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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
PUBLIC MEETING  
May 9, 2014  
9:00 a.m.  
Jerry Apodaca Education Building - Mabry Hall  
300 Don Gaspar  
Santa Fe, New Mexico

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

COMMISSIONERS:

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

STAFF:

- MS. JULIA BARNES, Interim Director, Charter School Division
- MS. BEVERLY FRIEDMAN, PED Liaison to the PEC
- MS. ABBY LEWIS, Counsel to the PEC

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1 THE CHAIR: Good morning. I call to order  
2 this regularly scheduled meeting of the New Mexico  
3 Public Education Commission. Secretary Bergman, may  
4 we have roll call?

5 COMMISSIONER BERGMAN: Commissioner Carr.

6 COMMISSIONER CARR: Here.

7 COMMISSIONER BERGMAN: Commissioner  
8 Parker.

9 COMMISSIONER PARKER: Yes, sir, here.

10 COMMISSIONER BERGMAN: Commissioner  
11 Peralta.

12 COMMISSIONER PERALTA: Here.

13 COMMISSIONER BERGMAN: Commissioner Pogna.

14 COMMISSIONER POGNA: Here.

15 COMMISSIONER BERGMAN: Commissioner Gant.

16 COMMISSIONER GANT: Here.

17 COMMISSIONER BERGMAN: Commissioner  
18 Shearman.

19 THE CHAIR: Here.

20 COMMISSIONER BERGMAN: Commissioner  
21 Bergman is here. I knew -- I've got -- Commissioner  
22 Toulouse.

23 COMMISSIONER TOULOUSE: I'm present.

24 COMMISSIONER BERGMAN: I knew I was  
25 missing someone.

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

3           THE CHAIR: Thank you, Mr. Secretary. We  
4 have eight Commissioners present. We do have an  
5 official quorum. Thank you very much.

6           Pledge of Allegiance and Salute to the  
7 New Mexico Flag, Commissioners Gant and Bergman,  
8 please.

9           (Pledge of Allegiance and Salute to the  
10 New Mexico Flag conducted.)

11          THE CHAIR: Thank you very much.  
12 Statement of Aspiration. Commissioner Parker.

13          We're glad you made it back in time.

14          COMMISSIONER PARKER: Madam Chair,  
15 Commissioners, I, too, am glad I made it. We almost  
16 didn't make our flight last night. So, in thinking  
17 about today, I was sitting in some meetings the last  
18 couple of days where people were talking about the  
19 focus on small business and the jobs for the future.

20                 And then it hit me that, you know, I  
21 wonder, if there were more millionaire and  
22 billionaire kindergarteners, what kind of lobbyists  
23 would be running around Washington and what kind of  
24 work would be getting pushed for there.

25                 But, then, it struck me that the jobs

1 they're creating for anyone are for the people  
2 they're educating. And, you know, we've been  
3 entrusted with this role of making sure -- you know,  
4 similar to birds that are pushed out of a nest or  
5 off the windowsill, falling to the ground and then  
6 flapping their wings at the last second to take some  
7 sort of horizontal flight off to the wonders of the  
8 world, you know, we need to make sure that that is a  
9 graceful transition for them, do what we can to make  
10 sure that they have the skills so that they don't  
11 bounce a couple of times and then fly off.

12 But, I guess, ultimately, what I'd like  
13 everyone to take from today, people up here and our  
14 friends that have joined us today, there's a quote  
15 that I would like to read that I came across during  
16 a very rough time in my life. But it's -- it's  
17 pretty simple, and it makes a lot of sense. Some of  
18 you may remember it; some of you may not. If you  
19 want to ask me where it came from later, please do.

20 But we need to make sure that the children  
21 know that they are -- that they are braver than they  
22 believe, they are stronger than they seem, and they  
23 are smarter than they think. So, that's it.

24 THE CHAIR: Thank you very much. Those  
25 were very inspiring words.

1           Next item on the agenda, No. 2, Approval  
2 of the Agenda. Commissioners, do you have any  
3 corrections, additions?

4           Julia, do you have any corrections or  
5 additions to the agenda?

6           MS. BARNES: I do not.

7           THE CHAIR: Thank you. Commissioner Carr?

8           COMMISSIONER CARR: I move we approve the  
9 agenda.

10          COMMISSIONER POGNA: (Indicates.)

11          THE CHAIR: I have a motion to approve the  
12 agenda, as distributed, seconded by Commissioner  
13 Pogna. All those in favor, please say "Aye."

14          (Commissioners so indicate.)

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

16          (No response.)

17          THE CHAIR: The agenda is unanimously  
18 approved.

19          Item No. 3 is Approval of the Minutes from  
20 the April 11, 2014, minutes. Do you have  
21 corrections to the minutes, Commissioners?

22          No? Well, I just have a couple. I know  
23 that's a surprise.

24          Commissioners, if you would look on  
25 Page 18, please, line 20. This was a -- a part of



1 our meeting where a presenter was reading some  
2 information. And he was going pretty fast. And if  
3 you'll recall, the recorder, just shortly after  
4 this, asked him to slow down. And, so, I think  
5 probably, this word was misunderstood, because it  
6 certainly doesn't make any sense to me.

7 If you'll look at line 19, it says, "It's  
8 a lot of the 'bead' language of the Common Core."  
9 I'm questioning the word "bead," and, to tell you  
10 the truth, I cannot think what word --

11 COMMISSIONER CARR: "Bad"?

12 THE CHAIR: "Bad"?

13 COMMISSIONER CARR: "Bad language"?

14 THE CHAIR: Does anyone recall? No?

15 COMMISSIONER BERGMAN: No. But, to me,  
16 "bad" doesn't make any sense. Does that mean "bad  
17 language in the Common Core"? Is that what he was  
18 saying?

19 COMMISSIONER CARR: It probably was.

20 COMMISSIONER TOULOUSE: "Vague"?

21 COMMISSIONER GANT: Toulouse says "vague."

22 THE CHAIR: "Vague"? I'm sorry. I  
23 misunderstood you. It's a lot of the "vague  
24 language of the Common Core"? Do you think that was  
25 the point that was being made?

1                   COMMISSIONER CARR: Or whether or not --  
2 I'll say whether or not -- whether or not there is  
3 bad language in the Common Core or not is --  
4 doesn't -- doesn't mean anything. It's just that  
5 that's what the person said. That's what the person  
6 said -- that makes more sense to me than anything.  
7 "Vague" probably is more correct. But that's not  
8 necessarily what the person said.

9                   THE CHAIR: Can we simply strike that  
10 word, since we can't agree on what it is, or was?  
11 Ms. Lewis?

12                   MS. LEWIS: I don't see any reason why  
13 not.

14                   THE CHAIR: It doesn't add or detract from  
15 the minutes. It does add a little confusion, I  
16 suppose.

17                   COMMISSIONER TOULOUSE: Madam Chair, I  
18 would suggest we strike.

19                   THE CHAIR: Okay. Let's remove the word  
20 "bead" on line 2.

21                   Then, Page 23, line 4, Julia, you say, "I  
22 am, too, conflicted out with that school"?

23                   MS. BARNES: I think, also -- I am  
24 conflicted out with the School for the Arts. Which  
25 school are you -- what page are you on?

1 THE CHAIR: School for the Arts.

2 COMMISSIONER BERGMAN: You're talking  
3 about School for the Arts, yeah.

4 THE CHAIR: Page 23, line 4. Is that  
5 correct? That's all I'm asking.

6 COMMISSIONER BERGMAN: Yeah, yeah, I  
7 remember her saying it.

8 MS. BARNES: Maybe someone else also said  
9 "I have a conflict with the School for the Arts."  
10 But I do have a conflict with the School for the  
11 Arts.

12 THE CHAIR: For some reason, it struck  
13 me -- that wasn't what I recall. Same page,  
14 line 5 -- never mind. I marked that one out.

15 Page 46, lines 9 through 12. If you will  
16 notice, the sentence is repeated, that "I call back  
17 into order the meeting of the New Mexico Public  
18 Education Commission." I don't believe I said it  
19 twice. I would suggest the second time that  
20 sentence is stated needs to be stricken.

21 Page 88, line 15, I believe Ms. Barnes,  
22 you said, rather than, "The second says," I believe  
23 you said, "The statute says."

24 MS. BARNES: Can you show me the page  
25 again? I'm sorry.

1 THE CHAIR: 88, line 15.

2 MS. BARNES: It's "the statute"; that's  
3 correct.

4 THE CHAIR: Page 113, line 5, it says, "We  
5 are changed our October meeting date."

6 I believe it should say, "We are changing  
7 our meeting date."

8 And those are all my corrections. Are  
9 there other corrections or changes to the minutes?

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

12 COMMISSIONER PERALTA: So move.

13 THE CHAIR: Commissioner Peralta moves to  
14 accept the April 11, 2014, minutes, as corrected.

15 COMMISSIONER BERGMAN: Second.

16 THE CHAIR: Commissioner Bergman seconds.  
17 All those in favor, please say "Aye."

18 (Commissioners so indicate.)

19 THE CHAIR: All opposed, please say "No."

20 (No response.)

21 THE CHAIR: The minutes, as corrected, are  
22 unanimously approved. Thank you very much.

23 Item No. 5, Discussion and Possible Action  
24 on Charter School Amendments. Ms. Barnes? Julia?

25 MS. BARNES: We do have 4.

1 THE CHAIR: I can't count really well. I  
2 skipped No. 4, Report from PED Leadership. And I do  
3 not see Deputy Secretary Leighann Lenti or Deputy  
4 Secretary Aguilar. However, I do understand that  
5 they will try to be here for some time during the  
6 meeting. So, if it's all right, for Commissioners,  
7 when they do, either or both, arrive, we will simply  
8 try to make room for them on the agenda.

9 Okay? Now, Julia. Thank you.

10 MS. BARNES: Thank you. I understand  
11 that, as well, from the leadership, that they're  
12 going to try to be here.

13 We have four presentations, but only three  
14 amendments -- three schools with actual amendments  
15 today. One of them has two. I think we'll just go  
16 in order.

17 We have -- we'll talk about this in a few  
18 minutes. We are going to work on an amendment  
19 protocol. But we are trying out -- when a school  
20 has a bigger amendment, to come and discuss it with  
21 the Commission first, rather than bring forward the  
22 amendment.

23 So, that's what the Albuquerque Sign  
24 Language is doing. La Academia Dolores Huerta.  
25 Let's start with them.

1 THE CHAIR: If their representatives would  
2 please come forward, and once you're seated at the  
3 table, please introduce yourselves, and be sure the  
4 recorder gets your names spelled correctly.

5 MR. CASILLAS: Octavio Casillas.  
6 O-C-T-A-V-I-O, Casillas, C-A-S-I-L-L-A-S,  
7 La Academia's director.

8 MR. SILVA: Bertha Silva, last name,  
9 S-I-L-V-A, with La Academia Dolores Huerta, the  
10 governing council board chair.

11 MR. VASQUEZ: John Vasquez, last name  
12 V-A-S-Q-U-E-Z, vice chair for the governance  
13 council.

14 THE CHAIR: Thank you.

15 MS. BARNES: So, do you want me to  
16 introduce them? There's two amendments. This  
17 school is also coming forward with their contract  
18 and performance indicators. They had met earlier  
19 with a subcommittee, and then took some time to do  
20 some performance indicators.

21 They have two amendments. And, again,  
22 depending on how you vote, they will be included in  
23 the contract one way or the other.

24 The first is to increase their cap, and  
25 the second is to change their wording of their

1 mission statement. And many schools, as you know,  
2 have been taking the contract negotiations as an  
3 opportunity to negotiate their charter.

4 We do think that there is a need for the  
5 school, and that there are more. They are turning  
6 away students. We do believe that they have  
7 facilities -- not sure they can increase their cap  
8 until they move. But I'll let you indicate that.

9 So, on the increase in the cap, we  
10 recommend that amendment, on a condition that they  
11 not admit more students than the student capacity of  
12 their facility, their existing facility, as  
13 identified by PSFA. So, if they are able to move to  
14 a larger facility, then -- and that facility was  
15 approved, then that condition would allow them to  
16 have more students.

17 The second, on the mission statement, we  
18 recommend that amendment.

19 THE CHAIR: Thank you, Julia. Do you have  
20 any kind of presentation, or are you just available  
21 for questions?

22 MR. CASILLAS: We have -- I have a little  
23 bit of explanation to do, if you guys have  
24 questions. So, I'll elaborate. But one of the  
25 reasons we want to increase the cap is because our

1 school has to turn away students constantly that  
2 really need the type of program that we have at our  
3 school. We do wonderful with our kids, because not  
4 only do they progress academically, but the kids  
5 really develop emotionally. They grow a lot, and  
6 they leave our school with a lot of skills necessary  
7 for them to excel in high school and move on to  
8 higher ed.

9 It's very difficult for me, as a  
10 principal, to have parents who come and sit with me  
11 in my office and plead that I admit their kids. And  
12 I believe that we can help a lot of these students,  
13 and I would love to be able to help them. But at  
14 this point, our facility only allows us to have only  
15 about 150 kids, even though our cap is 200.

16 The facility we're working on -- and I  
17 knock on wood; I hope we don't jinx ourselves by  
18 coming in here and requesting the cap before we  
19 move. But the new facility is going to allow us to  
20 have about 300 students in there. And I would love  
21 the opportunity to serve kids at the district so  
22 that we can provide them with the program that we  
23 have at our school.

24 THE CHAIR: Thank you very much. Let me  
25 just be sure I'm clear on this. We have one



1 amendment requesting an increase on the cap from 200  
2 to 300. Then, the second has to do with the mission  
3 statement; is that correct?

4 Let me just make a personal observation  
5 here. I am not speaking for the Commission; I am  
6 speaking for myself. I would prefer to do the  
7 increase in the enrollment cap and the approval of  
8 the new facility at the same time. I -- I think we  
9 need to know that the facility is there and that you  
10 are ready to move into it, if we say okay, and then  
11 increase the enrollment cap. I would personally  
12 prefer to table the enrollment cap amendment today  
13 and hold it until such time as you can bring us the  
14 information on your new facility. Speaking for  
15 myself.

16 Commissioners, if you don't mind, I'd like  
17 to reverse the order that these are presented in the  
18 agenda, and I would like to discuss your thoughts on  
19 the enrollment cap first. Commissioner Gant.

20 COMMISSIONER GANT: Madam Chair, members,  
21 visitors, I'm looking at the amendment request. If  
22 you read that -- maybe I'm too simple. It says  
23 9,000 to 25,000 square feet to accommodate your  
24 students. Well, that sounds to me like you're  
25 asking to move with that amendment, not talking

1 about increasing the cap. That's what I read, okay?

2 Look at the amendment. It says,  
3 "Rationale for revision," slash, "amendment." It  
4 says, "9,000 square feet to 25,000 square feet."  
5 That sounds like you're talking about a building,  
6 not the enrollment cap. That's just my comment on  
7 that.

8 Madam Chair, members, I've been looking at  
9 this school -- you're right, Madam Chair. I don't  
10 think we should be doing the enrollment cap at this  
11 time, because there's a lot that has to be done yet  
12 before they can even get approval to move into that  
13 building. And in talking to Martica Casias from  
14 PSFA, I'm not sure there's going to be enough square  
15 feet for 300 students; there's not even enough maybe  
16 for 200 students.

17 I am concerned about the condition of the  
18 building. It has a New Mexico Condition -- weighted  
19 New Mexico Condition Index of 44.3, where the  
20 average right now is 20.1, I believe it is. So,  
21 they're double the New Mexico Condition Index. When  
22 you're that -- that's reverse what you think -- the  
23 lower number is better. And I'm not sure what it's  
24 going to cost to get in there; do you know?

25 MR. CASILLAS: Commissioner Gant, I'll

1 apologize ahead of time. I have really bad  
2 allergies, so if I start coughing or I run out it's  
3 not voluntarily.

4 But the New Mexico Condition Index of 44.3  
5 is based on the current condition of the facility.  
6 I've met with Mark Dubbin, who is the fire  
7 specialist engineer at Las Cruces, and I met with  
8 Tommy Garcia, who is the City planner, and I met  
9 with Gilbert -- and my brain has just gone blank on  
10 his last name. But he also works with the City, and  
11 he's the guy that would be giving us the E  
12 certificate.

13 The building, right now, in order for us  
14 to be able to purchase it and move in, needs four  
15 items that need to be fixed: One of them is we need  
16 more commodes and lavatories for our kids, which is  
17 six more for the boys and six more for the girls.  
18 So, it's basically adding a restroom.

19 We need an ADA-approved ramp for access to  
20 the building.

21 We need egress. We need another door, for  
22 safety reasons, in the back of the building.

23 And we need to update our fire alarm,  
24 because it's in a business code right now. We need  
25 to update it and upgrade it to "E" code for

1 educational purposes.

2 But once these changes take place, the  
3 facility -- I spoke with Martica Casias yesterday  
4 and the day before. And I don't mean to deny what  
5 you're saying is true, Commissioner Gant, that at  
6 this point, the building does have a low NMCI score.  
7 But that score will change once we make these  
8 changes.

9 It's got around 30,000 square feet.  
10 According to the report that I got from the PSFA in  
11 the past is that it will serve about 240 kids. But  
12 I'm speaking with -- his name is Gardner, I believe.  
13 And I've only spoken with him once. And I'm talking  
14 to him about getting portable classrooms in the  
15 outside, if we need it.

16 And I don't believe we'll ever go to  
17 300 students. I -- my goal, and our goal, as  
18 leaders in the school, is to go to 250 or 240 kids.  
19 We want the cap of 300, because the people that  
20 we're working with to finance the -- the facility,  
21 when we did the projected growth, they would like to  
22 see us be able to enroll additional kids, in case we  
23 find ourselves in financial problems, so that we  
24 could enroll more students and be able to make the  
25 deficit, if we needed it.

1           But our goal is to have small classrooms  
2 and to not enroll more than 250 students. And,  
3 Commissioners, right at this point, it's got a low  
4 NMCI score that will change, once we make the  
5 improvements. And if we needed additional room,  
6 because we have -- we don't have room inside -- we  
7 can -- we have about 3.7 acres of land outside that  
8 we could use to put portables on, and that would  
9 be -- that would allow us to add more students, if  
10 we had the portables. So, I hope I've answered your  
11 question. If not, I can give it another shot.

12           COMMISSIONER GANT: Madam Chair, members,  
13 in order to do all this, first, you have to have  
14 PSFA's approval. Whatever the City says -- the City  
15 is not the final approval. Never has been.

16           You need an 18-month correction program,  
17 which you haven't even started, as I understand. I  
18 understand that the air conditioners on top of that  
19 building are -- four of them were put there in 1974,  
20 and they're already past their useful life.

21           I'm concerned about the roof. It all --  
22 everything else that was on the deficiency report,  
23 that has to be corrected before the NMCI goes down.  
24 You know, I'm really concerned about that. I'm  
25 concerned about how much it's going to cost and

1 who's going to pay for the renovation.

2 MR. CASILLAS: Commissioner Gant, I have  
3 filed the documents necessary to have a foundation  
4 for the school. Once we get the foundation, we -- I  
5 have been working with the board for the foundation,  
6 as well. Once we get the foundation going, they are  
7 going to be helping us finance the remodel.

8 You're correct about the HVAC. It is  
9 outdated. Out of the three units, two are very old.  
10 One of them -- according to the report and the owner  
11 of the building there, the third one is only about  
12 five to ten years old, I believe. Don't quote me on  
13 that. But I believe it's five to ten years old.  
14 The other two are older, and we would be have to  
15 replacing those two HVAC units.

16 The thing about those two units is that  
17 the building has been maintained by one of the  
18 parishioners, who actually had a business on HVAC.  
19 So, they've been maintained and they're in very good  
20 condition.

21 The roof, I haven't heard anything  
22 negative about the roof. I spoke with Jim Hill, the  
23 guy who did the assessment from PSFA. And he felt  
24 the roof was in very good condition.

25 So, there are a lot of changes; there are

1 a lot of things to take place. I have been working  
2 with Mike Kopich [ph], from Albuquerque, who's an  
3 architect. And today we're going to be meeting him.

4 Mr. William Davis and I will be meeting,  
5 so that we can -- we have started the 18-month  
6 improvement plan. But we have to go back, because  
7 the first one we did was to make it the ideal  
8 school, and we took on too many changes, so the  
9 expense was going to be too high for the school.  
10 So, we're going to sit again today, and we're going  
11 to revisit that 18-month improvement plan and get it  
12 worked out so that I can get it to the PSFA.

13 I do agree with Commissioner Gant that  
14 it's a long process. So, we're not rushing to move  
15 in there. And I do agree with the Commissioners,  
16 and with Madam Chair, that we may have to revisit  
17 this amendment once we have more information on when  
18 we relocate and if we are going to do it.

19 The only problem with getting the cap  
20 increase at that time is that I'm not able to  
21 project for the investors and the foundation a  
22 number that they could be comfortable, so that we  
23 could generate enough money to pay.

24 So, I understand your -- your concern.  
25 But it puts me at a disadvantage, because then I

1 can't project making more money, in case I needed to  
2 generate more funds to pay for either the facility  
3 or the remodel.

4 COMMISSIONER GANT: Madam Chair, how do  
5 you plan to generate these funds?

6 MR. CASILLAS: Some of the funds will be  
7 through grants. That's why the foundation is being  
8 started. They will be working on grants. That's  
9 the main purpose of the foundation is to support the  
10 school financially. And we're working with Dustin  
11 Jones from Colorado, who has been doing this in  
12 Colorado quite a bit. So, he's going to help us  
13 secure financing.

14 And the foundation will also be working on  
15 grants, so that we can procure money from one source  
16 or another. And it's -- it's a plan that's in the  
17 works. But it's not a -- it's not a difficult task  
18 to achieve if we keep focus and we continue working  
19 on it like we have.

20 COMMISSIONER GANT: Madam Chair, members,  
21 one of my concerns is, again, back to the FMPs, Ed  
22 Specs, as I understand it from Ms. Casias, they're  
23 not complete yet. So, how do you know if you have  
24 enough space in that building for 200 students, let  
25 alone 240? I just -- I agree with Commissioner



1 Shearman, that until we know for sure that building  
2 is going to properly support children, you know  
3 you're -- now you're talking about -- this is a new  
4 thing you're throwing out there, portables. We  
5 hadn't heard portables before today.

6           You've been working on this thing for most  
7 of a year; correct? And we still don't have floor  
8 plans that are reasonably acceptable by PSFA. So,  
9 you don't know how many square feet or net square  
10 feet you have for how many students you're going to  
11 have.

12           So, I have a lot of concern with that.  
13 You don't know how much it's going to cost. Do you  
14 have approved value of the facility?

15           MR. CASILLAS: We have an old appraised --  
16 appraisal that was done on the building. And I  
17 don't have a current one. And I understand your  
18 concerns, Commissioner Gant. But I have been  
19 working on this for a year. It's been -- it's been  
20 a challenging task for me, because I've never done  
21 this before. I've learned a lot, and I'm actually  
22 glad I'm doing it, because now, I can lend some of  
23 my newly acquired knowledge with other charter  
24 school leaders.

25           I understand your concerns. If you guys

1 would like to wait on this amendment, I will respect  
2 your decision. But I would beg that you please  
3 consider giving us the opportunity to do this now,  
4 because I assure you guys that if you increase the  
5 amendment -- if you approve the amendment to  
6 increase the cap, but it's not doable, I'm not going  
7 to go and do it just because I had the amendment  
8 approved. I'm still going to be diligent and  
9 tactful with what I'm doing.

10 So, you approving the amendment doesn't  
11 allow me just to go and make irrational decisions.  
12 What it does is it provides us with the support for  
13 moving forward. And when we move forward, we're  
14 very tactful and careful with what we're doing.

15 So if you approve the amendment but the  
16 facility doesn't lend itself to 300 students, we'll  
17 never enroll 300 students. We'll still be  
18 professionals at what we do and not put any blame on  
19 the PEC and then over-enroll students and say, "It's  
20 your fault."

21 It will always be our responsibility, and  
22 we'll always be diligent and tactful in what we do.  
23 So, I ask that you guys please help me be able to  
24 provide the investors a sound projected budget, so  
25 that I'm able to secure the financing necessary to

1 bring the building up to code, so that our kids are  
2 safe.

3 And I understand student safety is --  
4 that's what I hear from Commissioner Gant, that that  
5 would be a concern. That is our number one goal,  
6 for the kids to be safe and get good educations.  
7 So, we'll never violate those principles. Even if  
8 you approve the cap and it doesn't fit later, we  
9 will not enroll kids unless we can serve them and  
10 keep them safe.

11 COMMISSIONER GANT: Madam Chair, my last  
12 comments, please. One, your appraisal needs to be  
13 up to date, because you cannot, by statute -- it's  
14 in the code -- pay for more for that building. I  
15 don't even know what the owner is asking for it  
16 right now. I'm not sure you do, either.

17 And, Ms. Casias, do you have anything to  
18 add from PSFA as to where they actually stand in  
19 their processes with you, please?

20 MS. CASIAS: Madam Chair, members of the  
21 Commission, I do have something to add. We've been  
22 working with Mr. Casillas for some time now. And at  
23 this point, he submitted an FMP Ed Spec. And  
24 working back and forth with him, we need additional  
25 information in order to approve it.

1           We have done a facilities assessment. And  
2 currently, the building is lower than the average  
3 weighted NMCI. It's 41.47, I believe. And we have  
4 a draft floor plan from Mr. Casillas. But what we  
5 also need -- the facility -- it's not just about the  
6 classroom space. We're not certain about the HVAC  
7 or the conditions of the roof.

8           So, the last time we spoke, Mr. Casillas  
9 is working on an 18-month plan of correction to let  
10 us know what systems he's going to fix, so the  
11 building could be habitable for the students.  
12 They're working on accessibility, exiting, restroom  
13 upgrades. And, then, we need to determine if the  
14 elevator, which is currently freight, is okay for  
15 students.

16           But it's my understanding he's been in  
17 touch with his architect and his contractor and that  
18 they are working on that.

19           But today, on file, we have a draft of the  
20 FMP, and we're going back and forth. We have a  
21 floor plan, and we're just waiting for additional  
22 information at this time. With that said, I stand  
23 for questions.

24           COMMISSIONER GANT: Thank you, Ms. Casias.  
25 Questions from the Commissioners?

1 THE CHAIR: Commissioner Bergman.

2 COMMISSIONER BERGMAN: I'll say, at the  
3 outset, I do agree with you about perhaps tabling  
4 this. But I did want to remind all my fellow  
5 Commissioners that, as Director Barnes has already  
6 noted, we're going to be working on some new  
7 protocols for this amendment process. But I did  
8 want to remind you, we have had a couple of other  
9 occasions in the past when schools have come to us  
10 and they wanted a cap increase because they had an  
11 extensive waiting list. And as we went through that  
12 discussion, we said, "Well, go ahead and get your  
13 building done" -- as we're saying right now, "Get it  
14 all put together."

15 And what they noted to us was, "Well, this  
16 particular building owner has told us that he does  
17 not want to waste the time going through -- you  
18 know, doing the lease and all the negotiations and  
19 everything, and then finding out that the PEC won't  
20 give you the cap increase, and then you don't need  
21 our building." I mean, you others may remember  
22 those situations. I do.

23 So, if we put it down in stone that we're  
24 going to require them to actually have their  
25 building in place before we give them their cap

1 increase, then that's a Catch 22 for these people,  
2 if the building owner won't negotiate with them.

3 So, we have to have some flexibility in  
4 the process somewhere to -- but there may be  
5 occasions where we have to give a cap increase  
6 first, and so they can go and actually get the  
7 building that they're wanting.

8 I just wanted to remind you guys of that.  
9 Thank you, Madam Chair.

10 THE CHAIR: Commissioner Carr.

11 COMMISSIONER CARR: Madam Chair, members  
12 of the Commission, I -- yeah, I believe we're kind  
13 of getting the cart before the horse here. And I  
14 think, you know, as Commissioner Bergman said, I  
15 think we are looking at lowering our standards to  
16 meet the standards of somebody else.

17 If you're talking about, you know, a  
18 landowner, building owner, I -- and I know you want  
19 to serve the children. I can see that in your eyes  
20 that that's what you're looking at.

21 MR. CASILLAS: Thank you.

22 COMMISSIONER CARR: And, so, I know and --  
23 you know, sometimes in doing that, when you're  
24 working with your heart as your compass, sometimes  
25 we don't always get all the practical things done.

1 You know, we -- I just want the best thing for my  
2 kids; right? You know, that's what we all want.

3 I really think we need to see the  
4 structure first before we approve the cap. And,  
5 also, I heard you say you probably don't -- you  
6 don't really want to go past 240, anyway -- or  
7 250 -- but you're asking for 300. You know, it  
8 almost sounds like you're maybe inflating the  
9 numbers a little bit to make sure you get loans and  
10 get financing and things like that. And sometimes  
11 people get a little creative with that.

12 So, that being said -- and then let me add  
13 this: We do not have a history of not allowing caps  
14 if -- if all the conditions are met. We don't  
15 operate that way. If -- if a landlord or a building  
16 owner -- you just show -- you can show him what  
17 we've done in the past. If you've met all your  
18 requirements and you're doing what you're supposed  
19 to be doing, we will gladly cap that at 300, 400,  
20 500 -- you know, whatever you need, whatever has to  
21 happen.

22 And we don't have a record of just denying  
23 caps just because, you know. We operate in a way  
24 that -- you know, we're oversight. So, we've got to  
25 make sure that you're meeting all your requirements

1 first, and then, otherwise, we're not really doing  
2 our job.

3 MR. CASILLAS: If I may, I -- all the  
4 Commissioners are correct in your concerns. And  
5 I'll be honest with you. I'm not -- I don't make  
6 all the decisions. My governing council makes the  
7 decisions. So, as I drive forward with the passion  
8 that I have for educating students and providing  
9 them a really unique and ideal opportunity to set  
10 themselves for a bright future, I have -- my boss is  
11 next to me, and my other boss is to her left. And  
12 they keep a check -- it's a check-and-balance system  
13 that we have. So, they wouldn't allow me to make  
14 any irrational decisions.

15 I do need the cap up to 300. And you're  
16 right, Commissioner Carr. It's mostly for -- to  
17 secure financing to make people feel good that  
18 they're going to get the money that they want. But  
19 it's not going to be abused if I do get that cap.  
20 It's just going to be used in an intelligent way to  
21 find financing.

22 But if -- I'm not going to commit with  
23 them -- like I'm telling you, we're not going to do  
24 something that's irrational. I'm not going to tell  
25 them, "We can increase to 300," if I know the



1 building can only hold 240 or 250 kids. I will  
2 still respect that. And at that point, if it  
3 doesn't happen because of the cap, I will let it go,  
4 and I will seek another building.

5 And it's not a -- the unfortunate thing  
6 about us being in Las Cruces is that facilities  
7 don't come up for sale, especially this size, very  
8 often. We've been waiting for ten years. This is  
9 the first time we've had a facility that we can  
10 afford.

11 There are other facilities, but we can't  
12 afford that. This is a wonderful opportunity for  
13 La Academia, because we get to move closer to the  
14 University as well. I've been diligent in securing  
15 this building, not just because we need any  
16 building, but because of the opportunities this  
17 building offers our kids, the land for them to play  
18 and run around in, the safety, because the only busy  
19 street we have is Solano. The streets on the back  
20 and on the side are -- they have very little  
21 traffic.

22 So, it's an ideal building. And I beg you  
23 guys to please not take the leap because you won't  
24 take a leap, but for you guys to trust us that we  
25 are professionals. We are -- we're going to take

1 care of our kids, but we're not going to make  
2 irrational decisions. I do need the cap increase to  
3 secure financing, but I'm not going to commit to  
4 something with the finance company to something  
5 irrational, just because I have a cap of 300 kids.  
6 If I know that the facility is not going to hold  
7 300, I won't enroll 300 kids.

8 To answer Commissioner Gant's question  
9 about the portables, you're correct, Commissioner.  
10 I've never -- I haven't mentioned this in the past.  
11 And the reason I bring it up now is because I  
12 continue to find ways to find a way to get the  
13 facility for our kids. If it means getting  
14 portables, that's what we'll do, because the  
15 facility that we're in now is just -- if you have  
16 been to Las Cruces, and you have visited La Academia  
17 Dolores Huerta, our kids deserve a lot more than  
18 what we have now. It's got asbestos on the second  
19 floor. It's got really bad walls. The kids call  
20 the basketball court "the meat market," because they  
21 trip and fall. They skin their hands. They lose  
22 their knees. They lose their kneecaps. They get  
23 hurt.

24 That's also a concern for me, as a  
25 principal, that my kids constantly get hurt at the

1 school. It's not fair that they have to sit in this  
2 building and play in this playground and be limited  
3 in all sorts of ways. So, I'm working as diligent  
4 as I can to get a facility.

5 So, just to end it, if you guys approve  
6 the cap, I will be -- we will be diligent, and we  
7 will be intelligent and professional and respectful  
8 with every decision we make and will not add more  
9 kids than we can serve, just because we have a cap.

10 And, also, I stand for more questions.

11 THE CHAIR: Thank you very much. Martica,  
12 could I ask you a question, please? It's my  
13 understanding that whatever the enrollment cap is  
14 for a school, the building must be sufficient to  
15 house that number of students. Is that correct?

16 MS. CASIAS: Madam Chair, you're correct.

17 THE CHAIR: Okay. So, you are saying that  
18 this building really will only hold about 240, 250  
19 students; yet, if we approve an enrollment cap of  
20 300, you can't use that building, because it won't  
21 hold 300 students? Am I correct?

22 MS. CASIAS: Madam Chair, yes, you are. I  
23 was just doing the math here. And I believe it was  
24 about 240, maximum, for this facility.

25 THE CHAIR: So, I -- we have another issue

1 looking -- looking at us. If the building won't  
2 hold the number of students -- I really think we're  
3 at an impasse. I truly, truly believe there's more  
4 work that needs to be done here before this  
5 Commission takes any action whatsoever. And I am  
6 still serious in my position that you have a  
7 facility that meets all PSFA requirements, and then  
8 come to us with a facility and the enrollment cap  
9 increase, if you still need it at that time, that  
10 the building will support that number of students  
11 that you're asking for the cap.

12 I'm not making a decision that is simply  
13 my personal feeling on this situation.

14 Commissioners? Commissioner Peralta?

15 COMMISSIONER PERALTA: Martica, so, based  
16 on that information you just provided Commissioner  
17 Shearman with, in looking at the present situation  
18 with Dolores Huerta school, and going on the  
19 statement that they gave us right now, their cap --  
20 or, I'm sorry -- the building now only can hold  
21 150 students, and we have a cap of 200. Doesn't  
22 that follow along the same lines of -- so, aren't  
23 they already in violation, based on what you  
24 presented us with a ruling?

25 MS. CASIAS: Madam Chair, Commissioner

1 Peralta, I'm not aware of the cap for their -- for  
2 the facility they're in now today. We've only  
3 assessed the proposed site at 1405 in Las Cruces.  
4 So, I couldn't answer that question, based on the  
5 knowledge that I have.

6 COMMISSIONER PERALTA: Thank you.

7 THE CHAIR: Thank you. Other questions?  
8 Concerns? Commissioner Gant.

9 COMMISSIONER GANT: Madam Chair, based  
10 upon the discussion we've had about the facility, I  
11 move we table this request for a cap increase until  
12 at least the next meeting of the Public Education  
13 Commission, at which time the school leadership can  
14 bring -- hopefully, they'll have their 18-month plan  
15 together, they'll have their FMP Ed Spec together,  
16 and we will know for sure what this school could  
17 actually -- how many students this school can  
18 actually hold.

19 So, I move we table this -- this -- the  
20 request for an amendment to their charter for a cap  
21 increase to 300 until the next meeting of the Public  
22 Education Commission in June.

23 COMMISSIONER CARR: Second.

24 THE CHAIR: Motion by Commissioner Gant,  
25 second by Commissioner Carr, to table the request

1 for an enrollment cap increase from 200 to 300 until  
2 the June meeting, when the leadership of the school  
3 can come back to us with all of the documents in  
4 hand for the facility. And those documents are in  
5 the record already.

6 Commissioners, is there discussion?  
7 Commissioner Toulouse.

8 COMMISSIONER TOULOUSE: Madam Chair, is  
9 there any way that we can get a report on their  
10 current facility at the same time? I'm concerned  
11 when I heard that there's asbestos on the second  
12 floor, not to mention the playground. And I'm just  
13 curious if there's a way -- I know the staff is  
14 busy. I'm just -- would be interested.

15 THE CHAIR: Martica, please?

16 MS. CASIAS: Madam Chair, if you make the  
17 request of PSFA, we can certainly go down and make  
18 an assessment.

19 THE CHAIR: Let's make that as a separate  
20 item, because we've already got a motion on the  
21 floor.

22 COMMISSIONER TOULOUSE: My question is  
23 just, is this possible? So I will do a second  
24 motion when we're through with this. Thank you.

25 THE CHAIR: Any other discussion? No

1 further discussion. I'll ask Secretary Bergman for  
2 a roll-call vote, please.

3 COMMISSIONER BERGMAN: So a "yes" vote  
4 will be to table this request for this amendment.  
5 Commissioner Parker.

6 COMMISSIONER PARKER: Yes.

7 COMMISSIONER BERGMAN: Commissioner  
8 Peralta.

9 COMMISSIONER PERALTA: Yes.

10 COMMISSIONER BERGMAN: Commissioner Pogna.

11 COMMISSIONER POGNA: Yes.

12 COMMISSIONER BERGMAN: Commissioner  
13 Toulouse.

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER BERGMAN: Commissioner Carr.

16 COMMISSIONER CARR: Yes.

17 COMMISSIONER BERGMAN: Commissioner Gant.

18 COMMISSIONER GANT: Yes.

19 COMMISSIONER BERGMAN: Commissioner

20 Shearman.

21 THE CHAIR: Yes.

22 COMMISSIONER BERGMAN: Commissioner

23 Bergman votes "yes."

24 Madam Chair, that is an eight-to-zero vote  
25 in favor of the motion to table.

1 THE CHAIR: Thank you. The motion to  
2 table the enrollment increase amendment presented by  
3 Dolores Huerta school is approved, coming back --  
4 asking you to come back in the June meeting with all  
5 the documents that were listed. Is that doable for  
6 you all?

7 MR. CASILLAS: Yeah, Madam Chair. And I  
8 appreciate that you guys heard our concerns, and we  
9 will provide you with all the information you need  
10 for the meeting in June. Thank you, everyone.

11 THE CHAIR: And, please, do work closely  
12 with PSFA with Martica.

13 MR. CASILLAS: Surely, we'll continue to  
14 work closely with her. Surely, she can attest that  
15 I've been working very closely with PSFA, including  
16 sitting in their office and using their conference  
17 room when I have nothing else to do. Is that right,  
18 Martica?

19 MS. CASIAS: Yes.

20 THE CHAIR: I would like to acknowledge  
21 that Deputy Secretary Leighann Lenti and Deputy  
22 Secretary Paul Aguilar have now joined the meeting.  
23 If you all would like to come up to the head table  
24 with us, please, we would be happy to have you, or  
25 if you're comfortable where you are.



1 DEP. SEC. AGUILAR: We'll come to the  
2 table, Madam Chair, when --

3 MS. LENTI: So, then you guys won't have  
4 to squish and --

5 THE CHAIR: Okay. Then let us finish.  
6 We've got one more amendment with this school. Then  
7 we'll ask you to come up.

8 Oh, I'm sorry. She did have something  
9 else. Commissioner Toulouse.

10 COMMISSIONER TOULOUSE: Madam Chair, at  
11 this point, I would like to request that we request  
12 PSFA do an evaluation of their current facility  
13 based on the size of their cap, the size of their  
14 students, and any conditions on the building, so we  
15 also will have that information when we act in June.

16 COMMISSIONER CARR: Second.

17 THE CHAIR: Motion by Commissioner  
18 Toulouse, second by Commissioner Carr, to request  
19 from PSFA condition of the current facility of this  
20 school, noting their enrollment cap and the facility  
21 capacity of the building.

22 Any discussion on the motion,  
23 Commissioners?

24 COMMISSIONER GANT: Madam Chair.

25 THE CHAIR: Commissioner Gant.

1 COMMISSIONER GANT: Madam Chair, I request  
2 that Martica, or whoever does the research, work  
3 through CSD with Julia Barnes on this.

4 THE CHAIR: Further discussion,  
5 Commissioners? Hearing none, may we have a  
6 roll-call vote, Mr. Secretary?

7 COMMISSIONER BERGMAN: Commissioner  
8 Peralta.

9 COMMISSIONER PERALTA: Yes.

10 COMMISSIONER BERGMAN: Commissioner Pogna.

11 COMMISSIONER POGNA: Yes.

12 COMMISSIONER BERGMAN: Commissioner  
13 Toulouse.

14 COMMISSIONER TOULOUSE: Yes.

15 COMMISSIONER BERGMAN: Commissioner Carr.

16 COMMISSIONER CARR: Yes.

17 COMMISSIONER BERGMAN: Commissioner  
18 Parker.

19 COMMISSIONER PARKER: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant.

21 COMMISSIONER GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner  
23 Shearman.

24 THE CHAIR: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Bergman votes "yes."

2 Madam Chair, by an eight-to-zero vote,  
3 that motion has carried.

4 THE CHAIR: Thank you very much. The  
5 motion is successful by a unanimous vote. The  
6 table -- the motion is tabled. [Verbatim.]

7 Let's move next to the mission statement  
8 amendment, Julia.

9 MS. BARNES: Again, this is a cleanup of  
10 their mission statement. They are on the list to  
11 have their contract approved today. And we've had  
12 many schools come forward with a mission statement.

13 We do recommend approval of this.  
14 Whichever way you vote, we'll make sure that the  
15 documents reflect that. But we do recommend  
16 approval of that amendment.

17 THE CHAIR: Thank you very much. Do you  
18 have comments?

19 MR. CASILLAS: Yes, just a quick comment.  
20 The reason we are changing the statement, it still  
21 contains the same spirit that the founders created  
22 when they founded the school. The only problem is  
23 that the current mission is about -- it's got six  
24 bullets and it's about a page long, and it's just  
25 too much. It needs to be succinct.

1           So, we have written a very short, succinct  
2 mission statement that still has the same spirit and  
3 still has the same -- the same goal of giving our  
4 kids an awesome -- awesome -- I don't know that  
5 that's appropriate -- but an education that connects  
6 them to their culture.

7           So, we request that you approve the  
8 amendment, because it's the same thing. It's  
9 just -- if I could be so succinct, you wouldn't have  
10 to hear me as long as the mission is the same way.  
11 It's just really long, and it repeats. So, it  
12 doesn't need to be that long.

13           THE CHAIR: Thank you very much,  
14 Commissioners, questions or comments?  
15 Commissioner Gant.

16           COMMISSIONER GANT: Madam Chair, members,  
17 assuming I didn't see any questions, I'm going to  
18 move to approve the amendment presented by Dolores  
19 Huerta to change the mission statement.

20           COMMISSIONER CARR: Second.

21           THE CHAIR: Motion and second to approve  
22 the amendment request by Dolores Huerta school to  
23 change their mission statement, as noted on the  
24 amendment form.

25           Commissioners, do you have discussion?

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

6 Toulouse.

7           COMMISSIONER TOULOUSE: Yes.

8           COMMISSIONER BERGMAN: Commissioner Carr.

9           COMMISSIONER CARR: Yes.

10          COMMISSIONER BERGMAN: Commissioner

11 Parker.

12          COMMISSIONER PARKER: Yes.

13          COMMISSIONER BERGMAN: Commissioner

14 Peralta.

15          COMMISSIONER PERALTA: Yes.

16          COMMISSIONER BERGMAN: Commissioner Gant.

17          COMMISSIONER GANT: Yes.

18          COMMISSIONER BERGMAN: Commissioner

19 Shearman.

20          THE CHAIR: Yes.

21          COMMISSIONER BERGMAN: Commissioner

22 Bergman votes "yes."

23          Madam Chair, that is also an eight-to-zero  
24 vote in favor of that motion.

25          THE CHAIR: Thank you. The motion to

1 approve the amendment to change Dolores Huerta's  
2 mission statement is unanimously approved.

3 Thank you very much. We look forward to  
4 seeing you next month.

5 MR. CASILLAS: Thank you very much,  
6 Commissioners. We'll actually see you in a few  
7 minutes for our performance contract.

8 THE CHAIR: We're looking forward to  
9 seeing you in a few minutes. Thank you very much.

10 MR. CASILLAS: Thank you, Madam Chair.

11 THE CHAIR: If we might take a break in  
12 our agenda and go back to Agenda Item No. 2 --  
13 pardon me -- 4 -- Report from PED Leadership? And I  
14 would ask both of our Deputy Secretaries who are  
15 here today, welcome. Deputy Secretary Lenti, we're  
16 happy to have you.

17 MS. LENTI: Paul's taking my chair. Good  
18 morning, everyone. It is great to be here with you  
19 guys today. I don't think our update will take too,  
20 too long, and we'll, of course, answer any questions  
21 you all may have after we're done.

22 But we thought it was important that we  
23 come together today, as a little bit of an official  
24 handoff. I know Paul has been attending your  
25 meetings for the past several months -- I guess

1 probably the past several years, actually. And you  
2 guys are aware that about a month ago, we made the  
3 decision to move the Charter Schools Division from  
4 the Finance and Operations side of PED over to the  
5 Policy and Programs side of the Public Education  
6 Department.

7 We're really excited about this  
8 transition. We are optimistic that this is going to  
9 let us work more closely with the Charter Schools  
10 Division staff and better integrate them with things  
11 like training opportunities that might be available  
12 for charter school directors or teachers in charter  
13 schools. They're going to have a more active role  
14 in helping us plan professional development around  
15 things like the Common Core or supporting struggling  
16 schools or things like Advanced Placement. And that  
17 had been lacking for the past couple of years.

18 So we are optimistic that this transition  
19 is actually going to better integrate not only the  
20 internal CSD staff, but our charter schools as a  
21 whole into how we support the schools across the  
22 state. It's going to give them a better voice in  
23 helping guide and shape some policy decisions as we  
24 move forward.

25 Of course, Paul and I are going to

1 continue to work together very closely. There are  
2 going to be issues, of course, that arise around  
3 charters related to finance and operations, where  
4 his expertise is going to be really critical. We  
5 spend quite a bit of time together; we talk a lot.  
6 So, you will still have the expertise of Paul to  
7 rely upon, as will Julia and her team with CSD.

8 As part of that transition, Matt Pahl, who  
9 is our Director of Policy, is taking an active role  
10 as the Interim Director of the Options for Parents  
11 Bureau. He had already planned to be out of the  
12 state right now attending a friend's wedding, so  
13 that's why he's not here with you today. But I know  
14 he's anxious to join your next meeting in June, get  
15 to meet you all, and get to know you all.

16 So, he's taking the proactive role with  
17 Julia in terms of working day-to-day with the CSD  
18 staff and making sure that the team here at PED is  
19 working across the agency with the other bureaus, as  
20 well as integrating our schools as we do training  
21 and things of that nature this summer.

22 So, I'm sorry he couldn't be here, but,  
23 again, he already had that wedding on the calendar  
24 when the transition was made.

25 I'm going to let Paul say a few words



1 about the transition, and then we can go from there.

2 DEP. SEC. AGUILAR: Good morning,  
3 Madam Chair and members of the Commission. It's  
4 good to be before you today. I just want to echo  
5 Leighann's confidence that the transition will be  
6 smooth, that the work of the Department will  
7 continue to support our charter schools, and to  
8 ensure that we are providing a number of options to  
9 our parents to take advantage of throughout the  
10 state.

11 I have a couple of just reporting --  
12 reporting pieces today. One is the -- you've -- I  
13 think you've received the Judge's order upholding  
14 the Secretary's decision and your decision to close  
15 TLC. That closure is ongoing. And the only glitch  
16 that we've come up with is that apparently, there  
17 are two maintenance folks whose contracts end after  
18 the administration leaves. And, so, we're working  
19 through those. They'll be with the school for, I  
20 think, two weeks beyond the termination date of  
21 the -- not the termination -- the end date of the  
22 contracts for the administrators. But I think we  
23 have a solution that will be supervised.

24 They'll also be assisting in moving  
25 materials and furniture out of the buildings. We

1 have found a home for much of that furniture with  
2 our new -- some of our new charter schools,  
3 particularly a new charter school in Taos. So,  
4 we're pleased to be able to let APS know that  
5 they're not going to have to take a bunch of stuff,  
6 and it'll be put to good use in a new charter  
7 school.

8 The closure of Ralph J. Bunche is ongoing,  
9 as well. We have secured the services of a business  
10 manager to continue the operation of both books for  
11 both schools into next year. As you know, in order  
12 to close out the school properly, all liabilities  
13 need to be taken care of, and also the audit has to  
14 be completed for FY '14, which won't be done until  
15 probably November or December.

16 So, we anticipate coming before you at the  
17 end of this calendar year to inform you that both  
18 schools are closed, their books are in order, and  
19 that the reversions of any remaining assets has  
20 taken place to the State.

21 Thirdly, we continue to work with the  
22 McCurdy Charter School on their financial issues.  
23 One issue that has arisen is that their procurement  
24 policies are not being adhered to as cleanly as we  
25 would like, and, so, we're going to be taking a more

1 active role in approving purchases. We didn't want  
2 to get into that in-depth of an oversight, but we're  
3 going to be needing to look at that.

4 They have a number of procurement  
5 violations, nothing -- there's no mismanagement of  
6 the money. Things are being spent for appropriate  
7 purposes. But they're not following the policy, the  
8 procurement code, properly, and we need to get that  
9 under control. So, that's ongoing.

10 Your computers, I think, are still in  
11 China, but they're on their way. And you have your  
12 new chairs. So, I think that is about all I need to  
13 cover, Madam Chair, unless there are questions from  
14 the Commission.

15 THE CHAIR: Thank you both for that.  
16 Commissioners, do you have questions? Commissioner  
17 Pogna.

18 COMMISSIONER POGNA: On the computers,  
19 please don't rush them. If the computers are still  
20 in China, don't rush them here. We're not in a  
21 rush.

22 DEP. SEC. AGUILAR: Thank you.  
23 Madam Chair, I would point out to Commissioner  
24 Pogna, she ordered the 17-inch screen, so she has  
25 the largest computer that was ordered for our most

1 petite member.

2 THE CHAIR: I want to see her carry it.  
3 She's going to need a cart.

4 DEP. SEC. AGUILAR: We need to bring one  
5 of those little roller bags for her to do that.

6 COMMISSIONER POGNA: Or motorized.

7 THE CHAIR: Commissioner Gant.

8 COMMISSIONER GANT: This is just really a  
9 snide remark. Deputy, if you had ordered this  
10 computer, you'd have it by now. (Indicates.)

11 DEP. SEC. AGUILAR: Madam Chair, there are  
12 many people, including the person speaking at this  
13 moment, who prefer those computers, as well; but  
14 it's not one of the options that we have.

15 THE CHAIR: Other comments, Commissioners?  
16 Other comments? I don't mean to put you guys on the  
17 spot.

18 COMMISSIONER GANT: Yes, you do.

19 THE CHAIR: I really don't.

20 DEP. SEC. AGUILAR: Madam Chair, we live  
21 for that.

22 THE CHAIR: Pardon?

23 DEP. SEC. AGUILAR: We live for that.

24 THE CHAIR: Our director is going on  
25 vacation for two weeks again, starting Monday.

1 There's another issue with the contract. You know,  
2 this is a really busy time for us. And we're going  
3 to be -- we're going to be hard-pressed, if she's  
4 gone for two weeks. If she's gone for longer than  
5 that, I think we're going to be looking at -- at  
6 some really serious issues.

7 I am asking both of you, as probably two  
8 of the most powerful people in this building, can  
9 you speed up that contract? Can we do something to  
10 get this issue lined out so that we can get this ton  
11 of work done? We need Julia. We really do. And we  
12 need to keep moving forward at a good pace, and  
13 we're asking for your help.

14 DEP. SEC. AGUILAR: Madam Chair, thank you  
15 for that request. Mr. Matt Pahl, the new Director  
16 of Options for Parents, will be back in the building  
17 and available for work with Charter Schools Division  
18 beginning on Monday.

19 We will -- the work that Ms. Barnes -- not  
20 to speak about personnel issues, so I don't want to  
21 address -- but Ms. Barnes' work and contract with  
22 the Department has always been -- prior to  
23 Mr. Gerlicz leaving and others, has always been to  
24 provide legal services for the negotiation of  
25 contracts and things of that nature, and we

1 anticipate that that will continue.

2 And we're working to get an extension to  
3 her current contract, as we speak. The Legislature  
4 felt that it was appropriate to extend the time line  
5 for sole source procurement to 30 days. So, we are  
6 now in a 30-day waiting period that we have no  
7 control over.

8 At the end of that time, we will -- I  
9 would appreciate it if your attorney would quit  
10 shaking her head, Madam Chair. Not you, your  
11 attorney. At the end of that 30-day period, we will  
12 execute the remainder of that contract, so that  
13 those dollars are available.

14 I'm -- I don't have an option with that.  
15 Those are the directions I've received from State  
16 Purchasing and from the Department of Finance and  
17 Administration. So, we are trying to expedite that  
18 as quickly as possible.

19 THE CHAIR: Okay. Commissioner Gant.

20 COMMISSIONER GANT: Nope. I'm not going  
21 to touch that.

22 THE CHAIR: I just wanted to let you all  
23 know that we are very concerned about this gap in  
24 leadership, and we could have some problems because  
25 of it. So, whatever help you can give us, we

1 appreciate that.

2 DEP. SEC. AGUILAR: Madam Chair, when it  
3 was brought to our attention, we immediately filed  
4 the -- the sole source extension. Again, we were  
5 told it had to sit for 30 days.

6 THE CHAIR: Thank you very much. You're  
7 certainly welcome to stay and be part of the  
8 meeting. You're welcome to move up here with us,  
9 whatever you all would like to do.

10 And, Paul, we will miss working very  
11 closely with you. You have been a marvelous asset,  
12 and we appreciate you. Leighann, we look forward to  
13 working more closely with you.

14 DEP. SEC. AGUILAR: Madam Chair, like a  
15 bad penny, I always turn up.

16 Madam Chair, there was another issue that  
17 just came to mind, so I wanted to share it with the  
18 Commission. Over the last few months, you've  
19 received a number of requests, I believe, from  
20 charter schools that are interested in modifying  
21 their charter to include transportation services.

22 THE CHAIR: Uh-huh.

23 DEP. SEC. AGUILAR: I would ask that --  
24 and I've directed my transportation director to be  
25 involved in those requests. They're not as simple

1 as they're being presented to you. When someone  
2 says, "Well, we want to provide transportation  
3 services to our folks," it's not as simple as it  
4 sounds.

5 And, so, what's happening is, you've  
6 approved a couple of those over the last few months.  
7 Because it's a formula-based distribution mechanism,  
8 there are a number of factors that are involved in  
9 developing the dollar amounts and to make the  
10 determination whether those routes are appropriate.  
11 And folks are coming to you with probably very  
12 legitimate requests. We're not arguing about the  
13 legitimacy of the requests.

14 But they're not providing the data that  
15 our transportation folks need to consider in terms  
16 of making a recommendation. And the statute isn't  
17 real clear on how those should be applied. So, the  
18 Secretary and the Department have great latitude in  
19 how that formula can be applied in certain  
20 circumstances, but we want to work toward a uniform  
21 methodology of how we can -- can implement those  
22 transportation pieces.

23 And, so, we would ask that the Charter  
24 School Division -- I've already spoken with Deputy  
25 Lenti about that -- that we'd like to have our



1 transportation folks weigh in on those, so that we  
2 can make -- as a Department, we can make a good  
3 recommendation as to whether -- not the  
4 appropriateness of it, but of the impact of it, so  
5 that you have that information as you make those  
6 decisions.

7 THE CHAIR: Okay. Thank you for that. I  
8 know we dealt with at least one new charter school  
9 contract in the last two days that was requesting  
10 transportation. And I believe that, Julia, you  
11 either wrote it in the contract or said it to him,  
12 or maybe both, that it certainly was dependent on  
13 funding, that it was in their contract that they  
14 were wanting to provide transportation, but that it  
15 was not ours to approve; it was Transportation, and  
16 it would depend, certainly, on funding, I believe.  
17 Did I say that right, Julia?

18 MS. BARNES: That's correct. At least as  
19 I see it, a charter school can say that they want  
20 transportation or not, but we can be clear with them  
21 that the PEC is not responsible for the budgeting  
22 issues.

23 There are several issues that are similar  
24 to that that the PED has responsibility. For  
25 example, the Cabinet Secretary has responsibility

1 for waivers. We might try to make that clear.  
2 We've been making it clear to them that they need to  
3 work with the Department.

4 They may or may not have funding. I just  
5 don't know -- like a new charter that says they're  
6 going to provide transportation, we typically write  
7 in that that's subject to funding. But I think it's  
8 just them letting us know that they intend. And  
9 they need to know very clearly that there's a second  
10 step, and that that's in the control of the PED.

11 But we can figure out whatever language.  
12 I think we're being pretty clear, now that we know  
13 there's an issue.

14 We've also talked with Matt Pahl about how  
15 do we make sure the process is streamlined for the  
16 new school so that they are better aligned with  
17 Paul's budget issues, because the problem is, a new  
18 school is approved in September, which is almost  
19 when PED needs the budget information. And the new  
20 schools are not thinking about transportation. But  
21 we've already talked to Matt Pahl about that, and I  
22 think that's one of our improvements. So, I think  
23 we're coordinated. But Paul can let us know if  
24 we're not.

25 THE CHAIR: Thank you for that reminder.

1 We're on it, I guess. Commissioner Gant.

2 COMMISSIONER GANT: Madam Chair, members,  
3 we do have one today that one's an amendment to the  
4 charter for transportation. But in here, Julia has  
5 put the statement -- and see if you agree with this,  
6 Deputy -- "In addition, CSD would like it to be  
7 clear that its recommendation of this amendment is  
8 not a representation that the PED will be able to  
9 provide funding for the transportation request. A  
10 separate division in PED looks at transportation  
11 funding requests, and this determination is based  
12 separately from the charter school amendment  
13 process."

14 Does that satisfy you?

15 DEP. SEC. AGUILAR: Mr. -- and  
16 Commissioner Gant, it doesn't. And let me explain  
17 why. Independent of the charter law that you guys  
18 are very, very familiar with, the transportation  
19 statutes require -- now, locally chartered charter  
20 schools need to work with their districts to figure  
21 out how they transport children. But the  
22 State-chartered charter schools, if it's in their  
23 charter that they will provide transportation, the  
24 Department has to fund that.

25 And our problem is, as -- as Ms. Barnes

1 mentioned, is that the approval process is  
2 difficult. And, so, one of the things I would  
3 ask -- and I -- and charter schools, especially new  
4 charter schools, may argue that they're not going to  
5 be able to open without the transportation  
6 components.

7 But what I would ask is that on any of  
8 these new requests -- and you probably need to speak  
9 with your attorney -- I think it's allowable is that  
10 it be a one-year delay, so that we can build those  
11 dollars into -- into our funding request for the  
12 following year, so we do, in fact, have the money.

13 I'll give you an example.

14 The new Health Sciences Academy -- I'm not  
15 sure I'm using it right -- but in Gadsden, had  
16 requested transportation. We're required to provide  
17 it. Their allocation, through the formula, was  
18 about \$102,000. That was an unanticipated amount of  
19 money that comes out of the transportation pot to  
20 distribute to school districts and charter schools.

21 And, so, it's a little bit of a bigger  
22 problem -- I think the language is good. But,  
23 again, there is the -- the transportation statutes  
24 that note that the State-chartered charter schools  
25 are -- that we need to pay for them. So, if we

1 could delay that -- and, again, I don't know if  
2 that's a possibility or not. If someone wants  
3 transportation, and they're able to justify it, if  
4 we could have a delay so that we can implement it so  
5 that we have one budget year in order to reconcile  
6 the budget with the need.

7 THE CHAIR: Julia?

8 MS. BARNES: Paul, this particular  
9 amendment is -- and we can -- I'd like your feedback  
10 on it -- is actually the International School at  
11 Mesa Del Sol. So, it's an existing charter. It is  
12 an amendment.

13 I know they have presented information to  
14 you. If it's more appropriate to have you all see  
15 if there's funding -- and then I don't know what to  
16 do about this right now, because I know they have  
17 presented documentation to you on your request. I  
18 know it is late. It's late in your budget. And I  
19 know that they feel like they need it.

20 So, actually, I just wanted to be clear so  
21 that you can address this as an existing school.

22 DEP. SEC. AGUILAR: And, so, Madam Chair,  
23 we're aware of the issues at Mesa Del Sol and their  
24 desire to transport students. I think their  
25 original intent was to draw students from that area

1 of town, and the residential construction hasn't  
2 materialized in there. We recognize that. And I  
3 know people want to start planning for next year.

4 But I really -- if you can't do a delay  
5 for a year, if it's detrimental to the school, I  
6 would ask that you postpone the decision for a month  
7 till your next meeting, so that we can do an  
8 analysis of what the impact is going to be and try  
9 to figure it out.

10 One of the issues that we have,  
11 Madam Chair, is how do you -- where are these kids  
12 going to be bussed from? And I want to give you  
13 another example of the difficulty in doing the  
14 analysis. The Southwest Aeronautical School -- I  
15 forget the name -- is on the West Mesa of  
16 Albuquerque. And they're transporting children. It  
17 was part of their original request. They're  
18 transporting them from all over Albuquerque,  
19 including from the East Side. So, some of those  
20 kids have a 26-mile bus ride to get to the Academy.

21 Mesa Del Sol, if they draw folks from the  
22 North Valley, could be causing -- it's not 26 miles  
23 north to south, but it's fairly significant -- we  
24 could have buses crisscrossing everybody all over  
25 town. And, so, we just want to -- we need to be

1 thoughtful in how we can implement it. And I'm not  
2 sure how we can do that.

3 In terms of Mesa Del Sol, if we could have  
4 a delay for a month and allow our transportation  
5 folks to do an analysis of the impact, then we would  
6 be prepared to present that to you next month.

7 THE CHAIR: Okay. And just, for my  
8 clarification, we've got contracts coming before the  
9 Commission to be voted on later in the meeting  
10 today. And I know at least some of them have  
11 transportation as part of their contract. Are you  
12 suggesting that we delay, at least until next month,  
13 those sections of those contracts?

14 DEP. SEC. AGUILAR: Madam Chair, I -- I  
15 don't want to delay schools doing the good work that  
16 they need to be doing. But if we could delay --  
17 approve it, with a contingency that we bring back  
18 the transportation impact to you next month, and  
19 then you may want to act on them -- on just the  
20 transportation piece, that way it gives us an  
21 opportunity to be thoughtful on how -- what the real  
22 impact is going to be.

23 THE CHAIR: Okay. Julia?

24 MS. BARNES: International School at  
25 Mesa Del Sol is the only one that is today. The new

1 schools are next month. So, we just negotiated them  
2 yesterday. So, I think that that coordination is  
3 going to work fine.

4 THE CHAIR: I'm rushing it.

5 MS. BARNES: Well, Health Sciences --  
6 sorry for it all to be confusing. But remember,  
7 Health Sciences asked to be done earlier in the  
8 year, so that they could get a building in place.  
9 So, I think theirs are -- I would have to look at  
10 what theirs says, but I could look right now.

11 The other three schools, Paul, are being  
12 approved next month, so that's going to work well.

13 DEP. SEC. AGUILAR: And Madam Chair,  
14 because the Health Sciences contract was approved,  
15 they have received their allocation for  
16 transportation for next school year already.

17 THE CHAIR: So, I -- to clarify, when we  
18 approve a -- State chartered -- charter school, if  
19 they have agreed or requested to provide  
20 transportation, it is automatically approved? They  
21 don't -- there's no other approval from  
22 transportation or PED or anything that needs to be  
23 secured before the transportation --

24 DEP. SEC. AGUILAR: Yes, ma'am, the  
25 statute is pretty clear. Local-chartered charter



1 schools need to work with their district, but  
2 State-chartered charter schools, if they have a  
3 transportation component, they need to be included  
4 in the transportation formula.

5 THE CHAIR: Thank you. I was not aware of  
6 that. Commissioner Bergman.

7 COMMISSIONER BERGMAN: I just wanted to  
8 say that since I've been at every contract  
9 negotiation except one, we are not encouraging these  
10 people to do transportation. I just wanted to make  
11 sure that was very clear. In fact, when they raise  
12 the issue of transportation, we're telling them,  
13 "You've got to go to the PED bureau, the  
14 Transportation" -- whoever it is. We're not telling  
15 them we're not appropriating them, telling them they  
16 can, or should, or anything else.

17 Correct me if I'm wrong, Julia. But  
18 there's two boxes on those performance frameworks  
19 that came out of Senate Bill 446. One of them said  
20 the schools had to talk about whether they were  
21 doing food service or not, and the other one,  
22 specifically, was, "Are you doing transportation, or  
23 are you not?"

24 And I think the schools are seeing that  
25 box, and maybe a light bulb is going off or

1 something. We're not actively appropriating that.  
2 It's coming from the schools. And I know -- at  
3 least I have said -- "You all have got to go to  
4 whoever, and it's dependent on money. We're not  
5 telling you we're going to approve it."

6 I'm assuming Senate Bill 446 mandated it.  
7 Am I correct on that, Julia?

8 MS. BARNES: I was just looking that up.  
9 Of course, Deputy Secretary Aguilar is correct about  
10 HSA. They did request it, and subject to funding.  
11 And then transportation -- I know it's required, but  
12 I can't find it right at the moment; although, I  
13 know that we've discussed that it is required, which  
14 is why we're talking about it. But --

15 DEP. SEC. AGUILAR: I believe it's under  
16 Section 22-8 -- and I can't remember the subsection.

17 MS. BARNES: I'm looking at 8B-9. Give me  
18 a second.

19 THE CHAIR: Simply in the interests of  
20 time, maybe Abby or Julia could find that and bring  
21 it to us at a later date. Commissioner Bergman.

22 COMMISSIONER BERGMAN: If there's a  
23 problem here, we need to -- it sounds like we have  
24 more things to talk about in the next work session  
25 of how we don't -- it's not our goal to create

1 problems for anybody. That's not what we're trying  
2 to do here. So, if there's -- we need to come up  
3 with some more -- how we're going to handle this.  
4 Let's certainly talk about it. We don't have to do  
5 that today.

6 DEP. SEC. AGUILAR: Madam Chair,  
7 Commissioner Bergman, I don't think it's a problem  
8 as much as it is a funding issue. We need to  
9 align -- the approval cycle of the new schools is  
10 not aligned with the budget cycle of DFA and the  
11 State. So, we're just trying to figure out a way to  
12 ensure that we can request the dollars to ensure  
13 that they're there for distribution.

14 THE CHAIR: Any other comments or  
15 questions? Commissioner Toulouse.

16 COMMISSIONER TOULOUSE: Madam Chair, going  
17 to miss you, Deputy Secretary Aguilar. I just  
18 taught you how to pronounce my whole name.

19 DEP. SEC. AGUILAR: Commissioner  
20 Toulouse, and I had practiced all morning so I could  
21 get it right.

22 COMMISSIONER TOULOUSE: I would like to  
23 say, on the transportation issue, I think it would  
24 be very helpful for us to have one of our work  
25 sessions that would include people from the

1 Transportation Department and all -- because one of  
2 the things I've noticed in the 16, going on 17  
3 months I've been on this Commission, that this group  
4 is very isolated from the rest of PED. And having  
5 spent 30 years in State government before I retired,  
6 thankfully, many years ago, this lack of  
7 communication between entities is the thing that  
8 gets us in trouble over and over. And I would hope  
9 this could be another step in this Commission, or  
10 the staff that works directly with us and the other  
11 parts of PED, to form connections.

12 So I would just like to say I think that  
13 would be a very good thing for us to know, as we're  
14 reviewing the contracts coming up very shortly after  
15 we go through this summer public hearing. So, thank  
16 you.

17 DEP. SEC. AGUILAR: And Madam Chair and  
18 Commissioner, I think that's the value that  
19 Leighann -- I'm sorry, Deputy Lenti -- brings to the  
20 mix is being able to integrate the various parts of  
21 the Department that she manages into the process.

22 THE CHAIR: Okay, we look forward to that.  
23 Commissioner Gant, did you have a comment?

24 COMMISSIONER GANT: Madam Chair, members,  
25 it's just a comment. I do appreciate you bringing

1 this to us, Deputy Aguilar, because I had no clue.  
2 I just thought, well, we're making nice -- we're  
3 making nice with the schools by giving them the  
4 amendment. They want to take care of their kids,  
5 get them to school.

6 It's nice to know -- it's important that  
7 we know the impacts to what you all do and what  
8 transportation people do. We didn't -- I don't  
9 think we really understood the full impacts to some  
10 of our decisions in that area. And I thank you for  
11 coming.

12 DEP. SEC. AGUILAR: Madam Chair, we'll be  
13 in the building. We have folks from the Feds here  
14 today, and Ms. Lenti is working on a number of  
15 issues. But if you need us, we'll be available.  
16 Just ask somebody to come get us.

17 THE CHAIR: All right. I see no other  
18 questions, and we thank you both very much for being  
19 here.

20 Leighann, we'll look forward to working  
21 with you.

22 MS. LENTI: Absolutely. Thank you.

23 THE CHAIR: Thank you.

24 Ladies and gentlemen, perhaps this would  
25 be a pretty good time to take a little break. It's

1 almost 20 after 10:00. Let's get back here at  
2 10:30. Thank you.

3 (Recess taken, 10:20 a.m. to 10:30 a.m.)

4 THE CHAIR: Ladies and gentlemen, if  
5 you're ready, we're back in session.

6 Julia, please, I believe, Health  
7 Leadership is next?

8 MS. BARNES: Yes, they are next. They  
9 have a -- this is a school that is -- was it -- I  
10 don't know if -- in their present location. They're  
11 going to move to a permanent location. And now they  
12 have an interim year issue.

13 They have the documentation from PSFA on  
14 this interim location. I know that they're working  
15 hard to move through their facilities issues. So,  
16 CSD recommends approval of this amendment. I  
17 believe we have all the appropriate paperwork.  
18 That's my only concern. But I think we do.

19 THE CHAIR: And CSD is recommending  
20 approval?

21 MS. BARNES: Yes. This is a school  
22 working hard to get themselves into the right  
23 facility, and they have an interim year issue that I  
24 know they'll explain today.

25 THE CHAIR: Okay. Please introduce

1 yourselves and tell us what you have to say.

2 DR. DURAN-BLAKEY: I'm Gabriella  
3 Duran-Blakey, the principal of Health Leadership  
4 High School, B-L-A-K-E-Y.

5 MR. IVEY-SOTO: Madam Chair, members of  
6 the Commission, my name is Daniel Ivey-Soto. My  
7 last name is spelled I-V-E-Y, dash, S-O-T-O.

8 THE CHAIR: And your positions with the  
9 school, please?

10 MR. IVEY-SOTO: Dr. Duran-Blakey is the  
11 director of the Health Leadership High School, and  
12 I'm general counsel to the school.

13 THE CHAIR: Okay, thank you.

14 MR. IVEY-SOTO: Madam Chair, as  
15 Director Barnes was commenting, the -- when the  
16 charter was approved for Health Leadership -- and by  
17 the way, I'm happy to tell you there's no  
18 transportation involved here. When the -- when the  
19 charter was approved for Health Leadership, the  
20 charter included the initial location, where the  
21 school was going to be until the permanent campus  
22 was going to be built.

23 The permanent campus is going to be on the  
24 greater campus of First Choice Healthcare, down in  
25 the South Valley of Albuquerque. The -- however,

1 that -- that campus is not yet built, and the -- and  
2 our initial campus is not going to be available to  
3 us next year.

4 So, consequently, we needed to find  
5 transitional housing for the interim. What we  
6 did -- we were very fortunate in that we were able  
7 to find a building, 1900 Randolph, Southeast, in  
8 Albuquerque, where the Academia de Lengua y Cultura  
9 had been, so it was already E-rated prior to us  
10 being there.

11 In addition to that, in working with the  
12 owner of the property, we have done some upgrades,  
13 so that we actually have a better score on the  
14 property than what the Academia did -- than what the  
15 last tenants had.

16 So -- and I will tell you, Madam Chair,  
17 you all, I think, are very clear in your meetings as  
18 to what your expectations are. But for those of us  
19 who don't normally live at the PEC meetings, we  
20 don't always -- we don't always know exactly, as  
21 things develop, particularly with regard to living  
22 into Senate Bill 446.

23 The meeting that we had -- that you all  
24 held at the Hotel Andaluz during the conference --  
25 during that meeting -- we -- we -- Dr. Duran-Blakey



1 and I consulted and said, "You know, we're moving  
2 with transitional housing. We need to -- we need  
3 to -- we need to actually make sure that we do this,  
4 not just through the PSFA, but, also, through the  
5 PEC."

6 And I have to tell you that -- that in  
7 doing so and trying to make sure that we're doing  
8 everything as is expected, the receptiveness that  
9 we've received from Ms. Barnes in terms of working  
10 with Dr. Duran-Blakey and my -- and the  
11 receptiveness from Ms. Lewis in terms of my working  
12 with her on this project has been outstanding. It  
13 really has been.

14 THE CHAIR: Thank you. We appreciate  
15 that. We find working with them very agreeable, as  
16 well.

17 Could I ask Martica to give us PSFA's  
18 report on this facility?

19 MS. CASIAS: Yes. Members of the  
20 Commission, we were contacted by the school and did  
21 go to the site at 1900 Randolph and generated a  
22 score, and, indeed, they exceed the average weighted  
23 NMCI; so, indeed, the school would be suitable and  
24 has an E-occupancy.

25 THE CHAIR: And what is the student

1 maximum load for that building?

2 MS. CASIAS: Madam Chair, I don't have the  
3 exact numbers with me. But when we generated the  
4 score, we used the numbers at the time. And the  
5 score came out that it was acceptable. I don't have  
6 the exact numbers, but I do know, by the resulting  
7 number, that the charter -- number of children  
8 chartered will fit in this facility.

9 THE CHAIR: Okay. Thank you very much for  
10 that.

11 Commissioners, you have heard CSD's  
12 recommendation. You've heard the presentation from  
13 the school and from PSFA. The Chair would entertain  
14 a motion, and then we'll have any discussion that  
15 you would like on that. Mr. Bergman.

16 COMMISSIONER BERGMAN: Madam Chair, I  
17 would move that the PEC approve this move to this  
18 temporary location -- I'll put the word "temporary"  
19 in there -- until their new facilities become  
20 available.

21 THE CHAIR: Thank you. Do I have a  
22 second?

23 COMMISSIONER PARKER: Second.

24 THE CHAIR: Motion by Commissioner  
25 Bergman, second by Commissioner Carr, to approve.

1 COMMISSIONER CARR: Not me. I'm fine,  
2 but --

3 THE CHAIR: I'm going to have to put you  
4 guys on separate sides. Your voices come into this  
5 ear sounding alike. Let me do this again.

6 Motion by Commissioner Bergman, second by  
7 Commissioner Parker, to approve the amendment  
8 request by Health Leadership High School to move to  
9 a temporary location at 1900 Randolph in  
10 Albuquerque.

11 Is there any discussion? Commissioner  
12 Bergman?

13 COMMISSIONER BERGMAN: I just have a  
14 question. Are you anticipating that you will just  
15 be here for the -- the next academic year, one year?  
16 Or are you going to try to move in the middle of the  
17 year, if it becomes available?

18 MR. IVEY-SOTO: Madam Chair and  
19 Commissioner Bergman, actually, it's three years is  
20 what we are anticipating. If First Choice is a  
21 little bit more ambitious, it'll be two years. And  
22 the arrangement we have is with an option, in case  
23 we have to stay there for four years. But if it  
24 goes to that point, we really need to finalize the  
25 process.

1 I will tell you, also, that the -- that  
2 the building that we're in -- and this goes a little  
3 bit to Commissioner Shearman's question -- the high  
4 school -- we just completed our first year. And,  
5 so, we will be -- although the building that -- at  
6 1900 Randolph can accommodate 400 students, we do  
7 not anticipate actually having 400 at that school,  
8 because this next year, we'll just have our  
9 sophomore year, and then we'll continue to grow up  
10 with a new cohort each year.

11 COMMISSIONER BERGMAN: Thank you for that  
12 clarification. Thank you, Madam Chair.

13 THE CHAIR: Julia.

14 MS. BARNES: I just wanted to add to what  
15 Senator Ivey-Soto said, which is we've been  
16 struggling -- we see our schools struggling with  
17 amendments, and we see our schools struggle  
18 particularly with amendments for facilities. And,  
19 so, we'll talk about it a little bit later in the  
20 agenda.

21 But part of our proposal is that we do an  
22 entire protocol that's posted on the Web about how  
23 to get through the facilities maze, not through just  
24 this Commission, but through the whole process. And  
25 we'll work to make sure it's accurate with all of

1 the various entities.

2 It is very confusing for the schools. And  
3 you can see, we struggle with getting the proper  
4 documents to you, because I think it's just still  
5 unclear to the schools.

6 THE CHAIR: Thank you. Other comments or  
7 questions? Commissioner Toulouse.

8 COMMISSIONER TOULOUSE: This is just an  
9 aside. But your current school is not in my  
10 district. But welcome to my district for the years  
11 that you are in this one before you move out of it  
12 again. However, I don't think you have anybody  
13 covering the district that you were in, so I kind of  
14 felt like I still had to do it.

15 But welcome to my district. I have so  
16 many charter schools in my district, I'm trying to  
17 find out who is there, trying to visit some of them  
18 and just see them. So, I'm getting a much better  
19 picture of what's there. But, anyway, welcome.

20 THE CHAIR: Thank you for that.  
21 Commissioner Gant.

22 COMMISSIONER GANT: Madam Chair, members,  
23 I did appreciate -- I did have a bunch of questions.  
24 You've already answered most of them. But one that  
25 puzzles me just a little -- because right now you're

1 out on Central, way out there. I Googled the  
2 distances and all that. How is that going to impact  
3 your students?

4 I mean, you're serving students out there,  
5 and all of a sudden, they've got a six- or  
6 eight-mile ride to the temporary, and then they've  
7 got another -- so, you're mov- -- this is going to  
8 be a little difficult for some of your students to  
9 continue, I think.

10 MR. IVEY-SOTO: And, Commissioner Gant,  
11 that is an issue of some concern for us. But I will  
12 tell you that where we have been focusing has been  
13 for our ultimate location down in the South Valley,  
14 and that this particular location, given the traffic  
15 patterns going up Cesar Chavez, and as well as going  
16 up Gibson, are actually closer to -- to where we  
17 ultimately plan to be than where we are right now.

18 COMMISSIONER GANT: Thank you,  
19 Madam Chair.

20 THE CHAIR: Thank you. Other questions or  
21 comments, Commissioners?

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

24 COMMISSIONER BERGMAN: Commissioner  
25 Toulouse.

1 COMMISSIONER TOULOUSE: Yes.

2 COMMISSIONER BERGMAN: Commissioner Carr.

3 COMMISSIONER CARR: Yes.

4 COMMISSIONER BERGMAN: Commissioner

5 Parker.

6 COMMISSIONER PARKER: Yes.

7 COMMISSIONER BERGMAN: Commissioner

8 Peralta.

9 COMMISSIONER PERALTA: Yes.

10 COMMISSIONER BERGMAN: Commissioner Pogna.

11 COMMISSIONER POGNA: Yes.

12 COMMISSIONER BERGMAN: Commissioner Gant.

13 COMMISSIONER GANT: Yes.

14 COMMISSIONER BERGMAN: Commissioner

15 Shearman.

16 THE CHAIR: Yes.

17 COMMISSIONER BERGMAN: Commissioner

18 Bergman votes "yes."

19 That is an eight-to-zero vote in favor of  
20 that motion to move.

21 THE CHAIR: Thank you very much. The  
22 amendment from Health Leadership High School to move  
23 to a temporary location at 1900 Randolph in  
24 Albuquerque is unanimously approved. Thank you both  
25 for coming today.

1 DR. DURAN-BLAKEY: Thank you.

2 MR. IVEY-SOTO: Thank you, Madam Chair.  
3 Thank you, members of the Commission. And,  
4 Commissioner Toulouse, we look forward to having you  
5 come visit our school.

6 COMMISSIONER TOULOUSE: Once you're in  
7 there, anytime you'd like me to come. Certainly.  
8 Senator Ivey-Soto knows how to find me. Thank you.

9 DR. DURAN-BLAKEY: Thank you.

10 THE CHAIR: Julia.

11 MS. BARNES: Next on the agenda is a  
12 presentation by the Albuquerque Sign Language  
13 Academy. And I don't know if someone from Amy  
14 Biehl -- oh, great -- someone from Amy Biehl High  
15 School, as well.

16 This is a proposal -- I'm going to let  
17 them -- I know it's evolving, so I'm going to let  
18 them describe what they are doing. But, you know,  
19 CSD believes that, you know, this is -- this is an  
20 example of charter school innovation. It is our  
21 understanding that the Albuquerque Sign Language  
22 Academy is really interested in helping their kids  
23 move forward past their school where it is  
24 presently. I think they'll be bringing an amendment  
25 to start providing high school services.



1           They have two types of students, those  
2           that could be integrated into a regular high school  
3           setting, and they've got a great partnership going  
4           with Amy Biehl High School. It's a natural alliance  
5           between the two schools. They're located near; the  
6           students are comfortable. And the Albuquerque Sign  
7           Language Academy is looking to how they can support  
8           those students that, already, lots of them are  
9           ending up at Amy Biehl High School.

10           The second is, is I think they're going to  
11           begin to support their students that can't easily go  
12           to a school like Amy Biehl, but would stay at their  
13           school.

14           I'm going to let them present it because  
15           kind of how it ends up, it'll depend on how the  
16           amendments are ultimately brought forward to you.

17           Again, we're trying this as an experiment  
18           in working with amendments with schools. Right now,  
19           we're asking schools -- we actually asked them not  
20           to bring their amendments now, but to get -- for you  
21           all to hear what they have to say and to get your  
22           thoughts so that they can bring it back to you.

23           So, I'll go ahead and turn it over to you  
24           guys.

25           THE CHAIR: Good morning. If you would

1 introduce yourselves, perhaps spell your name, if  
2 it's unique, and then we would like to hear from  
3 you.

4 MR. MARTINEZ: I am Raphael Martinez the  
5 executive director of the Albuquerque Sign Language  
6 Academy. "Martinez" is kind of unique.  
7 M-A-R-T-I-N-E-Z.

8 MR. McCULLOCH: Good morning, Madam Chair  
9 and Commissioners. My name is Frank McCulloch.  
10 I'll spell my last name, M-c-C-U-L-L-O-C-H. And I'm  
11 the director of curriculum assessment and  
12 instruction at Amy Biehl High School.

13 MS. BARNES: I did want to add one more  
14 thing. Rachel Stofocik from CSD is here.  
15 Albuquerque Sign Language Academy is creating its  
16 own report card, working closely with PED. And, so,  
17 I think they have a presentation on that, as well.

18 THE CHAIR: Okay. Thank you. Please go  
19 ahead.

20 MR. MARTINEZ: So, I'll -- I guess I can  
21 start with the first discussion which was our  
22 connection to Amy Biehl with the idea that we can  
23 push up through high school.

24 So, the challenge with our -- with our  
25 population is that the school was created out of a

1 need to better serve kids who are deaf,  
2 hard-of-hearing, and with other needs. There  
3 were -- the choices were limited, which is what  
4 brought about the creation of the school.

5 And, so, when the school was originally  
6 created, we started kindergarten to fourth grade,  
7 adding grades the years that followed. And we've  
8 come to a place now, we are kindergarten to eighth,  
9 and we're looking for something to keep continuing  
10 service with our children.

11 And knowing that we don't have the  
12 capacity to grow into a high school because of some  
13 compliance issues, we reached out to Amy Biehl to  
14 begin the discussion about what it would take to  
15 grow.

16 And involved in that discussion was Rachel  
17 Stofocik, our charter school liaison. Julia was  
18 part of that discussion later on. Tony Gerlicz was  
19 in that discussion, as well as really passionate and  
20 smart staff from Amy Biehl.

21 So, we just sat around a table and tried  
22 to explore different ways to create this partnership  
23 to better serve our kids and not compromise either  
24 our mission or Amy Biehl's mission.

25 So, that's the start of it.

1 MR. MARTINEZ: Keep going? I'll keep  
2 going.

3 THE CHAIR: Yes, please.

4 MR. MARTINEZ: So, initial conversations,  
5 I think we tried to -- we got very creative about  
6 how this partnership would work, like thinking about  
7 a campus within a campus and that kind of thing.  
8 And as we -- as things kind of just shook out, we  
9 realized we didn't have to be as complex as we  
10 needed.

11 As it turned out, we did identify -- we  
12 broke it down to two types of -- specific paths for  
13 kids: so, one being those kids who are eligible for  
14 an actual diploma, and, being eligible for that  
15 diploma, they would need access to highly qualified  
16 teachers with special ed or deaf ed support. Those  
17 students would then transition over to Amy Biehl,  
18 and then we, through programmatic partnership and  
19 formal MOU, would provide programmatic support to  
20 Amy Biehl, but they would carry those students on  
21 their records.

22 The other type of student: Those were the  
23 more severe needs, but, in need of our program,  
24 would stay with us, provided that we would amend to  
25 a high school.

1           So -- and just to clarify, our numbers are  
2 not -- are not big. Our biggest class at the school  
3 is 12 kids. So, we're talking that number of kids  
4 yearly looking to -- to either go one way or the  
5 other.

6           So, that's -- in a nutshell, that's it.

7           THE CHAIR: This is such a unique idea,  
8 and, certainly, I don't think anybody would have a  
9 problem with supporting these unique children. I  
10 remember when this request for the Sign Language  
11 Academy first came to us. And some of the children  
12 came as part of the presentation. And they're  
13 lovely; they're marvelous. Some are medically  
14 fragile; they have multitudes of problems. So, I  
15 understand why it would take a unique approach to  
16 help them get their education.

17           My first question is, are your two schools  
18 close -- closely located?

19           MR. MARTINEZ: Madam Chair, members of the  
20 Commission, yes, we're a few blocks away from each  
21 other.

22           THE CHAIR: Okay. The other thing that  
23 occurs to me, we're talking about taking children  
24 who have completed the eighth grade at the Sign  
25 Language Academy and transitioning over to become

1 students at Amy Biehl; right? How does that fit --  
2 how does that work with the lottery process?

3 Amy Biehl, are you at your capacity? Do you have a  
4 waiting list?

5 MR. McCULLOCH: So, Madam Chair, right  
6 now, we are currently at capacity. But there -- the  
7 four students actually from Albuquerque Sign  
8 Language Academy have been enrolled in the lottery  
9 and have been accepted.

10 THE CHAIR: Okay. So, if you're at your  
11 capacity, at your enrollment cap, and you get eight  
12 students from the Sign Language Academy that want to  
13 come to your school, and you have 20 students from  
14 the community that want to come to your school,  
15 don't they all have to go through the lottery?

16 MR. McCULLOCH: Yes, completely public  
17 lottery, and, just, students are randomly chosen.

18 THE CHAIR: So, there is no way to be sure  
19 that these students would be chosen in that lottery,  
20 would be the lucky ones to be selected; correct?

21 MS. McCARTY: Correct. In the end, that's  
22 true. Now, we also have a sibling policy, though.  
23 And of the four students that are coming -- help me  
24 with this, Rafe -- I believe two of them are  
25 siblings, correct?

1 MR. MARTINEZ: Actually, two sets of two.

2 MR. McCULLOCH: Right. And, so, that is  
3 one way to ensure some of these students will be  
4 able to go in. But, of course, it's just a public  
5 lottery. So, it's all the luck of who gets in,  
6 basically.

7 THE CHAIR: So, it would seem to me that  
8 one of the things that you are asking us to look at,  
9 or -- or that needs to be investigated, looked at --  
10 is if we're going to do this process, then we need  
11 to be able to ensure that the students from the Sign  
12 Language Academy would have a place at Amy Biehl.  
13 Is that part of what you're asking?

14 MR. MARTINEZ: It could be part of what  
15 we're asking. Part of it, too, is we're making sure  
16 that we're on the first draw with Amy Biehl as we go  
17 with our deaf community. Because we also go through  
18 public lottery, we make sure that we're very, very  
19 aggressively -- that's the wrong word -- but we're  
20 telling -- making sure that parents of deaf children  
21 know that our first lottery is at the beginning of  
22 the year, and they need to make sure that they have  
23 their name in there, so that they have the best  
24 chance before the rest of the world starts shopping  
25 for lottery -- or shopping for charter schools.

1 I don't know if that's clear, if I made  
2 that clear or not.

3 THE CHAIR: I think so. And, then, the  
4 other thing you said that I'm not quite clear on is  
5 you said some of the students who would not be ready  
6 to go to Amy Biehl, or perhaps might not ever be  
7 ready, you -- they would stay at the Sign Language  
8 Academy and continue their education. How are they  
9 going to continue their education past the eighth  
10 grade when your school is only -- goes through the  
11 eighth grade?

12 MR. MARTINEZ: That's what we -- that's  
13 what we'd be asking for, a charter amendment to push  
14 through high school.

15 THE CHAIR: So -- so, Sign Language  
16 Academy would be asking for an amendment change to  
17 allow through high school, through the twelfth  
18 grade -- okay, all right. Goodness. I think we're  
19 getting into all kinds of interesting probably legal  
20 questions. Okay. I'm going to ask Abby to respond  
21 to that, just what your thoughts are.

22 MS. LEWIS: I can't remember -- I think it  
23 was a few weeks, now -- Julia and Rachel and I  
24 talked about this. And we definitely recognized it  
25 as the kind of innovation that was envisioned by the



1 Charter Schools Act, but we also envisioned there's  
2 going to be some challenges figuring out the best  
3 way to get it done.

4 So, I hope we'll all continue to move  
5 forward to answer those questions. But take heart.  
6 We're all working together on this.

7 THE CHAIR: Good. So, you're aware of it.  
8 Okay. Commissioner Gant.

9 COMMISSIONER GANT: Madam Chair, members.  
10 So -- you're talking about coming to us for  
11 amendment for K-12, for the high school?

12 MR. MARTINEZ: Yes, sir.

13 COMMISSIONER GANT: That means, in my  
14 mind -- because that's where my brain goes -- you're  
15 going to have to be talking to that young lady over  
16 there, Martica, PSFA, because you're adding --  
17 you'll be adding children over time to fill up what  
18 you have.

19 I'm not -- I don't know if your building  
20 will support four more levels of -- of students.  
21 So, you need to work with PSFA. And they provide,  
22 through CSD, a statement that, in fact, you can  
23 support what you're talking about; because without  
24 that statement, I don't think we're going to  
25 consider your -- that's my opinion. Thank you.

1 MR. MARTINEZ: Great opinion. Thank you.  
2 And, so -- I can clarify for this coming year. So,  
3 right now, we're amended to -- or we have a cap  
4 of -- to 100. And that's our building cap.

5 THE CHAIR: Say that number again, please?

6 MR. MARTINEZ: To 100. But we have 86  
7 kids in our population now. We can grow to 100 by  
8 charter cap and by building cap. So, the two  
9 students that we're talking about that would  
10 transition to the ninth grade would just -- would  
11 be -- would stay in that -- we'd hold to that 100  
12 cap. So, they're absorbed in that population.

13 And that gives us the number of incoming  
14 kindergarteners that we would accept, which is in  
15 line with the rest of our -- with the rest of our  
16 classes. Every class is somewhere between 10 and  
17 12 students.

18 THE CHAIR: The other thought that occurs  
19 to me is how are you going to teach the high school  
20 classes? Are you going to have to hire additional  
21 staff? Yeah. Certified staff?

22 MR. MARTINEZ: Madam Chair, members of the  
23 Commission, yes, that's exactly what we've been  
24 working with Amy Biehl around is how -- so, the  
25 first year, we would share the cost -- cost-sharing

1 around a deaf ed teacher that would exist in both  
2 places, but, mostly, in Amy Biehl, that would have  
3 command, be proficient in American Sign Language,  
4 but would take a lot of their programming with our  
5 school, and connected to Amy Biehl's mission, which  
6 is around social justice. It aligns very well. But  
7 the capacity that we're adding to Amy Biehl is that  
8 they have a deaf education person in their midst.

9 In the years to follow, with the number of  
10 students -- and, still, we're not talking high  
11 numbers -- that would go to transition to Amy Biehl,  
12 then Amy Biehl would become -- would take on that  
13 teacher fully, as their staff member. But, again,  
14 we'd be in the game programatically, through MOU, to  
15 make sure that that person is doing -- aligning, you  
16 know, bilingual, dual-language pedagogy around deaf  
17 ed to the curriculum at Amy Biehl.

18 THE CHAIR: Commissioners.  
19 Commissioner -- Bergman. I've run through every  
20 name at this dais until I got to yours.

21 COMMISSIONER BERGMAN: Well, I'm just  
22 curious. Based on what you just said about the  
23 teachers, you're going to have to provide some  
24 teachers at Amy Biehl. Do you -- are the kids that  
25 are coming over, when we get to that point, from

1 Sign Language, are they going to be just integrated  
2 into your usual classes, and you will have another  
3 teacher standing to the side, as we do -- seeing all  
4 these public events, where they're doing sign  
5 language for the appropriate -- or will the kids  
6 that are coming from there be in their own separate  
7 classes at your school? Do you see what I'm saying?

8 MR. McCULLOCH: I do, Commissioner. And  
9 Amy Biehl is a fully inclusive school. We have  
10 23 percent special ed population, currently. We  
11 have 16 percent with specific learning disabilities  
12 and a whole range of learning disabilities.

13 Can I also say, for the record, that we  
14 have a very, very strong special ed department at  
15 our school, and we have a culture of meeting  
16 students with highly diverse needs. So, there is  
17 already a support network for students with various  
18 types of disabilities.

19 To answer your question specifically, in  
20 our planning stages, what we really have looked at  
21 is the team teaching model and then sign language  
22 interpretation. And, so, they're -- in our  
23 humanities class, for instance, next year, we may  
24 very well have a team teaching model with the deaf  
25 ed teacher, partnering and planning and delivering

1 instruction with the humanities teacher.

2 In, say, a math class, we also have access  
3 to a sign language interpreter, who would simply be  
4 interpreting for the students, depending upon their  
5 own academic abilities.

6 MR. MARTINEZ: I'd like to expand on that,  
7 because, Commissioner Bergman, I think you've just  
8 unearthed exactly why our school exists in the first  
9 place; right?

10 So, the -- kind of the two main models  
11 that are -- that are present -- well, that were  
12 present before the school -- was either the deaf  
13 school in Santa Fe, which is a residential school --  
14 we had to send kids away -- or, what was happening  
15 in the big districts around -- and it was much more  
16 of a special ed kind of exclusive model. So, kids  
17 that were in that space were -- have layered special  
18 ed services and were -- and a sign language  
19 interpreter being one of them. So, they were always  
20 gaining access to content through a third party --  
21 right? -- through somebody that would give --  
22 through a conduit, basically, that was a human  
23 being.

24 So, in this model, and the way our school  
25 is built, is that kids have direct access to content

1 through someone that has control of the language.  
2 And Amy Biehl -- we explained this to them --  
3 understood it perfectly, and from the get-go. So,  
4 when we -- as we create program, it's that idea,  
5 that kids have access from instructors.

6 COMMISSIONER BERGMAN: Thank you for that.  
7 And I agree with the Chairwoman. It's going to be  
8 interesting to watch this if we all get to the point  
9 where you're able to incorporate that. It's  
10 innovative, and that's what charter schools are  
11 supposed to do. And the cooperation would be great.

12 I know we can't really speculate. But  
13 you're fairly comfortable that your student body  
14 will be welcoming to these kids coming in?

15 MR. McCULLOCH: Commissioner, that's a  
16 great question. And I am very comfortable. And I  
17 think it speaks to the culture of the school, the  
18 student body, and what Rafe mentioned before, the  
19 social justice mission.

20 COMMISSIONER BERGMAN: Thank you. Thank  
21 you, Madam Chair.

22 MR. MARTINEZ: Commissioner, if I could  
23 add one thing? The other thing Amy Biehl has agreed  
24 to do is conduct sign language classes for the  
25 general population of Amy Biehl. So, we're

1 really -- we really are trying to connect the two  
2 worlds of hearing and deaf.

3 THE CHAIR: Commissioner Carr.

4 COMMISSIONER CARR: I applaud you in what  
5 you're wanting to do. And I think, to me, you know,  
6 you guys -- everybody -- you know, you all chime in  
7 if you want -- but I think the only thing you would  
8 have to do would be to -- both of you maybe amend  
9 your contract with some kind of wording about your  
10 cooperative efforts with each other.

11 I -- I want to see a lot more of this.  
12 I -- we've got some cooperative efforts going on  
13 with Taos in at least -- well, a couple of the  
14 charter schools. As a matter of fact, I helped out  
15 one of the charter schools up there not too long  
16 ago. Informal, not as a -- it's not going to be as  
17 intensive as what you're talking about.

18 And if it calls for it, and if it's good  
19 for the children, then we should do that. You know,  
20 we operate in this world much more on a cooperative  
21 basis than we do on a competitive basis. And  
22 there's a place for competition, but I think perhaps  
23 about 90 percent of the time, it's cooperative.

24 And that's the most effective, and that's  
25 the best way to operate. And, of course, keeping in

1 mind we all know -- and I know you guys -- your  
2 heart is in the right place, and that it's in the  
3 best interests of the children.

4 And, so, I don't think it could be that  
5 difficult to do what you want to do. But, then,  
6 again, I'm not a lawyer. And there may be some  
7 things I'm not thinking about.

8 THE CHAIR: Commissioner Toulouse.

9 COMMISSIONER TOULOUSE: Madam Chair, it  
10 seems to me that this is the kind of situation that,  
11 between the legal minds that we have here, and  
12 Rachel and her knowledge of policy and how things  
13 work -- we trust you, Rachel --

14 MS. STOFOSIK: Oh, thank you.

15 COMMISSIONER TOULOUSE: -- that -- and the  
16 agreement of these two schools, this can be worked  
17 out. I just -- this is exactly what I see, as  
18 everybody else has said, charter schools are  
19 supposed to be for and to do. And there has to be a  
20 way, whether it's through all kinds of waiver routes  
21 or definition changes, or whatever it takes, to make  
22 this kind of cooperative thing work, since we  
23 already have a unique charter school.

24 And we need to build on the -- on its  
25 uniqueness and its success and the excellent school



1 that Amy Biehl is. And I applaud the two of them  
2 for making this agreement. I am absolutely  
3 convinced that this is something that could be made  
4 to work. It may take a while to get it down on  
5 paper, but I'm sure it can be done.

6 THE CHAIR: Absolutely. I think we all  
7 agree that this is a truly unique idea with unique  
8 schools. And we want to work with this.

9 I will tell you, my background is teaching  
10 at a college level. And we did have a program with  
11 deaf students. And I have taught with deaf students  
12 and interpreters in my classroom.

13 And, as a teacher, you learn a lot, too.  
14 And the first thing you learn is speak to the  
15 student, not to the interpreter. And that's really  
16 a hard thing, because the interpreter is speaking to  
17 you. But the student is the one who needs to see  
18 your mouth and to be the one that you respond to.

19 So, it's a -- it's a marvelous learning  
20 situation for everybody involved, and these students  
21 do very well.

22 May I suggest -- I appreciate, Julia,  
23 having you all come forward and bring this idea to  
24 us. And let us think about it -- may we ask that  
25 you get us a written plan, what's going to happen at

1 the Sign Language Academy, what's going to happen at  
2 Amy Biehl, how you're going to accommodate these  
3 students, how you're going to accommodate the high  
4 school students at the Sign Language Academy, the  
5 teachers, all of that, even funding, if that becomes  
6 an issue? And I rather think that it might.

7 I also recommend, or suggest, that our  
8 legal counsel get involved with Julia and with  
9 Rachel and whomever else needs to be pulled in. We  
10 need to get these questions answered about the  
11 lottery. How do we do that? How -- how do we make  
12 sure that the kids from the Sign Language Academy  
13 that qualify, or that are ready, can move into  
14 Amy Biehl without -- without breaking the law,  
15 because we sure don't want to do that?

16 So, if you could get us a written plan,  
17 get us something on paper that we can really study  
18 and pay some attention to, and bring us some  
19 solutions, that would be wonderful. Okay?

20 MR. MARTINEZ: Madam Chair, for sure. So,  
21 do you want a plan prior to us presenting an  
22 amendment at the next meeting?

23 THE CHAIR: I, personally, do. It would  
24 certainly give me more information to be able to  
25 vote intelligently.

1 But, Commissioners, what's your -- what's  
2 your pleasure on that?

3 MS. BARNES: Are you asking in advance?  
4 Do they need it the month before your amendments?  
5 Or -- I think you're just asking for it at the same  
6 time as the amendments.

7 THE CHAIR: It could be at the same time,  
8 as long as we get it prior to the meeting, give us  
9 time to review it, and so forth.

10 MS. BARNES: So, you don't need to take  
11 two months to do it.

12 MR. MARTINEZ: In preparation for the next  
13 month's meeting.

14 THE CHAIR: That would certainly work for  
15 me. Anybody else have a different thought?  
16 Commissioner Parker.

17 COMMISSIONER PARKER: Madam Chair,  
18 Commissioners, it's a different thought, in that I  
19 just wanted to give a shout-out to a recent graduate  
20 from Amy Biehl, who's fabulous artwork up at IAIA.  
21 I mean, it's amazing what this young man is doing.  
22 And, anyway, we're very fond of him.

23 THE CHAIR: That always brings a smile,  
24 doesn't it?

25 Other comments, Commissioners? Julia,

1 anything else that you'd like to add?

2 MS. BARNES: No. I do think they have a  
3 presentation on their report card, just -- so,  
4 that's going to be different, and they wanted to  
5 make you aware of it. So, I think we can move to  
6 that.

7 THE CHAIR: Okay. Are we ready for that?  
8 Okay. Please go ahead.

9 MR. MARTINEZ: Oh. So, part two. So --

10 THE CHAIR: Let's introduce the other  
11 people that have come up to the table, please.

12 MS. OSOWSKI: Good morning, Commissioners.  
13 My name is -- good morning, Commissioner. My name  
14 is Michelle Osowski. It is unique. O-S-, as in  
15 "Sam," -O-W-S-, as in "Sam, -K-I.

16 And I am an assessment coordinator with  
17 Assessment and Accountability for the Public  
18 Education Department.

19 MS. STOFODIK: Hi. You know that I'm  
20 Rachel Stofocik, S-T-O-F-O-C-I-K. And I'm just here  
21 in case you have any questions about the history of  
22 what's been happening with school grading and  
23 Albuquerque Sign Language Academy, since I've been  
24 with it since the beginning.

25 THE CHAIR: Good. We appreciate that,

1 Rachel. Thank you.

2 MR. MARTINEZ: So, that -- so, I'm here to  
3 tell a story. And I'll hand it over to Michelle,  
4 who can fill in the details.

5 But last year, actually, at the end of our  
6 third year and beginning of this year, we met with  
7 Dr. Goldschmidt and Dr. Gregory, along with Rachel  
8 and Tony, around the disparity in our grade tied to  
9 the number of special ed kids we have, as we're  
10 really only a SAM school.

11 (A discussion was held off the record.)

12 MS. BARNES: Go ahead. Keep going.

13 MR. MARTINEZ: So, we're the only SAM  
14 elementary school in the state, and the reason being  
15 that we are -- in the past, 60 percent of our entire  
16 student population is special ed. Next year, we'll  
17 probably push up to 70 percent special ed, some,  
18 because of the deaf factor, but others, because we  
19 have a whole lot of need.

20 So, when we took -- so, every formula that  
21 we run into around State grading and around some of  
22 the other things -- around funding, actually --  
23 we're always having to educate folks in  
24 understanding how different and how complex our  
25 serving our kids are -- is, how just that -- we're

1 the flip-flop model of what a regular school looks  
2 like, with the highest population being special ed.

3 So, we sat down with Dr. Goldschmidt,  
4 Dr. Gregory, the team I mentioned earlier, and we  
5 presented that we had -- I think it was 92 percent  
6 of all of our students in our population showed  
7 growth on short-cycle. We're doing some amazing  
8 work with our students.

9 But -- but it wasn't registering on the  
10 State grading formula. So, it was -- we were doing  
11 great stuff, connecting to the right people. Just  
12 wasn't -- it just wasn't moving the needle on the  
13 big formula.

14 So, they understood. They listened. And  
15 they allowed us the opportunity to build out an  
16 assessment for a small number of students that exist  
17 statewide, that if we could create something great,  
18 it's -- there's a possibility that it could be used  
19 for all children in the state. But we would need a  
20 place that creates it around our children.

21 So, that's how we got connected to  
22 Rachel -- I'm sorry -- to Michelle -- sorry -- and  
23 we've been working on that this year.

24 So, our grade -- consequently, last year,  
25 our grade was moved to a -- to a D, and it will be

1 that way this year. And Michelle will speak more to  
2 that, the idea that our assessments will be in play,  
3 and we're following all the things that it takes to  
4 norm and validate those assessments. So...

5 MS. STOFODIK: Hi. Commissioners, I just  
6 wanted to add, as well, that, as Rafe said, in case  
7 you didn't understand, all of the other grading  
8 reports, if you are a SAM school, they're adjusted  
9 in some way. But since all of the other SAM schools  
10 are not elementary -- they are high school -- the  
11 adjustment is usually made in the graduation rate.  
12 And Michelle can correct me if I say anything, you  
13 know, wrong.

14 But one of the reasons we had this meeting  
15 last year with Dr. Goldschmidt and Dr. Gregory was  
16 we had to figure out how to adjust the grading  
17 report for the only elementary SAM school. And, so,  
18 that's where the conversation really began. And I  
19 also wanted Rafe to come in front of you today  
20 because they will be up for renewal this year. And  
21 with all the other schools, you'll see three years  
22 of grading report, and you won't see that for Rafe's  
23 school.

24 So, I want you to know that won't be a  
25 component in the renewal application this year, so,

1 you're not surprised when you get it for this  
2 school, and then know the circumstances. Michelle?

3 MS. OSOWSKI: Madam Chair and  
4 Commissioners, the Albuquerque Sign Language Academy  
5 did not receive a grade report for the 2012 and 2013  
6 school year. They will not receive a grade report  
7 for the 2014 school year, either. And it is because  
8 of these extenuating circumstances, because they  
9 have gone through the proper processes to be  
10 recognized as a SAM school at the elementary level.

11 The requirement from Assessment &  
12 Accountability is that Albuquerque Sign Language  
13 Academy work to develop an appropriate alternative  
14 demonstration of school growth that is academically  
15 viable.

16 And what we require in Assessment &  
17 Accountability are those measures be valid,  
18 reliable, statistically sound measures that are  
19 replicable and have high levels of fidelity.

20 As I've come on board -- and I think I'm  
21 at my eighth month at the PED -- I've met with Rafe  
22 and his leadership team twice. As they have shown  
23 me their initial plans, I have made recommendations  
24 for corrections or alternatives.

25 They have met my expectations, when I'd



1 take this conversation back to Drs. Gregory and  
2 Goldschmidt and let them know that they are meeting  
3 our expectations, making the necessary changes or  
4 implementing the necessary steps that we need to see  
5 in terms of a sound assessment.

6 And we have made great progress since  
7 January, our first meeting. We do expect to have  
8 those assessments finalized and ready to be deployed  
9 by the Fall 2014 school year, or this next fall,  
10 coming up. And we will be monitoring that data, the  
11 collection of that data. We will also be looking at  
12 their data for psychometric rigor in terms of  
13 validity and reliability. That's my fun world.  
14 Believe it or not, it's a lot of fun. And we'll be  
15 able to make those kinds of corrections moving  
16 forward, as we look at their model and see if this  
17 model will actually work to show an alternative  
18 method for school growth.

19 THE CHAIR: I appreciate that information,  
20 because if you just glance at this -- the snapshot  
21 that we have been provided with and see the school  
22 grades from '11-'12, it is pretty disheartening.  
23 So, I appreciate the explanation.

24 Commissioners, do you have questions or  
25 comments? Commissioner Bergman?

1                   COMMISSIONER BERGMAN: A question, but  
2 based on what I just heard, for -- have -- you have  
3 had eighth-graders that have gone into the  
4 traditional schools since -- you're in year -- what?  
5 Your fourth year now?

6                   MR. MARTINEZ: Yeah, Commissioner. We're  
7 finishing up our fourth year now, but this is our  
8 first eighth-grade class.

9                   COMMISSIONER BERGMAN: I was just going to  
10 ask, are you tracking them? But if you haven't  
11 anything -- do you have intentions in the future --  
12 having your renewal and everything -- if they don't  
13 end up at Amy Biehl and go to just a, quote,  
14 traditional high school or a traditional -- wherever  
15 they go in May -- are you going to try and track  
16 them and see how your preparation and your  
17 educational philosophy with them helped them to --  
18 see how they integrated into the next school?

19                   MR. MARTINEZ: Absolutely. That is the  
20 plan, that we would be -- we don't disconnect from  
21 our kids once they leave us. That's the plan.

22                   COMMISSIONER BERGMAN: Thank you. Thank  
23 you, Madam Chair.

24                   THE CHAIR: Thank you. Other comments or  
25 questions?

1           Seeing none, we thank you very much for  
2 that information. Rachel, appreciate you being  
3 here. Melissa, appreciate you being here. We'll  
4 look forward to seeing you next month.

5           MR. MARTINEZ: Madam Chair, Commissioners,  
6 thank you.

7           THE CHAIR: Thank you. Julia, whenever  
8 you're ready.

9           MS. BARNES: The next item is the  
10 transportation amendment for the International  
11 School at Mesa Del Sol.

12           Given the conversation with Deputy  
13 Director Aguilar, I think at this time, it seems  
14 clear the PED's position is that we give them  
15 another month to consider that. Sean Joyce is here  
16 from the school. I thought he could come up and  
17 make a presentation. But CSD's position is to defer  
18 to Deputy Secretary Aguilar.

19           THE CHAIR: So, is the amendment request  
20 being withdrawn for now?

21           MS. BARNES: I don't -- Sean, come on up.  
22 We would certainly suggest that that be the case. I  
23 think he doesn't have much choice, but -- also, as  
24 you know, this is a school that has presented to us  
25 many times. This may be a good time to get an

1 update.

2 Go ahead and have a seat.

3 THE CHAIR: Good morning.

4 MR. JOYCE: Good morning, Madam Chair,  
5 members of the Commission. My name is Sean Joyce,  
6 S-E-A-N, J-O-Y-C-E. I'm the Head of School at the  
7 International School at Mesa Del Sol. It's my  
8 pleasure to be on your agenda this morning, three  
9 times. So, I'll make this brief.

10 I want to respond briefly to Deputy  
11 Aguilar's comments and let the Commission know that  
12 your amendment of a -- of a transportation -- or the  
13 approval of a charter with a transportation  
14 element -- does not guarantee funding or that  
15 transportation will be provided. I think it's  
16 important to note that, as we went into this process  
17 of a possible amendment, we did not have access to  
18 the Transportation Department. They refused to talk  
19 to us until they knew that there was an amendment.

20 Charter schools who are looking at  
21 transportation and the funding for that have to go  
22 through a rather rigorous process. We have no idea  
23 how much funding. We have no idea the possibility  
24 of funding. We have -- we have merely the intent to  
25 try to provide transportation.

1           In going through that process, they  
2 will -- the Transportation Department will not  
3 discuss this with us until we have an amendment.  
4 So, we -- over a period of several months, we had to  
5 provide documentation proving that we had a  
6 governing council amendment that was approved. We  
7 were in the process of contract negotiations with  
8 you, had to provide those documents, so that -- if  
9 there was any possibility of having a conversation  
10 with them about that.

11           I will also let you know that, in this  
12 conversation with other charter schools and the  
13 transportation issue, being provided funding for  
14 transportation does not guarantee that we will  
15 accept that, because oftentimes, the funding is  
16 considerably short of the need. And many charter  
17 schools, such as ourselves, can't cover the  
18 difference. So, the money is returned.

19           We could save a lot of time and energy and  
20 effort if we could have open conversations about  
21 that with the Public Education Department and  
22 Transportation.

23           And another element that I would like to  
24 put on the table -- and I would be happy to  
25 negotiate this with whomever I have to -- being a

1 State-authorized charter school, we're required to  
2 go through our local school district's  
3 transportation networks. And, so, we can only draw  
4 transportation through, in our case, Albuquerque  
5 Public Schools.

6 You're well aware that we are in the  
7 southern easternmost part of Albuquerque. You're  
8 also very aware that we draw students from Belen,  
9 Moriarty, out towards Double Eagle, and up in  
10 Rio Rancho. We're not asking for transportation  
11 beginning in Belen or Moriarty. But we do cover  
12 this very large area.

13 And according to the Transportation  
14 Department, we can only draw buses through APS's  
15 boundaries, again, which you know we are the further  
16 southern-east section of.

17 What would make more sense for charter  
18 schools that are State-authorized is to have a  
19 radius, maybe ten miles from the school, maybe 20, I  
20 don't know. I'm willing to negotiate that. But I  
21 just want you to understand that charter schools who  
22 come to you with an amendment, or an element in  
23 their charter regarding transportation, it is not a  
24 slam-dunk. It's not a done deal. It's a very  
25 complicated process after you approve that.

1           So, I appreciate the opportunity to  
2 address you this morning. I wanted to make those  
3 statements. I regret Deputy Aguilar is not here,  
4 but I would love to have this conversation with him,  
5 as well. Again, thank you very much this morning.

6           THE CHAIR: Thank you. Julia.

7           MS. BARNES: I'll just say, just like --  
8 you know, there are -- recently, the last couple of  
9 months, it's just been clear that we need to clear  
10 up the amendment process, and we need to coordinate  
11 it. As I did indicate before, we've already raised  
12 this with the interim director, Matt Pahl, that we  
13 need to look at this.

14           So, I think that Sean is just raising some  
15 of the confusion that charters can run into with us.  
16 And, basically, what we do is, once we realize it,  
17 we can fix it. So, I appreciate the  
18 he-said-she-said kind of thing that he's had to go  
19 through. And I think it's just -- you know, it's  
20 something we can have it on our agenda, on our  
21 working session agenda, for next month. So...

22           COMMISSIONER BERGMAN: Madam Chair.

23           THE CHAIR: Commissioner Bergman.

24           COMMISSIONER BERGMAN: Then I would ask  
25 our attorney, Abby, and Julia, and -- when you do

1 this transportation study, see, based on what  
2 Dr. Joyce has said, if the Transportation Bureau is  
3 telling the schools, "You can't apply for  
4 transportation until you have an approved amendment  
5 from the PEC." That's a real Catch-22.

6 COMMISSIONER CARR: Yeah.

7 COMMISSIONER BERGMAN: So, you guys need  
8 to -- one is -- if the Transportation Bureau is  
9 telling them that, why -- somebody is asking, "Why  
10 are you telling them that," because I think they  
11 should be able to apply -- as I say, I'm not a  
12 lawyer. But I would ask our group to certainly  
13 research that aspect of it, because, if it's true,  
14 then we're in a bind, because I guess we have to  
15 approve.

16 But my interpretation of what Deputy  
17 Secretary Aguilar says, he feels that if we approve  
18 the amendment, then he has no option, that the  
19 Transportation Bureau then has to automatically  
20 approve their transportation request. So, we're in  
21 real Catch-22 land here somewhere. And it certainly  
22 requires -- is going to require a great deal of  
23 study.

24 But thank you for your comments. Thank  
25 you, Madam Chair.



1 THE CHAIR: So -- Commissioner Gant.

2 COMMISSIONER GANT: Madam Chair, members,  
3 I've just -- I pulled up 22-8B-4 and looked at it,  
4 the subsection.

5 MS. LEWIS: I.

6 COMMISSIONER GANT: I. It says, "Charter  
7 schools may do contract work with the local  
8 schools." It doesn't say "shall."

9 So, I don't know who's telling you you  
10 have to. But it says "may." It doesn't say  
11 "shall." Am I correct, Ms. Lewis?

12 MS. LEWIS: You are correct, that it says  
13 "may." But I can't give legal advice to the school,  
14 unfortunately.

15 COMMISSIONER GANT: I'm just reading what  
16 it says.

17 THE CHAIR: We can all read together.

18 COMMISSIONER GANT: I don't know where  
19 they got off with this "shall" business; but it says  
20 "may."

21 MR. JOYCE: Madam Chair,  
22 Commissioner Gant, I want to make a comment to that.  
23 When we -- as you well know, our original charter in  
24 2008, when it was approved, did not include  
25 transportation. There was no need for it.

1           As we went into the 2009 and 2010 school  
2 years, knowing the circumstances under which we  
3 operate, we did approach APS with that -- that  
4 statute and did negotiate with them. And in order  
5 to work with APS, we had to be the additional bus  
6 route on their route. So, we were served as the  
7 third school in the morning runs.

8           They ran their high school, their middle  
9 schools, and their elementary schools; and  
10 sometimes, we were the second or third on those  
11 runs.

12           That put us at a start -- school day at  
13 9:40 in the morning. And then we had to exit  
14 school, close it down at 1:40, in order to provide  
15 transportation.

16           That did not fit in with our ability to  
17 perform what we needed as far as an instructional  
18 program for school for our students. So, it did not  
19 work.

20           And I do appreciate, and I do understand  
21 that the statute says that we "may" negotiate with  
22 them. Understanding that those -- again, that's all  
23 I'm trying to make is awareness here. When charter  
24 schools operate with their local public school  
25 districts, they operate at the whim and will of

1 those school districts.

2 In that case, our experience, for two  
3 years running, was we were at the end of their bus  
4 routes.

5 COMMISSIONER GANT: Madam Chair, let me  
6 correct something here. I did speak wrong. "I"  
7 does say "shall" negotiate with local districts.  
8 But you go to R, it says "may."

9 MS. LEWIS: Well, the first sentence of I  
10 says "shall." The second says "may." So, clear as  
11 mud, basically.

12 COMMISSIONER GANT: Yeah. So --

13 MR. JOYCE: Madam Chair, I didn't mean to  
14 make this a long conversation. I just wanted to  
15 have an opportunity to address it and make you aware  
16 of it. Thank you very much.

17 THE CHAIR: So, Mr. Joyce, are you  
18 withdrawing your amendment request for this month  
19 and will bring it back to us next month, or whenever  
20 you choose to?

21 MR. JOYCE: Madam Chair, members of the  
22 Commission, yes. We're willing to withdraw it  
23 today. We would still like to pursue  
24 transportation. So, at the earliest convenience, we  
25 would like to bring that back in front of you at the

1 recommendation of Director Barnes.

2 THE CHAIR: Please work with Julia and get  
3 that taken care of.

4 MR. JOYCE: Happy to.

5 THE CHAIR: Commissioner Toulouse.

6 COMMISSIONER TOULOUSE: Madam Chair, I'm a  
7 little concerned that people talked to and  
8 negotiated with are having to withdraw requests that  
9 are absolutely in line with the Charter School Act  
10 and what we've been instructed to do, based on this  
11 bureaucratic situation on the other side.

12 I appreciate that Dr. Joyce is willing to  
13 wait and work with us. But this is -- just more of  
14 what the comment I made earlier, about having to  
15 work together in a group, and how hard it seems to  
16 be in a bureaucracy. And while we need that  
17 workshop and that discussion, I just think all of  
18 us, and Dr. Joyce, are being put in an unfair  
19 situation, based on those comments this morning, and  
20 because we know that when we approve these, we say,  
21 "based on money being available."

22 COMMISSIONER CARR: Yeah.

23 COMMISSIONER TOULOUSE: It's never an  
24 absolute, "You will give it to them." It's "if  
25 money is available"; not "money must be made

1 available" is in the waiver language.

2 So, I have a real problem with this. But  
3 I do appreciate what we're going through at the  
4 moment. But I did want that on the record; not that  
5 anybody but several people in this Board, especially  
6 Chairman Shearman, read all those words. Thank you.

7 THE CHAIR: Thank you, Commissioner.  
8 Commissioner Carr.

9 COMMISSIONER CARR: I'll be brief, too. I  
10 was going to bring this up later, but I think it's a  
11 good time to bring it up now.

12 One of the things I've been thinking about  
13 is, you know, we -- there's always a call to -- to  
14 fix legislation. And this looks like this is a  
15 piece of legislation that needs to be fixed. And I,  
16 at this point in time, want to call to everybody's  
17 attention, is that instead of how we sometimes work  
18 separately on changing some of this legislation and  
19 lobbying, if we all agree on a certain bit of  
20 legislation, and we think it's the right way to go,  
21 something that we should bring forward, and it can  
22 be fixed through regulation, fine. But it looks  
23 like this needs some tweaking as far as the statute  
24 is concerned.

25 So, just to keep that in mind. And I'd

1 like people to be thinking about what needs to be  
2 fixed. It would be nice to get -- I know there are  
3 some charter schools that have been -- that have  
4 come up against other issues in regards to State  
5 statute. And it would be nice to get out to them,  
6 you know, if you've got issues, if you see something  
7 that doesn't make sense, it's not logical, and it  
8 would just be a matter of amending a statute or  
9 something like that, we should start working on that  
10 now.

11 And, then, also bring that to the LESC  
12 this summer, so that we'll be prepared for the --  
13 for the next legislative session.

14 THE CHAIR: Okay. Thank you very much for  
15 that.

16 Other comments, Commissioners? Thank you  
17 very much.

18 That completes Agenda Item No. 5.

19 Julia, do we want to start No. 6 this  
20 close to lunchtime, or --

21 MS. BARNES: You know, my experience is it  
22 goes fairly quickly. I would -- I know,  
23 unfortunately, things got a little delayed this  
24 morning, and we've been having people sitting in the  
25 audience. That would be my preference, but I will

1 look to you to be sure.

2 THE CHAIR: That's fine. I just wanted to  
3 be sure.

4 MS. BARNES: So, we'll move on, and let's  
5 just see if we can get through them, or if we need  
6 to take a break in the middle.

7 We do have four contracts.

8 COMMISSIONER TOULOUSE: Madam Chair, as we  
9 begin, I need to recuse myself from the first two  
10 charter items, New Mexico School for the Arts and  
11 Cien Aguas, as I have relatives attending both  
12 schools. Thank you.

13 MS. BARNES: She has relatives all over  
14 the State attending charter schools everywhere.

15 Thank you. I was also going to add that I  
16 have a conflict with the New Mexico School for the  
17 Arts. They are the first school. I actually will  
18 just introduce them, but then any questions or  
19 comments should be directed to Abby Lewis, who  
20 was -- I was not at the negotiations; Abby was. She  
21 negotiated the contract. So, I'm just going to  
22 introduce them.

23 Let me give you a highlight, though, of  
24 where we are on the contracts, because yesterday and  
25 the day before, we successfully negotiated the last

1 four worksheets. So, we anticipate that next month,  
2 we will complete this year's round.

3 We have two schools interested in entering  
4 into early contract negotiations with us. But I  
5 just thought we could pause for a moment and take a  
6 deep breath, because I think we will have  
7 successfully negotiated the entire group of them.

8 So, I don't know. I think we're up to 22  
9 plus seven last year; so, it's a lot.

10 Okay. So, just -- I'll have New Mexico  
11 School for the Arts come forward. I believe it is  
12 the position of the CSD that this contract be  
13 approved. This was one of the early negotiations,  
14 and it was one of the first schools that raised a  
15 concern with the financial framework and also some  
16 of the contract language changes.

17 As you know, of course, you did modify the  
18 financial framework. And I believe that actually  
19 most of the items that were negotiated in their  
20 contract ended up in the technical changes that you  
21 approved before. The documents include all --  
22 include the financial framework and include all of  
23 the technical changes.

24 And we -- CSD recommends approval. But  
25 I'll yield to Ms. Lewis from this point forward.



1 THE CHAIR: Thank you very much for that.  
2 Good morning. If you all would introduce  
3 yourselves, please, and if you have a presentation  
4 for us.

5 MS. MONTOYA: Good morning,  
6 Madam Chairwoman, Commissioners. I'm losing my  
7 voice from allergies. My name is Cindy Montoya.  
8 I'm principal of New Mexico School for the Arts.  
9 Montoya, M-O-N-T-O-Y-A.

10 I'm here with my business manager to the  
11 right, Christine Yamashiro, Y-A-M-A-S-H-I-R-O; and  
12 our governing council chair, Sherry Thompson. We do  
13 not have a presentation today, and we stand before  
14 you for questions.

15 THE CHAIR: Thank you. Thank you.

16 Ms. Lewis, do you have anything before I  
17 ask Commissioners if they have questions?

18 MS. LEWIS: No, ma'am. Thank you.

19 THE CHAIR: Commissioners, do you have  
20 questions concerning this contract? Commissioner  
21 Bergman, as chair of the Charter School Committee  
22 and our lead negotiator, were you at this  
23 negotiation session?

24 COMMISSIONER BERGMAN: Yes, I was. And I  
25 think I'll just do this once, since we have four.

1 All the negotiations, I thought, went  
2 well. As has been noted, they were the first school  
3 that pointed that they have a disagreement with the  
4 financial framework. Somehow, we got through all of  
5 last year; someone did this year. So, actually, we  
6 had to really start a scramble, because, actually, I  
7 agreed with their -- the original financial  
8 framework that we started with, my understanding of  
9 that was that that came out of Budget Bureau.

10 Talking about communications, see, all  
11 these bureaus, they don't work for us. They work  
12 for someone else. Some of what they do, of course,  
13 impacts our work.

14 But it had been my understanding that they  
15 had passed -- that's what the Budget Bureau and PED  
16 looked at, and so that must be a nice framework.

17 Well, now, business managers and schools  
18 said, "Well, there's stuff in there that's not."  
19 And after I looked at it again, I agreed with them.

20 And, so, yeah, I think we showed that this  
21 Commission can, when it needs to -- it didn't take  
22 us much more than a month, two months, at most, that  
23 we handled that program, took care of it, changed  
24 it. We're always amenable to making reasonable  
25 changes when it's needed, and I think we proved that

1 again.

2 Now, we have a financial framework that I  
3 believe fits the schools. There still may be  
4 individual schools out there that may require some  
5 adjustments to their framework. I don't know. As  
6 we find out today with transportation, stuff jumps  
7 up all the time, even though we hadn't given any  
8 thought to it.

9 So, I thought the negotiation, other than  
10 that, went well. And I think the school has goals  
11 they can live with. I think we negotiated goals  
12 that this Commission and the Commissioners can live  
13 with this. Let's just apply this speech,  
14 essentially, to all four of them and have that.

15 I thought all those negotiations went  
16 well. I was at all of them. And I believe we've  
17 come up with documents that schools can live with  
18 and that the PEC can live with.

19 Thank you, Madam Chair.

20 THE CHAIR: Thank you very much.  
21 Commissioners, before we go any further, I would  
22 refer you to the Executive Summary for Item No. 6.  
23 And there are legally defensible motions there for  
24 all contingencies, to approve, not to approve, to  
25 approve with conditions, for each of the schools

1 that are coming before us. So, if it's your  
2 pleasure, I suggest you might at least consider  
3 using the wording in those motions so we consider  
4 the legal requirements. Julia.

5 MS. BARNES: Commissioner Shearman, Abby  
6 just pointed out to me that the document that we  
7 have in your binder has the old financial framework.  
8 However, it's my understanding that the school has  
9 accepted the new financial framework. And that's  
10 just simply our error in having the wrong document  
11 printed.

12 But Ms. Lewis just raised that, and she's  
13 correct. It's -- we've attached the wrong document.  
14 We do believe, though, that the school has approved  
15 the new financial framework, and I'll make sure that  
16 the correct document is attached.

17 COMMISSIONER BERGMAN: Madam Chair.

18 THE CHAIR: Commissioner Bergman.

19 COMMISSIONER BERGMAN: And, Julia, I would  
20 ask that, then, you at least furnish me -- because I  
21 keep a file of all these contracts. I'm going to  
22 look like a legal office one of these days, I think.  
23 But I would like to have the correct documents in my  
24 file. Thank you.

25 THE CHAIR: And I would just like to

1 verify with the schools. You have signed the  
2 correct legal framework?

3 MS. MONTOYA: Yes, we have.

4 THE CHAIR: Pardon me. Financial  
5 framework?

6 MS. MONTOYA: We have.

7 THE CHAIR: All right. Are we okay doing  
8 that? Okay. Commissioner Bergman.

9 COMMISSIONER BERGMAN: And whoever makes  
10 these motions, I would suggest, specifically in the  
11 motion, be sure you use the terminology somewhere  
12 "performance contract" and "performance frameworks."

13 THE CHAIR: It's in there.

14 COMMISSIONER BERGMAN: I just wanted to be  
15 sure.

16 THE CHAIR: Further questions, discussion  
17 of the contract for New Mexico School for the Arts?  
18 Hearing none, the Chair would entertain a  
19 motion.

20 COMMISSIONER PERALTA: Madam Chair.

21 THE CHAIR: Commissioner Peralta.

22 COMMISSIONER PERALTA: I would move that  
23 the PEC approve the performance contract, 2014-2015,  
24 performance framework, and the exhibits presented by  
25 the New Mexico School for the Arts.

1 THE CHAIR: Thank you. Do I hear a  
2 second?

3 COMMISSIONER BERGMAN: Second.

4 THE CHAIR: Motion by Commissioner  
5 Peralta, second by Commissioner Bergman, to approve  
6 the performance contract, the 2014-'15 performance  
7 framework and exhibits, as presented by New Mexico  
8 School for the Arts, noting that the financial  
9 framework that is in our notebooks is the incorrect  
10 version. The correct version has been approved by  
11 the school and will be provided to the parties by  
12 CSD.

13 Is there any other discussion?

14 COMMISSIONER BERGMAN: Did you get a  
15 second? Do you need a second?

16 COMMISSIONER CARR: We got it.

17 THE CHAIR: Commissioner Bergman, may we  
18 have a roll-call vote, please.

19 COMMISSIONER BERGMAN: Commissioner  
20 Toulouse, you are abstaining on this one?

21 COMMISSIONER TOULOUSE: Yes, sir.

22 COMMISSIONER BERGMAN: Commissioner Carr.

23 COMMISSIONER CARR: Yes.

24 COMMISSIONER BERGMAN: Commissioner  
25 Parker.

1 COMMISSIONER PARKER: Yes.

2 COMMISSIONER BERGMAN: Commissioner

3 Peralta.

4 COMMISSIONER PERALTA: Yes.

5 COMMISSIONER BERGMAN: Commissioner Pogna.

6 COMMISSIONER POGNA: Yes.

7 COMMISSIONER BERGMAN: Commissioner Gant.

8 COMMISSIONER GANT: Yes.

9 COMMISSIONER BERGMAN: Commissioner

10 Shearman.

11 THE CHAIR: Yes.

12 COMMISSIONER BERGMAN: Commissioner

13 Bergman votes "yes."

14 You have a seven-to-zero vote in favor of  
15 that motion, with one abstention.

16 THE CHAIR: Thank you very much. The  
17 motion to approve the contract and associated  
18 documents of New Mexico School for the Arts is  
19 unanimously approved. Congratulations.

20 MS. MONTROYA: Thank you. Thank you, all,  
21 for your work on this and CSD. And we wanted to  
22 take a moment to especially thank Karen Ehlert, who  
23 will be retiring. And she has been our educational  
24 admin and has supported us from the date of the  
25 inception of this school, and we couldn't have done

1 it without her.

2 THE CHAIR: We are all going to miss  
3 Karen. Thank you.

4 While Julia is getting papers signed and  
5 taken care of, could we have the representatives  
6 from Cien Aguas International School come forward?

7 MS. BARNES: Actually, she's asking if you  
8 still have the name "International School" in your  
9 name?

10 UNIDENTIFIED SPEAKER: That's correct.

11 MS. BARNES: Yes, you do. Cien Aguas is  
12 another one of the schools that has negotiated with  
13 a subcommittee of the PEC, I believe, Commissioners  
14 Shearman and Bergman. They have negotiated again  
15 the new financial framework. We also incorporated  
16 all of the contract technical changes in their  
17 drafts. We -- CSD recommends approval of these  
18 contract documents.

19 THE CHAIR: Thank you very much. Good  
20 morning. Please introduce yourself, spell your  
21 name, if necessary, and if you have any kind  
22 presentation for us, we'd be glad to hear it.

23 MR. RODRIGUEZ: Madam Chair, good morning.  
24 My name is Michael Rodriguez, R-O-D-R-I-G-U-E-Z. I  
25 am the director of Cien Aguas International School.



1 I do not have a presentation for you this morning,  
2 and I stand for any questions.

3 THE CHAIR: Thank you very much.  
4 Ms. Lewis is our legal counsel. Do you have any  
5 comments or recommendation?

6 MS. LEWIS: No, ma'am, thank you.

7 THE CHAIR: Thank you very much.

8 Commissioners, you have the information  
9 before you. Do you have questions or comments?

10 Seeing none, the Chair would entertain a  
11 motion on Cien Aguas International School's  
12 contracts -- contract and associated documents.  
13 Commissioner Bergman.

14 COMMISSIONER BERGMAN: Madam Chair,  
15 members of the Commission, I would move that the  
16 Public Education Commission accept and approve the  
17 performance contract, the 2014-2015 performance  
18 framework, and exhibits presented by the Cien Aguas  
19 International School.

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

22 COMMISSIONER PERALTA: Second.

23 THE CHAIR: Motion by Commissioner  
24 Bergman, second by Commissioner Peralta, to approve  
25 the performance contract, the 2014-'15 performance

1 framework and exhibits, as presented by Cien Aguas  
2 International School. Any discussion,  
3 Commissioners?

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

6 COMMISSIONER BERGMAN: Commissioner  
7 Toulouse, which other school are you abstaining on?

8 COMMISSIONER TOULOUSE: This school,  
9 Commissioner Bergman.

10 COMMISSIONER BERGMAN: Commissioner  
11 Parker.

12 COMMISSIONER PARKER: Yes.

13 COMMISSIONER BERGMAN: Commissioner  
14 Peralta.

15 COMMISSIONER PERALTA: Yes.

16 COMMISSIONER BERGMAN: Commissioner Pogna.

17 COMMISSIONER POGNA: Yes.

18 COMMISSIONER BERGMAN: Commissioner Carr.

19 COMMISSIONER CARR: Yes.

20 COMMISSIONER BERGMAN: Commissioner Gant.

21 COMMISSIONER GANT: Yes.

22 COMMISSIONER BERGMAN: Commissioner  
23 Shearman.

24 THE CHAIR: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Bergman votes "yes."

2 That, again, is a seven-to-zero vote in  
3 favor of the motion, with one abstention.

4 THE CHAIR: Thank you very much. The  
5 motion to approve the performance contract, the  
6 performance framework, and the exhibits, as  
7 presented by Cien Aguas International School is  
8 unanimously approved. Congratulations.

9 MR. RODRIGUEZ: Madam Chair, members of  
10 the Commission, thank you very much.

11 MS. BARNES: We will get your chair the  
12 form to sign, and they can send it back to us.  
13 Thank you. Congratulations.

14 The next school is La Academia Dolores  
15 Huerta. This is a school -- Octavio is coming up.  
16 This is a school that negotiated with us on a nice  
17 trip down to Las Cruces, Commissioners Gant, Parker  
18 and Bergman.

19 The school delayed looking at their  
20 performance indicators and then, in a lucky twist of  
21 fate, the same team came in together later and  
22 reviewed the performance indicators. They were  
23 accepted by the school.

24 Again, the school has accepted the  
25 negotiated financial framework, the new one, and all

1 the cleanup technical changes to the contract were  
2 made. CSD recommends approval of these documents.

3 THE CHAIR: Thank you, Julia. Please,  
4 again, if you would introduce yourselves for the  
5 record, and if you have any comments to make to us,  
6 we'd be glad to hear those.

7 MR. CASILLAS: Thank you, Madam Chair.  
8 Octavio Casillas, Director of La Academia Dolores  
9 Huerta.

10 MR. SILVA: Bertha Silva, Chair, Governing  
11 Council.

12  
13 MR. VASQUEZ: John Vasquez, Vice Chair of  
14 the Governance Council.

15 THE CHAIR: Do you have any comments for  
16 us?

17 MR. CASILLAS: Just one short comment,  
18 because you guys have heard enough from me today.  
19 We didn't mean to be difficult with the CSD when we  
20 were negotiating the performance framework and the  
21 goals. The only thing was that our school is  
22 growing, and we are hoping that we get the new  
23 building, and we will have additional students.

24 Our school attracts students who have  
25 traditionally, for some reason or another, not been

1 successful at the district schools. And that's one  
2 way we help the district schools is with these kids.

3 So, we were not being difficult  
4 intentionally, but we wanted to make sure that you  
5 know, and that everybody knows, the public, the  
6 state, the community, that we work really hard every  
7 day, and we set these goals because we work with you  
8 guys as a team.

9 We have had a great amount of support from  
10 you guys and from the Charter School Division, which  
11 we're very grateful for. So, the goals that we set,  
12 we agree with up to them. But we don't need goals  
13 in order for us to work hard at the school. We work  
14 hard every day, because the goal that we have is to  
15 provide kids an excellent education. So, we're  
16 confident we're going to meet these goals.

17 Although they were raised by the Charter  
18 School Division, we wanted to have a lower goal, but  
19 they wanted us to raise it, and we agreed with them  
20 because we're working as a team. So, we're excited  
21 about it. We're nervous about it. But we're sure  
22 that if, for some reason, we fall short, we can work  
23 with you guys, and you guys can work with us to  
24 reach the goals for the kids the following year.

25 Thank you.

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1 THE CHAIR: Thank you. Commissioners, you  
2 have the information from Academia Dolores Huerta.  
3 Do you have any questions? Commissioner Bergman.

4 COMMISSIONER BERGMAN: I thank you for  
5 your comment. I just wanted everybody to  
6 understand, who wasn't there, that even though he's  
7 apologizing, he was not difficult. It was an  
8 excellent negotiation. They just had questions on  
9 how we were doing all this.

10 He was not -- and I did not -- I,  
11 certainly, did not think -- all schools are unique,  
12 and some of them have different concerns. I just  
13 didn't want anybody to have the impression they were  
14 being difficult. They were not. We had a good  
15 negotiation. Thank you.

16 MS. BARNES: I need to add one thing. You  
17 all did not approve the cap. And so I have  
18 replaced, in your binders, the two pages that  
19 indicate the correct cap of 200. I've changed it on  
20 your forms, just to clarify that you're -- how you  
21 rule on the amendments needs to get into the  
22 documents. And it did, thanks to Linda Olivas.

23 THE CHAIR: Thank you. You've heard the  
24 recommendation of CSD. Ms. Lewis, do you have any  
25 comment or recommendation for us?

1 MS. LEWIS: No, ma'am.

2 THE CHAIR: Thank you very much. Anything  
3 else from Commissioners?

4 Hearing none, the Chair would entertain a  
5 motion. Commissioner Parker.

6 COMMISSIONER PARKER: I move that the PEC  
7 approve the performance contract, the 2014-'15  
8 performance framework and exhibits presented by  
9 La Academia Dolores Huerta.

10 THE CHAIR: Thank you. Do I have a  
11 second?

12 COMMISSIONER TOULOUSE: Second.

13 THE CHAIR: Motion by Commissioner Parker,  
14 second by Commissioner Toulouse, to approve the  
15 performance contract, the 2014-'15 performance  
16 framework and exhibits, as presented by La Academia  
17 Dolores Huerta.

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

20 COMMISSIONER BERGMAN: Commissioner  
21 Peralta.

22 COMMISSIONER PERALTA: Yes.

23 COMMISSIONER BERGMAN: Commissioner Pogna.

24 COMMISSIONER POGNA: Yes.

25 COMMISSIONER BERGMAN: Commissioner

1 Toulouse.

2 COMMISSIONER TOULOUSE: Yes.

3 COMMISSIONER BERGMAN: Commissioner Carr.

4 COMMISSIONER CARR: Yes.

5 COMMISSIONER BERGMAN: Commissioner

6 Parker.

7 COMMISSIONER PARKER: Yes.

8 COMMISSIONER BERGMAN: Commissioner Gant.

9 COMMISSIONER GANT: Yes.

10 COMMISSIONER BERGMAN: Commissioner

11 Shearman.

12 THE CHAIR: Yes.

13 COMMISSIONER BERGMAN: Commissioner

14 Bergman votes "yes."

15 Madam Chair, that is a vote of  
16 eight-to-zero in favor of that motion.

17 THE CHAIR: Thank you. The motion to  
18 approve the performance contract, performance  
19 framework and exhibits by Dolores Huerta school are  
20 unanimously approved. Congratulations.

21 MR. CASILLAS: Thank you very much,  
22 Commissioners, and the Charter School Division.  
23 It's been a wonderful experience for me coming back  
24 from the law field into education. I am as nerdy as  
25 we can get when it comes to helping kids in



1 education, and I'm very excited to be working with  
2 you guys. Thank you very much.

3 THE CHAIR: Thank you. Thank you.

4 MS. BARNES: Thank you. Congratulations.

5 Our last school is the International  
6 School at Mesa Del Sol. This was a school that I  
7 would actually like to particularly thank the  
8 subcommittee that came up to work at the school. As  
9 you all know, the school was really looking at  
10 whether they were going to continue or not. They  
11 made a decision that they were. And we delayed  
12 their -- their negotiations, which required several  
13 of you to travel again. So, in particular, I thank  
14 you for that.

15 The school has accepted the financial  
16 framework. They have incorporated the technical  
17 changes, and CSD recommends approval of the  
18 documents.

19 I'm going to check right this second,  
20 though, what we put about transportation, just to  
21 make sure that we've got that in the form right.  
22 But you can go ahead while I do that.

23 THE CHAIR: Mr. Joyce, would you introduce  
24 yourself one more time, so we have you on the record  
25 for sure?

1 MR. JOYCE: Good morning, Madam Chair,  
2 members of the Commission. My name is Sean,  
3 S-E-A-N; Joyce, J-O-Y-C-E. I'm the Head of School  
4 at the International School at Mesa Del Sol.

5 THE CHAIR: Do you have comments for us,  
6 or are you here for questions?

7 MR. JOYCE: Madam Chair, members of the  
8 Commission, I'll spare you the conversation that I  
9 might have, or presentation. I have one more visit  
10 with you a little later. So, I'm sure that will be  
11 the most involved conversation we have. So, I will  
12 answer any questions you may have.

13 THE CHAIR: Thank you very much for that.  
14 Commissioners. I believe, Commissioners Bergman,  
15 you have a comment.

16 COMMISSIONER BERGMAN: Actually, are you  
17 going to address finances? I didn't note -- are you  
18 on the agenda for finances or something? Is that  
19 what he just made a reference?

20 MS. BARNES: He's on the agenda for -- in  
21 the CSD report, that's just one of the schools that  
22 is on the watch list for the update.

23 I'm just checking on Page 41 of the  
24 contract. And we'll go ahead and do -- which is way  
25 at the back of Item 6. It does indicates that the

1 school has agreed to provide transportation. I'm  
2 going to go ahead and change that, given that he  
3 withdrew that amendment, and we'll amend that again  
4 next month, once we do that.

5 So, on Page 41, there is an error at the  
6 top. It should -- not check the first box, but  
7 should check the second box that, at the moment,  
8 they're not providing transportation until we get  
9 that cleared up next month.

10 THE CHAIR: Commissioner.

11 COMMISSIONER BERGMAN: What I want to then  
12 note, then -- and I will -- is that you and perhaps  
13 some of the other Commissioners had some concerns  
14 because of the finances. He had addressed that down  
15 at the Hotel Albuquerque, but you asked me to talk  
16 about that. And so I wanted to state that we did  
17 have a very nice discussion about their finances,  
18 and he certainly reassured me that the funding is  
19 going to be there, and they're going to be fine.

20 So, I wanted you to know that I did  
21 actually follow up on your question, and we did  
22 discuss it, and I'm fully confident they're going to  
23 be okay.

24 THE CHAIR: I appreciate your reassurance  
25 and your taking responsibility for having that

1 discussion, and I appreciate your response, too.

2 Other comments or questions from  
3 Commissioners regarding Mesa Del Sol?

4 Hearing none, the Chair would entertain a  
5 motion, please, being aware that we need to note the  
6 correction that has to do with transportation on  
7 Page 41; correct?

8 MS. BARNES: Yes.

9 THE CHAIR: Okay. May I have a motion?  
10 Commissioner Gant.

11 COMMISSIONER GANT: I move to approve the  
12 contract, the 2014-2015 performance framework and  
13 the exhibits, as presented as modified, on Page 41,  
14 for -- for International School at Mesa Del Sol.

15 COMMISSIONER CARR: Second.

16 THE CHAIR: I have a motion by  
17 Commissioner Gant, second by Commissioner Carr, to  
18 approve the performance contract, the performance  
19 framework and the exhibits, with the correction on  
20 Page 41 of the performance contract, for the  
21 International School at Mesa Del Sol. Do I have  
22 that correct?

23 MS. LEWIS: (Indicates.)

24 THE CHAIR: Thank you very much. Do we  
25 have any further discussion?

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

3           COMMISSIONER BERGMAN: Commissioner Pogna.

4           COMMISSIONER POGNA: Here. I mean, yes.

5           COMMISSIONER BERGMAN: Commissioner  
6 Toulouse.

7           COMMISSIONER TOULOUSE: Yes.

8           COMMISSIONER BERGMAN: Commissioner Carr.

9           COMMISSIONER CARR: Yes.

10          COMMISSIONER BERGMAN: Commissioner  
11 Parker.

12          COMMISSIONER PARKER: Yes.

13          COMMISSIONER BERGMAN: Commissioner

14 Peralta.

15          COMMISSIONER PERALTA: Yes.

16          COMMISSIONER BERGMAN: Commissioner Gant.

17          COMMISSIONER GANT: Yes.

18          COMMISSIONER BERGMAN: Commissioner

19 Shearman.

20          THE CHAIR: Yes.

21          COMMISSIONER BERGMAN: Commissioner

22 Bergman votes "yes."

23          Madam Chair, that is an eight-to-zero vote  
24 in favor of the motion.

25          THE CHAIR: Thank you very much,

1 Commissioner. The vote is unanimous to approve the  
2 contract, the framework and the exhibits, as  
3 corrected in the contract. Julia.

4 MS. BARNES: We'll send the contract  
5 back -- since you have modified it, we'll send it  
6 back to their board for approval. We'll also have  
7 your board be able to reinstitute the amendment  
8 right after it, so we'll try to make it so it's not  
9 difficult.

10 But Ms. Lewis was just indicating to me  
11 that we should have them approve the change that you  
12 made, and we'll do that.

13 THE CHAIR: Let me finish my statement.  
14 The performance framework and the exhibits, with the  
15 correction to the performance contract on Page 41,  
16 presented by International School at Mesa Del Sol  
17 have been unanimously approved. Congratulations.

18 MR. JOYCE: Madam Chair, members of the  
19 Commission, thank you all very much.

20 THE CHAIR: Thank you. Thank you.

21 Ladies and gentlemen, it's almost 12:00.  
22 But Item No. 7, I don't think, is going to take very  
23 long.

24 I asked for this item -- if it's all right  
25 with you, let's go ahead and deal with one more item

1 before we take a lunch break.

2 I asked that this item be on the agenda.  
3 I think there needs to be some clarification. I've  
4 asked Ms. Lewis to help me be sure I say the right  
5 words. So, here is the statement that I think may  
6 give some clarity to the community, to the people  
7 involved in this issue, and so that we all are --  
8 know exactly where we stand.

9 The PEC procedures are that when a school  
10 is considering a move from its current location, or  
11 the addition of another facility in the same school  
12 district, it takes two steps:

13 Number one, it comes to the PEC at a  
14 public meeting and give notice to the PEC that it is  
15 attempting to locate a new or additional facility.

16 Number two, once a specific facility is  
17 identified by the school as a likely possibility for  
18 its move, or additional facility, the school must  
19 come back to the PEC in another public meeting to  
20 request an amendment to the charter or contract to  
21 allow it to move or maintain a separate facility at  
22 a specific address it is pursuing.

23 Throughout the process, the school must  
24 adhere to and fulfill all requirements set by PSFA.

25 In the case of the Albuquerque

1 Institute -- Institute -- Institution --  
2 Institute -- AIMS' proposed location at Rio Rancho,  
3 the school has yet to return to PEC to request an  
4 amendment specific to that address.

5 Therefore, they have not yet -- they have  
6 not yet been approved by the PEC to move to this  
7 location and cannot do so until this approval is  
8 granted.

9 I hope that gives clarity to everyone  
10 involved in this issue, and, specifically, including  
11 the parents and students in the Rio Rancho School  
12 District.

13 Thank you.

14 Commissioners, unless you have comments or  
15 questions, I would like to recess for lunch at this  
16 time.

17 Seeing none, we are recessed until -- do  
18 we need half an hour or an hour?

19 COMMISSIONER CARR: How about 45 minutes?

20 THE CHAIR: Forty-five minutes? Let's  
21 come back at a quarter of 1:00. Thank you.

22 (A recess was taken at 12:00 p.m., and  
23 reconvened at 12:48 p.m., as follows:)

24 THE CHAIR: I call back into session this  
25 regularly scheduled meeting of the New Mexico Public



1 Education Commission.

2 We are at Agenda Item No. 8, Report from  
3 Options for Parents and Charter School Division.  
4 Julia.

5 MS. BARNES: Yes. Thank you. I did want  
6 to clarify what I think the titles are at CSD at the  
7 moment. And I'll just confirm again with Matt.  
8 It's my understanding that Matt is continuing his  
9 role as Policy Director. He's been asked to step in  
10 as the Interim Director of the Charter Schools  
11 Division. So, he has that title.

12 So, they have asked me to take the title  
13 of Interim General Manager and Charter School  
14 Liaison to the PEC.

15 So, the titles are correct on the agenda.  
16 And I think several people today have said -- have  
17 called me "Director," but I think that's technically  
18 not the case.

19 On the forms, we do have -- and I'll pass  
20 them out now -- we have the forms binders completed.  
21 And several of you wanted them on CD, and several of  
22 you wanted binders. So, we'll pass them out in just  
23 a second. The whole project is complete.

24 The forms I showed some of the  
25 Commissioners yesterday, we were able to get

1 approval and to get the website fixed -- it may be  
2 fixed entirely by the end of the day. On the  
3 Charter School Division website, there is a tab  
4 called "Document Library," and it has the exact same  
5 documents. It also has some of the PSFA documents;  
6 it will have these protocols as we do them for  
7 amendments.

8 By the end of the day, on the PEC website,  
9 there will be an identical tab that has "Document  
10 Library," don't know if you've been on the Web Site.  
11 It has tabs like an Excel that you can click on, and  
12 yours has, like, four different tabs. It'll be a  
13 fifth tab. It will be -- if he can link it to our  
14 page so that it is the exact same page, either -- if  
15 he has to duplicate it, he has to duplicate it. But  
16 I'm hoping he can have two tabs that go to the exact  
17 same page.

18 It indicates each of the forms. You can  
19 click on the form. It shows the date of approval by  
20 the PEC. And in your binder, we've also included  
21 the language for when you approved the documents for  
22 us.

23 So, I'm feeling pretty excited about that.

24 In addition, there is, on the Charter  
25 Schools page -- and we'll send out a blast to the

1 Charter Schools Division schools -- an  
2 "Opportunities" page. And, you know, one of the  
3 ways in which communication can be difficult to our  
4 charter schools is either -- you know, notices of  
5 things they can apply for kind of get lost in the  
6 shuffle or go to their junk mail or whatever.

7 But they also get sent to us. As those  
8 opportunities are sent to us, we're going to post  
9 them on the "Opportunities" page. And it's done by  
10 date. So, a school can go and look at everything  
11 and see what they can apply for.

12 And there's a remarkable number of really  
13 neat things they can apply for. There are some free  
14 health care, some free dental care for their  
15 students. There's, of course, all of the PED grant  
16 opportunities.

17 So, we're just going to post them as we  
18 see them, and then you just click on it, and then  
19 it's the letter that came across. So, it's all the  
20 formal notices that come under a charter  
21 opportunities page.

22 So, that's basically the update on where  
23 we are on the forms. But I'm really pleased with  
24 how it's going. And I think that the tab should be  
25 on your page, I think, by the end of the day or by

1 Monday. The request has been approved. It's going  
2 to be identical, and it's a complete collection of  
3 everything.

4 So, I think it is the last of a major  
5 effort to make it much clearer to our schools.  
6 If -- of course, if you have comments on the page,  
7 please let me know. We've tried to do it, Notice of  
8 Intent, Application, Renewal, Contract Documents,  
9 Site Visit Forms; so, it's kind of in a logical  
10 order, at least to my brain.

11 COMMISSIONER BERGMAN: Yeah. Madam Chair.

12 When you say "a tab," are our forms going  
13 to be available on our site?

14 MS. BARNES: Yes.

15 COMMISSIONER BERGMAN: They must be  
16 available on our site, because they are our forms.

17 MS. BARNES: They are either there right  
18 now or by the end of the day. So, each of the  
19 sites. CSD and PEC, there are different buttons you  
20 can click on. And both sites will have the same  
21 identical tab that says "Document Library."

22 And it may be tomorrow -- or Monday --  
23 till it's there, but that's correct. It will be.

24 COMMISSIONER BERGMAN: I just want them to  
25 be there.

1 MS. BARNES: They will be. The only thing  
2 I'm going to need to find out is whether two tabs  
3 linked to one set of forms, or whether he's had to  
4 recreate it on the PEC website and recreate it on  
5 the CSD website; if that's the case, if we change  
6 something, we have to remember to change it in two  
7 places, because I want that form -- that document  
8 form to be identical, regardless of how you get  
9 there.

10 I should be able to check -- the guys'  
11 been e-mailing me today. He's been getting them  
12 done. I reiterated twice, you wanted a tab. Let me  
13 just reiterate. It does have -- on the right-hand  
14 side, it does say exactly when you approved the  
15 form, and it's clear that it's yours.

16 COMMISSIONER BERGMAN: Actually, I'm  
17 parochial enough that I'm not sure why these forms  
18 should be on the PED site. They're not PED's forms.  
19 I'm afraid people will still think they're PED's  
20 forms, including some people in PED may think  
21 they're their forms. And they're not their forms.

22 MS. BARNES: Well, they're used by Charter  
23 Schools. So, I think they're appropriate on the  
24 Charter School Division page, which is where they  
25 are. And I'll tell you that's where schools often

1 go is to the Charter School Division page.

2 So, while I understand your point, I would  
3 argue for the users, they think to go to -- well,  
4 that's -- they go both places. So, it should be  
5 both places.

6 COMMISSIONER BERGMAN: That's fine. CSD  
7 is fine; PED is not. That's going to be  
8 misinterpreted, I'm sure, but --

9 MS. BARNES: It's on the CSD page.

10 COMMISSIONER BERGMAN: CSD page is where  
11 they need to be, yeah.

12 MS. BARNES: I can tell you both your page  
13 and our page are accessible on the A-to-Z index on  
14 the website. So, I have those for you today, and  
15 we'll pass them out in a minute. I do have a CD for  
16 those that wanted them, and I do have a binder for  
17 those that wanted them. And people like Abby may  
18 like to use the Web, may want to use the Web.

19 So, we actually asked our staff. And a  
20 lot of my staff is younger and hipper. And they  
21 were, like, "Why? Why would you need a CD? It's on  
22 the Web."

23 COMMISSIONER CARR: All right.

24 MS. BARNES: Are there any other  
25 questions? Congratulations. That was a big

1 accomplishment to get everything.

2 MS. LEWIS: Thank you, Julia.

3 THE CHAIR: Appreciate it very much.

4 MS. BARNES: Yeah, I'm feeling good about  
5 it, feeling really good about it. And we're going  
6 to start to put the protocols up there; for example,  
7 when we get to the amendment protocols and those  
8 things, we're going to put them on the Forms page,  
9 so it'll be available from both sites again.

10 Update on closures, I know that you heard  
11 from Deputy Aguilar that we did get the ruling from  
12 the District Court. It is in your binder. They did  
13 uphold the Cabinet Secretary's decision, which, of  
14 course, upheld your decision to close the school.

15 Both schools are closing. And Sandy Berry  
16 is doing a great job on that. She's using a closure  
17 template.

18 I should have more of an update for you.  
19 I'll try to get maybe an update on the form,  
20 actually where she is on all of that. Everything is  
21 moving forward much quicker, though, now that  
22 there's no confusion about whether the schools will  
23 close or not.

24 And I was glad to hear from the Deputy  
25 Secretary that the items in each school are going to

1 go to the new charter schools. It's kind a --  
2 technically, a little bit difficult to transfer the  
3 title of the old furniture to the new school. But  
4 it looks like we've got that figured out.

5 We do have a new contract for Sandy Berry  
6 coming into place. And I'm not sure which -- we got  
7 four bids for the financial work to close the  
8 schools. And I'm not sure which one they chose.

9 Schools -- any questions on that?

10 THE CHAIR: Commissioner.

11 COMMISSIONER BERGMAN: Yes. You know, I  
12 did previously -- when it was discussed that they  
13 were going to use a contractor during that closing  
14 process, you know, back in Kelly's day, you know,  
15 she gave us monthly reports. I -- we have not seen  
16 any reports. You just said -- Deputy Secretary said  
17 it's moving forward. Well -- but we have seen no  
18 reports. We don't know where it's moving.

19 I don't know if we can depend -- but I  
20 would really like -- you know, she gave us that nice  
21 four-page, five-page -- I don't know what it was --  
22 each step that had been completed. And I, for one,  
23 would hope we can continue to get that, unless this  
24 contractor has enough independence, she wouldn't  
25 want to provide it.



1 MS. BARNES: She's delightful. I'll go  
2 ahead and ask her to submit both of those closure  
3 forms. She's using the closure template, and I'll  
4 ask her for that.

5 COMMISSIONER BERGMAN: Thank you. Of the  
6 assumption, then, is these two schools are about to  
7 close. They're going to close at the end of this  
8 school year, in the next couple of weeks, whenever  
9 their schedule is over?

10 MS. BARNES: Yes.

11 COMMISSIONER GANT: Julia -- Madam Chair.  
12 I'm sorry.

13 THE CHAIR: Yes.

14 COMMISSIONER GANT: Anyway, the -- when  
15 is -- when is the last day for both schools?

16 MS. BARNES: Well, I think that's what --  
17 you know, it's the end of fiscal year. So,  
18 June 30th -- the last day of school for each school,  
19 I don't know. I think that The Learning Community  
20 is next week, because they asked that the letter to  
21 parents go the day after graduation. And I think  
22 we're going to do that; although, I think it's  
23 pretty clear to the community what's happening.

24 And I don't know for Ralph J. Bunche. The  
25 issue quickly becomes, you know, when do people's

1 contracts end? And the teachers' contracts end  
2 usually very quickly right after the end of school,  
3 and then the administrators are usually paid until  
4 June 30.

5 And I think the Deputy Secretary was just  
6 telling me that there are two maintenance people  
7 that look like they're going to work for two weeks  
8 longer. I don't know if it's one at each school.  
9 That actually wouldn't be a bad thing, because we  
10 need to get the things out of their buildings.

11 There's -- I'll tell you, there's been a  
12 lot of interest in their buildings. So, I think  
13 we're going to have more charter school shuffle.

14 But I -- and I think that -- I'm going to  
15 have to double-check who's going to actually hold  
16 the student records. It may be that APS holds them  
17 for us, but I've got to double-check on that.

18 COMMISSIONER GANT: Madam Chair. My  
19 only -- I guess the question is, when are the leases  
20 up on those buildings? Because the lessor will  
21 expect payment, and the lease assistance goes away  
22 at the end of June, so --

23 MS. BARNES: I don't think --

24 COMMISSIONER GANT: -- I think -- I hope  
25 there's not a problem there. I really do.

1 MS. BARNES: I do not know of any problem.  
2 And, actually, a school can only do a lease one year  
3 at a time. And it's usually the fiscal year. So, I  
4 think they've looked at that for both schools.  
5 Whether there were any contracts that extended  
6 beyond it, I do not believe that's a problem.

7 COMMISSIONER GANT: Madam Chair, slight  
8 correction. There are contracts -- lease contracts  
9 for five years and ten years out there.

10 MS. BARNES: There should not be contracts  
11 for more than one year.

12 COMMISSIONER GANT: There is.

13 MS. BARNES: I'll get that -- updated  
14 reports for you into next month's meeting minutes.  
15 That's more my getting busy and knowing that I've  
16 got a good contractor. I think it is our intention  
17 to bring it in-house as soon as the General Manager  
18 position is posted and filled. I think that's one  
19 of the jobs that person will hold.

20 We've got three schools that we've been  
21 updating you on. International School -- and I'm  
22 just going to do the other two updates real quick,  
23 and then Sean Joyce is still here.

24 Sage Montessori: I'll let you read what's  
25 in here. I will tell you that Rachel just told me

1 today that they have hired Eileen Montoya, who is a  
2 seasoned charter school administrator; they have  
3 hired her full-time. One of the problems with the  
4 school is that they were not having a full-time  
5 leader. There was a small enrollment.

6 But they just hired her full-time. Rachel  
7 also told me that she's feeling comfortable with  
8 what they're doing. They're going to come forward  
9 with a series of amendments that are going to clean  
10 up some issues with them. This is the school that  
11 has opted not to come into a new contract with you.  
12 But Rachel Stofocik is feeling comfortable with  
13 their new leadership.

14 And you'll have an opportunity to speak to  
15 them, I think, in the June meeting, because I think  
16 they're going to bring their amendments then.

17 I'll let you read about La Tierra. But,  
18 again, we're also feeling good about their interim  
19 leadership.

20 Questions on either of those schools?  
21 La Tierra will do a contract with us.

22 COMMISSIONER BERGMAN: Madam Chair.

23 THE CHAIR: Commissioner Bergman.

24 COMMISSIONER BERGMAN: Well, I see here  
25 that you just said that Sage wants to come to us in

1 June and bring us some amendments to change goals.  
2 That's jumping the gun, isn't it? Shouldn't they be  
3 talking to us kind of as a negotiation thing? If I  
4 get an amendment that's a formal amendment, and I  
5 don't like the goal, I'm not going to vote for that  
6 amendment.

7           Since they always come in with low  
8 goals -- I hate to say that; they always come in  
9 with low goals -- and we have to negotiate with them  
10 and raise them up, I think that's jumping the gun to  
11 put it on an amendment form until you've talked to  
12 them and I've seen them to see if we're satisfied  
13 with them.

14           If you want to go that route, we may have  
15 to turn an amendment down and then do another  
16 amendment.

17           MS. BARNES: Excellent point. Thanks for  
18 raising that. They're not under contract, so -- and  
19 I have been relying on Rachel. So, I haven't seen  
20 the amendment. But maybe if it's possible to have a  
21 group of three that would be a de facto negotiating  
22 team. We could maybe do that by e-mail. That might  
23 be a good way to do it.

24           They're looking at their existing goals  
25 and not under contract. So, they have not gone

1 through the contract negotiating process.

2 COMMISSIONER BERGMAN: That means they  
3 want to amend the application, then. If they're not  
4 under contract, they're still operating under the  
5 application. So, there may not have been a  
6 negotiation. But when we approve the application,  
7 we have to approve the goals. So, either way, I  
8 think we're -- I just don't want to --

9 MS. BARNES: Well, I agree with you, so --

10 COMMISSIONER CARR: We're already worrying  
11 about how many amendments we're getting, so --

12 MS. BARNES: I wonder. Would you consider  
13 having three of you be a de facto negotiating group  
14 that we can look at it by e-mail and see if --

15 COMMISSIONER BERGMAN: Does it have to be  
16 three?

17 MS. BARNES: It doesn't have to be three.  
18 You just have been having, maybe, three. I made  
19 that number up.

20 MS. LEWIS: It just has to be less than a  
21 quorum.

22 MS. BARNES: Less than a quorum.

23 COMMISSIONER BERGMAN: Yeah. For this  
24 situation, I think we probably could do it by  
25 e-mail, certainly. I'm not traveling enough. I

1 would welcome another trip.

2 THE CHAIR: You know, we could try it that  
3 way. And if it doesn't work, then we'll do  
4 something else. I'm just thinking of all the  
5 discussion back and forth when we're doing these.  
6 But we could try.

7 COMMISSIONER BERGMAN: At least it would  
8 allow us to see them and see if there's something we  
9 could live with. And then we could send an e-mail  
10 back, "How about this," if we didn't like it, or --

11 MS. BARNES: Of course, we can always have  
12 a meeting. So we can --

13 COMMISSIONER BERGMAN: Like I say, I'm  
14 not --

15 MS. BARNES: Not wanting to travel? I  
16 understand.

17 COMMISSIONER BERGMAN: If we have to, I  
18 will, as you well know. What was that old show,  
19 "Have Gun Will Travel," way back in the '60s. I  
20 know some of you don't go back to the '60s, but I  
21 do.

22 COMMISSIONER CARR: No comment.

23 MS. BARNES: Is there a group of people,  
24 or just Commissioner Bergman, that would be willing  
25 to do it? Commissioner Shearman, anyone else?

1 All right. Parker, Shearman, Bergman,  
2 we'll send -- I'll get those out to you. I'll make  
3 sure that we get that.

4 And, then, we can see, as a team, what  
5 makes sense, and if it makes sense to have them come  
6 forward and discuss it and then bring a formal  
7 amendment the next month, we'll do it that way.

8 Okay. Great comments.

9 Anything else before we have -- yeah.

10 COMMISSIONER CARR: I want to make sure  
11 you --

12 THE CHAIR: Commissioner Carr.

13 COMMISSIONER CARR: Thank you. I wanted  
14 to make sure you got through all the items there. I  
15 noticed there was a -- I think it was the  
16 Albuquerque Journal that had an article about  
17 13 charter schools getting waivers for teacher  
18 evaluation. And, so, I had a question about that.

19 I actually brought that up last time, you  
20 know. So, what can you tell us about that?

21 MS. BARNES: I don't know about that. I  
22 do know that at the next working group, we were  
23 going to do a presentation on Common Core. And  
24 maybe that's a -- or at the next meeting, it would  
25 be a good time to have Matt Montaña come down and



1 talk to you about teacher evaluations.

2 I don't know.

3 COMMISSIONER CARR: Madam Chair and  
4 members of the Commission, this is -- I talked to at  
5 least one charter school director who didn't know  
6 anything about this, either, and was frantically  
7 wondering how this evaluation system was going to  
8 work for her, because -- and, then, for -- and her  
9 situation is not that different from many other  
10 charter schools, based on the fact that they do --  
11 they have a very different operation than most of  
12 the traditional schools. They're concerned that --  
13 that the evaluation system that's in place presently  
14 isn't working, or won't work, for them.

15 I don't think it's working, period, and we  
16 need some -- and maybe it could work, given more  
17 time. But -- so, going along with that, many  
18 traditional public schoolteachers have a  
19 tremendously bad attitude toward charter schools, in  
20 general, partly maybe because they don't -- they're  
21 unfamiliar with things, and they don't do --

22 THE CHAIR: I hate to interrupt you, and I  
23 apologize. But this really isn't on the agenda, and  
24 I don't want to get us in any kind of trouble.

25 Could you hold that until "Comments"?

1 COMMISSIONER CARR: Well, this has to do  
2 with the Charter Division, so...

3 THE CHAIR: But we're still in Item No. 8.  
4 We haven't done Mesa Del Sol. So, if you wouldn't  
5 mind, hold that to the "Comments" section, and then  
6 I think we'll be perfectly legal to discuss other  
7 topics.

8 COMMISSIONER CARR: Sure. That's fine.

9 THE CHAIR: If you don't mind? I  
10 appreciate it. I just don't want to get us in  
11 trouble.

12 Julia, let's finish up Item No. 8, please.

13 MS. BARNES: I think I'll have Dr. Sean  
14 Joyce come down for his third time today, just give  
15 us an update on where we are, and, then -- so, let's  
16 do that.

17 THE CHAIR: Good afternoon. It's nice to  
18 see you.

19 MR. JOYCE: The pleasure is all mine.  
20 Good afternoon, Madam Chair, and members of the  
21 Commission. My name is Sean Joyce, Head of School,  
22 the International School at Mesa Del Sol. I will  
23 spare you any presentation. I am happy to answer  
24 any questions.

25 I'm capable of addressing the six areas of

1 concern that were initially reported by the  
2 Commission in December. Most of those concerns were  
3 with respect to our special education program, our  
4 student enrollment, our International Baccalaureate  
5 MYP program, and the permanent facilities. So, I'm  
6 happy to entertain questions, rather than just  
7 speak.

8 THE CHAIR: Julia.

9 MS. BARNES: I will tell you that we just  
10 negotiated the contract with the International  
11 School at Mesa Del Sol and discussed, in good  
12 detail, a lot of the conditions. So, I think that  
13 we are continuing to monitor that through that  
14 process.

15 THE CHAIR: Thank you. Commissioners, do  
16 you have any questions of Mr. Joyce?

17 Certainly, after Commissioner Bergman's  
18 reassurance on the financial side, his discussion  
19 with you and everything that's gone on, I feel --  
20 I'm feeling pretty comfortable, and I get the  
21 impression you are, too, with the way the school is  
22 headed.

23 MR. JOYCE: Yes, ma'am.

24 THE CHAIR: So, if there are no questions  
25 or concerns, we thank you for being here all day

1 with us. You're welcome any time.

2 MR. JOYCE: Thank you all very much. Have  
3 a wonderful afternoon.

4 MS. BARNES: Would the Commission like him  
5 to continue to come and make presentations or --

6 THE CHAIR: Commissioner Gant.

7 COMMISSIONER GANT: Madam Chair, that was  
8 where I was going, Julia. I -- he's got enough to  
9 do without sitting here all day with us. As  
10 Commissioner Bergman said, I didn't sit through  
11 those negotiations. But you all seemed happy with  
12 it, so I don't see any reason why he has to come  
13 from way down in south Albuquerque up here to sit  
14 with us all day long.

15 COMMISSIONER BERGMAN: I concur.

16 THE CHAIR: So, I think what I'm hearing  
17 is if an issue comes up and you want to come back  
18 with us and visit, or Julia needs you to come back,  
19 fine. Other than that, we've enjoyed your company.

20 MR. JOYCE: Thank you.

21 THE CHAIR: Thank you.

22 MS. BARNES: The last thing I will tell  
23 you, for the CSD report, is that I think there are a  
24 couple of schools of concern that we will likely add  
25 onto the list for next time, at least one from the

1 site visits. So, while we'll drop one off, we're  
2 probably going to pick up one or two more.

3 THE CHAIR: Okay. Thank you for that.  
4 Does that complete 8 for you?

5 MS. BARNES: Yes.

6 THE CHAIR: Then let's move on to 9,  
7 Charter School Amendment Protocols.

8 MS. BARNES: I've talked about this before  
9 in this meeting, and I sent out an e-mail to the  
10 Executive Committee. We talked about wanting to  
11 present something right now to you on amendments.

12 They continue to be very difficult. We  
13 have four amendments this month, and they were all  
14 difficult, just to get what we needed, just to be  
15 clear with the schools. It's just obvious to us  
16 that we need to improve the protocol.

17 And, then, there's obviously two more that  
18 need to be expanded. One is on transportation and  
19 the whole transportation protocol, and the other is  
20 on facilities.

21 So, we had talked about whether, on  
22 amendments, the -- potentially, the subcommittees  
23 that were negotiating for the schools could take  
24 care of some issues, rather than bring them to the  
25 Commission. And I thought, because we were going to

1 already be done with all the negotiations, I would  
2 just take the opportunity to ask to bring it to a  
3 working session.

4 We have a working session in June. It's  
5 our hope to bring this broader topic, bigger topic  
6 to you then, probably as three protocols:  
7 Transportation, facilities, and the amendment  
8 process, before you. But even focusing on it and  
9 trying to make it go more smoothly at CSD, it's  
10 still very difficult. I'll just tell you.

11 I think the last amendment got into place  
12 on Tuesday before -- and, you know, I -- and we've  
13 been working on that process. So, I've not been  
14 that encouraged. I think we can do a much better  
15 process. And once we have clarity, and now that we  
16 have, actually, a pretty easy place to put something  
17 like that, we may even put a chart that says,  
18 "Amendment Deadlines," and we'll have it right  
19 there. And either you get it by the amendment  
20 deadline, or you come the next month.

21 Even though we're trying to get through  
22 them, it's -- four out of four -- we had trouble  
23 with four out of four. That's a big percentage.

24 So, that's just my update. And we're  
25 hoping to do it next time.

1 THE CHAIR: We'll have a full day on the  
2 12th, aren't we? Okay. Thank you.

3 Let's look at Item No. 10.

4 MS. BARNES: There's nothing for Item  
5 No. 10, other than what I've already reported.

6 THE CHAIR: Okay. Thank you. PEC  
7 Statement of Roles of CSD and of the PEC. And I  
8 will ask Abby to pick up this one.

9 MS. LEWIS: That's not mine, though.

10 THE CHAIR: I'm sorry.

11 MS. LEWIS: I don't know what that item  
12 is. I didn't put it on there.

13 THE CHAIR: Oh, I'm sorry. I'm reading in  
14 the wrong one. "Discussion of Possible Action on  
15 PEC's Statement of Aspiration."

16 This is one that I asked, really, to have  
17 included. We're getting into a little trouble, on  
18 occasion -- first of all, I wanted to know, did we  
19 want to include or continue to include this item on  
20 our agenda?

21 The second part of that is that there are  
22 times when we get very close to prayer. And we were  
23 concerned that there's a prohibition against prayer.  
24 Then, we get a Supreme Court decision that just came  
25 out the other day that said -- in this particular

1 case, a town hall meeting, yes, could begin with  
2 prayer.

3 So, we're not absolutely sure what the  
4 ramifications of that are. But I wanted to ask your  
5 thoughts on continuing the Statement of Aspiration,  
6 period, or do we want to look at seeing if that  
7 Supreme Court ruling would allow us to have that as  
8 a prayer? Or do we just want to simply do away with  
9 the whole section altogether? Commissioner Bergman.

10 COMMISSIONER BERGMAN: Well, I will say --  
11 just to save some time, why don't we just get rid of  
12 it, so we don't have a long debate on -- because  
13 some of us stand on one side of the issue; some of  
14 us stand on the other side of the issue. And one  
15 side is going to be disappointed no matter how we  
16 end up with it. Why don't we just get rid of it?

17 That's my opinion. Thank you.

18 THE CHAIR: Commissioner Pogna.

19 COMMISSIONER POGNA: Madam Chair, we --  
20 over 25 years that I have been here, we did  
21 invocations and -- which was lovely. And I see  
22 people from the past -- and never endangered anyone.  
23 But I am of the opinion, let's eliminate it  
24 completely.

25 COMMISSIONER PERALTA: I concur.



1 THE CHAIR: Commissioner Parker.

2 COMMISSIONER PARKER: Madam Chair,  
3 Commissioners, I had my chance to do one today, so  
4 I'm okay with it.

5 THE CHAIR: One is enough, huh?

6 COMMISSIONER TOULOUSE: I think we might  
7 as well do away with it.

8 THE CHAIR: Mr. Carr.

9 COMMISSIONER CARR: Yeah, I'm fine with --  
10 I'm fine with it. But, you know, I -- you know, our  
11 United States Senate -- or House of  
12 Representatives -- open up every day with a prayer.  
13 They actually have an official chaplain, you know.  
14 The State Legislature opens up every day with a  
15 prayer, usually from a minister, chaplain, rabbi.  
16 They go -- from the Pueblo. And I think that would  
17 just be really great, but impractical, for us to do.

18 So, I just wanted to make that comment.  
19 But, otherwise, yeah, I'm fine with doing away with  
20 it.

21 THE CHAIR: Thank you, Commissioner.  
22 Commissioner Gant.

23 COMMISSIONER GANT: Madam Chair, I do  
24 agree. And since I seem to know a little bit about  
25 that -- maybe Ms. Lewis will correct me -- but I was

1 always on the understanding if anything had to do  
2 with children in a meeting, you could not -- you  
3 were not allowed to do that. So, I agree. Let's  
4 just get away with it -- do away with it.

5 THE CHAIR: Do we need a motion and a  
6 vote, Ms. Lewis?

7 MS. LEWIS: Uh-huh.

8 THE CHAIR: All right. We do need a  
9 motion and a vote on this issue. So, the Chair  
10 would entertain a motion to do away with that  
11 particular agenda item.

12 COMMISSIONER GANT: Madam Chair.

13 THE CHAIR: Commissioner Gant.

14 COMMISSIONER GANT: Madam Chair, I move  
15 that we no longer include a Statement of Aspiration  
16 at the beginning of all PEC meetings.

17 THE CHAIR: Do I have a second?

18 COMMISSIONER BERGMAN: I have a second,  
19 yes.

20 THE CHAIR: Motion by Commissioner Gant,  
21 second by Commissioner Bergman, to eliminate the  
22 Statement of Aspiration from the PEC agenda. Any  
23 discussion?

24 COMMISSIONER CARR: Just a question of  
25 clarity. Is this mentioned in our -- in this book?

1 (Indicates.)

2 COMMISSIONER POGNA: I can't hear him.

3 MS. LEWIS: No.

4 COMMISSIONER CARR: So, we're not really  
5 amending this?

6 THE CHAIR: No problem there.

7 COMMISSIONER CARR: So, we're just making  
8 a motion to change something that's been common  
9 practice.

10 THE CHAIR: Yeah. Any other comments?  
11 Commissioner Bergman?

12 COMMISSIONER BERGMAN: I just appreciate  
13 Mr. Carr's comments, because if it had come to that,  
14 I would be one to support prayer. But I understood  
15 there would be some that would not, and I didn't  
16 want to debate that issue.

17 But I appreciated his candor and his  
18 comment. But there are bodies in this country, even  
19 now, that start with prayer.

20 THE CHAIR: I understand that. And I wish  
21 we could.

22 Any other comments? All those in favor of  
23 the motion, please say "yes."

24 (Commisisoners so indicate.)

25 THE CHAIR: All those opposed, say "No."

1 (No response.)

2 THE CHAIR: Motion carries unanimously.  
3 Thank you all very much.

4 Next item on the agenda is the Statement  
5 of Roles in the CSD and of the PEC. And it is  
6 Ms. Lewis.

7 MS. LEWIS: Thank you. I'll try to  
8 remember to use my mic.

9 I just have gotten many questions from  
10 students, as well as from Commissioners, about the  
11 relationship between CSD and PEC and how the law  
12 envisions that working. So, I thought I would take  
13 this opportunity to share with you all what the law  
14 is. So, try to stay awake, because it's not that  
15 interesting.

16 As Commissioner Bergman pointed out  
17 earlier -- which leads perfectly into this, so thank  
18 you, I appreciate that very much -- the divisions at  
19 PED do not work for the PEC. So, although they're  
20 supposed to be there to provide technical  
21 assistance -- with the transportation issue, for  
22 instance -- they would need to deal directly with  
23 PED and to understand that that is a division  
24 outside of PEC, and that whatever the Transportation  
25 Bureau is saying needs to not be construed as coming

1 from PEC. These are two separate entities with  
2 differing roles.

3 When it comes to Charter Schools, the Act  
4 envisions a little bit more of an overlap. The Act  
5 says that, "The Charter Schools Division shall  
6 provide staff support to the Commission."

7 Unfortunately, our legislature did not  
8 define "staff support," so we kind of struggled with  
9 that and we've been trying to figure out, really,  
10 for two years now, what that means.

11 And I believe -- and I hope Julia does,  
12 too -- that her being in that position at CSD has  
13 really facilitated that. And I think that we've  
14 worked together very well. But I am concerned that  
15 Julia may not be with us for at least a little  
16 while. So, I did want to make clear that a school  
17 should not construe something that CSD says as  
18 necessarily coming from PEC.

19 So, there needs to be an understanding in  
20 the public's mind, and especially the schools' mind,  
21 that the chartering authority is the PEC and that a  
22 reliance solely on CSD is not going to pass muster,  
23 because the PEC is the final word, is the chartering  
24 authority.

25 So, that's just a little bit of what I

1 wanted to share with you all. And if you want me  
2 to, I'm happy to read what the statute says  
3 specifically about what your role is. But if you  
4 don't want to hear it, I'm happy not to bore you,  
5 too.

6 THE CHAIR: I always appreciate your  
7 shortened version and rely on it, as well.  
8 Commissioner Bergman.

9 COMMISSIONER BERGMAN: Great observation,  
10 because, see, we're speaking to an empty room here.  
11 How do we get this message out to the schools?  
12 This -- they're not going to hear what Abby just  
13 said. And we do walk a tightrope with CSD. And as  
14 I pointed out many times, they do not work for us.  
15 They work for the Secretary of Education. The  
16 Transportation Bureau works for the Secretary of  
17 Education.

18 But as I noted earlier, when they're  
19 telling charter schools that, "You have to have an  
20 amendment from the PEC before we'll even accept or  
21 talk to you about transportation," then they have  
22 stepped into our turf; and, somehow, then, that puts  
23 us in a bind, because we may not be comfortable with  
24 telling them that.

25 And now, we find out from Deputy Secretary

1 Aguilar that -- is the finances involved and is the  
2 money there. And I kind of just got the impression  
3 from his comments that he thought we were telling  
4 these people to do that.

5 I haven't told anybody. That's not -- we  
6 don't approve transportation requests. That's the  
7 Transportation Bureau's job. If they -- if they  
8 fill in that box, then we talk about it in the  
9 negotiation session.

10 I normally ask, "Well, how are you  
11 envisioning this?"

12 But I have never told them, "Fire it in.  
13 Let's go." That's not my job. I have no authority  
14 in that area; none of us do.

15 So, yeah, we walk a real tightrope here,  
16 and it does make our job real difficult,  
17 unfortunately. It shouldn't be that way.

18 I concur with Commissioner Toulouse, there  
19 should be communication. But these folks don't have  
20 to communicate with us. There's no law that says  
21 they -- so, while that's a grand plan, in reality,  
22 it's not working that way. And as we well know,  
23 some of those departments have actually been told  
24 not to talk to us. It's been stated in public  
25 meetings, our public meetings. So, if they won't

1 talk to us, we can't talk to them.

2 So, I don't know how we address that. Are  
3 we going to send a letter to the schools? Is it  
4 really that worth it that we ought to send a letter  
5 out?

6 MS. LEWIS: I believe it is.

7 COMMISSIONER BERGMAN: So, that's what we  
8 need to discuss. Because here, nobody heard what  
9 you just said. Thank you.

10 MS. FRIEDMAN: Madam Chair, we have the  
11 minutes of the meetings that are always posted on  
12 the website ten days after the meeting that can be  
13 referred to. And charter schools should, you know,  
14 be looking at those minutes to --

15 THE CHAIR: And I certainly agree with  
16 you. And I think it would be great. But I think,  
17 in reality, they probably are scrambling to run  
18 their schools and don't really have time or feel  
19 they have time, perhaps, to read our minutes.

20 And, you know, there are times when, as  
21 what was said today was essential news to me, that  
22 if a State charter school says they're going to  
23 provide transportation, and it's an automatically  
24 approved thing, then the money is there. Then we  
25 hear from one of the schools that no, that's not



1 really how it works, in reality.

2 So, you know, we're in the middle. But  
3 the schools most surely are in the middle. And it's  
4 another one of those situations that I don't know  
5 how to fix, but I think we do, at least, need to  
6 communicate with our charter schools and let them  
7 know what the situation is.

8 And maybe after that work session on the  
9 12th, when we clarify some things for us, then we  
10 can share with the charter schools, and maybe give  
11 them a little more direction than we have been able  
12 to up to this point.

13 Other comments, Commissioners?

14 Commissioner Carr.

15 COMMISSIONER CARR: I think we should, you  
16 know -- I guess, at the very least, we could have an  
17 e-mail list to contact them by e-mail. We can  
18 initially do a regular mailing in addition to that,  
19 I think, and then introduce the fact that we're  
20 going to give periodic announcements, and, you know,  
21 FYI, information, whatever, you know, to them.

22 And, then, also, it would be a way for  
23 them to come back and ask us questions, as well.

24 And -- because I -- you know, we have -- you know,  
25 I -- I think we have a hard time sitting through

1 those -- you know, through all the materials that we  
2 have to read.

3 Charter schools aren't going to do that.  
4 They don't really have time. But if we can give  
5 them an executive summary, so that they can -- you  
6 know, they can be aware of what we're doing, and  
7 we -- and we can clarify certain issues as they  
8 arise, I think that would be very important.

9 Communication and being out in the open  
10 with everything quite often may stir up a few  
11 things. But it solves more problems than it causes.  
12 You keep things secret, or people think you're  
13 keeping things secret, then you're asking for  
14 trouble.

15 THE CHAIR: Commissioner Gant.

16 COMMISSIONER GANT: Madam Chair, members,  
17 I ran into this last week at the PSCOC meeting, when  
18 I -- a resolution came before the Council to provide  
19 funding to do work towards moving -- so, a charter  
20 school could move into a different facility.

21 Well, I read that, and I said to the  
22 Chair -- I says, "Excuse me. That charter school  
23 hasn't even talked to the PEC about moving, and  
24 we're the authorizer."

25 And then someone piped up from -- one of

1 the nine of us piped up -- and he should know  
2 better -- said, "Where do you think you get the  
3 authority to tell them to move or not to move?"

4 So, we went around and around for about 30  
5 or 45 minutes, and, finally, they tabled the  
6 resolution. But it is a charter school at Silver.  
7 Yes, they were here in February 2013 and said,  
8 "Yeah, we're talking about moving." But they  
9 haven't talked -- I asked PSFA, and they said, "No,  
10 we haven't heard from them. We haven't heard  
11 anything. We don't know what's going on."

12 So, not only do the charters not know, but  
13 there's organizations here in the Roundhouse that  
14 probably don't even know how to spell "Public  
15 Education Commission." Thank you.

16 COMMISSIONER BERGMAN: Madam Chair.

17 THE CHAIR: Thank you. I certainly think  
18 that needs to be on our agenda for that work session  
19 on the 12th. We've got to clarify that whole  
20 situation, what needs to be done first, what needs  
21 to be done second, who all the players are, and help  
22 everyone understand the process. Commissioner  
23 Toulouse.

24 COMMISSIONER TOULOUSE: Madam Chair, I  
25 think that what we need to do, as this group now, is

1 be proactive with all these groups, and pushy, if we  
2 have to be.

3 THE CHAIR: I imagine.

4 COMMISSIONER TOULOUSE: Yeah, right. Not  
5 that I know anything about that after 30 years of  
6 dealing with State government, from the inside. But  
7 I just -- I think we make an approach, like I  
8 suggested with the transportation. And if we don't  
9 get it, then we go to the next step of being pushy,  
10 and, after that, becoming a constant irritant  
11 until -- we request and we request and request until  
12 finally someone shuts you up, which is too bad. But  
13 at that point, you've made the contacts.

14 Sometimes it takes being that irritant to  
15 get the contact, and then they realize that there is  
16 something that can be done. It's getting that  
17 initial get-together point. So, I would like us to  
18 start the process civilly, and end up irritatingly,  
19 if we have to, but hopefully not.

20 COMMISSIONER GANT: Madam Chair, another  
21 thought. Maybe we just mull this over, but just  
22 think about it. How about once a month, once a  
23 quarter, a little newsy letter that goes out and  
24 says, "This is what -- this is new information you  
25 all need to know about. This is maybe how the

1 statutes have changed," et cetera -- on  
2 transportation and stuff like that.

3 It's just an idea. Like, everybody is  
4 talking about communications. Well, that's a form  
5 of communications right in your face that could be  
6 sent directly to the schools, nice, pretty thing,  
7 maybe put pictures of kids in charter schools, doing  
8 something, anyway, to get their attention about  
9 what's going on between CSD and the PEC. Just  
10 throwing that out there, if you want possible  
11 communications, if we have to do anything.

12 THE CHAIR: Commissioner Bergman.

13 COMMISSIONER BERGMAN: I just wanted to  
14 add to my comments. CSD, too, is caught in a very  
15 difficult situation. And, so, they have to balance  
16 between the people they work for, and by legislative  
17 statute, they, at least, as we've said, provide our  
18 staff. So, they are in a very difficult position,  
19 too. And I admire them greatly for that. And I  
20 admire the cooperation we do get from them, because  
21 they're in a difficult position.

22 So, let's always remember that they're  
23 caught in a bind, too. Sometimes we want something  
24 done, and they may not be able to get it done,  
25 because they have another source that says, "No,

1 you're not going to be able to do that."

2 So, thank you.

3 THE CHAIR: Thank you. Other comments?  
4 Finish 'er up on that section?

5 Thank you very much. Let's move on to  
6 Item 13, which is PEC budget. Abby?

7 MS. LEWIS: Again, I often get questions  
8 from Commissioners about the flow of your budget,  
9 how it comes to you when things like chairs or  
10 computers come up. The question is why -- well, why  
11 is this taking so long, especially your per diem,  
12 which is a whole other headache. So, I just wanted  
13 to share with you what the statutes say. I am going  
14 to bore you with this, and let me know if you do  
15 have any questions.

16 The 22-8B-13 instructs that, "The amount  
17 of funding allocated to a charter school shall not  
18 be less than 98 percent of the school-generated  
19 program costs. The school district or  
20 division..." -- "division," in this case is defined  
21 as CSD -- "...may withhold and use the 2 percent of  
22 the school-generated program costs for its  
23 administrative support of a charter school."

24 It's my understanding -- and, Julia, I  
25 don't know if you know the answer to this, but

1 correct me if you think I'm saying something  
2 wrong -- that PED has construed this to mean that  
3 they have absolute control over your budget, and  
4 they get to say who, what, when, where, and why, and  
5 they get to say "No."

6           However, they would need to then reconcile  
7 that with 22-8B-9, which is instructive of what  
8 needs to be in all of your contracts with the  
9 charter schools.

10           B-8 reads, "The charter school contracts  
11 shall include a detailed description of how the  
12 chartering authority will use the withheld 2 percent  
13 of the school-generated program costs..." as  
14 provided in the other section that I read.

15           The second statute that I read was passed  
16 in 2012, versus the first, which was passed in 2011.  
17 So, when we're -- lawyers are trying to figure out  
18 if two statutes conflict, or they're trying to  
19 figure out which one is more instructive, the  
20 general instruction is that you go to the most  
21 recent and/or the more specific, both of which I  
22 think the latter one fulfills.

23           So, when I read that, I see that it is up  
24 to you to decide how that 2 percent is spent.

25           Now, I don't know what it's been in the

1 last couple of years. But my knowledge is that in  
2 2012, it was about \$1.6 million, which would enable  
3 you to have staff.

4 So, for instance, if you wanted to hire  
5 Julia as staff, the way I read the statute, you  
6 should be able to do that and have a say about  
7 that -- not just have a say, but say how that  
8 2 percent is spent. Questions? Direction?

9 COMMISSIONER BERGMAN: Nobody else has  
10 their hand up. You can always count on me lately.

11 Well, I think the language in our  
12 executive summary here is quite clear, because it  
13 says -- Abby has said -- on the ability of the full  
14 Commission to control its budget.

15 One, we have no budget, so we have no  
16 control. We're not controlling any budget right  
17 now. The question is, how do we get a budget to  
18 control, and is it time to go to war on this issue,  
19 because as -- if what you just read, one statute  
20 says it is our money; the other one says it's not.

21 MS. LEWIS: They don't conflict. It makes  
22 sense that the Division physically withholds it,  
23 because you don't have the capacity, the bank  
24 accounts. However, it is up to the chartering  
25 authority to decide how it's used.



1                   COMMISSIONER BERGMAN: I guess it's our  
2 decision. And here, again, without a great deal of  
3 debate, is what can we do at this time? Do we want  
4 to do anything? Are we talking about a letter to  
5 somebody, and we know what the reply to that letter  
6 will be? Are we willing, like I say, to go to war  
7 over this issue? I'll just let everybody talk.  
8 Thank you.

9                   THE CHAIR: I certainly think, as somebody  
10 said, the barn has been opened. What would you like  
11 to -- Commissioner Toulouse.

12                   COMMISSIONER TOULOUSE: Madam Chair, I  
13 suggest that because we're now at the beginning of  
14 the budget cycle for the next year, and having  
15 budgets to turn in, that this group take what we  
16 assume the money is going to be and create a budget  
17 and present it to PED through the budgeting process.

18                   THE CHAIR: Let me just -- Abby, I got  
19 distracted for a minute. I don't know if you read  
20 it or not. But I know I've read somewhere that PEC  
21 may come up with their own budget, and it is  
22 presented through PED in the approval cycle; but PED  
23 may not change it in any way.

24                   MS. LEWIS: You're thinking of NMSA 9-1-7,  
25 which defines what "administratively attached"

1 means. So, you are in the position of being  
2 administratively attached to PED. So, as the  
3 Chairwoman has pointed out, part of that is that you  
4 submit a budget to PED, which, my understanding,  
5 must be done by September 1st at the latest, but I  
6 would advise sooner, and that that budget is to be  
7 passed on to the Legislature, without change, by  
8 PED.

9 THE CHAIR: Right.

10 COMMISSIONER TOULOUSE: My request was to  
11 get it in at the same time the rest of the  
12 Department stuff goes in, so that if they think  
13 we're going to get into a fight, they're not going  
14 to double-budget it. They may have to hold it out.

15 I'm just saying, let them know up front  
16 that it's coming, because most State entities are  
17 doing budgets April, May, to get them to June, to  
18 get -- roll them up into the whole Department's  
19 budget, to then start the process through DFA and  
20 everywhere else.

21 So, that's why my suggestion would be that  
22 we get started on a budget, which will -- it will  
23 turn into a fight. But at least it would bring the  
24 issue into the public eye at some point. Thank you.

25 THE CHAIR: Thank you. Commissioner Gant.

1           COMMISSIONER GANT: Madam Chair, members,  
2 this is just a suggestion. And I know Commissioner  
3 Peralta is going to be talking about strategic  
4 planning here -- well, this is kind of a form of a  
5 strategic plan, a budget. I was suggesting that  
6 instead of writing a strategic plan, that maybe you  
7 want to take the strategic committee and turn it  
8 into a finance committee and work on the budget,  
9 like Commissioner Toulouse has suggested.  
10 Therefore, it would have a direction, the committee,  
11 with a final outcome.

12           It's just a suggestion to give some --  
13 some direction to where we're going.

14           THE CHAIR: Thank you for that.  
15 Commissioner Carr.

16           COMMISSIONER CARR: Yeah. You opened up  
17 something else there, Commissioner, too. But I --  
18 you know, my statement is if we have power, if you  
19 are granted power and you don't use it, you will  
20 lose it. And we have, obviously, over the last  
21 several years. Going along with that, the strategic  
22 plan, we have the authority to do a strategic plan,  
23 and we haven't done it. And we need -- you know --  
24 and maybe -- I think I'd like to see that, maybe,  
25 in -- you know, part of a strategic plan is money,

1 maybe, you know.

2 But I think that this Commission has been  
3 hamstrunged many, many times. And to give up  
4 anything that's allowed to us by law would just add  
5 to that. It would just -- you know, it's just being  
6 weak. It's like being king and not using it, you  
7 know; not that it's that extreme, but -- you know, I  
8 think we need to do what's necessary to take what is  
9 ours, and it's in our purview under the law, and act  
10 on it.

11 THE CHAIR: Thank you. Commissioner  
12 Bergman.

13 COMMISSIONER BERGMAN: I would just like  
14 to suggest if we're going to go this route -- and I  
15 agree with this route, actually -- whichever route  
16 does the budget, just be sure you put enough in the  
17 budget. Our travel expenses, for instance, have  
18 probably tripled, I think, maybe even quadrupled,  
19 based on what we've been paid -- if you  
20 under-budget, then when we run to the end of the  
21 budget, you know how the State government works.  
22 So, whichever one of you guys ends up being the ones  
23 on the Budget Committee, just be sure you build in a  
24 factor in there -- you know how to build a budget --  
25 that you don't get us to the point where I run out

1 of any allocation and I can't go to any more  
2 contract negotiations or study groups or work groups  
3 or meetings or anything else.

4 So, it's not just let's just throw some  
5 numbers in there. Make sure you got a good steady  
6 basis for what you're putting in there, because you  
7 can't base it on the previous years. We're  
8 traveling a lot more this year and will in the  
9 future. It's going to get more and more and more,  
10 in my opinion. It's growing exponentially. What's  
11 the Legislature going to stick us with next? We  
12 don't know that.

13 But these contract negotiations, as Julia  
14 pointed out, we've got something like 22 of them  
15 done. But we've got 62 schools; so, we've got 40 to  
16 do yet in probably the next two or three years.

17 And I was going to ask you. You said we  
18 were done. I thought we were doing one for McCurdy  
19 and another school. So, we're not done, are we?

20 MS. BARNES: That's right. We have two  
21 more that are opted in. What I was saying is we  
22 finished the ones that were required.

23 COMMISSIONER BERGMAN: Okay. Thank you.  
24 So, there's at least a couple more trips, just for  
25 negotiations. So, I just wanted to say that. Thank

1 you.

2 THE CHAIR: Thank you. Just for  
3 information, does anybody have a copy -- or has  
4 access to the budget that the PEC operates under  
5 right now? I know we have a budget. Does anybody  
6 know where it is or has ever seen it or know what  
7 the total of it is? I guess I'm looking at you,  
8 Beverly.

9 MS. FRIEDMAN: Madam Chair, are you  
10 talking about the budget for the PEC? Yes. Back in  
11 September -- August-September, Paul, I think, spoke  
12 to the PEC. And I believe our budget was \$70,000.  
13 And I just had to increase your budget yesterday --  
14 or a couple of days ago -- to cover more travel for  
15 some Commissioners whose money had run out. And,  
16 so, we -- we are working right now on a \$70,000  
17 budget.

18 THE CHAIR: There's something wrong with  
19 that. I've seen -- I've seen, in some older  
20 materials, much more money than that. And it was  
21 actually broken out like a budget, not just, "Here's  
22 your amount of money you've got to spend."

23 Do you ever recall seeing a true budget  
24 for this Commission?

25 MS. FRIEDMAN: When I started doing the

1 financials, Madam Chair, two years ago now, I was  
2 asked to do a preliminary budget. And I did do that  
3 preliminary budget, based on your travel, based on  
4 the note-taking, transcription for your meetings,  
5 based on out-of-state travel -- and I can't remember  
6 if there was anything else that we based it on.

7 But this year, with \$70,000, is the most  
8 that I've dealt with as far as budget is concerned.

9 THE CHAIR: Okay.

10 MS. FRIEDMAN: And I do have records of  
11 everyone's travel for this year. It's broken out.

12 THE CHAIR: Is there a written budget, a  
13 piece of paper that's got all the money amounts on  
14 it?

15 MS. FRIEDMAN: Yes, ma'am.

16 THE CHAIR: And you have access to that?

17 MS. FRIEDMAN: Yes, the one that I have  
18 created. And that's -- and that is basically the  
19 way I've been working it for two years is that I  
20 estimate an amount that we will need, and then I ask  
21 Deputy Secretary Aguilar for that amount of money.

22 (A discussion was held off the record.)

23 THE CHAIR: There's some comments.

24 COMMISSIONER CARR: I guess I'd add to  
25 that. I think if we take over the budget -- and I

1 think -- I would say I wouldn't be doing any wishful  
2 thinking for this year, because I think we'll  
3 probably end up in court.

4 But, Beverly, you know -- part of her time  
5 is used for us, you know; and that would be  
6 included, I guess, too. But it sounds like we're  
7 using about 10 percent or less of what's actually  
8 there for us to use.

9 THE CHAIR: Less than 5 percent.

10 COMMISSIONER TOULOUSE: Madam Chair, my  
11 assumption is the Charter School Division is paid  
12 for out of this 2 percent. But I would like to know  
13 whether that is right or wrong. And, if so, then I  
14 think I'd like to be in a position to look at that  
15 budget and see if there is a way to see that all of  
16 the 2 percent money would go -- because we need more  
17 staff there, too. And I think that one way to do it  
18 is to look at not just our expenses -- I'm  
19 relatively sure that that's what they do -- and  
20 would request that and look at -- say, "Where else  
21 is the money going?" I don't know that we'll ever  
22 get it.

23 If we have to do a Public Records Request,  
24 then we do the Public Records Request to see where  
25 does that 2 percent go and where is it going within



1 the Charter School Division, so that we can then  
2 request additional staff to help with these  
3 additional schools and additional reviews that are  
4 now having to be done, since this Act changed two  
5 years ago.

6 So, to me, it's a whole big thing, and it  
7 would tie in with the planning. And, also, while I  
8 reviewed budgets now for a number of years, I was  
9 very good at creating budgets in State government,  
10 because while I got welfare offices or programs, I  
11 learned a long time before not just to take the  
12 budget somebody in Santa Fe did for me.

13 I prepared one and sent it up first,  
14 complete, with expansion requests documented. And I  
15 ended up getting all kinds of other things, because  
16 it was much easier to present my request to  
17 somebody, already done.

18 So, I'm pretty good at finagling and  
19 adding and increasing and leaving some leeway. And  
20 I think those scales would still come back. So, I  
21 would be willing to work with whoever we want to do  
22 this, since I know if we're going to do it through  
23 the strategic planning, and Gilbert chairs that --  
24 and I'm sure other people have skills, too -- but I,  
25 at least, know how large departments work, and

1 probably get -- I just have a feeling we're going to  
2 have to do the Public Records Request.

3 I doubt if any letter we send or memo we  
4 send -- because we're in budget process for the end  
5 of the year, everything is turning over -- that  
6 that's the only way we'll get attention. Thank you.

7 THE CHAIR: Thank you. Commissioner  
8 Bergman, did you have a comment?

9 COMMISSIONER BERGMAN: Well, just, Beverly  
10 mentioned transcription. We've been told we can't  
11 have minutes for our work sessions anymore. I don't  
12 like that idea. So, if we're going to do a budget,  
13 make sure we got plenty for transcription. Somebody  
14 needs to sit down and say, "What do we have to  
15 happen to make sure we've covered everything and  
16 make sure it gets on the list?" Don't overlook  
17 anything.

18 THE CHAIR: So, I think what I'm hearing  
19 is a consensus that we want to take this on. But I  
20 do think we all need to be aware this is not just  
21 going to be fun and games. We're just going to say,  
22 "Okay, we're going to do our own budget, and we want  
23 all the money, and here's how we're going to spend  
24 it," is not going to be well-received, I don't  
25 think.

1 COMMISSIONER BERGMAN: That's why I used  
2 the term "war." It's going to be a war.

3 THE CHAIR: Yes. And, so, I think we all  
4 need to be very aware of that, and also to know how  
5 much it's going to take, because putting together a  
6 budget is going to be very labor-intensive, okay?

7 Abby, do we need to do this as a vote,  
8 that we're going to take this on and do our own  
9 budget, or since we have the authority can we go  
10 ahead and just do it?

11 MS. LEWIS: You can go ahead and do it.  
12 But if you want to have a committee, I would  
13 recommend forming that.

14 COMMISSIONER BERGMAN: Just for  
15 information, Madam Chair, 22 of these negotiations  
16 have been made. Well, you've got 19 more coming,  
17 renewals. So, we have 19 more starting in October,  
18 just --

19 COMMISSIONER BERGMAN: Plus, whatever new  
20 applications we get, they will move into the cycle,  
21 too, later on.

22 THE CHAIR: All right. So, speak now or  
23 forever hold your peace. We are going to take on  
24 doing our own budget; is that correct?

25 All right. And we need to have a

1 committee that's going to do that. Now, Gilbert,  
2 you have a full-time job, probably a job and a half.  
3 It's been suggested that strategic planning  
4 committee take on this role. Do you have the time  
5 to take on the role?

6 COMMISSIONER PERALTA: I don't see,  
7 otherwise. Yeah, it's all right.

8 THE CHAIR: I want to be brutally honest  
9 with all of us. I don't want to ask you to do  
10 something that you really don't have the time to do,  
11 because I know we all want to do this one  
12 particularly well, okay?

13 COMMISSIONER PERALTA: As Carmie was  
14 saying, she's very well experienced in that area,  
15 so --

16 THE CHAIR: I think certainly, we need  
17 quite a lot of help in this committee. Perhaps you  
18 might want help on the committee, but not  
19 necessarily be the chair of it, of the budget  
20 committee? I'm thinking about appointing a budget  
21 committee.

22 COMMISSIONER PERALTA: Outside of the  
23 strategic planning?

24 THE CHAIR: Yes, that's really what I'm  
25 thinking about.

1 COMMISSIONER PERALTA: Oh. I thought you  
2 were tying that in.

3 THE CHAIR: Because it was suggested that  
4 the Strategic Planning Committee might take on that  
5 role. But if it's really more than you think you  
6 have the time to do, then my next -- my fallback  
7 position is let me appoint a whole new budget  
8 committee, and let's start from the ground up on  
9 that one, if that's okay with you.

10 COMMISSIONER PERALTA: Sure.

11 THE CHAIR: Okay. Then, I'm going to do  
12 that. Do you want time to think about it, or do we  
13 want to put that together today?

14 COMMISSIONER BERGMAN: If we want to get a  
15 budget in this cycle, we're running out of time.  
16 Doesn't it end in the end of June? If it's not in  
17 then, then we wait a year.

18 THE CHAIR: All right. So, we need --  
19 what is less than a quorum? Four? What's the most  
20 we can have on a committee and not get into trouble?

21 MS. LEWIS: Four.

22 THE CHAIR: Four? Okay. If you want to  
23 serve on this committee, please raise your hand.

24 (Show of hands.)

25 THE CHAIR: You might as well raise your

1 hand.

2 COMMISSIONER BERGMAN: My calendar is  
3 pretty good.

4 THE CHAIR: Okay. But you're going to get  
5 on it, anyway. That's all there is to it.

6 COMMISSIONER CARR: James is probably  
7 interested.

8 COMMISSIONER TOULOUSE: James is not here,  
9 but we could probably get him to do it. I think  
10 he's probably knowledgeable on how budgets work.

11 THE CHAIR: Tyson.

12 COMMISSIONER PARKER: Commissioners, I  
13 think, just looking at my schedule, trying to get my  
14 ducks in a row, I think it would be a disservice to  
15 say yes. I shouldn't do it.

16 THE CHAIR: And you're working full-time;  
17 so, of course, your time is taken.

18 I'm going to ask Commissioner Toulouse,  
19 Commissioner Bergman, and myself. And I'm going to  
20 ask Commissioner Gant to serve as a resource person  
21 for the time that he is -- can spare for this.

22 Abby, of course, is going to be a big-time  
23 resource person.

24 Julia, because of your role working for  
25 CSD, I'm not going to ask you to participate in

1 this, because they're going to be mad at us.

2 Beverly, I'm going to ask you to be a  
3 resource person, too, unless you feel like that  
4 would be a conflict for you.

5 MS. FRIEDMAN: I don't think so.

6 THE CHAIR: Okay. So, it's Bergman --

7 COMMISSIONER BERGMAN: If Mr. Conyers  
8 wants to do it, and if I could drop out -- you're  
9 just not going to let me -- I've always raised my  
10 hand. My calendar is really pretty full right now,  
11 with all the reading and all the studying and all  
12 the --

13 THE CHAIR: The studying, not so much.  
14 I'm making myself a note here. And Beverly. All  
15 right.

16 And while we're at it, what's the first  
17 time we want to get together -- this committee,  
18 these people, Toulouse, Bergman, Gant, Shearman,  
19 Abby, and Beverly, could you stay after the meeting  
20 for just a few minutes, and we'll see if we can get  
21 some organization going? Not for a meeting, just  
22 for --

23 COMMISSIONER BERGMAN: But could -- would  
24 this not be a committee that could maybe do a lot of  
25 its work through e-mails --

1 COMMISSIONER TOULOUSE: Right.

2 COMMISSIONER BERGMAN: -- instead of  
3 traveling all over and getting together in a hotel  
4 somewhere?

5 THE CHAIR: If we'd coordinate it with  
6 another meeting, that would be good.

7 All right. The battle lines are drawn.

8 COMMISSIONER CARR: Madam Chair.

9 THE CHAIR: Commissioner Carr.

10 COMMISSIONER CARR: Just something -- not  
11 this year, but something to think about in the  
12 future -- is that we are getting busier and busier,  
13 and it's not going to get less busy.

14 THE CHAIR: That's right.

15 COMMISSIONER CARR: I think what you might  
16 look at in the -- in the future is maybe making  
17 these full-time, paid positions, because it's -- you  
18 know, if we had become a State -- if we had become a  
19 State School Board, under the -- the way we're doing  
20 things now, I'm not sure if I would have been able  
21 to stay on and do all the -- all the work that would  
22 be required of me in this -- in this position.

23 And just, so -- in the future, you know,  
24 just something to mull over and think about  
25 making -- you know, making this a paid position, so



1 people are actually able to -- to -- to put their  
2 full 100 percent effort into this instead of making  
3 it a small, part-time job.

4 You know, just a thought.

5 THE CHAIR: Thank you.

6 COMMISSIONER BERGMAN: I agree with  
7 Commissioner Carr wholeheartedly. Do you think  
8 there's a realistic chance, though,  
9 Commissioner Carr, that you could get something like  
10 that through the Legislature? That's where it's got  
11 to go. It's got to come out of the Legislature;  
12 right?

13 COMMISSIONER CARR: I agree with  
14 Commissioner Gant, we should move on. But if we're  
15 in control of the budget, probably not.

16 THE CHAIR: One thing at a time.

17 COMMISSIONER CARR: Yeah.

18 THE CHAIR: All right. Next item on the  
19 agenda is Meeting Calendar. We might just as well  
20 mark every day. We're getting them all filled up.

21 Does anybody have any concerns or  
22 questions or issues about the calendar? I think we  
23 changed the October meeting to the 17th at our last  
24 meeting. Anything else?

25 COMMISSIONER BERGMAN: Well, this calendar

1 I have just has June 13th. Are we having a work  
2 session on the 12th? Is that just not on this  
3 calendar?

4 MS. BARNES: There's a scheduled work  
5 session on the 12th.

6 COMMISSIONER BERGMAN: I want to be sure.

7 MS. LEWIS: Madam Chair, sorry. Just want  
8 to point out if we don't have Julia, I don't know  
9 what we would do in a working session, because I'm  
10 not -- not really equipped, nor is it my position,  
11 necessarily. So, we might just keep that in mind.

12 COMMISSIONER BERGMAN: We may have to  
13 cancel it at the last minute or something. Keep it  
14 scheduled until we can't have it.

15 COMMISSIONER POGNA: What's the date?

16 COMMISSIONER BERGMAN: June 12th and 13th.

17 MS. FRIEDMAN: Madam Chair, I was going to  
18 ask for some clarification about the June meetings,  
19 because I thought that you had something else  
20 scheduled on June 11th. Is there negotiations on  
21 that day?

22 THE CHAIR: I think there are  
23 negotiations.

24 COMMISSIONER BERGMAN: Is that when we're  
25 doing McCurdy and the other one?

1 MS. BARNES: Were they both on -- I'm  
2 sorry. My calendar is upstairs. Yes, we talked  
3 about it at the last meeting, I know. Let me look  
4 at those meeting minutes.

5 MS. FRIEDMAN: That's what I was thinking  
6 because we reserved this room for the 11th. It's  
7 also reserved for the 11th, 12th, and 13th. And on  
8 the 12th, I thought that it was a work session, and  
9 the 13th was a meeting. I would just like to make a  
10 note that I will not be here that week. And  
11 Kimberly Ulibarri, in the back, will be covering for  
12 me.

13 THE CHAIR: So, is it McCurdy and  
14 La Tierra, both, on the 11th?

15 MS. BARNES: I believe La Tierra has said  
16 they can't be ready. So, I believe it might -- I'm  
17 going to have to go check. I'll send out an e-mail.

18 COMMISSIONER CARR: Okay. Because after  
19 Beverly said that, I thought, yeah, we had talked  
20 about a three-day stand on that week. That's why I  
21 talked about the travel schedule. I'm having  
22 four-day weeks and am starting to feel like a  
23 full-time employee.

24 THE CHAIR: The lady at the 7-Eleven asked  
25 me why didn't I just move up here. Now, that is

1 getting -- let me make a suggestion. When do you  
2 think La Tierra will be ready?

3 MS. BARNES: I -- I'm just sorry. I'm not  
4 remembering what -- clearly, what my staff has said.  
5 So, let me get out an e-mail to you all and check in  
6 on that.

7 THE CHAIR: Because I'm just wondering if  
8 there would be some way that we could put them both  
9 together.

10 MS. BARNES: And maybe do it in July. You  
11 know, I had forgotten there is a July meeting. So,  
12 maybe we could move them both to July. I don't know  
13 if she's gone.

14 THE CHAIR: Driving up here for another  
15 one is really a lot.

16 COMMISSIONER BERGMAN: That would be nice  
17 if we could just combine them into one.

18 MS. BARNES: And do it in July. Let me  
19 send an e-mail to the executive team.

20 THE CHAIR: Commissioner Parker.

21 COMMISSIONER PARKER: Madame Chair and  
22 Commissioners, I apologize in advance. The  
23 June 12th work session, I will not be able to  
24 attend.

25 THE CHAIR: The work session. But you can

1 make the meeting on the 13th?

2 COMMISSIONER PARKER: Yes.

3 THE CHAIR: Okay. Thank you.

4 COMMISSIONER GANT: Madam Chair.

5 THE CHAIR: Commissioner Gant.

6 COMMISSIONER GANT: I will not be in the  
7 work session until after 12:00. There's a PECAMS  
8 [verbatim] meeting -- PSCOC meeting. I'm sorry.

9 THE CHAIR: Too many meetings? Okay. All  
10 right. Any other comments on the calendar?

11 Okay. Let's move on to the Legislative  
12 Report. Commissioner Carr.

13 COMMISSIONER CARR: Nothing more to add  
14 other than what I already said about legislation,  
15 corrections, amendments. And I'll be attending as  
16 many of the LESC meetings as I can this summer.

17 So -- and, you know, let's see if we can  
18 work together. If there's things that we agree on  
19 that need to be fixed, then we'll be lobbying the  
20 Legislature as a team, rather than in opposition,  
21 like we were this last session. We'll still be in  
22 opposition on some things, of course. But the  
23 things that we can get together on, I think we  
24 should.

25 THE CHAIR: Commissioner Carr, could I ask

1 you, when you attend, like, LESC meetings and so  
2 forth, that afterward, if you could just send out an  
3 e-mail to the Commissioners and just let them know  
4 the things that happened that affect PEC, charter  
5 schools?

6 COMMISSIONER CARR: I'd be happy to.

7 THE CHAIR: Okay. Thank you. Strategic  
8 Plan. Commissioner Peralta, I think at this  
9 point -- I know there was some discussion last month  
10 about, you know, getting -- going on a strategic  
11 plan again, and like that. Could I just suggest,  
12 since we've taken on the budget thing, that maybe we  
13 set the strategic plan on the back burner for a  
14 little while, unless you're just burning to do it  
15 right now?

16 COMMISSIONER PERALTA: No. Actually,  
17 that's fine. I was actually going to start out by  
18 seeing if I could get out of it, being that my  
19 neighboring Commissioner, who called the question,  
20 isn't here today. I'm sure he was curious. But, I  
21 mean, I was up and ready to do a presentation. But  
22 I could hold off on that, if you'd like.

23 THE CHAIR: Commissioners? Would that  
24 suit you? I don't think we can take on another  
25 thing -- I really don't -- at this time. And a

1 strategic plan needs to involve everybody, you know.  
2 So, let's put that one on hold.

3 COMMISSIONER BERGMAN: I think budget is  
4 more important than strategic plan.

5 COMMISSIONER PERALTA: And I did ask  
6 Ms. Beverly to forward some information and some  
7 things, so I could get caught up. Hopefully, that  
8 will help with past dialogue and conversations that  
9 have gone on on the committee.

10 I can tell you, just briefly -- and the  
11 time line reflects that a little bit -- since I came  
12 on the Commission and I was added to the committee  
13 as just a member of the committee, we had -- there  
14 was a stretch there of nine months, where I was the  
15 only one on the committee. We didn't have a chair  
16 at that time. And then, thereafter, there were a  
17 couple of appointees. And then we had one  
18 Commissioner asked to resign from the committee, and  
19 then we had only two on the committee for another  
20 five months or so.

21 So, it's been in limbo for quite a while.  
22 There was one actual meeting that I, as Chair, and  
23 Mr. Canfield, a former Commissioner and I, did meet  
24 with Mr. Larry Behrens in June of 2012, in follow-up  
25 of the latest strategic plan that PED has on the

1 website, that's somewhat, I guess, a -- a team  
2 approach, I guess, per se, between the PEC and PED.

3 Anyways, so, yeah, I can save all the  
4 information for another time.

5 THE CHAIR: Let's do. We're not  
6 abandoning it, but I do think we need to put this  
7 budget thing first. So, thank you very much.

8 17 is Charter School Committee Report.

9 COMMISSIONER BERGMAN: Just very briefly,  
10 we are almost done with the negotiations. Thank you  
11 all that came this year.

12 I will note that -- actually, right now, I  
13 can't think -- the forms worked well this time, this  
14 cycle. I can't -- I have nothing at the top of my  
15 head right now that calls for revision. So, we  
16 may -- if we have to do any changes to forms, it's  
17 going to be very minor. So, I believe we're where  
18 we need to be right now.

19 But, as Commissioner Gant pointed out,  
20 this is just a temporary respite here for a few  
21 months. I don't know how many new applications,  
22 but, yeah, we're going to have 19 renewals in the  
23 next cycle. So, this next spring, this time next  
24 year is going to be just as busy as it was this  
25 year.



1           But we're ready -- I think we're ready; I  
2 think the forms are ready. That's all I wanted to  
3 say at this time. Thank you.

4           THE CHAIR: That's been an intense labor,  
5 with everyone involved, with Julia's leadership. We  
6 couldn't have done it without you. And I appreciate  
7 everyone's efforts that have had any hand in this,  
8 at all. It has been a tremendous undertaking, but  
9 it has worked. We've really -- we're in the best  
10 shape we've ever been, I think. So, thank you to  
11 everyone. Commissioner Parker.

12           COMMISSIONER PARKER: Madam Chair,  
13 Commissioners, just to follow up, I wanted to thank  
14 Julia, and Vince, specifically, for their hard work,  
15 because I think they really did the lion's share of  
16 all the stuff, so --

17           MS. BARNES: Madam Chair, can I?

18           THE CHAIR: Yes.

19           MS. BARNES: I just -- maybe it's not the  
20 right time. But I was just wanting to see what we  
21 want to have on the working session in June. I have  
22 an overview of the performance framework indicators  
23 that we've negotiated, so that we can take a look at  
24 them and where we want to go with them.

25           The amendment process, internal to the

1 PEC, transportation and facilities, both  
2 transportation and facilities would be beyond PEC,  
3 but what the whole process looks like. We had  
4 talked about having Rachel come and give a  
5 presentation on Common Core, and, then, we were also  
6 maybe talking about on teacher evaluations. But I  
7 wonder if those two things should be at the regular  
8 meeting, or what you want to do about that.

9 And, then, if there's any other issues on  
10 the working session?

11 THE CHAIR: Commissioner Bergman.

12 COMMISSIONER BERGMAN: As Julia said that,  
13 I -- are you going to be able to be ready, Julia?  
14 That's a fairly extensive list, and since you  
15 apparently are going to be off for a little while  
16 here, have we overburdened you?

17 MS. BARNES: I'll just need to get back to  
18 you.

19 COMMISSIONER BERGMAN: Are you going to  
20 have those protocols in those various areas ready as  
21 a first draft so we can look at them? Is Abby going  
22 to be able to work on that?

23 MS. BARNES: I'll need to get back to you.

24 THE CHAIR: Well, what about teacher  
25 evaluation and Common Core?

1 MS. BARNES: Do we think we can fit that  
2 in on the work session day, too?

3 COMMISSIONER BERGMAN: Is that something  
4 we can maybe put back a little bit? They're both  
5 important, but --

6 THE CHAIR: I don't see us getting them  
7 done on the work session day. And if we put them on  
8 a regular meeting day, they're going to have to be  
9 awfully short, just, you know, brief presentations.  
10 Do you want to leave that up to the Executive  
11 Committee to try to schedule both of those on  
12 regular meeting agendas? We might have to do one  
13 one month and one another, but for at least their  
14 brief reports, overviews?

15 COMMISSIONER TOULOUSE: Madam Chair, I  
16 think we've heard so much about teacher evaluations,  
17 whether it's anecdotally from teachers in schools or  
18 whether we now know that some charter schools have  
19 been waived. I think we've heard about this. But  
20 Common Core, I have more concerns about, with the  
21 testings and with all of those. And I would like,  
22 as soon as I can, to get more information, because,  
23 remember, I'm the one of us that's still learning  
24 education stuff.

25 THE CHAIR: We're all learning. I do

1 think Common Core, yes.

2 COMMISSIONER TOULOUSE: I would like that,  
3 but I think the other could wait.

4 THE CHAIR: But I think teacher  
5 evaluation, with the added facet of the waivers that  
6 charter schools are able to get, we need to  
7 understand that better, what parts of teacher and  
8 principal evaluation they may use differently, they  
9 may do differently. We need to understand that part  
10 of it, for sure. So, I still think it's of value.  
11 I really do.

12 Is that okay with everybody?

13 Okay. Let's go to PEC Comments before  
14 everybody turns comatose on me. And  
15 Commissioner Carr, I'm going to ask you first,  
16 because I did ask you to curtail yours -- your  
17 comments to this point. And, so, I'll ask you to  
18 please go first.

19 COMMISSIONER CARR: Thank you. I was two  
20 sentences away from finishing. But now you're going  
21 to have to endure some more.

22 The -- so, I found -- the article was  
23 May 2nd. It says, "13 Charter Schools Modify  
24 Teacher Evaluations. The South Valley school is --  
25 and 12 others had received waivers for modified

1 evaluations from the PED."

2 "Charter schools with changes:  
3 Albuquerque" -- they're listed in this article --  
4 ACE Leadership, Albuquerque Institute of Mathematics  
5 and Science, Cesar Chavez; a whole bunch of them in  
6 Albuquerque. Angel Fire, Moreno Valley High School,  
7 Santa Fe Masters Program, and Monte Del Sol Charter  
8 School, Cottonwood Valley Charter School.

9 One glaring part of the article was the  
10 fact that -- that they're modifying the amount --  
11 the percentage that's based on test scores, which is  
12 a human factor that the PED pushed and the Governor  
13 pushed. And my point in bringing this up is --  
14 well, several points:

15 One is, since we're talking about charter  
16 schools here, shouldn't we have something to do with  
17 this? That's one.

18 And No. 2, in looking at the -- the  
19 attitudes and the misconceptions and all the things  
20 that go with the conflicts between charter schools  
21 and traditional schools, this adds another factor.

22 "Oh, well, those charter schools, they can  
23 do whatever the heck they want? Well, what's wrong  
24 with us -- why can't traditional schools come up  
25 with their own evaluations like we've done for

1 years?"

2 And, there's -- there's been tremendous  
3 problems in implementing this, anyway.

4 So, I know, in regards -- we don't have  
5 any say-so over the public schools. But if -- you  
6 know, there's a lot of really good charter schools  
7 out there. And, guess what? They all make really  
8 good points about, "Hey, we do some things  
9 differently. It doesn't quite fit into this  
10 evaluation thing that we're doing right now."

11 Does -- but a lot of traditional schools  
12 can say the same thing.

13 So, in regards to these, I'm appalled that  
14 we didn't know anything about it. Again, we're  
15 continually breaking new ground; right?

16 You know, our legislation has not caught  
17 up with all the things that we're doing. There's a  
18 lot of things that we're doing. We're in gray  
19 areas, and we're trying to figure this out and do  
20 the best job we can.

21 If we're in charge of charter schools and  
22 oversight, why aren't we having anything to do with  
23 giving waivers?

24 THE CHAIR: That's the Secretary's, by  
25 law. That's her priority. That's her -- her

1 authority, not ours. We talk about that a lot  
2 during contract negotiations. That's the reason  
3 that it's so fresh in my mind.

4 COMMISSIONER CARR: So -- but -- and this  
5 is a waiver that's never been done before.

6 THE CHAIR: It's always been done. It's  
7 in every contract we've done.

8 COMMISSIONER CARR: I'm talking about  
9 specifically evaluations.

10 COMMISSIONER BERGMAN: It is in there,  
11 Mr. Carr. It is in part of the performance  
12 framework section. Most of the schools are asking  
13 to be waived from those requirements.

14 COMMISSIONER CARR: My question is, yes,  
15 but the local school districts have always been in  
16 charge of their teacher evaluations. Now, it's  
17 changed. It's coming down from the PED; right?  
18 Okay? So, it wasn't much of a waiver to give them  
19 some things, because, yeah, there was some general  
20 guidelines that came down from the PED in the past  
21 as to the way the evaluations were done. So, asking  
22 for a waiver from that wasn't that big of a deal.

23 But now, it's a huge deal, and it's  
24 something that needs to be addressed. Okay. Well,  
25 if the law is that she has the right to do that,

1 fine. But, you're going to be stirring -- you're  
2 stirring up a hornets' nest.

3 That's just the statement that I wanted to  
4 bring out. And if we were brought into the process,  
5 I think it would be a lot better for everybody, on  
6 that regard. But that's what I wanted to say on it.

7 COMMISSIONER BERGMAN: Absolutely right,  
8 Commissioner Carr. And my suggestion to you is if  
9 you're at the Legislature, add that to your  
10 legislative wish list. I believe part of what we  
11 should be asking the Legislature is the Charter  
12 School Act should be amended to where the PEC at  
13 least has the authority, all waivers from  
14 State-authorized -- in other words -- PEC. Don't go  
15 to the Secretary. They go to the Public Education  
16 Commission, because we're the authorizer. We should  
17 be the ones acting on those waivers. That should be  
18 our burden.

19 So, add that to your wish list. Thank  
20 you.

21 THE CHAIR: All right. We're still in PEC  
22 Comments, and I'm going to ask Commissioner Parker,  
23 because he has something very specific to bring to  
24 us.

25 COMMISSIONER PARKER: Madam Chair,



1 Commissioners, kind of twofold. One was I just  
2 wanted to brag about my mom. The reason I was out  
3 of town this last week was she was honored by the  
4 Small Business Council of America and received the  
5 Connie Murdoch Award, which she was presented in the  
6 Capitol on Wednesday evening. And it goes out to a  
7 member of the Small Business Council who is  
8 instrumental in pushing forth legislative and other  
9 issues directly related to small businesses. So,  
10 yay, Mom.

11 THE CHAIR: That's terrific. Where --  
12 tell us, where does she live? What's her business?

13 COMMISSIONER PARKER: She actually lives  
14 in Corrales. She has a family-owned business that  
15 she and my wife run together. It initially started  
16 out, she started a number of years ago. It was a  
17 third-party administrator of retirement plans; then  
18 opened up with cafeteria plans, which is flexible  
19 spending accounts, pretax dollars. And I'm going on  
20 record. If I get any of this wrong, please change  
21 it, or I'll get in a lot of trouble.

22 So, basically, what she helped push  
23 forward was a change in legislation to protect  
24 people, that you could still deduct medical expenses  
25 and pretax stuff, childcare, travel, to protect

1 the -- you know, the small business people of the  
2 world.

3 She's semiretired, in that she doesn't go  
4 to work every day. However, she is a woman of great  
5 drive. She -- just a quick thing, and I won't take  
6 up more of your time with it. She was raised up by  
7 a single mom in Oklahoma during the 1940s and '50s.  
8 Her mother grew up on a farm in the Dust Bowl,  
9 during that period, going -- it was summer without  
10 shoes.

11 So, it's really a neat story, seeing where  
12 my grandmother came from, where my mother came from,  
13 being the first to graduate from college,  
14 accomplishing what she's accomplishing. So, anyway,  
15 again, yay, Mom.

16 And, then, while I was there, I just  
17 happened to throw an e-mail out there to the  
18 director, Stefan Huh -- I think that's how you  
19 pronounce his last name; it's H-U-H. But, anyway, I  
20 stumbled a meeting. And the information I gave you  
21 was part of a small convening they put together for  
22 small groups that receive money from the federal  
23 government to do some research on charter schools  
24 and leadership and how to improve in those areas.  
25 So feel free to read it. Some of it is pretty

1 interesting stuff.

2 So -- anyway, I think that's all I want to  
3 take up your time with.

4 Oh, the last thing is, in the last  
5 negotiation that we had, it came to light that there  
6 was really no parameter in terms of the language  
7 testing for English as a Second Language or the  
8 Second Language Learners. And I think that if --  
9 because we have so many of those schools here  
10 involved with that, we really need to get some  
11 information on that from the PED or somebody, just  
12 so we know what we're evaluating it on. Because  
13 it's -- I mean, it's -- it's a huge part of a lot of  
14 stuff that's going on.

15 THE CHAIR: Thank you. Tell your mom  
16 we're very impressed.

17 COMMISSIONER PARKER: I will.

18 COMMISSIONER BERGMAN: Congratulations.  
19 Yes.

20 COMMISSIONER GANT: Maybe she could come  
21 write the budget.

22 THE CHAIR: Commissioner Toulouse.

23 COMMISSIONER TOULOUSE: Madam Chair, I  
24 just want to report quickly on a discussion I had  
25 with Representative Rick Miera last night. I asked

1 Representative Miera what was the history behind the  
2 section of the Charter Act which talks about the  
3 more than one campus and them having to be within  
4 the same school district.

5 And since he's the one with all the  
6 institutional knowledge, and he's leaving us, I  
7 thought I wanted to get this down somewhere. And  
8 who knows? It may be useful later.

9 His statement was, when they started  
10 charter schools, all of a sudden there was a move  
11 into New Mexico -- or attempt to move in by an  
12 Arizona chain of charter schools. And their way of  
13 dealing with this chain that wanted to move in was  
14 to come up with this section, so that you -- that  
15 each charter school that is out there must have its  
16 own unique governance council and school set up,  
17 administrators, budget, the whole bit. And that's  
18 why they did allow more than one campus in one  
19 school district, but not across districts, to  
20 eliminate any chain developing in the way that they  
21 have in many other states.

22 So, that was his take on that. And I got  
23 a take on quite a few other things. But that's the  
24 important thing that I wanted to pass on and for  
25 people to understand and get down, in case I don't

1 remember a month from now. You never know what  
2 happens to your brain.

3 And once he's retired, who knows what  
4 he'll do? But he is -- you know, a font of  
5 knowledge, if he's willing to release it. Most of  
6 the time, he's more than willing to.

7 But, anyway, I wanted to get that back to  
8 the rest of the Commission. Thank you.

9 THE CHAIR: Thank you for that. We have a  
10 guest in our audience from LESC. And I would  
11 appreciate it if you would stand up and introduce  
12 yourself, because, honestly, your name -- I've been  
13 trying and trying and trying to remember, and it's  
14 just gone.

15 MR. MURPHY: I'm Mark Murphy. I'm a  
16 fiscal analyst with the LESC, and just wanted to  
17 thank you for letting us sit in on your meeting  
18 today. Just as one additional comment that I  
19 thought the Commission might be interested in  
20 knowing, the LESC, during their April organizational  
21 meeting, did create -- or did agree to establish a  
22 subcommittee on reviewing the Charter Schools Act.  
23 So, just so you're aware that that's something that  
24 is taking place by the LESC.

25 THE CHAIR: We appreciate you being here,

1 and thank you for that information. Mark Murphy.

2 How could I forget that?

3 Other comments, Commissioners?

4 Commissioner Pogna.

5 COMMISSIONER POGNA: Madam Chair, I know  
6 this is of great importance to you. But at 2:00  
7 this afternoon, in North Carolina, my granddaughter  
8 is at commencement, graduating from East Carolina  
9 University. I couldn't be there, because I can't --  
10 I don't have the energy and stamina to fly. My  
11 daughter from Austin started yesterday at 2:00 in  
12 the afternoon, and at 1:00, she still was not in  
13 Carey, North Carolina, my daughter's home. It just  
14 takes forever. And the weather was pretty bad.

15 Anyway, thought you'd like to know that.

16 THE CHAIR: That's wonderful.

17 Commissioner Peralta? Commissioner Bergman?

18 Anyone? Commissioner Gant.

19 COMMISSIONER GANT: Just -- Madam Chair,  
20 members, just an interesting thing that was in the  
21 paper this morning. As you remember, we had this  
22 drill about two years ago about a certain charter  
23 school in Albuquerque that was selling computer  
24 time -- I'll put it that way -- so that kids at the  
25 end of the year could graduate.

1           Guess what they're doing in Santa Fe this  
2 year? There's the possibility of 50 students not  
3 being able to graduate, and they're jumping on some  
4 kind of -- e2020 or some other software program,  
5 just so they can get enough credits to graduate.  
6 And they've known for some time they didn't have the  
7 credits, so they're cramming at the last minute so  
8 they can graduate.

9           It just amazes me how these kids and their  
10 parents can allow this to happen. And they blame  
11 the schools.

12           THE CHAIR: And where are they taking  
13 these courses?

14           COMMISSIONER GANT: In the schools.

15           THE CHAIR: In their home school, not a  
16 different school?

17           COMMISSIONER GANT: In Santa Fe Public  
18 Schools, yes. I just -- it just amazes me,  
19 absolutely amazes me, how they can -- and I'll say  
20 it -- be so stupid to allow it to happen. Thank  
21 you.

22           THE CHAIR: Anything else, Commissioners?

23           COMMISSIONER POGNA: Madam Chair, I'd like  
24 to know how he really feels about it.

25           THE CHAIR: Well done. Well done.

1 Anything else before I go to the last  
2 item, which is adjourn?

3 Oh, public comment. I knew there was  
4 something else. Beverly, did anyone sign up?

5 MS. FRIEDMAN: No, ma'am.

6 THE CHAIR: All right. Good.

7 COMMISSIONER BERGMAN: If they did, they  
8 gave up.

9 THE CHAIR: All right. Thank you all. Is  
10 there a motion to adjourn?

11 COMMISSIONER CARR: So move.

12 THE CHAIR: Second?

13 COMMISSIONER BERGMAN: Second.

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

16 (Commissioners so indicate.)

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

18 (No response.)

19 THE CHAIR: Thank you. We are adjourned.

20 (Proceedings adjourned at 2:25 p.m.)  
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BEFORE THE PUBLIC EDUCATION COMMISSION

STATE OF NEW MEXICO

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I, Cynthia C. Chapman, RMR, CCR #219, Certified Court Reporter in the State of New Mexico, do hereby certify that the foregoing pages constitute a true transcript of proceedings had before the said NEW MEXICO PUBLIC EDUCATION COMMISSION, held in the State of New Mexico, County of Santa Fe, in the matter therein stated.

In testimony whereof, I have hereunto set my hand on May 21, 2014.

*Cynthia Chapman*

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