorithm to ensure that we're  
12 appropriately recording that, but we're making a  
13 recommendation through the fed's advice to perhaps  
14 maybe reset that particular target because it seems  
15 that -- that seems to be more appropriate at this  
16 time.

17 With regard to the performance measures for  
18 post secondary education, I had advised or I had  
19 indicated to you-all that we did see some technical  
20 assistance in that area as well. And you're going to  
21 see an adjustment in the indicators of the degree  
22 credential, student retention, student placement for  
23 nontraditional participation and the nontraditional  
24 completion. What we had looked at with regard to the  
25 data was perhaps taking a look at the five years of



1 data that was made available calculating a mean on  
2 that just because that seemed to have had maybe, I  
3 guess, a better performance target given that we have  
4 outliers within institutions and then among  
5 institutions.

6           So for example, you have a performance  
7 target in the specific institution where in one year  
8 the performance was really high. The same target in  
9 the subsequent year was really low. And then it was  
10 average and then it was high again and then really  
11 low again. It just seems to create this anomaly of  
12 the data. Well, there might be interpretation issues  
13 of the performance methodology and how they calculate  
14 those performance measures. Then when we take a look  
15 at just institutions and institutions, we would see  
16 and think that they would all be along the same type  
17 of a line whether it's regression or a growth line.  
18 But yet we see the outliers there as well. So using  
19 the median seems to be the best approach because it  
20 gives us that measure of essentially tendency. So  
21 when you have those outliers, it kind of balances  
22 that out.

23           So when we proposed those particular  
24 performance measures to the FED, what they indicated  
25 is that they would begin with the negotiations with

1 states here in April. And so while these may not be  
2 the targets that we're going to have to adhere to in  
3 the future, they're certainly on the table with the  
4 FED for us to negotiate that and discuss that and  
5 also talk about program improvement processes for  
6 data collection and technical assistance for  
7 institutions reporting that data.

8           The final component of the state plan  
9 revision is that of the budget. And you have a copy  
10 of the budget in both packets that I had presented to  
11 you. In the meeting that we had last year, recall  
12 that I had indicated that New Mexico's funding level  
13 for the Carl D. Perkins was equal to its funding  
14 level in 1998 and that was actually a blessing.  
15 Because when we take a look at the way the formula is  
16 calculated at the federal level, New Mexico should  
17 have been receiving far less than its level of 1998  
18 funding. But because there's a provision in the  
19 federal law that provides for a safe harbor that a  
20 state would not receive an allocation less than its  
21 1998 allocation, we were in the safe harbor and  
22 received the allocation that we did.

23           The good news is that in this Congressional  
24 session, Congress appropriated more dollars to  
25 support career technical education which puts forth

1 their interest in maintaining career technical  
2 education programs and spanning opportunities across  
3 the country, and as such, we received an increase in  
4 the grant allocation. So we got out of safe harbor.  
5 So now we're \$11,225 above the 1998 level. But when  
6 we adjust that for inflation, you know what that  
7 does. But we are still making strategic investments  
8 in the program. There's a lot more information in  
9 the packet that I had provided to you. But Madam  
10 Chair, and Members of the Commission, that concludes  
11 my report, unless there are any questions?

12 CHAIR SHEARMAN: Commissioners, do you have  
13 questions. Commissioner Bergman.

14 COMMISSIONER BERGMAN: Yes. On your budget  
15 under Item 16, I see a category of nontraditional  
16 training. What is in that category? What do you  
17 consider nontraditional?

18 MR. SPENCER: Within the parameters of the  
19 federal grant, there's a required expenditure of no  
20 less than \$60,000 to be invested in nontraditional  
21 support. And what they mean by nontraditional, for  
22 example, if you have a culinary arts program in the  
23 state of New Mexico, we take a look at the waiver  
24 data, and it reveals that the majority of the  
25 employees in culinary arts happened to be male

1 individuals. So therefore, that becomes an  
2 employment pathway that would be nontraditional for  
3 the female population. So therefore, we were  
4 implementing for sequences leading to that  
5 occupational area, how do we get more females  
6 involved in that particular occupation. And so the  
7 federal law required minimum expenditure of 60,000.  
8 And last year and this year, we increased the  
9 expenditure to \$70,000 knowing that we needed to  
10 spend a little bit more time and effort on ensuring  
11 that we provide the services to the schools to  
12 increase the level of performance.

13 CHAIR SHEARMAN: Commissioner Bergman,  
14 anything else?

15 COMMISSIONER BERGMAN: No. Thank you,  
16 Madam Chair.

17 CHAIR SHEARMAN: Any other questions from  
18 commissioners? Commissioner Gant.

19 COMMISSIONER GANT: Madam Chair and  
20 Members, just a couple of comments. We have got to  
21 realize what Mr. Spencer and his staff -- most of  
22 what they need comes to them than the other way  
23 around. A lot of agencies are down filled to the  
24 agencies and down filled to the schools. If they  
25 don't get the information from the secondaries or the

1 post secondaries or the feds, they're standing there  
2 saying, Now what do I do? So Mr. Spencer's staff has  
3 a very hard job to keep all this balanced, and they  
4 have tried through various means, and if you listened  
5 to what Mr. Spencer was saying, to ensure the kids  
6 were getting the proper education through CTE. New  
7 Mexico is still a dormant state at the top that's  
8 doing a great job. We got states out there that are  
9 not doing anything, but still get money. They're  
10 causing problems with the legislators, and I have  
11 said this before, in Washington, D.C. Because  
12 legislators look at all states, not just New Mexico,  
13 and what other states are doing.

14 So we have got to commend Mr. Spencer  
15 taking the job. He's worked there for many years.  
16 He realized there was a problem with this two course  
17 versus three course thing. And he's corrected it,  
18 put it back to where it's supposed to be. But he  
19 matched it up with the data that was going into it  
20 originally. That's what he's done.

21 My question to Mr. Spencer, do we need a  
22 motion for you to go from the two to three course and  
23 then a motion for your five-year plan, or can the  
24 motion for the five-year plan cover what you need?

25 MR. SPENCER: Madam Chair and Commissioner

1 Gant, I think the motion to accept the annual  
2 revision to the state plan for year eight including  
3 the revision to the narrative which encompasses  
4 moving the target from two course to three course  
5 would be sufficient in a single motion.

6 COMMISSIONER GANT: Okay. I guess I will  
7 chair the meeting. So right now, you're looking for  
8 a motion?

9 MR. SPENCER: Yes, the motion to accept the  
10 revision to the state plan for year eight as  
11 submitted.

12 COMMISSIONER GANT: I so move.

13 COMMISSIONER TOULOUSE: Second.

14 COMMISSIONER GANT: We'll make it easier.  
15 Any more questions or discussion? Hearing none, I  
16 call to accept the motion to say "Yes." All in favor  
17 of the motion say "Yes."

18 (Commissioners so indicate.)

19 COMMISSIONER GANT: Opposed say "No."

20 COMMISSIONER BERGMAN: Do we need an  
21 individual vote?

22 COMMISSIONER GANT: Again, I call for all  
23 in favor say, "Yes."

24 (Commissioners so indicate.)

25 COMMISSIONER GANT: Opposed say "No." The

1 motion carries. Mr. Spencer, carry on.

2 MR. SPENCER: Thank you. I appreciate it.  
3 It's a pleasure being here with you today.

4 CHAIR SHEARMAN: Thank you, Vice Chair  
5 Gant, for taking over for that moment while I had to  
6 be away.

7 Let's move back now to the Report from the  
8 Deputy Secretary. Mr. Aguilar is here. Mr. Aguilar,  
9 we would be more than happy to bring a chair up here  
10 for you.

11 MR. AGUILAR: Madam Chair, thank you. No,  
12 I'm fine up here. I've been sitting for a long time  
13 in the last couple days. Thank you for your time.  
14 And good morning. I enjoy looking at each and every  
15 one of you, but it's nice to have a backdrop.

16 Thank you for your time, Madam Chair and  
17 Members of the Commission. I actually had the  
18 pleasure of meeting with most of you in the last  
19 couple days. I hope you have enjoyed the conference  
20 and the many pieces or the many breakout sessions. I  
21 think the presentation yesterday by the president of  
22 Entrust was eye opening. But I think it pointed out  
23 a number of things that I think that are important to  
24 all of our schools.

25 And we talk a lot in this business about

1 the importance of good leadership and good teaching,  
2 and those are absolutely important things. But it  
3 also -- one of the things that Katy talked about that  
4 I thought was very, very important and very, very  
5 fruitful in terms of my thinking about how we do  
6 business in education in New Mexico is the idea of  
7 putting together high-performing teams, and that  
8 leadership is not always from the top. Leadership is  
9 throughout the entire strata of your team, and we  
10 need to figure out how to develop that leadership.  
11 So I think that's a key component. We had a  
12 wonderful session yesterday with the leaders of the  
13 charter schools and actually had some pretty good  
14 feedback regarding that particular component.

15 Of interest always is -- and some of my  
16 staff brought it to my attention -- people still  
17 don't like the idea of hearing that we're near the  
18 bottom in many of our measures. But I thought what  
19 was hopeful yesterday as we started to turn the  
20 corner on many of our initiatives, proficiency in the  
21 third grade is starting to move upward, our  
22 graduation rates are improving, and I think that we  
23 have started to sort of get over the hump, and I  
24 think we're going to be seeing some pretty good  
25 results from our assessments hopefully that are just

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1 ending this week. And so I hope that we have some  
2 good information.

3 I want to point out a couple things,  
4 though. The department, our initiatives and teacher  
5 evaluation pieces put a lot of focus on student  
6 growth and student performance on the assessments,  
7 and we do believe in that, and we hope that we can  
8 see that growth happening at all of our schools, both  
9 our high-performing schools as well as our  
10 low-performing schools. Some of our high-performing  
11 schools complained a little bit about the teacher  
12 evaluation system and the school grading because they  
13 have high-performing children, but everyone can  
14 improve and growth is rewarding. So we think that's  
15 a good thing to think about.

16 As you all know, the governor signed the  
17 largest budget in the state's history regarding  
18 education. Total recurring expenditures for  
19 education is over \$2.7 billion. It's a lot of money,  
20 and it needs to -- now we need to start thinking  
21 about how we best spend that money. More is not  
22 always better, but always better is always better.  
23 So we need to improve our efficiency and  
24 effectiveness of how we run our schools and how we  
25 impact our student achievement. So I think those are

1 things that are in the back of everybody's mind.

2 I don't want to spend a lot of time with  
3 you in terms of those pieces, but I do want to  
4 reiterate a couple of things. The budget this year  
5 included sufficient funds to pay for a 3 percent  
6 increase for all teachers and all -- teachers,  
7 educational and all other educational staff both  
8 certified and noncertified. We expect, not  
9 anticipate, we expect that all of the budgets that  
10 are submitted to us for consideration which will  
11 begin flowing in the next couple weeks will include  
12 that 3 percent average salary increase.

13 I want to really emphasize the word  
14 average. As you know, we believe in the  
15 administration from the governor to the secretary to  
16 myself that rewarding high-performing teachers is an  
17 important component to be considered. And so  
18 although the statute does not say to reward  
19 high-performing teachers, the inclusion of the word  
20 average 3 percent salary increase certainly gives  
21 that flexibility to school districts and charter  
22 schools if they choose to stratify their salary  
23 components. And so we'll be looking at those pieces  
24 of the budget to ensure that that average is met.  
25 And it's going to be interesting to see as a data

1 point how many school districts and charter schools  
2 actually take that flexibility that's provided in  
3 that language to differentiate their compensation  
4 pieces.

5           Secondly, there was an additional 3 percent  
6 increase to be given to educational assistants. The  
7 guidance that the department is proposing is that  
8 that salary increase be given -- that it be  
9 considered as a 3 and 3, 3 percent and 3 percent  
10 salary increase for a total of 6 percent off of the  
11 current year's base and not be compounded. We have  
12 had calls from school districts and charter schools  
13 saying, Well, if we take this year base salary and  
14 add 3 percent to it and take that new number and add  
15 another 3 percent to that, that the salary increase  
16 would exceed 6 percent.

17           So we're saying that it needs to be 3  
18 percent for the across the board pay increase that  
19 was included in the bill off of this year's base and  
20 then an additional 3 percent for educational  
21 assistants against calculated -- again, calculated  
22 against this year's basis for a total of 6 percent  
23 increase for those employees. So that's where we are  
24 with that piece.

25           It was brought to my attention yesterday by

1 a school principal from one of the charter schools  
2 who has been around for a long time. I understand  
3 that she wasn't aware that charter schools were  
4 eligible to apply for some of our below-the-line  
5 funding. As you know, during the session there was a  
6 lot of discussion about below-the-line and  
7 above-the-line spending and how it sets priorities  
8 for education in New Mexico. It was curious to me  
9 that a long-time principal would not understand that  
10 below-the-line funding is not segregated specifically  
11 for school districts, but it was, in fact, for the  
12 most part for all of our public schools.

13           And so I would encourage the commission, I  
14 would encourage our CSD staff to ensure that our  
15 charter schools are well aware that the  
16 below-the-line funding which includes the early  
17 reading initiative, K-3 plus, pre K, but also  
18 building our new generation of teachers and leaders,  
19 rewarding our highly effective teachers and leaders,  
20 the parent portal -- I'm trying to come up in my mind  
21 the many things that we had -- breakfast for  
22 elementary school students, all of those  
23 below-the-line opportunities are available to our  
24 charter schools as well as our school districts.

25           So I want to make sure that all of our

1 charter schools understand that they can take  
2 advantage of those components. And if they have  
3 questions, they really do need to contact the program  
4 folks that operate those, or if they don't have those  
5 contacts, to contact my office, and we'll put them in  
6 touch with the folks that they need to be in touch  
7 with.

8           It's important in terms of timing because  
9 starting next week actually K-3 plus and pre K, those  
10 applications have already been received. If we have  
11 some charter schools that weren't aware that they  
12 were eligible for those funds, we would ask that they  
13 contact our pre K office quickly so that we can  
14 include them in the calculation of our awards. The  
15 K-3 plus applications have been received, and those  
16 awards will be made by April 15 in accordance to  
17 statute.

18           And I'm proud to say this year that it's  
19 our intent -- the world's filled with good  
20 intentions, I appreciate that. But it's our intent  
21 to have all requests for proposals, requests for  
22 information, requests for application and all  
23 contracts and intergovernmental agreements and awards  
24 made for most of our below-the-line funding to be in  
25 place by July 1 so that districts can hit the ground

1 running and not have it delayed until the fall. So  
2 that's our intent. We think we're on track for that,  
3 and we're pretty excited with regard to that.

4           The other thing I want to talk about is  
5 request for reimbursements. We have had some  
6 concerns raised by a number of folks both at the  
7 school district level and charter schools that some  
8 of the requests for reimbursements are not timely.  
9 We did an analysis of the reimbursements that have  
10 been received and the timing for payment. If we  
11 receive a request for reimbursement in the finance  
12 office that is -- that has no correction requirements  
13 related to them, those reimbursements are being paid  
14 in under 24 days. So there's not a problem with  
15 that.

16           What happens is we get an awful lot of  
17 reimbursements for expenditures that are not  
18 allowable or allocable, and that's the reason that we  
19 spend time and money to bring Mr. Manasevit in from  
20 Washington to have his presentation on Wednesday  
21 afternoon so folks know what is allowable and what is  
22 allocable to the -- to our federal funds and to also  
23 understand the concept of supplementing not  
24 supplanting. When those issues are implicated, then  
25 we start into a back and forth with the school

1 district about, Why did you buy this, how can you  
2 justify it, it takes time on there, and it's a back  
3 and forth. And when that happens, that's when the  
4 reimbursement process sort of slows down and it slows  
5 down significantly.

6           So we want to work hard with districts or  
7 with charter schools -- districts and charter schools  
8 to understand that they really need to be careful  
9 that their expenditures are allowable and allocable  
10 and can be used for those processes. If there are  
11 questions, it's better to ask the question up front  
12 then to do it and then hope that we forgive them  
13 later. I live by let's do it and ask for forgiveness  
14 later for many things. Federal funds is not one of  
15 those things. So let's make sure that as far as our  
16 federal funds are concerned, that we really ensure  
17 that our charter schools are -- in this case charter  
18 schools, but our district schools and charter schools  
19 are very understanding of what is allowable, what is  
20 allocable, and those are two different words with  
21 very specific meanings. So I want to make sure that  
22 they understand that.

23           We are willing to provide technical  
24 assistance. This has been the third or fourth time  
25 that the Bruestein & Manasevit Law Firm has visited

1 New Mexico to present our conferences. So if folks  
2 aren't getting the message, I don't know how we're  
3 going to get them to get it. But we stand ready to  
4 provide that technical support.

5           Madam Chair and Commissioners, with regard  
6 to charter schools, we are well underway and we have  
7 an appeal in District Court of your decision to close  
8 the Learning Community. That still has not been  
9 heard, but they had asked for a -- I'm not a lawyer,  
10 and I'm going to say this wrong. But they had asked  
11 for what I considered to be a temporary restraining  
12 order to prevent the department from moving forward  
13 with closing the school. That was not issued by the  
14 judge. And so the hearing is still sometime in the  
15 future, but we are moving forward with the process of  
16 closing the school down.

17           I need to let the commission know that the  
18 board has taken a vote that we consider to not be  
19 appropriate, and that was to grant those employees  
20 who had vested -- and I'm putting that in quotes --  
21 who had vested with the school. I don't know what  
22 that means. But who had vested with the school to be  
23 eligible to be paid for all of their outstanding sick  
24 leave and annual leave. We are not -- we are in  
25 control of the finances. We are not honoring that



1 resolution by the board. We feel that it's  
2 inappropriate and probably illegal, and we have  
3 notified them as such. So folks can vest with our  
4 retirement program. I'm not sure how you vest with a  
5 school. So we are not going to allow that to happen.

6           The second thing -- and this is actually  
7 good news -- is that once we go through the process  
8 of closing TLC down, there is furniture, there's  
9 other equipment that's available. Rather than send  
10 that to APS, our charter school division has really  
11 worked hard with APS. We are going to make that  
12 furniture and equipment available to some of our new  
13 start-up charter schools that are in their  
14 preparation year to help them offset some of the  
15 costs. From what we've heard is that without the  
16 charter schools start-up funds, it's getting a little  
17 bit difficult for our charter schools to start up.  
18 So we believe that we can assist them with allowing  
19 them to use that furniture -- and not use it, but  
20 actually take it into their inventory as that goes  
21 through. So we're pretty excited about that.

22           We are moving forward with that depending  
23 on the outcome of the court hearing, but we are  
24 moving forward with closing TLC down. We have hired  
25 Ms. Sandy Berry. You know her, I believe. She has

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1 moved with many of the Taos charter schools. She has  
2 her own consulting company. We have hired her to  
3 oversee the shutdown of TLC under the oversight of  
4 our school budget and our accounting and auditing  
5 bureau. So she's moving forward with that, and I  
6 think things are moving relatively smoothly.

7           With regard to Ralph J. Bunche, the  
8 department has received an appeal request. It was  
9 not timely, and the secretary has denied the appeal  
10 based on the lack of timeliness. I'm not sure how  
11 they're going to proceed, but they're beginning  
12 shutdown procedures with that school as well.

13           With regard to McCurdy Charter School, our  
14 contract bookkeeper, business manager that we have  
15 worked with is well on the way to getting the books  
16 reconciled. We have their -- we are trying to get  
17 their expenditures under control. It's come to our  
18 attention during this conference that they have some  
19 fairly significant liabilities related to their  
20 athletics program. They compete in NMMA sanctioned  
21 athletics. They don't generate the revenue that they  
22 need, but there are commitments in terms of schedules  
23 and things of that nature that need to be met.

24           I'm planning on meeting with the board in  
25 the next couple of weeks to have a conversation about

1 that so that they can make some decisions regarding  
2 next year in terms of their level of competition and  
3 how much they really want to undertake and the fact  
4 that those -- those than football and basketball, a  
5 lot of sports in schools around the state aren't  
6 revenue generators that cover the entire amount, but  
7 we believe that the percentage of operating dollars  
8 that are being used is a little too big and is  
9 actually putting some pressure on them regarding  
10 their ongoing operations. So we're meeting with  
11 them. They have been very, very cooperative.

12 Ms. Barnes has informed me that they're one  
13 of three charter schools that are not on the contract  
14 process, the contract negotiating process who have  
15 actually asked to enter into that process sooner than  
16 later, so that they believe it's a good planning tool  
17 to help them help their board figure out what their  
18 future vision needs to look like. So we're excited  
19 that their board is engaged and have been very  
20 cooperative. Obviously, we don't like to keep the  
21 board of finance folks for too long, but we want to  
22 make sure that they're in a good financial shape. We  
23 are moving toward good work with them. So that's  
24 encouraging.

25 Ms. Barnes asked me to address the Mesa del

1 Sol. Did you brief them?

2 MS. BARNES: Executive committee, yes. And  
3 then Sean Joyce is supposed to come at 3:00 and let  
4 us know where they're going.

5 MR. AGUILAR: So you'll be briefed on the  
6 Mesa del Sol. I believe there was a question about  
7 what happens if the board chooses to close the school  
8 down. PED will assume their finances and will begin  
9 shutdown procedures then. If they choose to continue  
10 operating, given the fact that they have  
11 self-identified financial issues, my guess is they  
12 will put on monthly reporting, and we will probably,  
13 at their cost depending on their ability to pay, will  
14 probably ask them to bring on a business manager  
15 consultant to help them work through some of their  
16 financial issues. So we're on top of that and  
17 working through that.

18 Madam Chair, I believe that's all I have to  
19 say, unless you have specific questions. I know you  
20 don't want to see me for too long, but I did want to  
21 stop by and say hi.

22 CHAIR SHEARMAN: We always appreciate it.

23 MR. AGUILAR: I hope the facility has  
24 worked out for you. I know the chairs you're sitting  
25 on are a little hard. I do want to let the

1 commissioners know that your new chairs are waiting  
2 for you in Santa Fe. And Commissioner Pogna, your  
3 little foot stool continues to be there as well. So  
4 hopefully, it will be more comfortable with your new  
5 chairs. With that, Madam Chair, I stand down.

6 CHAIR SHEARMAN: Thank you very much.  
7 Commissioners, do you have any questions?  
8 Commissioner Bergman.

9 COMMISSIONER BERGMAN: As to TLC, on the  
10 previous closure, CSD staff gave us ongoing reports.  
11 Will your contractor be doing something to keep us up  
12 to date? Will she be reporting to you?

13 MR. AGUILAR: She's actually reporting to  
14 our director of school business in terms of the  
15 financial pieces. What I'll do is ensure that we  
16 have a report for you at every meeting on the status.

17 COMMISSIONER BERGMAN: I know this is  
18 speculative, but what happens if -- since it's going  
19 forward and we know the courts are slow -- they don't  
20 get a decision until after they're closed and the  
21 decision is in their favor? I don't know if that's  
22 to be worried about now or down the road, but that  
23 would be a mess.

24 MR. AGUILAR: Commissioner, I'm not a  
25 lawyer so I don't know.

1 CHAIR SHEARMAN: You don't want to touch  
2 that one.

3 COMMISSIONER BERGMAN: Thank you, sir.

4 CHAIR SHEARMAN: Other questions.  
5 Commissioner Gant.

6 COMMISSIONER GANT: Madam Chair, the  
7 question I'm going to ask you, and I have talked  
8 about this, we have been in other meetings that you  
9 and I have attended over there in the roundhouse. I  
10 understand from the discussion yesterday from the  
11 secretary that there's five million in the budget for  
12 infrastructure and stuff for PARCC? What was that  
13 five million?

14 MR. AGUILAR: Madam Chair and Commissioner,  
15 actually, it's not in the PED budget. It's in the  
16 Capital Outlay Bill. It's an appropriation to the  
17 Public Ed Department from the Public School Capital  
18 Outlay Fund for infrastructure related department.  
19 So we are -- to date, we have about a 90 percent  
20 completion rate on our technology assessment tool.  
21 We have identified a number of schools, and I need to  
22 emphasize the word schools that are not -- that don't  
23 have the infrastructure now to be able to implement  
24 the PARCC assessment. What this -- let me stop  
25 there.

1           And then also say so our next step is to  
2 identify the location of all these schools relative  
3 to each other. That's the first step. Are they in  
4 the same district? Are they in adjoining districts?  
5 If you're in Dora, you're in line of sight with  
6 somebody to Dallas. If you're in Jemez Valley,  
7 you're not in line of sight with everyone.

8           So what we want to do is find out where  
9 these locations are, and then we're coming up with  
10 about four or five different options on how we can  
11 provide them with access to the broadband -- to the  
12 bandwidth. The term infrastructure is a little bit  
13 deceiving, I believe, because you and I both sit on  
14 the Public School Capital Outlay Council. I think  
15 with the adequacy standards, most school buildings  
16 have the infrastructure, and it may not be -- it  
17 might not be the new T1 lines. I'm using jargon I  
18 really don't know. It may be the old Cap 5 cable,  
19 but most school buildings I believe have the internal  
20 infrastructure to run the PARCC. And if they don't,  
21 it's pretty easy to put a wireless router in place  
22 that can service the school.

23           The problem is we do have a number of  
24 schools that don't have access to broadband in their  
25 areas. And so there are a couple of options. Dewitt

1 has a number of microwave towers around the state.  
2 One option is to see if it's more cost effective to  
3 use some of this money to run repeater towers from a  
4 Dewitt tower to an area of schools and pay for that  
5 infrastructure. Is it going to be more cost  
6 effective to talk with folks like Century Link and  
7 Comcast and those folks to see if it's cheaper to get  
8 hard wires?

9           So there's five million to try to address  
10 that for those that need a PARCC piece. But I want  
11 to remind the commission if they don't know,  
12 Commissioner Gant does, but also the Capital Outlay  
13 Bill, it's the Public School Capital Outlay Bill,  
14 also included up to \$10 million a year for five years  
15 to deal with public school infrastructure. If you  
16 recall in 2001 or '02, the Legislature created the  
17 deficiencies corrections unit which is now -- which  
18 reported to the Public School Capital Outlay Council.  
19 That has now migrated into the Public School  
20 Facilities Authority. But it was to deal with life,  
21 health and safety issues at schools, and it provided  
22 funding that didn't require a district match. I  
23 think the intent of this is to create an  
24 infrastructure deficiencies program and to start to  
25 deal with the infrastructure deficiencies at the



1 various school districts.

2           The difference, and it's an important  
3 difference in terms of the appropriation, is speaking  
4 with Mr. Gorrell from the PFSA, the idea of setting  
5 up a facilities infrastructure deficiencies  
6 corrections program is going to involve setting up a  
7 set of standards, probably require at least one staff  
8 member, and so the time frame to do that wasn't  
9 immediate. And so the reason we asked for the  
10 appropriations to remain in the capital bills, we  
11 would have access to that right away and so we can  
12 begin work on that quickly. So I think those two can  
13 be used in tandem to address the infrastructure  
14 needs. The most urgent right now is to have folks up  
15 and running for the PARCC assessment.

16           COMMISSIONER GANT: Madam Chair and Mr.  
17 Aguilar, when I saw the \$10 million a couple weeks  
18 ago, I thought to myself, of course I worked in the  
19 world with my previous job with IT, 10 mill doesn't  
20 go that far. So the additional five million was a  
21 surprise. I hadn't heard that piece. But I still  
22 think we're behind the power crew, and my issue or my  
23 concern is that all districts and all schools,  
24 including the charters, one year is not far away.  
25 They have to be up and running, and you know how slow

1 RFPs can be to get through and signed and do the  
2 towers you're talking about.

3 I really do -- we need to really watch that  
4 because I don't want our teachers -- we know our  
5 teachers and administrators are behind the power on  
6 their PARCC because that's their bread and butter.  
7 After they get the common cord going, they're going  
8 to have to answer, Are you doing it right? I want  
9 everything in place when you're turning the switch.

10 MR. AGUILAR: Madam Chair and Commissioner,  
11 as do we. But the good news, I think, is that if you  
12 think about regional broadband, sometimes we tend to  
13 think of schools in isolation. If you think about  
14 regional broadband, it's a statewide issue. And if  
15 we -- one of the things that we're working with  
16 Dewitt on is that if we have, for example, broadband  
17 capacity at a local county government or a local  
18 municipality, it may be easier then to get it to the  
19 schools. It just hasn't been done.

20 So we're taking all of those pieces into  
21 account hopefully. Five million is not a lot of  
22 money, but it may be enough to get what we need until  
23 the larger program comes into place. And also,  
24 Dewitt is working on the statewide system as well.  
25 So if these pieces can come together hopefully at the

1 same time -- I roll my eyes a little bit because it's  
2 hard to do especially with IT, but if we could make  
3 it happen, I think it will be successful.

4 COMMISSIONER GANT: And I hope there are  
5 other agencies playing the ball game so all agencies,  
6 transportation, health department, whatever, can use  
7 broadband too, so they all can work as a team.

8 The other thing is charter schools and  
9 small school districts are limited on their funding.  
10 And having an IT person with skills, that's their  
11 hard part right now. I think if you don't have a  
12 good IT person at a charter school, good luck.  
13 That's all I can say. Thank you.

14 COMMISSIONER CARR: Madam Chair?

15 CHAIR SHEARMAN: Commissioner Carr.

16 COMMISSIONER CARR: In Taos County, Kit  
17 Carson Cooperative is pretty close to laying fiber  
18 optics for broadband for Taos County and Colfax  
19 County. Of course, not all cooperatives are  
20 nonprofit. But they're in the rural areas where it's  
21 truly needed. But this would be something maybe an  
22 idea to talk to the cooperatives that are throughout  
23 the state, and Kit Carson has already laid the  
24 framework for it to show that it's possible. And  
25 then in laying that, they're providing for the whole

1 community, and our students are out in the community.

2           So the whole community needs broadband. If  
3 you take it to the school, why not provide it to  
4 everybody? And people who sign up for it privately  
5 and pay for it and why not donate that broadband to  
6 the schools and let the private individuals take up  
7 the slack for some of the costs. And then you  
8 wouldn't need a whole -- \$10 million might be enough.  
9 It's just a thought, and it is timely, though. It  
10 will go fast. That will go fast. You can actually  
11 do that within two years, if everything worked out  
12 properly. But it would be a thought. We need to put  
13 things in place so that if we have the capability  
14 next year, but we also need to look at long-term.  
15 And if we have statewide cyber charter schools, maybe  
16 one or two more to think about coming in, then that's  
17 also important. That's important for them as well  
18 and for all of our online schools. Just thoughts.

19           MR. AGUILAR: Madam Chair, and to both  
20 Commissioner Gant's and Commissioner Carr's comments,  
21 the department has been working with a group called  
22 ITAG, Infrastructures something. And it's a group  
23 that includes a public ed department of the Public  
24 Schools Facilities Authority, the Department of  
25 Information Technology, I believe the Department of

1 Transportation and one other group. It's not  
2 necessarily Department of Health. But we have  
3 already been meeting for a year on these issues, so  
4 hopefully we are going to be able to maximize our  
5 impact in all of the communities. So this is good  
6 news. And we'll bring that idea to the ITAG about  
7 talking with the regional cooperatives. If they have  
8 not already begun that discussion, that's a good  
9 discussion to have.

10 CHAIR SHEARMAN: Commissioner Toulouse.

11 COMMISSIONER TOULOUSE: Madam Chair, I'm a  
12 little bit disappointed to hear some of this talk.  
13 When I was on state government 14 years ago, they  
14 were trying to get everybody online. And there was  
15 one T1 line that ran from north of Santa Fe to Las  
16 Cruces. And if we're still talking T1 lines and we  
17 don't have them, there was talk at that point, and I  
18 don't know if they have put it in because I was gone,  
19 one that would run part of I-40.

20 I was in Human Services. We had income  
21 support offices and so forth and child support  
22 offices around the state and trying to get what was  
23 needed because all the work was online at that point.  
24 I'm just really disappointed to hear that we still  
25 can't. We couldn't get that hooked up. I don't hold

1 out a lot of hope of getting all of those small  
2 schools hooked up, and that's sad. It's a really sad  
3 commentary on IT in New Mexico. That's just a  
4 comment.

5 MR. AGUILAR: Madam Chair and Commissioner  
6 Toulouse, I don't know that it's a sad commentary. I  
7 use the word T1. If this is being broadcast, my IT  
8 folks back at the department will say, Don't let him  
9 talk about IT. But there are a number of different  
10 ways to do it now. Microwave, we have got the Cloud,  
11 we have got -- I'm not sure what the Cloud is, but we  
12 have got the Cloud. You have got resources where you  
13 don't have to have so much equipment on-site.

14 So I'm not saying that it's not in place,  
15 but there are spots -- if you remember Senator Tsosie  
16 years ago had his initiative to do the Internet to  
17 the hogan on the Navajo Reservation. So there have  
18 been a lot of -- what we're trying to do is identify  
19 all of those pieces and see how we can use those that  
20 are -- that meet the need and try to tag team off of  
21 that, too, to get this statewide.

22 And again, we're talking about education,  
23 but I believe -- not I believe. I know. There are a  
24 number of agencies involved, and we're working  
25 together which is -- that's good is that we're

1 working together so that we're not reinventing things  
2 as we go. We can identify those pieces that are  
3 working and then build on them as opposed to  
4 rebuilding.

5 CHAIR SHEARMAN: Are there other comments  
6 or questions? Mr. Secretary, Deputy Secretary, we  
7 appreciate you being here.

8 MR. AGUILAR: I appreciate it. Enjoy your  
9 day, and thanks for being here. And we'll see you  
10 next month. We'll see you next week, and we'll see  
11 you next month in Santa Fe.

12 CHAIR SHEARMAN: We'll be there. Thank you  
13 again.

14 Ladies and Gentlemen, it's almost 10:30. I  
15 suggest we take about a 10- or 15-minute break.  
16 Let's come back at 20 till, and we'll get going  
17 again. Thank you-all.

18 (Recess from 10:25 a.m. to 10:41 a.m.)

19 CHAIR SHEARMAN: Ladies and Gentlemen,  
20 let's come back into the session again. We are  
21 missing Commissioner Carr. Susan, will you let the  
22 record reflect that we're still missing Commissioner  
23 Carr. He should be back shortly.

24 Let's move on to Item 8. And remember, we  
25 have moved Item 9D up into part of Section 8, Agenda

1 Item 8. And I would like to ask our attorney Abby  
2 Lewis --

3 COMMISSIONER TOULOUSE: Madam Chair, before  
4 we start this No. 8, I need to recuse myself from any  
5 action on Cien Aguas.

6 CHAIR SHEARMAN: Duly noted. Thank you.  
7 Ms. Lewis.

8 MS. LEWIS: When you voted to renew Cien  
9 Aguas, you placed a few conditions on their IB work.  
10 And right now, we're putting before you a way to  
11 satisfy these conditions. Sue Fox and I have  
12 struggled with how do you prove a negative because  
13 the conditions were, Don't do this, or how does one  
14 prove a negative. So what we have come up with to  
15 present to you in part is at Tab 3. Somehow it got  
16 into Tab 3. You have a letter from Sue.

17 CHAIR SHEARMAN: Tab 3?

18 MS. LEWIS: Yes. One, two, three pages in,  
19 Tab 3. It says Matthews Fox at the top. So as we  
20 struggled to prove a negative, Sue posed part of the  
21 compliance as this letter attesting to each step that  
22 they're taking, and there's also an amendment, which  
23 is why we pulled 9D into 8 as well to meet the  
24 condition. So we thought the best way to take you  
25 through this might be kind of a ping-pong match here



1 where I'll remind you what the condition is, and then  
2 Sue will fill in how they're meeting it. Does that  
3 sound okay?

4 CHAIR SHEARMAN: It sounds doable.

5 MS. LEWIS: Unfortunately, I don't have  
6 access to my server when I'm not at the office. So  
7 the first condition was that in relation to IB was  
8 Cien Aguas International School must clearly redefine  
9 the international focus of its commission and ensure  
10 that it is not misrepresenting itself as an  
11 international baccalaureate certified program or as a  
12 school that plans to become an international  
13 baccalaureate certified school.

14 MS. FOX: Okay. Now to me. Thank you,  
15 Madam Chair and Commissioners. Just to recap where  
16 we are, you heard the Cien Aguas application in  
17 December at which time Cien Aguas had indicated that  
18 while their original charter made some provisions in  
19 there for possibly pursuing the international  
20 baccalaureate organization designation, which is a  
21 specific designation. During the course of their  
22 first charter, they decided actually not to pursue  
23 that. And so this set of conditions comes out of  
24 cleaning up essentially their original charter,  
25 removing references to international baccalaureate

1 programs and also your condition 1C was to make sure  
2 that they weren't violating any copyright laws.

3 So right now we are addressing condition  
4 1A, as Abby just read, and Mike Rodriguez is going to  
5 talk about how they have met or are meeting that  
6 condition.

7 MR. RODRIGUEZ: Good morning, Madam Chair,  
8 Commissioners. My name is Michael Rodriguez. I am  
9 from Cien Aguas International School. So as Sue  
10 mentioned, our governing council, with input from  
11 administration and our community, decided that we  
12 were not going to be seeking authorization through  
13 the international baccalaureate program that we left  
14 kind of open in our initial charter mainly because of  
15 the resources needed to implement an IB program did  
16 not meet the needs of our community after five years  
17 of growing into something that morphed, something we  
18 didn't necessarily expect our populace to look like  
19 this. We felt that this would be taking some vital  
20 resources that we need elsewhere. And as we  
21 discussed in December, some of those areas have to do  
22 with our Q1 and our lowest form of students. So we  
23 definitely see the need to refocus where the support,  
24 both staffing and financially, will go within our  
25 school.

1           And as we have -- as you have heard, the  
2 charter schools feel -- have found similar issues  
3 with the amounts of money and resources it takes to  
4 fully implement an IB program. So that was never  
5 really at the heart of what our school was really  
6 about, and we have since moved away from that.

7           So in early January after this condition  
8 was placed upon us, our governing council and  
9 administration put together a survey that was sent  
10 out to our parents. And what we did is we asked them  
11 how they will be choosing our middle school or how  
12 they chose our middle school or choosing our middle  
13 school in the future for their children. So out of  
14 the 90 English responses we received and 18 Spanish  
15 responses, we had them give us their top five reasons  
16 that they would continue with us and if the  
17 international baccalaureate program was something of  
18 importance to them and a reason that they would be  
19 keeping their kids in our school that would be taken  
20 into account in making a decision.

21           So we asked them for the top five  
22 determining factors of staying with us pre middle  
23 school or why they have chosen us for middle school.  
24 So No. 5 on the list was obviously the child's input  
25 in the matter. They want to make sure that they give

1 their child an opportunity to stay, whether they  
2 wanted to stay in charter. I know that we have had  
3 some students that want more of the typical middle  
4 school, public offerings which offer obviously a  
5 wider range of sports and activities, those types of  
6 things. So that was one -- No. 5 on the list.

7 No. 4 was our safe and respectful  
8 environment. That was something that our parents  
9 felt was a determining factor to have their kids  
10 there. No. 3 was the teacher-student interactions.  
11 No. 2, the bilingual program, which is at the heart  
12 of what Cien Aguas is about. And the No. 1 reason  
13 that parents felt our program is important is the  
14 quality of our overall academic program. So parents  
15 are very satisfied with what they're receiving at our  
16 school. And oddly enough through this survey, we  
17 gave an option of 15 different pieces that were part  
18 of our program. The international baccalaureate  
19 middle years program came out at No. 14 out of 15 in  
20 the priorities according to 116 of the responses from  
21 our parents.

22 So clearly that was something that does not  
23 seem to be meeting our needs for our population and  
24 did not make sense for us to continue it. So the  
25 governing council made a determination that we would

1 not be seeking authorization through the IB. That  
2 was during the governing council meeting after we had  
3 this meeting, the PEC meeting in November or  
4 December.

5 MS. FOX: So condition 1A, Abby, I think  
6 has been satisfied or we believe has been satisfied  
7 through the clarification that they will not be  
8 pursuing international baccalaureate designation  
9 either now or going forward into their next charter.  
10 And I believe Mike has some amendments that make that  
11 even further clear, which we moved up from Item 9B  
12 that we can discuss now, or I don't know how you want  
13 to do this.

14 CHAIR SHEARMAN: Ms. Fox, I personally  
15 would prefer that we go with this issue now and then  
16 the amendments as a totally separate item so it's  
17 very clear which is which.

18 So let me be sure in my own mind. And  
19 Abby, help me with this. There were three conditions  
20 here because there were three listed. A is Cien  
21 Aguas International School must clearly redefine the  
22 international focus of its mission and ensure that it  
23 is not misrepresenting itself as an international  
24 baccalaureate certified program or as a school that  
25 plans to become international baccalaureate

1 certified. B was alternatively the school can  
2 present evidence to the PEC that has determined it  
3 will seek international baccalaureate certification  
4 through the international baccalaureate certified  
5 program. And then C has to do with its mission and  
6 vision. I believe we are primarily, at this point,  
7 looking at A or possibly B; is that correct?

8 MS. LEWIS: Yes.

9 CHAIR SHEARMAN: So commissioners, I think  
10 what Ms. Fox and Ms. Lewis are both saying to us is  
11 that by this letter from the Matthews Fox firm, by  
12 the statement from Mr. Rodriguez this morning and his  
13 assurance that they feel that condition A has been  
14 resolved. Now, if we agree with that, then the Chair  
15 would entertain a motion to the effect that we agree  
16 that condition A has been met. And I believe Abby  
17 has some official language if someone would like  
18 to --

19 MS. FOX: Madam Chair, I'm sorry to  
20 interrupt. But my letter that you-all are looking at  
21 goes to condition 1C. That's the copyright issue.

22 MS. LEWIS: And I have this motion written.  
23 I can divide it up, but I drafted it for 1A and 1C.  
24 I drafted it as one issue.

25 CHAIR SHEARMAN: I want them separated.

1 MS. LEWIS: Who wants to make a motion?

2 CHAIR SHEARMAN: Would someone like to  
3 utilize the motion that Ms. Lewis has written to make  
4 sure we're on good legal ground here?

5 COMMISSIONER BERGMAN: All we're talking  
6 about right now is going to be separate from the  
7 amendments that are in 9D?

8 CHAIR SHEARMAN: Yes.

9 COMMISSIONER GANT: Madam Chair, this  
10 motion we're going to make covers the copyright  
11 thing, or what does it cover?

12 MS. FOX: I don't know what motion you have  
13 in front of you.

14 MS. LEWIS: My motion covers 1A.

15 CHAIR SHEARMAN: What does the amendment  
16 cover?

17 MS. LEWIS: The amendment to my  
18 understanding covers the change of the mission  
19 statement.

20 MS. FOX: And removal of all references to  
21 international baccalaureate program from all charter  
22 materials.

23 CHAIR SHEARMAN: Okay. Maybe I misspoke.  
24 Maybe it is A and C that we're looking at now and  
25 then we go on. I just didn't -- I don't want to

1 include any amendments in this first motion.

2 MS. LEWIS: We kind of did it that way  
3 because it seemed cleaner to us. If you want to  
4 break it up, that of course is your prerogative. I  
5 just need a minute to retool it.

6 CHAIR SHEARMAN: Commissioners, let me ask  
7 your thoughts. Maybe I'm not expressing what you  
8 thought. Do we want to do it all together, the  
9 assurances about the IB program as well as a  
10 motion -- as well as looking at the amendments at the  
11 same time and do one motion for all of them? Is that  
12 what you're saying, Ms. Lewis?

13 MS. LEWIS: What I'm proposing is a motion  
14 for the amended mission and removal of the references  
15 and a follow-up motion accepting the presentation  
16 here today on the record and Ms. Fox's letter as  
17 compliance of conditions 1A and 1C.

18 MS. FOX: But first you need to discuss the  
19 amendments then.

20 MS. LEWIS: Right. That's why we were  
21 suggesting we kind of have a ping-pong match.

22 COMMISSIONER BERGMAN: I was looking at the  
23 amendments here, and I thought that's what we were  
24 all discussing, everything he said there in his  
25 comments.



1 MS. LEWIS: Yeah. It all goes together.

2 COMMISSIONER PARKER: Madam Chair and  
3 Commissioners, I would like to follow Abby's  
4 recommendation. Let's hear the motion about the  
5 amendment and let's take care of it and cover it in  
6 the first motion.

7 CHAIR SHEARMAN: Is that agreeable with  
8 everyone? Then please go ahead, Abby, if you would  
9 with the amendment or amendments.

10 MS. LEWIS: Well, the next condition 1C --

11 MS. FOX: The amendments are 1A.

12 MS. LEWIS: 1C is the mission.

13 MS. FOX: No. 1C is the copyright. They  
14 don't comply -- that they comply with the mission.

15 CHAIR SHEARMAN: Are we ready to consider  
16 the amendments? And remember, Commissioners, those  
17 are in the binder under Item 9. Let's be clear. How  
18 many amendments are here?

19 MR. RODRIGUEZ: Madam Chair, there are two.

20 CHAIR SHEARMAN: I see one form.

21 MS. BARNES: Some commissioners are having  
22 trouble finding the letter. The letter was really  
23 miscopied in a weird place. It's under Tab 3, a  
24 couple pages in.

25 CHAIR SHEARMAN: It's part of the

1 amendments. I'm looking at the actual amendment form  
2 itself. Is this our amendment form?

3 MS. LEWIS: 9B.

4 MR. RODRIGUEZ: You're looking at the  
5 minutes from the previous meeting.

6 MS. LEWIS: So your second to last orange  
7 piece of paper under Tab 9 starts with the Cien Aguas  
8 snapshot, that Cien Aguas is thankfully. Behind that  
9 are two amendments.

10 CHAIR SHEARMAN: All right. There are two  
11 amendments. We're going to deal with the amendments,  
12 Abby. Each individual amendment is going to be dealt  
13 with. Just for clarity, I have asked Ms. Lewis, and  
14 I believe Ms. Fox, we would like to deal with each  
15 amendment separately, each one on its own with its  
16 own motion and vote. Which one are you going to  
17 start with?

18 MR. RODRIGUEZ: Madam Chair, I believe we  
19 started discussing the one under current charters,  
20 Section 3C, which deals more with the international  
21 baccalaureate and the fact that we're removing that  
22 from any and all charter documents.

23 CHAIR SHEARMAN: Okay. Would you read the  
24 proposed revised amended statement into the record,  
25 please?

1 MR. RODRIGUEZ: Madam Chair, the proposed  
2 revised statement is, All references to the use of  
3 materials from or possibility seeking authorization  
4 with the international baccalaureate organization  
5 will be removed from the Cien Aguas charter.

6 CHAIR SHEARMAN: Is everyone looking at the  
7 correct amendment form with the correct language?  
8 You've heard the text of the amendment that's being  
9 proposed. Do I hear a motion? We're doing each one  
10 individually now.

11 COMMISSIONER BERGMAN: Madam Chair, I see  
12 some language in the CSD recommendations. I would  
13 like both the attorneys to listen as how I'm going to  
14 word this -- I may add a couple words -- from what I  
15 see in the amendment to make sure there's no  
16 misunderstanding later on. So you-all listen to how  
17 I'm going to word this. I'm trying to push a button.

18 Let me go ahead and read this then. Madam  
19 Chair, I would move that amendment No. 1 presented by  
20 Cien Aguas International School which states Cien  
21 Aguas has decided not to pursue the international  
22 baccalaureate program and will remove all references  
23 to this in their charter, all school materials, and  
24 the website as well.

25 CHAIR SHEARMAN: You have heard the motion.

1 Is there a second?

2 COMMISSIONER GANT: Second.

3 CHAIR SHEARMAN: Motion by Commissioner  
4 Bergman and second by Commissioner Gant to approve  
5 the first amendment request by Cien Aguas  
6 International School -- I'm going to paraphrase -- to  
7 remove all references to international baccalaureate  
8 from its school language. Is that correctly stated?

9 COMMISSIONER GANT: Yes.

10 CHAIR SHEARMAN: Is there any discussion?

11 COMMISSIONER CARR: Madam Chair, I'm sorry.  
12 So I just want to make sure that all the parents and  
13 students are notified. I'm sure you plan on doing  
14 that, but I haven't heard that said today.

15 MR. RODRIGUEZ: Madam Chair and  
16 Commissioner Carr, as I mentioned, we actually did a  
17 survey with all of our families. And out of the 170  
18 families or so that we have, we had 116 responses to  
19 our survey. So the parents are definitely well  
20 informed. We have had quite a few parents at the  
21 last few board meetings expressing their concern or  
22 being in favor of this action.

23 COMMISSIONER CARR: Okay. Thank you.

24 CHAIR SHEARMAN: Further discussion?

25 Hearing none, Mr. Secretary, may we have a

1 roll call vote, please.

2 COMMISSIONER BERGMAN: Commissioner

3 Peralta.

4 COMMISSIONER PERALTA: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Toulouse.

7 COMMISSIONER TOULOUSE: Abstain.

8 MR. BERGMANN: I'm sorry. I'll just note

9 for the record that Commissioner Toulouse abstained.

10 Commissioner Conyers.

11 COMMISSIONER CONYERS: Yes.

12 COMMISSIONER BERGMAN: Commissioner Pogna.

13 COMMISSIONER POGNA: Yes.

14 COMMISSIONER BERGMAN: Commissioner Parker.

15 COMMISSIONER PARKER: Yes.

16 COMMISSIONER BERGMAN: Commission Carr.

17 COMMISSIONER CARR: Yes.

18 COMMISSIONER BERGMAN: Commissioner Gant.

19 COMMISSIONER GANT: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Shearman.

22 CHAIR SHEARMAN: Yes.

23 COMMISSIONER BERGMAN: Commissioner Bergman

24 votes yes. Madam Chair, that is a nine to zero vote

25 in favor of the motion.

1 COMMISSIONER TOULOUSE: Madam Chair, eight  
2 to zero.

3 CHAIR SHEARMAN: Would you recount that,  
4 Commissioner Bergman?

5 COMMISSIONER BERGMAN: Eight to zero with  
6 one abstention. I'm sorry.

7 CHAIR SHEARMAN: The official vote is one  
8 abstention, eight to zero in favor of the motion.  
9 The amendment No. 1 is approved. Amendment No. 2.

10 MR. RODRIGUEZ: Madam Chair and  
11 Commissioners, the second amendment has to do with  
12 the mission statement, Section 3A. And the proposed  
13 new language for our mission statement would read as  
14 Cien Aguas International School is a K through 8  
15 school with a focus on dual language instruction,  
16 inquiry and environmental sustainability. Cien Aguas  
17 seeks to develop students who can ask and investigate  
18 important questions about the world around them, are  
19 committed to a sustainable society and working toward  
20 competence, bilingualism and bi-literacy in Spanish  
21 and English.

22 CHAIR SHEARMAN: Thank you very much.  
23 You've heard the text of the proposed amendment.

24 Julia, I have not been asking you for your  
25 recommendation on these amendments, and I should

1 have.

2 MS. BARNES: Well, because Commissioner  
3 Bergman filled in for me, and so I have no problem.  
4 I will make mention I'm not 100 percent sure, but my  
5 staff thought there were still a couple of IB  
6 references on your website and that's been taken care  
7 of. Otherwise, we approve both amendments.

8 CHAIR SHEARMAN: Thank you very much.

9 Ms. Lewis, do you have anything you would  
10 like to say?

11 MS. LEWIS: No. I think we're ready to  
12 move on to 1C.

13 CHAIR SHEARMAN: We haven't moved on this  
14 yet.

15 MS. LEWIS: Sorry. Okay.

16 CHAIR SHEARMAN: Commissioners, you've  
17 heard the amendment. The Chair will entertain a  
18 motion.

19 COMMISSIONER PERALTA: Madam Chair.

20 CHAIR SHEARMAN: Commissioner Peralta.

21 COMMISSIONER PERALTA: I move to approve  
22 the amendment submitted by Cien Aguas to amend the  
23 language in the mission statement to refocus on dual  
24 language instruction, inquiry, and environmental  
25 sustainability.

1 COMMISSIONER POGNA: Second.

2 CHAIR SHEARMAN: Second from Commissioner  
3 Pogna. Motion by Commissioner Peralta, second by  
4 Commissioner Pogna to approve the amendment statement  
5 as was just read into the record concerning the  
6 mission statement. Commissioners, is there  
7 discussion?

8 Hearing none, the Chair would ask the  
9 Secretary for a roll call vote.

10 COMMISSIONER BERGMAN: Thank you, Madam  
11 Chair. Commissioner Toulouse abstains.

12 Commissioner Conyers.

13 COMMISSIONER CONYERS: Yes.

14 COMMISSIONER BERGMAN: Commissioner Pogna.

15 COMMISSIONER POGNA: Yes.

16 COMMISSIONER BERGMAN: Commissioner Parker?

17 COMMISSIONER PARKER: Yes.

18 COMMISSIONER BERGMAN: Commissioner Carr.

19 COMMISSIONER CARR: Yes.

20 COMMISSIONER BERGMAN: Commissioner

21 Peralta.

22 COMMISSIONER PERALTA: Yes.

23 COMMISSIONER BERGMAN: Commissioner Gant.

24 COMMISSIONER GANT: Yes.

25 COMMISSIONER BERGMAN: Commissioner



1 Shearman.

2 CHAIR SHEARMAN: Yes.

3 COMMISSIONER BERGMAN: Mr. Bergman votes  
4 yes. Madam Chair, that is an eight to zero vote in  
5 favor of the motion with one abstention.

6 CHAIR SHEARMAN: Thank you very much. The  
7 motion passes by a vote of eight to zero with one  
8 abstention.

9 Now, Ms. Lewis and Ms. Fox, if you would  
10 like to bring us back to the conditions.

11 MS. LEWIS: 1C says, Cien Aguas  
12 International School must ensure that its vision and  
13 mission are not violating the copyright laws of the  
14 international baccalaureate programs and present  
15 evidence of compliance with these terms to the Public  
16 Education Commission.

17 MS. FOX: And to that effect, in discussion  
18 with Abby, I drafted a letter to the Chair of the PEC  
19 February 7 -- I believe you have that -- wherein,  
20 just to cut to the chase, my opinion, my legal  
21 opinion is that there is -- there has been no  
22 violation of the international baccalaureate  
23 organization copyright laws. And even if someone  
24 were to take some exception to this, which no one  
25 has, the Fair Use Doctrine copyright law would allow

1 Cien Aguas to make what very, very limited use it did  
2 of either the words "international baccalaureate" or  
3 any of the training materials that it did use. And  
4 again in my letter, I described what very, very  
5 limited use that was.

6 CHAIR SHEARMAN: Thank you.

7 MS. FOX: I didn't know what else to  
8 provide to you, but Abby thought that this would be  
9 sufficient for your purposes.

10 CHAIR SHEARMAN: Ms. Lewis?

11 MS. LEWIS: I read through the letter back  
12 in February when you sent it, and I agree with her  
13 legal assessment. And it would be my legal advice to  
14 the commission to accept what has transpired here  
15 today in conjunction with the February 7 letter as  
16 compliance with condition -- international  
17 baccalaureate conditions handed down from you in the  
18 renewal process.

19 CHAIR SHEARMAN: All right. Commissioners,  
20 having heard the recommendation and the information,  
21 the Chair will entertain a motion so that we can then  
22 have discussion.

23 MS. LEWIS: And if anyone needs it, I've  
24 got it on my computer.

25 COMMISSIONER BERGMAN: Madam Chair, I move

1 that the PEC accept the assurances made on the record  
2 here today as well as those made in a letter dated  
3 February 7, 2014, from Cien Aguas attorney Susan Fox  
4 as compliant with conditions 1A and 1C thereby  
5 satisfying the school's international baccalaureate  
6 conditions.

7 CHAIR SHEARMAN: You've heard the motion.  
8 Do we have a second?

9 COMMISSIONER PARKER: Second.

10 CHAIR SHEARMAN: Commissioner Parker.  
11 Motion by Commissioner Bergman, second by  
12 Commissioner Parker to the motion that is now on the  
13 record. Is there discussion?

14 Hearing none, the Chair would ask for a  
15 roll call vote, Mr. Secretary.

16 COMMISSIONER BERGMAN: Thank you, Madam  
17 Chair. Commissioner Carr.

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER BERGMAN: Commissioner  
20 Peralta.

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner  
23 Toulouse abstains. Commissioner Conyers.

24 COMMISSIONER CONYERS: Yes.

25 COMMISSIONER BERGMAN: Commissioner Pogna.

1 COMMISSIONER POGNA: Yes.

2 COMMISSIONER BERGMAN: Commissioner Parker.

3 COMMISSIONER PARKER: Yes.

4 COMMISSIONER BERGMAN: Commissioner Gant.

5 COMMISSIONER GANT: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Shearman.

8 CHAIR SHEARMAN: Yes.

9 COMMISSIONER BERGMAN: That is an eight to  
10 zero vote in favor of the motion with one abstention.

11 CHAIR SHEARMAN: Thank you very much. The  
12 motion is approved on a vote of eight to zero with  
13 one abstention. I believe that takes care of all the  
14 conditions that were imposed on Cien Aguas.

15 MS. LEWIS: Well, there's one that is tied  
16 to the negotiation process, and that will occur  
17 during the contract.

18 CHAIR SHEARMAN: Okay.

19 MS. FOX: Madam Chair, there is one more.  
20 The third condition was that the school provide a  
21 copy of its most recent audit to you within 90 days  
22 of the -- of your decision. And obviously, the state  
23 auditor has not released those yet. We're at the  
24 90-day mark, and we would ask that you amend that  
25 condition to allow us to provide that to you within

1 five or 10 days after we receive that commission from  
2 the state auditor's office, whenever that might be.

3 MS. BARNES: The PEC staff is working with  
4 the school to complete the worksheet negotiation.  
5 They have added that as a material term that you will  
6 provide that. So it will also be referenced in the  
7 contract. I don't know if we need to do that right  
8 now. So if you do say within five days or something,  
9 we will change that language. But we are collecting  
10 the conditions.

11 CHAIR SHEARMAN: But because it is listed  
12 as a condition, I think we should deal with it today  
13 even though we are going to.

14 MS. BARNES: And we will put it in the  
15 contract as well, whatever you say.

16 CHAIR SHEARMAN: I would prefer that we  
17 officially took action on that today to give them the  
18 extended time. You can't get us an audit result that  
19 you don't have.

20 MS. FOX: Our hands are tied.

21 CHAIR SHEARMAN: Commissioners, the Chair  
22 would entertain a motion to the effect.

23 COMMISSIONER GANT: Madam Chair, I move  
24 that we extend the time required by this commission  
25 for their audit and that the audit should be received

1 through the CSD in a timely manner after it's been  
2 released by the auditor.

3 CHAIR SHEARMAN: Motion by Commissioner  
4 Gant. Do we have a second?

5 COMMISSIONER BERGMAN: I will second it,  
6 but I didn't hear the words Cien Aguas anywhere in  
7 there. I think those words should be in there  
8 somewhere. However, you want to do it.

9 CHAIR SHEARMAN: Your motion is amended?

10 COMMISSIONER GANT: Yes.

11 CHAIR SHEARMAN: Do you accept the  
12 amendment, Mr. Bergman?

13 COMMISSIONER BERGMAN: Yes.

14 CHAIR SHEARMAN: Commissioners, you have  
15 heard the motion, the amended motion. Is there any  
16 discussion? Hearing none, the motion is to allow  
17 Cien Aguas a sufficient time -- to give Cien Aguas  
18 the opportunity to present their audit findings in a  
19 timely manner to be presented to CSD and then to PEC  
20 from CSD. Are we ready to vote?

21 Mr. Secretary, may we have a roll call  
22 vote, please.

23 COMMISSIONER BERGMAN: Commissioner Pogna.

24 COMMISSIONER POGNA: Yes.

25 MS. BENNETT: Commissioner Parker.

1 COMMISSIONER PARKER: Yes.

2 COMMISSIONER BERGMAN: Commissioner Carr.

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Peralta.

6 COMMISSIONER PERALTA: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Toulouse abstains. Commissioner Conyers.

9 COMMISSIONER CONYERS: Yes.

10 COMMISSIONER BERGMAN: Commissioner Gant.

11 COMMISSIONER GANT: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Shearman.

14 CHAIR SHEARMAN: Yes.

15 COMMISSIONER BERGMAN: Commissioner Bergman

16 votes yes. Madam chair, by an eight to zero vote,

17 that motion has carried, with one abstention.

18 CHAIR SHEARMAN: Thank you very much.

19 Officially, the motion does carry with one abstention

20 and a vote of eight to zero.

21 Ms. Lewis, have we covered all the

22 conditions?

23 MS. LEWIS: That we can right now with the

24 exception of the one that will come into play when we

25 undergo the negotiation process.

1 CHAIR SHEARMAN: Okay. Thank you very  
2 much. Thank you, Mr. Rodriguez.

3 MS. LEWIS: Thank you-all for bearing with  
4 us.

5 CHAIR SHEARMAN: Okay. Commissioners,  
6 we're ready for agenda Item No. 9, the discussion of  
7 possible action on charter school amendments. And I  
8 would ask Ms. Barnes to lead us through this, please.

9 MS. BARNES: Thank you. Again, just for  
10 the court reporter, I'm Julia Barnes, the interim  
11 charter schools director. There will now be three  
12 amendments. We are following the same process on two  
13 of them. Cesar Chavez and School of Dreams Academy.  
14 Those two amendments will happen under agenda Item  
15 No. 9, and then you will immediately look at the  
16 approval of their contracts. And we'll make sure  
17 that their contracts match whatever the amendment  
18 result is. So I think first we'll start with Cesar  
19 Chavez. And Carol Thomas is here. Carol, I may need  
20 to pass this back to you.

21 CHAIR SHEARMAN: Before you begin, may I  
22 just clarify there is one amendment for Cesar Chavez  
23 Community School?

24 MS. BARNES: That's correct.

25 MS. THOMAS: Madam Chair and members of the



1 Commission, my name is Carol Thomas. I am the  
2 director of Cesar Chavez Charter School. In the  
3 process of our renewal preparation and performance  
4 contract planning, we noted on the worksheet that  
5 there was a statement to the effect that the mission  
6 statement should be something that adequately  
7 describes the school so that a parent or someone in  
8 the community who is looking for charter schools can  
9 get a clear idea of what the school may offer for  
10 their student.

11           And so we looked at our mission statement  
12 that had been a part of the charter that we were  
13 coming to the end of and looked at what we were  
14 planning with our new contract and new charter, and  
15 we decided that we would like to add a little bit  
16 more of a descriptive piece to the charter. So we  
17 did a lot of work with our staff and governance  
18 council and came up with a new mission statement,  
19 which is not substantially different from the old  
20 one, just a little more fully descriptive in our  
21 view.

22           And we did go ahead and have that approved  
23 by our governance council in December because it was  
24 our understanding that it was part of the new charter  
25 process built in and was not necessary to actually

1 request an amendment from the commission. However, I  
2 think during the negotiations or at some point, it  
3 was decided that it would be best if we did put an  
4 amendment forward. So that's what we're doing today.

5 CHAIR SHEARMAN: Thank you. Ms. Barnes, do  
6 you have a recommendation for us?

7 MS. BARNES: We recommend that you adopt  
8 this amendment.

9 CHAIR SHEARMAN: Ms. Lewis, do you want to  
10 weigh in on this one?

11 MS. LEWIS: This was discussed during the  
12 negotiation, so I'm comfortable with that.

13 COMMISSIONER BERGMAN: Madam Chair, maybe  
14 it's appropriate for me to explain to my fellow  
15 commissioners why we're seeing so many amendments.  
16 That's what is occurring in the negotiations  
17 sessions. The schools are asking in this particular  
18 case to change their mission statement, and I felt it  
19 would be inappropriate for the two to four  
20 commissioners that are at the negotiations to grant  
21 our approval without having the other commissioners  
22 that were not there make their input. So if you're  
23 wondering why we're going to see all these amendments  
24 now in the coming months, that is why we're doing it  
25 that way. Most of these amendments have been at our

1 request that they be presented at a meeting like  
2 this.

3 CHAIR SHEARMAN: Thank you for that  
4 explanation.

5 Commissioners, I remind you that at the  
6 beginning of Section 9 in your notebooks, there are  
7 proposed motions should anyone choose to use that  
8 language. You heard the amendment presented to  
9 modify or change the mission statement for the Cesar  
10 Chavez Community School. The Chair would entertain a  
11 motion at this time.

12 COMMISSIONER PARKER: Madam Chair,  
13 Commissioners, I move to approve the amendment  
14 presented by Cesar Chavez Community School to modify  
15 their mission to better reflect the purpose and goal  
16 of the school.

17 CHAIR SHEARMAN: Second.

18 COMMISSIONER TOULOUSE: Second.

19 CHAIR SHEARMAN: Motion by Commissioner  
20 Parker and second by Commissioner Toulouse to approve  
21 the amendment as presented by the Cesar Chavez  
22 Community School. Is there discussion?

23 Seeing none, Mr. Secretary, I would ask for  
24 a roll call vote.

25 COMMISSIONER BERGMAN: Commissioner Parker.

1 COMMISSIONER PARKER: Yes.

2 COMMISSIONER BERGMAN: Commissioner Carr.

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Peralta.

6 COMMISSIONER PERALTA: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Toulouse.

9 COMMISSIONER TOULOUSE: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Conyers.

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna.

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner Gant.

16 COMMISSIONER GANT: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Chairman.

19 CHAIR SHEARMAN: Yes.

20 COMMISSIONER BERGMAN: Commissioner Bergman

21 votes yes. Madam Chair, by a nine to zero vote, that

22 motion has carried.

23 CHAIR SHEARMAN: Thank you very much. The

24 motion does pass to approve the amendment change to

25 the mission statement for the Cesar Chavez Community

1 School. Thank you.

2 MR. THOMSON: Thank you. I appreciate it.

3 CHAIR SHEARMAN: Julia, when do we want to  
4 sign these?

5 MS. BARNES: Let's wait till the end of the  
6 meeting, I think.

7 CHAIR SHEARMAN: That's fine.

8 MS. LEWIS: If you agree to that.

9 CHAIR SHEARMAN: That's fine.

10 MS. BARNES: Moving on to the next  
11 amendment, Taos Integrated School for the Arts has a  
12 presentation on their seeking to move to a new  
13 location, and you'll see there's a rather extensive  
14 packet of backup. This school, however, is not up  
15 for contract negotiation today or approval of their  
16 contract today, and CSD recommends approval of this  
17 amendment.

18 MS. GERMANN: My name is Susan Germann. I  
19 am the director at Taos Integrated School of the  
20 Arts.

21 CHAIR SHEARMAN: Thank you.

22 MS. GERMANN: And our amendment is a  
23 request to move locations. We currently have 169  
24 students in two locations, four buildings in grades K  
25 through eight. And we have located a facility.

1 Currently, it is owned by the Taos Economic  
2 Development Corporation on Salazar Road in Taos, and  
3 that is two buildings just separated by a grassy  
4 area, one of which is already a school, a preschool  
5 and a GED program. And that building is ready to  
6 move into. The other building will need some  
7 retrofitting. And PSFA has given us a score of 5.3  
8 for those two buildings.

9 CHAIR SHEARMAN: Ms. Lewis, do you have a  
10 recommendation or a comment?

11 MS. LEWIS: Just if you had any questions  
12 for Martica, she's here. Commissioner Gant usually  
13 does.

14 COMMISSIONER GANT: Madam Chair, I was  
15 going to make some comments. They do have all their  
16 documents per what Ms. Martica has provided me. They  
17 do have a facility master plan in place, but I  
18 believe it's due to be revised in 2015. Do you have  
19 anything to add?

20 MS. CASIAS: They do have an FMP on file  
21 and the score is good, and we looked at the facility.

22 COMMISSIONER GANT: They do have a very  
23 school at this point, which means basically they're  
24 moving into buildings that we're not going to have to  
25 fix up. They have been in the state for quite a

1 while. I have to make that point because they have  
2 taken care of what they needed to do to find a good  
3 building in deference to others that have not. So I  
4 just have to praise them for their efforts in finding  
5 a good facility.

6 CHAIR SHEARMAN: Thank you. Commissioners,  
7 you've heard the amendment. You've heard the  
8 recommendations. The Chair would now entertain a  
9 motion. Commissioner Carr.

10 COMMISSIONER CARR: I move to approve the  
11 amendment presented by Taos Integrated Schools for  
12 the Arts to allow the school to move to a new  
13 location as described in their amendment  
14 documentation.

15 CHAIR SHEARMAN: Thank you. Do we have a  
16 second?

17 COMMISSIONER PARKER: Second.

18 MS. LEWIS: Read the address into the  
19 record as part of your motion.

20 CHAIR SHEARMAN: Include that as part of  
21 your motion.

22 COMMISSIONER CARR: If you can tell me what  
23 the address is.

24 MS. LEWIS: It's in the amendment.

25 MS. GERMANN: It's 1021 Salazar Road.

1 COMMISSIONER CARR: Do you want me to read  
2 the whole thing again?

3 CHAIR SHEARMAN: Just the address.

4 COMMISSIONER CARR: Just the address. 1021  
5 Salazar Road, Taos, New Mexico.

6 CHAIR SHEARMAN: Parts A and B. Did I see  
7 that somewhere?

8 COMMISSIONER CARR: They're right next to  
9 each other?

10 MS. GERMANN: Yes, they are.

11 CHAIR SHEARMAN: Thank you. Now do we have  
12 a second?

13 COMMISSIONER PARKER: Second.

14 CHAIR SHEARMAN: Motion by Commissioner  
15 Carr, second by Commissioner Parker to approve the  
16 amendment request by Taos International School to  
17 move to a new location.

18 MS. GERMANN: Taos Integrated.

19 CHAIR SHEARMAN: Thank you very much. Let  
20 me restate that.

21 Motion by Commissioner Carr, second by  
22 Commissioner Parker to allow the Taos Integrated  
23 School of the Arts to relocate to 1021 Salazar Road.  
24 Now Commissioners, do you have discussion?

25 COMMISSIONER BERGMAN: I just have a



1 question. You were in negotiations. Have those been  
2 finalized?

3 MS. GERMANN: They have not. We are still  
4 in negotiations.

5 COMMISSIONER BERGMAN: So you're not sure  
6 when you're actually going to move then?

7 MS. GERMANN: I wish I could say yes, but  
8 the answer is no.

9 COMMISSIONER BERGMAN: Thank you, Madam  
10 Chair.

11 CHAIR SHEARMAN: Other questions?

12 Hearing none, the Chair would ask for a  
13 roll call vote, Mr. Secretary.

14 COMMISSIONER BERGMAN: Commissioner Carr.

15 COMMISSIONER CARR: Yes.

16 COMMISSIONER BERGMAN: Commissioner  
17 Peralta.

18 COMMISSIONER PERALTA: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Toulouse.

21 COMMISSIONER TOULOUSE: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Conyers.

24 COMMISSIONER CONYERS: Yes.

25 COMMISSIONER BERGMAN: Commissioner Pogna.

1 COMMISSIONER POGNA: Yes.

2 COMMISSIONER BERGMAN: Commissioner Parker.

3 COMMISSIONER PARKER: Yes.

4 COMMISSIONER BERGMAN: Commissioner Gant.

5 COMMISSIONER GANT: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Shearman.

8 CHAIR SHEARMAN: Yes.

9 COMMISSIONER BERGMAN: Mr. Bergman votes  
10 yes. By a nine to zero vote, that motion is carried.

11 CHAIR SHEARMAN: Thank you. Officially the  
12 motion has been approved to allow Taos Integrated  
13 School for the Arts to move to the new location as  
14 noted in the motion. Thank you very much.

15 MS. GERMANN: Thank you, Madam Chair and  
16 Commissioners.

17 MS. LEWIS: I would just request when you  
18 get the lease negotiated, if you could please send it  
19 to CSD and then send it to me because of the part of  
20 the contract that you enter into has that process  
21 laid out. Thank you so much.

22 MS. BARNES: Moving on to the third one,  
23 which is the final one since we have already dealt  
24 with the last one, which is School of Dreams Academy.  
25 Again, this is one of the schools that we are looking

1 at for an amendment, and then we will immediately  
2 turn around and have you consider their contract.  
3 This is an amendment again to clarify its mission  
4 statement, and CSD recommends approval of this  
5 amendment.

6 MS. LEWIS: We don't have the amendments.

7 CHAIR SHEARMAN: I don't have a copy of the  
8 amendments. Does anyone have a copy of the amendment  
9 for School of Dreams?

10 COMMISSIONER CARR: I don't think so.

11 COMMISSIONER BERGMAN: No. I've gone  
12 through my Section 9, and I don't have that.

13 MS. BARNES: I have an electronic copy of  
14 it.

15 COMMISSIONER GANT: I've got one  
16 electronically.

17 MS. BARNES: So Madam Chair, I can bring  
18 you an electronic copy. We have filled out the  
19 amendment form. Kenneth Griego has signed it. The  
20 board approved it March 14 of 2014.

21 MS. LEWIS: We are looking for our own  
22 form, but this will give the language. It just looks  
23 different. So this is the form that you're used to  
24 seeing.

25 CHAIR SHEARMAN: I'm sorry. Thank you.

1 Let me ask, Commissioners, since not everyone has a  
2 copy of this amendment in front of you, how do you  
3 want to proceed?

4 COMMISSIONER TOULOUSE: Madam Chair, I  
5 think they can just read what they want.

6 CHAIR SHEARMAN: I have a copy here. I  
7 would be happy to pass it around for everyone to see.  
8 Will that suffice?

9 COMMISSIONER TOULOUSE: Could we take a  
10 couple minutes to read it then?

11 COMMISSIONER CARR: Or just read it into  
12 the record.

13 CHAIR SHEARMAN: You're going to read it  
14 anyway?

15 MR. OGAS: Yes, ma'am.

16 CHAIR SHEARMAN: So let me hand this around  
17 and everyone can see it while you're reading it,  
18 please.

19 MR. OGAS: Madam Chair, Members of the  
20 Commission. My name is Michael Ogas. I am the  
21 founder and principal of School of Dreams Academy in  
22 Los Lunas. We took this opportunity in conjunction  
23 with the renewal as well as a report, an annual  
24 report through advanced accreditation to modify or  
25 better articulate our mission statement. And if you

1 would like, I can read the new mission statement that  
2 I'm requesting that you approve.

3           The mission of School of Dreams Academy is  
4 to graduate students of the Rio Grande Valley who  
5 have embraced an education that emphasizes science,  
6 technology, engineering, arts and mathematics. We  
7 call it STEAM while focusing on developing  
8 well-rounded individuals with good character ready  
9 for post secondary success. That is the new mission.

10           We made it more concise to coincide with  
11 the contract negotiations and the renewals so that we  
12 could have measurable goals attached to it. It was a  
13 process that we went through through our advanced  
14 accreditation with our staff and parents. Our  
15 governing council approved it on March 14, and our  
16 governing council president signed it that day.

17           CHAIR SHEARMAN: Julie, your  
18 recommendation, please?

19           MS. BARNES: We recommend that you approve  
20 this amendment.

21           CHAIR SHEARMAN: Abby, do you have  
22 comments?

23           MS. LEWIS: No, ma'am.

24           CHAIR SHEARMAN: Do you want this paper  
25 going around before we move any further?

1           Before we go any further, I would just like  
2 to clarify you're only presenting one amendment today  
3 for action?

4           MR. OGAS: Yes.

5           CHAIR SHEARMAN: Thank you very much. You  
6 have the heard the text of the amendment proposed for  
7 School of Dreams to their mission statement. The  
8 Chair would entertain a motion.

9           COMMISSIONER CARR: Madam Chair.

10          CHAIR SHEARMAN: Commissioner Carr.

11          COMMISSIONER CARR: Move to approve the  
12 amendment presented by the School of Dreams Academy  
13 to amend the language in their mission to reflect  
14 their focus on STEAM both a stim and arts focus.

15          CHAIR SHEARMAN: Thank you. Do I hear a  
16 second?

17          COMMISSIONER PERALTA: Second.

18          CHAIR SHEARMAN: Commissioner Peralta.  
19 Motion by Commissioner Carr and second by  
20 Commissioner Peralta to approve the amendment  
21 presented by School of Dreams to amend their mission  
22 statement. Is there discussion, Commissioners?

23          Hearing none, Mr. Secretary, may we have a  
24 roll call vote.

25          COMMISSIONER BERGMAN: Commissioner

1 Peralta.

2 COMMISSIONER PERALTA: Yes.

3 COMMISSIONER BERGMAN: Commissioner

4 Toulouse.

5 COMMISSIONER TOULOUSE: Yes.

6 COMMISSIONER BERGMAN: Commissioner

7 Conyers.

8 COMMISSIONER CONYERS: Yes.

9 COMMISSIONER BERGMAN: Commissioner Pogna.

10 COMMISSIONER POGNA: Yes.

11 COMMISSIONER BERGMAN: Commissioner Parker.

12 COMMISSIONER PARKER: Yes.

13 COMMISSIONER BERGMAN: Commissioner Carr.

14 COMMISSIONER CARR: Yes.

15 COMMISSIONER BERGMAN: Commissioner Gant.

16 COMMISSIONER GANT: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Shearman.

19 CHAIR SHEARMAN: Yes.

20 COMMISSIONER BERGMAN: Commissioner Bergman

21 votes yes. Madam Chair, that is a nine to zero vote

22 in favor of the motion.

23 CHAIR SHEARMAN: The official vote is nine

24 to zero approving the amendment request of School of

25 Dreams -- I believe Commissioner Gant has a

1 question -- to approve the amendment to the mission  
2 statement as presented by School of Dreams. Thank  
3 you. Now Commissioner Gant.

4 COMMISSIONER GANT: Mr. Ogas, I note, and I  
5 think we all know that you are planning to move into  
6 a new facility, but I need for the record to note so  
7 that the rest of the commissioners know you're still  
8 working on your FMP aspects, and I believe you have  
9 it out for contract. You've got funding in November  
10 from PSCOC. Do you or Ms. Casias have any comment?

11 MR. OGAS: Both of us, Madam Chair and  
12 Commissioner Gant, we did receive an FMP grant. We  
13 have a contract that is on the table at the PSFA, and  
14 I believe we had a little problem with a purchase  
15 order and who was supposed to pay it. So I think we  
16 have resolved that, and everything else is in place.  
17 We are undertaking it and it should be -- it already  
18 has started the process.

19 COMMISSIONER GANT: Ms. Casias.

20 MS. CASIAS: Madam Chair, Commissioners, he  
21 is correct. We have received the signed contract  
22 with FMP aspect with Ian Carmen, and I believe they  
23 are working on it.

24 COMMISSIONER GANT: Thank you. Thank you,  
25 Madam Chair.



1 CHAIR SHEARMAN: Thank you. Thank you  
2 both.

3 MS. BARNES: That is all of the amendments.

4 CHAIR SHEARMAN: We do have one legislator  
5 here today. Linda Lopez has joined us. And we thank  
6 you very much for being here. And Daniel Ivey-Soto  
7 is also here.

8 We're ready for Item No. 10.

9 MS. BARNES: Item No. 10 is discussion and  
10 possible action of the performance framework  
11 template. I believe that many of you were able to  
12 come to the working session yesterday. We are  
13 continuing to utilize that protocol where we have a  
14 publicly-noticed working session, which I think it's  
15 been working really well. We get lots of comments,  
16 get through a lot of documents.

17 The one that we looked at yesterday --  
18 there's some more that we will talk about -- but the  
19 one right now is several of the schools asked to  
20 negotiate the financial framework in their contract  
21 negotiations. I'll just note for the record that the  
22 template was posted for consultation with the charter  
23 schools earlier in the fall. We did not receive any  
24 comments at that point on the financial framework,  
25 but because so many of the schools were raising

1 issues right now, we went ahead and did a working  
2 session. We came up with a draft. Let me give you a  
3 little bit of background about how the draft came  
4 about.

5 Many of the charter schools had proposed  
6 that we take one of the organizational frameworks  
7 that said -- that requires the schools to present all  
8 the financial forms and use that as the financial  
9 framework. We wanted more specific information from  
10 the financial framework, so we took that concept of  
11 what forms are proposed and then the schools have to  
12 turn in, and then we have drafted questions.

13 We have under Tab 10 both the finished  
14 working session draft, and right behind that you'll  
15 see the red line. I think almost everyone was there.  
16 So I'll look at Commissioner Peralta. Was  
17 Commissioner Peralta the only one who wasn't there  
18 for the conversation? Would you like for me to go  
19 over it in detail, or are you okay?

20 COMMISSIONER PERALTA: I'm okay.

21 MS. BARNES: I will say overall it's a very  
22 strong document, and we have discussed it with Deputy  
23 Director Paul Aguilar, and he's familiar with it.  
24 I'll note one thing that's not in here is reference  
25 to the Procurement Code. However, the procurement

1 code is discussed in the organizational framework, so  
2 I think we're covered. The schools have to comply  
3 with the Procurement Code. That's one issue that we  
4 didn't discuss yesterday.

5           So the top document with one exception on  
6 Page 4, Item 5, I still have a floating "of" in  
7 there. So that was shown to me this morning. So  
8 I've cut that out. Is the school timely seeking  
9 reimbursement appears to be my favorite word to  
10 randomly insert into a sentence. So I have taken  
11 that one out on my final draft. But at this point,  
12 CSD feels very comfortable. We'll see how it goes  
13 this year. But at this point, we're feeling  
14 comfortable. And we might work to look at it again,  
15 but we'll see how it goes.

16           CHAIR SHEARMAN: Commissioners, you've  
17 heard Ms. Barnes' recommendation of this financial  
18 framework for 2014-2015. I think it would be  
19 appropriate at this time for a motion to either  
20 approve or not approve this document. The Chair  
21 would entertain a motion. Commissioner Carr.

22           COMMISSIONER CARR: Madam Chair, Members of  
23 the Commission, I move to approve the new performance  
24 framework template as presented by CSD.

25           CHAIR SHEARMAN: You have to say financial

1 framework.

2 COMMISSIONER CARR: Okay. Performance and  
3 financial? Because all I have here is performance.

4 MS. LEWIS: So financial is part of the  
5 performance, but the financial is the specific one  
6 we're looking at.

7 COMMISSIONER CARR: So just financial?

8 CHAIR SHEARMAN: Yes.

9 COMMISSIONER CARR: I'll restate my motion.

10 CHAIR SHEARMAN: Please.

11 COMMISSIONER CARR: I move that we approve  
12 the new financial framework template as presented by  
13 CSD.

14 CHAIR SHEARMAN: Thank you.

15 COMMISSIONER BERGMAN: Second.

16 CHAIR SHEARMAN: Motion by Commissioner  
17 Carr and second by Commissioner Bergman to approve  
18 the recommended version of the financial framework  
19 for 2014-2015. Any discussion, Commissioners?  
20 Commissioner Parker.

21 COMMISSIONER PARKER: Do we need to say  
22 anything about the date or that it's for this year  
23 only?

24 MS. LEWIS: She did. She said 2014-2015.

25 COMMISSIONER PARKER: Okay. I'm sorry.

1 MS. LEWIS: That's okay. It's always good  
2 to make sure the motions are as perfect as possible.

3 CHAIR SHEARMAN: Any other questions or  
4 discussion?

5 MS. BARNES: The only thing I'll add is  
6 that coming up, the next group of schools, we are  
7 going to recommend immediate use of this financial  
8 framework. And in fact, on the schools that have  
9 already been approved this year for financial  
10 framework, we are going to go back to those schools  
11 so that all schools are using the financial framework  
12 for 2014-2015.

13 CHAIR SHEARMAN: Very good. Further  
14 discussion? Mr. Bergman.

15 COMMISSIONER BERGMAN: Madam Director,  
16 since you put a specific date on this, are we  
17 anticipating making further changes to this form? I  
18 know all our forms are always subject to changes, but  
19 I was thinking that this was pretty much our final  
20 effort.

21 MS. BARNES: Yes, I agree that it could  
22 likely be our final effort. You need to look at the  
23 performance framework every year under law to see if  
24 you want to make any changes. So you only need to  
25 adopt the framework for this year unlike the contract

1 template which we hope will be the final one for  
2 years to come. Next year, you will look at it again.  
3 We're hoping you will look at it again and say, That  
4 looks good.

5 COMMISSIONER BERGMAN: Thank you. Thank  
6 you, Madam Chair.

7 CHAIR SHEARMAN: Thank you. Further  
8 discussion?

9 Hearing none, Mr. Secretary, may we have a  
10 roll call vote, please.

11 COMMISSIONER BERGMAN: Commissioner  
12 Toulouse.

13 COMMISSIONER TOULOUSE: Yes.

14 COMMISSIONER BERGMAN: Commissioner  
15 Conyers.

16 COMMISSIONER CONYERS: Yes.

17 COMMISSIONER BERGMAN: Commissioner Pogna.

18 COMMISSIONER POGNA: Yes.

19 COMMISSIONER BERGMAN: Commissioner Parker.

20 COMMISSIONER PARKER: Yes.

21 COMMISSIONER BERGMAN: Commissioner Carr.

22 COMMISSIONER CARR: Yes.

23 COMMISSIONER BERGMAN: Commissioner

24 Peralta.

25 COMMISSIONER PERALTA: Yes.

1 COMMISSIONER BERGMAN: Commissioner Gant.

2 COMMISSIONER GANT: Yes.

3 COMMISSIONER BERGMAN: Commissioner  
4 Shearman.

5 CHAIR SHEARMAN: Yes.

6 COMMISSIONER BERGMAN: Commissioner Bergman  
7 votes yes. Madam Chair, being that's a nine to zero  
8 vote, the motion carries.

9 CHAIR SHEARMAN: Thank you. The commission  
10 has officially accepted this draft, this financial  
11 framework for 2014-2015 as presented by Julia Barnes  
12 this morning. Thank you all very much.

13 Commissioners, I was going to ask you, it's  
14 getting close to 12:00. Is anybody ready for a lunch  
15 break, or do you want to keep going for awhile?

16 COMMISSIONER TOULOUSE: Madam Chair, I  
17 would suggest we go ahead and handle these contract  
18 parts because I would assume they're not going to  
19 take a long time or be controversial and then take a  
20 break and stand up and move. These chairs are  
21 uncomfortable.

22 CHAIR SHEARMAN: Does that work for  
23 everybody?

24 COMMISSIONER BERGMAN: Yes. That allows  
25 the folks to get back to their schools.

1 CHAIR SHEARMAN: Okay. That sounds like a  
2 good idea.

3 Let's move on then to Item 11, Julia.

4 MS. BARNES: Item 11 is approval of  
5 contracts, as I was just saying. CSD will say it  
6 each time, but we are moving approval of these  
7 contracts with the condition that the newly adopted  
8 financial framework is put into their performance  
9 framework. We will tell you that it requires if you  
10 accept that and incorporate the financial framework  
11 template into these approvals, each school will then  
12 need to go back to their board because you're  
13 affectively recommending something different than  
14 they have proposed to you. And they will go back to  
15 their boards and get approval again.

16 I'll work with Abby Lewis in terms of  
17 figuring out how we will tell you that just happened.  
18 I think there was pretty unanimous approval of the  
19 document yesterday, so I don't anticipate any  
20 problem. I don't want any of the schools here to  
21 think we're not recommending approval. We are just  
22 trying to get that financial framework in there. I  
23 think everyone is on top.

24 We will start with Cesar Chavez. We will  
25 have Carol Thomas come up. Sometimes I call you



1 Carol Chavez, and my staff laughs at me. They start  
2 laughing at me. So I think that represents in part  
3 how much we think Carol Thomas represents her school  
4 admirably, actually. This was a subcommittee -- I  
5 think I have it right -- of Commissioners Shearman,  
6 Bergman and Toulouse. And we have just negotiated  
7 the financial framework.

8 I want to point out two things. The first  
9 one is that the commission has not yet talked about  
10 whether you are going to make any distinctions  
11 between a mission statement indicator or a  
12 supplemental indicator. We separate them out because  
13 the law says when we negotiate, the law says that you  
14 have to have mission specific indicators, and then it  
15 says the school can have supplemental indicators.  
16 After we negotiate them, at least from CSD's  
17 perspective, we kind of lose that distinction.  
18 However, the school has asked to put the distinction  
19 back in. And I think that's fine.

20 It did raise a larger question, I think, in  
21 the next upcoming months for you all to have a  
22 conversation about whether you will have any  
23 distinction or whether you will give any weight to  
24 any of the indicators or the others. So I think it's  
25 a technical distinction at this point, but I went

1 ahead and kept it the way the school wanted it. I  
2 just wanted to raise that because I think it raises a  
3 larger issue for later.

4           The second one is that the school caught,  
5 because they have a lawyer who is on their board who  
6 went and did his homework, and he found a typo, and  
7 it should not have been in there. The contract  
8 referenced the law, and we had put in the word  
9 "shall." The legislators put in the word "may." So  
10 we're going along with the legislators on this one.

11           Also, on each of these documents, we have  
12 found technical problems that we went over yesterday  
13 with you. We would like to clean up each of those  
14 contracts. So I think that the Cesar Chavez contract  
15 is in good shape, but I spoke to Carol today about  
16 could we go and just make sure that all the little  
17 errors people have been finding are done. So what we  
18 are likely to do is return to the schools the  
19 contract in a cleaned up format and the performance  
20 framework in a cleaned up way with the financial  
21 framework.

22           We recommend -- you just approved their  
23 mission statement. The corrected mission statement  
24 is in the documents because we thought you might  
25 approve that. And we recommend approval of this

1 contract and performance framework with the insertion  
2 of the new financial framework that you just  
3 approved.

4 CHAIR SHEARMAN: Comments, Abby?

5 MS. LEWIS: None at this time.

6 CHAIR SHEARMAN: Thank you. Commissioners,  
7 you heard the recommendation from Julia that this  
8 contract be approved with the insertion of the  
9 financial framework that we have just approved by  
10 this commission. The Chair would entertain a motion.  
11 Commissioner Toulouse.

12 COMMISSIONER TOULOUSE: Madam Chair, I move  
13 that we approve this contract with the additions and  
14 corrections as reported by our acting director of the  
15 division.

16 CHAIR SHEARMAN: Do I hear a second?

17 COMMISSIONER GANT: Second.

18 CHAIR SHEARMAN: Motion by Commissioner  
19 Toulouse, second by Commissioner Gant. The contract  
20 of Cesar Chavez Community School as recommended by  
21 Julia Barnes be approved. Is there any discussion?  
22 Commissioner Bergman.

23 COMMISSIONER BERGMAN: I would just like to  
24 address briefly because we are going to have to sit  
25 down and discuss mission specific and supplemental,

1 but I would note that we take the term "supplemental"  
2 out and schools are only going to be required to do  
3 two mission specific indicators. We all know that I  
4 would love to see schools putting additional  
5 supplemental indicators into their frameworks even if  
6 it's not required, and I've encouraged that because  
7 that's where a school -- each school, of course,  
8 knows their internal things and they know the areas  
9 that they want to work on. And I wish they would use  
10 the supplemental indicator to help them, challenge  
11 them to work on those areas.

12           And I understand how schools feel. The  
13 more goals you have, you're thinking the more chances  
14 I have to fail or the more chances that PEC is going  
15 to jump on me about it. I wish we wouldn't think  
16 that way. That's not the way I personally am  
17 thinking. I'm not looking for any excuses. I want  
18 your schools to succeed. I want your kids to  
19 succeed. But we do need to have that discussion.  
20 Thank you, Madam Chair.

21           CHAIR SHEARMAN: Thank you for that  
22 clarification because you're right, the more goals a  
23 school is willing to set and stretch itself, we like  
24 that. We think it's a tremendous thing to do.

25           COMMISSIONER BERGMAN: And I was going to

1 say one other thing. I hope all of you got to listen  
2 to the key note presentation yesterday. One of the  
3 bulleted important parts of her presentation where  
4 she was describing the attributes of highly effective  
5 schools, I smiled when I saw it because No. 6 was  
6 highly effective schools have high-challenging goals.  
7 And that's right up my alley. So I just remind you  
8 of that. I love that, and it is true, I believe. I  
9 believe if you challenge yourselves, you're going to  
10 succeed. I really do. Thank you, Madam Chair.

11 CHAIR SHEARMAN: Thank you for that.  
12 Commissioner Toulouse.

13 COMMISSIONER TOULOUSE: Madam Chair, I just  
14 wanted to congratulate Ms. Thomas. I live very close  
15 to the school, and it's in my district. And over the  
16 years, because I drive by there several times a week,  
17 there's a whole difference over time on the activity  
18 outside, around it and kids or young people coming  
19 and going. I think they're doing a fantastic job  
20 right now with a very difficult population and the  
21 kind of dedication it takes to educate that  
22 population. I have to congratulate you. And at  
23 least from the outside, I see a change. Thank you.

24 MS. THOMAS: Thank you so much,  
25 Commissioner Toulouse.

1 CHAIR SHEARMAN: Any comments?

2 COMMISSIONER BERGMAN: I hate to bring this  
3 up, but I noticed on the second page of our executive  
4 summary, they were also changing their mission. Are  
5 we going to do this under two different --

6 MS. BARNES: We just did that.

7 COMMISSIONER TOULOUSE: It's lunchtime.

8 CHAIR SHEARMAN: Anything else?

9 Hearing no further discussion,  
10 Mr. Secretary, may we have a roll call vote.

11 COMMISSIONER BERGMAN: Mr. Conyers.

12 COMMISSIONER CONYERS: Yes.

13 COMMISSIONER BERGMAN: Commissioner Pogna.

14 COMMISSIONER POGNA: Yes.

15 COMMISSIONER BERGMAN: Commissioner Parker.

16 COMMISSIONER PARKER: Yes.

17 COMMISSIONER BERGMAN: Commissioner Carr.

18 COMMISSIONER CARR: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Peralta.

21 COMMISSIONER PERALTA: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Toulouse.

24 COMMISSIONER TOULOUSE: Yes.

25 COMMISSIONER BERGMAN: Commissioner Gant.

1 COMMISSIONER GANT: Yes.

2 COMMISSIONER BERGMAN: Commissioner  
3 Shearman.

4 CHAIR SHEARMAN: Yes.

5 COMMISSIONER BERGMAN: Mr. Bergman votes  
6 yes. Madam Chair, by a nine to zero vote, the motion  
7 carries.

8 CHAIR SHEARMAN: Officially, the motion  
9 carries unanimously to approve the contract of Cesar  
10 Chavez Community School.

11 MS. THOMAS: Thank you very much. I do  
12 have one point of clarification I want to ask. When  
13 we take this back to our governance council for  
14 further approval, do you suggest that we do it for  
15 the financial framework change or for all corrections  
16 and changes made in the contract and the framework?

17 MS. BARNES: I suggest you have the vote on  
18 all documents.

19 MS. THOMAS: Thank you very much.

20 CHAIR SHEARMAN: Thank you.

21 MS. BARNES: Madam Chair, we have three  
22 more. I just want to note we are not happy about  
23 this. We found another document that's not in your  
24 boundary for Health Sciences. So I suggest we take  
25 School of Dreams and Gilbert Sena and then break for

1 lunch because there's a missing document for Health  
2 Sciences. I just want to point out that Bev sent all  
3 the documents to be copied.

4 CHAIR SHEARMAN: We never question Beverly.  
5 That's her job, and if something is not there --

6 MS. BARNES: Well, it's clear to both of us  
7 that we need to check the binders. We didn't get it  
8 there correctly.

9 School of Dreams Academy is the next one.  
10 The same thing. You just approved a change in their  
11 mission statement. That is incorporated into the  
12 document. This contract negotiation was done by  
13 Commissioners Gant, Bergman and Peralta. Again, we  
14 recommend that it be approved on the condition that  
15 the financial framework that you just adopted be  
16 incorporated into these documents. And again, we  
17 will fix all of the typos to the contract and send it  
18 back to the school. But we do recommend that with  
19 those two caveats that you approve this contract.

20 CHAIR SHEARMAN: Abby, any comment?

21 MS. LEWIS: No, ma'am.

22 CHAIR SHEARMAN: Thank you very much.

23 Please go ahead.

24 MR. OGAS: At this point, I just want to  
25 thank the commission and the department for what I



1 thought was a very good, comprehensive and fair  
2 process. I think we worked very well in what we're  
3 trying to do at School of Dreams. And that's all I  
4 have to say.

5 CHAIR SHEARMAN: Thank you very much.  
6 Commissioners, you have heard the recommendation for  
7 the School of Dreams contract. The Chair would  
8 entertain a motion at this time.

9 COMMISSIONER CARR: I'll do it. Madam  
10 Chair, I move we approve the contract with the School  
11 of Dreams Academy with the financial framework and  
12 technical changes.

13 CHAIR SHEARMAN: You heard the motion. Do  
14 I hear a second?

15 COMMISSIONER TOULOUSE: Second.

16 CHAIR SHEARMAN: Motion and second to  
17 approve the contract of School of Dreams Academy with  
18 the financial framework and technical changes. Any  
19 discussion commissioners? Commissioner Parker.

20 COMMISSIONER PARKER: Madam Chair and  
21 Commissioners, I just want to say it's great to hear  
22 your feelings on the process that it was a team  
23 working together to achieve a final goal.

24 CHAIR SHEARMAN: Thank you. Any other  
25 comments?

1                   Hearing none, Mr. Secretary, may we have a  
2 roll call vote.

3                   COMMISSIONER BERGMAN: Commissioner Pogna.

4                   COMMISSIONER POGNA: Yes.

5                   COMMISSIONER BERGMAN: Commissioner Parker.

6                   COMMISSIONER PARKER: Yes.

7                   COMMISSIONER BERGMAN: Commissioner Carr.

8                   COMMISSIONER CARR: Yes.

9                   COMMISSIONER BERGMAN: Commissioner  
10 Peralta.

11                   COMMISSIONER PERALTA: Yes.

12                   COMMISSIONER BERGMAN: Commissioner

13 Toulouse.

14                   COMMISSIONER TOULOUSE: Yes.

15                   COMMISSIONER BERGMAN: Commissioner

16 Conyers.

17                   COMMISSIONER CONYERS: Yes.

18                   COMMISSIONER BERGMAN: Commissioner Gant.

19                   COMMISSIONER GANT: Yes.

20                   COMMISSIONER BERGMAN: Commissioner

21 Shearman.

22                   CHAIR SHEARMAN: Yes.

23                   COMMISSIONER BERGMAN: Mr. Bergman votes

24 yes. Madam Chair, that is a nine to zero vote in

25 favor of the motion, and it carries.

1 CHAIR SHEARMAN: Thank you. By unanimous  
2 vote, the contract of School of Dreams Academy is  
3 approved subject to the financial framework and  
4 technical cleanup. Thank you.

5 MS. BARNES: The last one we suggest you  
6 look at before lunch is Gilbert L. Sena Charter High  
7 School. This contract was negotiated by  
8 Commissioners Shearman, Bergman, Toulouse and Pogna.  
9 The Gilbert Sena High School received three  
10 amendments previously from the PEC which have all  
11 been incorporated into this contract. We recommend  
12 approval of these contract documents with the same  
13 two caveats; one, that the financial framework be  
14 included and that be sent back to the school for  
15 approval, and that the cleanup of the contract  
16 document be sent back as well for their approval.  
17 And again, we will get that information back to you  
18 whether their board has approved it or not. But we  
19 recommend approval.

20 CHAIR SHEARMAN: Thank you. Abby, any  
21 comment?

22 MS. LEWIS: Not at this time.

23 CHAIR SHEARMAN: Please introduce yourself  
24 for the record.

25 MS. TORRES: My name is Nadine Torres. I'm

1 the executive director of Gilbert Sena Charter High  
2 School. There is one change in that contract that I  
3 did want to make sure that you noticed from the last  
4 time is that we will no longer be moving to the  
5 Indian School address, and that has been taken out of  
6 the contract. We will continue to look or possibly  
7 be expanding upon our current location. So I did  
8 want to let you know that.

9 CHAIR SHEARMAN: Thank you.

10 MS. TORRES: It's best for the school and  
11 the students.

12 CHAIR SHEARMAN: Commissioners, you've  
13 heard the recommendation. The Chair would entertain  
14 a motion. Commissioner Bergman.

15 COMMISSIONER BERGMAN: Madam Chair, I move  
16 that the contract performance framework and a new  
17 financial framework be accepted by this commission,  
18 also to include all the technical changes that have  
19 been noted and what Director Torres just noted about  
20 her future move and that this contract be accepted.

21 CHAIR SHEARMAN: Second.

22 COMMISSIONER CARR: Second.

23 CHAIR SHEARMAN: Motion by Commissioner  
24 Bergman and second by Commissioner Parker to approve  
25 the contract of Gilbert L. Sena Charter High School

1 with the notations as included in the motion.

2 MS. BARNES: I just have one comment that  
3 Nadine had told me that the new location had fallen  
4 through, so it's actually not in your documents. I  
5 think she's just letting you know that it's not, but  
6 we don't have to clean it up because she's already  
7 taken care of it.

8 CHAIR SHEARMAN: We did approve the  
9 amendment, so that's floating out there.

10 MS. BARNES: Yes.

11 MS. LEWIS: You approved an amendment to  
12 move? I wasn't there. Was it a specific address or  
13 just permission to look to move?

14 MS. TORRES: A specific address.

15 COMMISSIONER BERGMAN: I just noted what  
16 she said about not moving. Doesn't that take care of  
17 it?

18 MS. LEWIS: Okay.

19 CHAIR SHEARMAN: The enrollment cap  
20 increase is still valid. Any further discussion or  
21 questions?

22 Hearing none, the Chair would ask for a  
23 roll call vote, Mr. Secretary.

24 COMMISSIONER BERGMAN: Commissioner Parker.

25 COMMISSIONER PARKER: Yes.

1 COMMISSIONER BERGMAN: Commissioner Carr.  
2 COMMISSIONER CARR: Yes.  
3 COMMISSIONER BERGMAN: Commissioner  
4 Peralta.  
5 COMMISSIONER PERALTA: Yes.  
6 COMMISSIONER BERGMAN: Commissioner  
7 Toulouse.  
8 COMMISSIONER TOULOUSE: Yes.  
9 COMMISSIONER BERGMAN: Commissioner  
10 Conyers.  
11 COMMISSIONER CONYERS: Yes.  
12 COMMISSIONER BERGMAN: Commissioner Pogna.  
13 COMMISSIONER POGNA: Yes.  
14 COMMISSIONER BERGMAN: Commissioner Gant.  
15 COMMISSIONER GANT: Yes.  
16 COMMISSIONER BERGMAN: Commissioner  
17 Shearman.  
18 CHAIR SHEARMAN: Yes.  
19 COMMISSIONER BERGMAN: Commissioner Bergman  
20 votes yes. Madam Chair, that's a nine to zero vote  
21 in favor of the motion, and it carries.  
22 CHAIR SHEARMAN: Thank you. The motion  
23 passes unanimously to approve the charter with the  
24 caveats noted in the motion. Congratulations.  
25 MS. TORRES: I just wanted to, on behalf of

1 myself and the governance council president, thank  
2 the negotiations committee. It was a great process  
3 of providing feedback, collaboration. And my staff  
4 as well as the governance council feels confident in  
5 the established contract and performance framework.  
6 So thank you for your approval.

7 CHAIR SHEARMAN: Thank you very much.

8 COMMISSIONER GANT: Madam Chair, if I may,  
9 a couple questions. First of all, you have an  
10 increase in cap, so we have to be very careful about  
11 increasing your enrollment past the capacity  
12 designed. Are you doing any -- are you going to  
13 change any of that?

14 MS. TORRES: Well, the only thing that we  
15 may look at at this point is possibly adding to the  
16 current facility some portables, but nothing to  
17 anywhere close to the 300 cap. Right now our current  
18 building is 190, 195 right now. If we push it any  
19 further, it's not an environment for students. They  
20 will be too packed in it. So we are going to  
21 continue with the 300 with the hopes of expanding and  
22 continuing to look for another building. But it will  
23 be a slow process. It will not be anything -- my  
24 biggest piece is take baby steps and take big steps  
25 later.

1 COMMISSIONER GANT: Please keep Ms. Casias  
2 informed of what you're doing and of course CSD.

3 MS. TORRES: Of course. Thank you.

4 CHAIR SHEARMAN: Thank you. Commissioners,  
5 let's break for lunch. How much time do you think we  
6 need?

7 COMMISSIONER BERGMAN: If we do it on the  
8 premises, we can do it fairly quickly.

9 CHAIR SHEARMAN: We are in recess until  
10 1:00.

11 (Recess from 12:06 p.m. to 1:12 p.m.)

12 CHAIR SHEARMAN: Ladies and Gentlemen, we  
13 are a little bit late getting started. So I would  
14 ask the commissioners to allow part of Item 15 from  
15 the director's report to be presented right now. I  
16 understand that the representative from Mesa del Sol  
17 school is here and would like to give us the  
18 information from his school. And since he is the  
19 only administrator right now at that school, when  
20 he's gone they're sort of without a leader. I have  
21 asked the people from Health Science if they would  
22 agree to that, and they very graciously agreed to it.  
23 So if that's all right with everyone, Julia, I'm  
24 going to ask you to go ahead with that part of your  
25 report.



1 MS. BARNES: So I would like to start in  
2 just with that one part of agenda Item No. 15 which  
3 is my director's report. In the director's report,  
4 I'm reporting on several schools including the  
5 International School at Mesa del Sol. And I would  
6 like to have Sean Joyce join me to give you an update  
7 on what is happening with this school.

8 Sean, I should tell you that the commission  
9 has been told that you-all are looking at your  
10 options including three options, one of which was  
11 possibly to close the school. One was to immediately  
12 raise money for K-6 and immediately raise money for  
13 K-8. So that is the update that I have, but I think  
14 you have more of an update.

15 MR. JOYCE: Good afternoon. Thank you-all  
16 very much. Madam Chair, Members of the Commission.  
17 I am Sean Joyce, head of school, International School  
18 at Mesa del Sol school. We had a committee meeting  
19 last night to address the three options that Julia  
20 just described. It was the first opportunity for the  
21 commission -- I'm sorry, the governing council to  
22 hear the larger community concerns with respect to  
23 the possible option of closing the school down. We  
24 also had a report on the budget from our business  
25 manager Alfredo Diaz, and he submitted again the

1 preliminary budget, which will go to approval tonight  
2 at the governing council meeting, which indicated a  
3 balanced budget, which was obviously a big concern  
4 both of the community and the governing council.

5           The constraints that the council is  
6 responding to is again, as this commission is very  
7 familiar, the dramatic increase in the number of  
8 special education students and the needs and  
9 requirements of those students with respect to the  
10 revenue that comes a year late with the additional  
11 expenses of an international baccalaureate curriculum  
12 being a primary year world school which has an annual  
13 training of staff with the additional middle year  
14 program and its authorization and training. Those  
15 are annual expenses that are anywhere from 70,000 to  
16 \$100,000 each year.

17           With that in mind, the governing council  
18 addressed the community concerns last night. And  
19 with an auditorium of 150 seats, there were probably  
20 10 to 15 seats empty, a dozen staff members there and  
21 people all in the aisles around. So I would presume  
22 we had at least a third of our community represented.  
23 There were two or three parents of each student. So  
24 the governing council opened the conversation, and  
25 after two and a half hours, it was agreed by the

1 governing council that they would entertain the  
2 continued operation of the school and that they had,  
3 in fact, a budget for a K-6 and K-8 option. The  
4 community had already committed funding for about  
5 \$15,000 in less than a week that they had in their  
6 awareness and they're continuing to seek additional  
7 corporate sponsorship.

8           So at this moment with the governing  
9 council meeting on the 9th of April, it looks like  
10 the governing council will continue to move forward  
11 with the charter looking for renegotiation with the  
12 commission and move forward to keeping the school  
13 open.

14           MS. BARNES: I will add that his school is  
15 scheduled or was scheduled to negotiate next week.  
16 Given how uncertain everything was, we have vacated  
17 that. So we will need to reschedule it. I was  
18 hesitant to take him off the May 9 approval of a  
19 contract because I felt that it was important for his  
20 community to know and this commission to know that  
21 you have negotiated a contract. The way that we left  
22 it is that we wouldn't reschedule the negotiation  
23 date with the team of negotiators. And I believe you  
24 are all willing to accommodate the school. So we'll  
25 need to find a date, but he is still scheduled for

1 May 9 approval right now.

2 CHAIR SHEARMAN: Commissioner Bergman.

3 COMMISSIONER BERGMAN: What is the late day  
4 in April we could probably do a negotiation with him  
5 that would fit all of your time lines and our time  
6 lines? Did you happen to know right now?

7 MS. BARNES: I will know. Hold on. It's  
8 just when documents are due to you. So documents are  
9 due to you on the 30th of April. We had hoped for a  
10 school governing board approval by April 25.  
11 Obviously, we have to have a negotiation before then.  
12 But Sean and I talked about fast-tracking it and us  
13 meeting with him. And actually, I think in some ways  
14 it's even clearer what they needed to do because they  
15 know what they need to do to get the school back on  
16 track. That makes the performance indicators and  
17 those kind of things pretty straightforward. You're  
18 going to do what's essential to get the school on  
19 track. So I don't think it will be hard to get the  
20 draft ready, but he hasn't started that process.

21 COMMISSIONER BERGMAN: I know I can  
22 probably do it on a fairly short notice.

23 MS. BARNES: Let me get that to you.

24 COMMISSIONER BERGMAN: I don't know what  
25 the others can do. I know it complicates your

1 schedule, too.

2 MS. BARNES: If we're ready to go forward,  
3 then I will e-mail you because I can work with Sean  
4 on that.

5 CHAIR SHEARMAN: I do have a question.  
6 Your fundraising, I know that school pretty much  
7 depends on that. Do you have a deadline by when  
8 these amounts should need to be collected or pledged  
9 or whatever?

10 MR. JOYCE: Madam Chair, we have a  
11 projected budget that will balance without any  
12 private funding through the '14-'15 school year. And  
13 what the governing council is really focused on  
14 addressing is the '15-'16 where we anticipate the  
15 deficit of, say, 200 to \$250,000, and that's the real  
16 issue. The board has no desire to close the school,  
17 but they do not wish to continue to operate the  
18 school that does not implement the charter with  
19 fidelity and integrity.

20 So to answer your question, as I'm here to  
21 represent the governing council, my response would be  
22 by the 40th day next school year. So that if our  
23 community doesn't raise that, we have a projected  
24 budget for the following '15-'16 school year, that we  
25 would have plenty of time to inform our community,

1 Public Education Commission, et cetera, of possibly  
2 closing the school down the following year.

3 CHAIR SHEARMAN: Okay. Thank you.

4 Commissioners, any other questions?  
5 Commissioner Gant.

6 COMMISSIONER GANT: Mr. Joyce, during the  
7 discussion we had a month or so ago, you mentioned  
8 that you are IB for the elementary and you're willing  
9 to take on IB for the mid. Are you still going to do  
10 that considering the cost associated with that?

11 MR. JOYCE: Madam Chair and Commissioner  
12 Gant, the intention of the governing council again is  
13 to meet the charter. One of the proposals, as Julia  
14 said, was to perhaps scale back the coming year to  
15 K-6 and IB in the sixth grade could be self-contained  
16 which is less expensive than a middle school format  
17 with multiple teachers and subjects. Our community  
18 is, as represented from last night's meeting, in  
19 large support of the MYP program. In fact, there was  
20 even conversation last night of pushing our school  
21 with the success of the school into again a high  
22 school to have the opportunity for students to leave  
23 Mesa del Sol with a diploma.

24 So the answer to your question simply is  
25 only if we can afford to. It's in our charter we are

1 a K-8 school. We have a fiscal responsibility to  
2 student academic achievement and student  
3 responsibility to make sure all the students succeed.  
4 And that's why the governing council had one option  
5 of just being K-6. With the presentation of our  
6 business manager last night, both those options are  
7 still open. The community is fully aware that if we  
8 do move into MYP authorization, then the burden is on  
9 the committee to support that.

10 COMMISSIONER GANT: Thank you.

11 CHAIR SHEARMAN: Other questions? Seeing  
12 none, thank you. Julia.

13 MS. BARNES: The only thing I wanted to add  
14 is I will see if a budget analyst may be able to  
15 carefully look this over because I know that Paul  
16 Aguilar represented to you that -- and I was just  
17 telling Mr. Joyce this -- that PED will be monitoring  
18 their budget so that everything is balanced from  
19 their view as well, and he said he had no problem  
20 with that.

21 CHAIR SHEARMAN: Thank you very much.

22 MR. JOYCE: Thank you.

23 CHAIR SHEARMAN: Now, finally at long last.

24 MS. BARNES: Going back to the last agenda  
25 item on No. 11 which is the final approval of a

1 contract, I did race to Kinko's and made two copies  
2 of the contract so that maybe you-all can pass it  
3 along. It was already in your packet that was sent  
4 out. Maybe Commissioner Toulouse has it. It was  
5 already in your packets e-mailed out to you, so here  
6 are the hard copies.

7           This is a new school, and they were moved  
8 up because, in order to secure some funding for a  
9 facility, they needed to try to get approval today.  
10 So we have negotiated what we think are sound first  
11 year indicators. You might recall that the new  
12 schools and how we should work with them is something  
13 that we're looking at pretty closely. I have --  
14 again, CSD will want this to be subject to the  
15 insertion of the new financial framework. It sounds  
16 like the school is -- that they are okay with that,  
17 and I saw Mr. Nevins here yesterday. In addition  
18 we'll do the contract language cleanup, but their  
19 contract may already be in good shape. So we would  
20 approve it with those caveats. And I'll turn it over  
21 to Mr. Nevins.

22           MR. NEVINS: Madam Chair and Members of the  
23 Commission, Interim CSD Director Barnes, thank you  
24 very much for having us present today. We are  
25 honored to be considered as a new state charter



1 school particularly in the area where we hope to  
2 serve students, the Santa Teresa location. We're  
3 fortunate to be able to consider a lease in the new  
4 revised University of Phoenix facility, which is in  
5 wonderful shape.

6 PSFA visited the facility and gave us a  
7 score of six for the facility. The average, as you  
8 know, for most schools in New Mexico is 22. The  
9 lower the score, the better. So ours coming in at  
10 No. 6, the lower, the better, they have told us  
11 that's the lowest score or the best score of any  
12 charter school in the state. So we hope that you  
13 will consider the contract. We spent some time with  
14 members of your commission to craft a viable contract  
15 with measurable goals and worthy goals, I believe.

16 If you have any questions, I'll be glad to  
17 answer them.

18 CHAIR SHEARMAN: Thank you. Commissioners,  
19 do you have any questions? Commissioner Bergman.

20 COMMISSIONER BERGMAN: I have a question.  
21 I have heard a rumor that you guys are recruiting  
22 students in El Paso. First, I guess is that rumor  
23 true? Are you going to be taking kids from Texas,  
24 that live in Texas, in your school?

25 MR. NEVINS: Madam Chairman and

1 Commissioner Bergman, it's my understanding, and this  
2 was raised in your meeting in reference to a  
3 different school in a different part of the state, in  
4 the Deming area, that folks who come across the  
5 border are eligible for education in America. We are  
6 not recruiting in El Paso. To be direct, as an  
7 answer to you, no. But we understand that should  
8 they come into the area, we are obliged to service  
9 them.

10 MS. LEWIS: You'll want to check with your  
11 own legal counsel on that. It wouldn't be proper to  
12 rely on whatever you're talking about as your reason  
13 for allowing that. You say you heard the commission  
14 say it was okay. I'm advising you to ask your own  
15 legal counsel.

16 MR. NEVINS: Thank you, Ms. Lewis.

17 COMMISSIONER BERGMAN: That was my reason  
18 to raise the point because it is kind of a conundrum.  
19 I understand that folks that live in Mexico, because  
20 you have Columbus and Deming and Lordsburg, all the  
21 border towns do, as I understand, have those  
22 students, and they're required to accept them. But  
23 we're talking in this case about another United  
24 State, Texas. I know Texas doesn't always say  
25 they're part of the United States. My question is,

1 is it legal for the taxpayers of New Mexico to  
2 educate children that live in Texas. That's way  
3 above my pay grade. Thank you for your  
4 clarification. That may be something worthy to be  
5 looked into for future reference.

6 COMMISSIONER TOULOUSE: Madam Chair, I  
7 would wonder if students in the El Paso area go  
8 across borders for school, for instance, in Anthony,  
9 although I know they have high schools at each.  
10 Because I know for colleges, this state has a  
11 reciprocal agreement within 100 miles of the border  
12 that you take in-state tuition for those students.  
13 And I just wondered if the state had agreements about  
14 border communities because I don't know. It's a  
15 question I'm asking. Because in Clovis, you have  
16 Texico and Farwell. You have those. I'm sure that  
17 there are kids crossing borders. So I wonder how  
18 it's handled.

19 CHAIR SHEARMAN: It's probably going to  
20 take an attorney to figure that one out.

21 COMMISSIONER CONYERS: I have a question,  
22 Madam Chair.

23 CHAIR SHEARMAN: Yes.

24 COMMISSIONER CONYERS: Just for my  
25 information, there is a school snapshot. I had a

1 question on the school's snapshot, and this is just  
2 for my information. Are those referring to Gadsden  
3 School District down there at the bottom under  
4 academics?

5 MS. BARNES: Yes. He hasn't opened yet.

6 COMMISSIONER CONYERS: Okay. Thank you.  
7 That was my question.

8 CHAIR SHEARMAN: Are there other questions?

9 COMMISSIONER BERGMAN: Not a question. I  
10 would just like to echo what Mr. Nevins said. We had  
11 a very amenable session. They were amenable to  
12 making changes. We had some very vigorous sessions  
13 as we do with all the schools. I think that's a  
14 positive part of the process. We had some excellent  
15 discussions. And I think in every case that I have  
16 sat in on we ultimately reach a point where  
17 everybody's pretty much satisfied with what we came  
18 up with. So I didn't want to leave the impression  
19 that they were not. It was a very good session, I  
20 thought, and I believe we have had excellent goals.

21 CHAIR SHEARMAN: Are we ready for a motion,  
22 Commissioners? I entertain a motion.

23 COMMISSIONER BERGMAN: I would move that  
24 this Public Education Commission accept the contract,  
25 the performance framework and the new financial part

1 of the framework and approve this contract.

2 COMMISSIONER TOULOUSE: Madam --

3 CHAIR SHEARMAN: And the technical changes.

4 COMMISSIONER TOULOUSE: Madam Chair, I will  
5 second.

6 CHAIR SHEARMAN: Motion by Commissioner  
7 Bergman and second by Commissioner Toulouse to  
8 approve the contract of Health Sciences Academy along  
9 with the financial framework and technical changes as  
10 presented. Any discussion?

11 Mr. Secretary, roll call vote, please.

12 COMMISSIONER BERGMAN: Commissioner Carr.

13 COMMISSIONER CARR: Yes.

14 COMMISSIONER BERGMAN: Commissioner  
15 Peralta.

16 COMMISSIONER PERALTA: Yes.

17 COMMISSIONER BERGMAN: Commissioner  
18 Toulouse.

19 COMMISSIONER TOULOUSE: Yes.

20 COMMISSIONER BERGMAN: Commissioner  
21 Conyers.

22 COMMISSIONER CONYERS: Yes.

23 COMMISSIONER BERGMAN: Commissioner Pogna.

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER BERGMAN: Commissioner Parker.

1 COMMISSIONER PARKER: Yes.

2 COMMISSIONER BERGMAN: Commissioner Gant.

3 COMMISSIONER GANT: Yes.

4 COMMISSIONER BERGMAN: Commissioner  
5 Shearman.

6 CHAIR SHEARMAN: Yes.

7 COMMISSIONER BERGMAN: Commissioner Bergman  
8 votes yes. Madam Chair, that is a nine to zero vote  
9 in favor of the motion. That motion carries.

10 CHAIR SHEARMAN: The motion passes  
11 unanimously for Health Sciences Academy.  
12 Congratulations.

13 MR. NEVINS: Thank you.

14 CHAIR SHEARMAN: Let's move to Item No. 12,  
15 discussion and possible action on Dream Dine's  
16 request to become a board of finance. Julia.

17 MS. BARNES: The Dream Dine is one of our  
18 new schools. They are ready to present their board  
19 of finance. I believe their documentation is in  
20 order and should be in your packet, and should be is  
21 the key phrase. Hopefully, it is. But we did  
22 receive it, and we have looked at it, and it is  
23 complete.

24 CHAIR SHEARMAN: You have looked at it, and  
25 it is complete. Thank you.

1 Good morning. Good afternoon.

2 MR. SOSA: Good afternoon.

3 CHAIR SHEARMAN: Time flies. If you have a  
4 presentation or anything you would like to say,  
5 please identify yourselves and say what you would  
6 like to say.

7 MR. SOSA: Good afternoon, Madam Chair,  
8 Commissioners. My name is Gavin Sosa. I'm the  
9 director of operations and outreach for Dream Dine  
10 Charter School. I don't think we have much of a  
11 presentation. As Interim Director Barnes said, our  
12 documentation is complete.

13 CHAIR SHEARMAN: Julia, you did make a  
14 recommendation, didn't you?

15 MS. BARNES: Yes, I recommend that you  
16 accept their board as a board of finance. Deanne  
17 Gomez is here as well, if you have any questions for  
18 her.

19 CHAIR SHEARMAN: Thank you. Abby, do you  
20 have any comment?

21 MS. LEWIS: No, ma'am.

22 CHAIR SHEARMAN: Commissioners, you can see  
23 the documents before you for recommendation from the  
24 director for approval of Dream Dine becoming a board  
25 of finance. The Chair would entertain a motion.

1 COMMISSIONER TOULOUSE: I move that we  
2 accept Dream Dine's board of finance as presented to  
3 us.

4 CHAIR SHEARMAN: Thank you. Do I hear a  
5 second?

6 COMMISSIONER BERGMAN: I would second that.

7 CHAIR SHEARMAN: Motion by Commissioner  
8 Toulouse, seconded by Commissioner Bergman to approve  
9 Dream Dine as a board of finance. Any discussion?

10 COMMISSIONER PARKER: Madam Chair, I'll be  
11 abstaining from this vote as a member of their  
12 governing council is both a friend and neighbor.

13 CHAIR SHEARMAN: Okay. Thank you.  
14 Anything else, Commissioners?

15 Hearing none, Mr. Secretary, roll call  
16 vote, please.

17 COMMISSIONER BERGMAN: Commissioner  
18 Peralta.

19 COMMISSIONER PERALTA: Yes.

20 COMMISSIONER BERGMAN: Commissioner  
21 Toulouse.

22 COMMISSIONER TOULOUSE: Yes.

23 COMMISSIONER BERGMAN: Commissioner  
24 Conyers.

25 COMMISSIONER CONYERS: Yes.



1 COMMISSIONER BERGMAN: Commissioner Pogna.

2 COMMISSIONER POGNA: Yes.

3 COMMISSIONER BERGMAN: Commissioner Parker  
4 abstains. Commissioner Carr.

5 COMMISSIONER CARR: Yes.

6 COMMISSIONER BERGMAN: Commissioner Gant.

7 COMMISSIONER GANT: Yes.

8 COMMISSIONER BERGMAN: Commissioner  
9 Shearman.

10 CHAIR SHEARMAN: Yes.

11 COMMISSIONER BERGMAN: Commissioner Bergman  
12 votes yes. Madam Chair, that is an eight to zero  
13 vote in favor of that motion with one abstention.

14 CHAIR SHEARMAN: The official result is  
15 approval of the board of finance with Dream Dine by a  
16 vote of eight to zero with one abstention. Thank you  
17 very much.

18 Next is Item No. 13, Review of Aims  
19 Amendments from 2013 and discussion and possible  
20 action on Aims proposed action to replicate its  
21 school on the UNM-North Campus located in Rio Rancho.

22 My statement before we begin this item is  
23 that this agenda item is intended as a listening  
24 session only. We will be hearing from Rio Rancho  
25 Public Schools and from Aims. Then we will ask our

1 attorney to review the documents that were utilized  
2 in the 2013 meeting with this item. We will not be  
3 taking comment from the public, and we will not be  
4 having a discussion. We are simply seeking  
5 information today. So I don't know who wants to be  
6 first.

7 MS. BARNES: If I could just explain one  
8 thing. The documents that are in your packet were  
9 provided to us by Beverly Friedman from the agenda  
10 item back in February, so just to let you know where  
11 we got those documents.

12 CHAIR SHEARMAN: Okay.

13 MS. BARNES: There is -- she just brought  
14 me down the packet that was from the binder that day.

15 CHAIR SHEARMAN: Okay. Let's just go  
16 alphabetical. Would the representative from  
17 Albuquerque Institute for Math and Science please  
18 come forward.

19 MR. IVEY-SOTO: Actually, Madam Chair, we  
20 would rather defer to Rio Rancho Public Schools.

21 CHAIR SHEARMAN: Rio Rancho, are you  
22 prepared?

23 MS. CLEVELAND: We are prepared. That's  
24 fine.

25 CHAIR SHEARMAN: Please come forward.

1 MS. CLEVELAND: But we would like to have  
2 the last word. Thank you very much for an  
3 opportunity to speak to you this afternoon. I did  
4 take a short walk to lunch.

5 CHAIR SHEARMAN: Please give your name.

6 MS. CLEVELAND: I took a short walk to  
7 lunch, and I'm having an allergy reaction. My name  
8 is Sue Cleveland, and I am the Superintendent of  
9 Schools for the Rio Rancho Public School District.

10 CHAIR SHEARMAN: I'm sorry. Just a minute.  
11 We did ask that each presenter limit their comments  
12 to 10 minutes. So I will ask, Commissioner Gant, are  
13 you ready to be our official timer?

14 COMMISSIONER GANT: One moment.

15 CHAIR SHEARMAN: Please go ahead.

16 MS. CLEVELAND: We have several concerns  
17 with regards to the application, and I assume I do  
18 not need to read the letter into the record, that you  
19 have that. So I'm going to just summarize some of  
20 the key points or areas of concern that we have.

21 The first one has to do with the lack of  
22 sufficient and timely notification of the intent of  
23 the Albuquerque Institute of Math and Science to  
24 establish a charter in Rio Rancho. The deadline this  
25 year for notification was January 8. The first that

1 we had notice on it came from the University of New  
2 Mexico. We had two folks visit us on February 17 to  
3 inform the district about the possibility of this  
4 venture.

5 We received a letter on March the 20th that  
6 indicated that the Public Ed Commission had approved  
7 the expansion of Aims into Rio Rancho. We were a  
8 little surprised by that. We were not aware of any  
9 hearing or opportunity for input. And in fact, if  
10 this had been done, one of the biggest challenges  
11 that is facing this project would have been  
12 identified much earlier. The UNM West Advisory  
13 Council which is chaired by former State Senator  
14 Pauline Isenstadt was never informed or asked for  
15 their input. A broad spectrum of individuals from  
16 Sandoval County serve on that council.

17 Partly I think what's at issue here is the  
18 whole issue of expansion, expansions that are based  
19 on our interpretation of the statute, lenders,  
20 charters to the school district in which the charter  
21 was issued. There's been a lot of confusion on the  
22 PEC documents and the agenda even today about what is  
23 being proposed regarding an expansion of the current  
24 charter. For example, UNM-North is in Albuquerque  
25 adjacent to the University of New Mexico campus.

1 UNM-West is in Rio Rancho, New Mexico. While a  
2 letter from Aims asserts that the Public Ed  
3 Commission had approved this expansion, we have been  
4 unable to find any documentation that supports this  
5 contention. Therefore, we believe, and in addition  
6 we believe it's in direct conflict with the state  
7 statute.

8           There are questions regarding the use of  
9 UNM-West's only academic building for a purpose of  
10 other than higher education. In 2008, and reaffirmed  
11 in election last fall, the voters in Rio Rancho voted  
12 to provide GRT funding for higher education purposes  
13 only in Rio Rancho. 60 percent of the UNM-West  
14 facility was paid for by the voters of Rio Rancho.  
15 Both the former and current city managers Keith  
16 Riceberg and James Jimenez have indicated that there  
17 may be legal constraints about the use of this  
18 building for purposes other than the one that was  
19 stated on the ballot.

20           There is a letter that has gone to the  
21 Board of Regents, and I want to just share a little  
22 bit about with you quickly the legal issue. We  
23 believe that the charter schools allowed the presence  
24 of the UNM-West building. There's a significant  
25 probability that the City of Rio Rancho City Council

1 will choose to rescind its share of gross receipts  
2 tax. This share was originally allocated to UNM-West  
3 by a citizens vote in 2008 and reaffirmed by the  
4 defeat of a referendum in August of 2013 that would  
5 have repurposed UNM-West's portion of the GRT  
6 allocated to higher education.

7 Under the sharing agreement for a portion  
8 of the Rio Rancho GRT, UNM-West receives  
9 approximately two million a year based on its use  
10 being strictly used for higher education or as stated  
11 in the original referendum for a four-year post  
12 secondary education institution. We are aware that  
13 Rio Rancho City Council members who are against the  
14 GRT sharing to begin with. We already believe that  
15 allowing a charter school the use of facilities is in  
16 violation of state statute authorizing the tax, the  
17 referendum and the original memorandum of  
18 understanding. Additionally, the money already  
19 collected and unspent may be used for other items  
20 potentially including funding for another state  
21 institution.

22 That's their take. And I want to just  
23 share that with you just briefly. I think there is a  
24 real likelihood that the tax revenues could be  
25 diverted. Political entities such as the Rio Rancho

1 Board of Education went out and worked very hard  
2 during that election, but the information we shared  
3 with the voters in our district was that it would be  
4 used for purposes of higher education only.

5 We also believe that there are just all  
6 kinds of concerns about the logistics, the  
7 appropriateness, the safety of mixing middle school  
8 age students, college students and adult learners in  
9 one single facility. Neither have we seen any  
10 approval by PSCOC which we believe is a requirement  
11 prior to utilization of any facility for a K-12  
12 school.

13 COMMISSIONER GANT: Five minutes.

14 MS. CLEVELAND: Thank you, sir. The  
15 current Aims site is not located in any of the main  
16 campus academic buildings. Aims students at UNM are  
17 not mixing with or completing with traditional  
18 college students or adult learners for services or  
19 space.

20 Very quickly I want to summarize the points  
21 that we think are pertinent. We believe there's a  
22 lack of sufficient notice based on state statute. We  
23 believe that transferring charters across district,  
24 city and county lines without a new application  
25 deprives communities of an opportunity to be heard

1 and is contrary to state statute. We believe a lack  
2 of public input or conversation regarding this action  
3 is not consistent with the letter of the law, and it  
4 certainly violates the spirit of the law.

5 Much of the data that has been collected  
6 would suggest that UNM-North is a more suitable site  
7 based on the survey of students as it was laid out in  
8 a document that you received. But I understand  
9 that's really not a decision that is any of our  
10 business.

11 The legality and appropriateness of  
12 repurposing UNM-West's only building for any uses  
13 other than higher education we believe is not in the  
14 best interest of our community. As previously  
15 stated, the current Aims campus is not located in any  
16 of the UNM main campuses academic buildings.  
17 Logistics and safety concerns about mixing middle  
18 school students, traditional college students and  
19 adult learners we feel is something that needs to be  
20 taken into consideration, but we also are very  
21 concerned that it will impede the development of  
22 UNM-West, will keep it from growing as spaces are  
23 used for other things.

24 Community expectations is voiced by the  
25 ballot box as well as the community at the University



1 of New Mexico which indicated that their support of  
2 this building was for higher education courses and  
3 services for the community. We do not -- we don't  
4 doubt their feelings. We just don't know their  
5 feelings regarding an Albuquerque charter school.  
6 There is a fear that this funding will be directed  
7 and not used according to the wishes of the voters,  
8 and we think that there is substantial risk to that.  
9 We also believe that conflicting information and  
10 failure to follow the established procedures has  
11 created mistrust and has created a really very  
12 unfortunate situation for all concerned. Thank you.

13 CHAIR SHEARMAN: Thank you very much for  
14 that information. We would ask the representative  
15 from Aims to come forward. And we would ask that you  
16 be mindful of the 10-minute limit, too. Please do  
17 spell your name for the reporter.

18 MR. IVEY-SOTO: My name is Daniel  
19 Ivey-Soto. Thank you for the opportunity to address  
20 the Public Education Commission. Let me begin by  
21 thanking also the Chair for reminding me as to the  
22 time limits, although I do also recognize I'm not in  
23 my other chamber, and thus, do not have unlimited  
24 time as I'm used to.

25 I'm here today as general counsel to the

1 Albuquerque Institute for Mathematics and Science.  
2 Although I was recognized earlier in terms of my  
3 legislative work, I'm a freshman in the State Senate  
4 and I've been counsel for the school for over seven  
5 years. And as an educator myself who has taught  
6 every grade sixth through twelfth and my education  
7 degree is in education reform specifically, this has  
8 been one of the most exciting professional  
9 opportunities that I have had in terms of working  
10 with Aims.

11           The reason why I asked Madam Chair to allow  
12 Rio Rancho Public Schools to go first is because we  
13 didn't know what their complaints were. The letter  
14 that you have in your binder, we have not seen. They  
15 have not communicated with us directly. In fact, we  
16 tried to reach out to the Rio Rancho Public Schools,  
17 and we were told, Please don't bother coming to talk  
18 to us.

19           And so this creates a rather unfortunate  
20 and uncomfortable situation, and I am very sorry that  
21 you-all have now found yourself in the middle of two  
22 10-minute segments on this matter. So let me just  
23 very quickly address a few issues. And I'll begin by  
24 addressing the issues raised by Dr. Cleveland now  
25 that I'm aware of what they are.

1           The first is, I find it very interesting  
2 that she says their issues are lack of notice as  
3 required by law. Except expansion doesn't require  
4 notice by law. A transfer across city and county  
5 lines, actually there's no mention in the statutes  
6 about city lines or county lines, although there is  
7 about district lines, and I'll address that in just a  
8 moment, and a lack of community input. In fact,  
9 since the regents gave us authorization to talk about  
10 Rio Rancho and to go forward in Rio Rancho, we have  
11 gone repeatedly out to Rio Rancho to have community  
12 conversations beginning with the advisory board from  
13 UNM-West where we had an extensive meeting last week  
14 and also earlier this week where the director of the  
15 school, Catherine Sandoval Snyder, who is here,  
16 myself and one of the founding members who lives in  
17 Rio Rancho appeared before the Rio Rancho City  
18 Council, and I will say to a very positive response.  
19 So I would really like to see the specific sections  
20 of the law to which she is addressing herself because  
21 I'm not aware of those.

22           What I am aware of is that we appeared  
23 before this commission on February 1, 2013, and we  
24 appeared before this commission for the purpose of  
25 getting an amendment to our charter. Now, there is

1 some confusion whether there's one amendment or two,  
2 and so let me walk you through that very quickly, if  
3 I may.

4           What happened on that time -- and you-all  
5 have the proposal in your packet, and this proposal  
6 came out of the packet that was in the binders on  
7 that day. And on Page 3 of that proposal, the first  
8 page being the cover page and then table of contents,  
9 you have No. 2.1 Objectives. And right there very  
10 clearly stated with bullets is that we are looking at  
11 possible locations of either the Los Lunas campus,  
12 which is clearly not within the boundaries of APS,  
13 the North-UNM campus which is, and the West Side  
14 Campus, for which I think there might have been some  
15 confusion. But with regard to Los Lunas, clearly  
16 there would not be.

17           As we presented, Dr. Gerlicz who was at the  
18 time the director of the Options for Children Office,  
19 Dr. Gerlicz referred to two amendments and that he  
20 had reviewed the packet, and he recommended approval  
21 of the two amendments. And it appears from a review  
22 of the record, and it appears from having been there  
23 myself and having testified, that he understood in  
24 his mind that one amendment was an expansion of the  
25 cap from 360 up to 720, and a second one was in terms

1 of the locations that were identified. And so that  
2 is -- that was the discussion, and that was how it  
3 was presented by the Options for Children Office to  
4 the commission on that day.

5 Dr. Sandoval Snyder and I sat for questions  
6 and responded to questions. And at that moment, we  
7 were looking primarily at the North Campus, but all  
8 three were identified. Nonetheless, the amendment or  
9 amendments were approved. And certainly at the very  
10 least, the amendment that went to supporting  
11 documentation was approved by this commission. And  
12 since then, we have been in discussion with UNM in  
13 terms of their locations. And we have looked at  
14 Valencia, we have looked at North Campus, we've  
15 looked at the West Campus in terms of the most ideal  
16 location, and having identified that then we are in  
17 the process of going forward on that.

18 Again, we are happy to provide whatever  
19 other information is asked for by Ms. Lewis as well  
20 as Ms. Barnes and really happy to work with them and  
21 make sure that there are no questions going forward  
22 in terms of this. You know, for this state -- and I  
23 understand we're talking about the technical  
24 requirements here -- but for this state, to have a  
25 school that is on the Washington Post list of the

1 best high schools in America and listed as the 46th  
2 best public or private school in America, to have a  
3 blue ribbon, the only blue ribbon high school in this  
4 state, and also Aims, by the way, if we were still  
5 under the old AYP system, would have been the only  
6 high school in the state to achieve AYP last year.  
7 So what we provide is, in fact, excellence in  
8 education. And we are very proud of our school, and  
9 we have nothing to hide, and we are interested in  
10 following whatever process we are directed to follow.

11 And if at some point there's a process that we're  
12 asked to follow, we will do that. What we have done  
13 so far is to follow what we have been asked to do.

14 And so again, thank you very much. I do  
15 appreciate the time. And I also again am very  
16 embarrassed that you felt the need to set the time  
17 aside for this 10 minutes. Have a very nice day.

18 CHAIR SHEARMAN: Thank you for your  
19 presentation.

20 I'll ask Abby Lewis to give us a legal  
21 perspective from the documents that day.

22 MS. LEWIS: I just want to start by  
23 qualifying this opinion that I have reviewed the  
24 documents that were e-mailed to me. However, if  
25 there are other documents floating out there that I

1 haven't seen, send them my way. So what I'm about to  
2 say is based solely on the documents I have received  
3 on this to this point.

4 First of all, I appreciate that you are  
5 willing to work within the procedure. And I just  
6 want to say that the procedure that this commission  
7 has set up and been very public about in every public  
8 meeting because moving comes up all the time for  
9 charters is that not only do you need an amendment  
10 for permission to move, you need an amendment for the  
11 specific address. So because of the way things work  
12 with charters, first you negotiate with this one and  
13 then that one falls through. So before you even  
14 think about moving, this commission has in several  
15 open meetings set up the procedure that you, A, need  
16 the permission to move, an amendment. And then B,  
17 when you find that ideal place, you find that good  
18 location, you come back and you say, Here's our  
19 amendment for our specific address. I don't have an  
20 amendment in my packet with this specific address in  
21 it. So to me that part of the procedure has not yet  
22 been accomplished.

23 Secondly, from hearing your concerns, I  
24 believe that the law that she's referencing is if you  
25 had been set up as a new school. Is that correct?

1 MS. CLEVELAND: I'm sorry.

2 MS. LEWIS: It sounds like the law that --  
3 you didn't reference any statutory provisions, but it  
4 sounds like your objections had to do with the fact  
5 that they didn't follow the procedures for a new  
6 school.

7 MS. CLEVELAND: It's 228B4L of the Charter  
8 School Act.

9 MS. LEWIS: I'm sorry. That's not what I'm  
10 asking. I'll just continue. Indeed 228B4L does put  
11 a restriction on this commission as to what they can  
12 and cannot approve. And for the boredom of everyone  
13 in the audience, I'll just go ahead and read it so  
14 that the commissioners can hear it as well. With the  
15 approval of the chartering authority, a single  
16 charter school may maintain separate facilities at  
17 two or more locations within the same school  
18 district.

19 So here my understanding is that we have  
20 crossed school district lines. Those to me are the  
21 two legal issues here. A, the procedure has not yet  
22 been completed as far as amendments are concerned;  
23 and B, I don't see how the law allows this commission  
24 to even approve for them to go over to Rio Rancho  
25 because it's outside the school district that they're



1 in now. So at this point, with all the information I  
2 have, that's all I have to say. Thank you.

3 CHAIR SHEARMAN: Thank you very much.  
4 Commissioners, again, this was for information only.  
5 I hope that perhaps this has clarified some issues in  
6 your mind. This issue will be on the April 11 PEC  
7 agenda. And after consultation with attorneys and so  
8 forth, if there is anything the PEC needs to do, it  
9 will be announced perhaps at that meeting. But  
10 certainly there is nothing for us to do today. So we  
11 will be working on this in the meanwhile, and  
12 hopefully, the issue will come to resolution soon.  
13 So thank you for your interest, those of you who are  
14 for that issue.

15 At this point, Abby, if you have completed  
16 everything, we are going to move on to Item No. 14.

17 COMMISSIONER TOULOUSE: On a previous item,  
18 there was reference to a letter that was supposedly  
19 in the packet.

20 CHAIR SHEARMAN: It came to you e-mail.

21 COMMISSIONER TOULOUSE: I didn't get it.

22 CHAIR SHEARMAN: Check with Beverly. I  
23 thought she was going to take care of that.

24 COMMISSIONER TOULOUSE: Maybe it came, but  
25 I did not receive that letter. Thank you.

1 CHAIR SHEARMAN: Okay. Julia, whenever  
2 you're ready.

3 MS. BARNES: Moving on to agenda Item No.  
4 14, I have been keeping you updated in terms of what  
5 was going on with the Ralph J. Bunche appeal. A  
6 letter from the cabinet secretary has been issued and  
7 is in your binder. I think the letter should kind of  
8 stand on its own, so I really don't have an  
9 explanation of that. As far as I know, nothing has  
10 happened since this letter.

11 However, I will tell you that we are being  
12 directed to move forward with the closure, so we are  
13 doing that. Sandy Berry, who is also doing the TLC  
14 closure, will also do the Ralph J. Bunche closure.  
15 And I have already asked Beverly to start to put that  
16 on the agenda. I'm sorry. I could have been doing  
17 that all along.

18 CHAIR SHEARMAN: Okay. Thank you very  
19 much. Any questions? Commissioner Bergman.

20 COMMISSIONER BERGMAN: Director, do you  
21 anticipate that those are going to be contracted out  
22 all the time from now on, or are we hopeful that you  
23 guys are going to be doing those in-house?

24 MS. BARNES: Yeah. I'll give you an update  
25 in terms of where we are on staffing, which is that

1 we have two vacant positions, and we anticipate --  
2 Karen Ehlert is retiring, and there is no way to keep  
3 her on part-time. So we are anticipating that there  
4 will be a third position. I think we can double that  
5 up if we can go ahead and advertise for that. We are  
6 interviewing this week for another EAO position,  
7 which is an assistant type of position, although we  
8 seem to get really super competent people. So we are  
9 going to interview those people for the second  
10 position next week.

11 Amy Chacon is the new person who has the  
12 first of those two positions. We are posting  
13 probably next week for the general manager position,  
14 which was Kelly Callahan's position. As you  
15 remember, Kelly Callahan was the one who orchestrated  
16 most of the closings. I anticipate that person may  
17 take that position on to do the closings. They are  
18 very time consuming, though. So a part of me is a  
19 little hesitant to use a position like a general  
20 manager basically for the closing.

21 So we are trying to work that out. And  
22 Deputy Director Aguilar has been great in working  
23 with us. Certainly Sandy Berry is going to do a very  
24 good job. I'm not too worried about that contract.  
25 So probably in-house, but maybe a combination.

1 COMMISSIONER BERGMAN: Thank you for that  
2 information. Thank you, Madam Chairman.

3 CHAIR SHEARMAN: Abby, do you have a  
4 comment?

5 MS. LEWIS: I just wanted to clarify for  
6 the record, earlier in Deputy Secretary Aguilar's  
7 report he said that the secretary was not going to  
8 take up this appeal because it wasn't timely. The  
9 real issue is that the appeal was not properly filed  
10 in that the regulations specified and the statute  
11 actually specifies what must be filed with an appeal,  
12 and none of that was filed. So I just wanted to  
13 clarify for you-all what the issue was.

14 MS. BARNES: Probably completeness rather  
15 than timeliness issues.

16 CHAIR SHEARMAN: Commissioner Gant.

17 COMMISSIONER GANT: Madam Chair, Members.  
18 Just a question, Julia. Based upon what was in the  
19 letter, et cetera, and what Ralph Bunche knows, you  
20 guys will go forward with the appeal to District  
21 Court?

22 MS. BARNES: I've heard nothing further  
23 after the letter. So I would just be guessing.

24 COMMISSIONER GANT: Okay.

25 MS. BARNES: I will certainly let you know.

1 Several of these appeals have raised really  
2 interesting legal issues, if you're interested in  
3 them. But I actually -- and I think we're learning  
4 from the decisions as they come out. So this is  
5 another interesting one.

6 COMMISSIONER GANT: Thank you.

7 CHAIR SHEARMAN: If that completes 14,  
8 let's move on to Item No. 15. And this is your  
9 report, Julia.

10 MS. BARNES: Item No. 15 is the director's  
11 report. I did want to spend -- this is going to be  
12 frustrating. My fault. Hold on a second. I may  
13 have to send out a letter later unless I have copies.  
14 We have -- I'll just go ahead and outline it for you.  
15 We have put together an overview in a dashboard where  
16 the charter schools division is, and I will e-mail  
17 that out to you. But I'll go over it briefly here.

18 We have calculated the number of hours in  
19 which the CSD staff is actually out in site visits  
20 with the schools. As you recall, the charter school  
21 app requires that there be one annual site visit. In  
22 addition, if we do instructional audits, that can be  
23 another two days. We do the trainings for new  
24 applicants and renewals. We review the applications  
25 and the renewals. These contract negotiations,

1 school closures and training on common core and  
2 PARCC, that is over 61 weeks in direct service to our  
3 schools with them or in their schools which puts the  
4 CSD staff on the road a tremendous amount of time.  
5 And often we're trying to have two people go into  
6 schools so that they can see two eyes on the schools  
7 particularly if it's going to be a site visit for you  
8 for a renewal application or if a school is in  
9 trouble and working on their school grade.

10           So it's a pretty impressive number to me.  
11 It's a huge commitment to being out there on your  
12 behalf and on behalf of the PED in the schools, and  
13 we're really hoping to keep that up because I feel  
14 like it's well worth it. It brings you a lot of good  
15 information.

16           There are four projects that we're working  
17 on. One is to have a more robust annual report. And  
18 if we ever have a PEC meeting where there's a little  
19 bit more time, I would like to spend a little bit of  
20 time on the required annual report. It does compare  
21 charters to noncharters. I don't particularly like  
22 that comparison because I think everyone in this room  
23 wants all students in New Mexico to succeed  
24 regardless of what school they go to. But for  
25 example, it does show that 81 percent of all New

1 Mexico charters have an A, B or C grade. That's  
2 pretty good. So we would like to spend more time  
3 with you on that. And in addition, we would like to  
4 make the annual report more robust.

5           The second project is really looking at  
6 performance indicators. And actually, I'm hoping to  
7 bring some of that information to you. All of you I  
8 think have negotiated, and you can see how intriguing  
9 and interesting these indicators are. We want to  
10 look at them from a higher level and start to see  
11 what are the kinds of things that you are liking in  
12 terms of negotiation, how can we improve them, how  
13 can we make them more robust. That to me is really  
14 diving deeper into the pool to really understand how  
15 we can have really solid indicators. It's a  
16 fascinating conversation. And for example, we're  
17 looking at how do you have strong indicators for new  
18 schools.

19           We have a history project because with  
20 Karen Ehlert's retirement, we're going to lose the  
21 history. So she is helping us, for example, to go  
22 back to the schools that aren't under contract yet  
23 and clarifying what are their goals. This is a  
24 project that will warm your heart because there's a  
25 lot of confusion when we go to the renewing schools.

1 We'll say, This is what we think your goals were, and  
2 sometimes we get a, I don't think those were our  
3 goals comment. So we're also cleaning up our  
4 electronic storage so that we know exactly what  
5 amendments were there and how many amendments a  
6 school has. It's hard to keep track of everything.

7 Finally, congratulations. I think we  
8 finished the forms project. We're going to finish it  
9 today. I went over briefly for you where we are with  
10 the staff. We have 11 authorized positions. Nine  
11 are working for us now. Hopefully within the next  
12 month, we'll be fully staffed. However, I do need to  
13 point out, and I'm sure it has not slipped your mind,  
14 seven out of the 11 people will be brand new, less  
15 than one year, and that takes a big toll on any  
16 division. So we're working hard to keep the  
17 employees. They keep getting stolen away. There's  
18 not much we can do about that. We are getting  
19 excellent applications where you look at it and you  
20 think, Wow, that would be great if we could get that  
21 person.

22 Just briefly, although you know this, we're  
23 showing for cabinet secretary, 14 notices of intent  
24 to open a new charter were received this year. On  
25 average, you guys have only been approving about a



1 quarter of those. It's whatever number you approve  
2 of course and whatever number is submitted, but we  
3 anticipate a slight jump in the number of schools.  
4 We may get some more renewing schools from the  
5 districts again. We anticipate that.

6 We will have completed by the end of this  
7 year 28 schools under contract. That is 45 percent  
8 of the charters under contract by the time we finish  
9 this year, seven from last year and then the 21 from  
10 this year. By the end of next year, it's going to  
11 make you tired. We will have another 19 renewing  
12 schools plus district schools plus new schools. So  
13 yikes, that could be a lot. But we should have 75  
14 percent of schools under contract.

15 What that means is all of this work to do  
16 all the forms and rolling out and how are we going to  
17 present to you and what is the schedule. It's all  
18 essential because we need to know how we're going to  
19 operate. And the great news is we actually have done  
20 a lot of that work.

21 Finally we reported to the cabinet  
22 secretary the work that we have been doing with you,  
23 you-all have reviewed or approved 15 forms. We have  
24 100 percent success rate assuming that you approve  
25 the two this afternoon. And we are now -- you are

1 now up to about 18 days of meetings a year by moving  
2 to the annual one-day meeting and assuming that we  
3 meet a half day on working sessions. That does not  
4 include the amount of time you're spending in  
5 negotiations.

6           So I'll forward this again because,  
7 obviously, we're having trouble with copies today.  
8 But I thought it was just interesting to see a  
9 snapshot. I'm happy to answer any questions, but I  
10 did just want to let you know what the world looks  
11 like from our chair.

12           CHAIR SHEARMAN: It looks busy is what it  
13 looks.

14           MS. BARNES: It does. It looks busy with a  
15 lot of you guys, too. There's a lot of days we're  
16 together.

17           COMMISSIONER BERGMAN: Very briefly. The  
18 forms process has been educational and everything,  
19 and I know the Chairwoman is on the record that she  
20 hopes we never have to spend this amount of time  
21 again, and Mr. Toulouse has said today, I understand  
22 that, and other commissioners agree with that, but  
23 I'm an old school kind of person. I think you always  
24 evaluate your forms after every cycle. Some  
25 questions do come up. So I don't know that we will

1 ever get to the point where a form is just going to  
2 be good the rest of its life. But next year it's  
3 going to be much simpler.

4 MS. BARNES: Yes.

5 COMMISSIONER BERGMAN: I would say to my  
6 fellow commissioners, and I'm sure the charter  
7 schools will be invited, too, to have their input,  
8 hopefully we will get comments the next time  
9 documents are sent out. This time we received no  
10 comments. We walked into the negotiations meetings  
11 and found out people wanted to talk about financial  
12 frameworks, and we received no comments on that.  
13 That came as a major surprise to us, and we have been  
14 reasonable on that, I believe.

15 So I agree with you. We don't want to do  
16 much on the forms, but we may make some minor tweaks  
17 in the future. I also wanted to go on the record  
18 here, the director has just laid out how many staff  
19 she has to do all the work that is now required to be  
20 done within the Charter Schools Division. And Senate  
21 Bill 446, as many bills that come out of the  
22 legislature do, mandates a lot of stuff and doesn't  
23 include any extra funding and says you fund itself.

24 I believe that CSD is understaffed. I know  
25 they're getting a few new people, but even if we get

1 those three new ones, you're going to be overworked.  
2 So I want on the record that I hope this commission  
3 will continue to at least ask that the CSD get some  
4 more staff. I'm a very small government person  
5 myself, but in regards to the Charter School  
6 Division, they need more staff. That's just my  
7 comment. Thank you very much.

8 COMMISSIONER TOULOUSE: Madam Chair, I want  
9 to reiterate the staffing part. We have been  
10 increasing charter schools. We have been increasing  
11 ones coming to us who are already under charter. I  
12 know the budget process is getting pretty close to  
13 being through for this year, but I think that we need  
14 to look ahead. And as this commission starting next  
15 fall, because as I say it's really too late to have  
16 much input in this year's budget process, and come up  
17 with what we want to push forward to PED on how we  
18 think this should be staffed and request those  
19 positions because there is the 2 percent funding.  
20 The more charter schools there are, the more funding  
21 that is coming through. And I think that we need  
22 to -- I mean, we don't have budgets. We don't do  
23 much on a budget, but I think we still have a right  
24 to look at budgets and look at what we can have. And  
25 I would like to request that come the beginning of

1 this fall when the next round of preparing for your  
2 budget starts, that we as a group come up and work  
3 with the staff of the Charter Schools Division and  
4 figure out what kind of staff he really needs so that  
5 we can at least put our two cents and our 2 percent  
6 behind requesting that. Thank you.

7 CHAIR SHEARMAN: Thank you. Any other  
8 comments? Commissioner Gant.

9 COMMISSIONER GANT: Madam Chair, Members,  
10 those of you who are here, Julia, this is more of a  
11 statement. Reading through your report, director's  
12 report, I still have concerns about those two  
13 Montessori schools grades. What's in there just, for  
14 some reason, doesn't give me warm fuzzies.

15 MS. BARNES: Let me address that. There's  
16 a couple more highlights. Let me just keep going  
17 then. On the short cycle assessment and the  
18 performance frameworks, I mentioned it last time. We  
19 are setting indicators set on short cycle  
20 assessments. And they are tricky to apply, so  
21 they're continuing to be tricky to apply, but we're  
22 working towards that discovery. One of my major  
23 concerns about discovery is that the kids scoring on  
24 discovery appears to be quite variable. I mean, by  
25 hundreds of points. Both the top 15 percent

1 improvement and the bottom 15 percent can vary by  
2 hundreds of points from losing grade levels or  
3 gaining and losing grade levels. So we are  
4 continuing to look at that. I do want to raise that  
5 for you.

6 I did want to mention again that Abby Lewis  
7 and I are going to start to work on your protocols,  
8 particularly things like how we roll out this process  
9 so that we do need the comments. When we make the  
10 comments to people, we will be bringing those  
11 procedures to you.

12 And then we do have a list of schools of  
13 concern. The top three are the International School  
14 at Mesa del Sol, Sage Montessori and La Tierra  
15 Montessori. We will keep them on the list. I'll  
16 come back to them in one second. McCurdy Charter  
17 School, Uplift, Lakita Rita on Pages 3 and 4, we are  
18 feeling pretty good about them. So we are thinking  
19 of dropping them from the watch list. International  
20 School at Mesa del Sol will stay on the watch list  
21 until we know that they're stable. Sage Montessori  
22 and La Tierra Montessori is what Commissioner Gant  
23 was just talking about. They are going to be on the  
24 watch list. Both of them have new leaders that are  
25 strong charter leaders, so that's giving us some

1 confidence. But we want to continue to look at them  
2 and work with them. So those three schools, the  
3 International School at Mesa del Sol, Sage and La  
4 Tierra, we intend to keep on this list.

5 So that's kind of where we are. I guess I  
6 agree. We are going to know more, too, when the next  
7 grades come out because once they come out, some of  
8 these schools -- La Tierra, I think, had one of the  
9 lowest grades in the state. So I agree with that.  
10 If there aren't more questions, that's where we are  
11 on the director's report.

12 CHAIR SHEARMAN: Let's go to 16 then on  
13 forms. And is there anything we need to cover there,  
14 Julia?

15 MS. BARNES: I probably just need approval.  
16 The financial framework, we have dealt with already.  
17 You have already adopted that today. The contract  
18 with the technical changes, I think we were -- Abby  
19 Lewis and I had permission to make technical changes  
20 to the contract. We presented those to you  
21 yesterday. The reason that we did that is we didn't  
22 want there to be more technical changes than you're  
23 comfortable with. If you're comfortable with us  
24 making the technical changes, I don't really know,  
25 Abby, if you want approval of the technical changes

1 or not.

2 MS. LEWIS: I guess it's the pleasure of  
3 the commission. I feel comfortable with that. I  
4 mean, approval of documents versus things like --

5 MS. BARNES: They had already given us  
6 permission to make technical changes. Are we good?

7 MS. LEWIS: Why don't we just go through  
8 the motions of -- not individually, but approving the  
9 technical changes that were presented yesterday.

10 MS. BARNES: So I guess we would like  
11 approval of the technical changes in the contract  
12 templates presented yesterday.

13 COMMISSIONER GANT: Madam Chair, I move we  
14 accept the technical changes to the contract.

15 COMMISSIONER CARR: I second it.

16 CHAIR SHEARMAN: Moved by Commissioner Gant  
17 and second by Commissioner Carr to approve the  
18 technical changes made to the charter school  
19 contract. Any discussion?

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

22 (Commissioners so indicate.)

23 CHAIR SHEARMAN: Any opposed, please say  
24 "No." The motion carries unanimously.

25 MS. BARNES: The last item on No. 16 is the



1 approval of the renewal application. Again, that was  
2 presented to you yesterday. The primary changes were  
3 to make the same aligning changes that we had done  
4 previously on the new applications. So now the  
5 renewal application is aligned with the comments on  
6 the initial application.

7           There were just a couple of suggested  
8 changes yesterday. One is to move towards having  
9 schools identify their rationale for their  
10 performance indicators. I think we put that in the  
11 application. We are using the amendment form when  
12 the schools present their amendments. And then we  
13 clarified under facilities that it's not just if  
14 you're relocating, but if you're going to expand your  
15 building or you're going to make changes or we -- you  
16 give them a cap increase, that the building has to be  
17 sufficient. Commissioner Gant is doing a good job of  
18 not jumping in right here, but we will call that the  
19 Commissioner Gant agreement.

20           Those small changes were made. It's a long  
21 document. I didn't print it off, but you do have my  
22 word that they were made, and we would like approval  
23 of the renewal application because we will use it  
24 immediately.

25           COMMISSIONER GANT: Madam Chair, I move we

1 accept the renewal application with the technical  
2 changes as approved and gone through by the executive  
3 committee.

4 CHAIR SHEARMAN: Do we have a second?

5 COMMISSIONER CARR: Second.

6 CHAIR SHEARMAN: Moved by Commissioner  
7 Carr, second by Commissioner Carr that we approve the  
8 renewal application with the technical changes as  
9 were noted. Any discussion?

10 COMMISSIONER BERGMAN: We should say  
11 renewal application template.

12 CHAIR SHEARMAN: That's more correct.

13 COMMISSIONER BERGMAN: It's a template,  
14 isn't it?

15 COMMISSIONER GANT: With the further  
16 amendment, yes.

17 COMMISSIONER CARR: I agree.

18 CHAIR SHEARMAN: Amended to say renewal  
19 application template. Any discussion?

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

22 (Commissioners so indicate.)

23 CHAIR SHEARMAN: Any opposed, please say  
24 "No." The motion carries unanimously.

25 MS. BARNES: I have one final thing, which

1 is now that the forms project is complete, I would  
2 like to have the CSD website have a forms page and  
3 indicate at the top that these forms have been  
4 reviewed and approved by the PEC, and I want to move  
5 all forms there. Some are on CSD's site. Some are  
6 on your site. I want both web pages to point to one  
7 forms page so that it's easy and clear for people  
8 what forms they need. I'm just confirming that  
9 there's no issue for you on that. There will be  
10 access from both the PEC and the CSD websites. I  
11 just think there should be one, and it should say  
12 that you have reviewed and approved these forms.

13 CHAIR SHEARMAN: Anybody opposed to that?  
14 I think you're good to go.

15 MS. BARNES: That's it for me.

16 CHAIR SHEARMAN: Let's move on to Item No.  
17 17 which is the 2014 PEC Meeting Calendar. I know we  
18 discussed this at our last meeting, but one thing I  
19 failed to bring up is that Commissioner Conyers told  
20 me there is a conflict with our -- is it July meeting  
21 with the New Mexico School Board's Leadership --

22 COMMISSIONER CONYERS: Yes.

23 CHAIR SHEARMAN: -- meeting. It's on the  
24 same day?

25 COMMISSIONER CONYERS: Yes, in Taos.

1 CHAIR SHEARMAN: On July 11. So I just  
2 wanted to bring that to your attention. We had great  
3 difficulty trying to move any meeting here lately,  
4 but I wanted to bring that to your attention and at  
5 least know that there is a conflict. And is there a  
6 consensus, or is there anyone who wants to try to  
7 move our meeting?

8 COMMISSIONER BERGMAN: I'm just looking.  
9 We don't have anything scheduled again after that  
10 meeting until the tour in late August. I know there  
11 must be a reason why we settled on that day, but  
12 right now it escapes me.

13 CHAIR SHEARMAN: We were counting on the  
14 second Friday of every month for our meetings to try  
15 to keep it -- so you can do some planning ahead and  
16 basically knew when it was going to be.

17 COMMISSIONER BERGMAN: I would have no  
18 problem with moving that one back a week, but that  
19 may be a problem for someone else when we start  
20 moving dates around.

21 COMMISSIONER PERALTA: July 18 and July 19  
22 is my local school board retreat.

23 CHAIR SHEARMAN: Okay.

24 COMMISSIONER BERGMAN: That's what we  
25 always run into. Somebody is always going to fall

1 into that.

2 COMMISSIONER TOULOUSE: Madam Chair, the  
3 previous board that I sat on had a rule that if two  
4 or more people couldn't make a meeting, then we  
5 discussed changing it. But if there was only one,  
6 whether they were chair or just a member or whatever,  
7 we didn't try to because we ran into the same thing.  
8 So if there were two or more people that couldn't  
9 make it, then there was a discussion. If there were  
10 three or more, then we automatically did. That was a  
11 rule of thumb we used.

12 COMMISSIONER CARR: That sounds good.

13 CHAIR SHEARMAN: Any other observations on  
14 the July meeting?

15 COMMISSIONER BERGMAN: It sounds like we're  
16 going to be stuck with the 11th, and we'll just kind  
17 of have to go with it.

18 CHAIR SHEARMAN: Let's leave it. Anything  
19 else on the calendar that we need to talk about or be  
20 aware of? Everybody all right out there?

21 Then let's go to Item 18. Commissioner  
22 Carr, do you have any report from your committee?

23 COMMISSIONER CARR: Nothing new except that  
24 I know the LESC I'm sure will meet this summer, and  
25 I'll bring up to them the topic of bringing up our

1 constitutional amendments again and have them work it  
2 through the process.

3 CHAIR SHEARMAN: I did get an e-mail from  
4 Michael. Frances, would you speak to the members of  
5 the LESC that might be upcoming?

6 MS. MAESTAS: I am Frances Maestas,  
7 director of the LESC. They're going to have their  
8 organizational meeting on the 23rd and 24th in Santa  
9 Fe in Room 222. At that time, they will set their  
10 schedule and discuss topics which change  
11 month-to-month as you know. They probably will go on  
12 the road. There's a rule from legislative council  
13 that the committees have to be back in October. So  
14 once the schedule is out, I'll be happy to have  
15 Michael send all of you a copy of the schedule and  
16 the proposed work plan.

17 The LFC is meeting on the 9th and 10th, so  
18 their schedule will be set at that time. There has  
19 been some discussion of having -- I discouraged them,  
20 but there is discussion of having a joint LFC and  
21 LESC meeting in August. Location, I don't know. But  
22 if you're talking about the 27 members of the LESC  
23 and the 18 members of the LFC, you've got 45  
24 legislators who will be there for months.

25 I had promised many of you -- I see

1 Commissioner Gant all the time with Public School  
2 Capitol Council, but you do have the promise of me  
3 that there will always be an LESC staff member here.  
4 Dr. Harrell used to come to your meetings. Your work  
5 is very important to us. He also provides a report  
6 of any actions that the commission does under the  
7 director's report. So we value your work. We thank  
8 you for your commitment to education, and we hope we  
9 have a cooperative and collaborative partnership.

10 CHAIR SHEARMAN: We certainly do. And we  
11 thank you, Frances, for being here and those very  
12 kind words. Commissioner Gant.

13 COMMISSIONER GANT: Madam Chair and  
14 Members, we do like to go to your meetings. Look at  
15 our schedule, please, because it's important that we  
16 are there with you because you are here with us.

17 MS. MAESTAS: Unfortunately, I don't set  
18 the dates.

19 COMMISSIONER GANT: I know.

20 MS. MAESTAS: But if the staff would give  
21 me the dates before April 23, we have a little  
22 calendar that Michael is putting together on  
23 conflicts that we could consider that because we  
24 consider a lot of meetings that the legislators go  
25 to, and of course, the staff would like to come to

1 these meetings. I think it's important for all of  
2 them. They were all here at the spring budget  
3 workshop. And as you know, I told them to go home  
4 because they have been in meetings all week. So I'll  
5 stay until the end of this meeting as I promised.

6 CHAIR SHEARMAN: Thank you very much.

7 COMMISSIONER BERGMAN: Director Maestas, I  
8 want to thank you for the fact that you do make it  
9 available for your staff like Kevin to come and sit  
10 in our meetings because that does keep him up to  
11 date. I really appreciate that, and thank you very  
12 much.

13 MS. MAESTAS: And he's a very good analyst.  
14 He has a background in law and is an attorney. All  
15 the LESC staff are talented. They're all young, but  
16 very, very bright future for education with them.

17 COMMISSIONER BERGMAN: I just wanted you to  
18 know that.

19 COMMISSIONER TOULOUSE: Madam Chair, Madam  
20 Director, you said all your staff was here. It was  
21 my understanding that Michael was left holding the  
22 fort in Santa Fe; correct?

23 MS. MAESTAS: Michael is not an analyst.  
24 He's an editor.

25 COMMISSIONER TOULOUSE: I know, but you



1 said staff. He came into the discussion.

2 MS. MAESTAS: Well, I guess I should  
3 consider all the staff. By staff, I meant the  
4 analysts. There's also two office -- I have an  
5 office administrator and a secretary. I also have a  
6 research assistant that I just hired, and then  
7 Michael is the editor. The reason he couldn't come  
8 is we're getting ready for the meeting. He's back  
9 working on the calendar right now. He's very, very  
10 pleasant, and I know you have a lot of interaction  
11 with him. He always comes across as a very pleasant,  
12 good man.

13 COMMISSIONER TOULOUSE: Madam Chair, I just  
14 want to explain. You know I have 30 years in state  
15 government, and I'm very, very aware of entire staffs  
16 because so many people get left out who are the ones  
17 that do a lot of the day-to-day stuff. So I just had  
18 to bring them up because I'm comfortable with you and  
19 your staff. Thank you.

20 CHAIR SHEARMAN: Thank you. Let's move on  
21 to Item 19, Commissioner Bergman, talking about  
22 charter school committee and negotiations and  
23 schedules and those sorts of things.

24 COMMISSIONER BERGMAN: I made many comments  
25 today, so I think there's not much else to say.

1 Whoever agreed to go to the April negotiations, if  
2 you can't go, please just e-mail me. I'm going to  
3 expect that you'll be there. I know the Chairwoman  
4 and I will be there.

5 MS. BARNES: I think it's just  
6 Commissioners Bergman and Chairman Shearman.

7 COMMISSIONER BERGMAN: We're not going to  
8 do the International School at Mesa del Sol?

9 MS. BARNES: We're going to do it later,  
10 but we will schedule that soon.

11 CHAIR SHEARMAN: But not on the 10th?

12 MS. BARNES: Not on the 10th. In that  
13 three way switch, Cien Aguas, which clarified a lot  
14 of their work today, is the only negotiation that  
15 day.

16 COMMISSIONER BERGMAN: But we're also going  
17 to have La Resolana on the 9th? It says on the 10th.

18 MS. BARNES: They got switched out, and so  
19 they're actually at the May 7 meeting.

20 COMMISSIONER BERGMAN: We'll have Cien  
21 Aguas.

22 MS. BARNES: Period.

23 COMMISSIONER BERGMAN: Is that going to be  
24 on the 10th?

25 MS. BARNES: In the afternoon on the 10th

1 for just Commissioner Shearman and Bergman.

2 COMMISSIONER BERGMAN: We're good then.

3 Thank you.

4 CHAIR SHEARMAN: PEC Assignments and  
5 Liaison Roles. I asked that this be sent out so  
6 everyone could take some time and look at it and see  
7 if you wanted to change your assignment or if there  
8 was something you wanted to pick up that you had not  
9 been on. The people I heard from say they were fine,  
10 leave them where they were. Commissioner Parker is  
11 going to join Commissioner Gant on the PSCOC and also  
12 Commissioner Bergman unless he is asking the --

13 COMMISSIONER BERGMAN: I want to serve on  
14 that.

15 CHAIR SHEARMAN: You want to stay there?

16 COMMISSIONER BERGMAN: Yes.

17 CHAIR SHEARMAN: Other than that, everyone  
18 I heard from is happy with their assignments. We're  
19 going to leave it that way then. And these don't  
20 need to be voted on. These are just appointments by  
21 the Chair. So I just want to make sure you like  
22 where we are.

23 COMMISSIONER POGNA: I haven't sent it to  
24 you, but I'll e-mail you.

25 CHAIR SHEARMAN: Why don't you just e-mail

1 me when you have time.

2           Then let's go on to PEC comments on No. 21.  
3 Before I forget it, Vice Chair Gant and Secretary  
4 Bergman, don't forget, 1:00 this coming Monday  
5 afternoon we have a conference call to set the agenda  
6 for the April 11 meeting, and Beverly tells me she  
7 will get the draft agenda out to us that morning. I  
8 don't know if it sounds far away or too close. It's  
9 1:00 Monday afternoon.

10           The only other thing I have under PEC  
11 comments for my part is discussion of travel. If  
12 you-all remember, I asked that anyone who wants to  
13 travel this year, please let me know. And so I'm  
14 going to say, before the next PEC meeting, if you  
15 want to attend a meeting -- is it October, Beverly?

16           MS. FRIEDMAN: I believe it's October 20  
17 through the 23rd.

18           CHAIR SHEARMAN: In Miami, or another  
19 group, just please let me know. Because we need to  
20 start planning money wise and with Secretary Aguilar.

21           MS. FRIEDMAN: Madam Chair and  
22 Commissioners, Mr. Aguilar had a staff meeting a  
23 couple weeks ago and extended the days out. They  
24 used to be, I believe, 14 days. Now it's, I believe,  
25 28 days for any out-of-state travel. And so I would

1 need to -- I mean, we're not anywhere close to it  
2 right now, but I would need to have all of the  
3 information and put that together in generally July  
4 and August for your travel in October.

5 CHAIR SHEARMAN: Okay. Thank you very  
6 much. Comments, Commissioners? I'm starting down  
7 this way.

8 COMMISSIONER CARR: I have a couple. One,  
9 I told Beverly I would be interested in going to  
10 Miami, but I did hear that they changed it to Miami,  
11 New Mexico. There's not much there.

12 The other one, Carmie had an idea, and I  
13 thought it was a good idea, that if we did some kind  
14 of -- we do a press release for the meeting. And I  
15 know this may be a little bit of additional work or  
16 something, but rather than force the press and other  
17 people maybe to look through the minutes, that we  
18 have some kind of executive summary that we send out  
19 as a press release after each meeting like what did  
20 we vote on, just basic things. It was just an idea,  
21 and I thought it was a good idea.

22 And then one other idea I thought about, I  
23 hate the fact that we're losing Gene. But one of the  
24 things that I told many people is that we have a good  
25 team here, and Carolyn is extremely strong at going

1 over numbers and finances. It seems like her strong  
2 suit. And I've come to rely on Carolyn for that. I  
3 don't worry about it. I still look at it, but I  
4 don't worry about it anymore. And Gene has many  
5 strong points, but the buildings and all that.

6           And a thought of mine was when we start  
7 looking at the next schools, set of schools, is maybe  
8 see if somebody wants to volunteer. Everybody look  
9 over everything, yes, but maybe assign or ask people  
10 to volunteer to look into the detail sort of aspect  
11 of the contracts of the schools especially as we get  
12 into larger and larger numbers of them. It's like,  
13 Hey, you do this section, you do that section and  
14 that type of thing. It's like committees. It's just  
15 an idea to maybe make sure we don't miss anything.  
16 Because when you're going over all these pages, it's  
17 real easy to miss something. But if we have people  
18 assigned to specific areas, then we will be less  
19 likely to forget anything.

20           MS. BARNES: Can I add one, maybe a  
21 slightly different idea. Several charters have said,  
22 Wouldn't it be great if the commissioners were able  
23 to go visit the schools. And I told them you all  
24 were thinking about that. Another way you might  
25 consider it is to have schools that you are assigned

1 to because that might -- I don't know, I'm making  
2 this up -- it might be an interesting way to do that  
3 site visit and then to know that school.

4 I know the schools really appreciate that  
5 when the liaisons are assigned and when we have such  
6 turnover, what we hear is, Oh, no, I just lost my  
7 liaison. So it's someone that they know, someone  
8 they're comfortable with. So that would be similar  
9 to what you're saying. It's just a different way of  
10 looking at it.

11 COMMISSIONER CARR: Schools within our  
12 district, so what are we talking about? One of the  
13 requests was to have a map showing the schools that  
14 are in your districts, and then that would be an easy  
15 way to break it out, I suppose. Some people in  
16 Albuquerque, though, have a lot more to look at. I  
17 think I've got quite a few.

18 CHAIR SHEARMAN: Thank you. Commissioner  
19 Gant.

20 COMMISSIONER GANT: Madam Chair and  
21 Members, I'm sure that because we already have a  
22 replacement down in Cruces for me, that you would  
23 like to know something about Ms. Gibson. She's a  
24 teacher of history, advanced placement of history,  
25 sociology and economics for 29 years. She's a staff

1 developer and trainer. She was a peer review leader,  
2 professional development trainer, cooperative  
3 learning instructor, recipient of the Floyd  
4 Foundation Grant for Teaching Development. She  
5 served 10 years on curriculum development. Actually  
6 coached soccer for 15 years, was the vice president  
7 of the NEA chapter there. So she might have some  
8 skills. I don't know.

9 COMMISSIONER CARR: She might have a  
10 couple.

11 COMMISSIONER GANT: The next idea was that  
12 yes, I get online and I read a lot of educational  
13 stuff, but I get it from the Education Week as one of  
14 my sources. Now, it would cost you money, but it's  
15 well worth it to read what's going on because you can  
16 maintain a foundation like Common Core, where the  
17 PARCC is going and many other things. So it's worth  
18 the two bucks to be online with that outfit.

19 And lastly, I have some real concerns  
20 because I have talked to many principals and many  
21 teachers about the evaluations that were placed on  
22 the districts and charter schools. And I'll leave it  
23 that way. But I think it would be prudent on the  
24 part of the commissioners to know what the charter  
25 schools are actually using for evaluations because I



1 understand from yesterday in talking to others that  
2 they're not all using the same type of evaluations.

3           And when it comes down to renewals, et  
4 cetera, or what's going on when the CSD goes out to  
5 site visits and they find what's going on with  
6 evaluations, I think we need to know how teachers,  
7 principals, administrators are being evaluated.  
8 There's a vast difference, I think, between all the  
9 schools and charters. And that's just my feel about  
10 what's going on out there with the evaluation issues.  
11 There's a lot of unhappy people out there. And we  
12 are the authorizer. We are responsible for what's  
13 going on with those charter schools including  
14 evaluations. People are saying we are not. But in  
15 the end when it comes to renewals or what's going on  
16 with the kids, it is. Evaluation is important for  
17 the success of those kids. So we need to know what  
18 they're doing. Thank you, Madam Chair.

19           CHAIR SHEARMAN: Thank you, Commissioner  
20 Gant. Any comments down this way? Julia, any last  
21 words?

22           MS. BARNES: No. My mind is just going off  
23 on, We can do this, something about the last two  
24 comments. But no, not at the moment.

25           CHAIR SHEARMAN: Abby?

1 MS. LEWIS: No.

2 CHAIR SHEARMAN: I think we have gotten all  
3 of our comments.

4 Open forum, I have two people signed up,  
5 Matthew Doyle and Minda Doyle, city of Rio Rancho. I  
6 don't believe they are still here.

7 MR. MATTHEWS: I forgot to sign up. Do you  
8 mind if I make a comment?

9 CHAIR SHEARMAN: Does that meet with our --

10 MS. LEWIS: It's at your discretion.

11 CHAIR SHEARMAN: Sure. Come on up.

12 MR. MATTHEWS: My name is Jasper Matthews.

13 CHAIR SHEARMAN: Do recall there's a  
14 four-minute time limit.

15 MR. MATTHEWS: Thank you for making an  
16 exception. It has been a real pleasure seeing some  
17 of you all here at the spring budget conference. I  
18 think it really helps when we all are hearing some of  
19 the same information and attended some of the  
20 pull-outs.

21 I did want to echo something that Julia  
22 said. I had a chance to meet my new commissioner for  
23 my school trying to figure out which street crossed  
24 what line because we didn't know who was who. As a  
25 founder and executive director, I really feel

1 strongly that we would love for the commissioners to  
2 spend some time eating lunch with the kids or  
3 visiting in the school or give us an opportunity to  
4 show our appreciation for all the hard work. I just  
5 can't imagine the hours. And sometimes I think my  
6 day is busy. By the time I hear some of this, I  
7 think I'm in a pretty decent position right now, so I  
8 won't be applying.

9           So I just want to thank you-all for all the  
10 hard work and continued support and helping reform  
11 schools for children. Thank you.

12           CHAIR SHEARMAN: Thank you very much for  
13 those kind words. Anything else?

14           We have reached Item 23 which is adjourn.  
15 The Chair would entertain a motion.

16           COMMISSIONER CARR: So moved.

17           CHAIR SHEARMAN: Second.

18           COMMISSIONER BERGMAN: Here.

19           CHAIR SHEARMAN: All those in favor say  
20 "Aye."

21           (Commissioners so indicate.)

22           CHAIR SHEARMAN: Any opposed? We are  
23 adjourned.

24           (Proceedings adjourned at 2:46 p.m.)

25

1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO

SS

3  
4 REPORTER'S CERTIFICATE

5 I, SUSAN M. HILTON, New Mexico Certified  
6 Shorthand Reporter, DO HEREBY CERTIFY that I did  
7 report in stenographic shorthand the proceedings set  
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10 I FURTHER CERTIFY that I am neither  
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15 *Susan M. Hilton*

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